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# Congressional Record

PROCEEDINGS AND DEBATES OF THE 112<sup>th</sup> CONGRESS, SECOND SESSION

## HOUSE OF REPRESENTATIVES—Friday, September 21, 2012

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of all Creation, we give You thanks for giving us another day.

On this day, the people's House concludes its business. Members return to their congressional districts. An election to determine those who would serve this Nation as Members of Congress lies before us all.

There are many energies which divide this House. There are many voices throughout our Nation vying for the attention of any who would listen.

Please bless our Nation and those who leave this Chamber for the oncoming and ongoing campaign. Grant that there be more light than heat, more charity than enmity, more graciousness than ugliness, more wisdom than ignorance. Our great Nation has perished for over two centuries, with many fits and starts, but many triumphs as well.

In the weeks that come, may Your grace descend upon all citizens engaged in the affairs of our time. May we be mindful of needs beyond our own and united in a commitment to work together for a better future for these United States.

Bless us this day and every day, and may all that is done be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois (Ms. SCHAKOWSKY) come forward and lead the House in the Pledge of Allegiance.

Ms. SCHAKOWSKY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side of the aisle.

### A TIME FOR CHOOSING

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as we enter the final stages of this election cycle, the American people have a choice for change—promoting limited government with expanded freedom or big government with power to politicians. A key issue is job creation.

I support the bipartisan initiatives of John F. Kennedy's and Ronald Reagan's of cutting taxes, which enable the private sector to create jobs. President Obama has enacted failed policies of borrow, tax, and spend, producing 43 months of unemployment of over 8 percent.

New jobs could be created with an all-of-the-above energy policy, but President Obama promised skyrocketing energy costs—doubling gas prices. A better course would be to develop the Keystone pipeline with our number one ally, Canada. The contrast on national defense is clear—that we should stand for peace through strength: Ronald Reagan. President Obama's policies to hollow out our military reveal weakness.

My constituents are heartbroken at the Internet tragedy of our Ambassador to Libya being murdered and his body desecrated by terrorists.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### THE FAILURE OF THE REPUBLICAN LEADERSHIP

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, later today, the House is scheduled to adjourn for 6 weeks with no plans to come back into session until November.

On behalf of the hardworking Rhode Islanders whom I serve, I rise to express my deep disappointment that the House Republican leadership is choosing to adjourn and to abandon the middle class when so much work is left to be done.

In my home State, nearly 60,000 men and women cannot find work. More than 50,000 homes have mortgages that are under water, but instead of working to pass a comprehensive jobs plan, provide relief to homeowners, or strengthen families by passing the middle class tax cuts, House Republicans want to take the next 6 weeks off.

Today's action by the Republican leadership is a failure of their responsibility to lead, and I urge them to reconsider and agree to remain here and commit to working together in a bipartisan way to address the urgent issues facing our country.

### LET'S STAY IN WASHINGTON AND FINISH THE JOB

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, Americans continue to look for work, to put food on the table, and to ensure their children have proper school supplies as fall comes into full swing. Yet the House is set to leave Washington today with many items on its to-do list.

While Congress finishes up the work to pass a budget to fund the Federal Government, catastrophic cuts loom on the horizon, set to hit in January of 2013. Leaving these cuts unresolved is unconscionable. Not only is this the wrong message to send to the American people, it's simply not the right

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

thing to do. Our all-volunteer force is at war, and these cuts threaten our national security. Furthermore, they threaten over 200,000 jobs in Virginia.

Nine days remain before the new fiscal year begins. Congress should do the right thing and stay in Washington instead of ignoring the reality and delaying tough decisions. It's time to put governing over politics. Let's stay in Washington and finish the job that we were elected and expected to do.

#### CONGRESS MUST STAND UP AGAINST UTILITY CUTS ACROSS THE MIDWEST

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. The Stop the War on Coal Act is up today. It is the coal industry which is waging war on our mountains by leveling them, war on our lungs by burning dirty fuel, war on healthy children by being the single largest source of mercury exposure, war on our rivers and streams by filling them with toxic waste, war on groundwater through poisonous ash fills, war on its workers through conditions which continue to kill, war on families by breaking unions and by relentlessly reducing jobs, war on our national debt by taking in billions of subsidies, and now war on ratepayers of municipal utilities across the Midwest. Time to stop this war.

Peabody Coal's Prairie State coal plant in southern Illinois has brokered a series of shady deals that puts 217 local utilities here, across the Midwest, on the hook for billions of dollars for energy they may never even get while paying twice the market price—a corrupt boondoggle that will raise utility rates and saddle many publicly owned utilities with crushing debt obligations.

Congress must stand up for the utility cuts in this areas.

#### HONORING OUTSTANDING ATHLETE STEVEN FOX

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Mr. Speaker, I rise today to honor an outstanding student athlete from the University of Tennessee at Chattanooga. Competing at the U.S. Amateur Championship in Colorado, UTC student Steven Fox came from behind to win the first USGA Championship for the University of Tennessee at Chattanooga.

Down by two holes on the par 5 17th hole, Steven made a clutch birdie and managed to make a great par on the final hole, putting the match into sudden death after 36 grueling holes. At the first playoff hole, Steven sank a critical 18-foot putt to secure his victory. Steven's victory is an inspiration

to the entire UTC community and, indeed, to all Tennesseans.

No mention of this victory is complete without mentioning the great UTC golf team, which has achieved national success under the leadership of Coach Mark Guhne. Thanks to his hard work and the support of former Athletic Director Steve Sloan and Chancellor Roger Brown, UTC qualified for this past year's NCAA championship in Los Angeles.

On behalf of all east Tennesseans, I extend my congratulations to Steven Fox. I look forward to watching him roam the fairways at Augusta National soon. I also look forward to many future successes at UTC.

Go Mocs!

□ 0910

#### BIPARTISAN DEFICIT REDUCTION

(Ms. SCHWARTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SCHWARTZ. Our Nation is facing serious economic and fiscal challenges. We have seen economic recovery over the last 4 years, but we have work to do.

The fiscal policies that expire at the end of the year, known as the "fiscal cliff," present a rare opportunity to set aside politics and find common ground to reduce our Nation's deficit in a balanced and fiscally responsible manner.

Actions we take must be based on our priorities and our values. It means strengthening the middle class and building economic opportunity. It means spending cuts and new revenues.

We will need to make tough choices, but there is a path forward if we are fair, if we are committed to our obligations to our seniors and our children, and if we recognize the importance of strategic investments to grow our economy now and into the future.

I was proud to be one of just 38 Members to support a bipartisan proposal by Representatives COOPER and LATOURETTE that included tax reform and spending cuts to reduce the Nation's deficit.

Let's move our country forward by taking responsible, meaningful, and timely action.

#### HOLD THE IRS' FEET TO THE FIRE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, it's time for Americans to know the truth about the abuse of their hard-earned taxpayer dollars, especially at a time when the President is calling for tax increases.

The issue I'm talking about is IRS action that puts billions of taxpayer

dollars at risk. Currently, the IRS allows individuals without a Social Security number to get cash benefits—like the \$1,000 refundable child tax credit which is costing American taxpayers billions of dollars—by obtaining an individual taxpayer identification number, or ITIN.

A recent IG report revealed a shocking scandal within the IRS that encouraged employees to fast track ITIN approval without regard to preventing fraud. The ITIN has become a ticket to get cash from Uncle Sam, and this is wrong.

I'm introducing the ITIN Reform Act to hold the IRS' feet to the fire to better protect the American taxpayer, and I urge all my colleagues to support this bill.

#### HONORING DR. DENTON A. COOLEY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, on August 3, 1962, a life changing decision was made by Dr. Denton Cooley in the founding of the Texas Heart Institute.

As I listened to the words said this morning, he chose wisdom over ignorance with respect to diagnosing cardiovascular disease, the most devastating killer of Americans, killing a life every 33 seconds, 2,600 lives each day, and nearly 1 million lives each year.

Dr. Cooley was honored this past week with tributes from President George Bush and President William Jefferson Clinton, joined by his wife and extended family. Over the years, he has been able to help men and women and children. He has done a magnificent job with respect to the amount of surgeries that have been performed. He performed more than 118,000 open-heart operations, 258,000 cardiac catheterizations, and 1,270 heart transplants.

The Texas Heart Institute, along with St. Luke's Hospital, continues to serve the world and continues to do research to improve the lives of those who suffer from heart disease. Dr. James Willerson is the new CEO. His demeanor and temperament, his research abilities, and his leadership has taken this great institution to the 21st century.

What a great honor to be with those who honor Dr. Denton Cooley for his wisdom and his ability to challenge medical profession science to be able to save lives. Today, children live, families are reunited, and we are stronger in our health because of the existence of the Texas Heart Institute. It is my privilege to congratulate them for 50 years of saving lives.

#### POW/MIA RECOGNITION DAY

(Mr. MILLER of Florida asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of Florida. Mr. Speaker, I rise today to honor the more than 83,000 Americans still listed as missing in action or prisoners of war. Today is National POW/MIA Recognition Day.

I would like to bring to the attention of my House colleagues the efforts made by the joint POW/MIA Accounting Command to recover and return home to their families our unaccounted for servicemembers.

Also, let us recognize groups such as Rolling Thunder, the Vietnam Veterans of America, the American Ex-Prisoners of War, the National League of POW/MIA Families, and numerous others who ensure those who remain missing are never forgotten, and that our Nation remembers their sacrifice.

This includes Army Private First Class Ithiel Whatley of Escambia County, Florida, who was last seen on July 12, 1950, in Korea and who is remembered every day of the year by his brother Nat.

We salute our POWs and MIAs who have given to this Nation more than we can ever repay. The United States will not rest until each is home and has received the proper burial on American soil they deserve.

Please offer a prayer for those who remain on the battlefields of the past and of the present, and let us pledge that not one is left behind.

#### VOTER SUPPRESSION

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, this is Constitution Week, when we celebrate our fundamental rights as Americans. Today, one of the most cherished rights, the right to vote, is under serious attack.

Recent efforts to suppress voter participation are designed to silence the voice of American voters, especially seniors, people of color, the poor, and young adults.

In Florida, new restrictions on voter registration led the League of Women Voters to suspend their efforts until the law was halted by the court. Republican legislatures have passed strict voting requirements, although Pennsylvania could not provide even one example of voter fraud. Even elderly veterans, who risked their lives for our country, may be turned away from the polls because they lack the proper IDs. Five million Americans could be disenfranchised.

Anyone who values our Constitution should encourage voting, not erect barriers based on false claims of voter fraud.

#### STOP THE WAR ON COAL ACT OF 2012

##### GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 3409.

The SPEAKER pro tempore (Mr. FLEISCHMANN). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 788 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 3409.

Will the gentleman from Kansas (Mr. YODER) kindly take the chair.

□ 0918

##### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977, with Mr. YODER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Thursday, September 20, 2012, amendment No. 7 printed in House Report 112-680 offered by the gentleman from Maryland (Mr. HARRIS) had been disposed of.

□ 0920

##### AMENDMENT NO. 8 OFFERED BY MS. JACKSON LEE OF TEXAS

The Acting CHAIR. It is now in order to consider amendment No. 8 printed in House Report 112-680.

Ms. JACKSON LEE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Strike section 503 of the committee print.

The Acting CHAIR. Pursuant to House Resolution 788, the gentlewoman from Texas (Ms. JACKSON LEE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. JACKSON LEE of Texas. Mr. Chairman, this is an amendment, I believe, that common sense would allow us to work together and pass.

This amendment would simply maintain the current deadline that existed under the previous administration of 90 days under the Clean Air Act by striking section 503 of the bill which artificially limits agency comment periods on water quality permits to 30 days

with no possibility of extension. This existed under President Bush's administration.

Why, then, would my friends on the other side of the aisle not join with me to say let's have regular order? Let's ensure that we give everyone a reasonable opportunity for a response on their quality of life.

On the surface, the intent of H.R. 3409 appears to be to prevent the Interior Department from revising a Bush administration midnight regulation that significantly weakened mountaintop protections on the destructive practice of mountaintop removal mining. Let me remind you, they did not alter the comment period. Mountaintop removal mining, as many of us know, is a very challenging, environmentally difficult process. For many, they say, it creates jobs.

What we are trying to do is to ensure that there is a balance between that industry and, as well, the fairness of allowing those to be able to comment. As it's presently drafted, this bill would reach, in fact, it would make it much more difficult, if you will, to deal with the question of rulemaking.

The people in the State of Texas and the city of Houston appreciate the ability to drink cool, fresh water. So does everyone else. The idea of not being able to comment on the impact of this particular process is challenging.

I ask my colleagues to consider the importance of coming together and extending, or going back to, the 90-day comment period to balance, if you will, the timeframe and to ensure that all are heard on any aspects that would impact the environment, impact the environment of this particular procedure.

With that, I reserve the balance of my time.

Mr. GIBBS. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. GIBBS. Mr. Chairman, I object to the amendment.

I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, may I ask how much time remains.

The Acting CHAIR. The gentlewoman from Texas has 2½ minutes remaining.

Ms. JACKSON LEE of Texas. I yield 1 minute to the gentleman from Florida (Mr. DEUTCH).

Mr. DEUTCH. I thank the gentlewoman for yielding.

Mr. Chairman, I rise in strong support of the gentlelady's amendment to yet another bill that will never become law, another bill that feeds into the biggest problem we have here.

The 112th Congress has actually set a sad new low for our democracy. We all know that President Harry Truman famously dubbed the 80th Congress in 1948 as the "do-nothing Congress." Yet the do-nothing Congress of 1948 has

nothing on this one. That Congress passed over 900 laws, while the 112th Congress has passed just over 100.

Among the countless laws blocked by the Republican majority is the American Jobs Act, which economists say would create over 2½ million jobs. It's a sad day when the main drag on America's economy is the U.S. House of Representatives.

Most Americans actually have to earn their vacation days, Mr. Chairman. The only thing the Congress has earned are abysmal approval ratings. The 112th Congress puts Harry Truman's do-nothing Congress to shame. At a time when our economy should come first, that, Mr. Chairman, is shameful.

I rise in strong support of the gentlelady's amendment to a bill that prevents us from actually accomplishing the real work the American people expect from us.

Mr. GIBBS. I reserve the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Chairman, let me just clarify what is happening with this legislation. It eliminates the EPA's authority to apply minimum Federal water quality standards sufficient to protect human and aquatic life, and it is weaker than State standards in many places. It strips the EPA's authority to object to the State discharge permits that fail to meet Clean Air Act requirements.

Now, this is not about creating jobs, Mr. Chairman. I ask, on the names of our children yet unborn, to be able to have a quality of life, quality of water and quality of air that the requirements that they are trying to eliminate in this bill, the proponent of this bill, to the extent that they will narrow the comment period to 30 days rather than 90 days.

Why is that not a simple request if my good friend could not say, Congresswoman, we support the amendment. I hope that's what he will say. The difficulty that I have is I would rather, Mr. Chairman, be doing Medicare, tax breaks, jobs, urgent priorities that are needed.

I just ask for a little bit of consideration on recognizing that the Nation is better when we have provided a quality of life for all Americans. Who are we to speak of the needs of the people who have coal in their region? What we have asked is that we put in the four parameters of common sense and reasonableness.

My amendment is that. It expands back to its regular order the existing comment period, Mr. Chairman, to 90 days. It strikes the provision, and this bill that limits it to 30 days.

The Acting CHAIR. The time of the gentlewoman has expired.

Ms. JACKSON LEE of Texas. I ask my colleagues to support the Jackson Lee amendment that speaks to the health and good quality of life for all Americans and America's children.

I yield back the balance of my time.

#### CLEAN WATER ACT DEADLINE STUDY AMENDMENT

I rise today and ask my colleagues to support my amendment to H.R. 3409 which would simply maintain the current deadline of 90 days under the Clean Water Act, by striking Section 503 of the bill which artificially limits agency comment periods on water quality permits to 30 days with no possibility of extension.

On the surface the intent of H.R. 3409 appears to be to prevent the Interior Department from revising a Bush Administration midnight regulation that significantly weakened protections on the destructive practice of Mountaintop Removal Mining. Mountaintop Removal Mining is one the most environmentally destructive practices on earth, which has fouled water quality and destroyed nearly 2,000 miles of Appalachian streams since 1992.

However, H.R. 3409 is drafted so that its reach would in fact be much broader than just this one rulemaking. The people in the State of Texas and the city of Houston appreciate the ability to drink cool fresh water which, at its core, is what the Clean Water Act is designed to do. This legislation goes all the way back to 1948 because pollution of the nation's surface waters was a very serious problem. And Mr. Speaker, it still is today.

Title V of H.R. 3409 eliminates EPA's authority to apply minimum federal water quality standards sufficient to protect human health and aquatic life, if weaker state standards are in place. It strips EPA's authority to object to state discharge permits that fail to meet Clean Water Act requirements.

And it limits EPA's ability to protect waterways from harm from mountaintop removal coal mining, repealing EPA's authority to veto a "valley fill" permit based on environmental concerns and limiting the time environmental agencies have to comment to the Army Corps of Engineers on the environmental impacts of a proposed valley fill.

H.R. 3409 would prevent the Secretary of the Interior from issuing any regulation under the Surface Mining Control and Reclamation Act (SMCRA) through December 31, 2013, if the regulation would, among other things, prohibit coal mining in any area, reduce employment in coal mines, or reduce coal production.

The principal law governing pollution of the nation's surface waters is the Federal Water Pollution Control Act, or Clean Water Act. Originally enacted in 1948, it was totally revised by amendments in 1972 that gave the act its current shape. The 1972 legislation spelled out ambitious programs for water quality improvement that have since been expanded and are still being implemented by industries and municipalities. In fact Mr. Chairman I would dare say that most Americans take clean water for granted.

The Clean Water Act consists of two major parts, one being the provisions which authorize federal financial assistance for municipal sewage treatment plant construction. The other is the regulatory requirements that apply to industrial and municipal dischargers. The act has been termed a technology-forcing statute because of the rigorous demands placed on those who are regulated by it to achieve higher and higher levels of pollution abatement under deadlines specified in the law.

Early on, emphasis was on controlling discharges of conventional pollutants, for example, suspended solids or bacteria that are biodegradable and occur naturally in the aquatic environment, while control of toxic pollutant discharges has been a key focus of water quality programs more recently.

My colleagues Mr. MARKEY of Massachusetts and Mr. WAXMAN of California have done an excellent job detailing many of the harms that H.R. 3409 would do. It bears repeating though, that Title V of H.R. 3409 contains H.R. 2018, which severely limits EPA's authority to apply minimum national standards to protect the nation's waters from pollution.

Title V prevents EPA from strengthening weak state water quality standards, unless the state concurs, even if the water quality standard is insufficient to protect human health or aquatic life. It also strips EPA's authority to enforce discharge limits by prohibiting the agency from objecting to state discharge permits that fail to meet the requirements of the Clean Water Act. According to EPA, this title would "overturn almost 40 years of Federal legislation by preventing EPA from protecting public health and water quality."

In addition, the title limits EPA's ability to protect waterways from the devastating effects of mountaintop removal coal mining. Mountaintop removal coal mining involves removing mountaintops to expose coal seams and disposing of the material in adjacent valleys, a process known as valley fills. This bill removes EPA's authority to veto a valley fill permit based on environmental concerns, unless the state concurs with the veto. The bill also limits the amount of time EPA, the U.S. Fish and Wildlife Service, and other agencies have to provide comments to the Army Corps of Engineers on the potential environmental impacts of a proposed valley fill operation.

Under this act, federal jurisdiction is broad, particularly regarding establishment of national standards or effluent limitations. Certain responsibilities are delegated to the states, and the act embodies a philosophy of federal-state partnership in which the federal government sets the agenda and standards for pollution abatement, while states carry out day-to-day activities of implementation and enforcement.

To achieve its objectives, the act is based on the concept that all discharges into the nation's waters are unlawful, unless specifically authorized by a permit, which is the act's principal enforcement tool. The law has civil, criminal, and administrative enforcement provisions and also permits citizen suit enforcement.

The people in the state of Texas have had a severe drought and water has become an even more sensitive topic. Indeed, in the West, Southwest, and Rocky Mountain states water management is a more prominent issue than it is in many other parts of this great nation. Given our situation in Texas I think that it is clear that we must be very careful not to upset the careful balance which scientists, engineers, and the American people have developed when managing our nation's water.

The deadlines that the Majority would like to shorten are not arbitrary but represent realistic, reasonable, and business-friendly deadlines which prudent Americans have learned to adhere to and Mr. Speaker, we do nothing

by modifying those deadlines today, so I ask my colleagues to support the Jackson Lee Amendment, keeping the comment period deadlines at 90 days.

Mr. GIBBS. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to the gentleman's amendment because it strikes an important provision in the bill that streamlines the section 404 permit process, not just for coal operations, but also for billions of dollars of economic activity in this Nation.

One of the loudest complaints we hear in Congress is how long it takes the Federal Government to reach determination on permit requests. The Army Corps of Engineers is the lead Agency responsible for concluding the section 404 permit determinations. But the Clean Water Act requires the Corps to seek consultation with other Agencies like the National Marine Fisheries Service and the Fish and Wildlife Service.

Sadly, all too often, this consultation is where the needless delays occur, not because of the Corps' inaction, but because of the failure of the other agencies to provide timely information. This section, title V, simply sets a more reasonable timeframe for Federal agencies to get information to the Corps so a permit decision can be made in a timely manner.

To many of us, it is strange to see this amendment from those who purport to extol the virtues of Big Government since this amendment makes it clear they don't believe Big Government is competent enough to reach a decision in a reasonable amount of time.

This section of title V, the language which has already passed the House in a resounding bipartisan majority, will streamline the time for the consuming permit application process and ensure that \$220 billion in annual economic activity associated with section 404 activities does not grind to a halt. Time is money, and this is about jobs. The slower the time it takes to get these permits done, it holds up economic job activity and the creation of jobs all across America in all sectors. I urge all Members to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Ms. JACKSON LEE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. MCKINLEY

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in House Report 112-680.

Mr. MCKINLEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 75, line 8, before the closing quotation marks insert the following:

"(3) Following the date of issuance of a permit by the Secretary in accordance with this section, the Administrator may not take any action under paragraph (1) to retroactively invalidate the permit."

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from West Virginia (Mr. MCKINLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from West Virginia.

□ 0930

Mr. MCKINLEY. Mr. Chairman, this amendment will prohibit the EPA from retroactively invalidating permits after they have been issued. On January 13, 2011, the EPA took unprecedented action by retroactively revoking a lawfully issued section 404 permit for the Spruce No. 1 surface mine in Logan County, West Virginia. This permit had been issued 4 years earlier after an extensive 10-year environmental review, including a 1,600-page environmental impact statement in which the EPA fully participated and agreed to all the terms and conditions included in the authorized permit.

But this amendment is intended to address far more than coal mines. If the EPA can retroactively revoke a water permit for this industry, they can do the same to any other manufacturer, refinery, municipality, farm, or other government agency. Imagine an entrepreneur contemplating making an investment requiring an EPA permit but then stopping once they learn that the EPA could first grant the permit, allow the business to proceed, and then invalidate the permit, crushing the investment. Or, imagine a lending institution contemplating whether or not to loan money to someone subject to an EPA regulation. Should any of us be critical of them for being reluctant once they, too, become aware that their loan could go into default once the EPA retroactively revokes the permit on which the loan was granted?

All of us in Congress should be concerned about the chilling effect these actions by the EPA have had and will have if they continue this threat to the creation of jobs by exceeding their statutory authority. At a time when our country is facing economic uncertainty and our families are struggling to make ends meet, I'm appalled by this continued assault on American businesses and families that the EPA has taken. Our job creators need a consistent and predictable regulatory program that will protect jobs we have and create new ones in an environmentally responsible manner. Remem-

ber, this amendment is not just for coal mining but rather it addresses virtually every business in America which requires certainty in their regulatory environment.

I urge your support, and I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, I rise to claim time in opposition to Mr. MCKINLEY's amendment.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. PALLONE. I yield myself such time as I may consume.

Mr. Chairman, this amendment would take away the EPA's authority under the Clean Water Act to retroactively deny permits to fill streams and wetlands in order to protect drinking water supplies, recreational waters, and fish and wildlife habitat. Now EPA has used this authority to veto permits after they were issued responsibly only three times in 40 years. All of these were extremely rare cases and these vetoes were necessary to protect critical water resources.

In 1981, EPA revoked a permit for a solid waste landfill because it was leaking toxics into Biscayne Bay. In 1989, after objecting to a permit before it was issued, it overturned a permit to destroy 1,200 acres of flood plain wetlands in Georgia. And in 2010, which Mr. MCKINLEY mentions, EPA denied a permit for one of the largest mountaintop removal mines in Appalachia that would have buried more than six miles of West Virginia streams and polluted downstream waters with mining waste, causing permanent damage to ecosystems and streams. The veto was not a surprise—and I stress that. EPA consistently expressed its concerns about water quality impacts of this mine beginning from 2002 to 2006, when the Corps issued the permit.

Let me stress this was an extremely rare action taken by EPA. And the first time it was used, it used the Clean Water Act to overturn an approved mining permit. The surface mining in the steep slopes of Appalachia has disrupted the biological integrity of an area about the size of Delaware, buried approximately 2,000 miles of streams with mining waste, and contaminated downstream areas with toxic elements. People have been drinking the byproducts of coal waste from mountaintop removal for more than two decades. Rather than clean and clear water running out of their faucets, the people of Appalachia are left with orange or black liquid instead.

This is not just about the environment, Mr. Speaker; it's about public health. The health problems caused by exposure to these chemicals and heavy metals include cancer, organ failure, and learning disabilities. Not only that, but there are multiple cases of children suffering from asthma, headaches, nausea, and other symptoms

likely due to toxic contamination from coal dust. This is an environmental justice issue. My colleagues on the other side of the aisle will claim EPA is killing jobs. I disagree with Mr. MCKINLEY. What the EPA is doing is protecting the people of Appalachia from exposure to toxic chemicals that are harming them.

Now to put this in perspective, each year the Army Corps of Engineers processes about 60,000 permits to fill waters and grants 97 percent of them. Over 40 years, the EPA has vetoed only three of these permits retroactively. On the very rare occasion one of these permits threatens to permanently destroy our Nation's critical water resources, the EPA should have the authority to stop it. This is authority that the EPA has used very rarely, and there is no evidence that the EPA has abused this authority.

This amendment is completely unnecessary. I urge Members to oppose it and to protect EPA's authority to safeguard our waters and our drinking water sources.

I reserve the balance of my time.

Mr. MCKINLEY. Mr. Chairman, I ask how much time remains.

The Acting CHAIR. Both gentlemen have 2 minutes remaining.

Mr. MCKINLEY. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. GIBBS).

Mr. GIBBS. I rise in strong support of the amendment. I chair the committee. We had the hearings on this issue. And let's get straight what this issue is. His amendment stops a revocation of a permit after it's been issued. And what the gentleman just referred to is a permit. During the application process the law allows the EPA to veto a permit. But after it's been approved, this amendment takes care of not being able to revoke it years later, in the instance that it was done.

Keep in mind, the revocation that occurred was not because they were in violation of the permit. It was nothing but political theater. There was no violation of the permit. The State of West Virginia EPA stated that and the Army Corps said there was no violation of permit. This is revocation that sets a bad dangerous, precedent to economic growth in our country.

Mr. PALLONE. Mr. Chairman, I want to point out that, in addition to this being a terrible amendment, it's also an amendment that's going nowhere. And it really frustrates me that on the last day of the session before the election, this do-nothing Congress continues to bring up bills that are going nowhere—and they know are going nowhere.

For 2 years, the House Republicans have picked millionaires over Medicare and the middle class. Now they plan to leave town today without entering into law any responsible deficit reduction, any middle class tax cuts, the Amer-

ican Jobs Act. They have no jobs bill. The farm bill they have neglected. The Violence Against Women Act. These are all urgent priorities that we should be working on right now rather than trying to pass amendments or bills that are going nowhere.

The American people can't afford a do-nothing Republican Congress that refuses to act on issues critical to middle class families, to small businesses, to farmers, and to women. I urge the Republican leadership to just stay in town and complete our work. Don't waste our time on bills like this that are going nowhere. The Senate is never going to take this up.

Now here are a few of the things that the do-nothing Republican Congress has found time to do:

Voted to end Medicare as we know it and increase costs on seniors by \$6,400.

Republicans chose millionaires over the middle class, giving more tax breaks to the wealthiest.

Republicans vote for corporations that ship jobs overseas over passing the American Jobs Act.

Republicans voted to restrict women's access to health services.

It is amazing to me that we sit here hour after hour on the last day because they refuse to continue to work and talk about bills going nowhere, when all these other major priorities need to be addressed.

I reserve the balance of my time.

Mr. MCKINLEY. Do I have the right to close?

The Acting CHAIR. The gentleman from New Jersey has 30 seconds remaining. The gentleman from West Virginia has 1¼ minutes. The gentleman from New Jersey has the right to close.

Mr. MCKINLEY. Mr. Chairman, briefly, let me just underscore here how people try to distract attention away from the argument. We've heard all these other arguments. I've heard the opponents talk about this is the first time or the third time or whatever that is. Let's go back to what the courts have said. Perhaps we need to have on the other side a little bit more education. Because the Federal courts have already struck down that initial reading. Shame on you—anyone—for not having read all this.

The Federal court said the EPA's interpretation of the act is not reasonable. Neither the statute nor the memorandum of agreement between the EPA and the Corps makes any provision for a post-permit veto, and this agency was completely unable to articulate what the practical consequences of its actions would be.

□ 0940

In addition, the court went on to say that the Clean Water Act does not give the EPA the power to render a permit invalid once it has been issued by the Corps.

We ought to put this to rest, codify it, and move on.

Mr. Chairman, I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I'm very much aware that the EPA's veto was challenged by the mining company, and the EPA has appealed this ruling. I'm hoping that the Court of Appeals will see the light and understand that the EPA should be able to protect the health of the people of Appalachia.

Again, this amendment is completely unnecessary, and it's part of a process where this Republican House does absolutely nothing but waste our time. We shouldn't be leaving today. We should be staying and doing our work.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. MCKINLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from West Virginia will be postponed.

AMENDMENT NO. 10 OFFERED BY MR. MARKEY

The Acting CHAIR. It is now in order to consider amendment No. 10 printed in House Report 112-680.

Mr. MARKEY. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the Rules Committee Print, add the following new title:

**TITLE VI—COMBINED EFFICIENCY AND RENEWABLE ELECTRICITY STANDARD**  
**SEC. 601. COMBINED EFFICIENCY AND RENEWABLE ELECTRICITY STANDARD.**

(a) DEFINITIONS.—For purposes of this section:

(1) DISTRIBUTED RENEWABLE GENERATION FACILITY.—The term “distributed renewable generation facility” means a facility that—

- (A) generates renewable electricity;
- (B) primarily serves 1 or more electricity consumers at or near the facility site; and
- (C) is no greater than 2 megawatts in capacity.

(2) ELECTRIC CONSUMER.—The term “electric consumer” has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

(3) ELECTRIC UTILITY.—The term “electric utility” has the meaning given that term in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602), except that, for the purposes of this section, such term does not include any agency, authority, or instrumentality of the United States Government.

(4) ELECTRICITY SAVINGS.—The term “electricity savings” means reductions in electricity consumption, relative to business-as-usual projections, achieved through measures implemented after the date of enactment of this section.

(5) **FEDERAL RENEWABLE ELECTRICITY CREDIT.**—The term “Federal renewable electricity credit” means a credit, representing one megawatt hour of renewable electricity, issued pursuant to subsection (e).

(6) **RENEWABLE ELECTRICITY.**—The term “renewable electricity” means electricity generated (including by means of a fuel cell) from a renewable energy resource.

(7) **RENEWABLE ENERGY RESOURCE.**—The term “renewable energy resource” means each of the following:

- (A) Wind energy.
- (B) Solar energy.
- (C) Geothermal energy.
- (D) Renewable biomass.
- (E) Biogas or biofuels derived from renewable biomass.
- (F) Hydropower generated by a hydroelectric facility placed in service after January 1, 2001.

(G) Marine and hydrokinetic renewable energy, as that term is defined in section 632 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17211).

(H) Such other energy resources as the Secretary determines appropriate.

(8) **RETAIL ELECTRIC SUPPLIER.**—The term “retail electric supplier” means, for any given year, an electric utility that sold not less than 1,000,000 megawatt hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

(9) **RETAIL ELECTRIC SUPPLIER'S BASE AMOUNT.**—The term “retail electric supplier's base amount” means the total amount of electric energy sold by the retail electric supplier, expressed in megawatt hours, to electric customers for purposes other than resale during the relevant calendar year, excluding—

(A) electricity generated by a hydroelectric facility that was placed in service prior to January 1, 2001;

(B) electricity generated by the combustion of municipal solid waste;

(C) electricity generated by a nuclear generating unit placed in service after the date of enactment of this section; and

(D) the proportion of electricity generated by a fossil-fueled generating unit that is equal to the proportion of greenhouse gases produced by such unit that are captured and geologically sequestered.

(10) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(11) **TOTAL ANNUAL ELECTRICITY SAVINGS.**—The term “total annual electricity savings” means electricity savings during a specified calendar year from measures implemented since the date of the enactment of this section, taking into account verified measure lifetimes or verified annual savings attrition rates, as determined in accordance with such regulations as the Secretary may promulgate and measured in megawatt hours.

(b) **ANNUAL COMPLIANCE OBLIGATION.**—

(1) **IN GENERAL.**—For each of calendar years 2014 through 2040, not later than March 31 of the following calendar year, each retail electric supplier shall submit to the Secretary an amount of Federal renewable electricity credits and demonstrated total annual electricity savings that, in the aggregate, is equal to such retail electric supplier's annual combined target as set forth in subsection (d), except as otherwise provided in subsection (g).

(2) **DEMONSTRATION OF SAVINGS.**—For purposes of this subsection, submission of demonstrated total annual electricity savings means submission of a report that demonstrates, in accordance with the require-

ments of subsection (f), the total annual electricity savings achieved by the retail electric supplier within the relevant compliance year.

(3) **RENEWABLE ELECTRICITY CREDITS PORTION.**—Except as provided in paragraph (4), each retail electric supplier must submit Federal renewable electricity credits equal to at least three quarters of the retail electric supplier's annual combined target.

(4) **STATE PETITION.**—Upon written request from the Governor of any State (including, for purposes of this paragraph, the Mayor of the District of Columbia), the Secretary shall increase, to not more than half, the proportion of the annual combined targets of retail electric suppliers located within such State that may be met through submission of demonstrated total annual electricity savings, provided that such increase shall be effective only with regard to the portion of a retail electric supplier's annual combined target that is attributable to electricity sales within such State.

(c) **ESTABLISHMENT OF PROGRAM.**—Not later than 1 year after the date of enactment of this section, the Secretary shall promulgate regulations to implement and enforce the requirements of this section.

(d) **ANNUAL COMPLIANCE REQUIREMENT.**—

(1) **ANNUAL COMBINED TARGETS.**—For each of calendar years 2014 through 2040, a retail electric supplier's annual combined target shall be the product of—

(A) the required annual percentage for such year, as set forth in paragraph (2); and

(B) the retail electric supplier's base amount for such year.

(2) **REQUIRED ANNUAL PERCENTAGE.**—

(A) **IN GENERAL.**—For each of calendar years 2014 through 2040, the required annual percentage shall be as follows:

Year	Required annual percentage
2014	8
2015	10
2016	12
2017	14
2018	16
2019	18
2020	20
2021	22
2022	24
2023	26
2024	28
2025	30
2026	32
2027	34
2028	36
2029	38
2030	40
2031	42
2032	44
2033	46
2034	48
2035 through 2040	50

(B) **ADJUSTMENTS PERMITTED.**—The Secretary may adjust the required annual percentages described in subparagraph (A) if the Secretary finds that such percentages are not technically or economically feasible or pose a threat to electric reliability.

(e) **FEDERAL RENEWABLE ELECTRICITY CREDITS.**—

(1) **IN GENERAL.**—The regulations promulgated under this section shall include provisions governing the issuance, tracking, and verification of Federal renewable electricity credits. Except as provided in paragraph (2) of this subsection, the Secretary shall issue to each generator of renewable electricity, 1

Federal renewable electricity credit for each megawatt hour of renewable electricity generated by such generator after December 31, 2013. The Secretary shall assign a unique serial number to each Federal renewable electricity credit.

(2) **CREDIT MULTIPLIER FOR DISTRIBUTED RENEWABLE GENERATION.**—The Secretary shall issue 3 Federal renewable electricity credits for each megawatt hour of renewable electricity generated by a distributed renewable generation facility.

(3) **TRADING.**—The lawful holder of a Federal renewable electricity credit may sell, exchange, transfer, submit for compliance in accordance with subsection (b).

(4) **BANKING.**—A Federal renewable electricity credit may be submitted in satisfaction of the compliance obligation set forth in subsection (b) for the compliance year in which the credit was issued or for any of the 3 immediately subsequent compliance years.

(f) **ELECTRICITY SAVINGS.**—

(1) **STANDARDS FOR MEASUREMENT OF SAVINGS.**—As part of the regulations promulgated under this section, the Secretary shall prescribe standards and protocols for defining and measuring electricity savings and total annual electricity savings that can be counted towards the compliance obligation set forth in subsection (b).

(2) **REPORTING SAVINGS.**—The regulations promulgated under this section shall establish requirements governing the submission of reports to demonstrate, in accordance with the protocols and standards for measurement and verification established under this subsection, the total annual electricity savings achieved by a retail electric supplier within the relevant year.

(g) **ALTERNATIVE COMPLIANCE PAYMENTS.**—

(1) **IN GENERAL.**—A retail electric supplier may satisfy the requirements of subsection (b) in whole or in part by submitting in accordance with this subsection, in lieu of each Federal renewable electricity credit or megawatt hour of demonstrated total annual electricity savings that would otherwise be due, a payment equal to \$25, adjusted for inflation on January 1 of each year following calendar year 2014, in accordance with such regulations as the Secretary may promulgate.

(2) **PAYMENTS.**—Payments made under this subsection shall be deposited into the general fund of the Treasury and shall be available, subject to appropriations, to the Secretary for the administrative costs of implementing this section.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. Mr. Chairman, I yield myself such time as I may consume.

My amendment is going to call for 25 percent of the electricity in the United States being generated by renewables by the year 2035.

The United States, excluding hydro, is already up to 7 or 8 percent of all of our electricity generated by renewables here in 2012. So, 23 years from now, the goal would be to reach 25 percent.

Now, why do I feel compelled to bring this amendment out here? Well, while the Republicans say that there's a war on coal, so far in this first year and 9



months that they have controlled the United States Congress, they have declared war on solar; they have declared war on wind; they have declared war on all renewables. That's why I bring this amendment down here to the House floor.

They are going to kill the production tax credit for wind energy that is going to send the wind industry off a cliff next year.

Already, 2,367 jobs have been lost in the wind industry because of Republican action. Forty thousand jobs will be lost next year because of Republican action. They are out to deliberately kill these jobs. How many will be lost? Three thousand to 4,000 jobs in Pennsylvania will be lost; 4,000 to 5,000 jobs in Colorado will be lost; 5,000 to 6,000 wind jobs will be lost in Ohio; 6,000 to 7,000 wind jobs will be lost in Iowa if the Republican policy is allowed to be put on the books.

They have declared war on wind. They have declared war on solar, on geothermal, on biomass.

Ladies and gentlemen, what my amendment does is say let's have a plan for everything else because it's not going to be a part of the Republican plan.

So, by the year 2035, 25 percent of all electricity in our country must come from renewables.

Now, how do we know this is possible? There were 12,000 new megawatts of wind installed in the United States this year; 3,200 new megawatts of solar installed in the United States this year.

So, geothermal, biomass, it's all growing. What's their goal? Kill it. That's their problem. Natural gas is rising. It hurts the coal industry. It's the marketplace.

Wind and solar are growing, geothermal and biomass are growing. They don't want a level playing field. They want to pick winners and losers. They want to pick favorites. That's what it's all about.

So far in their control of the Congress in just a year and 9 months, they have voted to slash research and development for wind and solar, they have voted to end loan guarantees for wind and solar, they have voted to kill the transmission wires to carry wind and solar to our homes and our offices.

The Republicans are so opposed to Americans having access to clean energy that even when it is built they don't even want to have the transmission lines to get it to American homes.

It's a war on solar and wind. My amendment ensures that there is a pathway to the future for the most abundant American energy source, wind and solar, geothermal and biomass. It's all here in America.

At this point, I reserve the balance of my time.

Mr. WHITFIELD. I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I reserve the balance of my time.

Mr. MARKEY. I continue to reserve the balance of my time.

The Acting CHAIR. The gentleman from Kentucky has the right to close.

The gentleman from Massachusetts has 1½ minutes remaining.

Mr. MARKEY. If I may inquire from the Chairman, is the majority saying that there is only one speaker remaining on their side?

The Acting CHAIR. Yes.

Mr. MARKEY. Then I will yield myself the balance of my time.

Wind and solar is the most abundant source of energy in the United States—when we capture it. Einstein won his Nobel Prize in 1921, the only one he won, and that's on how to capture the power of the sun. And now we're on the cusp of doing this successfully as the price per kilowatt hour drops and drops—and then it's all American.

And who is now looming over our shoulder, even though we invented these technologies, even though we're producing these technologies, are the Chinese, the Indians, and others who will pounce on this global opportunity to create the jobs here in the United States, to export this technology around the world even as we deploy the technology here in our country that backs out the energy sources from around the rest of the world. This is what they fear.

They fear the innovation. They fear the change. They fear our ability to capture wind and solar to be able to power the vehicles which we drive in our country, to be able to send up a cleaner source of energy up into the sky that does not pollute. That's what this battle is all about.

We do not want special advantage. All we want is a level playing field. The Republicans continue this war against wind and solar.

Vote "aye" for the Markey amendment, 25 percent renewable electricity by the year 2035.

I yield back the balance of my time.

Mr. WHITFIELD. Mr. Chairman, we haven't declared war on wind or solar or anything else. We simply don't believe that when you have a \$16 trillion Federal debt that the Federal Government should use taxpayers' money to serve as venture capital for risky ventures like Solyndra that received \$538 million and now is bankrupt. If this technology is so good, let the free market develop it. It does not need taxpayer support.

Yet, on the other hand, this administration has adopted policies that you can't even build a new coal-powered plant in America because there's no technology available to meet the new emissions standards of the Obama EPA.

On this particular amendment, on page 7 of the amendment, it says that by the year 2035 that 50 percent of the electricity would have to be produced from renewables. The gentleman in his comments said 25 percent, but this amendment says 50.

□ 0950

Mr. MARKEY. Will the gentleman yield? That is not accurate.

Mr. WHITFIELD. Well, I'm just reading from page 7.

Anyway, this amendment simply creates a national renewable electricity standard. We've seen it before. It was in the Markey-Waxman cap-and-trade bill in the last Congress, which was rejected by the Congress.

This amendment does nothing more than determine for the American people where their electricity will come from and that they are going to be paying more for it.

So I urge people to vote against the Markey amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 11 OFFERED BY MR. DEFAZIO

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in House Report 112-680.

Mr. DEFAZIO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the Rules Committee Print, add the following title:

**TITLE VI—REPORT ON FUGITIVE COAL DUST**

**SEC. 601. REPORT.**

Not later than 6 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency and the Secretary of Transportation shall submit to Congress a joint report on the health, environmental, and public safety impacts of fugitive dust emissions from coal transport.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Oregon (Mr. DEFAZIO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. DEFAZIO. Well, today, the do-nothing Congress will slink out of town. It's going to be the earliest adjournment in an election year since 1960; but, you know, I guess the Nation



has no problems and there's no work undone, so it's just time to go home and campaign. It's pretty extraordinary. We've enacted one-quarter the number of bills into law of Harry Truman's do-nothing Congress, 1947-48. So I guess this is the "do-nothing-er" Congress.

So here we are again today. We are going to consider today—the only work today will be four bills that have previously passed the House. Someone hasn't read their civics textbooks. If you pass a bill and send it to the Senate, it's there; they'll consider it or they won't consider it. If you pass it again and send it again, it doesn't make any difference. In fact, it's somewhat repetitive and wasteful of everybody's time when we could be doing postal reform to ensure the future of the post office. We could be doing a farm bill; there are a lot of people suffering a horrible drought. We could be dealing with the sequestration, which there's concern on both sides of the aisle on that. But we're not. We're considering four bills previously passed and one new one.

Well, I have a reasonable amendment to an unreasonable bill, which is now before us, which is the one new bill before us. My amendment would ask that within 6 months—that's not very long—the Department of Transportation and the EPA submit a report to Congress on fugitive coal dust. Now, it seems a couple of extraordinary letters have been sent out saying, my God, this will stop projects and exports that are going forward—undue delay. I'm not aware of anything that would be delayed by this. It says a study will be done; it doesn't delay any ongoing applications or projects at all. But what it would do is potentially avert a tremendous amount of litigation down the road. If we find that fugitive coal dust is not a problem—which the coal industry says—then that would relieve a lot of people in gateway ports and large cities in the West where coal dust is being proposed to transit through those cities, including cities in my district.

People are very concerned about this. They want to know, is it a problem. How far from the loading point does fugitive coal dust get emitted from the car? Are there ways to deal with the fugitive coal dust? Does the surfactant work? Is that a solution? Should the cars be covered? Is that a solution? What are the problems? What are the problems at its destination in terms of whether or not there would be coal dust at the port destinations? If the coal is stored outside, how is it transported onto the ship? Et cetera, et cetera. So if we had these answers, we could talk about the safe and clean transport and allay a lot of concerns that are ultimately going to lead to a lot of litigation unless we know.

Now, the industry says, oh, it's been studied. Well, no, it hasn't. In fact, one

railroad has pursued action against the coal industry because fugitive coal dust has caused safety problems on the railroad. It gets into the ballast; it blocks the ballast from draining. The ballast destabilizes, the tracks destabilize, and trains can derail. Now, that seems to me like a problem that should be dealt with. And there may be some very, very simple ways to deal with it. Some say surfactants; some say covered cars. There are other potential solutions out there. Wouldn't it be good to know? Wouldn't it be good to know? That's all I'm saying. A 6-month study and a report to Congress won't delay anything at all. It just would give us some knowledge. And I would hope that we legislate around here with a little bit of knowledge and not just off the cuff.

With that, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Chairman, I rise to claim time in opposition.

The Acting CHAIR. The gentleman from Kentucky is recognized for 5 minutes.

Mr. WHITFIELD. I reserve the balance of my time.

Mr. DEFAZIO. Does that mean there's only one speaker on their side?

The Acting CHAIR. That is correct.

Mr. DEFAZIO. May I inquire of the Chair how much time I have remaining.

The Acting CHAIR. The gentleman from Oregon has 1 minute remaining.

Mr. DEFAZIO. Again, we will hear apocryphal denunciations from the other side of the aisle—this will cost millions of jobs and billions of dollars and stymie our exports. No, it's a study. It's a study that would take 6 months. It's a study that, if it agrees with the industry's conclusions, would assure the American public that there won't be problems with these trains transiting through their hometowns.

It's something we should know. It's something the government should look at. Apparently, there are some propriety studies that we aren't allowed to see that say there's no problem. Well, if that's true, then the railroads and the industry should let the American public see those propriety studies. Really, not too many people are willing to take someone at their word when it comes to an issue of public health.

So it's a very simple amendment. It won't delay anything; it will take 6 months. It will cost very little, and it will give us the information and knowledge we need to figure out how to safely transport coal.

And with that, I yield back the balance of my time.

Mr. WHITFIELD. We have great respect for our friends on the other side of the aisle. I think we all recognize that we do have basic differences in our philosophy about the way energy is produced in America. It's quite clear that many people on the other side of

the aisle are very much opposed to coal. Not only do they not want us to burn coal in America; they don't want us to export coal to other countries even though it would help our trade deficit and would preserve jobs in the coal industry.

This particular amendment on fugitive dust is really unnecessary because fugitive dust from the transport of coal is already regulated at the Federal and State level under the Clean Air Act, as well as State fugitive dust laws and regulations. EPA already is required to study the environmental and health impacts from particulate matter from all sources, including fugitive sources, and of all compositions, including coal dust. The most recent summary of that science was published by EPA in 2009 and supplemented in 2010. In fact, this week the Army Corps of Engineers also announced that it will conduct an environmental assessment of the proposed coal terminal in the sponsor's district.

So I would say that we already have adequate protection. There's no need for this amendment, although I'm sure it's offered with the very best of intentions.

So I would urge our Members to oppose this amendment and would yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. DEFAZIO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

□ 1000

AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in House Report 112-680.

Mr. FLAKE. Mr. Chair, I rise as the designee of the gentleman from North Dakota to offer amendment No. 12 made in order by the rule providing for consideration of H.R. 3409.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the Rules Committee Print, add the following new title:

# **TITLE VI—REGIONAL HAZE REGULATORY RELIEF**

## **SEC. 601. IMPLEMENTATION PLANS.**

Section 110 of the Clean Air Act (42 U.S.C. 7410) is amended—

(1) in subsection (c), by striking “(c)(1) The Administrator” and all that follows through the end of paragraph (1) and inserting the following:

“(c) FEDERAL PLANS.—

“(1) PLANS.—

“(A) IN GENERAL.—Except as provided in subparagraph (C), unless the conditions described in subparagraph (B) are met, the Administrator shall promulgate a Federal implementation plan at any time after the date that is 2 years after the date on which the Administrator—

“(i) finds that a State has failed to make a required submission or finds that the plan or plan revision submitted by the State does not satisfy the minimum criteria established under subsection (k)(1)(A); or

“(ii) disapproves a State implementation plan submission.

“(B) CONDITIONS.—The conditions described in this subparagraph are that, before the date on which the Administrator promulgates a Federal implementation plan—

“(i) a State corrects a deficiency in a State implementation plan or plan revision submitted by the State; and

“(ii) the Administrator approves the plan or plan revision.

“(C) VISIBILITY PROTECTION PLANS.—In the case of a Federal implementation plan promulgated after the date of enactment of this subparagraph in place of a State implementation plan under section 169A—

“(i) the Administrator shall promulgate such Federal implementation plan only if the Administrator makes a finding that the State submitting the State implementation plan failed to consider the factors described in paragraphs (1) and (2) of section 169A(g) in preparing and submitting the plan; and

“(ii) compliance with the requirements of such Federal implementation plan shall not be required earlier than 5 years after the date of promulgation.”; and

(2) in subsection (k)—

(A) by striking paragraph (3) and inserting the following:

“(3) FULL APPROVAL AND DISAPPROVAL.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), in the case of any submission for which the Administrator is required to act under paragraph (2), the Administrator shall approve the submission as a whole if the submission meets all of the applicable requirements of this Act.

“(B) REVIEW.—In reviewing any State implementation plan submitted pursuant to section 169A, the Administrator shall limit the review only to a determination of whether the State submitting the State implementation plan considered the factors described in paragraphs (1) and (2) of section 169A(g) in preparing and submitting the plan.

“(C) VISIBILITY PLANS.—The Administrator shall approve as a whole any implementation plan submitted pursuant to section 169A that was prepared and submitted after consideration of the factors described in paragraphs (1) and (2) of section 169A(g).”; and

(B) in paragraph (5)—

(i) in the first sentence, by striking “Whenever” and inserting the following:

“(A) IN GENERAL.—Whenever”; and

(ii) by adding at the end the following:

“(B) VISIBILITY PLANS.—Notwithstanding subparagraph (A), with respect to an implementation plan approved pursuant to section 169A, the Administrator shall only find that such a plan is substantially inadequate to meet standards for air pollutants that cause or contribute to the impairment of visibility, or any other applicable standard or requirement, under that section if the Administrator makes a finding that, in preparing the plan, the submitting State failed to consider the factors described in paragraphs (1) and (2) of section 169A(g).

“(C) EXISTING VISIBILITY PLANS.—

“(i) REQUEST FOR REVOCATION.—At any time after the date of enactment of this subparagraph—

“(I) a State may request that the existing Federal or State implementation plan for the State regarding visibility, or any determination made in calendar year 2012 or 2013 of best available retrofit technology pursuant to section 169A, be revoked; and

“(II) upon receipt of such a request, the Administrator shall revoke the implementation plan.

“(ii) SUBMISSION OF NEW OR REVISED PLAN.—Upon a revocation under clause (i)(II), the State that requested the revocation shall, not later than 2 years after such revocation, submit to the Administrator a new or revised visibility plan in accordance with this Act.”.

#### SEC. 602. VISIBILITY PROTECTION FOR FEDERAL CLASS I AREAS.

Section 169A of the Clean Air Act (42 U.S.C. 7491) is amended—

(1) in subsection (b)(2), in the matter preceding subparagraph (A), by striking “as may be necessary” and inserting “as the State determines, at the sole discretion of the State after considering factors described in this section and providing adequate opportunity for public comment, may be necessary”; and

(2) in subsection (g)—

(A) by striking paragraph (1) and inserting the following:

“(1)(A) in determining reasonable progress, there shall be taken into consideration—

“(i) the costs of compliance;

“(ii) the time necessary for compliance;

“(iii) the energy and nonair quality environmental impacts of compliance;

“(iv) the remaining useful life of any existing source subject to requirements under this section;

“(v) the degree of improvement in visibility that may reasonably be anticipated to result from measures described in the applicable implementation plan; and

“(vi) the economic impacts to the State (including people of the State);

“(B) in consideration of costs of compliance pursuant to subparagraph (A)(i), the State may use source-specific cost estimations developed by a licensed professional engineer as an alternate to other methods of estimation approved by the Administrator; and

“(C) in consideration of the degree of improvement in visibility pursuant to subparagraph (A)(v), the State may use alternate modeling techniques or methods than those prescribed by the Administrator in the Agency’s ‘Guideline on Air Quality Models’ under appendix W to part 51 of title 40, Code of Federal Regulations, and, where available, measured emissions and monitoring data shall be used;”;

(B) in paragraph (2)—

(i) by striking “(2) in determining best available retrofit technology the State” and inserting the following:

“(2) in determining the best available retrofit technology—

“(A) the State”; and

(ii) in subparagraph (A) (as designated by clause (i)), by inserting “the economic impacts to the State (including people of the State),” after “life of the source,”;

(iii) by striking “technology;” and inserting “technology; and”; and

(iv) by adding at the end the following:

“(B) in consideration of the costs of compliance pursuant to subparagraph (A), the State may use source-specific cost estimations developed by a licensed professional

engineer as an alternate to other methods of estimation approved by the Administrator;

“(C) with respect to consideration of the degree of improvement in visibility pursuant to subparagraph (A)—

“(i) the State may use alternate modeling techniques or methods than those prescribed by the Administrator in the Agency’s ‘Guideline on Air Quality Models’ under appendix W to part 51 of title 40, Code of Federal Regulations;

“(ii) the State may consider the degree of improvement in visibility in the mandatory class I Federal area that is most affected by emissions from the source without considering the degree of improvement in visibility in any other such area; and

“(iii) the Administrator (in any case in which the Administrator has authority to determine emission limitations which reflect such technology) may not consider the degree of improvement in visibility in any area other than the mandatory class I Federal area that is most affected by emissions from the source; and

“(D) the determination of best available retrofit technology by the State for any source shall be subject to review by the Administrator, an administrative entity, or a Federal or State court only pursuant to a clearly erroneous standard of review;”; and

(C) in paragraph (4), by striking “(or the date of promulgation of such a plan revision in the case of action by the Administrator under section 110(c) for purposes of this section)”.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. I thank the Chair, and I’ll immediately yield 1 minute to the gentleman from North Dakota (Mr. BERG).

Mr. BERG. I thank the gentleman for yielding and joining me in this amendment. I rise to support our amendment to ensure States continue to have control over regional haze regulations.

When Congress first established EPA’s Regional Haze Program, it acknowledged that regional haze and visibility regulation has to do purely with aesthetic value and not public health. For that very reason, Congress emphasized that the States, not EPA, should be the decisionmakers when it comes to regulations of regional haze.

Instead of empowering States to do what’s best for their citizens, the Obama administration has, again, imposed another costly one-size-fits-all regulation for the producers of energy, who are the most critical job creators in my State and across the country.

Our amendment will limit EPA’s availability to override States’ management of regional haze, and it empowers States to implement their own regional haze management plans, the plans that best fit their individual needs.

It’s time to stop the war on coal, and I urge my colleagues to support our amendment on the underlying bill.

Mr. WAXMAN. Mr. Chairman, I seek to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. Mr. Chairman and my colleagues, I oppose this amendment. It would make a terrible bill even worse.

Our Nation's environmental laws are founded on cooperative federalism. This is how it works:

The Federal Government sets minimum standards to assure that every American has a basic level of protection so no one is forced to breathe dirty air or drink dirty water. Then the States decide how to meet those standards, or set stronger standards if they choose. The States also implement the programs they adopt. Finally, if a State fails to act, EPA can step in and do the job itself.

This approach has worked well for over 40 years. It means that there is a healthy give-and-take between the States and the Environmental Protection Agency. The States receive Federal funds, and they run their own programs. But EPA has the tools to encourage the States to do more, where necessary.

Before Congress adopted the Clean Air Act in 1970 and the Clean Water Act in 1972, both signed by President Nixon, it was up to the States to control pollution. The problem was that many of them didn't do it. We had rivers catch on fire, smog so thick you couldn't see nearby mountains, and a tremendous toll on public health and lives.

It wasn't that States didn't want to clean up pollution, but if there are no minimum standards, States are forced into a race to the bottom. If a State wants to reduce pollution from oil refineries, the oil industry can threaten to build its new refineries in another State with looser requirements. The result is that States were afraid to require industry to clean up to the levels needed to protect the public.

This amendment, like other provisions already in the bill, overthrows the principles of cooperative federalism that have guided us for 40 years. Instead, it would leave various pollution control decisions almost entirely up to the States.

The proponents of this amendment claim that it is about EPA's Regional Haze Program. Every Member should understand that this amendment is not limited to regional haze.

The first part of the amendment is remarkably broad. It applies to all of the criteria air pollutants regulated by the States—smog, NO<sub>x</sub>, fine particulates—and it applies in every area that is not meeting the health-based air quality standards.

This amendment says that even when a State fails to act, fails to control air pollution, EPA can no longer provide a

backstop. EPA must wait at least 2 years before they can fill in for the States' failures. And there's no deadline for EPA ever to act, allowing unhealthy air quality to persist indefinitely. Citizens of that State would no longer have any recourse.

The second part of this amendment effectively eliminates minimum national criteria to protect air quality in our national parks.

The Clean Air Act has special provisions to protect air quality in the pristine lands that the Nation has set aside for all Americans to enjoy—our national parks, national monuments, and wilderness areas. After all, we go to the Grand Canyon to see the view. There's little point in protecting these lands if we allow their air and water to be polluted.

This amendment targets those Clean Air Act provisions. It says that when it comes to protecting the air quality of the national parks that belong to all Americans, the State where a park is located has sole discretion to decide how much, if any, pollution control would be required. EPA would no longer be able to require a minimum level of pollution reductions, and if the State failed to act entirely, as some have done, EPA would no longer be able to step in and set pollution controls.

The practical effect of this amendment would be to allow some of the oldest and dirtiest power plants in the country to continue polluting without standard pollution controls. I urge my colleagues to oppose this amendment.

I reserve the balance of my time.

Mr. FLAKE. I yield 1 minute to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Chairman, I would like to support and thank my colleagues, Congressmen JEFF FLAKE and RICK BERG, and support this amendment.

I represent the areas where two of the Arizona plants threatened by the EPA's heavy-handed regulations are located, the Coronado Generating Station in St. Johns and the Cholla plant near Joseph City. The third plant, the Apache Generating Station, near Wilcox, is just 100 miles away and serves a good portion of my constituents in the southern part of my district. These are bedrock to our local communities. They provide high-paying jobs where unemployment is already over 10 percent.

Over the August recess, the Environmental Protection Agency held public hearings in Phoenix, Holbrook, and Benson on their Federal plan. Each of the hearings in rural Arizona had over 300 people present. That is an incredible turnout in these relatively small towns. That is how important this issue is to my constituents.

The EPA refused to hold a hearing in St. Johns, despite being a community directly impacted by the regulations,

so I hosted a meeting to facilitate the submission of public comments. On a night where the local high school had their first football game and the county fair was taking place, we still had over 100 people show up.

Listen, everybody wants clean air and good-paying jobs. The fact of the matter is the EPA is acting well beyond its authority and under public law in my State and many others across the country.

Vote "yes" for our amendment.

Mr. WAXMAN. I urge Members to oppose this amendment and yield back the balance of my time.

Mr. FLAKE. I yield 1 minute to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Well, this is an interesting conversation when you deal with how this all came about.

In January of 2009, the Sierra Club and several other organizations sued the EPA to expand their authority, to expand what was the law. The EPA ruled out of court in a settlement with them, and what was taken to a judge is a consent decree to expand what was the policy, what was the law.

So several questions have to be answered here. One is: Does the executive branch have the authority to be able to change a law through an agreement with the Sierra Club or any other organization?

Number 2 is: What is this all about? If you're dealing with visibility issues, you're dealing not with health issues specifically stated in the air quality—and all that happened with regional haze was this is not about health; this is about visibility.

In my State, there's one of the national parks that will change 2 decisions with the Federal implementation plan rather than the State implementation plan.

□ 1010

That will cost ratepayers in Oklahoma millions and millions of dollars for something that cannot be seen by the human eye. This is about jobs, and this is about who makes the decision. I do not like the assumption that only people in Washington, D.C., care about the people of Oklahoma. The people of Oklahoma care about the health and safety of the people of Oklahoma.

I would vote "yes" for this amendment.

Mr. FLAKE. I thank the gentleman from Oklahoma, the gentleman from Arizona, and the gentleman from North Dakota for cosponsoring this amendment.

As the gentleman mentioned, what we are talking about here is regional haze. This is not a health issue. It is a visibility issue.

As for the implementation plans being considered by the Federal Government, let me just take the Navajo Generating Station in northern Arizona. What is being considered is likely

an SCR fix, selective catalytic reduction, which would cost \$1.1 billion. That would cause the owners of the Navajo Generating Station to simply shut it down. They can't produce economically with these kinds of burdens.

The benefits of that, we are told by the EPA, are that there would be no perceptible improvements in visibility—none. Manmade sources make up, at best, 5 percent of all regional haze in Arizona. This is 5 percent at best. So you require a fix costing \$1.1 billion. For what? For no perceptible improvement in visibility at the Grand Canyon.

Why are we doing this?

The costs to Arizona are immense: 85 percent of the power generated—or used—by the Central Arizona Project to pump water for farmland and whatever else comes from the Navajo Generating Station. If you shut down that station, farmers will have to go back to groundwater where they can. What does that do? That depletes our underground resources, causing environmental havoc. This is madness what is going on.

What this amendment seeks to do is to force the EPA to actually follow the law. The law requires that the EPA set the standard, and then the State offers a State Implementation Plan, or a SIP. The problem is that the EPA is ignoring what the State submits and then entering into negotiations with third-party groups—environmental groups or others—and ignoring the State.

We can't allow this to happen anymore. That's why this is a good amendment. I urge its adoption.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 13 OFFERED BY MR. GOSAR

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in House Report 112-680.

Mr. GOSAR. I have an amendment made in order under the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the Rules Committee Print, add the following:

**TITLE VI—NO REGIONAL HAZE REGULATION ON THE COAL-POWERED NAVAJO GENERATING STATION**

**SEC. 601. LIMITATION ON AUTHORITY TO ISSUE REGULATIONS.**

The Administrator of the Environmental Protection Agency shall not promulgate any

Federal implementation plan pursuant to section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492; relating to visibility protection) that would—

(1) adversely impact employment at the coal-powered Navajo Generating Station or other coal-fired power plants and coal mines on tribal lands in northern Arizona;

(2) directly or indirectly diminish the revenue received by the Federal Government or any State, tribal or local government by reducing through regulation the amount of coal that is available for mining on Navajo and Hopi Reservation lands;

(3) cause a reduction in coal-based revenue to meet financial obligations required by federally authorized Indian water rights settlements, pursuant to section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f));

(4) reduce the amount of coal, or increase the cost of coal, available for the Navajo Generating Station's Federal responsibility to deliver water and power, as authorized by the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.); or

(5) expose the United States to liability for taking the value of tribally-owned coal in northern Arizona through regulation.

The Acting CHAIR. Pursuant to House Resolution 788, the gentleman from Arizona (Mr. GOSAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Chairman, I yield myself such time as I may consume.

Today, I am pleased to put forth an amendment to protect the residents of Arizona from the EPA's attacks on the Navajo Generating Station, which is located near Page, Arizona. The uncertainty surrounding proposed EPA regulations and their effects on the Navajo Generating Station were some of the first issues brought to my attention when I was sworn into Congress.

The overreaching regulations would effectively shut down this critical and unique plant. A closure would dramatically increase the cost of water and power for my constituents, and it would eliminate thousands of tribal and nontribal jobs—all for no discernible improvement in visibility. Again, according to the Federal Government, itself, no discernible improvement in visibility.

You see, this plant is unique because it is owned by six entities, including the Federal Government. It was part of a plan created by visionaries so that we could provide power to move water from the Colorado River, through the largest aqueduct system ever constructed in the United States, to the people of Arizona. You can see it across here. In fact, the CAP delivers water to up to 80 percent of my State's population. This includes 45 percent of Phoenix's water, which is the fifth largest city in the United States, and 80 percent of the water to the 32nd largest city in the United States, which is Tucson.

The Arizona we know today would, without a doubt, not exist if it were

not for this plant. The Navajo Generating Station and the associated coal mine directly employ over 1,000 Arizonans, who are mostly Native Americans. Additionally, according to an Arizona State University study, the plant will indirectly account for more than \$20 billion in gross State product and will indirectly provide for 3,000 jobs annually over the next 40 years.

I also want to point out a complicated but important part of this issue. The Federal Government is actually working against itself with these regulations. Revenues from the sale of excess power generated by the plant are used to repay the Federal Government's debt for the construction of the CAP project. They are also used to help pay for the costs of congressionally authorized Indian water rights settlements between the Federal Government, tribes, and entities within Arizona. So, without these revenues, the Federal Government will be undermining its own legal agreements with Native Americans and the people of Arizona.

Let's put an end to this insanity. Vote for my amendment, and stop the EPA from issuing far-reaching regulations that threaten jobs, Arizona's water supply, affordable electricity, and tribal rights established with Congress.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. WAXMAN. This amendment is narrower than many of the provisions in this bill.

Instead of providing a blanket get-out-of-jail-free card for many polluters, like most of the provisions in this bill, this amendment provides a blanket get-out-of-jail-free card for one polluter—the Navajo Generating Station in Arizona. The amendment prohibits EPA from requiring pollution controls if it would adversely impact employment at the Navajo Generating Station or at other coal plants or coal mines on tribal lands in northern Arizona.

Now, if you listened to the debate on the last amendment, you might have thought this is another dispute about whether EPA or the States should set the standards; but Arizona has no authority to control air pollution on tribal lands, and the tribe has not established its own program to set the standards. That means, by barring EPA from requiring pollution controls, this amendment would have the effect of ensuring modern pollution controls are not installed on this plant.

And that's a problem.

The Navajo Generating Station is a huge power plant—over 2,000 megawatts. It's also old. The Navajo Generating Station began operating almost 40 years ago, and it was built

without standard pollution controls. And it's dirty. This plant spews almost 20,000 tons of nitrogen oxides, or NO<sub>x</sub>, each year. This is a dangerous air pollutant. NO<sub>x</sub> forms small particles that penetrate deep into the lungs, causing emphysema, bronchitis and other respiratory diseases, heart attacks, and premature deaths.

The Navajo Generating Station is the fifth highest emitter of NO<sub>x</sub> pollution in the United States, and this plant harms the air quality at 11 national parks and wilderness areas. These are some of our Nation's most treasured and popular national parks. Almost 12 million Americans visit these parks each year. They travel there because it's part of our natural heritage of the Nation and because it belongs to all of us—but not if this amendment passes.

This amendment says that polluters' interests in continuing to pollute trumps Americans' interests in having clean air in their national parks. This amendment would remove EPA's authority to protect clean air in the national parks, so I urge my colleagues to stand up for clean air and to oppose this amendment.

I reserve the balance of my time.

Mr. GOSAR. Mr. Chairman, I yield 90 seconds to my friend from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. I thank the gentleman for yielding.

Mr. Chairman, this amendment is offered by Mr. GOSAR from Arizona, and it confronts a stunning example of environmentalism run amuck. If the Navajo Generating Station is forced to close due to the EPA's nonsensical actions, it would be devastating to the economies of the surrounding region, including those of the Hopi and Navajo Tribes.

As the sole remaining buyer of coal from the Hopi Tribe, shutting down the Navajo Generating Station would cut nearly 90 percent of the tribe's income, and it would effectively shut down the Hopi Tribe as a functioning government in addition to putting hundreds of Arizonans, including hundreds of members of the Navajo Tribe, out of work and affecting hundreds of thousands of Arizonans' current ability to receive water and electricity.

□ 1020

In exchange for all of the difficulties created, the only "benefit" yielded would be a slight change in visibility, so slight as to not even be detectable without specialized equipment that is significantly more sensitive than the human eye. In other words, Mr. Chairman, the supposed environmental benefit is functionally nonexistent. This is far beyond the pale of environmental stewardship.

Mr. Chairman, I commend Mr. GOSAR for offering this amendment, and I sincerely encourage my colleagues to support it.

Mr. WAXMAN. Mr. Chairman, the EPA is not going to shut down the power plant; but if this amendment passes, they can do nothing to get some reductions in pollution and work with the power plant to accomplish that goal.

I now yield 1½ minutes to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Chairman, I rise in opposition to the amendment.

This amendment is being offered under the guise of protecting tribal sovereignty when we have seen the complete opposite from the majority during this Congress. We have seen time and time again the majority's willingness to ignore tribal issues that are important to Indian country. A case in point is a bill the gentleman from Arizona (Mr. GOSAR) sponsored, H.R. 1904, entitled the Southeast Arizona Land Exchange. This was a giveaway of a sacred site of the San Carlos Apache Tribe in Arizona to a copper mining company.

When the bill was considered, we heard desperate pleas from tribes across the country asking us to stop a foreign-owned mining company from bulldozing their sacred sites in the name of profit. I offered an amendment to protect the sacred sites. It was straightforward and still would have allowed the mining to take place, but it would have protected those sacred sites. The Republican majority defeated the amendment.

Another example is a refusal by some Members who are on the floor today to cosponsor the Radiation Exposure Compensation Act. My bill would address years of suffering by those negatively impacted by uranium mining on the Navajo Nation. To this day, members of the Navajo Nation are sick and suffering from the legacy of uranium mining: cancer, kidney disease, and, in severe cases, even death. When I visited with Navajo elders and talking with people impacted by exposure, they asked me, Are people in Congress waiting for us to die for the problem to go away? Maybe someone should answer that question.

The Acting CHAIR. The time of the gentleman has expired.

Mr. WAXMAN. Mr. Chairman, I yield an additional 30 seconds to the gentleman from New Mexico.

Mr. LUJÁN. Mr. Chairman, my Republican colleagues come down here to say they are supporting and protecting tribal sovereignty with this amendment. Let's take a hard look at their track record on these issues. They seem to only want to support tribal sovereignty when it's convenient, as Mr. GOSAR's amendment clearly demonstrates. Before offering this amendment, did the gentleman from Arizona even consult with the Navajo Nation on this amendment?

What we should be doing is encouraging government-to-government con-

sultation between the tribe and EPA to solve this issue, not by forcing an amendment.

Mr. GOSAR. Mr. Chairman, I yield the balance of my time to my good friend, Mr. SCHWEIKERT, from Arizona.

Mr. SCHWEIKERT. Mr. Chairman, I thank the gentleman.

This is one of those moments of wondering where you begin with some of the absurdity that we hear. I think this might be one. I skipped the last set of comments because they had nothing to do with this amendment.

The agreement is already there to spend the \$45 million to do the high-temperature NO<sub>x</sub> incineration. As this is way outside of my expertise, that's my understanding. The EPA is coming back and pushing and pushing and pushing to spend \$1.1 billion for an almost statistically insignificant improvement.

What you're really observing here is the classic case that we see over and over on this sort of issue of an environmental political feeder up against reality. The math isn't reality.

I used to chair the Indian Affairs Committee at my State legislature. I've spent more time on Native American lands in Arizona than I bet anyone in this body. The fact of the matter is if the EPA gets their way here, it's going to bust a number of the water compacts and a bunch of our agreements with those Indian communities.

Mr. WAXMAN. Mr. Chairman, this is an amendment that would do more harm than good, and I urge my colleagues to oppose it.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GOSAR).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-680 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. MARKEY of Massachusetts.

Amendment No. 3 by Mr. WAXMAN of California.

Amendment No. 4 by Mr. KELLY of Pennsylvania.

Amendment No. 5 by Mr. MARKEY of Massachusetts.

Amendment No. 8 by Ms. JACKSON LEE of Texas.

Amendment No. 9 by Mr. MCKINLEY of West Virginia.

Amendment No. 10 by Mr. MARKEY of Massachusetts.

Amendment No. 11 by Mr. DEFAZIO of Oregon.

Amendment No. 12 by Mr. FLAKE of Arizona.

Amendment No. 13 by Mr. GOSAR of Arizona.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 229, not voting 26, as follows:

[Roll No. 592]

#### AYES—174

Andrews	Garamendi	McIntyre
Baca	Gibson	McKeon
Baldwin	Gonzalez	McNerney
Barber	Green, Al	Meeks
Becerra	Green, Gene	Michaud
Berkley	Grijalva	Miller (NC)
Bishop (NY)	Gutierrez	Miller, George
Blumenauer	Hahn	Moran
Bonamici	Hanabusa	Murphy (CT)
Boswell	Hastings (FL)	Nadler
Brady (PA)	Heinrich	Napolitano
Braley (IA)	Higgins	Neal
Brown (FL)	Hinchey	Olver
Butterfield	Hinojosa	Owens
Capps	Hirono	Pallone
Capuano	Hochul	Pascarell
Carnahan	Holt	Pastor (AZ)
Carney	Honda	Pelosi
Carson (IN)	Hoyer	Perlmutter
Chu	Israel	Peters
Cicilline	Jackson Lee	Pingree (ME)
Clarke (MI)	(TX)	Polis
Clarke (NY)	Johnson (GA)	Price (NC)
Clay	Johnson (IL)	Quigley
Cleaver	Johnson, E. B.	Rangel
Clyburn	Jones	Reyes
Cohen	Kaptur	Richardson
Connolly (VA)	Keating	Richmond
Conyers	Kildee	Rothman (NJ)
Cooper	Kind	Roybal-Allard
Costa	Kissell	Rush
Courtney	Kucinich	Ryan (OH)
Crowley	Lamborn	Sánchez, Linda
Cuellar	Langevin	T.
Cummings	Larsen (WA)	Sanchez, Loretta
Davis (CA)	Sarbanes	Sarbanes
Davis (IL)	Lee (CA)	Schakowsky
DeFazio	Levin	Schiff
DeGette	Lewis (GA)	Schrader
DeLauro	Lipinski	Schwartz
Deutch	LoBiondo	Scott (VA)
Dicks	Loebach	Scott, David
Dingell	Lofgren, Zoe	Serrano
Doggett	Lowey	Sewell
Doyle	Luján	Sherman
Edwards	Lynch	Sires
Engel	Maloney	Slaughter
Eshoo	Markey	Smith (NJ)
Farr	Matsui	Smith (WA)
Fattah	McCarthy (NY)	Stark
Fitzpatrick	McCollum	Sutton
Frank (MA)	McDermott	Thompson (CA)
Fudge	McGovern	Thompson (MS)

Tierney  
Tonko  
Townes  
Tsongas  
Turner (OH)  
Van Hollen

Adams  
Aderholt  
Alexander  
Altmire  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishak  
Berg  
Biggert  
Bilbray  
Bilirakis  
Bishop (GA)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Cravaack  
Crawford  
Crenshaw  
Critz  
Culberson  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Fincher  
Flake  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxo  
Franks (AZ)  
Frelinghuysen

Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters

#### NOES—229

Gardner  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Johnson (OH)  
Johnson, Sam  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lance  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes

Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Rohrabacher  
Rokita  
Rooney  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Ross (AR)  
Ruppersberger

Ryan (WI)  
Shimkus

Speier  
Sullivan

□ 1049

Messrs. HARPER, YOUNG of Indiana, and GARY G. MILLER of California changed their vote from “aye” to “no.”

Messrs. THOMPSON of California, LOBIONDO, TOWNS, and RUSH changed their vote from “no” to “aye.” So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 592, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Ms. MOORE. Mr. Chair, on rollcall No. 592, had I been present, I would have voted “aye.”

Mr. BILBRAY. Mr. Chair, during today's vote on H.R. 3409, the Stop the War on Coal Act, I inadvertently voted “no” on Congressman ED MARKEY's amendment No. 13, the first amendment voted on the bill. I would have voted “aye” on Mr. MARKEY's amendment, rollcall No. 592.

Mrs. BIGGERT. Mr. Chair, I inadvertently voted “no” on rollcall 592. I would like to be recorded as voting “aye.”

Stated against:

Mr. GARRETT. Mr. Chair, on rollcall No. 592, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “no.”

AMENDMENT NO. 3 OFFERED BY MR. WAXMAN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

#### RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 178, noes 229, not voting 22, as follows:

[Roll No. 593]

#### AYES—178

Andrews	Carnahan	Crowley
Baca	Carney	Cuellar
Baldwin	Carson (IN)	Cummings
Barber	Castor (FL)	Davis (CA)
Barrow	Chandler	Davis (IL)
Bass (NH)	Chu	DeFazio
Becerra	Cicilline	DeGette
Berkley	Clarke (MI)	DeLauro
Bishop (GA)	Clarke (NY)	Deutch
Bishop (NY)	Clay	Dicks
Blumenauer	Cleaver	Dingell
Bonamici	Clyburn	Doggett
Boswell	Cohen	Dold
Brady (PA)	Connolly (VA)	Donnelly (IN)
Braley (IA)	Conyers	Doyle
Brown (FL)	Cooper	Duncan (TN)
Butterfield	Costa	Edwards
Capps	Courtney	Ellison
Capuano	Critz	Engel

#### NOT VOTING—26

Ackerman  
Akin  
Bass (CA)  
Berman  
Bishop (UT)  
Castor (FL)  
Ellison

Farenthold  
Finler  
Gallegly  
Garrett  
Granger  
Himes  
Jackson (IL)

Jenkins  
Landry  
Mack  
Marchant  
Moore  
Pearce

Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gibson  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (IL)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski

Loeb sack  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matheson  
Matsui  
McCarthy (NY)  
McColum  
McDermott  
McGovern  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Olver  
Owens  
Pallone  
Pascarelli  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)

Raybal-Allard  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

Nunnelee  
Olson  
Palazzo  
Paul  
Paulsen  
Pence  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)

Ackerman  
Akin  
Bass (CA)  
Berman  
Filner  
Galleghy  
Garrett  
Granger

Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Scalise  
Schilling  
Schmidt  
Schock  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns

## NOT VOTING—22

Jackson (IL)  
Jenkins  
Johnson (GA)  
Landry  
Lucas  
Mack  
Pearce  
Ross (AR)

Berg  
Biggart  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Costello  
Cravaack  
Crawford  
Crenshaw  
Critz  
Cuellar  
Culberson  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffin (VA)

Ruppersberger  
Ryan (WI)  
Sessions  
Shimkus  
Speier  
Sullivan  
Rahall  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Towns  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Lamborn  
Lance  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Loeb sack  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paul

Paulsen  
Pence  
Perlmutter  
Peters  
Peterson  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Robby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Towns  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (IN)

## NOES—229

Adams  
Aderholt  
Alexander  
Altmire  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Benishke  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costello  
Cravaack  
Crawford  
Crenshaw  
Culberson

Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dreier  
Duffy  
Duncan (SC)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Gerlach  
Gibbs  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren

Hunter  
Hurt  
Issa  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
Marino  
McCarthy (CA)  
McCaul  
McClintock  
McHenry  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 593, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Ms. MOORE. Mr. Chair, during rollcall vote No. 593, I mistakenly recorded my vote as "no" when I should have voted "aye."

Stated against:

Mr. GARRETT. Mr. Chair, on rollcall No. 593, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted "no."

## AMENDMENT NO. 4 OFFERED BY MR. KELLY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. KELLY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 242, noes 168, not voting 19, as follows:

[Roll No. 594]

## AYES—242

Adams  
Aderholt  
Alexander  
Amash

Amodei  
Austria  
Bachmann  
Bachus

Barletta  
Bartlett  
Bass (NH)  
Benishke

Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Barton (TX)  
Becerra  
Berkley  
Bilbray  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)

## NOES—168

Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Cleaver

Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crowley  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks



Dingell Langevin  
Doggett Larsen (WA)  
Doyle Larson (CT)  
Edwards Lee (CA)  
Ellison Levin  
Engel Lewis (GA)  
Eshoo Lipinski  
Farr Lofgren, Zoe  
Fattah Lowey  
Frank (MA) Lujan  
Fudge Lynch  
Garamendi Maloney  
Gonzalez Markey  
Green, Al Matsui  
Green, Gene McCarthy (NY)  
Grijalva McCollum  
Gutierrez McDermott  
Hahn McGovern  
Hanabusa McNeerney  
Hastings (FL) Meeks  
Hayworth Michaud  
Heinrich Miller (NC)  
Higgins Miller, George  
Himes Moore  
Hinchey Moran  
Hinojosa Murphy (CT)  
Hirono Nadler  
Hochul Napolitano  
Holt Neal  
Honda Oliver  
Hoyer Pallone  
Israel Pascarelli  
Jackson Lee Pastor (AZ)  
(TX) Pelosi  
Johnson (GA) Pingree (ME)  
Johnson, E. B. Platts  
Kaptur Polis  
Keating Price (NC)  
Kildee Quigley  
Kind Rangel  
Kucinich Reyes  
Labrador Richardson

## NOT VOTING—19

Ackerman Granger  
Akin Jackson (IL)  
Bass (CA) Jenkins  
Berman Landry  
Filner Mack  
Gallegly Pearce  
Garrett Ross (AR)

□ 1100

Mr. GUTIERREZ changed his vote from “aye” to “no.”

Messrs. PAUL, JONES, and BARTLETT changed their vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GARRETT. Mr. Chairman, on rollcall No. 594 I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “aye.”

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 594, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT NO. 5 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 246, not voting 19, as follows:

[Roll No. 595]

## AYES—164

Andrews Gutierrez  
Baca Hahn  
Baldwin Hanabusa  
Barber Hastings (FL)  
Becerra Heinrich  
Berkley Higgins  
Bishop (NY) Himes  
Blumenauer Hinchey  
Bonamici Hinojosa  
Brady (PA) Hirono  
Braley (IA) Hochul  
Brown (FL) Holt  
Butterfield Honda  
Capps Hoyer  
Capuano Israel  
Carnahan Jackson Lee  
Carney (TX)  
Carson (IN) Johnson (GA)  
Castor (FL) Johnson, E. B.  
Chu Kaptur  
Cicilline Keating  
Clarke (MI) Kildee  
Clarke (NY) Kind  
Clay Kissell  
Cleaver Kucinich  
Clyburn Langevin  
Cohen Larsen (WA)  
Connolly (VA) Larson (CT)  
Conyers Lee (CA)  
Cooper Levin  
Costa Lewis (GA)  
Courtney Lipinski  
Crowley Loebback  
Cummings Lofgren, Zoe  
Davis (CA) Lowey  
Davis (IL) Lujan  
DeFazio Lujan  
DeGette Lynch  
DeLauro Maloney  
Deutch Markey  
Dicks Matsui  
Doggett McCarthy (NY)  
Doyle McCollum  
Edwards McDermott  
Ellison McGovern  
Engel McNeerney  
Eshoo Meeks  
Farr Michaud  
Fattah Miller (NC)  
Frank (MA) Miller, George  
Fudge Moore  
Garamendi Moran  
Gonzalez Murphy (CT)  
Green, Al Nadler  
Green, Gene Napolitano  
Grijalva Neal  
Oliver

## NOES—246

Adams Boustany  
Aderholt Brady (TX)  
Alexander Brooks  
Altmire Broun (GA)  
Amash Buchanan  
Amodei Bucshon  
Austria Buerkle  
Bachmann Burgess  
Bachus Burton (IN)  
Barletta Calvert  
Barrow Camp  
Bartlett Campbell  
Barton (TX) Canseco  
Bass (NH) Cantor  
Benishkek Capito  
Berg Carter  
Biggart Cassidy  
Bilbray Chabot  
Bishop (GA) Chaffetz  
Bishop (UT) Chandler  
Black Coble  
Blackburn Coffman (CO)  
Bonner Cole  
Bono Mack Conaway  
Boren Costello  
Boswell Cravaack

Fortenberry LoBiondo  
Fox Long  
Franks (AZ) Lucas  
Frelinghuysen Luetkemeyer  
Gardner Lummis  
Gerlach Lungren, Daniel  
Gibbs E.  
Gibson Manzanillo  
Gingrey (GA) Marchant  
Gohmert Marino  
Goodlatte Matheson  
Gosar McCarthy (CA)  
Gowdy McCaul  
Graves (GA) McClintock  
Graves (MO) McHenry  
Griffin (AR) McIntyre  
Griffith (VA) McKeon  
Grimm McKinley  
Guinta McMorris  
Guthrie Rodgers  
Hall Meehan  
Hanna Mica  
Harper Miller (FL)  
Harris Miller (MI)  
Hartzler Miller, Gary  
Hastings (WA) Mulvaney  
Hayworth Murphy (PA)  
Heck Myrick  
Hensarling Neugebauer  
Herger Noem  
Herrera Beutler Nugent  
Holden Nunes  
Huelskamp Nunnelee  
Huizenga (MI) Olson  
Hultgren Palazzo  
Hunter Paul  
Hurt Paulsen  
Issa Pence  
Johnson (IL) Peterson  
Johnson (OH) Petri  
Johnson, Sam Pitts  
Jones Platts  
Jordan Poe (TX)  
Kelly Pompeo  
King (IA) Posey  
King (NY) Price (GA)  
Kingston Quayle  
Kinzinger (IL) Rahall  
Kline Reed  
Labrador Rehberg  
Lamborn Reichert  
Lance Renacci  
Lankford Ribble  
Latham Rigell  
LaTourette Rivera  
Latta Roby  
Lewis (CA) Roe (TN)

## NOT VOTING—19

Ackerman Garrett  
Akin Granger  
Bass (CA) Jackson (IL)  
Berman Jenkins  
Bilirakis Landry  
Filner Mack  
Gallegly Pearce

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1104

Mr. SCHRADER changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 595, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Stated against:

Mr. GARRETT. Mr. Chair, on rollcall 595, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “no.”

AMENDMENT NO. 8 OFFERED BY MS. JACKSON  
LEE OF TEXAS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 164, noes 247, not voting 18, as follows:

[Roll No. 596]

## AYES—164

Andrews	Green, Gene	Oliver
Baca	Grijalva	Owens
Baldwin	Gutierrez	Pallone
Barber	Hahn	Pascarell
Becerra	Hanabusa	Pastor (AZ)
Berkley	Hastings (FL)	Pelosi
Bishop (NY)	Heinrich	Peters
Blumenauer	Higgins	Pingree (ME)
Bonamici	Himes	Polis
Boswell	Hinchee	Price (NC)
Brady (PA)	Hinojosa	Quigley
Braley (IA)	Hirono	Rangel
Brown (FL)	Hochul	Reyes
Butterfield	Honda	Richardson
Capps	Hoyer	Richmond
Capuano	Israel	Rothman (NJ)
Carnahan	Jackson Lee	Roybal-Allard
Carney	(TX)	Rush
Carson (IN)	Johnson (GA)	Ryan (OH)
Castor (FL)	Johnson (IL)	Sánchez, Linda
Chu	Johnson, E. B.	T.
Cicilline	Kaptur	Sanchez, Loretta
Clarke (MI)	Keating	Sarbanes
Clarke (NY)	Kildee	Schakowsky
Clay	Kind	Schiff
Cleaver	Kucinich	Schrader
Clyburn	Langevin	Schwartz
Cohen	Larsen (WA)	Scott (VA)
Connolly (VA)	Larson (CT)	Scott, David
Conyers	Lee (CA)	Serrano
Cooper	Levin	Sewell
Courtney	Lewis (GA)	Sherman
Crowley	Lipinski	Sires
Cummings	Loebach	Slaughter
Davis (CA)	Lofgren, Zoe	Smith (WA)
Davis (IL)	Lowe	Stark
DeFazio	Lujan	Sutton
DeGette	Lynch	Thompson (CA)
DeLauro	Maloney	Thompson (MS)
Deutch	Markey	Tierney
Dicks	Matsui	Tonko
Dingell	McCarthy (NY)	Townes
Doggett	McCollum	Tsongas
Doyle	McDermott	Van Hollen
Edwards	McGovern	Velázquez
Ellison	McNerney	Visclosky
Engel	Meeks	Wasserman
Eshoo	Michaud	Schultz
Farr	Miller (NC)	Waters
Fattah	Miller, George	Watt
Fitzpatrick	Moore	Waxman
Frank (MA)	Moran	Welch
Fudge	Murphy (CT)	Wilson (FL)
Garamendi	Nadler	Woolsey
Gonzalez	Napolitano	Yarmuth
Green, Al	Neal	

## NOES—247

Adams	Austria	Barton (TX)
Aderholt	Bachmann	Bass (NH)
Alexander	Bachus	Benishak
Altmire	Barletta	Berg
Amash	Barrow	Biggart
Amodei	Bartlett	Bilbray

Bilirakis	Guinta	Pence
Bishop (GA)	Guthrie	Perlmutter
Bishop (UT)	Hall	Peterson
Black	Hanna	Petri
Blackburn	Harper	Pitts
Bonner	Harris	Platts
Bono Mack	Hartzler	Poe (TX)
Boren	Hastings (WA)	Pompeo
Boustany	Hayworth	Posey
Brady (TX)	Heck	Price (GA)
Brooks	Hensarling	Quayle
Brown (GA)	Herger	Rahall
Buchanan	Herrera Beutler	Reed
Bucshon	Holden	Rehberg
Buerkle	Holt	Reichert
Burgess	Huelskamp	Renacci
Burton (IN)	Huizenga (MI)	Ribble
Calvert	Hultgren	Rigell
Camp	Hunter	Rivera
Campbell	Hurt	Roby
Canseco	Issa	Roe (TN)
Cantor	Johnson (OH)	Rogers (AL)
Capito	Johnson, Sam	Rogers (KY)
Carter	Jones	Rogers (MI)
Cassidy	Jordan	Rohrabacher
Chabot	Kelly	Rokita
Chaffetz	King (IA)	Rooney
Chandler	King (NY)	Ros-Lehtinen
Coble	Kingston	Roskam
Coffman (CO)	Kinzingler (IL)	Ross (FL)
Cole	Kissell	Royce
Conaway	Kline	Runyan
Costa	Labrador	Scalise
Costello	Lamborn	Schilling
Cravaack	Lance	Schmidt
Crawford	Lankford	Schock
Crenshaw	Latham	Schweikert
Critz	LaTourette	Scott (SC)
Cuellar	Latta	Scott, Austin
Culberson	Lewis (CA)	Sensenbrenner
Denham	LoBiondo	Sessions
Dent	Long	Shuler
DesJarlais	Lucas	Shuster
Diaz-Balart	Luetkemeyer	Simpson
Dold	Lummis	Smith (NE)
Donnelly (IN)	Lungren, Daniel	Smith (NJ)
Dreier	E.	Smith (TX)
Duffy	Manzullo	Southerland
Duncan (SC)	Marchant	Stearns
Duncan (TN)	Marino	Stivers
Ellmers	Matheson	Stutzman
Emerson	McCarthy (CA)	Sullivan
Farenthold	McCauley	Terry
Fincher	McClintock	Thompson (PA)
Flake	McHenry	Thornberry
Fleischmann	McIntyre	Tiberi
Fleming	McKeon	Tipton
Flores	McKinley	Turner (NY)
Forbes	McMorris	Turner (OH)
Fortenberry	Rodgers	Upton
Fox	Meehan	Walberg
Franks (AZ)	Mica	Walden
Frelinghuysen	Miller (FL)	Walsh (IL)
Gardner	Miller (MI)	Walz (MN)
Gerlach	Miller, Gary	Webster
Gibbs	Mulvaney	West
Gibson	Murphy (PA)	Westmoreland
Gingrey (GA)	Myrick	Whitfield
Gohmert	Neugebauer	Wilson (SC)
Goodlatte	Noem	Wittman
Gosar	Nugent	Wolf
Gowdy	Nunes	Womack
Graves (GA)	Nunnelee	Woodall
Graves (MO)	Olson	Yoder
Griffin (AR)	Palazzo	Young (AK)
Griffith (VA)	Paul	Young (FL)
Grimm	Paulsen	Young (IN)

## NOT VOTING—18

Ackerman	Garrett	Pearce
Akin	Granger	Ross (AR)
Bass (CA)	Jackson (IL)	Ruppersberger
Berman	Jenkins	Ryan (WI)
Blener	Landry	Shimkus
Gallegly	Mack	Speier

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1110

Mr. LEVIN changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 596, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Stated against:

Mr. GARRETT. Mr. Chair, on rollcall No. 596, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “no.”

## AMENDMENT NO. 9 OFFERED BY MR. MCKINLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia (Mr. MCKINLEY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 247, noes 163, not voting 19, as follows:

[Roll No. 597]

## AYES—247

Adams	Cole	Grimm
Aderholt	Conaway	Guinta
Alexander	Costa	Guthrie
Altmire	Costello	Hall
Amash	Cravaack	Hanna
Amodei	Crawford	Harper
Austria	Crenshaw	Harris
Bachmann	Critz	Hartzler
Bachus	Culberson	Hastings (WA)
Barletta	DeFazio	Hayworth
Barrow	Denham	Heck
Bartlett	Dent	Hensarling
Barton (TX)	DesJarlais	Herger
Benishak	Diaz-Balart	Herrera Beutler
Berg	Dold	Hochul
Biggart	Donnelly (IN)	Holden
Bilbray	Dreier	Huelskamp
Bilirakis	Duffy	Huizenga (MI)
Bishop (GA)	Duncan (SC)	Hultgren
Bishop (UT)	Duncan (TN)	Hunter
Black	Ellmers	Hurt
Blackburn	Emerson	Issa
Bonner	Farenthold	Johnson (OH)
Bono Mack	Fincher	Johnson, Sam
Boren	Flake	Jones
Boswell	Fleischmann	Jordan
Boustany	Fleming	Kelly
Brady (TX)	Flores	King (IA)
Brooks	Forbes	King (NY)
Brown (GA)	Fortenberry	Kingston
Buchanan	Fox	Kinzingler (IL)
Bucshon	Frank (MA)	Kissell
Buerkle	Franks (AZ)	Kline
Burgess	Frelinghuysen	Labrador
Burton (IN)	Gardner	Lamborn
Calvert	Gerlach	Lance
Camp	Gibbs	Lankford
Campbell	Gibson	Latham
Canseco	Gingrey (GA)	LaTourette
Cantor	Gohmert	Latta
Capito	Goodlatte	Lewis (CA)
Carter	Gosar	LoBiondo
Cassidy	Gowdy	Long
Chabot	Graves (GA)	Lucas
Chaffetz	Graves (MO)	Luetkemeyer
Chandler	Green, Gene	Lummis
Coble	Griffin (AR)	Lungren, Daniel
Coffman (CO)	Griffith (VA)	E.

Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paul  
Paulsen  
Pence  
Peterson  
Petri  
Pitts  
Platts

Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall  
Reed  
Rehberg  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Royce  
Runyan  
Scalise  
Schilling  
Schmidt  
Schock  
Schradler  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions

Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers  
Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Walz (MN)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

## NOES—163

Andrews  
Baca  
Baldwin  
Barber  
Bass (NH)  
Becerra  
Berkley  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Fitzpatrick  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Grijalva

Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Maloney  
Manzullo  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone

Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley  
Rangel  
Reichert  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOT VOTING—19

Ackerman  
Akin  
Bass (CA)  
Berman  
Filner  
Gallegly  
Garrett

Granger  
Jackson (IL)  
Jenkins  
Johnson (IL)  
Landry  
Mack  
Pearce

Ross (AR)  
Ruppersberger  
Ryan (WI)  
Shimkus  
Speier

□ 1113

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. MANZULLO. Mr. Chair on rollcall No. 597, I inadvertently voted “no” on Mr. MCKINLEY’s amendment. Had I voted correctly, I would have voted “aye.”

Mr. GARRETT. Mr. Chair, on rollcall No. 597, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “aye.”

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 597, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

## PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Chair, on rollcall No. 597, I was off the floor and inadvertently missed the vote. Had I been present, I would have voted “present.”

## AMENDMENT NO. 10 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 250, not voting 19, as follows:

[Roll No. 598]

## AYES—160

Andrews  
Baca  
Baldwin  
Barber  
Bass (NH)  
Becerra  
Berkley  
Bilbray  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chu  
Cicilline  
Clarke (MI)

Clarke (NY)  
Clay  
Clever  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Courtney  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel

Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Green, Al  
Grijalva  
Gutiérrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hirono  
Hochul  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)

Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loeb sack  
Lofgren, Zoe  
Lowey  
Luján  
Lynch  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore

Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Platts  
Polis  
Price (NC)  
Quigley  
Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (OH)  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff

Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Stark  
Thompson (CA)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

## NOES—250

Adams  
Aderholt  
Alexander  
Altmire  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Barrow  
Bartlett  
Barton (TX)  
Benishke  
Berg  
Biggart  
Billirakis  
Bishop (GA)  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boswell  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Chandler  
Clyburn  
Coble  
Coffman (CO)  
Cole  
Conaway  
Costa  
Costello  
Cravack  
Crawford  
Crenshaw  
Critz  
Culberson  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold

Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Hinojosa  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Issa  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)

King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Maloney  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)  
McCauley  
McClintock  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
Meehan  
Mica  
Miller (FL)  
Miller (MI)  
Miller, Gary  
Mulvaney  
Murphy (PA)  
Myrick  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Owens  
Palazzo  
Paul  
Paulsen  
Pence  
Peterson  
Petri  
Pitts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Rahall

Reed	Schmidt	Tiberi	Dicks	Kucinich	Richardson	McHenry	Quayle	Simpson
Rehberg	Schock	Tipton	Dingell	Langevin	Richmond	McIntyre	Rahall	Smith (NE)
Reichert	Schweikert	Turner (NY)	Doggett	Larson (CT)	Rothman (NJ)	McKeon	Reed	Smith (TX)
Renacci	Scott (SC)	Turner (OH)	Doyle	Lee (CA)	Roybal-Allard	McKinley	Rehberg	Southerland
Ribble	Scott, Austin	Upton	Edwards	Levin	Rush	McMorris	Reichert	Stearns
Rigell	Sensenbrenner	Walberg	Ellison	Lewis (GA)	Ryan (OH)	Rodgers	Renacci	Stivers
Rivera	Sessions	Walden	Engel	Lipinski	Sánchez, Linda	Meehan	Ribble	Stutzman
Roby	Shuster	Walsh (IL)	Eshoo	LoBiondo	T.	Mica	Rigell	Sullivan
Roe (TN)	Simpson	Walz (MN)	Farr	Loeb sack	Sanchez, Loretta	Miller (FL)	Rivera	Thompson (PA)
Rogers (AL)	Smith (NE)	Webster	Fattah	Lofgren, Zoe	Sarbanes	Miller (MI)	Roby	Thornberry
Rogers (KY)	Smith (NJ)	West	Frank (MA)	Lowey	Schakowsky	Miller, Gary	Roe (TN)	Tiberi
Rogers (MI)	Smith (TX)	Westmoreland	Fudge	Luján	Schiff	Mulvaney	Rogers (AL)	Tipton
Rohrabacher	Southerland	Whitfield	Garamendi	Lynch	Schrader	Murphy (PA)	Rogers (KY)	Turner (NY)
Rokita	Stearns	Wilson (SC)	Gerlach	Maloney	Schwartz	Myrick	Rogers (MI)	Turner (OH)
Rooney	Stivers	Wittman	Gibson	Maloney	Scott (VA)	Neugebauer	Rohrabacher	Upton
Ros-Lehtinen	Stutzman	Wolf	Gonzalez	Matsui	Scott, David	Noem	Rokita	Walberg
Roskam	Sullivan	Womack	Green, Al	McCarthy (NY)	Serrano	Nugent	Rooney	Walden
Ross (FL)	Sutton	Woodall	Green, Gene	McCollum	Sewell	Nunes	Ros-Lehtinen	Walsh (IL)
Royce	Terry	Yoder	Grijalva	McDermott	Sherman	Nunnelee	Roskam	Walz (MN)
Runyan	Thompson (MS)	Young (AK)	Gutiérrez	McGovern	Sires	Olson	Ross (FL)	Webster
Scalise	Thompson (PA)	Young (FL)	Hahn	McNerney	Slaughter	Owens	Royce	West
Schilling	Thornberry	Young (IN)	Hanabusa	Meeke	Smith (NJ)	Palazzo	Runyan	Westmoreland
			Hastings (FL)	Michaud	Smith (WA)	Paul	Scalise	Whitfield
			Heinrich	Miller (NC)	Stark	Paulsen	Schilling	Wilson (SC)
			Higgins	Miller, George	Sutton	Pence	Schmidt	Wittman
			Himes	Moore	Terry	Peterson	Schock	Wolf
			Hinchee	Moran	Thompson (CA)	Petri	Schweikert	Womack
			Hinojosa	Murphy (CT)	Thompson (MS)	Pitts	Scott (SC)	Woodall
			Hirono	Nadler		Platts	Scott, Austin	Yoder
			Hochul	Napolitano		Poe (TX)	Sensenbrenner	Young (AK)
			Holt	Neal		Pompeo	Sessions	Young (FL)
			Honda	Oliver		Posey	Shuler	Young (IN)
			Hoyer	Pallone		Price (GA)	Shuster	
			Israel	Pascrell				
			Jackson Lee	Pastor (AZ)				
			(TX)	Pelosi				
			Johnson (GA)	Perlmutter				
			Johnson (IL)	Peters				
			Johnson, E. B.	Pingree (ME)				
			Jones	Polis				
			Kaptur	Price (NC)				
			Keating	Quigley				
			Kildee	Rangel				
			Kind	Reyes				

## NOT VOTING—19

Ackerman	Gohmert	Ross (AR)
Akin	Granger	Ruppersberger
Bass (CA)	Jackson (IL)	Ryan (WI)
Berman	Jenkins	Shimkus
Filner	Landry	Speier
Gallegly	Mack	
Garrett	Pearce	

□ 1119

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 598, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Stated against:

Mr. GARRETT. Mr. Chair, on rollcall No. 598, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “no.”

## AMENDMENT NO. 11 OFFERED BY MR. DEFazio

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFazio) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 243, not voting 18, as follows:

[Roll No. 599]

AYES—168

Andrews	Capuano	Connolly (VA)
Baca	Carnahan	Conyers
Baldwin	Carney	Cooper
Becerra	Carson (IN)	Courtney
Berkley	Castor (FL)	Crowley
Bishop (NY)	Chu	Cuellar
Blumenauer	Cicilline	Cummings
Bonamici	Clarke (MI)	Davis (CA)
Brady (PA)	Clarke (NY)	Davis (IL)
Braley (IA)	Clay	DeFazio
Brown (FL)	Cleaver	DeGette
Butterfield	Clyburn	DeLauro
Capps	Cohen	Deutch

Adams	Coffman (CO)
Aderholt	Cole
Alexander	Conaway
Altmire	Costa
Amash	Costello
Amodei	Cravaack
Austria	Crawford
Bachmann	Crenshaw
Bachus	Critz
Barber	Culberson
Barletta	Denham
Barrow	Dent
Bartlett	DesJarlais
Barton (TX)	Diaz-Balart
Bass (NH)	Dold
Benishek	Donnelly (IN)
Berg	Dreier
Biggart	Duffy
Blibray	Duncan (SC)
Bilirakis	Duncan (TN)
Bishop (GA)	Ellmers
Bishop (UT)	Emerson
Black	Farenthold
Blackburn	Fincher
Bonner	Fitzpatrick
Bono Mack	Flake
Boren	Fleischmann
Boswell	Fleming
Boustany	Flores
Brady (TX)	Forbes
Brooks	Fortenberry
Broun (GA)	Fox
Buchanan	Franks (AZ)
Bucshon	Frelinghuysen
Buerkle	Gardner
Burgess	Gibbs
Burton (IN)	Gingrey (GA)
Calvert	Gohmert
Camp	Goodlatte
Campbell	Gosar
Canseco	Gowdy
Cantor	Graves (GA)
Capito	Graves (MO)
Carter	Griffin (AR)
Cassidy	Griffith (VA)
Chabot	Grimm
Chaffetz	Guinta
Chandler	Guthrie
Coble	Hall

## NOES—243

Hanna	McHenry
Harper	McIntyre
Harris	McKeon
Hartzler	McKinley
Hastings (WA)	McMorris
Hayworth	Rodgers
Heck	Meehan
Hensarling	Mica
Herger	Miller (FL)
Herrera Beutler	Miller (MI)
Holden	Miller, Gary
Huelskamp	Mulvaney
Huizenga (MI)	Murphy (PA)
Hultgren	Myrick
Hunter	Neugebauer
Hurt	Noem
Issa	Nugent
Johnson (OH)	Nunes
Johnson, Sam	Nunnelee
Jordan	Olson
Kelly	Owens
King (IA)	Palazzo
King (NY)	Paul
Kingston	Paulsen
Kinzing (IL)	Pence
Kissell	Peterson
Kline	Petri
Labrador	Schweikert
Lamborn	Scott (SC)
Lance	Scott, Austin
Lankford	Sensenbrenner
Larsen (WA)	Sessions
Latham	Shuler
LaTourette	Shuster
Latta	
Lewis (CA)	
Long	
Lucas	
Luetkemeyer	
Lummis	
Lungren, Daniel	
E.	
Manzullo	
Marchant	
Marino	
Matheson	
McCarthy (CA)	
McCaul	
McClintock	

## NOT VOTING—18

Ackerman	Garrett	Pearce
Akin	Granger	Ross (AR)
Bass (CA)	Jackson (IL)	Ruppersberger
Berman	Jenkins	Ryan (WI)
Filner	Landry	Shimkus
Gallegly	Mack	Speier

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1123

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 599, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Stated against:

Mr. GARRETT. Mr. Chair, on rollcall 599, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “no.”

## AMENDMENT NO. 12 OFFERED BY MR. FLAKE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 183, not voting 18, as follows:

[Roll No. 600]

## AYES—228

Adams	Goodlatte	Nunnelee
Aderholt	Gosar	Olson
Alexander	Gowdy	Palazzo
Amash	Graves (GA)	Paul
Amodei	Graves (MO)	Paulsen
Austria	Griffin (AR)	Pence
Bachmann	Griffith (VA)	Peterson
Bachus	Grimm	Petri
Barletta	Guinta	Pitts
Barrow	Guthrie	Poe (TX)
Bartlett	Hall	Pompeo
Barton (TX)	Hanna	Posey
Benishek	Harper	Price (GA)
Berg	Harris	Quayle
Biggert	Hartzler	Rahall
Bilbray	Hastings (WA)	Reed
Bilirakis	Heck	Rehberg
Bishop (UT)	Hensarling	Reichert
Black	Herger	Renacci
Blackburn	Herrera Beutler	Ribble
Bonner	Holden	Rigell
Bono Mack	Huelskamp	Rivera
Boren	Huizenga (MI)	Roby
Boustany	Hultgren	Roe (TN)
Brady (TX)	Hunter	Rogers (AL)
Brooks	Hurt	Rogers (KY)
Broun (GA)	Issa	Rogers (MI)
Buchanan	Johnson (IL)	Rohrabacher
Bucshon	Johnson (OH)	Rokita
Buerkle	Johnson, Sam	Rooney
Burgess	Jones	Ros-Lehtinen
Burton (IN)	Jordan	Roskam
Calvert	Kelly	Ross (FL)
Camp	King (IA)	Royce
Campbell	King (NY)	Runyan
Canseco	Kingston	Scalise
Cantor	Kinzinger (IL)	Schilling
Capito	Kissell	Schmidt
Carter	Kline	Schock
Cassidy	Labrador	Schweikert
Chabot	Lamborn	Scott (SC)
Chaffetz	Lance	Scott, Austin
Coble	Lankford	Sensenbrenner
Coffman (CO)	Latham	Sessions
Cole	LaTourrette	Shuster
Conaway	Latta	Simpson
Costa	Long	Smith (NE)
Costello	Lucas	Smith (TX)
Cravaack	Luetkemeyer	Southerland
Crawford	Lummis	Stearns
Crenshaw	Lungren, Daniel	Stivers
Culberson	E.	Stutzman
Denham	Manzullo	Sullivan
Dent	Marchant	Terry
DesJarlais	Marino	Thompson (PA)
Diaz-Balart	Matheson	Thornberry
Dreier	McCarthy (CA)	Tiberi
Duffy	McCaul	Tipton
Duncan (SC)	McClintock	Turner (NY)
Duncan (TN)	McHenry	Turner (OH)
Ellmers	McIntyre	Upton
Emerson	McKeon	Walberg
Farenthold	McKinley	Walden
Fincher	McMorris	Walsh (IL)
Fitzpatrick	Rodgers	Webster
Flake	Meehan	West
Fleischmann	Mica	Westmoreland
Fleming	Miller (FL)	Whitfield
Flores	Miller (MI)	Wilson (SC)
Forbes	Miller, Gary	Wittman
Fortenberry	Mulvaney	Wolf
Fox	Murphy (PA)	Womack
Franks (AZ)	Myrick	Woodall
Gardner	Neugebauer	Yoder
Gibbs	Noem	Young (AK)
Gingrey (GA)	Nugent	Young (FL)
Gohmert	Nunes	Young (IN)

## NOES—183

Altmire	Brady (PA)	Clarke (MI)
Andrews	Braley (IA)	Clarke (NY)
Baca	Brown (FL)	Clay
Baldwin	Butterfield	Cleaver
Barber	Capps	Clyburn
Bass (NH)	Capuano	Cohen
Becerra	Carnahan	Connolly (VA)
Berkley	Carney	Conyers
Bishop (GA)	Carson (IN)	Cooper
Bishop (NY)	Castor (FL)	Courtney
Blumenauer	Chandler	Critz
Bonamici	Chu	Crowley
Boswell	Cicilline	Cuellar

Cummings	Kaptur	Quigley
Davis (CA)	Keating	Rangel
Davis (IL)	Kildee	Reyes
DeFazio	Kind	Richardson
DeGette	Kucinich	Richmond
DeLauro	Langevin	Rothman (NJ)
Deutch	Larsen (WA)	Roybal-Allard
Dicks	Larson (CT)	Runyan
Dingell	Lee (CA)	Rush
Doggett	Levin	Ryan (OH)
Dold	Lewis (CA)	Sánchez, Linda
Donnelly (IN)	Lewis (GA)	T.
Doyle	Lipinski	Sanchez, Loretta
Edwards	LoBiondo	Sarbanes
Ellison	Loebback	Schakowsky
Engel	Lofgren, Zoe	Schiff
Eshoo	Lowe	Schrader
Farr	Luján	Schwartz
Fattah	Lynch	Scott (VA)
Frank (MA)	Maloney	Scott, David
Frelinghuysen	Markley	Serrano
Fudge	Matsui	Sewell
Garamendi	McCarthy (NY)	Sherman
Ribble	McCollum	Shuler
Rigell	Gibson	Sires
Rivera	Gonzalez	McGovern
Roby	Green, Al	McNerney
Roe (TN)	Green, Gene	Meeks
Rogers (AL)	Grijalva	Michaud
Rogers (KY)	Gutierrez	Miller (NC)
Rogers (MI)	Hahn	Miller, George
Rohrabacher	Hanabusa	Moore
Rokita	Hastings (FL)	Moran
Rooney	Hayworth	Murphy (CT)
Ros-Lehtinen	Heinrich	Nader
Roskam	Higgins	Napolitano
Ross (FL)	Himes	Neal
Royce	Hinche	Oliver
Scalise	Kinjo	Owens
Schilling	Hirono	Pallone
Schmidt	Hochul	Pascrell
Schock	Holt	Pastor (AZ)
Schweikert	Honda	Pelosi
Scott (SC)	Hoyer	Perlmutter
Scott, Austin	Israel	Peters
Sensenbrenner	Jackson Lee	Pingree (ME)
Sessions	(TX)	Platts
Shuster	Johnson (GA)	Polis
Simpson	Johnson, E. B.	Price (NC)

## NOT VOTING—18

Ackerman	Garrett	Pearce
Akin	Granger	Ross (AR)
Bass (CA)	Jackson (IL)	Ruppersberger
Berman	Jenkins	Ryan (WI)
Filner	Landry	Shimkus
Gallegly	Mack	Speier

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1127

So the amendment was agreed to.  
The result of the vote was announced  
as above recorded.

Stated for:  
Mr. GARRETT. Mr. Chair, on rollcall No. 600, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted "aye."

Stated against:  
Mr. FILNER. Mr. Chair, on rollcall 600, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

## AMENDMENT NO. 13 OFFERED BY MR. GOSAR

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GOSAR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 181, not voting 22, as follows:

[Roll No. 601]

## AYES—226

Adams	Goodlatte	Olson
Aderholt	Gosar	Palazzo
Alexander	Gowdy	Paul
Amodei	Graves (GA)	Paulsen
Austria	Graves (MO)	Pence
Bachmann	Griffin (AR)	Peterson
Bachus	Griffith (VA)	Petri
Barletta	Grimm	Pitts
Bartlett	Guinta	Poe (TX)
Barton (TX)	Guthrie	Pompeo
Bass (NH)	Hall	Posey
Benishek	Hanna	Price (GA)
Berg	Harper	Quayle
Biggert	Hartzler	Rahall
Bilbray	Hastings (WA)	Reed
Bilirakis	Hayworth	Rehberg
Bishop (UT)	Heck	Reichert
Blackburn	Hensarling	Renacci
Bonner	Herrera Beutler	Ribble
Bono Mack	Holden	Rigell
Boren	Huelskamp	Rivera
Boustany	Huizenga (MI)	Roby
Brady (TX)	Hultgren	Roe (TN)
Brooks	Hunter	Rogers (AL)
Broun (GA)	Hurt	Rogers (KY)
Buchanan	Issa	Rogers (MI)
Bucshon	Johnson (IL)	Rohrabacher
Buerkle	Johnson (OH)	Rokita
Burgess	Johnson, Sam	Rooney
Calvert	Jones	Ros-Lehtinen
Camp	Jordan	Roskam
Campbell	Kelly	Ross (FL)
Canseco	King (IA)	Royce
Cantor	King (NY)	Runyan
Capito	Kingston	Scalise
Carter	Kinzinger (IL)	Schilling
Cassidy	Kissell	Schmidt
Chabot	Kline	Schock
Chaffetz	Labrador	Schweikert
Chandler	Lamborn	Scott (SC)
Coble	Lance	Scott, Austin
Coffman (CO)	Lankford	Scott, David
Cole	Latham	Sensenbrenner
Conaway	Latta	Sessions
Costello	Long	Shuster
Cravaack	Lucas	Simpson
Crawford	Luetkemeyer	Smith (NE)
Crenshaw	Lummis	Smith (NJ)
Critz	Lungren, Daniel	Smith (TX)
Culberson	E.	Southerland
Denham	Manzullo	Stearns
Dent	Marchant	Stivers
DesJarlais	Marino	Stutzman
Diaz-Balart	Matheson	Sullivan
Dold	McCarthy (CA)	Terry
Dreier	McCaul	Thompson (PA)
Duffy	McClintock	Thornberry
Duncan (SC)	McHenry	Tipton
Duncan (TN)	McIntyre	Turner (NY)
Ellmers	McKeon	Turner (OH)
Emerson	McKinley	Upton
Farenthold	McMorris	Walberg
Fincher	Rodgers	Walden
Fitzpatrick	Meehan	Walsh (IL)
Flake	Mica	Webster
Fleischmann	Miller (FL)	West
Fleming	Miller (MI)	Westmoreland
Flores	Miller, Gary	Whitfield
Forbes	Mulvaney	Wittman
Fortenberry	Murphy (PA)	Wolf
Fox	Myrick	Womack
Franks (AZ)	Neugebauer	Woodall
Gardner	Noem	Yoder
Gibbs	Nugent	Young (AK)
Gingrey (GA)	Nunes	Young (FL)
Gohmert	Nunnelee	Young (IN)

## NOES—181

Altmire	Baca	Barrow
Amash	Baldwin	Becerra
Andrews	Barber	Berkley

Bishop (GA)	Gutierrez	Pallone
Bishop (NY)	Hahn	Pascrell
Blumenauer	Hanabusa	Pastor (AZ)
Bonamici	Hastings (FL)	Pelosi
Boswell	Heinrich	Perlmutter
Brady (PA)	Higgins	Peters
Braley (IA)	Himes	Pingree (ME)
Brown (FL)	Hinchey	Platts
Burton (IN)	Hinojosa	Polis
Butterfield	Hirono	Price (NC)
Capps	Hochul	Quigley
Capuano	Holt	Rangel
Carnahan	Honda	Reyes
Carney	Hoyer	Richardson
Carson (IN)	Israel	Richmond
Castor (FL)	Jackson Lee	Rothman (NJ)
Chu	(TX)	Roybal-Allard
Cicilline	Johnson (GA)	Rush
Clarke (MI)	Johnson, E. B.	Ryan (OH)
Clarke (NY)	Kaptur	Sánchez, Linda
Clay	Keating	T.
Cleaver	Kildee	Sanchez, Loretta
Clyburn	Kind	Sarbanes
Cohen	Kucinich	Schakowsky
Connolly (VA)	Langevin	Schiff
Conyers	Larsen (WA)	Schrader
Cooper	Larson (CT)	Schwartz
Costa	LaTourette	Scott (VA)
Courtney	Lee (CA)	Serrano
Crowley	Levin	Sewell
Cuellar	Lewis (CA)	Sherman
Cummings	Lewis (GA)	Shuler
Davis (CA)	Lipinski	Sires
Davis (IL)	LoBiondo	Slaughter
DeFazio	Loeb sack	Smith (WA)
DeGette	Lofgren, Zoe	Stark
DeLauro	Lowe y	Sutton
Deutch	Luján	Thompson (CA)
Dicks	Lynch	Thompson (MS)
Dingell	Maloney	Tiberi
Doggett	Markey	Tierney
Donnelly (IN)	Matsui	Tonko
Doyle	McCarthy (NY)	Towns
Edwards	McCollum	Tsongas
Ellison	McDermott	Van Hollen
Engel	McGovern	Velázquez
Eshoo	McNerney	Visclosky
Farr	Meeks	Walz (MN)
Fattah	Michaud	Wasserman
Frank (MA)	Miller (NC)	Schultz
Frelinghuysen	Miller, George	Waters
Fudge	Moore	Watt
Garamendi	Moran	Waxman
Gerlach	Murphy (CT)	Welch
Gibson	Nadler	Wilson (FL)
Gonzalez	Napolitano	Woolsey
Green, Al	Neal	Yarmuth
Green, Gene	Olver	
Grijalva	Owens	

## NOT VOTING—22

Ackerman	Granger	Ross (AR)
Akin	Harris	Ruppersberger
Bass (CA)	Herger	Ryan (WI)
Berman	Jackson (IL)	Shimkus
Black	Jenkins	Speier
Filner	Landry	Wilson (SC)
Gallegly	Mack	
Garrett	Pearce	

□ 1131

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. GARRETT. Mr. Chair, on rollcall No. 601, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted "aye."

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 601, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

The Acting CHAIR (Mr. WEST). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. YODER) having assumed the chair, Mr. WEST, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3409) to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977, and, pursuant to House Resolution 788, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

## MOTION TO RECOMMIT

Mrs. CAPPS. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Mrs. CAPPS. Yes, I am opposed.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mrs. Capps moves to recommit the bill H.R. 3409 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith, with the following amendment:

At the end of title II of the bill, insert the following new section:

**SEC. 203. ENSURING CONSUMERS PAY LESS FOR GAS AND THAT FUEL EFFICIENT AUTOMOBILES CONTINUE TO BE MADE IN AMERICA.**

(a) FINDINGS.—Congress finds as follows:

(1) The standards of the national program to improve fuel efficiency and reduce pollution for light-duty cars and trucks will provide major economic and consumer benefits to the United States.

(2) The standards will save families more than \$1.7 trillion in fuel costs and reduce America's dependence on oil by more than 2 million barrels per day in 2025, which is equivalent to one-half of the oil which our Nation currently imports from OPEC countries each day.

(3) As a result of the standards, a family with a model year 2025 vehicle will save more than \$8,000 in fuel costs over the life of the vehicle compared to a 2011 year vehicle.

(4) As a result of the standards, average net savings for the owner of a 2025 vehicle will be equivalent to a drop in fuel prices of \$1 per gallon.

(b) PRESERVATION OF RULE.—Section 330 of the Clean Air Act, as added by section 201 of this Act, shall not apply with respect to the final rule issued by the Environmental Protection Agency and the Department of Transportation on August 28, 2012, relating to standards for pollution control and fuel efficiency for model year 2017 and later light-duty vehicles, and such rule shall take effect on the effective date specified in the rule, if nullification of such rule would result in—

(1) consumers, on average, paying more for gasoline over the life of their motor vehicles; or

(2) the loss of jobs in the United States automobile manufacturing industrial sector or a negative impact on the overall United States economy.

The SPEAKER pro tempore. The gentlewoman from California is recognized for 5 minutes.

□ 1140

Mrs. CAPPS. Mr. Speaker, there are many times when we come to this floor and engage in heated debate, and we've heard some heated debate on this bill. But my final amendment offers us the opportunity to come together to do something extraordinarily important, and that is to ensure our constituents' hard-earned cash is redirected away from the gas pump and back into their wallets. I want to be clear, the passage of this amendment will not prevent the passage of the underlying bill. If it's adopted, my amendment will be incorporated into the bill and the bill will be immediately voted upon.

Now I make no apologies for opposing this bill. Regardless of how you feel about the bill, my amendment should be something we could all agree on.

My amendment preserves new fuel efficiency standards issued last month if their repeal would mean higher prices at the pump for our constituents or lost jobs for our workers. These new standards raise fuel efficiency to 54.5 miles per gallon. That's roughly twice the mileage our cars are getting today.

By 2025, these standards will save consumers \$1.7 trillion at the gas pump, and they will cut our oil imports by 2 million barrels per day. That's one half our current imports for OPEC. They also represent a new chapter for American ingenuity.

Mr. Speaker, if U.S. engineers made it possible for every car to include a computer more powerful than the one that sent a man to the Moon, then surely they can produce cars that go further on a gallon of gas. The good news is they can and they are.

There are now 57 fuel-efficient models available in showrooms today, up from 27 models in 2009. Car makers have retooled some of their most popular models to boost efficiency, and the improvements keep coming.

The first half of this year set the record for highest-ever fuel efficiency for new vehicles. Consumers are rewarding these breakthroughs. Fuel efficiency is the top concern for car buyers by far, and this is according to Consumer Reports.

Consumers support these new standards. Families will save an estimated \$8,000 in gasoline costs over the lifetime of their car, and that's equivalent

to lowering the price of gasoline by \$1 per gallon. These new standards also provide something consumer trends cannot: long-term certainty. And that's why three major automakers—General Motors, Ford, and Chrysler—also support them.

Strong standards tell carmakers exactly what goal they need to reach by when so they can invest in innovation, deploy new technologies, and build cars right here in America. When they do that, they hire more workers. More than 150,000 Americans have jobs making parts for and assembling more efficient cars in America today. Car makers are moving production to our shores also.

One car maker alone, Honda, recently announced plans to move all global Civic hybrid manufacturing to Indiana from Japan, creating 300 jobs by the end of the year.

This onshoring of jobs is because of our commitment to making more efficient cars and components in America. That's why GM's CEO, Dan Akerson, called these standards, "a win for American manufacturers for the very first time."

Mr. Speaker, everybody wins when more efficient cars hit the road. American workers win, drivers win, and automakers. These standards demonstrate the best of America, how creating jobs goes hand-in-hand with protecting the environment and health, how drivers can save billions in gasoline costs, how the American auto industry can compete with any country in the world. That's why we must preserve these historic standards and the enormous benefits that come with them by voting for my final amendment.

Mr. Speaker, I respectfully ask that all colleagues weigh this simple proposition: Do you want your constituents to pay less at the pump and drive more efficient cars made in America? If your answer is yes, then vote for my amendment. It ensures that our constituents will save thousands of dollars every year at the gas pump, and it makes sure that American workers will find jobs building the cars of the future right here in America.

Today we have the opportunity to speak with one voice, to save these landmark car efficiency standards. It's up to us. Support this final amendment to the bill.

I yield back the balance of my time.

Mr. JOHNSON of Ohio. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. JOHNSON of Ohio. Mr. Speaker, this motion is nothing more than a distraction from the underlying legislation that we're considering today, and the journey that we began in January of 2011 to cut government spending, to create jobs and, today, to stop the ad-

ministration's war on the coal industry.

We, all of us in this Chamber, sat here a little over a year ago, and we heard an address by the Prime Minister of Australia. She started her speech off by saying, you know, I remember being a young girl, sitting on the floor of my living room watching as Neil Armstrong and Buzz Aldrin landed on the Moon.

She went on to talk about that era of innovation in America, what that meant and how that inspired the rest of the world. Do we need to be reminded that it was the coal industry that fueled America's innovative engine and powered America's innovative wheels during that period of innovation? I don't think so. Today's underlying legislation, it's about the thousands of jobs that have already been cut from the coal industry, the thousands more that are in jeopardy to be cut from the coal industry.

It's about the millions of Americans and America's businesses that are paying skyrocketing prices, 23 million Americans underemployed, and yet we've got an administration that wants to attack the very reliable energy source that would fuel a resurgence in manufacturing and put America back to work.

Ladies and gentlemen, I implore to you, defeat this motion to recommit. Vote on the final passage of this legislation today. Let's get America back to work and stop the administration's war on coal.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mrs. CAPPS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 173, noes 233, not voting 23, as follows:

[Roll No. 602]

AYES—173

Altmire  
Andrews  
Baca  
Baldwin  
Barber  
Barrow  
Becerra  
Berkley  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici

Boswell  
Brady (PA)  
Brady (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler

Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello

Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr  
Fattah  
Frank (MA)  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hinchey  
Hinojosa  
Hirono  
Hochul  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.

Kaptur  
Keating  
Kildee  
Kind  
Kissell  
Kucinich  
Langevin  
Larsen (WA)  
Larson (CT)  
Lee (CA)  
Levin  
Lewis (GA)  
Lipinski  
Loebach  
Lofgren, Zoe  
Lowey  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McIntyre  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Moran  
Murphy (CT)  
Nadler  
Napolitano  
Neal  
Oliver  
Owens  
Pallone  
Pascarell  
Pastor (AZ)  
Pelosi  
Perlmutter  
Peters  
Pingree (ME)  
Polis  
Price (NC)  
Quigley

Rangel  
Reyes  
Richardson  
Richmond  
Rothman (NJ)  
Roybal-Allard  
Rush  
Ryan (OH)  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Schneider  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sherman  
Shuler  
Sires  
Slaughter  
Smith (WA)  
Stark  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Towns  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

#### NOES—233

Adams  
Aderholt  
Alexander  
Amash  
Amodei  
Austria  
Bachmann  
Bachus  
Barletta  
Bartlett  
Barton (TX)  
Bass (NH)  
Benishek  
Berg  
Biggart  
Bilbray  
Bilirakis  
Bishop (UT)  
Black  
Blackburn  
Bonner  
Bono Mack  
Boren  
Boustany  
Brady (TX)  
Brooks  
Broun (GA)  
Buchanan  
Bucshon  
Buerkle  
Burgess  
Burton (IN)  
Calvert  
Camp  
Campbell  
Canseco  
Cantor  
Capito  
Carter  
Cassidy  
Chabot  
Chaffetz  
Coble  
Coffman (CO)  
Cole  
Conaway

Cravaack  
Crawford  
Crenshaw  
Culberson  
Denham  
Dent  
DesJarlais  
Diaz-Balart  
Dold  
Donnelly (IN)  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Ellmers  
Emerson  
Farenthold  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Foxy  
Franks (AZ)  
Frelinghuysen  
Gardner  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gohmert  
Goodlatte  
Gosar  
Gowdy  
Graves (GA)  
Graves (MO)  
Griffin (AR)  
Griffith (VA)  
Grimm  
Guinta  
Guthrie  
Hall  
Hanna

Harper  
Harris  
Hartzler  
Hastings (WA)  
Hayworth  
Heck  
Hensarling  
Herger  
Herrera Beutler  
Holden  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Johnson (IL)  
Johnson (OH)  
Johnson, Sam  
Jones  
Jordan  
Kelly  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kline  
Labrador  
Lamborn  
Lance  
Lankford  
Latham  
LaTourette  
Latta  
Lewis (CA)  
LoBiondo  
Long  
Lucas  
Luetkemeyer  
Lummis  
Lungren, Daniel  
E.  
Manzullo  
Marchant  
Marino  
Matheson  
McCarthy (CA)



McCaul	Quayle	Smith (NE)	Blackburn	Quinta	Paul	Hastings (FL)	McCollum	Schakowsky
McClintock	Rahall	Smith (NJ)	Bonner	Guthrie	Paulsen	Hayworth	McDermott	Schiff
McHenry	Reed	Southerland	Bono Mack	Hall	Pence	Heinrich	McGovern	Schrader
McKeon	Rehberg	Stearns	Boren	Hanna	Peterson	Higgins	McNerney	Schwartz
McKinley	Reichert	Stivers	Boswell	Harper	Petri	Himes	Meeks	Scott (VA)
McMorris	Renacci	Stutzman	Boustany	Harris	Pitts	Hinchey	Michaud	Scott, David
Rodgers	Ribble	Sullivan	Brady (TX)	Hartzler	Platts	Hinojosa	Miller (NC)	Serrano
Meehan	Rigell	Terry	Brooks	Hastings (WA)	Poe (TX)	Hirono	Miller, George	Sewell
Mica	Rivera	Thompson (PA)	Broun (GA)	Heck	Pompeo	Hochul	Moore	Sherman
Miller (FL)	Roby	Thornberry	Buchanan	Hensarling	Posey	Holt	Moran	Shuler
Miller (MI)	Roe (TN)	Tiberi	Bucshon	Herger	Price (GA)	Honda	Nadler	Sires
Miller, Gary	Rogers (AL)	Tipton	Buerkle	Herrera Beutler	Quayle	Hoyer	Napolitano	Slaughter
Mulvaney	Rogers (KY)	Turner (NY)	Burgess	Holden	Rahall	Israel	Neal	Smith (NJ)
Murphy (PA)	Rogers (MI)	Turner (OH)	Burton (IN)	Huelskamp	Reed	Jackson Lee	Olver	Smith (WA)
Myrick	Rohrabacher	Upton	Calvert	Huizenga (MI)	Rehberg	(TX)	Owens	Stark
Neugebauer	Rokita	Walberg	Camp	Hultgren	Renacci	Johnson (GA)	Pallone	Sutton
Noem	Rooney	Walden	Campbell	Hunter	Ribble	Johnson (IL)	Pascrell	Thompson (CA)
Nugent	Ros-Lehtinen	Walsh (IL)	Canseco	Hurt	Rivera	Johnson, E. B.	Pastor (AZ)	Thompson (MS)
Nunes	Roskam	Webster	Cantor	Issa	Roby	Kaptur	Pelosi	Tierney
Nunnelee	Ross (FL)	West	Capito	Johnson (OH)	Roe (TN)	Keating	Perlmutter	Tonko
Olson	Royce	Westmoreland	Carter	Johnson, Sam	Rogers (AL)	Kildee	Peters	Towns
Palazzo	Runyan	Whitfield	Cassidy	Jones	Rogers (KY)	Kind	Pingree (ME)	Tsongas
Paul	Scalise	Wilson (SC)	Chabot	Jordan	Rogers (MI)	Kucinich	Polis	Van Hollen
Paulsen	Schilling	Wittman	Chaffetz	Kelly	Rohrabacher	Langevin	Price (NC)	Velázquez
Pence	Schmidt	Wolf	Chandler	King (IA)	Rokita	Larsen (WA)	Quigley	Visclosky
Peterson	Schock	Womack	Coble	King (NY)	Rooney	Larson (CT)	Rangel	Walz (MN)
Petri	Schweikert	Woodall	Coffman (CO)	Kingston	Ros-Lehtinen	Lee (CA)	Reichert	Wasserman
Pitts	Scott (SC)	Yoder	Cole	Kinzinger (IL)	Roskam	Levin	Reyes	Schultz
Platts	Scott, Austin	Young (AK)	Conaway	Kissell	Ross (FL)	Lewis (GA)	Richardson	
Poe (TX)	Sensenbrenner	Young (FL)	Costa	Kline	Royce	Lipinski	Richmond	
Pompeo	Sessions	Young (IN)	Costello	Labrador	Runyan	LoBiondo	Rigell	
Posey	Shuster		Cravaack	Lamborn	Scalise	Lofgren, Zoe	Rothman (NJ)	
Price (GA)	Simpson		Crawford	Lance	Schilling	Lowey	Roybal-Allard	
			Crenshaw	Lankford	Schmidt	Lujan	Rush	
			Critz	Latham	Schock	Lynch	Ryan (OH)	
			Cuellar	LaTourette	Schock	Maloney	Sánchez, Linda	
			Culberson	Latta	Schweikert	Markey	T.	
			Denham	Lewis (CA)	Scott (SC)	Matsui	Sanchez, Loretta	
			Dent	Loeback	Scott, Austin	McCarthy (NY)	Sarbanes	
			DesJarlais	Long	Sensenbrenner			
			Diaz-Balart	Lucas	Shuster			
			Donnelly (IN)	Luetkemeyer	Simpson			
			Dreier	Lummis	Smith (NE)			
			Duffy	Lungren, Daniel	Smith (TX)			
			Duncan (SC)	E.	Southerland			
			Duncan (TN)	Manzullo	Stearns			
			Ellmers	Marchant	Stivers			
			Emerson	Marino	Stutzman			
			Farenthold	Matheson	Sullivan			
			Fincher	McCarthy (CA)	Terry			
			Flake	McCaul	Thompson (PA)			
			Fleischmann	McClintock	Thornberry			
			Fleming	McHenry	Tiberi			
			Flores	McIntyre	Tipton			
			Forbes	McKeon	Turner (NY)			
			Fortenberry	McKinley	Turner (OH)			
			Fox	McMorris	Upton			
			Franks (AZ)	Rodgers	Walberg			
			Frelinghuysen	Meehan	Walden			
			Gardner	Mica	Walsh (IL)			
			Gerlach	Miller (FL)	Webster			
			Gibbs	Miller (MI)	West			
			Gingrey (GA)	Mulvaney	Westmoreland			
			Gohmert	Murphy (PA)	Whitfield			
			Goodlatte	Myrick	Wilson (SC)			
			Gosar	Neugebauer	Womack			
			Gowdy	Noem	Woodall			
			Graves (GA)	Nugent	Yoder			
			Graves (MO)	Nunes	Young (AK)			
			Griffin (AR)	Nunnelee	Young (FL)			
			Griffith (VA)	Olson	Young (IN)			
			Grimm	Palazzo				

## NOT VOTING—23

Ackerman	Granger	Pearce
Akin	Issa	Ross (AR)
Bass (CA)	Jackson (IL)	Ruppersberger
Berman	Jenkins	Ryan (WI)
Cohen	Landry	Shimkus
Filner	Lujan	Smith (TX)
Gallegly	Mack	Speier
Garrett	McGovern	

□ 1159

Mr. HENSARLING changed his vote from “aye” to “no.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 602, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

Stated against:

Mr. GARRETT. Mr. Speaker, on rollcall No. 602, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “no.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mrs. CAPPS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 175, not voting 21, as follows:

[Roll No. 603]

AYES—233

Adams	Bachmann	Berg
Aderholt	Bachus	Berkley
Alexander	Barletta	Biggart
Altmire	Barrow	Bilirakis
Amash	Bartlett	Bishop (GA)
Amodei	Barton (TX)	Bishop (UT)
Austria	Benishak	Black

Andrews	Cicilline	Doggett
Baca	Clarke (MI)	Dold
Baldwin	Clarke (NY)	Doyle
Barber	Clay	Edwards
Bass (NH)	Cleaver	Ellison
Becerra	Clyburn	Engel
Bilbray	Cohen	Eshoo
Bishop (NY)	Connolly (VA)	Farr
Blumenauer	Conyers	Fattah
Bonamici	Cooper	Fitzpatrick
Brady (PA)	Courtney	Frank (MA)
Braley (IA)	Crowley	Fudge
Brown (FL)	Cummings	Garamendi
Butterfield	Davis (CA)	Gibson
Capps	Davis (IL)	Gonzalez
Capuano	DeFazio	Green, Al
Carnahan	DeGette	Green, Gene
Carney	DeLauro	Grijalva
Carson (IN)	Deutch	Gutierrez
Castor (FL)	Dicks	Hahn
Chu	Dingell	Hanabusa

## NOES—175

## NOT VOTING—21

Ackerman	Granger	Pearce
Akin	Jackson (IL)	Ross (AR)
Bass (CA)	Jenkins	Ruppersberger
Berman	Landry	Ryan (WI)
Filner	Mack	Sessions
Gallegly	Miller, Gary	Shimkus
Garrett	Murphy (CT)	Speier

□ 1208

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GARRETT. Mr. Speaker, on rollcall No. 603, I was unable to be in attendance for this vote as I was attending the funeral of a family member. Had I been present, I would have voted “aye.”

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 603, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

## PERSONAL EXPLANATION

Ms. BERKLEY. Mr. Speaker, I mistakenly voted “aye” on rollcall No. 603. My intention was to vote “no.”

## PERSONAL EXPLANATION

Mr. RYAN of Wisconsin. Mr. Speaker, during the course of the week, I was absent for legislative business; had I been present, I would have cast the following votes:

Rollcall 585—H.R. 5044—On Motion to Suspend the Rules and Pass, as Amended—“yes.”

Rollcall 586—H.R. 5912—On Motion to Suspend the Rules and Pass, as Amended—“yes.”

Rollcall 587—H. Res. 788—On Ordering the Previous Question—“yes.”

Rollcall 588—H. Res. 788—On Agreeing to the Resolution—“yes.”

Rollcall 591—H.R. 5987—On Motion to Suspend the Rules and Pass, as Amended—"no."

Rollcall 592—H.R. 3409—On Agreeing to the Amendment—"no."

Rollcall 593—H.R. 3409—On Agreeing to the Amendment—"no."

Rollcall 594—H.R. 3409—On Agreeing to the Amendment—"yes."

Rollcall 595—H.R. 3409—On Agreeing to the Amendment—"no."

Rollcall 596—H.R. 3409—On Agreeing to the Amendment—"no."

Rollcall 597—H.R. 3409—On Agreeing to the Amendment—"yes."

Rollcall 598—H.R. 3409—On Agreeing to the Amendment—"no."

Rollcall 599—H.R. 3409—On Agreeing to the Amendment—"no."

Rollcall 600—H.R. 3409—On Agreeing to the Amendment—"yes."

Rollcall 601—H.R. 3409—On Agreeing to the Amendment—"yes."

Rollcall 602—H.R. 3409—On Motion to Recommit with instructions—"no."

Rollcall 603—H.R. 3409—On Passage—"yes."

#### ADJOURNMENT TO TUESDAY, SEPTEMBER 25, 2012

Mr. MCHENRY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. on Tuesday, September 25, 2012.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

#### VOICE OF TEXAS: PAM FROM LIBERTY, TEXAS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, I have heard from many Texas business owners who built their own business without government help. Here's what Pam from Liberty, Texas, has to say:

We are college educated, taxpaying citizens who have a lifetime of hard work under our belts. We have stayed up nights trying to figure out how we were going to pay our taxes, insurance, employees, and bank notes. We started from scratch, owning convenience stores, car washes, mini storage businesses, a clothing business, and also operated/owned two small-town movie theaters that were built by my husband's grandparents and parents. The latest is a real estate business.

There's not much that anyone can tell us about the sacrifices that have to be made when you start up your own business. We have done it all, including working full-time jobs for someone else to make ends meet. No government agency has ever helped us with one thing, but the government certainly has made our work harder and more expensive to run/operate our businesses.

Mr. Speaker, people—not the government—make America's businesses successful.

And that's just the way it is.

#### CONGRESS SHOULD STAY AND WORK

(Mr. LARSON of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, one of my constituents wrote very emphatically: How could Congress possibly leave when they know that we the people face the deep, dark abyss of uncertainty—uncertainty about our unemployment, uncertainty about the jobs that we need, the uncertainty that comes when your mortgage is under water, the uncertainty that comes when you know that you have to educate your children, and yet Congress leaves without addressing the basic needs of the people that we're sworn to serve.

For the last week, we've heard an awful lot about work requirements. The primary work requirement that should be asked is of this United States Congress, for it to stay and do the work of the people. There is a jobs bill that's out there. There are tax cuts that can be achieved. Let's stay and do that work.

#### STAND UP FOR COAL

(Mr. STUTZMAN asked and was given permission to address the House for 1 minute.)

Mr. STUTZMAN. Mr. Speaker, I rise today on behalf of the men and women who have worked tirelessly to make Indiana the best place to do business in the Midwest.

Coal produces the electricity that powers everything from manufacturing mainstays to small business startups. Mr. Speaker, coal-fired electric power plants provided 83 percent of Indiana's net electricity generation in 2011.

Rising energy prices are squeezing small businesses, entrepreneurs, and families. Unfortunately, President Obama's EPA has waged a war on coal. Unelected bureaucrats have proposed a series of sweeping regulations that would destroy jobs and decrease domestic energy production. As a result of Washington's overregulation, the Energy Information Administration expects the pace of coal-fired power plant shutdowns to increase fourfold in the next 5 years.

Today we have an opportunity to stand up for the American coal industry and the families and businesses that rely on the electricity it provides. We can ensure that regulations are sensible and not overbearing. We can make sure that coal keeps lighting homes, stores and factories in Indiana.

#### CONGRATULATING HOLLIS F. PRICE MIDDLE COLLEGE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, I want to take this moment to congratulate a high school in my district, the Hollis F. Price Middle College, for receiving the U.S. News & World Report Bronze recognition as one of 2012's Best High Schools in the country.

U.S. News & World Report ranked nearly 22,000 public high schools across the country, and I'm proud that one of Memphis City Schools was recognized. This school was named after the fourth president of LeMoyne-Owen College, an Historically Black College and University in Memphis. Hollis-Price is a collaborative effort between Memphis City Schools and LeMoyne-Owen to improve graduation rates and provide accessibility for students to attend college.

I want to commend Principal Daphne Beasley, all the faculty, and the staff for their hard work and dedication. And surely the students I want to congratulate, too, and their parents on their great achievement. I was proud to speak at their graduation a few years ago. It's a great school. Continue to make Memphis proud.

#### PUTTING PEOPLE BEFORE POLITICS

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, from day one my focus in Congress has been on jobs and the economy. I believe that the best thing Congress can do is to find common ground to move our country forward. This week, I'm happy to say, we did just that.

On Wednesday evening, the House of Representatives passed a bipartisan jobs bill—which I am pleased to say I championed—which would encourage global investment here in our country. This means jobs in our local communities. Companies in the 10th District like Astellas and Takeda and Siemens are able to invest here in America and put people to work.

This bill passed with broad bipartisan support. And I certainly want to thank Representatives ROSKAM, PETERS, and BARROW for reaching across the aisle and coming together and helping to pass a commonsense bill that helps businesses to grow right here at home. When we put people before politics and progress before partisanship, we can get things done for the American people.

□ 1220

#### RECOGNIZING THE BRAVE DISSIDENTS IN CUBA

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, last week I took to this floor to discuss the brave dissidents inside Cuba that went on a hunger strike to protest the jailing of one of their own. The end of that hunger strike came this week when the Castro dictatorship announced the pending release of that dissident. This was a victory for the heroes of the opposition movement inside Cuba, but there is still much to be done.

The international community must continue to denounce the human rights abuses occurring inside Cuba, the lack of civil liberties and democratic rights, and continue to support the heroic opposition struggling for a free and democratic Cuba inside the island.

#### WE WILL NOT SUPPORT RADICALISM

(Mr. BURTON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, recently we passed a continuing resolution to take care of the funding of the government until next March. And one of the things that concerned a lot of us was: Is any of that money in that continuing resolution going to go to help the Government of Egypt or Libya or any of the other countries where we see all that civil unrest and all the horrible acts of murder taking place?

And I never did get an answer, so I would just like to say to my colleagues who are going to be here—I'm retiring at the end of this year—we should not give one dime, not one penny, to any country that tries to undermine the United States' interests around the world, and we should not give one penny to anybody that constantly tries to spread radical fundamentalist Muslim beliefs in this world.

Shari'a law is something we can't live with, and we need to let them know very clearly that if they want to work with the United States, fine, but they're not getting any money from us if this continues.

This world is in a terrible state because of these radicals, and we must not let them win this battle.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. REED). The Chair would remind Members to refrain from trafficking the well while a Member is under recognition.

#### AMERICA SHOULD STOP TRYING TO RUN THE WORLD

(Mr. DUNCAN of Tennessee asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of Tennessee. Mr. Speaker, Americans do not want, forever, permanent wars that last three or

four times longer than World War II. And they especially do not want to spend hundreds of billions on people who hate or don't at least appreciate what we've done for them.

Probably half the spending we have done over the years in Iraq and Afghanistan has been pure foreign aid. And we have poured many, many billions into Egypt, Pakistan, and other countries throughout the Middle East.

Our own Nation is \$16 trillion in debt. We are borrowing all this money to send to countries that are exploding with anti-American rage.

Fifty-one American soldiers have been murdered over the past several months by Afghan police and soldiers who they were training. Now we have had our Ambassador and three other Americans killed in Libya.

We should have gotten out of Afghanistan years ago. We need to get out now and not take too long to do it.

We need to stop trying to run the whole world, creating so much resentment, and start putting our own country first once again.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Special Order speeches without prejudice to the resumption of legislative business.

#### DO-NOTHING CONGRESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Maryland (Mr. HOYER) is recognized for 60 minutes as the designee of the minority leader.

Mr. HOYER. And so this 112th Congress convulses to an ugly end of its time before the national elections. All of us must be sad, and the American people are angry and sad that this Congress has been so inattentive to the needs of the American people.

Mr. Speaker, today House Republicans are leaving town and will not return until after the November elections.

Two very respected political scientists—not Democrats or Republicans; one a representative of the more conservative think tank and another a more liberal think tank—have written a book about the dysfunction they have seen in this Congress. Mr. Mann and Mr. Orenstein—quoted by many reporters from many journals, from all different perspectives—they said this:

We have been studying Washington politics in Congress for more than 40 years, and never, never have we seen them as dysfunctional. In our past writings, we have criticized both parties when we believed it was warranted. Today, however, said these two respected political scientists and observ-

ers of Washington, today, however, we have no choice but to acknowledge that the core of the problem lies with the Republican Party.

They went on to say that the GOP has become an insurgent outlier in American politics. It is ideologically extreme; scornful of compromise; unmoved by conventional understanding of facts, evidence, and science; and dismissive of the legitimacy of its political opposition. That is the nub of the problem.

Our Republican colleagues are leaving without getting their work done. I said, "their work done." Without getting our work done, the work of the American people.

Comprehensive jobs bills, middle class tax cuts have not been extended, farmers are left on their own to face the worst drought in decades—the worst drought in decades—and a farm bill reported out of the Republican committee lays unconsidered by this floor. Reported out of their committee, from their majority, and they haven't brought it to the floor, while farmers remain in trouble. We've not reauthorized the Violence Against Women Act, and we have not passed the postal reform bill.

I am glad to take this Special Order, Mr. Speaker, to say to the American people that we're prepared to stay. We're prepared to stay and work on these bills. And I'm going to talk about some of these bills, but my colleagues are here as well.

I first want to yield to the former president of the Senate of Vermont for his observations as we leave this town, my friend, Mr. WELCH from Vermont.

Mr. WELCH. I thank the gentleman.

You know, on the farm bill, we've got the worst drought we've had in 50 years. We've got people who need nutrition programs. We've got farmers who need certainty about what the price support programs are going to be, what their future is going to be. We've got livestock farmers that are in desperate straits because of the drought.

And we've got a Senate that's passed a farm bill. We've got a House Agriculture Committee that's passed a farm bill, on a bipartisan basis, Democrats and Republicans working together to pass that bill. And the House leadership, who has the authority to bring this bill to the floor, won't do it. That's the first time in the history of the House of Representatives where a farm bill passed by the Agriculture Committee has not been brought to the floor for a vote.

Mr. Speaker, we could defend, each and every one of us on both sides of the aisle, a vote of conscience, whether it was "yes" or "no," on the farm bill. None of us can defend not even taking a vote on the farm bill.

That decision is not within the authority of any individual Member of Congress. That is the decision that the

majority leader and the Speaker of the House have the authority to make, and their refusal to bring this bill to the floor will be absolutely an indictment of Congress' inability to do its job.

America needs a farm bill. This Congress needs to do its job. We've got the time to do it. We should act. That bill should be brought to us for a vote.

□ 1230

Mr. HOYER. Mr. Speaker, that is a sample of the dysfunction and inability and unwillingness to compromise on which Mr. Ornstein and Mr. Mann spoke.

I now yield to my friend from New York (Mr. TONKO).

Mr. TONKO. Thank you, Minority Whip HOYER. You have led us so expertly well on this floor.

You cite the many failings of this do-nothing Republican Congress. It is tragic that we will leave for home now and not get the work of the people done and will not respond to the needs of America. That is such an unjust outcome.

We know that a middle class tax cut has been passed in the Senate and that the President has said he would sign it. We need that measure. We need that measure done so as to provide for confidence in the American economy. What we need right now is that sort of boost. That booster shot can do a lot for growing sales for businesses out there. The aggregate demand for goods and services, driven by relief for the middle class via a tax cut, is important. The Violence Against Women Act that was reauthorized in the Senate failed to come to this floor. Postal reform—overwhelmingly approved by the Senate—fails to come to this floor. There is also the farm bill, which is important to all of upstate New York, and I know our members from the upstate delegation, from the New York delegation, are greatly disturbed by the do-nothing Republican Congress.

Minority Whip HOYER, thank you for leading us in this discussion. We have not earned a 6-week recess until election day without having done the people's business. We need to stay here and get the people's work done—build America's economy, go forward with progress—and provide for the results that America so desperately needs. It's a shame that this do-nothing Republican Congress has now called a halt to all business on this floor for the next several weeks.

Mr. HOYER. I thank the gentleman for his comments. He is absolutely right.

Mr. Speaker, just for the knowledge of all of our Members, the Senate did pass a middle class tax cut, making sure that 98 percent of our taxpayers would not get any increase in their taxes on the 1st of January. That bill is over here. It has not been brought to the floor, notwithstanding the fact, I

believe, that every one of us believes that those taxpayers ought not get an increase. So there is overwhelming support for that bill, bipartisan support, but it won't be brought to the floor.

On the Violence Against Women Act, to ensure that women and families are not subjected to dangerous domestic violence, it passed 68-31 through the United States Senate; not passed here. Postal reform passed 62-37 in a bipartisan vote in the United States Senate; not paid attention to here. The farm bill, which passed with 64 votes—almost 2-1 in the United States Senate on a bipartisan vote with 16 Republican Senators voting for it—has not been brought to this floor. Yet we walk away. We walk away from the American people.

I now yield to my friend from Illinois, the gentlelady from Illinois, JAN SCHAKOWSKY.

Ms. SCHAKOWSKY. I thank the gentleman so much for yielding and for pointing out how languishing in the House of Representatives are many pieces of legislation that have passed the United States Senate in a bipartisan way with a Democratic majority. Yet here in the House, where we have a Republican majority—and as you pointed out, some of these bills have actually passed their own committees led by Republicans—are still not being considered on the floor today.

So we are going to adjourn and will not meet again for almost 2 months—the earliest adjournment before an election in over 50 years. Republicans are going to turn off the lights in this Chamber, shutting down debate on matters of serious consequence to Americans and the economy. Shame on them. We should be staying and dealing with those bills.

They have voted, for example, time after time to repeal ObamaCare and to protect tax cuts for the wealthy and rich corporations, but have taken no action on preserving tax cuts for the middle class—for 98 percent of American taxpayers.

They've not taken any action on the Violence Against Women Act, which passed the Senate by a bipartisan vote of 68-31. For the many years that the Violence Against Women Act has been enacted, it has always had bipartisan support.

We haven't passed the wind production tax credit, which, again, would mean jobs for Americans in an industry that has just been developing right now and that is so important to our environment and for people, for instance, in my State of Illinois as well as in Iowa and other Midwestern States.

We haven't passed the doctor fix, making sure that Medicare reimbursements to doctors don't drop by 27 percent.

We haven't dealt with sequestration, which would have a devastating impact on investments that create jobs and protect low-income people.

There has been no action on the post office reform or the farm bill, which has been mentioned. In southern Illinois, where we have a serious drought, our farmers are waiting for some drought relief, but they're not going to get it from this Congress.

Most importantly, while Republicans have found the time to vote again and again to end the Medicare guarantee—making it harder for seniors to choose their own doctors and raising the costs of health care for seniors by over \$6,000 a year—they still haven't found the time to bring a comprehensive jobs bill to the floor or one that deals with making it in America, which is an industrial policy that would actually put Americans back to work right here at home.

Millions of hardworking American people are still looking for more than just talk about jobs. Over a year ago, I introduced the Emergency Jobs to Restore the American Dream Act in order to create more than 2 million jobs and to put people back to work in the most straightforward of ways—by hiring them. My bill would put people to work in critical areas to our communities and our economy—people like teachers, cops and firefighters, health care workers, school construction and maintenance workers.

Over a year ago, President Obama sent to Congress the American Jobs Act, which incorporated parts of my bill and also would provide tax credits to small businesses—yet another tax credit—and assistance to State and local governments in order to prevent the layoffs of critical workers. Independent experts estimate that President Obama's American Jobs Act would create up to 2.6 million jobs.

But the Republican do-nothing Congress brought neither of these jobs bills to the floor. No. They are, every day, sabotaging every effort to actually help create jobs and to Make It in America. Democrats truly do want to stay to fight for jobs, for the economy, for farmers, for taxpayers, for battered women. It's time for the Republicans to join us.

Thank you, Mr. Minority Whip, for leading us in this effort, and I urge all of the Republicans to join us in staying here.

Mr. HOYER. I thank the distinguished Member from Illinois (Ms. SCHAKOWSKY) for her comments. Nobody fights harder for working people and seniors in this Congress than JAN SCHAKOWSKY, and no one is sadder that we have been so lacking in attention to the issues of concern to those folks.

I now want to recognize ALLYSON SCHWARTZ from the State of Pennsylvania, who has also been a great leader and a member of the Ways and Means Committee and who is trying to work on behalf of jobs and growing our economy. I yield to my friend from Pennsylvania.

Ms. SCHWARTZ. I thank you, Mr. Minority Whip.

You have spoken out every week both on the floor of Congress and around this country. You've spoken out on the actions we ought to be taking in order to strengthen our Nation, protect our seniors, grow our economy, and make sure our children have a great future. You speak eloquently about that every week, so I really am pleased to be able to just join you in calling attention to the fact that we do have serious economic and fiscal challenges in this Nation.

Instead of coming together and trying to find common ground—trying to find that agreement so we can solve these problems that the American people are asking us to do, which is to solve these problems—the Republicans have been doing nothing. They're trying to roll us back, move us backward. In fact, the Republicans, as we know, just decided to recess and head home. We know the Republicans, yet again, have made their choices, their priorities, their values very clear not only to us and to our constituents but, really, to all Americans, who are seeing more clearly what the Republicans' choices have been. They are determined to dismantle the progress we have made. They continuously try and roll back our accomplishments that we have made so as to take our country back to a failed economic agenda that has hurt so many Americans.

The Republicans' goals are stunning, and we have seen them every week on the floor of Congress for the last year and a half, almost 2 years: repealing health care reform and eliminating the benefits for seniors and access to affordable coverage for millions of Americans; repealing the financial regulatory system; eliminating those consumer protections with regard to environmental regulations, thus threatening clean water and clean air; ending Medicare as we know it. Reducing the Federal Government at any cost, that has been their goal.

□ 1240

I want to mention just quickly two things that you're going to talk some more about and some of my colleagues. I fought so hard on Medicare. We all have. The Republicans have been absolutely clear on this, their willingness to undue Medicare for all seniors. I've said this before that whether you're 65 and expecting Medicare and living under Medicare right now, you'll see a reduction in your benefits. Whether you're 55 or 45 or 35 and you're paying into Medicare and want Medicare to be there in the future, they are threatening that promise of Medicare. They are deliberately working and have voted to end Medicare as we know it. We've seen that time and again. It's not just the Republican leadership, not just Mr. RYAN. There are many. Most

of the Republicans, not all of them have voted for this. Rather than guarantee benefits under Medicare, the Republicans will leave seniors on their own to buy benefits that they can afford or not. The voucher will be inadequate to buy Medicare benefits that exist now, costing our seniors about \$6,400 more per year.

They threaten our fellow seniors as well in nursing homes by voting for a third of a cut in Medicaid that affects, really, the costs of our seniors in nursing homes. Any of us who have loved ones or visit nursing homes know that these are people who require a great deal of care. This is the agenda of the Republicans.

Instead of tackling what we're willing to do together such as middle class tax cuts, they're holding it hostage to tax breaks for the wealthiest 1 percent or 2 percent. They won't move forward on that sort of certainty or on many of the issues facing us at the end of the year as we're on a fiscal cliff that many of us talk about and are really not doing the kind of work that needs to get done to create that certainty, to be able to protect Medicare, to be able to make the strategic investments, to make sure the tax policy is fair, and we do fiscal policy for our Nation in the right way, in a fair way, in a responsible way, and an achievable way.

I thank you for this Special Order, and I'm calling on the Republicans to meet these challenges for our Nation, and to do that together.

Mr. HOYER. I thank the gentlelady for her comments. No one works harder on health care and is more focused on the delivery of affordable care to all of our people, but particularly concerned about health care for our seniors. How ironic it is that the pledge that the Republicans made was to repeal and replace. I'm going to talk a little bit about that. But there has been no replacement. On the one hand, they want to eliminate the guarantee that Medicare gives to people to have the security that health care will be available to them; and on the other hand they offer nothing to replace it, no alternative, except to increase substantially the cost of those seniors when they are in need of health care.

I thank the gentlelady for her work, and I thank her for her leadership on this very critical issue.

I'm now pleased to yield to the distinguished minority leader, the former Speaker of the House, who has been instrumental in ensuring affordable health care is available to all of our people, NANCY PELOSI of California.

Ms. PELOSI. Thank you very much, Mr. HOYER. I appreciate your yielding and your leadership in bringing us together on the floor of the House. We are after-hours, and it is only 12:40, but it's after-hours on a Friday afternoon. That is in the context that we left here on August 3. We're not due back until

November 14, and yet we have had only 8 legislative days of work in that period of time.

I thank you for calling that dereliction of duty to the attention of the American people because we have work to do. It's not as if our work is finished. As you have indicated, there is critical legislation that is expiring that has passed even in the Senate; yet Republicans have blocked the vote in the House, whether it's middle income tax relief, postal reform, violence against women, the farm bill and then, of course, initiatives proposed by President Obama to create jobs for our economy.

I was so pleased to hear what our colleague, Congresswoman SCHWARTZ, had to say about Medicare, because our names are all on the ballot in this year's election. But what is really at stake is Medicare. Medicare, Medicare, Medicare. As you said, Mr. HOYER, they offered nothing except to raise costs to seniors for getting less as they phase out Medicare.

I wanted to talk about another subject because it's a larger issue as I hear this question bandied about. You hear people say, Are you better off now than you were 4 years ago? The Republicans have the nerve to pose that question that when you look back to 4 years ago, this very week, Mr. Speaker, you would know that we are indeed fundamentally and unquestionably better off as a country today. This week, 4 years ago, September 18 to be exact, but this week, there was a meeting in my office when I was Speaker of the Democratic and Republican leadership of the House and of the Senate gathered together to hear a report from the administration that was very alarming.

Mind you, September 18, 2008, the Secretary of the Treasury, Hank Paulson, described for us a financial system in imminent danger of total collapse. Chairman Bernanke at that same meeting, the chairman of the Fed, told us if we did not act immediately, we would not have an economy by Monday. This was a Thursday evening. You remember, Mr. HOYER. You were there. If we do not act immediately, we will not have an economy by Monday. How on Earth can people who perpetrated that situation on our country have the nerve to turn around and ask that question? At the end of the meeting, we all went out in a bipartisan way and spoke to the press. I said at the time, Time is of the essence and that Congress would act. I was trying to lift confidence in our financial situation.

Despite there being a Presidential election 7 weeks away at that time, it was no time for partisanship. The crisis demanded that Democrats and Republicans work with President Bush to rescue our economy from depression or, as Chairman Bernanke said, from our not having an economy 4 days later.

In the days ahead, our country confronted the worst financial crisis since the Great Depression. The costs were staggering: more than \$8 trillion lost in household wealth, more than 8 million jobs lost, and more than 4 million families losing their homes to foreclosure. Nonetheless, the Democrats voted with President Bush to restore confidence in our markets, and the Republicans even walked away from their own President.

In the 2 years after that September 18 meeting, we continued to take actions to reduce spending and to address what was inevitable from the policies of the 8 years previous to the November 2008 election. When we took the majority and with President Obama in office, we took action to reduce spending, create jobs, keep people in their homes, and passed Dodd-Frank, the toughest Wall Street reforms in generations. With it—the most historic for the first time—protections for American consumers in that bill. All of it was fought vigorously against by the Republicans.

Now we have President Obama, and we have a Republican Congress. Under President Obama's leadership, we have added private sector jobs for 30 straight months, compared to losing 700,000 jobs a month as he entered office; the auto industry, which was facing extinction, and the loss of over 1 million jobs in that industry is again competitive and hiring and thriving; the Dow Jones average, which is one reflection of the security of tens of millions of American investors and pension funds, has already doubled; and housing prices are slowly rising again. We need much more progress there. Imagine, from that time the Dow Jones has doubled.

We still have work to do to continue the American recovery. If the Republicans had cooperated at all with President Obama in the last 2 years, we would be much farther down the road to recovery. We cooperated with President Bush; but they would not offer an ounce of cooperation to President Obama, and our economy has paid the price. We have reaped the benefits of some of what happened in the 2 years when we were in the majority and President Obama was in the first 2 years of his term. But so much more could have been done with some cooperation from the Republicans.

We get back to the question: Are we better off this week in September than we were this week 4 years ago? You be the judge.

□ 1250

I know America's families are hurting. We want to do more to create jobs, et cetera, and we have to have bipartisan cooperation to do that. The Republicans have resisted that. From that standpoint, yes, we can do better.

But from the standpoint of this country when there was a financial crisis, we were on the verge of a total collapse

where the chairman of the Fed told us that if we did not act immediately, we wouldn't have an economy by Monday. Yes, we are fundamentally as a country better off and, therefore, the prospects for the future are better for all of America's families, and that's what we are here to work on, the future.

Too bad our Republican colleagues have cut and run from town, but we stand ready to welcome them back to work in a bipartisan way to make concessions to get the job done for the American people.

I thank you, Mr. HOYER, for giving us all the opportunity to express our views on the subject today.

Mr. HOYER. Madam Leader, thank you for your comments and your leadership.

You are so correct in studying the statistics of the Dow, having doubled. It's actually up now probably about 105, 110 percent. The Standard & Poor's is up more than double, and the NASDAQ is up more than double over those years. In January of 2009, I'm sure most people tragically remember, we lost 818,000 private sector jobs that month. Last month we gained 92,000 jobs.

Is there anybody who could say a loss of 818,000 jobs isn't a lot worse than the gain of 92,000 jobs—92,000 jobs is not enough. We need to do more. The President offered a jobs bill. It has not been brought to this floor, notwithstanding the fact in the Pledge to America they said this is a transparent Congress that would be allowed to work its will. That bill has not been brought to the floor.

For the last 30 months we have gained, straight, more jobs, 4.6 million jobs to be exactly correct, while 4.4 million jobs were lost in 2008 alone. Are we better off gaining 4.6 million as opposed to losing 4.4 million jobs?

We have had 12 straight quarters of economic growth. The last four quarters of 2008 in the last administration was a net 13 percent decrease in GDP. Yes, Mr. Speaker, the leader is correct. We're better off today, but we could be much better off. We ought to be better off if we hadn't walked away from a jobs bill, hadn't walked away from investing in an infrastructure bill that gave certainty.

We didn't even bring that bill to the floor. We walked away from making sure that the health care bill works properly, walked away—and I'm going to recognize Mr. COSTA—walked away from the farmers of America, walked away this day as we have walked away in the past.

Mr. COSTA is from farm country. He understands the pain being experienced in farm country, and he knows how terrible it is to have simply walked away, walked away from the House-passed bill out of committee and walked away from a bipartisan Senate bill. My friend is such a strong voice on this floor, such an active member of the Ag-

riculture Committee and such a proponent of farm country, not only California, which he represents but through this country.

I yield to my friend.

Mr. COSTA. I thank the gentleman from Maryland for yielding, because we ought to be about doing the people's business. Walking away as we are for the next 46 days to focus on elections when we ought to be focusing on the people's business is a very sad commentary, a very sad commentary to the people of our land.

I appreciate all the good work that my colleague Congressman HOYER and my other colleagues do in trying to address the critical challenges that we face in our Nation today. As was stated, our House Republican colleagues have left town to focus on the election. In the meantime we have unfinished business. We have unfinished business on comprehensive jobs, big and balanced budget solutions to the deficit, tax cuts for the middle class, the farm bill—which I want to speak to—and the Violence Against Women Reauthorization Act, as a cochair of the Victims' Rights Caucus, is especially disheartening.

Let me say that the folks who farm and put the food on America's dinner table are wondering why, just why, we can't get a farm bill. It is one of the most bipartisan things we ever do here in Congress.

In 2008 we had a bipartisan farm bill when we had the majority. President Bush vetoed it, we overrode his veto twice. Today we have a farm bill that passed with overwhelming bipartisan support in the Senate by a vote of 64–35. It made cuts because we have to make cuts, and we have to be fiscally responsible, \$23.5 billion less than the farm bill of 2008.

In the House, as a Member of the House Agriculture Committee, we voted a comprehensive bill out, 35–11. We made cuts because we have to make cuts. In a number of the areas we made similar cuts to the Senate's, \$20 billion in farm programs. We made additional cuts in nutritional programs, which are part of what would normally be worked out if regular order was allowed to take place.

Mr. HOYER. The gentleman may know this better than I because he works so closely with the ag community, but over 70 farm organizations and farmer-focused organizations came to town a week or two ago and all said pass the Senate bill, not because they believed it was perfect, but because they believed it was a bipartisan bill that would bring relief to farm country and give some certainty to the farming community. I think I'm correct on that.

Mr. COSTA. The gentleman is correct. We had over 70 farm organizations from the American Farm Bureau, the National Farmers Union to the, as we

say, the “barnyard coalition” that represents all of the poultry and pork and dairy and beef cattle industries, because they understand that a farm bill is a safety net. Without it, we don’t have a farm policy, we don’t have a food policy for not just American farmers, ranchers, and dairymen but for the consumers who, each night, enjoy the highest-quality food produced with the safest quality anywhere in the world.

Let me just close by saying two things. The dairy industry is hurting. We have had a drought in the Midwest that has devastated a whole host of the farm country. And yet, what is one of the ways that farmers, ranchers, and dairymen are able to produce next year’s crops? Well, they get loans. They get loans from banks and production credit associations.

What are those loans made of? They are based upon the value of their farm and how much they were leveraged, but they are also based upon a farm bill, a farm bill that provides the ability to ensure that there is a safety net and that there is crop insurance. Without any farm bill, we don’t have any crop insurance. Without a farm bill, we don’t have that safety net.

With the overwhelming bipartisan support that we have in the Senate, the bipartisan bill that was voted out of the House Agriculture Committee, it seems to me that we ought to let the process work. I would urge my colleagues to come back. Come back and let’s do the people’s business on all of these issues. The Violence Against Women Reauthorization Act. The Victims’ Rights Caucus every day is focusing on protecting women and their families throughout this country, and that is also a bipartisan piece of legislation that we always act on. Again we’re not doing the people’s business.

The gentleman from Maryland, my colleague, is so correct in bringing this to the attention of the House. Ladies and gentlemen, we ought to be about doing the people’s business.

Mr. HOYER. I thank the gentleman from California for his leadership, not only for farm country but for all of the people in this country on behalf of getting people back to work, making jobs available, and making sure our farmers are secure, and particularly for making sure that we address the epidemic of violence perpetrated against family members. I thank the gentleman for his leadership.

I yield to somebody who is as strong a voice as we have in this House on behalf of the working men and women in this country, the gentlewoman from California, LYNN WOOLSEY.

Ms. WOOLSEY. I thank the gentleman for leading this Special Order.

Mr. Speaker, yesterday we were debating work requirements under the TANF program. Well, after we’ve all listed the issues that the Republicans have refused to address in this Con-

gress, we can say that we know a bunch of people who should be subjected to a work requirement.

□ 1300

They take home a lot of Federal dollars. They’re actually on the public dole, but they don’t seem to be doing very much work. And I’m talking about the do-nothing Republicans in this Congress. I don’t blame them for wanting to hurry home for their campaigns because a lot of their jobs must be in jeopardy. On the other hand, when they get there, they might find their constituents pretty frustrated that they haven’t done their jobs and they have not met their responsibilities.

Every single day that we’re here, my colleagues across the aisle put forward bills that have no hope of becoming law and exist only to promote Republican talking points. Time and time again, they have chosen gridlock and confrontation over progress and cooperation. They haven’t lifted a finger to pass the President’s jobs package, even though it contains many, many ideas that the Republicans supported in the past. They want to destroy health care reform instead of building on it. They have refused to work with Democrats on education issues, failing to invest in our children, who are 100 percent of our future. They haven’t done a thing to support the middle class and give them hope for the future. It’s no wonder the Congress has record-low approval ratings.

But, Mr. Speaker, most disappointing of all to me is the Republican Congress’s failure to lead on issues of national security and war and peace. While we’re on recess, the war in Afghanistan will turn 11 years old. Eleven years—and more. More than 2,000 Americans are dead, thousands more are wounded, and taxpayers are out more than half a trillion dollars, all for a policy that continues to undermine our national security goals instead of advancing them. The brave servicemembers who are putting life and limb on the line in Afghanistan don’t get a recess.

When we adjourn, they will continue to be very much “in session.” Their “district work period” is in districts in Afghanistan, where the Taliban is poised to strike—some at the most dangerous places imaginable. The war isn’t just morally reprehensible; it’s fiscally irresponsible. And the very same Members who want to cut every domestic program to the bone have barely blinked an eye when it comes to billions and billions of dollars in misplaced war appropriations.

When is the Congress going to catch up with the American people? Certainly not between now and the election, because we’ve gone home. The people we work for know that it makes no sense to continue military occupa-

tion, that it’s doing more harm than good, creating more terrorists than it’s defeating, making us less safe, not more. The American people have made it abundantly clear: they want us to be here. They want us to be debating this war. They’re done with this war. They want us to vote to bring our troops home safely.

The country faces huge challenges. Our people are crying out for leadership, and the Majority wants to turn out the lights. Actually, they have gone home. Americans desperately want the Congress to do something to create jobs and jump-start the economy, something to create peace and security; but the Republicans in Congress have gone home. They have left the work site. They’re gone.

Mr. HOYER. I thank the gentle lady for her comments, and I yield to my friend, SUZANNE BONAMICI, who was such an effective State legislator. She was overwhelmingly elected in a special election, she has been working hard on behalf of hardworking men and women not only in Oregon, but throughout this country. And I know that she’s disappointed that we’re walking away from our responsibilities.

I yield to my friend.

Ms. BONAMICI. Thank you very much, Mr. HOYER, for bringing to the country’s attention the work left undone.

When I arrived in Congress just a little more than 7 months ago, I brought a pretty strong message from my constituents back in Oregon, and that’s that they want us to overcome the gridlock, they want us to get our economy back on track and support policies that create new jobs. Of course, no one expects this to be an easy task, but I was really encouraged by so many people who said, That’s why we’re here. Let’s work together for job creation. Unfortunately, these conversations have now been kicked down the road for another day—actually, another month—while too many of our constituents back home are facing unemployment, their homes are underwater, their child care costs are rising.

Several of my colleagues have talked about the failure to pass the farm bill. This typically bipartisan legislation became a staging ground for a fight over nutrition assistance to people who are struggling. Now the bipartisan Senate bill has some amendments that were added that will help farmers in my district and across this country. We should be able to vote on that bipartisan bill that passed the Senate.

As others have mentioned, we’re going to go back to our districts and face our constituents, who are expecting so much from us. But we did not extend the production tax credit for wind energy. Now, that’s a problem in my district. I have companies that are waiting for that. They may now be facing additional layoffs. That policy has



long been a bipartisan policy supported by many to develop the wind industry in this country. That's going to be hard for us to explain to our constituents.

So, Mr. HOYER, thank you. There's so much that we can do and should be doing to get our economy back on track, but Congress is not doing our job. This failure to pass bipartisan, commonsense legislation is something everyone in America should know about. We should be staying here representing the best interests of our constituents, helping to put this country back to work.

So thank you again, Mr. HOYER, for yielding and for bringing this important issue to everyone's attention.

Mr. HOYER. I thank the gentlelady for her comments.

I want to now recognize the distinguished gentleman from Missouri (Mr. CARNAHAN), who's been such a leader on so many of these issues.

Mr. CARNAHAN. Thank you. I want to thank the gentleman from Maryland for his leadership on this issue as this Congress shuts down.

It was Harry Truman from Missouri who coined the term the "do-nothing Congress" in 1948. But that Congress was 10 times more productive than this Republican Congress of 2012. To call this Congress a do-nothing Congress is an insult to the do-nothing Congress of 1948. So we're leaving today, the earliest this Congress has ever left for a campaign in an election year in 52 years.

Look at how disconnected this Congress has been from the urgent needs of the American people. Thirty percent of the bills passed were for the purpose of attaching someone's name to a building. We voted to repeal the Affordable Care Act 33 times. The Republicans passed 30 jobs message bills that didn't do a thing to create jobs. They voted so often to restrict women's freedom and access to health care that one female Republican lawmaker said, Are you kidding me? How many times are we going to vote for this? And we have voted on the Romney-Ryan plan to end the Medicare guarantee and increase cost to seniors by \$6,400. It's no wonder this Republican Congress has the lowest approval rating ever.

There are urgent priorities on the table that many have talked about here today: the middle class tax cuts, the farm bill, the Violence Against Women Act, responsible deficit reduction, and President Obama's jobs bill. This Republican wall of obstruction is wreaking havoc on this country. It's leaving a trail of dysfunction. And now Republicans are running for the exit door to cut their own political losses. They're shutting down this people's House without getting the work done. This Congress should be here. Our Democratic leaders have made it clear we're ready to do that work. People will be the judge.

I thank the gentleman from Maryland for his leadership on this order.

Mr. HOYER. I thank the gentleman for his comments.

#### GENERAL LEAVE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include therein extraneous materials on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. I yield to my friend from New Jersey (Mr. HOLT), an effective Member of this House.

Mr. HOLT. I thank the gentleman.

As we've heard the gentleman from Maryland say many times, "Representative" is not just a title. It's our job description. We need to hear from our constituents. And our constituents have told us over and over again this year what they want. They want middle class tax relief.

□ 1310

They want a farm bill. They want the postal service fixed so it can pay its bills. They want passage of the Violence Against Women Act. It's a long list of things that they feel we can do to help Americans.

We've had an opportunity to hear from people because the leadership sent us home a month and a half ago where we could hold town meetings while they allowed us to do nothing here. We heard from our constituents very clearly—not just from a small segment, not just from a few special interests, not just from a few percent for whom everything seems just fine, thank you. But we heard from all sorts of Americans who say, Help. Please. Get to work.

You've heard this is the least productive Congress in a generation, in a long generation; and that's by design. The majority sets the schedule. They scheduled very few days in session, very few committee hearings, very few markups.

So even the do-nothing Congress, as my friend from Missouri said, even the Congress that Harry Truman called the do-nothing Congress was much more productive than this one.

So why did the majority close up shop and head home until after the election? Well, the answer I think is pretty clear: they want to campaign. They've decided with their dismal record they need a little more time to campaign, a little time to explain why they cast 302 votes to limit protections for clean air and clean water and good land. They need a little more time to explain why the farm bill, to help the areas that have been hit by drought, to help the farmers that need crop insurance, hasn't been passed. To be sure, it's going to be hard to campaign on the record that they've compiled, and maybe they need a little extra time.

We don't need extra time to hear from our constituents about their needs and what they want us to do.

I stand with my friend Mr. HOYER and all of us on this side of the aisle, to return to Washington any day, any night to do the work that the American people hired us to do—to be their representatives.

Mr. HOYER. I thank the gentleman for his very compelling comments.

I know that, Mr. Speaker, you've heard us speak and the Members have heard us speak, and one might say, well, these are Democrats speaking about the non-productivity and non-attention to the people's business of this Congress.

But some years ago, just a few years ago, 4 years ago, the Republican Party, our friends on that side of the aisle, nominated JOHN MCCAIN to be their President. What does JOHN MCCAIN say of this Congress? "The worst since 1947 statistically, the worst ever as far as I'm concerned," Senator JOHN MCCAIN told reporters Wednesday when asked to assess this Congress. That was September 19, 2012, just a few days ago. Bipartisan observation.

This walkaway Congress is the least effective in which I've served, and I've been here for 31 years.

I want to yield to my friend who came to Congress the same year I did, who unfortunately is leaving, one of the great leaders of this Congress and responsible for putting the referee back on the field so that we will not have another financial meltdown that plunged this country almost into depression, the distinguished Member from Massachusetts, BARNEY FRANK.

Mr. FRANK of Massachusetts. I thank the Democratic whip, and I thank him for the leadership he provided during his years as majority leader when we were able to do some things.

You know, we're talking about what this Congress didn't do. I suppose in some ways we ought to be happy because some of what they said they wanted to do would have been totally destructive.

This is the party that let the financial community run riot for years when they had both the White House and both Houses of Congress, did no regulation, so that we got the worst recession in 80 years, a near depression, because of their irresponsibility. They were threatening to undo it. Unfortunately, they were able to accomplish one thing.

One of the things we did was to give the Federal regulatory agencies the power to regulate derivatives, a serious, obscure, powerful instrument that was a major cause of our crisis. While they were not able to repeal the rules, they were able to reduce the funding of the agencies that have to deal with this complex matter to a level where they have not been very effective.

So that's one of the things they were able to do—undo by financial stealth what we tried to get done.

But I want to come to their defense to some extent, Mr. Whip, because there may be some implication that they're not willing to work hard. No, let's be very clear. The reason we have such a dismal record here is not because they are lazy, our Republican colleagues. It's more because of a word that rhymes with "lazy," which the House rules will prohibit me from using.

The problem is this: in 2010, a significant number of Republicans were elected who do not understand the importance of governance in a free enterprise society in which there has to be a vigorous private sector creating goods and services and a public sector that works with it.

That's why we have no postal bill, although the Senate passed one; why we have no agricultural bill; why they couldn't pass a highway bill and had to be dependent on the Democratic Senate to pass one, so they could catch on to it.

They simply do not understand the importance of our coming together and doing things in this complex economic society that cannot be done by the private sector.

It is an extremism. It is not laziness. It is extremism that grips the Republican Party so they are not able to discharge the normal functions of government.

By the way, there is one particular inaction that I want to stress. It has to do with Fannie Mae and Freddie Mac. When my Republican friends are out of power, they know exactly what to do about housing. When they're in power, they forget. It's a peculiar form of amnesia.

From 1995 until 2006, they controlled the Congress and did nothing about Fannie Mae and Freddie Mac. We came into office in 2007. At the request of Henry Paulson, George Bush's Secretary of the Treasury, we took action and put them in a conservatorship and stopped them from losing money.

The next step was to go forward with replacing them. We said that we would do that. We did financial reform first. The Republicans said, in 2009 and 2010, you must do reform of Fannie Mae and Freddie Mac, and we thought financial reform came first because we already stopped the bleeding. Then they came to power in 2011, and they've done nothing.

The reason they've done nothing about Fannie Mae and Freddie Mac, and the reason they've done nothing about the post office and agriculture and couldn't do anything about the highways is very simple: they are a party torn between extremists and people who are afraid of extremists. People who will not take them on. A Speaker who will not bring an agri-

culture bill to the floor that might very well pass because he's intimidated by his own Tea Party extremist wing which rules him.

They could not come forward with housing legislation because what a majority knows should be done to put in some kind of Federal-private cooperation without the mistakes we've made in the past, they couldn't get the votes for it because their extremists had a veto over it.

Last point, Mr. Whip. I want to talk a little bit about bipartisanship.

In 2007, things began to buckle in our financial system. I, as the chairman of the committee, worked closely with Mr. Paulson to deal with it. In 2008, the Bush administration came to us, and you know what they wanted? You remember, a stimulus. That terrible word "stimulus." George Bush, that radical, and Ben Bernanke, his appointee, the Chairman of the Fed, and Hank Paulson, his Secretary of Treasury, said, Let's do a stimulus.

This Democratic leadership worked with them. Then-Speaker PELOSI negotiated with them. We did a bipartisan stimulus.

Then later on when the economy began to collapse because of financial dissolution, Hank Paulson came to us and asked for cooperation, and we gave him cooperation.

From 2007 through 2008, we had a very bipartisan approach in the economic crisis. Then one thing happened: Barack Obama became President and bipartisanship disappeared because extremism took over the Republican Party, first when they were in the minority and now when they are in the majority. That's why nothing has happened.

I thank the whip.

Mr. HOYER. I thank the gentleman for his very cogent comments. I would remind him the Leader talked about that, and he's talked about it.

Mr. Speaker, I think you will recall—George Bush, Republican President of the United States; Hank Paulson, Republican Secretary of the Treasury; and Ben Bernanke, who I think is neither Republican nor Democrat but appointed by the Republican President.

Mr. FRANK of Massachusetts. He was a registered Republican but was three times appointed by George Bush to high economic positions.

Mr. HOYER. President Bush came to us and said: The country's in trouble, at risk of going into depression. We need you to act.

Who acted? The Democrats, in a bipartisan response to President Bush. Who walked away? Two-thirds of the Republican Party, the President's party. Two-thirds of them walked away. As a result, we failed the first time. We came back and added another 30 Democrats, 172, and the Republicans couldn't even get to 100 to support their own President to keep this country out of depression.

Ladies and gentlemen, 2 years ago as the previous election approached, Republicans unveiled a long list of pledges. Their Pledge to America reads, and I quote:

A plan to create jobs, end economic uncertainty, and make America more competitive must be the first urgent domestic priority of our government. So, first we offer a plan to get people working again.

That's what they said. We are still waiting for that plan, and we have walked away.

□ 1320

Twenty-one months later, Republicans have not offered a comprehensive plan to create jobs and boost competitiveness. Nor have they allowed Democrats to bring major items of our Make It in America—expand manufacturing, create jobs, give good-paying jobs with good security to Americans that will then redound to the benefit of all agencies and job creators and small businesses that service those manufacturers.

When President Obama proposed his plan, the American Jobs Act—which economists say would have expanded by 1 million or 1.5 million jobs—Republicans blocked it outright, not brought to the floor, not given a vote. Instead of making jobs their priority, it seems to have been last on their to-do list, at a time when it remains the first concern for millions and millions of Americans and for our side of the aisle.

Mr. Speaker, let me read another excerpt from the Republican pledge:

With common-sense exceptions for seniors, veterans, and our troops, we will roll back government spending, putting us on a path to balance the budget and pay down the debt.

However, over the last 21 months Republicans have torpedoed every serious attempt to reach agreement on deficit reduction. Why? No revenues from the very wealthy in America. Not because we don't like the very wealthy, not because we want to penalize the very wealthy, but because we need to keep our country on a financially secure path, and those of us on this floor can contribute a little more to that effort.

Pushed to the extreme by their Tea Party wing, House Republicans early on embraced an "our way or no way" that made compromise impossible, refusing to accept any solution that included revenues or that ended unnecessary tax breaks for the wealthiest in our country. That's why the middle class tax cut passed overwhelmingly in the United States—well, passed by a majority—in the United States Senate languishes here unconsidered, which would keep 98 percent of America from any concern about having their taxes increased on January 1. Why? To protect the 2 percent. How sad.

In pursuit of their extreme budget agenda, they pushed our country to the brink of default, leading to—for the first time ever in the history of our Nation—the most creditworthy nation on

Earth being downgraded by the Standard & Poor's rating agency. To avert that default, Republicans insisted on creating the sequester that so many of them now lament. It was their creation. In fact, in their cap, cut, and balance bill, what is the default position they take? Sequester.

Meanwhile, led by Chairman PAUL RYAN, Republicans passed two budgets that would end Medicare as we know it, end the guarantee, end the security that it gives to people who are seniors and going to be seniors; guts social programs that keep millions out of poverty; and doesn't balance over the next 30 years.

SUSAN COLLINS, Republican Member of the United States Senate—I showed you JOHN MCCAIN, Mr. Speaker—she says:

It is very frustrating to have worked on legislation that really matters to our country, like the cybersecurity bill and legislation to save the postal service, and just have them gather dust.

In other words, she worked in the Senate across the aisle with Democrats and sent that bill here—both those bills—and we have not acted. We have walked away.

Mr. Speaker, we have made our point: Walking away has been the practice of this Congress. Not getting the work done has been the practice of this Congress. How lamentable it is for the American people. But as President Obama said: They have a choice. May they make it well.

I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to congratulate the Republican leadership in the House on their two greatest accomplishments this Congress: 1) thanks to their leadership, we have had the least productive Congress in modern history and 2) thanks to their leadership Congress has the lowest approval rating ever.

Time and time again, the House Republicans showed Americans that they would rather play politics by putting messaging bills on the Floor that never stood a chance of passing in the Senate than work with us and the Senate on legislation our country desperately needs.

House Republicans found time to vote to repeal the Affordable Care Act 33 times but we can't find the time to extend the Farm Bill.

In fact, halfway through 2012, the House Majority Leader ERIC CANTOR declared that "serious legislating is all but done until after the election."

This is not what Americans want and the majority should be ashamed of themselves for creating an environment where compromise is avoided at all costs.

Mr. Speaker, I have served many years in the House of Representatives and am proud of the fact that I often work with my colleagues across the aisle to find solutions that make sense for my constituents, industry and the environment.

But this Congress, it's been different. Their mentality is that you're either with us or against us. But Mr. Speaker, that is no way to

lead a chamber that represents various constituencies around the country.

#### PERSPECTIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, well, my head is spinning a bit after hearing my friends across the aisle. I heard our former Speaker ask about whether we're better off now than we were 4 years ago, and actually ask how can people who perpetuated this economic disaster ask that question. And it was amazing, because former Speaker PELOSI and I were on exactly the same wavelength. She was asking: Are we better off now than we were 4 years ago? And I was thinking the same thing that she was: How could people who perpetuated this economic disaster ask that question? But she asked it anyway.

You heard our friends talk about the economic disaster. Some of us remember back into the early point of the 21st century when there was an effort by first-term President Bush, George W. Bush, calling for reform of Fannie Mae and Freddie, and I seem to recall my friend from Massachusetts who resisted such reform. In fact, there were people here on the Democratic side of the aisle that resisted such reform; they prevented such reform. There were Members on the Republican side—not all of them, but there were Members who were calling for reform of Fannie Mae and Freddie Mac, but it didn't happen. In fact, our friends across the aisle were in control of the House and Senate for 4 years.

In 2005 and 2006, as a freshman, I often heard our colleagues across the aisle asking how we could do such a terrible, terrible thing of spending \$100 billion to \$200 billion more than we had coming in. And they were right, they were right: we should not have been spending \$160 billion more than we had coming in. The Democrats were right. And because Republicans did not stay true to what we had promised—our leadership just wouldn't dig in and stop it, even though we had a Republican President, you know, well, we've got a Republican President, don't want to hurt his feelings—we spent \$160 billion more than we had coming in.

So, the American public sounded like they weren't thrilled with what they heard from the Democrats, but they figured they'd give them a chance. So, November 2006, Democrats—who had promised to end the deficit spending—took over and the deficit spending, rather than coming under control, went out of sight.

□ 1330

They passed the Dodd-Frank bill. It has historic overregulation of community banks.

Now, why would a group who is so upset with Wall Street pass legislation that devastates community banks that are closest to the community, know the borrowers the best, that have been the real foundation of this country? Why would they strangle out community banks with this massive overregulation that really doesn't hurt the massive, big banks?

Well, someone said years ago, follow the money. And if you look at the money that has been contributed to campaigns for many years, you find out that the Wall Street executives and their immediate family normally donate about four times more to Democrats than they do to Republicans.

Now, the Wall Street executives have to endure being called fat cats by a Democratic President, but they know, perhaps it's a wink and a nod, I'll call you fat cats, but I'm going to destroy your competition. We'll get rid of community banks. We'll strangle them with overregulation. They can't make loans. We'll threaten them through the FDIC and the regulators to prevent them from making loans that they know are to good, reliable people who have never missed a payment. We'll threaten them not to do that, and we'll choke them out. And the only people to be left are the big investment banks on Wall Street that got us into the big mess in the first place.

So if you follow the money and you follow the contributions, you find out, gee, Democrats talk about Wall Street as if they're Republicans, but there are four times more Democrats on Wall Street as executives than there are Republicans. What a shock. Because they talk a good game, I thought for so long that Wall Street executives must be Republicans, the way the Democrats talk. Not so. President Obama got four times more contributions from executives and their immediate family than did a guy named JOHN MCCAIN.

So, we look on further. What about jobs?

How about when we have a disaster, by British Petroleum, who has been allowed to operate in the gulf coast with 800 or so egregious safety violations, but that's okay. According to the Obama administration, they didn't want to step in.

I read an account that at the very time Deepwater Horizon had blown out, and this administration, Obama administration, should have been all over them, the executives of British Petroleum were negotiating with the Democrats to be the one big oil company that rolled out support in favor of cap-and-trade.

I said I wouldn't use the term "crap-and-trade" anymore, so I'll avoid saying that.

But they had a big oil company that was willing to come out and support cap-and-trade. So certainly this administration and the Democrats in the House and Senate wouldn't want to do anything too detrimental to British Petroleum because they're going to come out on our side. That meant that they ended up actually believing BP when they said, Oh, we'll get it under control.

Well, they didn't get it under control.

So then there was this bipartisan group of experts peer-reviewing what was going on in the gulf coast, and they came back with a report that made recommendations of what should be done. One of those recommendations was not to have a moratorium on drilling, not only of the deep water, but also the very shallow water. They didn't recommend it. And yet this administration goes through and changes the report the way it's printed and put out so that it makes it sound like these experts recommended a moratorium. They did not. But that's the way this administration wanted to manipulate what the American public believed so that the President could sign off on a moratorium.

Other than those precious lives that were lost and those who were harmed out there on the Deepwater Horizon rig because this administration had allowed them to continue to operate, the biggest damage to the people in the gulf area was from the President's moratorium.

There were people who were making \$75,000 in salary working on rigs—and that was the minimum, basically, from what I was told by people that worked on rigs—and that income stopped, and those families had nothing because this President perverted a report into making people believe that it said we should cut off drilling in the gulf coast, and it devastated so many in the gulf coast region.

If you want to look at what the President really thinks about big oil companies, it's very similar to what is said and done about Wall Street. They call the Wall Street executives all kinds of names—wink, wink, nod, nod. We're going to pass legislation that eliminates your competition, and then you'll be in charge, and then maybe you can make eight times as many contributions to Democrats as you do to Republicans in both Wall Street and among Big Oil.

How would that happen?

Well, if you read the bill that President Obama put together—and it was the second American Jobs Act that was filed, because I filed the first one, because he ran around the country for weeks saying, Pass the American Jobs Act. There wasn't one filed. I figure if he's going to run around America saying, Pass the American Jobs Act, there ought to be one. So I put a two-page bill together that would have elimi-

nated the 35 percent tariff we put on every American-made good by any company in America.

If we eliminate that 35 percent tariff, also called a corporate tax, you would see companies flocking into America. You would see people with jobs. They wouldn't be standing in line trying to get food stamps, standing in line trying to get more government help. They would have a job and all the pride that comes from that, of doing a good job and making your own money and making your own way.

But we have a group in this Congress, in both ends. They're in the majority down in the Senate, in the minority down here; and it's certainly not all of my Democratic friends, but they think the best way to help a country is just to give away more of other people's money.

If you look at the President's proposal in his so-called American Jobs Act, he told people, I'm going to just really take after Big Oil.

Well, I was one who actually read all 135 or 138 pages, whatever it was, and in the last part is where he got around to Big Oil, except it doesn't hurt Big Oil. It absolutely devastates and would eliminate all the small independent oil companies operating in America. And those small independent oil companies happen to drill and operate nearly 95 percent of all the oil and gas wells in America.

He takes away deductions of the normal cost of doing business that anybody in business is allowed to take as a deduction. Why not? It's the cost of doing business. It's not profit. That way, you only tax the profit. And it eliminates deductions that actually do not help big oil companies. They can't take those deductions. Only the small companies can take that deduction.

So the President's plan, when you really look at it, instead of looking at what he says, look at what he did. What he did was provide the elimination of the independent oil and gas companies in America.

And you don't have to have been to an Ivy League school. In fact, you're better off maybe in figuring this out if you didn't, because he had a Harvard economic advisor at the time. And of course, Art Laffer, I think the world of him. I think he's maybe the best economic advisor any President's ever had, despite his Harvard education. But you don't have to have an Ivy League education to understand that if this President had been successful in eliminating every independent oil and gas company, as his bill would have done, not only will you eliminate millions of jobs, including those who derive jobs from the independent oil and gas business as well as the business itself, not only would you do that, you would eliminate most of the production in America.

What does that do? That drives the price of oil and gasoline way up, dra-

matically up. Natural gas, oil, all of that goes dramatically up, because the major oil companies in the world are not interested in coming in and operating smaller wells. They go for the big ones.

□ 1340

That means there is no competition to the massive oil and gas companies in the world. I was shocked to find out in our Natural Resources Committee that, if you look at all of the big oil companies in the world and if you see them listed just by how much they've got in reserves, the American companies like Exxon are way down the list. The biggest oil companies are those operating as single companies in OPEC nations.

And what would this President do?

He would do what he has done repeatedly—he would help foreign countries. He would help the bigger folks, the bigger oil companies. I'm sure it would have benefited the fat cats, as he calls them, on Wall Street, but it would have put out of business 94, 95 percent of the oil and gas wells in America. That meant everybody's price went up. How sad is it that one of the few promises that he kept—I don't know, it may be the main promise—was to drive up the cost of energy in America. Boy, has he done that.

Now, I love having quotes from people who talk about the Congress being the worst Congress that they can recall, especially Republicans, when the body at the other end of the Hall has not fulfilled the obligation that they are required by law to do, and that's to pass a budget. Not in over 3 years. So how are we going to get anything done in Congress?

We've got a Senate down there, controlled by Democrats, who say, We're not going to do our job, and we're going to leave over and over on recess, and we're never going to do our job because, if people saw what our budget really is, they'd get mad at us, so we don't want a budget. We just want to keep spending at these ridiculously high levels. If we work through a budget, we might have to do like the House did when they worked through a budget, and we may actually have to cut some things.

How incredibly disingenuous for anyone in America to stand up and say, Gee, we really want to bring down our spending, and yet everything they propose, except for the military, creates more spending. How disingenuous for anybody in America who stands up and says, These Republicans want to cut Medicare; they're going to destroy Medicare, if they've been awake during any of the actual bills that have been passed by the Democrats, especially during that whole long ordeal when the Democrats had the House and they had the Senate and they had the White House, and when America made it clear

we do not want ObamaCare. They said, We don't care. We want it. It's going to be more government control.

It really was about the GRE, the government running everything, not just health care. By the passage of ObamaCare without one single Republican vote—not a one; it was completely done with Democratic votes, this \$716 billion in cuts to Medicare—the Democrats voted that in. The Democratic President signed it in. It devastates Medicare more than anything that has ever been done to Medicare, and it was without one single Republican vote.

So how in the world could somebody come in here or anywhere and blame Republicans for wanting to cut Medicare? Now, I blame my leadership. Anybody who is around can find it.

We should never have agreed with the Democrats to that stupid supercommittee, deficit ceiling bill. We should not have. I was assured, No, no, no. They don't want \$300 billion or \$400 billion—\$500 billion in cuts in Medicare, which would be a sequester. They will come together, and we'll reach an agreement. I pointed out that these are the same people who cut \$716 billion out of Medicare in ObamaCare. So, of course. I pointed out, if they don't have this supercommittee structure and refuse to let there be any agreement, then there is no one in the country who can be blamed for cutting Medicare except the Democrats.

But if they get this bill passed on the deficit-raising bill and if it requires a supercommittee to reach an agreement—if they can get that through and get us to go along with it, thinking that they're going to actually reach an agreement—then they can stonewall and not reach an agreement no matter what we offer, and then they get a twofer. They get hundreds of billions in cuts to our national security at a time when our national security has not been in this kind of jeopardy since 9/11. Actually, on 9/11 it wasn't in the kind of jeopardy we are in right now, today.

Under this administration, we have seen a win in Iraq turned into a loss because of just the total abandonment of what we created in the way of a friend in Iraq. Maliki—now, he's no friend of mine. He says I can't come back in the country. Yet if I put myself in Maliki's situation, who is the leader of Iraq—and I know Obama has said we're leaving and we're not leaving anybody or anything; we're leaving—and if you see America is pulling out and if you see all this radical stuff going on across the border in Iran, well, you realize America is not going to be around to keep any stability, and I'm going to have to start doing what Iran says.

So what did we do?

We created a country. We had a victory. Even though President Obama, as a Senator, was against the surge, everybody said it worked, that we'd won.

Then he pulled us out in such a way that he snatched defeat out of the jaws of victory. Now you've got Iraq that is under heavy influence by Iran. Thank you, President Obama. We've got Syria that is run by a tyrant. Perhaps Syria was the only place we should have intervened, and this President still hasn't gone in and helped there—oh, no. Because the 57 States that make up the Organization of the Islamic Conference were all for us going into Egypt and going into Libya and taking out two people with whom this administration had agreements. They loved the idea of America taking out and helping take out people that were allies of ours. They loved that.

Some of us in this body were saying, Don't do this. We don't know who's going to take over. These could be some radicals who will even empower the radicals more. I mean, you look across at Tunisia and Libya and Egypt and Iraq and Iran and Syria and Lebanon. You look at these countries and come on over to Afghanistan—that this President is losing as we speak—and Pakistan, which has been harming us all they could while still taking our money. Thank you, Secretary of State Clinton and President Obama. You look, and you go, oh, my gosh. This is the makings. This is the massive beginning of a new Ottoman Empire that President Obama can take great credit for. Yes, we're in big trouble here in America, but, wow, look what he has helped do in the Middle East. It's a new Ottoman Empire. Thank you, President Barack Hussein Obama. This will be quite a legacy for you.

I'm not one of those who says he is not a Christian. All I know is that's between him and God. What I do know is he has helped jump-start a new Ottoman Empire and left our friend and ally Israel so vulnerable in this sea of radicalism that he has helped bring to the surface.

How could any of us who were around in '79 not be reminded of President Carter? He has got to be happy—thank you. Now I'm not the worst President in the world. But at the time, he thought we'll just turn our backs on the Shah—not a nice guy, but he was creating some form of stability. When he was gone, President Carter called Ayatollah Khomeini a man of peace.

What a welcome thing.

He came in, and he was the supreme leader when our Embassy was attacked, which is an act of war—just as it was in Libya, just like it is in Cairo. It's an act of war. Any commander would make it clear, except President Carter and President Obama, that you've attacked American soil. You've attacked us. Under everybody's form of international law, you either straighten it out, or we're coming in because we have a right under international law to protect ourselves, and if it means taking your government out be-

cause of what you've done or have allowed to be done or have helped foment, then we do it.

□ 1350

In Egypt, this administration helped bring about what they thought would be a great thing, an Arab Spring. It's turned into an American winter. At the same time, this administration was blessing and loving the Occupy Wall Street movement, even though they were clearly a bunch of Democrats, a bunch of kids with iPads, iPhones out there. There was rape, drugs, all kinds of illegality and immorality out there abounding. This administration is saying this is a good thing.

You see the signs all over the place. Let me show you. At the Occupy movement, you would see signs like this: ACAB, all cops are—some people said "bad," but I've been corrected. The B stands for something to do with fatherless children. ACAB, that's at the Occupy Oakland movement. You can look at pictures and see all these Occupy movements and see ACAB everywhere.

Well, I was a little shocked when my staff points out, Look at that. This was on a wall in Egypt, and I need somebody to explain how, among all this Arabic writing by the radicals that have charged our Embassy in Egypt, how in the middle of all this Arabic do we get ACAB? Who's doing that? There were rumors of some type of collusion, but who among those radicals in Egypt is writing ACAB, which is what you see at all the Occupy movements in America? Somebody has got some explaining to do, I would think, but not to this administration, because this administration thinks both the Occupy movement and the Arab Spring are a great thing, even though it's brought to power radicals who want to destroy America, who want to destroy Israel. How frustrating for our friend Israel.

When we had friends come in here in the last hour, they were talking about Fannie and Freddie. On a personal basis, I like BARNEY FRANK. He is a brilliant guy. But it's not that hard to go back and find quotes from him about the wonderful condition that Fannie and Freddie were in, and it's not hard to find people here on Capitol Hill that can explain how he stood in the way of the reforms that some here on Capitol Hill wanted to do.

We also heard from him that in 2010, that there was a bunch elected that don't understand Congress and a free society. They were called "extremists." These freshmen that came in saying, You know what? Everybody should pay their fair share. It shouldn't be 51 percent of Americans paying for everybody else just because Democrats want to keep people beholden to them so they'll keep voting for them. Once they get more than half of all the voters who are getting more than they're putting in, we've lost the country. It

will be in complete demise. It may be 10 years or so, but once we get to that point, historically, you do not get that country back. We would not either, absent a miracle of God.

We were told during the conventions that the Republicans do not have a franchise on God. Everybody at the Democratic convention was saying, We love God; we worship God; we love Israel; we like Jerusalem as a capital. We heard all this stuff until there was a vote, and, holy cow, we saw plain and clear that everybody in the Democratic convention does not want God mentioned. They don't want to hear about God. They don't want to hear about Jerusalem being the capital of Israel. They don't want it. They apparently side more with the Palestinians than they do those who were possessing and in that land 1,600 years before there was a man ever talked about named Muhammad is all you can figure. King David was there in Hebron, which now we're told, Oh, do the Israelis have history in this land? It's where David ruled for 7 years, about 16 to 17 centuries before anybody had ever heard of Muhammad. How would they not have a history in that land?

I was talking to Prime Minister Netanyahu about the history in the land. He mentioned the story of Ben-Gurion, who led the ragtag forces to fight their way back to Jerusalem after overwhelming forces had driven them out. The story was—and this was the first I had heard it, was when the Prime Minister mentioned it to me, but I've heard it a number of times since. He said Ben Gurion was challenged with, What is your voucher for claiming this land? And Prime Minister Netanyahu used the word, "Bible." I'm sure it was a Torah. He said that Ben Gurion held up a Bible and yelled, This is my voucher.

Do they have a history in the land? How blind do you have to be to not see it?

With cap-and-trade legislation, thankfully, we had just a handful of enough friends on the Democratic side of the aisle that we were able to stop that, or it would have tripled or quadrupled the price of gasoline. It would have devastated industry. Industry would have had to leave in even bigger numbers from this country.

We were told about the Bush stimulus, that they got bipartisan votes on the Bush stimulus. I guess so. Any time either party talks about giving away other people's money, we're going to get a bunch of Democrats to go along with the Republicans that mistakenly agree to that.

While standing right here in this aisle as he came by, I asked President Bush a question. We had found out that \$40 billion of the \$160 billion Bush stimulus was going to go to people as rebates, even though they didn't pay an income tax. Standing right up there,

that's when I asked the question: Mr. President, how do you give a rebate to somebody that didn't put any bait in? It's not a rebate. It's welfare. Call it what it is.

My friends across the aisle in the last hour said they couldn't even get 100 votes to support President Bush's effort to save the economy. He's talking about TARP. I would have supported President Bush's efforts to save the economy, but unfortunately that really good man, smarter than most people around here give him credit for, witty, clever, just a joy to be around, but the problem there was he listened to Hank Paulson and his cronies who were going to bail out their buddies who give four to one to Democrats over Republicans. That's what happened.

Paulson did get his way, but we didn't have 100 people on the Republican side of the aisle vote for that because there was a former FDIC Chair named Isaac. He and a bunch of economists had some recommendations. These were free market recommendations. The projection was even then that we have at least \$700 billion in banks overseas that American companies and American individuals had earned overseas. They know that if they bring it into the U.S. they'll have to pay 40 to 50 percent tax with all of the interest and penalties, so they just leave it in banks overseas. They'd love to bring it in here, but we're the only country that double taxes because we don't let people bring in money without hammering the heck out of them, even though they've done a favor, done a good thing and earned money overseas that they'd like to bring here into America.

Proposal-wise, all you have to do is say that instead of borrowing 41 cents to 42 cents out of every dollar and coming up with \$700 billion to give away to Hank Paulson so he can enrich his friends under that bill—I read it. It was a disaster. I couldn't vote for that, because I read it. It would let him give money to anybody he wants to, loan money to whoever he wants to, pay more than fair market value if, in his mind somehow, some way, some day, it might have some possible way of helping our economy.

We don't do that in America, and that bill did it. That's why you didn't have 100 votes on this Republican side of the aisle for it. Our leadership made a mistake in supporting it on that Friday. I just call them like I see them. That was a mistake, but that's where we are.

□ 1400

We heard, in the last hour, about Republicans who say my way or the highway. Are you kidding me? We reached across the aisle during ObamaCare, saying, look, there's a bunch of these things we can agree on, insurance for people in your household under 26. We

could do it for insurance across State lines. There were a number of things we could agree on.

Insurance companies shouldn't be able to punish people for having a pre-existing condition when the insured has acted in good faith all along the way and the insurer messes them around. We were willing to work things out. They said, we've got the votes. We don't need your votes, we don't want them.

Well, the truth is we want Democratic votes on the Republican side, but we don't want to keep taking other people's money to give it away. I have heard in here so many times, well, you know, Jesus talked about helping other people, the orphans and widows. Well, a lot of us belong to churches, and we believe in doing that, that that is what Jesus said to do.

But I can't find anywhere in the Bible where it says, go ye, therefore, take somebody else's money—because you don't want to do your own—take somebody else's money and help the widows and orphans and other people. He said you do it, you help them. When you do that, I can personally tell you, when you do that you're individually blessed. That's why Jesus said he knew it would bless the giver more even than the one who received the gift.

In fact, you want a real example, what did Zacchaeus do after he met Jesus? He went and cut taxes. We don't even have to get into the fact that he was going to give a 4-1 rebate, did, to the people that he had wronged. You don't hear that around here.

To continue to hear our friends talk about ending Medicare as we know it, that disastrous ObamaCare bill will end Medicare forever when you cut \$716 billion. When you create this ObamaCare monstrosity, it's a government takeover of so many things, and it's disastrous.

Yes, we're having to leave here, and I'm not happy about it. I didn't want another CR passed. We should have demanded that this Democratic majority at the other end of the hall stick around until they got a budget as the law requires them to do and don't leave until you do it, and let's stay here and get it.

I can promise my friends across the aisle that all we have to hear is any inclination that the Democrats, controlled by HARRY REID in the Senate, as dictated by President Obama down Pennsylvania Avenue, if they want to work a budget out together, and we can work these things out together, we will come back in a heartbeat. We will be ready to go.

We saw with that supercommittee, just as I predicted in July of last year, they didn't want an agreement. Apparently my friends who were talking in the last hour didn't know, but PAT TOOMEY and some others made a proposal that would have caused more



taxes to have to be paid by the wealthiest in the Nation. The top 1 percent paid 39 percent of the taxes. Well, if they get 39 percent of the income they should, but they only get 13 percent of the income.

They wanted them to pay more. There was a proposal in good faith by Republicans, we'll raise revenue, and it was reported here locally that, gee, some of the Democrats said, you know, this may do the trick. We may get to an agreement now. This is great. Thanks for doing this. Since you're willing to raise revenue on the rich, we can reach an agreement.

Then they go away, and they must have talked to HARRY REID and President Obama, and you can see the game playing. You have got to go back and tell them we're not going to reach an agreement because our best hope for winning the Presidency again and having control in the Senate is if we tell America the Republicans won't reach an agreement, they are a do-nothing group. I hope and pray people will look beyond that and see who really is the do-nothing.

We have got jobs bills down the hall. This ought to be a day of renaissance. This ought to be a day when the economy is booming. We now know we could be exporters of energy. We could be energy independent and export energy. But this President has a war against all of the below—that means all of the energy below the ground—that we could be using and exporting. He has got a war against it. All he is in favor of—as he said, he is for all of the above—that means wind and solar.

Well, guess what? The sun doesn't always shine, the wind doesn't always blow. So if that's what you want for energy it means you are going to have a coal plant, a natural gas plant, something, a hydroelectric plant, and then you are going to have two or three times as many transmission lines.

When you mandate wind and solar, and they don't provide energy all the time, they can't, then you are going to have a source from somewhere. Now we are doubling and tripling and going to force the price of energy to go up because we're going to demand Solyndras and that kind of thing so this administration can reward their cronies.

We're at trouble within and without. I just want to remind my friends, this was reported in *The New York Times*, December 9, 2008, "5 Charged in 9/11 Attacks Seek to Plead Guilty":

At the start of what had been listed as routine proceedings Monday, Judge Henley said he had received a written statement from the five men dated November 4 saying they planned to stop filing legal motions and "to announce our confessions to plea in full."

They were pleading guilty. We got the transcript. Khalid Sheikh Mohammed admitted guilt. He admitted. He confessed to all kinds of heinous kinds.

Then this administration, President Obama and Eric Holder announced they

want a New York City show trial that would have endangered New York yet again, as if they hadn't had enough trauma, and would have put a trial in there. Immediately these guys withdraw their plea. We're not going to plead guilty, we can get a show trial in New York. These guys who are running things here don't know what they're doing. What a disaster that would have been.

As far as the great contribution, the great work that's being done in Afghanistan, we took a war where we were making progress, and here are the actual DOD numbers. You see that under Commander in Chief Bush there were 625 Americans, our precious, priceless men and women, who were killed from October of 2001 to the end of 2008, 625 precious lives.

Bush goes out, President Obama comes in, January of 2009, and by the end of August there had been a subtotal of 1,474 additional American men and women killed under Commander Obama. Not only that, 14,817 people had been wounded, Americans had been wounded, lose arms, lose legs, disastrous disabilities, under Commander Obama as compared to the 2,638 terrible wounds that were inflicted on Americans under Commander Bush.

Our President has been in command of 70 percent of the deaths in Afghanistan, though he has been commanding half the time, and has 84 percent of the wounds.

The parents of one of the SEAL Team 6 that was killed on the Chinook August 6 of 2011, they were in the briefing. They have said this publicly, that's why I will say it again. One of the parents asked, "If this was so terrible, this was such a hotbed, you knew it was a hotbed, a lot of aircraft, American aircraft have been fired on recently, why would you allow this Chinook to go in? Why wouldn't you send in a drone?"

The answer from the general who was doing the briefing, they said was, because we're trying to win the hearts and minds in Afghanistan. You're letting our SEAL team be killed when you are trying to win the hearts and minds? That's not the job of the military. The military's job is to go in, defeat an enemy, and come out, and we've got to get back to that.

This President has presided over 70 percent of the deaths in Afghanistan, a disastrous job. It's time to bring the President home, as well as bringing our military home. We could just say what President Bush did in October of 2001. We are going to provide embedded troops. We are going to let the enemy of our enemy be our friend. Not to this administration; they are the enemy. The enemy of our enemy is our enemy to Obama. But I have met with them a couple of times this year. They are our friends.

□ 1410

They're Muslim. They're our friends. They don't want to live under the tyr-

rannical rule of the Taliban. And they're willing to fight, as they have, and die with Americans for that freedom. And so we don't let a renegade group like the Taliban that wants to destroy America be out.

Make no mistake, the Blind Sheik was the object of release by a candidate named Morsi in Egypt. He said, I want the Blind Sheik released. When I'm elected president, I'm going to demand and I'm going to get it.

Just a day before 9/11 this year, last week, you had the brother of the al Qaeda leader, Zawahiri, saying he was ready to broker a deal that would prevent lots of violence. He also knew the day before that there was an obscure video nobody had ever seen and wasn't going to inflame anybody, but he knew that his buddies, the Muslim Brotherhood, the Egyptian Government, the Egyptian television stations would convert that, translate that into a language that they would inflame people that they would do violence in the Middle East. And they did. The second day of that broadcasting here is Zawahiri saying, Hey, I can broker a deal. Just release the Blind Sheik, some other murdering thugs, and we'll work a deal out.

This administration has offered to release other murdering thugs of the Taliban and to buy them an office in Qatar if they'll just sit down and talk. That's not the way you do foreign diplomacy. You reward our friends so others want to be our friends and you punish our enemies so they don't want to be our enemies. This President has it backwards. He said, They'll look at me different because I'm the first President to have ever grown up in a Muslim country—the years he spent in Indonesia. Well, I wonder if that might be true. Maybe they will. Maybe they'll want to be friends.

Well, the proof is in. The approval rating of the United States in those Muslim countries where we've been was 33 percent—which was terrible—under President Bush in 2008. And now under this President we see a report it's now 15 percent, under this guy who was going to be our President and the Muslim countries would love us. They don't. Because in Muslim countries the real people, the people that we really need to reach out to, not the leaders that hate us and want to destroy us but the real people, they respect a country who understands who's their enemy and who's their friend. They have no respect for a country that tries to do what would be the equivalent of a child—and I've been there on the schoolyard, picked on by bullies. I was little growing up. But I can tell you, I had my nose bloodied many a time. You don't win respect nor love from a bully by giving him your lunch money or begging him to be nice to you. Not only do they not love you, not respect you; they gain even more contempt for



you. And that's what we're seeing happen.

This President is trying to buy affection from people who were bullies, who are radical Islamists that want to destroy us. You're not going to get love and affection. You get contempt. It helps other people join in the fight against us. This President is doing great damage to us. And it's time to bring his Presidency to a peaceful, law-abiding end with the election.

Things look tragic around the world unless we have a new Commander in Chief and a new leader who wants to rein in the spending. And one thing I'll promise my colleagues across the aisle, if you want to go back to that runaway spending that was too much in 2008, that Speaker PELOSI presided over and HARRY REID had in the Senate and that ended in the last day of September, you want to go right back to that total amount being spent, I'm with you. I'll vote. I'll do it bipartisan and I'll bring a bunch of people with us and we'll bring down a trillion dollars a year in spending. How about that? That's pretty bipartisan, isn't it? Go back to a Democratic budget of 2008. Well, I offer that. Let's see how many Democrats are bipartisan enough to take us up on it.

I yield back the balance of my time.

#### RHETORIC VERSUS REALITY

THE SPEAKER pro tempore (Mr. DUNCAN of South Carolina). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Arizona (Mr. FRANKS) for 30 minutes.

Mr. FRANKS of Arizona. Mr. Speaker, nearly 4 years ago, Barack Obama was swept into office by the strength of his rhetoric; but the profound difference between Mr. Obama's rhetoric and the reality Americans have actually lived under in his Presidency is something every American has a profound responsibility to understand.

Mr. Obama's rhetoric on jobs and the economy 4 years ago was:

We have to have a President who understands that the essence of the American Dream is a good job.

But the reality under Mr. Obama's Presidency is the highest sustained unemployment since the Great Depression. The percentage of people participating in America's labor market under this Presidency has fallen to 63.5 percent. That is the lowest rate since Jimmy Carter was President 31 years ago. Manufacturing unemployment has fallen to its lowest levels since 1941. The number of unemployed Americans eclipsed 15 million for the first time in history. The number of people forced to work part-time for economic reasons eclipsed 8 million for the first time in history.

Under Mr. Obama's Presidency, the average time it takes Americans to

find a job reached the highest total in the history of the statistics being measured. And for the first time in history, Mr. Speaker, over 4 million Americans have stopped looking for work altogether.

Mr. Obama's rhetoric on government spending and debt 4 years ago was:

America has a debt problem and a failure of leadership. That's irresponsible. That's unpatriotic.

But the reality under Mr. Obama's Presidency is that he had in the first year he was in office the first \$1 trillion deficit in history. He's done that 4 years in a row now. Mr. Obama always loves to blame his predecessor. However, the deficit for all of 2007 was \$161 billion, Mr. Speaker. Mr. Obama increased the debt by that much in just 1 month. In 2007, America's debt to GDP ratio was 62 percent. According to IMF, it will hit 100 percent this year.

Mr. Obama spent nearly \$1 trillion on a failed stimulus bill shortly after being reelected and then shoved a government takeover of our health care industry down the throats of the American people, which is now projected to cost well over \$2 trillion. He spent \$3 billion on a Cash for Clunkers program that went bankrupt the first week. He spent \$29 million to bail out Bear Stearns, \$300 to bail out Citigroup, \$85 to bail out AIG, \$10 billion to bail out union pension plans, and \$50 billion to bail out General Motors.

Mr. Speaker, under the budgets Barack Obama has already submitted to the Congress, he will add more to America's debt than all of the outstanding debt of all of the other 43 Presidents in American history combined. Mr. Speaker, I wonder if we all understand where America is headed under this President.

Mr. Obama's rhetoric on health care 4 years ago was:

We'll work with your employer to lower your premiums by \$2,500 per family, per year.

But the reality under Mr. Obama's Presidency was that the cost of American family health insurance per year has gone from \$12,680 per year to over \$20,000 per year in 2012. And that's before the enormous increases Americans will inevitably see under ObamaCare.

Mr. Speaker, the European socialist health care system is a nightmare, a bureaucracy, rationing, and substandard health care. Yet it is Mr. Obama's model for America.

Mr. Obama's rhetoric on energy 4 years ago was:

Creating a new energy economy isn't just a challenge to me, it's an opportunity to seize—an opportunity that will create new businesses, new industries, and millions of new jobs.

That sounded good, but the reality under Mr. Obama's Presidency is that his much-touted green jobs economy never materialized. The administration forced through a \$535 million loan for Solyndra, a solar company backed by a

major Obama supporter and praised by Mr. Obama himself. The company filed for bankruptcy 15 months later, after the administration intervened on the company's behalf, leaving taxpayers on the hook.

But far from learning his lesson, a few months later the administration was again doling out billions more in loan guarantees to more solar companies, many of which later held massive layoffs and went bankrupt.

□ 1420

All told, of the \$9 billion the President has spent so far on green jobs, 910 new, long-term jobs have been created. That's \$9.8 million per job charged to the American taxpayer, Mr. Speaker. So much for his millions of green jobs.

Meanwhile, the President has opposed actual progress in the energy sector, including his continued efforts to block new domestic drilling, the administration's seizure and closing of millions of acres of uranium-rich land in my own district and the Keystone Pipeline project that would have immediately created 20,000 jobs, in addition to attracting billions of dollars in new investments to a struggling Obama economy.

Perhaps none of this should be surprising coming from a President whose own Energy Secretary said:

Somehow, we have to figure out how to boost the price of gasoline to the levels of Europe.

Mr. Speaker, Mr. Obama's rhetoric on poverty 4 years ago was:

Poverty is not an issue I just discovered for the purposes of a campaign. It is the cause that led me to a life of public service for almost 25 years.

But the reality under Mr. Obama's Presidency is that the income gap between rich and poor reached its highest level in over 40 years. In 2008, just before the President took office, there were about 39.8 million Americans living in poverty. Today, that number is nearly 50 million. Under Mr. Obama's policies, the American poverty rate hit the highest level in the 52-year history of the statistic being measured.

According to a report in the Washington Examiner, the number of able-bodied adults on food stamps doubled since Mr. Obama suspended the work requirement. More than 46 million Americans are now receiving food stamps. That's an increase of 44 percent since January of 2009. And it is higher than at any other time in American history.

Mr. Speaker, Mr. Obama seems to believe that a dependent population will also be an obedient population. And so dependency and deception have become the core essence of his Presidency.

President Obama's rhetoric on foreign policy and national security 4 years ago was many different things, but the reality, under Mr. Obama, was that he has broken promises to trusted

allies and told the Kremlin that he will have more “flexibility” to do what they want him to do after he’s re-elected, after the election.

Iran publicly proclaims their anxiousness to share the nuclear technology that they are so rapidly working to develop. If Iran successfully gains nuclear weapons, they will give them to terrorists the world over, Mr. Speaker, and you and I and our children, and perhaps our children’s children, will live in the shadow of nuclear terrorism. Yet President Obama is actively working against efforts to secure even America’s porous southern border, which is currently an incredibly inviting target for terrorists looking to smuggle a weapon of mass destruction into the United States.

Mr. Obama pledged “unshakeable commitment” to Israel’s security. Yet he turned down a meeting with the Prime Minister of Israel to appear instead on David Letterman, and he refuses to even acknowledge Jerusalem as Israel’s capital.

Mahmoud Ahmadinejad recently said Israel’s existence is “an insult to all humanity,” and Iran’s Ayatollah Khamenei has called Israel a “cancerous tumor” that must be wiped out. Yet Mr. Obama has expressed more open rebuke toward Israel for building houses in their own capital city than he has toward Iran for building nuclear weapons with which to threaten the entire human family.

Mr. Speaker, I literally don’t have time to thoroughly cover all of this administration’s broken promises.

He promised to hold televised debate forums over ObamaCare. That never happened. He promised lobbyists “won’t find a job in my White House,” but that happened at least a dozen times within the first month of his administration. He appointed more czars in his administration in America than all of the czars that ever existed in the history of Imperial Russia.

He promised to eliminate income taxes for seniors making less than \$50,000. He never even tried.

He promised he wouldn’t “sign any nonemergency bill without giving the American public an opportunity to review and comment on the White House Web site for 5 days.” A little over a month into his term, that section of the White House Web site was completely removed.

Mr. Obama said the Federal Government was “not living up to its own responsibilities,” while his own campaign has actually sued to make it more difficult for our men and women in uniform to even vote.

Mr. Obama gave lip service to enforcing immigration laws, and then sued my State of Arizona for enforcing immigration laws his administration refused to enforce.

While forcing through government loans to failed green energy companies

led by his friends like Solyndra, he has stood in the way of domestic energy production, seizing hundreds of thousands of acres of resource-rich land and blocking domestic drilling for oil, including in areas that were already open to drilling.

The day he took office, a gallon of gas was \$1.89. It is almost \$4 a gallon today.

Mr. Speaker, if America produced its own energy and did not buy so much oil from the Middle Eastern countries, terrorists wouldn’t have enough money to buy a box of sparklers to hurt this country.

Mr. Speaker, I have tried to lay out the difference between the rhetoric and the reality of this administration.

You know, I’ve often heard it said in recent days that America faces a crossroads in the approaching election, but I’m afraid that’s no longer the case, Mr. Speaker. No, I’m afraid America took the wrong fork in the road back when we elected Barack Obama 4 years ago, and we are now heading rapidly in precisely the wrong direction.

He has nominated judges who contemptuously ignore the Constitution. He has proudly served as the most pro-abortion President in history. He has forced government-run healthcare down the throats of unwilling Americans. He oversaw the first downgrade of America’s AAA credit rating. He has increased unemployment, increased the number of Americans on food stamps. He has thrown hundreds of billions of dollars at failed programs. He has weakened our military. He has blatantly attacked religious freedoms in America. He has allowed Iran to advance their nuclear weapons program; and while abroad, he has continually apologized for America, betrayed our friends, and emboldened our enemies. I’m afraid we see the results of some of that even in these recent days.

I would suggest to you that his promise to fundamentally transform America was no bluff, Mr. Speaker. If this is what Mr. Obama has done in his first 4 years, how much more radical will his agenda be if he secures a second term and no longer has to worry about re-election?

Mr. Speaker, for the sake of our children and our children’s children, and for all of America’s most noble dreams and ideals, it is absolutely vital that we elect a President who will stand up and arrest this national freefall into which Mr. Obama and his radical leftist ideology have hurled America.

May God give us all the wisdom and the courage to remember who we are as Americans and that there is still hope and time to be all that we were called by God to be as a Nation.

We must not fail, Mr. Speaker.

I yield back the balance of my time.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o’clock and 31 minutes p.m.), the House stood in recess

□ 1610

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 4 o’clock and 10 minutes p.m.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BERMAN (at the request of Ms. PELOSI) for today on account of attending a funeral.

## ADJOURNMENT

The SPEAKER. Without objection, the House stands adjourned until 10 a.m. on Tuesday next.

There was no objection.

Accordingly (at 4 o’clock and 11 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 25, 2012, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

7963. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Flumioxazin; Pesticide Tolerances [EPA-HQ-OPP-2011-0593; FRL-9358-3] received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7964. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Cyazofamid; Pesticide Tolerances [EPA-HQ-OPP-2011-0906; FRL-9361-8] received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7965. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Didecyl Dimethyl Ammonium Carbonate and Didecyl Dimethyl Ammonium Bicarbonate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0950; FRL-9359-5] received August 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7966. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency’s final rule — Pesticide Tolerance Crop Grouping Program III; Revisions to General Tolerance Regulations [EPA-HQ-OPP-2006-0766; FRL-9354-3] (RIN: 2070-AJ28) received August 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7967. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department’s final rule — Federal Housing Administration

(FHA): Section 232 Healthcare Facility Insurance Program-Strengthening Accountability and Regulatory Revisions Update [Docket No.: FR-5465 F-02] (RIN: 2502-AJ05) received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

7968. A letter from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Revisions of Safety Standards for Durable Infant or Toddler Products: Infant Bath Seats and Full-Size Cribs received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7969. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — protection of Stratospheric Ozone: Listing Substitutes for Ozone-Depleting Substances — Fire Suppression and Explosion Protection [EPA-HQ-OAR-2011-0111; FRL-9729-5] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7970. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Missouri [EPA-R07-OAR-2012-0596; FRL-9731-3] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7971. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Nevada State Implementation Plan; Stationary Source Permits [EPA-R09-OAR-2012-0141; FRL-9728-6] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7972. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi: New Source Review-Prevention of Significant Deterioration; Fine Particulate Matter (PM<sub>2.5</sub>) [EPA-R04-2012-0081; FRL-9728-2] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7973. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Arizona; Nogales PM<sub>10</sub> Nonattainment Area Plan [EPA-R09-OAR-2012-0458; FRL-9730-8] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7974. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County: Infrastructure and Interstate Transport Requirements for the 1997 and 2008 Ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS [EPA-R06-OAR-2009-0648- FRL-9728-7] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7975. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland- Revision for the Control of Volatile

Organic Compounds Emissions from Vehicle Refinishing [EPA-R03-OAR-2012-0468; FRL-9731-7] received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7976. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R03-OAR-2010-0159; FRL-9731-9] received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7977. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adhesives and Sealants Rule [EPA-R03-OAR-2011-0617; FRL-9731-6] received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7978. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Disapproval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to Open Burning Regulations [EPA-R08-OAR-2007-1034; FRL-9732-1] received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7979. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: 2013 Biomass-Based Diesel Renewable Fuel Volume [EPA-HQ-OAR-2010-0133; FRL-9678-7] (RIN: 2060-AR55) received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7980. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, South Coast Air Quality Management District (SCAQMD) [EPA-R09-OAR-2012-0236; FRL-9711-2] received August 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7981. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions of Five California Clean Air Act Title V Operating Permits Programs [EPA-R09-OAR-2011-0955; FRL-9724-2] received August 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7982. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Standards of Performance for Petroleum Refineries; Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 [EPA-HQ-OAR-2007-0011; FRL-9672-3] (RIN: 2060-AN72) received August 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7983. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Polychlorinated Biphenyls (PCBs): Revisions to Manifesting Regula-

tions [EPA-HQ-RCRA-2011-0524; FRL-9703-1] (RIN: 2050-AC71) received August 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7984. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Section 110(a)(2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards [EPA-R03-OAR-2012-0376; FRL-9725-3] received September 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7985. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — LAND DISPOSAL RESTRICTIONS: Site Specific Treatment Variance for Hazardous Selenium-Bearing Waste Treated by U.S. Ecology Nevada in Beatty, Nevada [EPA-HQ-RCRA-2010-0851; FRL-9715-3] received August 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7986. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Section 110(a)(2) Infrastructure Requirements for the 2008 Lead National Ambient Air Quality Standards [EPA-R03-OAR-2012-0436; FRL-9725-1] received September 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7987. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Nonconformance Penalties for On-highway Heavy-Duty Diesel Engines [AMS-FRL-9716-5] received September 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7988. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutant Emissions: Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks; and Steel Picking—HCl Process Facilities and Hydrochloric Acid Regeneration Plants [EPA-HQ-OAR-2010-0600; FRL-9709-9] (RIN: 2060-AQ60) received August 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7989. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2011-0941; FRL-9357-2] (RIN: 2070-AB27) received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7990. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama: General and Transportation Conformity & New Source Review Prevention of Significant for Fine Particulate Matter (PM<sub>2.5</sub>) [EPA-R04-OAR-2012-0079; FRL-9731-5] received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7991. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Initial Test Program of Condensate and Feedwater Systems for Light-Water

Reactors [Regulatory Guide 1.68.1] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7992. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Model Safety Evaluation for Plant-Specific Adoption of Technical Specifications Task Force Traveler TSTF-522, Revision 0, "Revise Ventilation System Surveillance Requirements to Operate for 10 Hours per Month", Using the Consolidated Line Item Improvement Process [Project No. 753; NRC-2012-XXXX] received September 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7993. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — NRC Procedures for Placement and Monitoring of Work with Federal Agencies other than U.S. Department of Energy (DOE) Laboratory Work received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

7994. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List; Removal of Person from the Entity List Based on Removal Request; and Implementation of Entity List Annual Review Changes [Docket No.: 120813330-2330-01] (RIN: 0694-AF74) received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7995. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Updated Statements of Legal Authority for the Export Administration Regulations [Docket No.: 120820369-2369-01] (RIN: 0694-AF78) received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

7996. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Privacy Act; Implementation [Docket Number: NIH-2011-0001] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7997. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Privacy Act, Exempt Record System [Docket No. FDA-2011-N-0252] received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7998. A letter from the Senior Procurement Executive/Deputy Chief Acquisition Officer, General Services Administration, transmitting the Administration's final rule — Federal Acquisition Regulation; Federal Acquisition Circular 2005-61; Introduction [Docket FAR: 2012-0080, Sequence 6] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

7999. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Montana Regulatory Program [STATS No.: MT-034-FOR; Docket ID No. OSM-2011-0018] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8000. A letter from the Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule — Texas Regulatory Program [STATS No.: TX-

064-FOR; Docket ID: OSM-2012-0005] received September 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8001. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Chupadera Springsnail and Designation of Critical Habitat [Docket No.: FWS-R2-ES-2011-0042] (RIN: 1018-AV86) received September 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8002. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2012-2013 Accountability Measure and Closure for Gulf King Mackerel in Western Zone [Docket No.: 001005281-0369-02] (RIN: 0648-XC160) received September 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8003. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Closure of the 2012 Trimester 2 Directed Longfin Squid Fishery [Docket No.: 110707371-2136-02] (RIN: 0648-XC098) received September 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8004. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; 2012 Recreational Accountability Measure and Closure for South Atlantic Golden Tilefish [Docket No.: 0907271173-0629-03] (RIN: 0648-XC025) received September 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8005. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Marine Recreational Fisheries of the United States; National Saltwater Angler Registry and State Exemption Program [Docket No.: 12018050-2049-01] (RIN: 0648-BB49) received September 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8006. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Reef Fish Fishery of the Gulf of Mexico; 2012 Commercial Accountability Measure and Closure for Gulf of Mexico Gray Triggerfish [Docket No.: 120417412-2412-01] (RIN: 0648-XC076) received August 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8007. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC202) received September 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8008. A letter from the Acting Assistant Attorney General, Department of Justice,

transmitting the 2011 annual report on the activities and operations of the Public Integrity Section, pursuant to 28 U.S.C. 529; to the Committee on the Judiciary.

8009. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Carbon Dioxide Fire Suppression Systems on Commercial Vessels [USCG-2006-24797] (RIN: 1625-AB44) received August 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8010. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Ocean Dredged Material Disposal Sites Offshore of Yaquina Bay, Oregon [EPA-R10-OW-2012-0197; FRL-9724-7] received September 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8011. A letter from the Director of Regulation Policy and Management; Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Sharing Information Between the Department of Veterans Affairs and the Department of Defense (RIN: 2900-AN95) received September 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8012. A letter from the Director, Regulation Policy and Management; Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Guide and Service Dogs (RIN: 2900-AN51) received September 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8013. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Extension of Import Restrictions Imposed on Archaeological Material from Mali [CBP Dec. 12-14] (RIN: 1515-AD91) received September 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8014. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — Technical Corrections Relating to the Rules of Origin for Goods Imported Under the NAFTA and for Textile and Apparel Products [CBP Dec. 12-15] received September 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8015. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure Modifying Rev. Proc. 2011-14 and Rev. Proc. 97-27 (Rev. Proc. 2012-39) received September 19, 2012; to the Committee on Ways and Means.

8016. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of tax liability (Rev. Proc. 2012-40) received September 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8017. A letter from the Director, Acquisition Policy and Legislation Branch, Department of Homeland Security, transmitting the Department's final rule — Homeland Security Acquisition Regulation (HSAR); Revision Initiative [HSAR Case 2009-002] [Docket No.: DHS-2009-0085] (RIN: 1601-AA28) received September 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Homeland Security.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 6016. A bill to amend title 5, United States Code, to provide for administrative leave requirements with respect to Senior Executive Service employees, and for other purposes; with an amendment (Rept. 112-686). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4369. A bill to amend title 11 of the United States Code to require the public disclosure by trusts established under section 524(g) of such title, of quarterly reports that contain detailed information regarding the receipt and disposition of claims for injuries based on exposure to asbestos, and the filing of such reports with the Executive Office for United States Trustees; with amendments (Rept. 112-687). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2572. A bill to amend title 18, United States Code, to deter public corruption, and for other purposes; with an amendment (Rept. 112-688). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. A Citizen's Guide On Using The Freedom Of Information Act And The Privacy Act Of 1974 To Request Government Records (Rept. 112-689). Referred to the Committee of the Whole House on the state of the Union.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Energy and Commerce discharged from further consideration. H.R. 3674 referred to the Committee of the Whole House on the state of the Union.

## TIME LIMITATION OF REFERRED BILL—

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

[Omitted from the Record of September 20, 2012]

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than November 30, 2012.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CHAFFETZ (for himself, Mr. POLIS, Mr. ISSA, and Ms. ZOE LOFGREN of California):

H.R. 6480. A bill to adopt fair standards and procedures by which determinations of Copyright Royalty Judges are made with respect to webcasting, and for other purposes; to the Committee on the Judiciary.

By Mr. LATHAM (for himself and Mr. MCINTYRE):

H.R. 6481. A bill to direct the Secretary of Agriculture to issue loan guarantees for purposes of financing improvements to school lunch facilities, training school food service

personnel, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS (for himself, Mrs. CHRISTENSEN, Mr. GUTHRIE, Mr. WOMACK, Mrs. MYRICK, Mr. LANCE, Mrs. BLACKBURN, Mr. GINGREY of Georgia, Mr. CASSIDY, Mr. GRIFFIN of Arkansas, Ms. GRANGER, Ms. LEE of California, Ms. RICHARDSON, Ms. MOORE, Mr. DAVIS of Illinois, Mr. FLEISCHMANN, and Ms. ROYBAL-ALLARD):

H.R. 6482. A bill to amend the Congressional Budget Act of 1974 respecting the scoring of preventive health savings; to the Committee on the Budget.

By Ms. BONAMICI (for herself, Mr. GRIJALVA, Mr. ELLISON, Mr. CLARKE of Michigan, Mr. FILNER, Ms. DELAUNO, Mr. BLUMENAUER, Mr. SARBANES, and Ms. CHU):

H.R. 6483. A bill to amend the Truth in Lending Act to address certain issues related to the extension of consumer credit, and for other purposes; to the Committee on Financial Services.

By Mr. GARAMENDI (for himself, Mr. GEORGE MILLER of California, Mr. THOMPSON of California, Mr. MCNERNEY, and Ms. MATSUI):

H.R. 6484. A bill to amend the CalFed Bay-Delta Authorization Act to authorize the Secretary of the Interior to provide assistance to non-Federal interests for levee stability improvements located within the Sacramento-San Joaquin Delta related to Bureau of Reclamation Central Valley Project water deliveries, and for other purposes; to the Committee on Natural Resources.

By Mr. CHAFFETZ (for himself and Mr. TIERNEY):

H.R. 6485. A bill to establish requirements relating to the provision of certain products to the Government of Afghanistan, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKINLEY (for himself, Mr. BISHOP of Utah, Mr. RAHALL, and Mr. GARDNER):

H.R. 6486. A bill to amend title 5, United States Code, to decrease the annual effect on the economy that a rule must have to be a major rule from \$100,000,000 to \$50,000,000 for the purpose of increasing the number of rules for which Congress can use the resolution of disapproval procedure to disapprove a major rule, and for other purposes; to the Committee on the Judiciary.

By Mr. MCKINLEY (for himself, Mr. CRITZ, Mr. RAHALL, and Mr. RUSH):

H.R. 6487. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the expansion of manufacturing in the United States; to the Committee on Ways and Means.

By Mr. DENHAM (for himself, Mr. MCKEON, Mr. MILLER of Florida, Mr. WALZ of Minnesota, Mr. WEST, Mr. STIVERS, Mr. RIGELL, Mr. CRAVACK, Mr. KINZINGER of Illinois, and Mr. FARENTHOLD):

H.R. 6488. A bill to amend title 10, United States Code, to extend military commissary

and exchange store privileges, without time-period limitation, to members of the Armed Forces who are involuntarily separated with a service-connected disability and also to extend such privileges to their dependents; to the Committee on Armed Services.

By Mr. HALL (for himself and Mr. BOREN):

H.R. 6489. A bill to reauthorize the National Integrated Drought Information System; to the Committee on Science, Space, and Technology.

By Mr. PRICE of Georgia (for himself, Mr. ALTMIRE, Mrs. BLACKBURN, Mr. DEUTCH, Mr. WILSON of South Carolina, Ms. CASTOR of Florida, Mr. TIBERI, Mr. BRALEY of Iowa, Mr. LATHAM, Mr. BARROW, Mr. KING of Iowa, Mr. KELLY, Mr. LATOURETTE, and Mrs. ELLMERS):

H.R. 6490. A bill to amend title XVIII of the Social Security Act to establish a market pricing program for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) under part B of the Medicare program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON (for himself, Mr. WOLF, Mr. GENE GREEN of Texas, Mr. CUELLAR, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. POSEY, Mr. OLSON, Mr. CALVERT, Mr. WEST, Mr. MACK, Mr. FARENTHOLD, Mr. CARTER, Mr. THORNBERRY, Mr. BURGESS, Mr. MCCAUL, and Mr. WITTMAN):

H.R. 6491. A bill to preserve American space leadership, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CLARKE of Michigan:

H.R. 6492. A bill to provide for the establishment, in the Office of Pavement Technology of the Federal Highway Administration, of the position of Recovered Mineral Component Ombudsman; to the Committee on Transportation and Infrastructure.

By Mr. CLARKE of Michigan:

H.R. 6493. A bill to create jobs by attracting global investment to economically distressed urban areas, and for other purposes; to the Committee on the Judiciary.

By Mr. THOMPSON of California (for

himself, Mr. CARSON of Indiana, Mr. CLAY, Mr. RANGEL, Mr. BOSWELL, Mr. VAN HOLLEN, Ms. BORDALLO, Mr. LARSEN of Washington, Ms. WOOLSEY, Mr. DINGELL, Mr. RAHALL, Mr. LUJÁN, Mr. GEORGE MILLER of California, Ms. DEGETTE, Mr. MEEKS, Ms. MCCOLLUM, Mrs. CHRISTENSEN, Ms. CHU, Ms. LINDA T. SANCHEZ of California, Mr. HEINRICH, Mr. MCGOVERN, Mr. KING of New York, Mr. BLUMENAUER, Mr. STARK, Mr. MATHESON, Mr. MORAN, Mr. QUIGLEY, Mr. KIND, Mr. KILDEE, Mr. NADLER, Mr. GRIJALVA, Ms. ZOE LOFGREN of California, Mr. FARR, Mr. PASCRELL, Mr. FALEOMAVAEGA, Mr. PERLMUTTER, Ms. SCHAKOWSKY, Mr. GARAMENDI, Ms. NORTON, Mr. DEFazio, Mr. MARKEY, Ms. PINGREE of Maine, Ms. ESHOO, Ms. HIRONO, Mr. KUCINICH, and Mr. REICHERT):

H.R. 6494. A bill to award posthumously a Congressional Gold Medal to Stewart Lee

Udall, in recognition of his contributions to the nation; to the Committee on Financial Services.

By Mr. AMASH (for himself and Mr. DUNCAN of South Carolina):

H.R. 6495. A bill to prohibit the payment of surcharges for commemorative coin programs to private organizations or entities, and for other purposes; to the Committee on Financial Services.

By Mr. AMODEI:

H.R. 6496. A bill to reauthorize grants to enhance State and local efforts to combat trafficking in persons; to the Committee on the Judiciary.

By Mr. AMODEI:

H.R. 6497. A bill to provide for the conveyance of certain public lands under the jurisdiction of the Bureau of Land Management in and around historic mining townsites in Nevada, and for other purposes; to the Committee on Natural Resources.

By Mrs. BACHMANN:

H.R. 6498. A bill to amend section 1932 of the Social Security Act to require independent audits and actuarial services under Medicaid managed care programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BARROW:

H.R. 6499. A bill to amend part C of the Balanced Budget and Emergency Deficit Control Act of 1985 to include the pay of Members of Congress within the coverage of the Act; to the Committee on the Budget.

By Mr. CLARKE of Michigan (for himself, Mr. CLAY, and Ms. NORTON):

H.R. 6500. A bill to establish the Detroit Jobs Trust Fund and to temporarily provide a zero percent capital gains rate for certain new investments in Detroit, Michigan; to the Committee on Ways and Means, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERG:

H.R. 6501. A bill to prohibit the Administrator of the Environmental Protection Agency from finalizing certain proposed rules under the Clean Air Act if a State regulatory authority gives notice that such a rule will lead to a 3 percent or greater increase in the price of electricity for end-use consumers; to the Committee on Energy and Commerce.

By Mr. BILBRAY (for himself, Mrs. MALONEY, and Ms. DELAURO):

H.R. 6502. A bill to amend title V of the Federal Food, Drug, and Cosmetic Act to provide for extensions of marketing exclusivity periods for drugs in certain combinations of such drugs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BILBRAY:

H.R. 6503. A bill to promote the development of renewable energy on certain Federal land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself, Mrs. ELLMERS, and Mr. CICILLINE):

H.R. 6504. A bill to amend the Small Business Investment Act of 1958 to provide for increased limitations on leverage for multiple licenses under common control, and for other purposes; to the Committee on Small Business.

By Mr. CICILLINE:

H.R. 6505. A bill to provide for the establishment of a Commission on the Advancement of Social Enterprise; to the Committee on Oversight and Government Reform.

By Mr. COURTNEY (for himself, Mr. TIERNEY, Mr. TONKO, Ms. NORTON, Ms. BORDALLO, Mr. QUIGLEY, Mr. LARSON of Connecticut, Mr. CARSON of Indiana, Ms. WOOLSEY, Mr. LARSEN of Washington, Mr. BRALEY of Iowa, and Mr. MURPHY of Connecticut):

H.R. 6506. A bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory; to the Committee on Education and the Workforce.

By Mr. CRAVAACK:

H.R. 6507. A bill to provide that any State implementation plan submitted pursuant to the Clean Air Act to address impairment of visibility shall apply for such State until 2022 with respect to emissions from taconite ore processing facilities, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. DAVIS of California (for herself, Ms. RICHARDSON, and Ms. SCHAKOWSKY):

H.R. 6508. A bill to direct the Federal Trade Commission to promulgate rules requiring an Internet merchant to disclose the use of a price-altering computer program, and for other purposes; to the Committee on Energy and Commerce.

By Ms. DELAURO (for herself, Mr. PALONE, and Mrs. LOWEY):

H.R. 6509. A bill to establish limitations on the quantity of total arsenic in rice and rice products under chapter IV of the Federal Food, Drug, and Cosmetic Act; to the Committee on Energy and Commerce.

By Mr. DEUTCH (for himself, Ms. CASTOR of Florida, and Mr. ANDREWS):

H.R. 6510. A bill to require holders of Federal student loans and private education loans to apply prepayment amounts toward loans with the highest rates of interest; to the Committee on Education and the Workforce.

By Mr. DUNCAN of South Carolina (for himself, Mr. WEST, Mr. WILSON of South Carolina, Mr. SENSENBRENNER, Mrs. BLACK, Mr. MARINO, Mr. GRIFFIN of Arkansas, Mr. GOWDY, Mrs. BLACKBURN, Mr. FINCHER, Mr. FRANKS of Arizona, Mr. LAMBORN, Mr. KISSELL, Ms. BUEKLE, Mr. HARRIS, and Mr. ROGERS of Michigan):

H.R. 6511. A bill to require investigations into and a report on the September 11-13, 2012, attacks on the United States missions in Libya, Egypt, and Yemen, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK:

H.R. 6512. A bill to amend the Securities Exchange Act of 1934 to require nationally recognized statistical rating organizations to certify that they monitor the accuracy of each credit ratings issued by the organization; to the Committee on Financial Services.

By Mr. FRELINGHUYSEN (for himself, Mr. ENGEL, Mr. FITZPATRICK, Mr. GERLACH, Mr. GARRETT, Mr. HINCHEY, Ms. HAYWORTH, Mr. PASCRELL, and Mr. MURPHY of Connecticut):

H.R. 6513. A bill to extend the authorization of the Highlands Conservation Act through fiscal year 2024; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GIBSON:

H.R. 6514. A bill to require the Secretary of Health and Human Services to promulgate regulations regarding the authorship, content, format, and dissemination of Patient Medication Information to ensure patients receive consistent and high-quality information about their prescription medications and are aware of the potential risks and benefits of prescription medications; to the Committee on Energy and Commerce.

By Mr. GRIMM:

H.R. 6515. A bill to stop excessive toll hikes which harm our local economies, small businesses, and hard working families; to the Committee on Transportation and Infrastructure.

By Ms. HOCHUL (for herself and Mr. HIGGINS):

H.R. 6516. A bill to award a Congressional Gold Medal to the members of the Tuscarora Nation who fought to protect the residents of Lewiston, New York, from the British invasion during the War of 1812; to the Committee on Financial Services.

By Mr. HONDA (for himself, Mr. MCDERMOTT, Mr. SIREN, Ms. SCHAKOWSKY, Ms. LEE of California, Mr. POLIS, and Ms. MATSUI):

H.R. 6517. A bill to direct the Secretary of Education to make grants to State-based STEM networks to expand STEM education; to the Committee on Education and the Workforce.

By Mr. HUELSKAMP (for himself, Mr. BROUN of Georgia, Mr. CHABOT, Mr. JORDAN, and Mr. KING of Iowa):

H.R. 6518. A bill to replace certain Federal nutrition programs with a block grant to the States, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Mr. BILBRAY, Mr. DREIER, Mr. CAMPBELL, and Mrs. BONO MACK):

H.R. 6519. A bill to provide an expedited permit process to authorize private landowners to conduct limited vegetation removal activities on National Forest System land or Bureau of Land Management land adjacent to their private property to reduce the risk of catastrophic wildfire that would threaten residential structures on the private property, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HURT:

H.R. 6520. A bill to prohibit the use of appropriated funds for publicity, propaganda, or certain lobbying purposes, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ISRAEL (for himself, Mr. RANGEL, Mr. LEWIS of Georgia, Mr. ACKERMAN, Mrs. MCCARTHY of New York, Mr. SERRANO, Ms. SLAUGHTER, Mr.



OWENS, Mrs. CHRISTENSEN, Mrs. LOWEY, Mr. CROWLEY, Mr. BISHOP of New York, and Mr. DEUTCH):

H.R. 6521. A bill to provide payment for patient navigator services under title XIX of the Social Security Act; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.R. 6522. A bill to amend the Internal Revenue Code of 1986 to extend and modify the American Opportunity Tax Credit, and for other purposes; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas:

H.R. 6523. A bill to amend the Internal Revenue Code of 1986 to require that ITIN applicants submit their application in person at taxpayer assistance centers, and for other purposes; to the Committee on Ways and Means.

By Mr. KING of New York (for himself, Mr. GRIMM, Mr. HUIZENGA of Michigan, Mr. GARY G. MILLER of California, and Mr. CAMPBELL):

H.R. 6524. A bill to make improvements to provisions of the Bank Holding Company Act of 1956 relating to proprietary trading by banking entities; to the Committee on Financial Services.

By Mr. KINZINGER of Illinois (for himself, Mr. QUIGLEY, Mr. WALSH of Illinois, Mr. JOHNSON of Illinois, Mr. COOPER, Mr. ALTMIRE, Mr. BOSWELL, Mr. MICHAUD, Mr. MATHESON, Mr. GARDNER, Mr. SCHILLING, and Mr. SCHOCK):

H.R. 6525. A bill to increase the long-term fiscal accountability of direct spending legislation; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANDRY:

H.R. 6526. A bill to provide that an Order of the Federal Communications Commission adopting a methodology for establishing certain benchmarks for Universal Service Fund high-cost loop support shall have no force or effect and to require the Commission to prepare a report on alternatives to such methodology; to the Committee on Energy and Commerce.

By Mr. LARSEN of Washington (for himself, Mrs. DAVIS of California, Mr. RANGEL, Ms. SPEIER, Mr. KISSELL, Mr. FILNER, and Ms. BONAMICI):

H.R. 6527. A bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to women veterans, to improve health care furnished by the Department, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. LEE of California (for herself, Mr. STARK, Ms. CLARKE of New York, and Ms. SCHAKOWSKY):

H.R. 6528. A bill to reduce by 5 percent the discretionary budget authority of any Federal agency for a fiscal year if the financial statement of the agency for the previous fiscal year does not receive an unqualified audit opinion by an external independent auditor, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California:

H.R. 6529. A bill to amend title 18, United States Code, with respect to disclosures to

governments by communications-related service providers of certain information consisting of or relating to communications, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ZOE LOFGREN of California:

H.R. 6530. A bill to combat trade barriers that threaten the maintenance of an open Internet, that mandate unique technology standards as a condition of market access and related measures, and to promote online free expression and the free flow of information; to the Committee on Ways and Means, and in addition to the Committees on Foreign Affairs, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 6531. A bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, and to provide resources for State pollution prevention and recycling programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MCCLINTOCK:

H.R. 6532. A bill to provide for the conveyance of certain Federal land under the administrative jurisdiction of the Bureau of Land Management in El Dorado County, California, to the Shingle Springs Band of Miwok Indians, and for other purposes; to the Committee on Natural Resources.

By Mr. MICHAUD (for himself, Mr. RANGEL, Mr. GRIMM, Mr. NEAL, Mr. FRANK of Massachusetts, Mr. ACKERMAN, Mr. WELCH, Mr. HIGGINS, Mr. KING of New York, Mr. YOUNG of Alaska, Ms. PINGREE of Maine, Mr. GUINTA, Mr. SERRANO, Mr. LANGEVIN, Mr. NADLER, Mr. TOWNS, Mr. LYNCH, Mr. TONKO, Mr. HINCHEY, Mr. TIERNEY, Mr. COURTNEY, and Mr. OLVER):

H.R. 6533. A bill to establish minimum levels of assistance for certain States under the Low-Income Home Energy Assistance Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. OLVER, Mr. LYNCH, Mr. WELCH, and Ms. PINGREE of Maine):

H.R. 6534. A bill to direct the Secretary of Veterans Affairs to establish a registry of certain veterans who were stationed at or underwent training at Canadian Forces Base Gagetown, New Brunswick, Canada, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself and Ms. SCHAKOWSKY):

H.R. 6535. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to repeal the sequestration added by the Budget Control Act of 2011, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Ways

and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 6536. A bill to authorize the President to seek to conduct negotiations with the European Union for purposes of entering into a trade agreement with the European Union, and for other purposes; to the Committee on Ways and Means.

By Mr. NUNES:

H.R. 6537. A bill to amend the Trade Act of 1974 to make improvements to the Generalized System of Preferences, and for other purposes; to the Committee on Ways and Means.

By Mr. NUNES:

H.R. 6538. A bill to establish trade negotiating objectives with respect to the application of sanitary and phytosanitary measures to agricultural products, and for other purposes; to the Committee on Ways and Means.

By Mr. NUNES:

H.R. 6539. A bill to establish United States-Brazil Joint Commission on Commerce and Trade, and for other purposes; to the Committee on Ways and Means.

By Mr. POSEY:

H.R. 6540. A bill to amend title 51, United States Code, to authorize the Director of the Kennedy Space Center to convey excess property at the Kennedy Space Center to a State or political subdivision, municipality, or instrumentality of a State for the development and operation of a spaceport; to the Committee on Science, Space, and Technology.

By Mr. REED:

H.R. 6541. A bill to direct the Secretary of Transportation to conduct a study of economically beneficial uses of the rights-of-way associated with certain highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RICHMOND:

H.R. 6542. A bill to improve assistance after a hurricane or major disaster; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHWARTZ:

H.R. 6543. A bill to amend the Older Americans Act of 1965 to define care coordination, include care coordination as a fully restorative service, and detail the care coordination functions of the Assistant Secretary, and for other purposes; to the Committee on Education and the Workforce.

By Ms. SCHWARTZ:

H.R. 6544. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for patent box profit from the use of United States patents; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 6545. A bill to require the Administrator of the Environmental Protection Agency to use the commercially available volume of cellulosic biofuel in setting requirements for the renewable fuel program under the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SENSENBRENNER (for himself and Mr. CONYERS):

H.R. 6546. A bill to amend the Office of National Drug Control Policy Reauthorization Act of 2006 to increase congressional oversight of the United States Anti-Doping Agency; to the Committee on Energy and Commerce.



By Mr. SHIMKUS (for himself and Mr. BUCSHON):

H.R. 6547. A bill to amend the Federal Mine Safety and Health Act of 1977 to require greater experience of mine safety inspectors under that Act; to the Committee on Education and the Workforce.

By Mr. SHULER (for himself and Mrs. DAVIS of California):

H.R. 6548. A bill to amend title XVIII of the Social Security Act to provide coverage under the Medicare program for diabetes prevention services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. PETERS, and Mr. LEWIS of Georgia):

H.R. 6549. A bill to amend the Internal Revenue Code of 1986 to extend the enhanced charitable deduction for corporate contributions of computer inventory for educational purposes; to the Committee on Ways and Means.

By Mr. SULLIVAN:

H.R. 6550. A bill to establish an advisory committee on national security telecommunications; to the Committee on Energy and Commerce.

By Mr. SULLIVAN:

H.R. 6551. A bill to amend the Communications Act of 1934 to ensure that security is taken into account in certain efforts related to the interconnectivity of telecommunications networks, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SULLIVAN:

H.R. 6552. A bill to continue an advisory committee considering the optimal security, reliability, and interoperability of communications systems; to the Committee on Energy and Commerce.

By Mr. SULLIVAN:

H.R. 6553. A bill to amend the Communications Act of 1934 to add an additional purpose to section 1 of such Act; to the Committee on Energy and Commerce.

By Mr. TIERNEY (for himself and Mr. MARKEY):

H.R. 6554. A bill to limit the period in advance of a nuclear reactor license renewal that the application for such renewal may be submitted to the Nuclear Regulatory Commission; to the Committee on Energy and Commerce.

By Mr. TURNER of Ohio (for himself, Mr. FRANKS of Arizona, Mr. BROOKS, Mr. AUSTIN SCOTT of Georgia, Mr. LAMBORN, Mr. ROGERS of Alabama, and Mr. FLEMING):

H.R. 6555. A bill to direct the Secretary of Defense to use the Armed Forces to protect certain nuclear material of the National Nuclear Security Administration; to the Committee on Armed Services.

By Ms. WASSERMAN SCHULTZ:

H.R. 6556. A bill to amend the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. WELCH:

H.R. 6557. A bill to establish the Higher Education Regulatory Reform Task Force, to establish procedures for the presentation and expedited consideration by Congress of the recommendations of the Higher Education Regulatory Reform Task Force, to establish requirements for college cost reduction, and for other purposes; to the Committee on Education and the Workforce, and

in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELCH:

H.R. 6558. A bill to simplify the process for determining the need and eligibility of students for financial assistance under the Higher Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FITZPATRICK (for himself, Mr. DEUTCH, Mr. WESTMORELAND, Mr. LANCE, Mr. ADERHOLT, Mrs. MCCARTHY of New York, Mr. LANDRY, Ms. LINDA T. SANCHEZ of California, Mr. WALSH of Illinois, Mr. LANKFORD, Mr. HASTINGS of Florida, Mr. PETERS, Mr. MEEHAN, Mr. SHERMAN, and Mr. POSEY):

H. Con. Res. 139. Concurrent resolution condemning President Mahmoud Ahmadinejad and the leaders of the Islamic Republic of Iran for addressing the United Nations on Yom Kippur; to the Committee on Foreign Affairs.

By Ms. BUERKLE:

H. Con. Res. 140. Concurrent resolution expressing the disappointment and concern of the Congress on the failure of the United States to properly investigate the Pan Am 103 bombing and the failure of Libya to grant permission for United States Pan Am 103 criminal investigators to investigate and gather evidence in Libya regarding the Pan Am 103 bombing; to the Committee on the Judiciary, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CHU:

H. Res. 802. A resolution commemorating the 71st anniversary of the creation of the "Special Air Unit" of the 1st American Volunteer Group (AVG), which became known as the Flying Tigers; to the Committee on Armed Services.

By Ms. LEE of California (for herself, Ms. NORTON, Mr. BISHOP of Georgia, Mr. RANGEL, Mr. RUSH, Mr. CUMMINGS, Mr. CARSON of Indiana, Mr. JOHNSON of Georgia, Mr. MEEKS, Mr. CONYERS, Ms. MOORE, Ms. RICHARDSON, Mr. GONZALEZ, Mrs. CHRISTENSEN, Ms. CHU, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. FILNER, Mr. LARSEN of Washington, Mr. FATTAH, Mr. ISRAEL, Mr. WATT, Mr. HASTINGS of Florida, Mr. CLEAVER, Mr. FARR, Mr. POLIS, Mr. GRIJALVA, Mr. DINGELL, Ms. MCCOLLUM, Mr. HARRIS, Mr. AL GREEN of Texas, Ms. ROYBAL-ALLARD, Ms. SCHAKOWSKY, Mr. SCOTT of Virginia, Mr. ELLISON, Mr. COHEN, Ms. CLARKE of New York, Ms. EDWARDS, and Ms. WATERS):

H. Res. 803. A resolution recognizing National Emancipation Day, marking the 150th anniversary of the end of slavery in areas of rebellion, and the significance of the Emancipation Proclamation in the struggle for the equal rights and freedoms afforded to all United States citizens; to the Committee on the Judiciary.

By Mrs. LUMMIS (for herself and Mr. BISHOP of Utah):

H. Res. 804. A resolution recognizing the importance of animal-based protein as a component of the balanced diet of most individuals in the United States; to the Committee on Agriculture.

By Mr. YODER:

H. Res. 805. A resolution expressing the sense of the House of Representatives that in order to create certainty in the United States economy so that small businesses and job creators can invest and hire, Congress should enact long-term, predictable tax policy and, in the event that Congress and the President choose to raise taxes, they should give United States citizens at least one year after the enactment or expiration of the legislation to prepare for and adjust to any impact that such increase in taxes may have; to the Committee on Ways and Means.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CHAFFETZ:

H.R. 6480.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 8 of the U.S. Constitution

By Mr. LATHAM:

H.R. 6481.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1; and Article I, Section 8 of the United States Constitution.

By Mr. BURGESS:

H.R. 6482.

Congress has the power to enact this legislation pursuant to the following:

Congress has the authority under Article I, Section 9, Clause 7, "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." It is within Congress' power to regulate the appropriation of money from the Treasury and this bill is directly related to this authority to ensure cost saving calculations are taken into account into the budgeting and appropriation of such funds.

By Ms. BONAMICI:

H.R. 6483.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. GARAMENDI:

H.R. 6484.

Congress has the power to enact this legislation pursuant to the following:

Commerce clause found in Art. 1, Section 8 of the United States Constitution.

By Mr. CHAFFETZ:

H.R. 6485.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

By Mr. MCKINLEY:

H.R. 6486.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 18 of the Constitution: The Congress shall have power to enact this legislation to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MCKINLEY:

H.R. 6487.

Congress has the power to enact this legislation pursuant to the following:

According to Article I, Section 8, Clause 3 of the Constitution: The Congress shall have power to enact this legislation to regulate commerce with foreign nations, among the several states, and with the Indian tribes.

By Mr. DENHAM:

H.R. 6488.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the Constitution of the United States.

By Mr. HALL:

H.R. 6489.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3—To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; and

Article I, Section 8, Clause 18—To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. PRICE of Georgia:

H.R. 6490.

Congress has the power to enact this legislation pursuant to the following:

Current law has created a health care program called Medicare that is operated by the federal government. This bill would improve the efficiency and fairness of the operation of parts of that program, especially the purchase of goods and services, while affecting interstate commerce, which Congress has the power to regulate under Article I, Section 8, Clause 3.

By Mr. CULBERSON:

H.R. 6491.

Congress has the power to enact this legislation pursuant to the following:

General Welfare Clause

Article I, Section 8

The Commerce Clause.

Necessary and Proper Clause

By Mr. CLARKE of Michigan:

H.R. 6492.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 and Article 1, Section 8, Clause 18 of the United States Constitution.

By Mr. CLARKE of Michigan:

H.R. 6493.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 4 and Article 1, Section 8, Clause 18 of the United States Constitution.

By Mr. THOMPSON of California:

H.R. 6494.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clauses 12–14, and Clause 18 of the United States Constitution.

By Mr. AMASH:

H.R. 6495.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 5 of the U.S. Constitution empowers Congress “To coin Money, [and] regulate the Value thereof.” Congress currently authorizes the minting of commemorative coins, and this bill directs the proceeds of the minting.

By Mr. AMODEI:

H.R. 6496.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to regulate interstate and foreign commerce, as enumerated in Article I, Section 8, Clause 3 of the United States Constitution, to define and punish felonies committed outside of U.S. borders and offenses against the Law of Nations, as enumerated in Article I, Section 8, Clause 10, and to make all laws necessary and proper for carrying into execution all other powers vested in the federal government and its departments and officers, as enumerated in Article I, Section 8, Clause 18.

By Mr. AMODEI:

H.R. 6497.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mrs. BACHMANN:

H.R. 6498.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8 Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. BARROW:

H.R. 6499.

Congress has the power to enact this legislation pursuant to the following:

Article I Section VI of the Constitution.

By Mr. CLARKE of Michigan:

H.R. 6500.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 of the United States Constitution.

By Mr. BERG:

H.R. 6501.

Congress has the power to enact this legislation pursuant to the following:

Article 1 section 8 clause 3 of the United States Constitution.

By Mr. BILBRAY:

H.R. 6502.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; Congress has the authority under this section to regulate commerce and FDA products.

By Mr. BILBRAY:

H.R. 6503.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes; Congress has the authority under this section to regulate commerce and renewable fuels.

By Mr. CHABOT:

H.R. 6504.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 clause 3 “To regulate commerce with foreign nations, and among

the several states and with the Indian tribes;”

By Mr. CICILLINE:

H.R. 6505.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. COURTNEY:

H.R. 6506.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 (relating to the power of Congress to provide for the general welfare of the United States) and Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

Article IV, Section 3, Clause 2 (relating to the power of Congress to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States).

By Mr. CRAVAACK:

H.R. 6507.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3. The Congress shall have Power to regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mrs. DAVIS of California:

H.R. 6508.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. DeLAURO:

H.R. 6509.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. DEUTCH:

H.R. 6510.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8, Clause 3 of the United States Constitution, which grants Congress the power to regulate commerce among the several States.

By Mr. DUNCAN of South Carolina:

H.R. 6511.

Congress has the power to enact this legislation pursuant to the following:

“This bill follows the Constitutional prerogatives of Congress under Article I, Section 8, pertaining to the clauses to ‘provide for the common Defense’ and ‘make Rules for the Government.’”

By Mr. FITZPATRICK:

H.R. 6512.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. FRELINGHUYSEN:

H.R. 6513.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Mr. GIBSON:

H.R. 6514.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the Constitution gives Congress the power to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. GRIMM:

H.R. 6515.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. HOCHUL:

H.R. 6516.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

By Mr. HONDA:

H.R. 6517.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. HUELSKAMP:

H.R. 6518.

Congress has the power to enact this legislation pursuant to the following:

This legislation is introduced under the authority of Article I, Section 8, Clause 1 and the Tenth Amendment to the United States Constitution. This bill restores the proper balance of power between the federal and state governments as intended under the Tenth Amendment to the United States Constitution by devolving the responsibility of providing food assistance for low income citizens to the states. It reinforces the founding constitutional principle that state governments are properly situated with attending to their citizens' health, safety, and general welfare.

By Mr. HUNTER:

H.R. 6519.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make needful rules and regulations regarding the territory of the United States, as enumerated in Article IV, Section 3, Clause 2 of the United States Constitution.

By Mr. HURT:

H.R. 6520.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Mr. ISRAEL:

H.R. 6521.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the U.S. Constitution.

By Mr. ISRAEL:

H.R. 6522.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 and the 16th Amendment of the United States Constitution

By Mr. SAM JOHNSON of Texas:

H.R. 6523.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. KING of New York:

H.R. 6524.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:

The Congress shall have Power . . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. KINZINGER of Illinois:

H.R. 6525.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

The Congress shall have Power \*\*\* To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. LANDRY:

H.R. 6526.

Congress has the power to enact this legislation pursuant to the following:

Clause 3 of section 8 of Article I of the Constitution

By Mr. LARSEN of Washington:

H.R. 6527.

Congress has the power to enact this legislation pursuant to the following:

As described in Article 1, Section 1 "all legislative powers herein granted shall be vested in a Congress."

By Ms. LEE of California:

H.R. 6528.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Ms. ZOE LOFGREN of California:

H.R. 6529.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of Section 8 of Article 1 of the U.S. Constitution.

By Ms. ZOE LOFGREN of California:

H.R. 6530.

Congress has the power to enact this legislation pursuant to the following:

Clauses 3 and 18 of Section 8 of Article 1 of the U.S. Constitution.

By Mr. MARKEY:

H.R. 6531.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. MCCLINTOCK:

H.R. 6532.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article IV, Section 3, Clause 2 (the Property Clause), which confers on Congress the power to dispose of property belonging to the United States.

By Mr. MICHAUD:

H.R. 6533.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. MICHAUD:

H.R. 6534.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. NADLER:

H.R. 6535.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of section 8 of article I of the Constitution, clause 18 of section 8 of article I of the Constitution, and clause 7 of section 9 of article I of the Constitution.

By Mr. NUNES:

H.R. 6536.

Congress has the power to enact this legislation pursuant to the following:

US Constitution, Article 1, Section 8, Clause 3 provides Congress the power to regulate commerce with foreign nations and among the various states.

By Mr. NUNES:

H.R. 6537.

Congress has the power to enact this legislation pursuant to the following:

US Constitution, Article 1, Section 8, Clause 3 provides Congress the power to regulate commerce with foreign nations and among the various states.

By Mr. NUNES:

H.R. 6538.

Congress has the power to enact this legislation pursuant to the following:

US Constitution, Article 1, Section 8, Clause 3 provides Congress the power to regulate commerce with foreign nations and among the various states.

By Mr. NUNES:

H.R. 6539.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Article I, Section 8, provides Congress the power to regulate commerce with foreign nations.

By Mr. POSEY:

H.R. 6540.

Congress has the power to enact this legislation pursuant to the following:

Article 1, section 8, clause 1; Article 1, section 8, clause 8; Article IV, section 3, clause 2

By Mr. REED:

H.R. 6541.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

By Mr. RICHMOND:

H.R. 6542.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1) and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Ms. SCHWARTZ:

H.R. 6543.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Ms. SCHWARTZ:

H.R. 6544.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. SENSENBRENNER:

H.R. 6545.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States

By Mr. SENSENBRENNER:

H.R. 6546.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States

By Mr. SHIMKUS:

H.R. 6547.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. SHULER:

H.R. 6548.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 Clause 1 gives Congress the authority to "provide for the common defense and general welfare of the United States."

Article I Section 8 Clause 3—The Congress shall have power\*\*\*To regulate commerce with foreign nations and among the several states, and with the Indian tribes.

By Mr. STARK:

H.R. 6549.

Congress has the power to enact this legislation pursuant to the following:

Clause I of Section 8 of Article I of the Constitution

By Mr. SULLIVAN:

H.R. 6550.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SULLIVAN:

H.R. 6551.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SULLIVAN:

H.R. 6552.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. SULLIVAN:

H.R. 6553.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. TIERNEY:

H.R. 6554.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution.

By Mr. TURNER of Ohio:

H.R. 6555.

Congress has the power to enact this legislation pursuant to the following:

Clauses 1, 14, and 18 of Section 8 of Article I of the Constitution

By Ms. WASSERMAN SCHULTZ:

H.R. 6556.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII

By Mr. WELCH:

H.R. 6557.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 16, to make all laws which shall be necessary and proper for carrying to execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any Department or Office thereof.

By Mr. WELCH:

H.R. 6558.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 16, to make all laws which shall be necessary and proper for carrying to execution the foregoing powers,

and all other powers vested by this Constitution in the government of the United States, or in any Department or Office thereof.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 100: Mrs. ROBY.  
H.R. 127: Mr. AUSTIN SCOTT of Georgia.  
H.R. 212: Mr. AUSTIN SCOTT of Georgia.  
H.R. 360: Mrs. EMERSON.  
H.R. 390: Mr. BARBER.  
H.R. 574: Mr. KUCINICH.  
H.R. 615: Mr. YODER.  
H.R. 718: Ms. SCHAKOWSKY.  
H.R. 719: Mr. JOHNSON of Ohio.  
H.R. 791: Mr. CARNEY.  
H.R. 835: Mr. CULBERSON.  
H.R. 860: Mrs. ROBY, Mr. SHERMAN, and Mr. CANSECO.  
H.R. 904: Mr. LATHAM.  
H.R. 905: Mr. PETERSON.  
H.R. 1054: Mr. PETERSON and Mr. MORAN.  
H.R. 1057: Mr. BARBER.  
H.R. 1063: Mrs. BLACK and Mr. KINZINGER of Illinois.  
H.R. 1116: Mr. CLYBURN.  
H.R. 1127: Ms. MCCOLLUM.  
H.R. 1195: Mr. AUSTIN SCOTT of Georgia and Mr. MCNERNEY.  
H.R. 1219: Mr. MCNERNEY.  
H.R. 1244: Mrs. BIGGERT, Ms. BONAMICI, and Mr. STIVERS.  
H.R. 1322: Ms. WOOLSEY.  
H.R. 1370: Mr. ROONEY, Mr. CHANDLER, Mr. RUNYAN, and Mr. YOUNG of Alaska.  
H.R. 1397: Mr. Barber.  
H.R. 1418: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 1426: Ms. BALDWIN.  
H.R. 1462: Mr. GONZALEZ.  
H.R. 1489: Mr. DOGETT.  
H.R. 1513: Mr. RIVERA and Mr. GARY G. MILLER of California.  
H.R. 1537: Ms. EDWARDS.  
H.R. 1639: Mr. SCHRADER.  
H.R. 1675: Mr. MARINO and Mr. LANCE.  
H.R. 1676: Ms. WOOLSEY.  
H.R. 1687: Mr. LATHAM.  
H.R. 1744: Mr. CAMPBELL.  
H.R. 1802: Mr. STARK and Mr. PETERSON.  
H.R. 1845: Ms. ROYBAL-ALLARD.  
H.R. 1867: Mr. DINGELL.  
H.R. 1876: Mr. FARR and Mr. HOLDEN.  
H.R. 1936: Ms. DEGETTE.  
H.R. 1968: Mr. HANNA.  
H.R. 2016: Mr. KUCINICH.  
H.R. 2020: Mr. MURPHY of Connecticut.  
H.R. 2030: Mr. COURTNEY and Mr. DINGELL.  
H.R. 2069: Ms. MATSUI and Mr. COURTNEY.  
H.R. 2088: Mr. POLIS and Mr. NEAL.  
H.R. 2256: Mr. TIERNEY.  
H.R. 2267: Ms. HOCHUL.  
H.R. 2359: Ms. SPEIER.  
H.R. 2364: Mr. HASTINGS of Florida.  
H.R. 2382: Mr. NEAL and Ms. HIRONO.  
H.R. 2402: Mr. HUELSKAMP.  
H.R. 2485: Ms. BUERKLE.  
H.R. 2492: Mr. RIVERA and Mr. TERRY.  
H.R. 2499: Mr. DEUTCH.  
H.R. 2557: Mr. PETERSON.  
H.R. 2563: Mr. JONES.  
H.R. 2600: Mr. DONNELLY of Indiana, Mr. MARINO, and Mr. ROONEY.  
H.R. 2669: Mr. PALLONE and Mr. GUTIERREZ.  
H.R. 2672: Mr. NEAL.  
H.R. 2698: Mr. PAULSEN.  
H.R. 2746: Mr. COURTNEY and Ms. DEGETTE.  
H.R. 2787: Ms. HOCHUL.  
H.R. 2885: Mrs. ROBY.  
H.R. 2925: Mr. DINGELL.

H.R. 2969: Mr. BLUMENAUER, Mrs. CAPITO, Mr. SIRES, and Mr. PETERSON.

H.R. 2985: Mr. WITTMAN.

H.R. 3056: Mr. BISHOP of Georgia, Ms. WATERS, Mrs. RICHARDSON, Mr. TOWNS, and Ms. WOOLSEY.

H.R. 3097: Mr. GIBSON.

H.R. 3238: Mr. GARAMENDI, Mrs. MALONEY, Mr. WAXMAN, and Mr. DINGELL.

H.R. 3359: Mrs. CAPPS.

H.R. 3381: Mr. CONYERS, Ms. SEWELL, Mr. HASTINGS of Florida, Ms. WOOLSEY, Mr. CONNOLLY of Virginia, Mr. LANGEVIN, Ms. ZOE LOFGREN of California, Ms. NORTON, Ms. LEE of California, Ms. CHU, Mr. RANGEL, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. SERRANO, Mr. GRIJALVA, Ms. SPEIER, Ms. ROYBAL-ALLARD, and Mr. BISHOP of Georgia.  
H.R. 3395: Mr. PRICE of North Carolina.  
H.R. 3423: Mr. MACK, Mr. NUGENT, Mr. ELLISON, and Mr. FITZPATRICK.

H.R. 3458: Mr. PETERSON.

H.R. 3466: Mr. HEINRICH.

H.R. 3481: Mr. GARDNER.

H.R. 3485: Mr. NEAL and Ms. EDWARDS.

H.R. 3489: Mr. MORAN.

H.R. 3497: Mr. BURTON of Indiana.

H.R. 3506: Mr. BISHOP of New York.

H.R. 3510: Ms. HOCHUL.

H.R. 3515: Mr. BISHOP of Georgia and Mrs. CAPPS.

H.R. 3522: Mr. BRALEY of Iowa and Mr. COHEN.

H.R. 3591: Ms. ROYBAL-ALLARD.

H.R. 3664: Mr. CASSIDY.

H.R. 3677: Mr. KIND.

H.R. 3713: Mr. BROWN of Georgia and Mrs. BACHMANN.

H.R. 3767: Mr. WELCH.

H.R. 3790: Mr. GARAMENDI.

H.R. 3798: Mr. RICHMOND.

H.R. 4017: Mr. PRICE of North Carolina.

H.R. 4103: Mr. POE of Texas.

H.R. 4115: Mr. BOSWELL.

H.R. 4122: Mr. SMITH of New Jersey, Mr. MCGOVERN, and Mr. NEAL.

H.R. 4137: Mr. KIND and Mr. BACHUS.

H.R. 4169: Mr. BOSWELL and Mr. PRICE of North Carolina.

H.R. 4173: Mr. McDERMOTT.

H.R. 4202: Mr. COSTA.

H.R. 4209: Mr. BISHOP of New York and Ms. BONAMICI.

H.R. 4238: Ms. MCCOLLUM.

H.R. 4256: Mr. ROSKAM.

H.R. 4290: Mr. LYNCH, Ms. CHU, and Ms. WATERS.

H.R. 4322: Mr. LUETKEMEYER.

H.R. 4336: Mr. COBLE and Mr. GARDNER.

H.R. 4378: Ms. PINGREE of Maine, Mr. BISHOP of New York, Mr. PETERSON, and Mr. BARROW.

H.R. 4379: Ms. JACKSON LEE of Texas.

H.R. 4385: Mr. SAM JOHNSON of Texas.

H.R. 5741: Mr. CHANDLER.

H.R. 5796: Mrs. CAPPS, Mr. HANNA, and Mr. GRIFFIN of Arkansas.

H.R. 5817: Mr. POSEY, Mr. BENISHEK, Mr. KISSELL, Mr. PETERS, Mr. DOLD, Mr. SHULER, Mrs. MCCARTHY of New York, Mr. MICHAUD, Mr. KIND, and Mrs. MILLER of Michigan.

H.R. 5839: Mr. HARRIS, Mr. CARNAHAN, and Mr. CHANDLER.

H.R. 5840: Mr. PETERS, Mr. VAN HOLLEN, Mr. BRALEY of Iowa, Mr. CRITZ, Mr. REICHERT, and Mr. FATTAH.

H.R. 5846: Mr. POSEY and Mr. CARTER.

H.R. 5879: Mr. BLUMENAUER and Mr. TERRY.

H.R. 5914: Mr. BOSWELL and Mr. HALL.

H.R. 5925: Mr. WITTMAN.

H.R. 5943: Mr. MANZULLO.

H.R. 5953: Mrs. ROBY.

H.R. 5969: Mr. BENISHEK.

H.R. 5970: Mr. BENISHEK.

H.R. 5996: Mr. BARBER.  
 H.R. 5998: Ms. BUERKLE.  
 H.R. 6015: Mr. HOLT and Ms. DELAULO.  
 H.R. 6033: Mr. HEINRICH.  
 H.R. 6038: Ms. PINGREE of Maine and Mr. MICHAUD.  
 H.R. 6043: Mr. MATHESON, Mr. GRIJALVA, and Mr. CASSIDY.  
 H.R. 6046: Mr. HASTINGS of Florida.  
 H.R. 6098: Mr. FRANK of Massachusetts and Mr. STARK.  
 H.R. 6110: Ms. ROYBAL-ALLARD.  
 H.R. 6119: Mr. GRIJALVA.  
 H.R. 6125: Mr. PETERS.  
 H.R. 6128: Mr. FARR, Mr. KUCINICH, Ms. LEE of California, Mr. STARK, and Mr. POLIS.  
 H.R. 6134: Mr. SERRANO.  
 H.R. 6140: Mr. YODER.  
 H.R. 6144: Mr. HANNA.  
 H.R. 6150: Mrs. CAPPS.  
 H.R. 6154: Mr. BILBRAY and Mr. BLUMENAUER.  
 H.R. 6155: Mr. BISHOP of New York, Mrs. CAPPS, Ms. HIRONO, Mr. MURPHY of Connecticut, Ms. WOOLSEY, Mr. ALTMIRE, Ms. SCHAKOWSKY, and Mr. ROTHMAN of New Jersey.  
 H.R. 6157: Mr. FILNER, Ms. MATSUI, Ms. SCHAKOWSKY, Ms. WOOLSEY, and Mr. MURPHY of Connecticut.  
 H.R. 6159: Mrs. LOWEY and Mr. DINGELL.  
 H.R. 6172: Mr. PETERSON.  
 H.R. 6179: Mr. ISRAEL.  
 H.R. 6200: Mr. KUCINICH and Mr. NADLER.  
 H.R. 6242: Ms. SCHAKOWSKY and Mr. SHERMAN.  
 H.R. 6248: Mr. JONES.  
 H.R. 6273: Ms. SCHAKOWSKY.  
 H.R. 6280: Mr. JONES.  
 H.R. 6284: Mr. KUCINICH.  
 H.R. 6289: Mr. YODER.  
 H.R. 6291: Mr. DEFazio.  
 H.R. 6292: Mr. NADLER.  
 H.R. 6293: Mr. JONES and Ms. HIRONO.  
 H.R. 6302: Mr. STARK.  
 H.R. 6304: Mr. KLINE, Mr. YOUNG of Alaska, and Mr. KING of New York.  
 H.R. 6310: Mr. DOYLE and Mr. CICILLINE.  
 H.R. 6312: Mr. DENT.  
 H.R. 6326: Mrs. BLACKBURN.  
 H.R. 6328: Ms. BORDALLO.  
 H.R. 6352: Mr. SHULER.  
 H.R. 6373: Ms. HOCHUL.  
 H.R. 6374: Mr. BROUN of Georgia.  
 H.R. 6385: Mr. LATTA.

H.R. 6388: Mr. GRIMM, Mr. STIVERS, Mr. BLUMENAUER, Mr. LYNCH, Mr. PETERS, Mr. JONES, Mr. DEFazio, Mr. GRIJALVA, Mr. HIMES, Mr. CAMPBELL, and Mr. PRICE of North Carolina.  
 H.R. 6397: Mr. THOMPSON of Pennsylvania.  
 H.R. 6398: Mr. KIND and Mr. BLUMENAUER.  
 H.R. 6404: Ms. KAPTUR.  
 H.R. 6411: Ms. CHU.  
 H.R. 6413: Mr. ALTMIRE and Mr. LOEBSACK.  
 H.R. 6415: Mrs. BLACKBURN.  
 H.R. 6418: Ms. BUERKLE and Mr. POMPEO.  
 H.R. 6419: Mr. GUTIERREZ, Mr. SERRANO, Ms. LEE of California, Mr. BRADY of Pennsylvania, Ms. BORDALLO, Mr. ELLISON, Mr. COHEN, Ms. MCCOLLUM, Ms. WOOLSEY, and Mr. COSTA.  
 H.R. 6420: Mr. SCOTT of South Carolina.  
 H.R. 6421: Ms. CASTOR of Florida, Ms. WOOLSEY, and Ms. NORTON.  
 H.R. 6426: Ms. LEE of California, Ms. CHU, Mr. COHEN, Mr. HINCHEY, Ms. ESHOO, Mr. CICILLINE, and Mr. WAXMAN.  
 H.R. 6428: Mr. TOWNS, Ms. SCHAKOWSKY, and Ms. HIRONO.  
 H.R. 6436: Mr. CARNAHAN.  
 H.R. 6438: Mr. PLATTS, Mr. GIBSON, Ms. HIRONO, Mr. LATHAM, Mr. COFFMAN of Colorado, Ms. HAYWORTH, Mr. GARDNER, Mr. BENISHEK, Mr. OWENS, and Mr. CRAVAACK.  
 H.R. 6439: Mr. ALEXANDER, Mr. MCINTYRE, Mr. BOUSTANY, Mr. FINCHER, Mr. SCHRADER, and Mr. PETERSON.  
 H.R. 6441: Mr. KIND.  
 H.R. 6444: Mr. BARTON of Texas.  
 H.R. 6452: Mr. AKIN, Mr. HUELSKAMP, and Mr. DUFFY.  
 H.R. 6456: Ms. HANABUSA, Mr. THOMPSON of Pennsylvania, Mr. FINCHER, Mr. COSTELLO, and Mr. CRAVAACK.  
 H.R. 6460: Ms. SCHAKOWSKY and Mr. MORAN.  
 H.R. 6462: Mr. BISHOP of Utah and Mr. SIMPSON.  
 H.R. 6467: Mr. BLUMENAUER and Ms. HIRONO.  
 H.J. Res. 47: Mr. SMITH of Washington.  
 H.J. Res. 78: Mr. WAXMAN.  
 H.J. Res. 90: Mr. WAXMAN.  
 H.J. Res. 106: Mr. BILBRAY.  
 H.J. Res. 115: Ms. HIRONO.  
 H. Con. Res. 107: Mr. BROOKS.  
 H. Con. Res. 116: Mr. KELLY, Mr. CARTER, Mr. LUETKEMEYER, Ms. SCHAKOWSKY, Mr. PETERSON, Mr. KING of New York, and Mrs. LUMMIS.

H. Con. Res. 129: Mr. BARTON of Texas.  
 H. Res. 111: Mrs. CAPPS.  
 H. Res. 134: Ms. BONAMICI and Ms. HIRONO.  
 H. Res. 298: Mr. PETERSON.  
 H. Res. 319: Mr. CICILLINE.  
 H. Res. 387: Mr. PETERS, Mr. GARAMENDI, and Mr. ROTHMAN of New Jersey.  
 H. Res. 415: Mr. SIRES.  
 H. Res. 704: Ms. SLAUGHTER.  
 H. Res. 733: Mr. FARR.  
 H. Res. 734: Mr. SHULER and Mr. MURPHY of Connecticut.  
 H. Res. 736: Ms. HIRONO and Mr. ROTHMAN of New Jersey.  
 H. Res. 745: Mr. DUNCAN of South Carolina, Mr. SMITH of New Jersey, and Mr. CANSECO.  
 H. Res. 759: Ms. WOOLSEY.  
 H. Res. 760: Mr. GONZALEZ, Ms. HAHN, Mr. FRANK of Massachusetts, Mr. CUMMINGS, and Mr. GARAMENDI.  
 H. Res. 763: Mr. CALVERT and Mr. BURTON of Indiana.  
 H. Res. 774: Ms. WOOLSEY, Mr. LOBIONDO, Mr. CARTER, Ms. PINGREE of Maine, Mr. DEFazio, Mrs. BIGGERT, Mr. BARTON of Texas, Mr. GARAMENDI, Mr. DUNCAN of Tennessee, Mr. LANGEVIN, and Mr. COSTELLO.  
 H. Res. 776: Mr. ROGERS of Michigan, Mr. MARINO, Mr. BONNER, and Mr. GRIMM.  
 H. Res. 785: Mr. GARAMENDI and Mr. MURPHY of Connecticut.  
 H. Res. 790: Mr. HARRIS and Mr. BURTON of Indiana.  
 H. Res. 793: Mr. HANNA, Mr. RIVERA, Mr. WEST, Ms. HERRERA BEUTLER, Mr. DIAZ-BALART, Mr. KING of Iowa, Mr. CICILLINE, Mr. RICHMOND, Ms. CHU, Mr. LANDRY, Mr. WALSH of Illinois, and Mrs. ELLMERS.

#### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petition:

Petition 5 by Mr. BRALEY on House Resolution 739: Walter B. Jones, John D. Dingell, Tom Latham, Lynn C. Woolsey, Allyson Y. Schwartz, Charles B. Rangel, Earl Blumenauer, Brian Higgins, Jerry F. Costello, Ben Ray Lujan, Mazie Hirono, Daniel Lipinski, Henry C. "Hank" Johnson Jr., Brad Sherman.

**SENATE—Friday, September 21, 2012**

The Senate met at 12 noon and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty and everlasting God, we praise Your Name for all those who answer the call to serve You and country. We confess that we often pay honor to people who labored for liberty long ago, but we sometimes neglect to appreciate those who sacrifice for freedom today. Forgive us when we resist those in our own time and in our own associations who, for our own good and for the good of the Nation, challenge our rigid ideas of thought and patterns of action.

Make our lawmakers, this day, open to greater creativity in their convictions so that they may become partners with You in these challenging times by paying the price for unity.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 21, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SPORTSMEN'S ACT OF 2012—  
MOTION TO PROCEED**

Mr. REID. Mr. President, I move to proceed to Calendar No. 504.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 504, S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

**SCHEDULE**

Mr. REID. Mr. President, the next hour will be equally divided between the two leaders or their designees. The majority will control the first half and the Republicans the final half.

As I think we should know, and I am happy to restate it, the next rollcall vote will occur about 1 a.m. this morning, an hour after we come in. I am, of course, hopeful we can work something out in order to complete our work. We can either do it all tonight, tomorrow, or, if that doesn't work out, as the Presiding Officer knows, under the rules of the Senate we will have that vote at 1 a.m., and then we would have another vote on the CR. Final passage of that would be around 7:30, 8 o'clock in the morning on Sunday. Then we would immediately follow to the motion to proceed on the sportsmen's package.

We continue to have discussions. We are working to see if we can schedule these votes at a more convenient time for Senators. Everyone should know we would finish by Sunday morning. We are not going to go into next week.

**MEASURE PLACED ON THE CALENDAR—S. 3607**

Mr. REID. Mr. President, S. 3607 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3607) to approve the Keystone XL Pipeline.

Mr. REID. I object to any further proceedings with regard to this bill.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

Mr. REID. Mr. President, over the past week I have listened to my Republican colleagues come to the floor and lament how little the Senate has accomplished during the 112th Congress. I, above all, share that concern. In fact, it is a wonder we have gotten anything done at all, considering the lack of cooperation Democrats have gotten from Republican colleagues.

I have said before, and it bears repeating: In my time as the majority leader, I have faced 382 Republican filibusters. That is 381 more filibusters

than Lyndon Johnson faced during his 6 years as majority leader.

Time and time again my Republican colleagues have stalled or blocked perfectly good pieces of legislation to score points with the tea party, and they have done nothing but hurt the middle class in this process. Even the most noncontroversial, consensus matters—items that would have passed by unanimous consent in the past—have been obstructed or stalled.

Take, for example, the bipartisan sportsmen's bill. The junior Senator from Montana, Mr. TESTER, has assembled a broad package to support the needs of sportsmen across the country. Just so everyone understands I am not making this up, there are more than 50 groups—50 organizations in this country—who support this legislation. It is a wide range of organizations, including the National Rifle Association, Ducks Unlimited, American Sports Fishing Association which, by the way, has more than 2 million members, Boone and Crockett Club, National Shooting Sports Foundation, Theodore Roosevelt Conservation Partnership, The Nature Conservancy, the National Wildlife Federation, Trout Unlimited. If we put labels on just these 10 organizations I have mentioned, it goes from the more conservative, many would say, National Rifle Association, to the more progressive Trout Unlimited.

I ask unanimous consent that a list of these organizations I have referred to, as well as others, be made a part of the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

American Fisheries Society  
American Fly Fishing Trade Association  
American Sportfishing Association  
Archery Trade Association  
Association of Fish and Wildlife Agencies  
B.A.S.S., LLC  
Berkley Conservation Institute  
Boone and Crockett Club  
Bowhunting Preservation Alliance  
Campfire Club of America  
Catch-A-Dream Foundation  
Center for Costal Conservation  
Congressional Sportsmen's Foundation  
Conservation Force  
Costal Conservation Association  
Dallas Safari Club  
Delta Waterfowl Foundation  
Ducks Unlimited  
Houston Safari Club  
Isaac Walton League  
International Game Fish Association  
Mule Deer Foundation  
National Marine Manufacturers Association  
National Rifle Association  
National Wildlife Refuge Association  
National Wildlife Federation  
National Shooting Sports Foundation

National Trappers Association  
 National Wild Turkey Federation  
 North American Bear Foundation  
 North American Grouse Partnership  
 Orion—the Hunter's Institute  
 Pheasants Forever  
 Pope and Young Club  
 Public Lands Foundation  
 Quail Forever  
 Quality Deer Management Association  
 Rocky Mountain Elk Foundation  
 Ruffed Grouse Society  
 Shimano Sport Fisheries Initiative  
 Texas Wildlife Association  
 The Conservation Fund  
 The Nature Conservancy  
 Theodore Roosevelt Conservation Partnership  
 TreadLightly!  
 Trout Unlimited  
 Trust for Public Lands  
 U.S. Sportsmen's Alliance  
 Wild Sheep Foundation  
 The Wilderness Society  
 Wildlife Forever  
 Wildlife Management Institute

Mr. REID. Mr. President, this measure combines about 20 bills important to the sportsmen's community—bills that promote hunting, fishing, and recreation. They would foster habitat conservation through voluntary programs and, as I have indicated, more than 50 national sportsmen and conservation groups support this bill unequivocally.

This legislation should be passed like that. As I indicated yesterday, I have read Capitol Hill newspapers where Republican Senators said: What a great piece of legislation; I will vote for it.

We should pass this in a matter of seconds. We shouldn't be spending all this time on it. It is one of those things where there shouldn't be a fight and there has been a fight.

So I hope, as we try to get back to working on campaigns and doing the work things we have to do at home, that we can move along and get this done.

In the process, though, we are holding up a lot of other things. I am hopeful we can get something done on the Iran containment resolution, which is something LINDSEY GRAHAM, Senator LIEBERMAN, Senator MENENDEZ, and many others, have pushed very hard to get done. I hope we can confirm our Ambassadors to Iraq and Pakistan, and the continuing resolution to fund the government for 6 months.

Republicans say this Congress has been unproductive, but if Republicans want to know why it has been unproductive, they should take a look in the mirror. Benjamin Franklin once said: "Well done is better than well said." Well done is better than well said.

So it is time Republicans stop talking about how much they want to get things done and start working with us to actually get things done.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### ADDRESSING CHALLENGES

Mr. MCCONNELL. Mr. President, yesterday dozens of Republican Senators

came to the Senate floor one after the other to register their complete frustration with the way Democrats are running this place. Never before—never—has a President and a majority party in the Senate done so little to address challenges as great as the ones our Nation faces right now—never.

I mean, we have a \$16 trillion debt and they haven't bothered to put together a budget in 3 years. They haven't passed a single appropriations bill. They haven't passed a Defense authorization bill for the first time in a half a century. These things are usually about as standard as turning the lights on. They haven't done any of them. It is a disgrace.

Think about it: The Middle East is in turmoil, we are fighting a war in Afghanistan and against al-Qaida, and they can't even bother to pass a Defense authorization bill.

We are fed up with the way this place is being run. No legislation, no amendments, no action on taxes, no action on Defense cuts. Nothing. Now we are at it again. All Republicans want to do is extend government funding for a few months, and the majority leader won't even do that unless he can squeeze in yet another political vote.

Democrats have treated the Senate floor like an extension of the Obama campaign for 2 years. Now they are holding the CR hostage for no other reason than to help one of their incumbents on the campaign trail.

Well, we are ready to vote on three bills—the same ones the majority leader asked for votes on earlier this week.

We have responsibilities to meet. Let's meet them, and leave the politics of the campaign trail where it belongs.

Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Illinois.

#### STRATEGY OF OBSTRUCTION

Mr. DURBIN. Mr. President, I listened to the statement made on the floor by the Republican leader. It was a statement similar to one that was made yesterday. I responded to it yesterday and I wish to make a response today.

I am disappointed that this session of Congress has been so unproductive, but I know the reason why. It isn't for lack of effort. We have tried to bring to the floor time and time again legislation to help create more jobs in America, create a more positive business climate, create more consumer confidence in middle-income families, and

we have consistently run into the same problem over and over.

In the last 6 years, since HARRY REID of Nevada has been the majority leader on the Democratic side, the Republicans have created 382 filibusters. How does this compare with previous years? There is no comparison. We have never, ever, in the history of the U.S. Senate, run into such a consistent strategy of obstruction by one party in the Senate.

It was no surprise, because the Senator from Kentucky who just spoke announced 4 years ago exactly what his strategy would be. He said his No. 1 goal was to make sure that Barack Obama was a one-term President.

I have served in the House and in the Senate with Republican Presidents, and certainly I supported their opponents whenever they ran for election, but I felt a moral and civic obligation to do my best to work with those Presidents to achieve some good for this country.

I would say that President George W. Bush is a classic example. He and I saw the world so differently, and yet when it came to specific issues I was prepared to stand and not only praise his work but join him in trying to pass important legislation.

President George W. Bush may not be remembered for this, but he should be: He spoke in favor of immigration reform. When is the last time you heard a Republican leader speak about immigration reform? But George W. Bush understood it, and I admired him for it and complimented him for it, as I do today.

He stood and said the United States should lead the world in eradicating the HIV/AIDS epidemic, and he put his money and the money of the American taxpayers where his promises were, and I supported him for it. He was right to do it.

President George W. Bush stood up after 9/11 and reminded America we are not at war with people of the Muslim religion. George W. Bush told us it is a good and peaceful religion. Those who would corrupt it, those extremists in the name of Islam, are not a credit to that religion and do not reflect it, and I admired him for that. At a time when America was so angry over 9/11 and the loss of all those innocent lives, he showed real leadership.

What a contrast with those who come to the floor of the House and Senate and say our No. 1 goal is to make sure this President fails no matter what he tries. That is not good for America, and that is one of the reasons we have been as unproductive as we have been. But there have been exceptions. Let me tell you some of those exceptions.

We passed the Violence Against Women Act—an important piece of legislation. Go to a domestic violence shelter. I am sure the Acting President pro tempore did as attorney general of the State of Connecticut and as U.S.



Senator, as I did, and sit across the table from a victim of domestic violence—a poor woman with two black eyes crying her heart out, saying: I just had to get out of that house.

Go to a domestic violence center in Little Village or in Pilsen in the city of Chicago where immigrant women come in, holding their children close by, for fear that drunken husband is going to take another swing at them or at her and tell me we could not agree, Democrats and Republicans, to put the resources together to protect those people.

Well, we passed it over here. We passed it in the Senate—a bipartisan bill—and it died in the House of Representatives.

The same thing happened on important legislation such as transportation. That used to be the easiest bill to pass. Who in the world, elected in the House and the Senate, does not want to see better highways and bridges and runways and ports across America? We know it is key to our economic development. We passed it on a bipartisan basis. What happened? It died in the House of Representatives. They ended up sending us a shell of a bill so we could go to conference and finally come up with something.

Then the farm bill. This one troubles me. I say to the Acting President pro tempore, I know Connecticut has some farmers. We have a few more in Illinois. My farmers have been through a pretty tough time of it. This summer has been exceptional when it comes to weather. Virtually every county in my State has been declared a disaster area because of drought.

It used to be routine on the Fourth of July to have shoulder-high corn, to watch in August as it just grew even more and was ready for harvest. It was a magnificent scene. I have seen it every year of my life. This year it was a sad scene in too many places in Illinois. The farmers—many of them will get through; 80 percent of them bought crop insurance—but they want to know what the farm bill is going to be next year so they can get ready.

Well, we told them in the Senate. We passed a bipartisan farm bill in the Senate. Senator DEBBIE STABENOW of Michigan—what a great example of leadership. She not only put a good farm bill together, she brought PAT ROBERTS, a Republican from Kansas on her committee, with her to the Senate floor and passed it with 64 votes—a bipartisan bill. It not only wrote the farm programs for the next 5 years, it saved \$23 billion, cut it off the deficit. Pretty good work. I am proud of her.

So what happened to that important bill we sent to the House of Representatives 3 months ago? It died. The House announced this week they were unable to pass a farm bill. Do you know why? For the same reason they have been unable to pass major legislation

through the course of the last 2 years. They insist it be passed only with Republican votes.

Two of the bills I mentioned—transportation and the farm bill—have traditionally been the most bipartisan bills to come to the Congress. Why? Because we all share the concern about the infrastructure of America and the agricultural sector of America, Democrats and Republicans. But those bills have died in the House of Representatives.

When the Senate Republican leader comes to the floor and talks about how unproductive we have been, he fails to mention 382 Republican filibusters—an all-time record of obstruction. He fails to mention his promise to make sure his guiding principle would be the defeat of this incumbent President. And he fails to mention that graveyard of important legislation across the Rotunda in the House of Representatives. That is the reality, and the reality is a troubling one.

Yesterday, I did satellite radio and television feeds back to Illinois, and a number of the reporters said: Well, what can we do about it? I said: You get your chance November 6. Decide. Decide what you want. Decide if you want to send Democrats and Republicans to this Capitol with an awesome responsibility and also with the spirit of consensus and cooperation.

We have had one Senate candidate in the Midwest who announced: I am not going to compromise with anybody when I get to Washington. I hope the people of Indiana remember that on November 6. If that is what they want, that is what they will get.

But I sense the American people want more from us. They want us to work together. There have been instances, examples where that has happened. President Obama created a deficit commission called the Simpson-Bowles Commission. Eighteen people were appointed to it. Senator HARRY REID asked me to join the commission, and I did. I did not think much would come of it, to be honest with you. There have been a lot of commissions around here. They spend taxpayers' dollars and a lot of time and generate reports that are quickly forgotten. This was an exception simply because Erskine Bowles and Alan Simpson came together and did an extraordinarily good job.

We spent a year looking at this budget and realizing that this deficit is unsustainable and unacceptable. We borrow 40 cents for every \$1 we spend in this town. Whether we are spending it on food stamps, on missiles, on foreign aid, or on agricultural programs, we borrow 40 cents of it. And who is our No. 1 creditor in the world? The same nation that is our No. 1 competitor in the world, China. How about that? We are borrowing money from China. Borrowing that money, of course, is at the

expense of interest payments which continue to grow because of the costs we are faced with across the board.

So we talked in the Simpson-Bowles Commission about coming up with a way to reduce the deficit in a responsible fashion. I was certain, when I walked in the door, that we were not going to get much done there, and I was even certain that I was not going to vote for it because I thought there were some issues I just could not see my way through. But I came to a different conclusion. I voted yes on the Simpson-Bowles bipartisan deficit commission, and out of the six Senators who sat on the commission—three Democrats and three Republicans—five of us voted yes. We believe it showed the path to a responsible reduction of the deficit.

Well, it did not go any further, unfortunately, because the commission did not have 14 votes, which it needed, and it did not have the power of law, which it needed. It turns out that the original legislation creating the commission had failed on the floor of the Senate when seven Republicans switched their votes and voted against it. After co-sponsoring it, they voted against it.

Thank goodness the ideas behind Simpson-Bowles are still alive and continue to be alive. We have continued to meet. We have had Democratic and Republican Senators meeting almost non-stop for a long time trying to push forward this concept of reducing the deficit in a responsible way while still growing our economy and creating jobs.

We are going to have our chance soon to put on the table whatever we can come up with. Right after the election, on December 31, we face what is known as the cliff. At that point, many important pieces of legislation and laws will expire and automatic spending cuts will go into place. It is a pretty serious outcome. This is our chance to come up with a bipartisan answer to it. We cannot get to it until after the election, which I think is understandable. It is such a highly charged political atmosphere until November 6. But after the election, it is a test—a test of the House and Senate as to whether the Democrats and Republicans can put the campaign behind them and work together to solve some of this Nation's problems.

The path that Simpson-Bowles laid out is a pretty direct one and a pretty obvious one. We need to do two things to reduce our deficit. We need more revenue and we need to reduce spending. Those are the two things that reduce the deficit. I think we can do that. I think we can achieve that in a fair way. I have tried to work and continue to work toward that goal.

I would say despite the statement of the Republican leader just a few minutes ago, I am more hopeful, even for the rest of this session. If we can put

these filibusters behind us for a moment, if we can come to the floor and work together, I think we can achieve something. We did with the farm bill, we did with the Transportation bill, we did with the Violence Against Women Act, and we did with postal reform—bipartisan bills, important bills that passed the Senate and died in the House. I hope if we show some leadership over here the House will follow in a bipartisan fashion to deal with these same issues. We know we have major problems facing us in this country, problems that will not be resolved unless we work together.

#### SUPER PACS

Mr. President, I would like to make a statement about another issue, which I think relates directly to the performance of Congress and what is going on in American politics today.

Across the street, the U.S. Supreme Court reached a decision known as *Citizens United*. It was a decision which has had a dramatic impact on the way campaigns are waged in America. We have seen unprecedented—unprecedented—influence buying by corporations and wealthy individuals in a way we have never seen in the history of the United States.

There are about 16 or 17 multimillionaires who are investing millions and millions of dollars—hundreds of millions of dollars—into our election process. The same thing holds true for major corporations.

Let me tell you some of the numbers to compare.

In the 2006 congressional midterm elections, outside groups spent \$70 million to influence the result, Mr. President. 2006, \$70 million.

Four years later, in 2010, outside groups raised the \$70 million figure to \$294 million—four times the amount they spent in 2006.

In the current Presidential election cycle outside special interest groups and wealthy individuals have already broken the record of 2010. These outside groups—and these are not the campaigns of any candidates or even political parties—have already spent, with 7 weeks to go, \$350 million, breaking all records for outside money.

How is this money being spent? Turn on your television in a battleground State and try to get around the television ads. They have spent \$50 million more than they did in 2008—and we are just entering the end of this campaign when the expenditures will skyrocket.

If there was ever any doubt that the *Citizens United* decision would lead to a flood of campaign cash from wealthy individuals and corporations, we have our answer.

At the end of 2010, there were 84 active super PACs. Two years later, there are now 657 super PACs prepared to spend hundreds of millions of dollars to persuade voters.

The only thing worse than this unprecedented amount of money from

special interest groups and wealthy individuals flooding our airwaves is the fact that ordinary Americans often have no idea where this money is coming from.

In 2006, only 1 percent of all outside spending came from secret donors. In 2010, after *Citizens United* and the rise of super PACs, secret donors rocketed to 46 percent of the outside spending in campaigns, which means when we see the ads on television, we have no idea, generally—in half the cases at least—who is paying for it.

As I have said before, these are not just super PACs, these are outside groups pouring money into elections. They are super secret PACs in many instances because the public has shockingly little information about the sources of the money. These super secret PACs and the wealthy individuals and corporations behind them are drowning out the voices of average citizens, and many times the voices of the candidates themselves.

Our representative democracy values transparency, participation, and open debates. Unfortunately, nonpartisan reports indicate that as the amount of money flooding into campaigns increases, core democratic principles are diminished.

The little that we have been able to learn about the major donors to these super PACs is very disturbing. Mr. President, 17 percent of all funds raised by super PACs came from for-profit businesses. It is safe to say that their primary goal is generally not advancing the public interest but, rather, enhancing their corporate bottom line.

Mr. President, 80 percent of funds given to super PACs during this Presidential election—80 percent of all the \$350 million that I mentioned—came from 196 people—196 people who want to control our campaign process.

Moreover, there is an ultra-elite club of 22 millionaires and billionaires who provided half of all super-PAC money being spent in this Presidential election—22 Americans. I do not begrudge anyone their success in life or in business. I applaud it. The voices of business leaders, wealthy individuals, and special interests should be heard as part of the public debate. They are an important part of our country, and they need a seat at the policymaking table. Their voices, however, are not the only voices and opinions that matter. They should not occupy every seat at the policymaking table or buy control of what is served on that table.

A Las Vegas casino magnate, Sheldon Adelson; billionaire oil tycoons, two brothers, Charles and David Koch; and the multimillionaire head of a retail empire, Art Pope, may have achieved laudable business success, but their economic success does not entitle them to secretly use their virtually unlimited resources and impose their political will and their political agenda

on America. Unfortunately, after the *Citizens United* case, that is exactly what they are trying to do.

The Las Vegas casino magnate Sheldon Adelson is reportedly the most generous super-PAC donor. He has contributed \$36 million and threatens to spend even more. His first spend was on a candidate named Newt Gingrich. When he did not make it to the finish line, Mr. Adelson said that he is now going to give it to the Republican nominee for President. That is a lot of money and a lot of influence and probably more, but for this particular super-PAC donor, that \$36 million contribution, when you look at his wealth, is equivalent to \$168 from the average American.

The terms of the political debate and, I fear, the outcome of many elections are not being set by 314 million Americans whose lives, jobs, safety, and health are impacted by the decisions of the people they elect; instead, it is the 22, 22 wealthy individuals pouring money into super PACs that have outsized influence on the terms of our political debate and the outcome of our elections.

Our fellow Americans may not know the intricate details of campaign finance laws, but they know their voices are being drowned out by these corporations, special interests, and wealthy individuals. Many people are losing confidence in this democracy as a result. According to a recent survey, three out of four Americans believe corruption has increased over the last 3 years. Well, in some part, we can thank the *Citizens United* decision for that.

The time to fix our broken campaign finance system is now. I am a realist. I understand that most Americans view this flood of spending by special interest groups and wealthy individuals on political campaigns the same way they view gangland slayings: Let them shoot one another as much as they want. As long as the bullets do not hit us, as long as we do not have to watch, let them have their fun.

But it is more serious than that. If our political process is stolen away from the average American, even the average candidate, by these special interest groups and wealthy individuals, it will diminish our democracy, there is no question. So here is an idea, one I have been pushing for a long time. I introduced the Fair Elections Now Act, which would create a public financing system that would free candidates from the dangerous reliance on super PACs once and for all. Under Fair Elections, viable candidates who qualify for Fair Elections programs would raise campaign funds in small amounts from individual donors—small amounts. Once they have raised a certain threshold number of small donations, they could receive matching funds and grants sufficient to run a competitive campaign. Fair Elections would fundamentally reform our broken system and put the

average citizens back in control of their elections and their country.

I wonder what the American people would think of shorter campaigns directed to the issues, actual debates between the candidates? Would they miss us if they did not see all of those ads on television? I do not think they would miss us.

I also support the DISCLOSE Act. The Supreme Court got it wrong in *Citizens United*, but this bill we have tried to pass would require super PACs and other big spenders to disclose all donors who give \$10,000 or more to influence an election. What is wrong with transparency and disclosure when it comes to our democratic political process?

I chair the Judiciary Committee's Subcommittee on the Constitution, Civil Rights and Human Rights.

I will tell you that when it comes to constitutional amendments, I have been pretty picky as a Member of the House and Senate. I think the Constitution which I have sworn to uphold and defend as a Member of the Senate and the House is an extraordinary document. I am not so bold or bigheaded to think I have a great idea that ought to be parked right in the middle of that fantastic and sacred document. I have been skeptical of those who have offered amendments over the years. As I have said, I do not believe we should take a roller brush to a Rembrandt. It is an amazing work of political art, and we should take care not to amend it except in the most extraordinary situations.

During the most recent hearing I chaired on the impact of *Citizens United*, our subcommittee received 1,959,063 petition signatures from Americans representing every State in the Union, almost 2 million Americans. These Americans support the constitutional amendment that would stop the pernicious influence of secret corporate and special interest money.

I see on the floor Senator UDALL of New Mexico, who has been a leader on this issue on this constitutional amendment. As I have said, I am very selective in the constitutional amendments to which I will add my name. I have joined him because I think he is right.

*Citizens United* has corrupted this political process. The likelihood that Congress can change it is a long shot. If it is going to be changed, it needs to be changed in a meaningful way so that we can reclaim our political process for the people of this country and take it away from the 22 multimillionaires and billionaires who are trying to take control of this political process.

I stand with these 2 million Americans, and I stand with Senator UDALL and so many others because the way we finance our campaigns in this country is in urgent need of reform.

This will be the last day or two the Senate meets before the elections. I

wanted to come to the floor and speak to this issue before the election, whatever the outcome may be. America is not a better and stronger nation when we give up our political process to the wealthy and politically articulate. The strength of America is when every person has a voice and a vote and they are not going to be overshadowed or outdistanced because of someone who happens to be very wealthy and very successful and wants to buy their way into our political system.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, before my colleague, Senator DURBIN, leaves the floor, let me just say that this whole issue, as he has pointed out, of campaign finance is a pressing issue. It is one that is before us now. We are seeing it play out in the campaign. I am sure that at the end of this campaign, citizens across this country are going to demand reform, they are going to demand change. The Senator has outlined several pieces of legislation that I believe really do that. This constitutional amendment is one. The DISCLOSE Act, a piece of legislation the Senator has offered and fought for, I think both in the House and the Senate, really brings transparency to the process. They bring disclosure to the process, and we need to do it. So I really appreciate the Senator's leadership and look forward to working with the Senator very closely on this issue as we get into the next Congress.

#### TRIBUTE TO RUSSELL TRAIN

I rise today to pay tribute to a gentleman by the name of Russell Train. On Monday of this week, our Nation lost a great friend of the environment. I was saddened to learn of the passing of Russell Train. Russ was a true pioneer in the history of environmental protection. He was a part of that great generation of bipartisan leaders, that remarkable group of men and women, Democrats and Republicans, who put the environment center stage, who championed conservation. My father, who knew and admired Russ, was also a part of that generation. They leave very big shoes to fill. Their legacy is monumental.

Russ Train's life parallels so much of the history of the environmental movement in this country because he was part of that history because he did so much to make it happen. In 1965, when he was 45, Russ left his position as U.S. Tax Court judge. He decided to devote himself full time to conservation and became president of the Conservation Foundation. His midlife career change may have been a loss for the Tax Court, but it was a huge gain for the environment.

Brilliant, tenacious, committed, he dedicated the rest of his life to the environment. Along with Rachel Carson,

the celebrated author of "Silent Spring," Russ helped raise environmental issues to the national level. He served as Under Secretary of Interior from in 1969 to 1970. He was the first Chairman of the White House Council on Environmental Quality from 1970 to 1973. He was instrumental in the creation of the Environmental Protection Agency and headed it from 1973 to 1977. During those years, he oversaw landmark legislation: the Clean Air Act, the Clean Water Act, the Endangered Species Act, the Toxic Substance Control Act. All bore the imprint of Russell Train.

Perhaps his most lasting achievement was the National Environmental Policy Act of 1970. He helped see that groundbreaking legislation through the Nixon White House and through Congress. For over 40 years now, NEPA has required Federal agencies to prepare environmental impact statements for any major projects. NEPA is justly regarded as the foundation for U.S. environmental protections.

But what began as a bipartisan triumph was later subject to partisan divide. While in the House in 2005, I served as the ranking member of a task force whose stated purpose was to review and improve NEPA. But there were those who wanted to destroy it—with 1 swift blow or by 1,000 cuts but destroy it all the same. Many of us fought very hard not to let that happen. As I said at that time, where critics of NEPA saw only delay, we saw deliberation. Where they saw postponed profits, we saw public input. NEPA was then and is now an antidote to the potential arrogance of government power. It listens to the community, it addresses opposition early on, and in the long run it minimizes conflict and protects the environment. It trusts the American people to take part in managing their public resources. And it remains one of Russell Train's greatest legacies.

Russ himself stated it best at the 40th anniversary of NEPA. He said:

NEPA is America's most-imitated environmental legislation around the globe. What we launched in 1970 has become a contribution to the planet not less than to our citizenry . . . NEPA's legacy is that what the people know has great value to a government that seeks their knowledge and takes it seriously.

After leaving the government, Russell led the U.S. branch of the World Wildlife Fund for many years. He did so with his usual passion and commitment, always engaged, always pragmatic and reasonable but ever the visionary for a better world.

In 1991 President Bush awarded Russ the Presidential Medal of Freedom.

Russell Train was a remarkable man. Jill and I have been honored to call him and his wonderful wife Aileen our friends. We extend our sincere condolences to Aileen and their children and

hope they will take comfort in knowing the world is a better place for Russell's life and work.

#### NEW MEXICO'S CENTENNIAL

On January 16, 1912, President Taft signed the proclamation making New Mexico the 47th State. So it is with great pride that I join Senator BINGAMAN in submitting a resolution recognizing the centennial anniversary of our State.

For those of us who are blessed to call New Mexico home, we are imprinted by its remarkable history and its awesome beauty. We are part of the rich diversity of its people.

One hundred years ago, the population of New Mexico was 327,000 people. Now it is over 2 million. But the mix of Native American, Hispanic, and European tradition has long been a part of our State. New Mexico is a land of deep roots. We are enriched by this mosaic of culture. It has informed our history, our art, and our sense of who we are as a people. Our State is rightly called the Land of Enchantment. It is also a land of courage. From the Civil War to Teddy Roosevelt's Rough Riders, from the Navajo Code Talkers to Bataan and Corregidor, and from Korea and Vietnam to the brave men and women who have served in Iraq and Afghanistan, when our Nation has called, New Mexico has always stood ready to answer that call.

The story of New Mexico is a long and proud one. It goes back well over 10,000 years to the Clovis people. It goes back to Santa Fe, founded in 1610, the oldest capital city in the United States. In 1920, Route 66 connected New Mexico to California and to the Midwest. This and other interstate projects that followed brought jobs and more people to our State, and today we need a new commitment to investing in the infrastructure that is essential to renewed prosperity.

In the 1920s and 1930s, New Mexico was part of an oil boom that fueled the rest of the Nation, and today we are on the cutting edge of clean energy technology, helping to reduce our Nation's dependence on foreign oil. In the 1940s and 1950s Sandia and Los Alamos National Labs became legendary centers of scientific innovation and research. Today they continue to play a vital role in our Nation's security. Our State is also promoting STEM education—science, technology, engineering, and math—so that our graduates can get good jobs, so they can compete in a global economy.

How we address these issues will shape the next 100 years in our State, but I am sure of one thing: We have a blend of cultures and backgrounds like nowhere else. It has helped bring us where we are today. It will help take us where we need to go tomorrow. The vitality and creativity of our people is as strong as ever. Working together, we will continue to meet the challenges of

our State and our Nation. In this year of our centennial, we look back to our unique history and we look forward to a bright future.

I thank the Senator from Kentucky, Mr. PAUL, for allowing me to finish my statement. I appreciate very much his courtesy. With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

#### FOREIGN AID

Mr. PAUL. Mr. President, I am going to tell you the story today of a love affair. It is a story that is a steamy one. It is a story of illicit behavior, of treachery, and of gluttony. It is a story that involves intrigue and deception. It is a story of unintended consequences, and it is a story of anger and violence. It is the story of American foreign aid.

Joseph Sambayi Mukendie never sleeps at home anymore. Mukendie's sleep is interrupted by dreams. He feels unsafe even a continent away from his attackers. Mukendie was arrested at home one night. He was taken to an underground cell at Camp Kongolo—a military base in Kinshasha, Zaire. The secret police of Mobutu stripped him naked, stretched him out on the floor, and then he was beaten with a large stick with nails protruding from the end.

Mobutu received billions of dollars in foreign aid from our country. Over his 30-year bloody dictatorship, he received billions of our taxpayer dollars. As his people starved, his wife went to Europe, spent millions of dollars on spending sprees. Zaire has very little running water and sporadic electricity. It rotted under Mobutu's rule, and yet he received billions of American dollars. Mobutu stole the lion's share of this. He became one of the richest men in the world. Enough was stolen that his wealth was estimated to be in the billions. They called his wife Gucci Mobutu. Her shoe collection rivaled Imelda Marcos'. She was capable of spending \$1 million in one day in Europe.

Jean Nguza Karl-i-Bond was an ally of Mobutu who fell out of his favor. Mobutu accused him of trying to seduce the First Lady. Many believed his only crime was that he was mentioned in the foreign press as a possible successor to Mobutu. Nguza was subjected to physical and electric torture to the genitals—too horrific to even repeat. The administration of Jimmy Carter, who ostensibly were champions of human rights, nevertheless continued the steady flow of foreign aid, for foreign aid is a bipartisan project. There is a consensus in the United States and in the Senate. We must send it no matter what the behavior of the recipients.

Not only did our leaders turn a blind eye to Mobutu's graft and human rights abuses, they bestowed upon him inexplicable and personal friendship. Mobutu was known as a personal friend of the first President Bush and vaca-

tioned at his personal residence. When Mobutu traveled to Europe, he would stop by the Central Bank of Zaire. Early in his reign, he would come by with a Louis Vuitton bag and would get about \$50,000 in cash. Toward the end of his career, he was getting \$500,000 in cash for these trips to Europe. One of his many foreign residences was in Switzerland. He apparently had the time and money to vacation there, and even had his own brandy being made at our taxpayers' expense.

It is sad to contemplate what despots and dictators have done and are doing to their people. It is sadder still to realize they are being subsidized in this horrific behavior by taxpayer money. And it continues. We are having a debate now over foreign aid because they still want to send more. Many people think the answer is to send more; maybe they will behave better if they get more of our money.

Apologists for foreign aid don't deny foreign aid has often been stolen by corrupt leaders, and there is evidence the humanitarian outcomes are scant and don't occur. Nevertheless, the advocates of foreign aid justify the continuing aid with the argument we must often choose the lesser of two evils. As many have pointed out, the lesser of two evils is still evil.

Throughout the Cold War, the perceived threat of Soviet expansionism, though, clouded the minds of many leaders. American leaders would pick one dictator over another if he or she were a pro-American dictator. We didn't care what they were doing to their people. We turned a blind eye.

We gave money to dictators from Saddam Hussein, who was once our ally, receiving billions of our tax dollars, to the mujahedin, who were radical jihadists. But at the time, we didn't mind if they were a radical jihadist if they were our radical jihadist because they were opposing the Soviet Union. But the mujahedin actually, eventually, became the Taliban, who are now our enemies. We despise jihad now, and we fight against radical Islamic jihad. But at one time we subsidized jihad. In fact, there were several weapons left over from the time period when we were giving weapons to the mujahedin.

We subsidized Qadhafi before we fought Qadhafi. We gave Qadhafi foreign aid. He was our friend. In the year preceding his overthrow, there were Senators from this body speaking with Qadhafi's family about sending more money to Qadhafi. Where does the insanity end?

U.S. foreign aid has continued to flow despite a long string of abuses well-known to most of those who are dispensing the aid. They simply turn a blind eye. Except for Libya, Egypt, and Tunisia, where many are saying let's send the money to secularists; now there is a question as to whether some

of that money may be going to radical Islamists.

With the end of the Cold War, some were finally cut off. Mobutu, whom I mentioned, who committed these atrocious acts of torture, finally was cut off, but only after 30 years of receiving our taxpayer money, torturing his own people, and stealing everyone blind.

Foreign aid from developed countries in 2006 totaled \$100 billion a year. Over the past 50 years, we have given \$2 trillion to developing countries in foreign aid. Over the past 42 years, Easterly states that although \$568 billion has flowed into Africa, per-capita growth in income in Africa has been flat. In fact, in some countries, such as Zimbabwe, where Mugabe was in charge for several decades, the growth rate has actually been negative.

So for those who say: I just simply want to help people; I want to help poor people around the world by sending them money, it is stolen by their leaders. It doesn't get to the poor people, and, besides, some may have heard we are \$1 trillion short in our budget. How can we send more money overseas?

Some academics have argued that with the Arab spring, the emerging democracies will require even more foreign aid. Hillary Clinton is on Capitol Hill today asking for more money to go to Egypt. As they burn our flag, as the hordes gather by the tens of thousands, she is asking to send Egypt more money. There were no Egyptian policemen or soldiers who showed up when our Ambassador was attacked, and Hillary Clinton is asking for more money to go to Egypt.

According to Coyne and Ryan, the world's worst dictators have received \$105 billion under the guise of official developmental assistance. Instead of helping the poor, the assistance is aiding the ability of the dictators to remain in power. In fact, it keeps them in power long enough that it inflames the populace so that we end up having to go back in because of war because the populace is so inflamed against the dictator that we have propped up against popular rule.

Some academics argue emerging democracies will require more aid. Professors Bruce Bueno de Mesquita and Alastair Smith argue:

Democracy would make the price much higher. Democracy in Egypt comes at a big price for U.S. voters. Good or bad—that is up to the observer, but it will be costly, no doubt.

The professors' argument is that democracy is messy and costs more to subsidize because the ballot box gives voice to the minorities that dictators would not hear, that they would silence or imprison.

I think the real question and the image we have to have in our mind is when we see 10,000 people outside the Embassy in Pakistan burning the U.S.

flag, imagine that we would send them more money. Imagine we would not ask for restrictions on this money. I have been asking for 6 weeks to place restrictions on foreign aid. I am not even asking that it end, although I would, but I am asking to simply place restrictions on it. Everyone should watch this vote. If I get this vote, just watch. The vast majority of the Senate is going to vote for unlimited, unrestricted foreign aid. I will probably lose this vote, but when we ask our friends, when we go home and ask our friends: Should we be sending money to countries that disrespect us, to countries that burn our flag, I think most will find that 80 to 90 percent of the American people wouldn't send another penny. That may be why Congress has about a 10-percent approval rating. They don't get it. Ninety percent of the folks up here are going to vote to continue sending taxpayer money with no restrictions to countries that burn our flag and disrespect us. Is it any wonder that only 10 percent of America approves of Congress?

In fact, many people who claim to be conservatives are for foreign aid. Big government conservative advocates, such as John Guardiano, try to couch their support in feigned opposition. He says:

Now, I don't like foreign aid any more than the next conservative. Most foreign aid is probably economically wasteful and counter-productive. But the point of foreign aid is not economics. It is geopolitics.

That is what most of them will admit around here. Continuing his quote:

It is intended to shape a recipient country's behavior and, quite literally, buy American influence.

To his mind he says it does that. But if foreign aid is meant to shape a country's behavior, advocates have a lot of explaining to do. From Mobutu to Mugabe, from Mubarak to Hussein to Qadhafi, from the current Egypt to the current Pakistan that is holding a gentleman who helped us get bin Laden, to the current Pakistan that seemed somehow to let bin Laden live for 7 years in their midst with no knowledge he was there—they have some explaining to do. For those who advocate foreign aid, saying it is shaping the behavior of these countries, they have some explaining to do because it doesn't appear as if these countries respect America. It doesn't appear as if they even like us. And it also doesn't appear that if they want to be our ally they are acting like it.

That is all I am asking. If a country wants to be an ally of our country, they should act like it. If they want to receive and cash an American check, they need to act like our ally at the very least.

There is some question about whether the aid works when it is sent for poverty or humanitarian purposes.

Doug Bandow asked this question and argues that foreign aid actually

encourages poverty and starvation because African nations use displays of poverty and starvation to seek more aid. Why get rid of your problem? Why cure your problem if that is what you are showing the world you have so you can get more aid? We don't seem to care about results because we continue to give it to some of these dictators for decades, who produce no results and we know are stealing the money.

Brautigam and Knack illustrate the existence of a moral hazard problem surrounding foreign aid. They contend that aid allocation may actually encourage impoverishing policy because as the damaging policies create misery, the more likely the donors are to grant more aid.

Herb Werlin maintains that American foreign aid is undermined by tariffs and subsidies, including a \$3 billion-a-year subsidy lavished on 25,000 cotton farmers. Because of high subsidies, America is able to export corn at two-thirds the cost of production, making it impossible for African farmers to compete. So our trade policy makes it harder for African countries to become self-sufficient. Peanuts are protected by a tariff up to 164 percent, thereby making Africa's peanut-producing nations, such as Uganda, even more dependent on aid.

But it is not just rich people in poor countries getting foreign aid; we also continue to shift our dollars to rich countries.

Michael Tennant reports:

According to a report from the Congressional Research Service, in fiscal year 2010 the United States' top creditor nations received millions of dollars in aid.

So the countries we are borrowing money from, we are sending them foreign aid. China, to whom we owe over \$1 trillion, still gets \$27 million in aid. Russia, to whom we owe \$127 billion, still gets \$71 million in aid. To add insult to injury, China gets economic development assistance from the U.S. taxpayer.

It just amazes me. But you mark my words, you listen to the debate, and you watch the vote today—the vast majority does not want any change to foreign aid other than that they would increase it. If we are not getting the behavior we want, they would increase it.

Hillary Clinton is on Capitol Hill today asking to increase aid to Egypt—not to put restrictions on the aid, to increase it. We currently do have some restrictions on aid to Egypt. Hillary Clinton has waived those and said they are doing fine.

When the marauders, when the horde came to the Embassy in Egypt last week, there was a phone call made to our Embassy saying: The mob is coming. But no soldiers came. No one came to protect our Embassy. In the civilized world, the host nation protecting the guest nation's Embassy is of primary concern. It is something every

civilized nation is expected to do. In the case of Egypt, no one came. We were lucky that we escaped death in Egypt. We weren't so lucky in Libya.

The report on China that found out we were borrowing money and then giving foreign aid to countries we borrow from was commissioned by Senator TOM COBURN, who has been watching out for your money. He demanded this report, and he said:

Borrowing money from countries who receive our aid is dangerous for both the donor and the recipient. If countries can afford to buy our debt, perhaps they can afford to fund their own assistance programs without relying on the American taxpayer.

Michael Tennant goes on to say this:

We give China 3.9 million to enforce the rule of law and human rights, neither of which are thought to be China's selling points.

The one that really burns, though, is that \$700,000 in economic development assistance. It just boggles the mind that the U.S. taxpayer is asked to send money to China—which is outcompeting us in virtually every sector—to send money to subsidize their economic development assistance.

One would think that with all this evidence that foreign aid doesn't reach the intended beneficiaries and often winds up in the hands of dictators, this information would make it easy to defeat foreign aid.

When you look at the polls of the American people, you find that nearly 80 percent of the American people think foreign aid in general is a bad idea. We have roads in our country that are crumbling and need repair. We have bridges that are crumbling. In my State alone, we had a bridge out 6 months last year. We have two bridges in Kentucky that are older than I am and need to be replaced. We don't have the money, but we somehow have billions of dollars to send to people who disrespect us and burn our flag. I don't understand how we can send our money to these countries that disdain us, disrespect us.

In Pakistan, they hold the doctor who helped us get bin Laden. We fought a 10-year war in Afghanistan to get bin Laden and his followers. We finally got him—no help from Pakistan. He lived in Pakistan for many years. Pakistan is now mad that we got him. In fact, they riot over there and burn the American flag because we killed bin Laden. What do we do? Here is some more money. If we give you some more money, will you behave. If we give you more money, will you let our supplies go across your northern frontier.

But we don't ask them the real question: Are you our friend? If you are our friend, act like it. If you are our ally, act like it.

Anytime this question is broached over foreign aid, the vast majority of career politicians complain bitterly and quash any debate. I have been try-

ing to have this vote for 6 weeks. I am still hopeful we will get it, but they don't want to vote on this because they know they are voting against the popular will, they are voting against the wishes of their constituents.

There is not one Senator from any one of the 50 States up here who, when they vote against these limitations on foreign aid, won't be voting against the will of their State—they won't be voting against the will of their people. You can go to Massachusetts or Maine or to conservative Texas and ask the taxpayers, ask the voters: Are you in favor of sending money to these countries where tens of thousands of people are gathering and burning our flag? Are you in favor of sending hard-earned taxpayer money to countries that disrespect us? Are you in favor of sending money to these countries when we have so many problems at home that we can't handle? And in every State in the Union, you will find that a majority of voters—sometimes a vast majority of the voters—think it is a mistake. So what is happening here is that the will of the people is not being transmitted by this body because this body, when it votes on this issue, will vote in direct defiance of the will of the people.

It is often said that it is difficult to determine whether a recipient is a friend or a foe. Libya is an example. One day Libya came in from the cold. A longtime pariah among nations, rivaling Iran as a model for extreme thuggishness, Libya came in from the cold. Libya and her Colonel Qadhafi phoned the West and said they would change their ways, they would stop developing weapons of mass destruction and become good neighbors to all. This is before the recent Libyan revolution. This is the Qadhafi, whom we helped to overturn, who was by all accounts a horrible dictator, but about 2 or 3 years ago he came in from the cold and wanted to be a friend to America because he wanted our assistance.

With an alacrity sped by naivete, the West welcomed Qadhafi back into the bosom of respected nations. Delegations of U.S. Senators—ones who are still in this body—went to meet with Qadhafi, to meet with Qadhafi's family, to offer Qadhafi money. Prime Minister Tony Blair gushed with praise for his new friend Colonel Qadhafi. President Bush concluded that Libya was no longer a sponsor of terror. Three Senators met with Qadhafi's son and, according to leaked cables, offered him aid. Fast-forward barely a year later into the Arab spring, and these same Senators who were offering Qadhafi aid were back in Libya offering the rebels aid.

We should scratch our heads and say: My goodness. Maybe we should question the judgment of these people who tell you foreign aid should be given to everyone all the time, and if they misbehave, give them more, because you

have Senators from this body going and offering aid to Qadhafi and a year later offering it to the rebels to overthrow Qadhafi and saying Qadhafi is a terrible dictator. He was. He always was. But he played a game, and we accepted the game because we are always willing to play the game with your money.

Egypt. Egypt is a pile of contradictions. In the words of former CIA Agent Robert Baer, "If you want a serious interrogation, you send a prisoner to Jordan. If you want them tortured, you send them to Syria. But if you want them to disappear—never to see them again—you send them to Egypt."

This was the Egypt under Mubarak, who—when we felt someone needed to be tortured or disappeared and we didn't want there to be any repercussions coming back on us, that is where they sent them—to Egypt.

Over the past 30 years, we bought this sort of regime there to do our bidding when we wished. It became very unpopular with the people. So you wonder about the Arab spring and you wonder, why are these people so unhappy? Well, they hated Mubarak because he was a dictator, he was an autocrat, and they didn't have freedom of speech, they didn't have freedom of association, and they were beaten with billy clubs if they tried to gather. Their political parties were outlawed. They hated Mubarak because he was antidemocrat. He didn't allow voting. But he was our guy. We paid for him.

So you have to think this through. Why is there such widespread anti-Americanism? Because we have propped up and given money to so many despots, to so many dictators. Over the past 30 years, the United States sent over \$30 billion to Egypt to help finance a police state ruled by an emergency decree that lasted several decades.

Khaled Said became the face of that foreign aid, as pictures of his bloody beating at the hands of the Egyptian police spurred the youth of Egypt to take to the streets in the Arab spring of 2011.

On June 6, 2010, Said had been sitting on the second floor of a cyber cafe. Two detectives from the Sidi Gaber police station entered the premises and arrested him. Multiple witnesses testified that Said was beaten to death by the police, who reportedly hit him and smashed him against objects as he was led outside to their police car.

The owner of the Internet cafe in which Said was arrested stated that he witnessed Said being beaten to death in the doorway of the building across the street after the detectives took him out of the cafe at the owner's request.

Another young man, Wael Ghonim, a young Egyptian living in Dubai, found the photos of Said after he was beaten to death by police, and he started a Facebook page. It is called "We are all



Khaled Said." It was moderated by Wael Ghonim. It brought attention to his death, and it became a phenomenon and spread across the Middle East as people saw the death of this man, beaten to death by the police.

So we have to think, why are we seeing people burning the American flag? Why are we seeing such great unrest in 30 different countries? Because our foreign aid and our military aid have propped up dictators who become, over decades, despotic, autocratic, who torture their people and prevent freedom from occurring, and then there is a backlash. What we are seeing is the backlash of 30 years of foreign aid and propping up military dictatorships simply because they were predisposed to like us as opposed to someone else.

"We are all Khaled Said" was the rallying cry that brought hundreds of thousands of people to the streets in Egypt. Ghonim's Facebook, where he posted "We are all Khaled Said," spawned a revolution.

As hundreds of thousands of protesters filled Tahrir Square, the police beat them back.

David Rieff of the New Republic reports:

U.S. military aid to Egypt, which averages \$1.3 billion annually, allowed the Egyptian police and paramilitaries to bombard protestors with volley after volley of tear gas made by a company in Pennsylvania.

Why are they angry? They know this. They know their protests are beaten down by autocrats supported by the United States who are spraying tear gas on them that is made in the United States. We have to understand the dynamic if we are ever to try to improve the situation.

The protest in Egypt escalated day after day. An unemployed man by the name of Salah Mahmoud, who had moved to Cairo in search of work to save enough money to own a home and marry but instead had been living on small day's wages, set himself on fire in the middle of the street before being put out by bystanders.

The U.S. military aid and tactical training given to Libya, Egypt, and Tunisia to fight terrorism was used to fight against free association and freedom of speech of their people.

When we hear about the Arab spring, we need to understand where the Arab spring comes from. The Arab spring was a rising up for democracy. There is nothing wrong with that. But why would a rising up for democracy take on anti-American tones? I am as offended as anybody else by people burning our flag. But we have to understand why did the Arab spring that seemed to be a search for freedom and democracy—why did it get transformed into an Arab winter? Why did it get transformed into an anti-American protest? Because the tear gas that rained down on them for decades was made here, because the police batons were paid for

with our money, because Mubarak, who stole millions of dollars and whose family lived with such wealth and abundance, with homes in London and Paris and secret Swiss accounts, got that at our expense. So when they hated Mubarak, they hated us also. They hated us because we were Mubarak. They hated us because we were Ben Ali in Tunisia. They hated us because we were at one time Saddam Hussein's friend.

If we do not understand this, we are never going to figure out a way to make things better. There are many and ample fiscal reasons to oppose foreign aid, but Thomas Eddlem puts it succinctly when he writes: "Foreign aid has historically been used to suppress freedom and has reduced the moral influence of the example of the U.S. Constitution."

It is hard for us to imagine, because we have such a great Constitution and such great freedom here, why they don't appreciate that. Why don't they appreciate and look to the shining example we set? We do set a great example in our country for freedom and tolerance and association. Why can't the folks in the Middle East see that? Because they see the truncheon, they see the police baton, they see the jail cells, they see trial without jury from the autocrats we have supported. We have to understand why this anti-Americanism comes. It has come because, largely, our foreign aid for decade upon decade has been given to despots throughout the Middle East. Those despots have run roughshod on their people and their people are unhappy.

It is not that they despise our Constitution. I think many of them would like to have the freedoms enshrined in our Constitution, but it is confusing to us because we think: Oh, they hate what America is all about. They hate America for our wealth and freedom. They don't hate wealth and freedom. They probably don't hate us in the abstract, but they hate us because when they see Mubarak, when they see the other end of a truncheon coming from the police of Mubarak or the police of Saddam Hussein or the chemical weaponry and the chemical gas Hussein sprayed on his people, they see where it came from and they see the money that came in to prop up these dictators.

From 1980 to 1988, there was a war. We have largely forgotten about it. It was between Iran and Iraq. In that war there were planes on both sides, American planes, because we had sold planes to both sides. At the time, Iran was still flying many F-4s, a couple hundred F-4 Phantoms, and on the other side we had advisers on the ground advising Hussein.

Hussein was our ally. We sent money to Hussein on a routine basis. There are some reports that said Hussein directly got money from our CIA. So we

can understand the confusion over there and we can understand that even though Iraq was been liberated and there is a democracy there, that some of them still seem to hate us for some reason. We wonder why they would hate us if we freed them. Because some still remember Hussein and they fear there will be another Hussein.

One of the saddest stories that came up in the last week was a young soldier who was killed in Afghanistan. He was killed by the policeman, the Afghan policeman he was training. We have had over 50 deaths in Afghanistan this year from friendly fire, from our supposed allies. This one was particularly sad. This boy was to come home within a week or two. His brother was having a football game. He was supposed to make his brother's football game. This is a patriotic family, a military family. This boy proudly served, and he deserves nothing but our admiration. But he called his dad a week before and he said to his dad: I think the guy I am training is going to kill me. The Afghan policeman had been coming up to him for weeks saying, "We don't want you here."

These are the people we are sending our money to. We are sending our young men and women to die over there, but we are supporting people who it is not clear want to be our friends or want to be our allies. It is not clear we can win their friendship. The President of Afghanistan, Karzai, we basically helped get in power. He stays in power probably because of our presence there. Yet he is disdainful of us. They have said if there is a war with Pakistan—Karzai said he would side with Pakistan.

When there was a shooting recently where an Afghan policeman shot several of our officers in a government building where they should not have been armed—or were not armed—Karzai's response was to talk about the burning of the Koran, as if there was justification for these deaths.

When the riots erupted in Egypt recently, what were the first words out of President Mursi's mouth, from Egypt? The first words out of his mouth were: How dare America produce this film?

America didn't produce the film, but those were the first words out of his mouth, not that "we should protect the Embassy" and that "there is no justification for attacking an embassy" regardless of any kind of discussion over this movie.

We have to figure out how do we get and retain valid allies? We do have allies around the world we do not give any money to. But too often through the years we have decided to choose one dictator over another, to choose the lesser of two evils. Ultimately, often we have had to go back in to fight against our own weapons. Hussein was our ally. We ended up going back to fight against him. The mujahedin,



who became the Taliban, they were our ally, too, against Russia. We were, in fact, in favor of radical jihad when it was directed against the Soviet Union. Some of the weapons are left over. In fact, when we look at Taliban weapons captured now, many of them are American weapons because it is unclear whether we have a good handle on what we give to the Afghan police. We are not positive they don't wind up in the hands of the Taliban.

It is a murky situation, but I don't think it is a situation that should continue. I think it is time to come home from Afghanistan.

People on the other side say: You want to disengage. No; I want to have relationships with countries around the world. I want to have diplomatic relationships. I want to have trade. But I don't think having diplomatic relationships or engaging with other countries means we have to bribe them. There are some people who hate us enough that bribing them will not work and often is counterproductive.

Thomas Eddlem reports that even:

Rieff—[from the New Republic, who is] no opponent of foreign aid in theory—concluded of [foreign] aid to Egypt [that] “this is not only a moral scandal, it is a geo[political] strategic blunder of huge portions.”

Like so many authoritarian regimes, the prime beneficiary of the U.S. foreign aid of Egypt was the leader for life, Mubarak, and the end result of 30 years of supporting an unpopular dictator is we are now seeing uprising in the streets. Why are they anti-American? Because they see us as friends of Mubarak. Mubarak was not a friend of freedom.

Aladdin Elaasar, author of “The Last Pharaoh: Mubarak and the Uncertain Future of Egypt in the Obama Age,” said the Mubaraks owned several residences in Egypt, some inherited from previous Presidents and the monarchy and others he has built. “He had a very lavish lifestyle with many homes around the country.”

He estimates the family's wealth between \$50 billion and \$70 billion. The gross national income is \$2,000 per family in Egypt. Do you think that might make people a little bit mad? The guy is worth \$50 billion to \$70 billion and the average income is \$2,000. The average income in Africa has not improved in decades and they have dictators worth billions of dollars. Do you think that makes those people harbor anti-American sentiments because the leaders, these dictators, have gotten American money? About 20 percent of the population in Egypt lives below the poverty line, according to a 2010 report.

It is not just Hosni Mubarak himself, it is his whole family who has been enriched. In 2001, they estimated his wealth at \$10 billion just in American banks, Swiss, British banks, Bank of Scotland, England, Credit Suisse of Switzerland. You wonder what it is

worth today or if we found it all. You also wonder how much of that money in those secret bank accounts is actually just your money.

Egypt's First Lady Suzanne Mubarak's wealth just by herself is estimated at \$5 billion. How much of that is your money?

When we hear these numbers of billions of dollars the dictators have secreted away in Swiss bank accounts, listen to that and remember when we hear the plethora of Senators who will come to the floor and say that not one penny of foreign aid should ever be cut—ever. Not one penny of aid, they argue, should have conditions placed on it.

The amendment I will offer today places conditions on foreign aid, but it places conditions that have to pass the Senate, not that can be rubberstamped by Hillary Clinton. Hillary thinks human rights are going fine in Egypt. She rubberstamped and said: Give them 1 billion a couple months ago, no human rights abuses in Egypt.

She also approved an extra billion for Pakistan 1 month ago. We cannot rely on the purse strings to be transferred—particularly to this administration but even any administration, Republican or Democratic. The purse strings are to remain—were intended to remain and the Constitution says are to remain—in the legislature.

This is a real problem. My legislation makes it come back, and we have to vote on it here, that they are in compliance, that there are no human rights violations, that Egypt is not stealing the money and that they are willing and able—that they can and will protect our Embassy.

I think, at a very minimum, if they are going to cash our check, if they are going to have our foreign aid—which I am not a big fan of—but if they are going to get it, at the very least it should have strings attached to say: You have to protect the American Embassy.

One of Mubarak's friends was Gamal Mubarak. He is the Assistant Secretary General of the ruling Democratic National Party in Egypt. His own wealth is estimated at \$17 billion, supposedly spread through several banking institutions in Switzerland, Germany, the United States, and Britain. You wonder how much of the \$17 billion is actually your money.

Alaa Mubarak, the daughter, her property has reached into nearly \$8 billion. She has properties on Rodeo Drive in Los Angeles, real estate in Washington State, New York, owns two royal yachts with a value of 1 million pounds. These are the yachts one can land a helicopter on. These are the yachts that have a swimming pool on them. How much of that \$8 billion, how much of the money that went to pay for these yachts for the Mubarak family is yours?

The thing is, you should be mad. I think Americans are mad. But it is this confusing situation. We should be mad about the foreign aid and so are the populations who are burning the American flag, they are mad—because they did not receive the foreign aid. The foreign aid went to Mubarak. So you should be mad that your Senators send this money to dictators and that the dictators live these lavish lifestyles in mansions throughout the world, throughout Switzerland, London, Paris. Some of the largest private homes in the world are owned by dictators, paid for with your money.

You should be angry. You should be frothing. You should be upset. You should tell your Senators, you should tell your Congressman: No more money to these dictators.

But at the same time you become angry, think it through and understand why the Arab world is angry. They don't hate our freedom. They don't hate our Constitution. They are angry at their own dictators, but they are angry we propped up their dictators for decade after decade. But it all has to do with foreign aid.

I have been arguing primarily about Pakistan, but the thing is, this is bigger than Pakistan. Pakistan is just the most egregious and one of the larger recipients of our aid—\$3 billion worth a year, maybe more. Right now they are holding Dr. Shakid Afridi, who is the doctor who helped us get bin Laden. They tortured him for a year, and he will be in prison for the rest of his life. That is not the way an ally acts.

I say no more money to Pakistan until they release this doctor. I don't think that is too much to ask. We would find very few in this body who agree. Ask the American people and 80 to 90 percent agree no more money to Pakistan until the doctor is free. I will be lucky to get 20 percent of them to agree to not just cut off aid, but have restrictions on aid. That is how bad it is.

The Arab spring brought corruption and theft of U.S. aid to Libya and Egypt, but Africa is rife with stories of theft and dictator spoils.

Teodrin Obiang Nguema is the son of Equatorial Guinea's dictator. He recently ran afoul of French customs who discovered that his chartered jet had 26 supercars on it, including seven Ferraris, five Bentleys, four Rolls Royces, and two Buggatis. Is anybody besides me mad that we are sending foreign aid to African dictators whose sons are importing Rolls Royces, Bentleys, Ferraris, and Buggatis to Africa, countries that have no electricity?

I don't care if you are the biggest humanitarian in the world and you want to help people, it is not going to the people. The foreign aid is stolen by the leadership of these countries. This is not one example; this is example after example, decade after decade.

The learning curve around here is so slow we will get 10, maybe 20 Senators to place any restrictions on foreign aid. Seventy percent of the people living in Africa live under the poverty threshold of \$2 a day, and the son of a leader is importing Bugattis, Bentleys, Rolls Royces, and Ferraris on his own private charter jet. It has to be a pretty big jet to have 26 supercars on it. The rest of Africa lives on \$2 a day. It is our money given by our government to dictators in Africa. We have to get the connection. We need to be mad. There needs to be an "American spring" where we tell our leaders we are sick and tired of our money going to fund dictators—an American spring where we understand what happened in the Arab spring.

The Arab spring is a direct consequence of us sending foreign aid and lavishing it on people who don't respect the freedom of their constituents and don't allow constitutional freedoms. The Arab spring's anger, as much as it is directed against America, is not against our Constitution. It is not because they don't believe in freedom. It is because they are upset that we have been funding and subsidizing their dictators. The United States has given Guinea almost \$300 million over the past 10 years despite Guinea having one of the worst human rights records on the planet. Torture is said to be commonplace.

The New York Times reported last spring: "Any policeman can arrest any citizen at any time."

Torture is a "current thing," "current," said Mr. Mico, a lawyer who is with an opposition party. He was recalling his own beating in the presence of high officials.

Gonzalo Ndong Sima, a pharmacist in the center of town, recounted his recent encounter with the police over a simple traffic mishap saying, "They beat me like an animal."

So what do we do? We give Guinea our money and people are beaten with police truncheons at traffic accidents. Who are they mad at? We need to begin to understand where the anger is coming from. When we prop up dictators in third-world countries who beat their subjects into submission, that is why they are angry. They don't care that we are wealthy or free. They are angry because we prop up dictators who beat them with truncheons.

Despite widespread reports of abuse, corruption, and ineffectiveness, foreign aid continues unabated. Despite polls that show over 70 percent of the American voters are opposed to foreign aid, it continues unabated.

Even when advocates of foreign aid are beaten down with stories such as I have been telling today of human rights abuses, starvation, and death threats, hangings, shootings, executions, these advocates trot forward their last defense: "Foreign aid is less

than 1 percent of the whole budget." It is only \$30 billion.

Do you know how many times they use that argument? Every time I want to cut \$30 billion, it is only \$30 billion. They use it for \$300 million too. It is only \$300 million. If we don't get started somewhere, how are we ever going to balance our budget? We can't live on the \$1 trillion deficits.

They argue eliminating foreign aid would not balance the budget. No, it won't, but it is a start. We have to start somewhere, and why not start with something that is counterproductive? Why not start with eliminating something from the budget that is counterproductive and seems to create some of the anger—at least it is some explanation for the anger in the Arab world.

The final arguments for foreign aid are so flimsy one would not think they would be worth much to even try to refute. Proponents of the status quo use this argument over and over for any budgetary item. If we can't cut millions now or even billions, how will we ever get to trillions?

When conservatives argued for cutting small subsidies to little airports that sometimes subsidize one airline ticket for \$3,000, they argue it will only save \$300 million. It is not a valid argument, it is a weak argument, and we should not accept it.

Cutting \$30 billion worth of foreign aid would not balance the budget, but I am not even asking to cut the foreign aid. What I am asking for is that we place contingencies on it, rules of behavior. If they want to be our ally, act like it. If they want to be America's ally, act like it. If they want to cash our check, act like an ally and behave. At the very least shouldn't there be rules and restrictions on who gets it?

While there are reasons they are burning the American flag, I am an American and it upsets me. I am bothered by the fact that the American flag is being burned, but I am also bothered by the fact that we are sending money to countries where this is occurring. We are faced daily with tens of thousands of protesters in these Middle Eastern countries. We are faced with the tragic assassination of Ambassador Stevens.

With all the aid and all the evidence that foreign aid is not working, that it enables dictators and rarely buys the behavior we want, Republicans and Democrats still clamor for more. They will fight tooth and nail against any restrictions on the aid.

So one wonders, where are we going? In fact, we will find in this argument—and if we will read the paper, we will find that Secretary of State Clinton is arguing for more aid to Egypt. Their argument is if a country doesn't like us, if they behave illy toward America, if we give them more money, maybe they will act better.

I think the opposite. One, we are out of money. We are \$1 trillion short. I think if we give them less money, they would think more about their behavior. Perhaps if we gave less money or, in my mind, no money to Pakistan until Dr. Afridi is released, maybe he would be released.

It boggles the mind to think these Senators are in favor of no restrictions and increasing aid despite decades of evidence that aid is not working. Proponents of this aid continue to argue that these mobs will be more inflamed if we don't give them money. I think it is quite the opposite.

I think the other thing about it they don't quite get is that I don't think the people writing are writing and saying give us more aid. What they are writing for is they don't like what our aid did in the first place. They are writing against autocratic authoritarian governments that were propped up by our aid.

People arguing that taking away the aid will inflame the Arab world, turn on the television set. They are plenty inflamed. Taking it away doesn't make it better, but at least we have some consultation that we are trying to do something about the deficit and maybe we have problems at home that are more pressing than this and maybe we won't reward bad behavior.

To say that taking away the aid may inflame the Arab world, just turn on the television set because they are plenty inflamed already. If we don't understand why they are inflamed, if we don't understand the Arab spring, if we don't understand why they are mad, that they are mad that we propped up dictators who kept them down and kept them from freedom, we will never understand or come to a resolution to make things better.

I, for one, will not vote for one more penny of foreign aid to anyone unless it has restrictions on it. I will only vote for it if the restrictions say they have to behave and it has to be approved by the Senate. We have tried it before. The other side may come to the floor and say foreign aid already has restrictions. Well, yes, they are not working because we gave them to the executive branch. Like so much in this body, we have been giving up power to the Presidency for 100 years. This is not a Republican-Democrat thing. This is just a legislative abdication of power, and we let the President do whatever he wants.

I am not arguing Republican or Democrat. I am arguing any President. The power should remain here with the purse strings. We should control them tightly, and we should say foreign aid only goes out under strict conditions. We should not let the final decision be made by an administration that doesn't seem to have the fortitude to make these tough decisions.

Enough is enough. We are running trillion-dollar deficits, and it is time to

make a stand. I have been making a stand for the last week by filibustering this bill. It doesn't make me the most popular person here in Washington. People's travel schedules have been disrupted because of my filibuster. People's campaigning has been disrupted because of my filibuster. But this is not a new problem, and it is not a small problem.

We are talking about an aid program that has gone on decade after decade. We are talking about an enormous uprising in 30 countries, the Arab spring, and now maybe the Arab winter. We are talking about how we make things better. Until we fully understand what the Arab spring is about and also why the huge amount of anti-Americanism is running throughout the Middle East, we can't make it better.

I say throwing good money after bad is not the answer. This evening I think we will get to vote on my amendment. My amendment is to simply say to Libya, Egypt, and Pakistan that there are restrictions. All three will have to say that they will protect our embassy. There is a question of whether Egypt was forthcoming in protecting our embassy, and there is no question Libya was not.

In the case of Libya, I think there are elements there that like America, and there are also still elements that don't like America, but there is not really a government. I wonder if an embassy should be reopened in Libya. If we reopen the embassy in Libya and we put 50 marines in there, we may have a catastrophe like we had in Lebanon when 200 marines were killed in the early 1980s. Without thousands of marines, I don't think we can protect an embassy in a large city in Libya.

It doesn't mean we don't have relations. When I argue for not putting the embassy back in, it is because I think long and hard about the danger to another ambassador and what their family will have to suffer if another ambassador is killed. I also think we can have probably an embassy in a neighboring country, and that is what I will recommend until things stabilize.

If Libya wants to have aid, they should keep cooperating with us with regard to finding the assassins. They should try to work where they can become stable enough to have an embassy. The bottom line with Libya that a lot of people forget—as I talk about foreign aid, so many people say we can't cut off aid to Libya; they want to be pro-American. They have oil.

When President Obama was bombing Libya, he kept saying: It will all be free. They will pay us for it later. It will be a free war. We heard that one before. Iraq was going to be a free war also. Iraqi oil was going to pay for it. It never ends up happening. That is what they told us about Libya.

With regard to Pakistan, I have one additional requirement. They have to

prove to us they will protect our embassy, and they have to release Dr. Afridi. I think this is very little to ask. He is under death threats in prison. His family is under death threats in the countryside. They are hiding and living in fear because they helped us.

The other reason why this administration should take it personally is somebody leaked Dr. Afridi's name. His name should have never been known. I doubt it was someone with the CIA, but somebody who knew his name leaked this story. There were some stories about a month or two ago about how the President was doing a great job with terrorism. In those stories they talked about a doctor with a vaccine program and his name was found out. Somebody leaked it. Somebody very close to the President leaked it. I think that needs to be investigated. It is a crime and it should be punished. Not only is it a crime, but whomever in the administration leaked that information about Dr. Afridi, I hope they lie awake at night and worry about their soul in the sense that this man may well die. He is going to be in prison for the rest of his life because his name was leaked. That kind of behavior from high-ranking government officials is inexcusable.

This evening we will have this vote. I will encourage Senators to vote for this resolution. It doesn't end aid. I would prefer we end it. This is a moderate step in the sense that it attaches conditions to it. I think the American people expect that of us, at the very least, and I encourage my fellow Senators to vote for my resolution.

I thank the Chair.

Mr. President, I yield back the remainder of my time, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that I be allowed to address the Senate as in morning business, with a colloquy with the Senator from South Carolina, and perhaps other Senators who may wish to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### IMMIGRATION

Mr. MCCAIN. Mr. President, before I get into the issue concerning the amendment of the Senator from Kentucky, I was just informed that the President of the United States, while speaking to Hispanic television, alleged that the reason why immigration reform was not enacted in the last 4 years of his Presidency is because the

Senator from Arizona walked away. Incredible. An incredible statement. I am not often in the business of accusing Presidents of the United States of not telling the truth. But facts are stubborn things.

First of all, it was then-Senator Obama who joined with Senator Kennedy and me when we were doing comprehensive immigration reform, and we pledged that we would take tough votes so the whole fragile coalition would not fall apart.

Instead of doing that, the then-Senator from Illinois, Barack Obama, proposed an amendment which would have destroyed the entire coalition we had together, and did so without telling Senator Kennedy or me or anyone else, by sunsetting the provisions that called for temporary workers.

But, more importantly, in 2009, I was invited over to the White House. I went over there. It was a conversation with others about comprehensive immigration reform, and the President at that time stated they would be proposing legislation. I told him I would be glad to examine it and I would be glad to support any effort to comprehensive immigration reform that I could agree with. Nothing came from the White House—zero, not one word. Not one piece of legislation was proposed by the administration.

After the shooting and the tragedy in Tucson, the President gave a great speech. I wrote an article thanking him. I was invited over to the White House again. And when we discussed comprehensive immigration reform, I said: I am ready to sit down with you and move forward on it. He said: Of course. There was never a word. Was the President of the United States waiting for the Senator from Arizona to bring forward comprehensive immigration reform? Is that how he thinks government works? So again we find a President who wants to blame everybody else no matter what it is.

My friend from South Carolina was involved in this issue as well, and I would be interested in his observation of this entire issue. I still stand ready to move forward with comprehensive immigration reform.

Mr. GRAHAM. I thank the Senator.

It was very difficult politics. It was a very fragile but robust coalition back in the day. President Bush sent over two Cabinet Secretaries every week and was personally involved in trying to get comprehensive immigration reform passed in 2006 and 2007. I saw firsthand the commitment by the White House, where Secretary Gutierrez and many others came over—the Homeland Security Secretary came over—and basically wrote the bill line by line—Senator Kennedy, myself, MCCAIN, KYL—a bunch of people—Salazar. Senator Obama showed up on occasion.

But at the end of the day, the basic construct was that for a modern immigration system—merit-based immigration, a new way of doing business, better border security, better employer verification systems—Republicans would allow the 12 million to earn their way into lawful standing—a long and arduous way back to citizenship they would have to earn—and, in return, we would get a temporary worker program that would help American businesses supplement the labor force when they could not find an American worker, after paying a competitive wage.

The chamber, all businesses were for this because it gave the business community the certainty they needed regarding immigration. Part of the grand bargain was that the chamber would be able to access labor in a more modern, efficient way. The labor unions hated that part of the bill. A lot of people on the right hated the idea of an earned pathway to citizenship—coming out of the shadows and living under the law, paying taxes, and all the other things in the bill.

Senator Obama, out of nowhere, came to the floor and said: I have a commonsense amendment I would like to propose that we sunset the temporary worker program—\$400,000, I think it was, allocated to American businesses—after 5 years.

Well, what would have happened if I came to the floor and said: Let's terminate the pathway to citizenship or sunset it after 5 years?

That was the heart and soul of the deal. Thank God his amendment went down. But during the negotiations and during that critical time, I think he gave in to the pressure from the unions. But he did promise, in 2008, when he ran against Senator McCain, that he would pass comprehensive immigration reform in his first year.

I looked at the interview last night and got bits and pieces of it. As I recall the first year of the Obama administration, it was all about ObamaCare and the stimulus. I do not remember any effort, bipartisan or otherwise, to deal with comprehensive immigration reform because all the political capital was spent on ObamaCare and the stimulus.

At the end of the day, the only time President Obama has talked about immigration reform was when rallies were going to be held. And here, at the late hour of the election, he tries to do something with a DREAM Act modified in a unilateral fashion.

So at the end of the day, the Senator is right, I say to Senator McCain. He can blame others, but I think the record speaks pretty loudly and clearly where his agenda lay in the first couple years of his administration, and immigration reform was not even a blip on the radar screen.

FOREIGN AID

Mr. McCain. Mr. President, on another subject, yesterday the Senate

and, then later, the House were called together to get a briefing from key members of the administration, led by the Secretary of State; a high-ranking member of the FBI; our Director of National Intelligence, General Clapper; and the Vice Chairman of the Joint Chiefs of Staff, to tell us ostensibly what happened in the tragic deaths of Ambassador Christopher Stevens and three other brave Americans.

We gathered down in the secret room, where everybody turns in their phones and BlackBerries, and we went in and listened to basically a description of America's military disposition in that part of the world—something which certainly does not warrant a super-secret briefing.

But, more importantly than that, when the Secretary and the others were asked exactly what happened—what happened here? What caused this tragedy? What was the sequence of events?—in fact, it was Senators and the ranking member of the Intelligence Committee: What happened?—the answer was: Well, that is still an ongoing investigation and we cannot tell you anything.

Now, we were supposed to be down there to hear what happened, to hear the administration's version of the events of what happened. We were told nothing. We were told absolutely nothing because there is an investigation going on.

This morning in the Wall Street Journal, entitled "Misjudgments Preceded Deadly Libya Attack," there is a tick-tock starting at 8 p.m. all the way through of the events that took place. Now, if that is not an incredible disrespect to the Members of the Senate, I don't know what is. Again, it is an example of the disdain with which this body is held by the administration, including, I am sorry to say, the Secretary of State. It is not that I am offended as a Senator, it is the disrespect to the institution of the Senate when we are called together ostensibly to receive information, that information they tell us they can't give us, and then it appears on the front page of the Wall Street Journal and the New York Times. What does that mean about the attitude this administration has to this body? Obviously, it is not one that I think is of respect.

Does the Senator wish to say something?

Mr. GRAHAM. Just briefly. I was very disappointed in the briefing yesterday too. The bottom line is that we asked questions like: How many security people were at the Benghazi consulate?

We will have to get back with you.

And you pick up the New York Times and you get a blow-by-blow description of what supposedly went on. So it was very frustrating, like pulling teeth to get information yesterday. A lot of Senators are frustrated. You pick up

major papers in the country and you find details not shared with you.

One of the things I am worried about is that we are trying to find out who committed these terrible acts of terrorism. They were acts of terrorism, not a spontaneous riot.

We said: What is the game plan? Will they be held as enemy combatants? Are they going to be held as common criminals? Will they be prosecuted in Libya? Will they be brought back to the United States? Do you have to read them Miranda rights?

There was absolutely not a whole lot of information. But at the end of the day, I think it was a lost opportunity to inform the Congress.

Can we now move to the Rand Paul amendment?

Mr. McCain. Mr. President, I would like to take what remaining time we have in order to discuss the Paul amendment. I would like to begin by asking unanimous consent to have printed in the RECORD the letter from retired military leaders urging opposition to the Paul amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RETIRED MILITARY LEADERS URGE OPPOSITION  
TO PAUL AMENDMENT

SEPTEMBER 21, 2012.

DEAR SENATOR: As co-chairs of the U.S. Global Leadership Coalition's National Security Advisory Council, a group of more than 110 retired three- and four-star generals and admirals, we believe that the International Affairs Budget—U.S. foreign assistance—is critical to America's national security.

Like all Americans, we are concerned about the recent events that have taken place in Cairo, Benghazi, and other parts of the Arab world. However, a wholesale suspension of U.S. assistance to nations in this region is not in America's security interests.

U.S. assistance is not a gift to recipient nations. It is not a tool to make other countries like us. It's a critical component, along with a robust military, of America's national security strategy. These programs pay dividends in terms of our national security and preventing another 9/11.

America must remain strongly engaged in the world. We urge opposition to the amendment offered by Senator Rand Paul to suspend U.S. assistance to several nations in the most volatile regions of the world.

Thank you for your consideration of our views.

Sincerely,

ADMIRAL JAMES M. LOY,  
USCG (RET.),  
Co-Chair, National Security  
Advisory  
Council.

GENERAL MICHAEL W.  
HAGEE, USMC (RET.),  
Co-Chair, National Security  
Advisory  
Council.

NATIONAL SECURITY ADVISORY COUNCIL

Admiral Charles S. Abbot, USN (Ret.), Deputy Commander in Chief, U.S. European Command ('98-'00); Admiral Thad W. Allen, USCG (Ret.), Commandant, U.S. Coast Guard ('06-'10); Vice Admiral Albert J. Baciocco, Jr., USN (Ret.), Director of Research, Development & Acquisition, Department of Navy

('83-'87); Lt. General Thomas L. Baptiste, USAF (Ret.), Deputy Chairman, NATO Military Committee ('04-'07); Lt. General Paul Blackwell, USA (Ret.), Army Deputy Chief of Staff for Operations and Plans ('94-'96); Admiral Frank L. Bowman, USN (Ret.), Director, Naval Nuclear Propulsion ('96-'04); General Charles G. Boyd, USAF (Ret.), Deputy Commander in Chief, U.S. European Command ('92-'95); General Bryan Doug Brown, USA (Ret.), Commander, U.S. Special Operations Command ('03-'07); Lt. General John H. Campbell, USAF (Ret.), Associate Director of Central Intelligence for Military Support, Central Intelligence Agency ('00-'03); Lt. General John G. Castellaw, USMC (Ret.), Deputy Commandant for Aviation ('05-'07); Deputy Commandant For Programs and Resources ('07-'08); Lt. General Daniel W. Christman, USA (Ret.), Superintendent, United States Military Academy ('96-'01); Admiral Vernon E. Clark, USN (Ret.), Chief of Naval Operations ('00-'05); General Wesley K. Clark, USA (Ret.), Supreme Allied Commander, Europe ('97-'00); Admiral Archie R. Clemens, USN (Ret.), Commander in Chief, U.S. Pacific Fleet ('96-'99); General Richard A. "Dick" Cody, USA (Ret.), Vice Chief of Staff, United States Army ('04-'08).

Lt. General John B. Conaway, USAF (Ret.), Chief, National Guard Bureau ('90-'93); General Donald G. Cook, USAF (Ret.), Commander, Air Education and Training Command, ('01-'05); General Bantz J. Craddock, USA (Ret.), Commander, U.S. European Command and NATO Supreme Allied Commander Europe ('06-'09); Lt. General John "Mark" M. Curran, USA (Ret.), Director Army Capabilities and Integration Center/Deputy Commanding General Futures, Army Training and Doctrine Command ('03-'07); General Terrence R. Dake, USMC (Ret.), Assistant Commandant, US Marine Corps ('98-'00); Lt. General Joseph E. DeFrancisco, USA (Ret.), Deputy Commander in Chief and Chief of Staff of United States Pacific Command ('96-'98); Admiral Walter F. Doran, USN (Ret.), Commander in Chief, U.S. Pacific Fleet ('02-'05); Lt. General James M. Dubik, USA (Ret.), Commander, Multi National Security Transition Command and NATO Training Mission-Iraq ('07-'08); General Ralph E. Eberhart, USAF (Ret.), Commander, North American Aerospace Defense Command/Commander, U.S. Northern Command ('02-'04); Admiral Leon A. Edney, USN (Ret.), Supreme Allied Commander Atlantic/Commander in Chief, U.S. Atlantic Command ('90-'92); Admiral James O. Ellis, Jr., USN (Ret.), Commander, U.S. Strategic Command ('02-'04); Admiral William J. Fallon, USN (Ret.), Commander, U.S. Central Command ('07-'08); Admiral Thomas B. Fargo, USN (Ret.), Commander, U.S. Pacific Command ('02-'05); General Robert H. Foglesong, USAF (Ret.), Commander, U.S. Air Forces in Europe ('04-'05); Admiral S. Robert Foley, USN (Ret.), Commander-in-Chief, U.S. Pacific Fleet ('82-'85); General John R. Galvin, USA (Ret.), Supreme Allied Commander, Europe/Commander in Chief, U.S. European Command ('87-'92).

Lt. General Robert G. Gard, Jr., USA (Ret.), President, National Defense University ('77-'81); Admiral Edmund P. Giambastiani, Jr., USN (Ret.), Vice Chairman, Joint Chiefs of Staff ('05-'07); Lt. General Arthur J. Gregg, USA (Ret.), Army Deputy Chief of Staff ('79-'81); Vice Admiral Lee F. Gunn, USN (Ret.), Inspector General, U.S. Navy ('97-'00); General Michael W. Hagee, USMC (Ret.), Commandant, U.S. Marine Corps ('03-'06); General John W. Handy, USAF (Ret.), Commander, U.S. Transpor-

tation Command and Commander, Air Mobility Command ('01-'05); General Richard E. Hawley, USAF (Ret.), Commander, Air Combat Command ('96-'99); General Michael V. Hayden, USAF (Ret.), Director, Central Intelligence Agency ('06-'09); Admiral Ronald J. Hays, USN (Ret.), Commander in Chief, U.S. Pacific Command ('85-'88); General Richard D. Hearney, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('94-'96); General Paul V. Hester, USAF (Ret.), Commander, Pacific Air Forces, Air Component, Commander for the U.S. Pacific Command ('04-'07); General James T. Hill, USA (Ret.), Commander, U.S. Southern Command ('02-'04); Admiral James R. Hogg, USN (Ret.), U.S. Military Representative, NATO Military Committee ('88-'91); Lt. General Patrick M. Hughes, USA (Ret.), Director, Defense Intelligence Agency ('96-'99); General James L. Jamerson, USAF (Ret.), Deputy Commander in Chief, U.S. European Command ('95-'98); Admiral Gregory G. Johnson, USN (Ret.), Commander, U.S. Naval Forces Europe/Commander in Chief, Allied Forces Southern Europe ('01-'04).

Admiral Jerome L. Johnson, USN (Ret.), Vice Chief of Naval Operations ('90-'92); General John P. Jumper, USAF (Ret.), Chief of Staff, U.S. Air Force ('01-'05); Admiral Timothy J. Keating, USN (Ret.), Commander, US Pacific Command ('07-'09); Lt. General Richard L. Kelly, USMC (Ret.), Deputy Commandant, Installations and Logistics ('02-'05); Vice Director for Logistics, Joint Staff ('00-'02); Lt. General Claudia J. Kennedy, USA (Ret.), Deputy Chief of Staff for Army Intelligence ('97-'00); General Paul J. Kern, USA (Ret.), Commanding General, U.S. Army Materiel Command ('01-'04); General William F. Kernan, USA (Ret.), Supreme Allied Commander, Atlantic/Commander in Chief, U.S. Joint Forces Command ('00-'02); Lt. General Donald L. Kerrick, USA (Ret.), Deputy National Security Advisor to the President of the United States ('00-'01); General Ronald E. Keys, USAF (Ret.), Commander, Air Combat Command ('05-'07); Lt. General Bruce B. Knutson, USMC (Ret.), Commanding General, Marine Corp Combat Command ('00-'01); General Leon J. LaPorte, USA (Ret.), Commander, United Nations Command, U.S. Combined Forces Command, U.S. Forces Korea ('02-'06); Admiral Charles R. Larson, USN (Ret.), Commander, U.S. Pacific Command ('91-'94); Vice Admiral Stephen F. Loftus, USN (Ret.), Deputy Chief of Naval Operations for Logistics ('90-'94); General John Michael Loh, USAF (Ret.), Commander, Air Combat Command ('92-'95); Admiral T. Joseph "Joe" Lopez, USN (Ret.), Commander in Chief, U.S. Naval Forces Europe/Commander in Chief, Allied Forces Southern Europe ('96-'98); General Lance W. Lord, USAF (Ret.), Commander, U.S. Air Force Space Command ('02-'06).

Lt. General James J. Lovelace, USA (Ret.), Commanding General, U.S. Army Central Command ('07-'09); Admiral James M. Loy, USCG (Ret.), Commandant, U.S. Coast Guard ('98-'02); General Robert Magnus, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('05-'08); General Barry R. McCaffrey, USA (Ret.), Commander, U.S. Southern Command ('94-'96); Lt. General Dennis McCarthy, USMC (Ret.), Commander, Marine Forces Reserve ('01-'05); Vice Admiral Justin "Dan" D. McCarthy, SC, USN (Ret.), Deputy Chief of Naval Operations, Fleet Readiness, and Logistics ('04-'07); General Stanley A. McChrystal, USA (Ret.), Commander, International Security Assistance Force in Afghanistan ('09-'10); Vice Admiral John "Mike" M. McConnell, USN (Ret.), Director

of the National Security Agency ('92-'96); Lt. General Frederick McCorkle, USMC (Ret.), Deputy Commandant for Aviation, Headquarters ('98-'01); General David D. McKiernan, USA (Ret.), Commander, International Security Assistance Force in Afghanistan ('08-'09)/Commander, US Army Europe ('05-'08); General Dan K. McNeill, USA (Ret.), Commander, International Security Assistance Force in Afghanistan ('07-'08); Lt. General Paul T. Mikolashek, USA (Ret.), Inspector General, U.S. Army/Commanding General of the Third U.S. Army Forces Central Command ('00-'02); Vice Admiral John G. Morgan, Jr., USN (Ret.), Deputy Chief of Naval Operations for Information, Plans and Strategy ('04-'08); Admiral John M. Nathman, USN (Ret.), Commander, U.S. Fleet Forces Command ('05-'07); Admiral Robert J. Natter, USN (Ret.), Commander in Chief, U.S. Atlantic Fleet/Commander, Fleet Forces Command ('00-'03).

Lt. General Gregory S. Newbold, USMC (Ret.), Director of Operations, J-3 Joint Staff ('00-'02); General William L. Nyland, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('02-'05); Lt. General Tad J. Oelstrom, USAF (Ret.), Superintendent, U.S. Air Force Academy ('97-'00); Lt. General H.P. "Pete" Osman, USMC (Ret.), Commanding General II MEF ('02-'04); Lt. General Jeffrey W. Oster, USMC (Ret.), Deputy Administrator and Chief Operating Officer, Coalition Provisional Authority, Iraq (2004); Deputy Commandant for Programs and Resources, Headquarters Marine Corps (ended in '98); Lt. General Charles P. Otstott, USA (Ret.), Deputy Chairman, NATO Military Committee ('90-'92); Admiral William A. Owens, USN (Ret.), Vice Chairman, Joint Chiefs of Staff, 1994-1996; Admiral Joseph W. Prueher, USN (Ret.), Commander in Chief, U.S. Pacific Command ('96-'99); Lt. General Harry D. Raduege, Jr., USAF (Ret.), Director, Defense Information Systems Agency ('00-'05); Commander, Joint Task Force for Global Network Operations ('04-'05); Vice Admiral Norman W. Ray, USN (Ret.), Deputy Chairman, NATO Military Committee ('92-'95); General Victor "Gene" E. Renuart, USAF (Ret.), Commander, North American Aerospace Defense Command and U.S. Northern Command ('07-'10); General Robert W. RisCassi, USA (Ret.), Commander in Chief, United Nations Command/Commander in Chief, Republic of Korea/U.S. Combined Forces Command ('90-'93); Lt. General Michael D. Rochelle, USA (Ret.), Deputy Chief of Staff, G-1 Headquarters, United States Army ('06-'09); Vice Admiral Ronald A. Route, USN (Ret.), Naval Inspector General ('04-'07); President, Naval War College ('03-'04); Lt. General John B. Sams, Jr., USAF (Ret.), Commander, 15th Air Force ('98-'99).

General Peter J. Schoomaker, USA (Ret.), Chief of Staff, U.S. Army ('03-'07); Lt. General Norman R. Seip, USAF (Ret.), Commander, 12th Air Force/Air Forces Southern ('06-'09); General Henry H. Shelton, USA (Ret.), Chairman, joint Chiefs of Staff ('97-'01); Admiral Leighton W. Smith, Jr., USN (Ret.), Commander in Chief, U.S. Naval Forces Europe/Commander in Chief, Allied Forces Southern Europe ('94-'96); Admiral William D. Smith, USN (Ret.), U.S. Military Representative, NATO Military Committee ('91-'93); Lt. General James N. Soligan, USAF (Ret.), Deputy Chief of Staff for Transformation, Allied Command Transformation ('06-'10); General Carl W. Stiner, USA (Ret.), Commander in Chief, U.S. Special Operations Command ('90-'93); Vice Admiral William D. Sullivan, USN (Ret.), U.S. Military Representative to NATO Military

Committee ('06-'09); Admiral Carlisle A. H. Trost, USN (Ret.), Chief of Naval Operations ('86-'90); Admiral Henry G. Ulrich, USN (Ret.), Commander, U.S. Naval Forces Europe/Commander, Joint Forces Command Naples ('05-'08); General Charles F. Wald, USAF (Ret.), Deputy Commander, U.S. European Command ('02-'06); Lt. General Joseph H. Wehrle Jr., USAF (Ret.), Assistant Vice Chief of Staff, Headquarters U.S. Air Force ('02-'03); General Charles E. Wilhelm, USMC (Ret.), Commander, U.S. Southern Command ('97-'00); General Michael J. Williams, USMC (Ret.), Assistant Commandant, U.S. Marine Corps ('00-'02); General Johnnie E. Wilson, USA (Ret.), Commanding General, U.S. Army Material Command ('96-'99); General Anthony C. Zinni, USMC (Ret.), Commander in Chief, U.S. Central Command ('97-'00).

Mr. MCCAIN. Mr. President, I do not think that our military leaders, retired and Active Duty, are infallible, but I think their views are very important given the vast experience so many of them on this list have. These are 110 retired three- and four-star generals and admirals. I think we should at least pay close attention to their views. They have earned it. They have earned our respect for their views.

In addition, I ask unanimous consent to have a letter from AIPAC printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE AMERICAN ISRAEL,  
PUBLIC AFFAIRS COMMITTEE,  
Washington, DC.

MAJORITY LEADER HARRY REID AND MINORITY LEADER MITCH MCCONNELL: We are writing to express our opposition to the Paul amendment cutting off U.S. foreign assistance to countries which host a U.S. diplomatic facility that is attacked any time after September 1, 2012. While we hope every effort is made to find and prosecute the terrorists who murdered the brave U.S. diplomats killed in the Embassy attacks in Benghazi, Libya, we do not believe the approach outlined in the Paul amendment is the way to respond to those horrific attacks.

For one, the amendment is broadly drafted so it would potentially affect aid to any American ally (including Israel) should terrorists decide to "attack, trespass or breach" U.S. diplomatic facilities there. Furthermore, at this time of turmoil and uncertainty in the Middle East, the United States government needs to be able to use all available tools to influence events in the region. U.S. foreign assistance programs are a critical part of that toolbox, and essential to ensuring continued strong American leadership in the world.

We urge you to oppose the Paul amendment.

HOWARD KOHR,  
*Executive Director.*  
MARVIN FEUER,  
*Director, Policy &  
Government Affairs.*  
BRAD GORDON,  
*Director, Policy &  
Government Affairs.*

Mr. MCCAIN. This letter is from the American Israel Public Affairs Committee, America's pro-Israel lobby. It is a letter addressed to majority leader HARRY REID and minority leader MITCH MCCONNELL.

All of us here are very familiar with AIPAC. It is a very well respected and highly regarded organization that is really responsible for informing us, for strengthening our ties between the United States and Israel, and I hope my colleagues will take this very strong letter of AIPAC into consideration.

There are so many things wrong with the Rand Paul amendment that it is hard to know where to begin. I would like to mention—because I know my colleague who plays a role on the Appropriations Committee and the ranking member of the Intelligence Committee wants to join in, I do not want to take too much time. I wish to mention two countries—Libya to start with.

Somehow to labor under the belief that the Libyan people are opponents of the United States of America is a fundamental misunderstanding of the Libyans and the Libyan people. They are grateful. They are grateful to the United States of America. They have condemned this attack and this heinous crime of the assassination of four brave Americans. They have said they will do everything in their power to bring these people to justice.

I was there on July 7 in Tripoli. I saw thousands of Libyans saying: Thank you, America. Thank you, United States. Thank you, Ambassador Stevens. Thank you. Because they were under the yoke of one of the most brutal dictators on the Earth, who, by the way, was responsible for the deaths of Americans on Pan Am 103 and the bombing of the disco in Berlin.

But there is a problem in this country. They have porous borders. They have militias running around. They have not had a government of their own in forever, literally. And they need our help. They need our help in providing border security, in bringing these militias under control and these weapons that have proliferated everywhere.

So our message with the Paul amendment is this: Adios. See you around.

That is not America's role in Libya. That is not America's role in the world. And nothing would be more welcomed in Libya today by the Islamists and al-Qaida who are there and other extremists—nothing would make them happier than to hear that the United States had cut off all assistance to Libya. Nothing would encourage them more. Nothing would allow them to gain more traction and support from the Libyan people.

This is a fight for the hearts and souls of the people of the Middle East. It is not a video—it is not a video that has caused this problem and these riots and demonstrations. It is the efforts of the Islamists who magnify and spread an obscure video throughout the Arab world to stoke the fears and anger of the people of these countries when the

fact is that it is a struggle for power. That is what is going on with these videos—a struggle for power.

So we are going to send a message to the Libyan people who lost thousands of their citizens in this recent struggle to oust Qadhafi from their country.

The second country I wish to mention very quickly is Egypt. Many of us are disappointed at some of the actions the Egyptians have taken. I will say that President Mursi condemned these attacks. He went to Tehran and condemned Bashar al-Asad. But in my view, Egypt is pretty much up for grabs. I don't how the Egyptians are going to go. There is a struggle internally between the Salafists and the extremists and those who want a modern and democratic society, and that struggle will continue.

But I would also remind my colleagues that one of the signal agreements of our time was the Egyptian-Israeli peace agreement that was consummated at Camp David by President Carter, Anwar Sadat, and Menachem Begin. This was a major step forward—peace between Egypt and Israel. Part of that deal was that the United States would provide aid to Egypt.

How are the Egyptians going to react if we cut off aid to them? I can tell you how they will react. They will react that we have breached an agreement that has gone on for a long time. And, believe me, Egypt and Israel's relations are vital in the Middle East. And, again, what would prove a better message to the extremists than to be able to tell their people: Not only do the American people dislike us, not only are they not in support of us, but they will not assist us and other countries.

There are many other examples. I believe the role of the United States in the world is important, and I believe also, as I mention as a footnote, that this debate has been going on all of the 20th century, now into the 21st century. Those who are isolationists, who want to fortress America—you can go back to post-World War I and the fight over the League of Nations and, prior to World War II, the isolationists, the Henry Fords, the Charles Lindberghs, the isolationists prior to World War II, past World War II, the Taft wing of the Republican Party and the Eisenhower wing, all the way up until this fight that will probably continue, and history will show that the greatest Nation in history was the United States of America, which, following World War II, restored Europe, turned back the tide of communism, and has been able, all over the world, with no greed, no selfish interest except for democracy and freedom, to aid these countries, which eventually redounds to the favor of the United States of America.

I urge, obviously, rejection of the Rand Paul amendment.

The PRESIDING OFFICER. The Senator from South Carolina.



Mr. GRAHAM. Mr. President, I do see Senator CHAMBLISS here. I will ask him a question and get his thoughts.

To kind of follow on what Senator MCCAIN said and to begin with, RAND PAUL is a recently elected Senator who has come to the body with a lot of enthusiasm, and he is willing to make hard choices. I have worked with him on Medicare reform, on Social Security reform. I think he will take on the spending situation in this country very aggressively. I think he is very brave when it comes to entitlement reform. On that side of the ledger, I find myself very much in agreement with what he wants to do. But he does have a view of foreign policy that I think is ill-suited to the times and historically has not worn very well.

As Senator MCCAIN said, history is full of moments where America and other powers felt that now is the time to withdraw and let those people argue among themselves. The problem with letting "those people"—and you just fill in the blank who they might be—argue among themselves is that it ignores the fact of what goes on in one place in the world can affect us, and there is no better example than 9/11. The entire operation to attack our Nation cost less than \$1 million. The 20 or 21 terrorists who trained to attack us had about a \$1 million budget. The author of this attack lived in a cave in a far-away place called Afghanistan. So it does matter what happens in places such as Afghanistan. Radical Islamists have no desire for democracy in the Mideast or anywhere else, and they are a force within the Mideast and throughout the world.

But the good news for us is they are a minority force. The Taliban, which is a cousin of al-Qaida, basically, are very much rejected by the Afghan people. When traveling to Kabul today, one sees a city with electricity, with commerce, with cars, with movement, and with women in school. The average Afghan doesn't want to go back to the Taliban way of doing business, where there is no music, there is no interaction with each other except on terms set for them. So what we see on the television at night is a political struggle for the heart and soul of the Mideast. This has been going on for a long time and, finally, the lid blew.

Egypt was an authoritarian, corrupt dictatorship. Tunisia. Libya was ruled by Qadhafi, Syria by Assad. What we see are people who have seen another way of living and they are saying, enough already, I am not going to be part of that anymore. I am going to try to change my life and my children's lives.

Within that population there also are people who are dead set on making sure that nation in the Islamic world go backward, not forward. We have to take sides. If we don't take sides, if we sit on the sidelines, we will pay a price.

I think it is better to help people fight the Taliban than it is to ignore the Taliban. I think it is good to go after al-Qaida in every country on the planet so they never know a moment of peace, but we can have a few moments of peace. I think it is better to fight these guys in their backyard than to stay home and let them come to our backyard. There is a reason we haven't been attacked in over 11 years. We have been on the offensive, and there are more ways to be on the offensive than just bombing people.

The biggest fear of the Taliban and al-Qaida, beyond having a bomb dropped on their head—and they do not mind dying; they really don't like living. They will die in a heartbeat to make sure others can't live their lives the way they like. It is absolutely of no consequence to them to sacrifice their own life and take someone with them. Their goal is: If we are going to live, we are going to live their way, not our way. But their big fear is that people will have the capacity to say no to them and the ability to fight back and win in the countries in question.

When we killed bin Laden, that was a moment of satisfaction and justice. But has that changed the war on terror? Have the terrorists given up? Have people said: Oh, the Americans killed bin Laden so we better not go over the wall in Egypt; we better not attack the consulate? No. This is a struggle between the modern world and forces of darkness, and the way America wins this war is to empower those in other countries to fight and win in their own country, without us having to be there with 100,000 troops all the time.

The biggest nightmare of the Taliban and al-Qaida is to see built a one-room schoolhouse where kids can get an education, for the people to have clean drinking water that they own and control, where people can go to a courtroom rather than a sharia court to have conflicts resolved, and to see commerce and interaction with the rest of the world, to trade with the rest of the world. That is what they fear most.

Our foreign assistance budget—foreign aid—is 1 percent of the entire Federal budget. If we took it off the table, we would be left with the following way to affect the world: Do nothing or bomb people. You know what, those men and women in uniform have been at war for 11 years. How about having a tool in America's toolbox to fight the enemy without having to use military force? When we clear a village of the Taliban, how do we hold and build that village? We bring in a health care clinic, something with the most rudimentary standards. It is not something we would even think about sending our kids to, but they welcome it because they have never had anything. We build a basic one-room schoolhouse, with a chalkboard and a few books. That lights up people's lives like we

cannot believe. That is how we hold and build, with the State Department and the Department of Agriculture teaching people to plant crops other than heroin. That is the al-Qaida and Taliban's worst nightmare—and Egypt and Libya and Pakistan and Yemen, and fill in the blank, Afghanistan.

Here is where I am going to challenge the judgment, quite frankly, of my friend RAND PAUL. He has offered an amendment at one of the most critical times in the history of the Mideast that would break, that would sever all aid, all assistance to Libya, Egypt, and Pakistan. Why are we so upset by this thought process? Trust me, I know we are broke—\$16 trillion in debt—and that America is struggling more now than at any other time in my adult life and that we have to get our fiscal house in order. But how do we live in peace and prosperity with the rest of the world in flames? If we want to pay \$10 a gallon for gas, turn the Mideast over to these crazy nut jobs.

Here is my view of what we should do. We should stay in this fight and we should do more things than just bomb people. We should help them help themselves. The good news is most people appreciate our help. What we see on TV is the result not of a film but of radical Islamists taking advantage of a moment.

Yes, the cultures are different. It is hard for people in the Mideast to understand that a film could be made disrespecting Islam without the government approving of it, because in their world nothing gets done without the government approving it. So it is important for us to say: This has nothing to do with the United States Government or the American people. This is the result of some crazy group of people who have what we call freedom of speech. It is uncomfortable, but that is the way we are.

I think it is important to let the Mideast know, and Muslims in general, that this is the way we operate. We reject the disrespect shown to anyone's religion, and that is not who we are as a people, but freedom of speech does exist here. The reason we need to explain that is because in their world they can't imagine something being done like this without the government blessing it.

Having said that, there is no excuse in any society to do harm to another human being because of the way somebody speaks or acts unless it is an act of violence.

Senator PAUL is proposing disengagement in three of the most volatile areas of the Mideast at a time when it means the most. The way he has written this amendment should make everyone pause and evaluate how they want to vote. AIPAC, which most of us are familiar with, has indicated the way the amendment is written, if there is an act of violence against a U.S. interest in Israel, maybe we would have



to withdraw our aid to Israel. But they have said they oppose the RAND PAUL amendment because they know what happens to Egypt if this were to ever pass and become law.

The treaty Senator MCCAIN referred to was the Camp David Accords. Israel and Egypt have been living under a peace treaty for decades now. Part of the deal was that America would provide aid to Egypt and Israel, and if we broke the agreement with Egypt, that would break the treaty with Israel.

So do not tell me or anybody else you support Israel if you vote for this amendment, because one of two things is going on: Either you have no idea what it means to support Israel or you are trying to pull the wool over my eyes. It is impossible to support the security of the Israeli nation and vote for this amendment because it will lead to the breach of a treaty with one of their strongest neighbors—80 billion people living in Egypt. It will unravel a delicate balance that has existed for decades. And I will be recorded as having no part of that. Imagine if this amendment passed what the chatter would be on every Islamic Web site in the world. And by the way, if these people had a PAC, they would be supporting this amendment.

I know RAND PAUL is as patriotic as anyone in this body, but the fact of the matter is the crazy Islamic extremist terrorists who try to kill us all would love nothing more than this to pass. They know they cannot win if we stay engaged helping people, so they are trying to drive us out because that is their best hope of winning the day. So if we want to empower the terrorists who exist in this world, we should pass this amendment because they will go crazy with hope and excitement that their tactics are working. And if we want to destroy the hope of everybody in the Mideast who has been brave enough to stand up to these thugs and lose their family members, if we want to break their spirit, then vote to pass this amendment. If this amendment passes, good luck finding anybody anywhere in the world who will partner with us, who would be brave enough to stand up to these thugs and say: You will not have my children's future. If this amendment passed, America could never look anyone in the eye again in the Mideast and say: Stand with me. You can count on me.

Ladies and gentlemen of the United States, and my colleagues in the Senate, I wish the world were not as screwed up as it is. I wish it would change. I hate the fact we have been at war and we have spent so much money. But I am telling you this right now: These are historic times in which we live. And every time in history when good people were confronted with evil and they blinked, millions died, not thousands. The only reason millions haven't died in the war on terror is the

nut jobs who want to kill us all can't get ahold of weapons to do it. If you don't want Iran to get a nuclear weapon, if that bothers you—that they may get a nuclear weapon and throw the whole region into a nuclear arms race or share that technology with a terrorist organization to use it against us—then vote against this amendment. Because if this passed, what would the Iranians think about America's resolve to deal with them?

The last thing I am going to talk about is the vision of the author of this amendment, who, honest to goodness, is a friend, but on this issue I think he is dead wrong. Senator PAUL had the guts to write a budget, and I give him credit for that, but look at the vision of this amendment when it comes to our role in the world. In his budget, the American military's budget was reduced by 16 percent in the first year. This foreign assistance account I was talking about, which gives us a tool other than killing people—staying engaged and trying to build up their lives so they can live in peace with us, and is about \$50 billion, or about 1 percent of the budget—under his proposal it goes down to \$5 billion after 2014 and is frozen there forever.

It is important to note that the author of this amendment believes we can gut the military—and that is exactly what he does with military spending—and then take all the assets we have to help people off the table and we will be safe. I don't know how in the world anyone can believe, given the times in which we live, it is a good idea to take military spending below historic levels, disengage from the world, and have absolutely no influence on nations other than trying to use military force.

I hope my colleagues will come to the floor and resist the temptation to do something that sounds good in a 30-second sound bite. I know people are frustrated and war weary, and I know we are broke, and we would like to leave everybody else alone, but they are not going to leave us alone.

Look how much money we have spent after 9/11. Look what 20 people can do to this Nation if we disengage from the world.

So now I would like to ask the question of my colleague, Senator CHAMBLISS, who is the ranking member of the Intelligence Committee—and I have asked this of the author—when you wrote this amendment disengaging from Libya, Egypt, and Pakistan, which is a nuclear-armed nation, did you ask anybody in the intelligence community? General David Petraeus? If there is ever an American hero of modern times, it is he. Have you ever asked him or Senator CHAMBLISS or anybody else: Oh, by the way, I am thinking about pulling the plug on our aid to Pakistan, Egypt, and Libya. What is your view of that? Have you been asked that question?

Mr. CHAMBLISS. I thank my friend from South Carolina, as well as my friend from Arizona, with respect to the debate they have been engaged in, for bringing this issue to the forefront, and being willing to stand up and say: Hey, if you talk about foreign aid in a coffee shop in Seneca, SC, or Phoenix, AZ, or Moultrie, GA, it is not the most popular topic. Most people back home think we can balance the budget if we eliminate foreign aid. But the fact is, as Senator GRAHAM said, it is a fairly minuscule amount in the overall context.

Right now we are at a critical juncture in our country with respect to our fiscal house and with respect to any number of domestic and foreign policies. As we go into the election, the American people are going to have a choice to make, but we are also at a crossroads with our foreign policy in this country.

All people have to do is pick up this morning's paper or turn on the TV and they will see what is happening in countries that are the subject of this particular amendment. There are tens of thousands of people protesting in Pakistan today. There are folks in Egypt who are still protesting. There are folks in Libya who are still protesting. We are 10 days away from the Ambassador to Libya from the United States of America having been killed.

We know that part of the world is in turmoil. We know that part of the world also has been very critical to our fight in the war on terror. When the President of the United States is asked if Egypt is an ally, and he can't answer that question affirmatively, that tells us what kind of foreign policy this particular President has. He doesn't know what his foreign policy is if he can't tell us whether Egypt is an ally.

Well, in spite of all that has happened in the last 10 days—and all of us still grieve for the loss of four very brave Americans who put their lives in harm's way as civilians to advocate what is in the best interests of our country. But I will assure you, if Ambassador Stevens were here today, he would say, absolutely, the direction in which the Paul amendment takes us is the wrong direction to go.

I know what the intelligence community thinks about this particular direction. I know the intelligence community thinks in spite of all of our problems with Pakistan—and we have had our very open and overt problems with Pakistan over the last several months and couple of years. But the fact is we have American soldiers in harm's way today in Afghanistan who are fighting to protect the freedoms of this country and who are fighting to make sure we remain the safest, most secure country in the world. We cannot decouple Afghanistan and Pakistan.

It is very important that we maintain a strong relationship with Pakistan. Even though it is difficult and

even though it is fractured, it is of critical importance that we maintain that relationship. It is important because of what is happening in Afghanistan, but it is also very important for another reason.

We had a debate in this body about a year ago on what is called the START treaty, which is a treaty that we have with Russia for the elimination of certain nuclear weapons over a period of time.

During the course of that debate, we talked about the elimination of Russian nuclear weapons versus weapons in the United States. And that is good to a certain extent. But none of us in this body who have any idea about intelligence around the world have a great fear of any country getting hold of an ICBM, a major intercontinental ballistic missile, sticking it into a sleeve somewhere, and shooting it toward the United States. What we do have a fear of is somebody getting hold of what we call tactical nuclear weapons, sticking them into a suitcase and bringing them to the United States or putting them in a position to kill and harm Americans.

Pakistan has tactical nuclear weapons. As long as we maintain a strong relationship with them and as long as they are our ally—however you characterize that—then we have the ability to at least dialogue with the Pakistanis with respect to their nuclear program.

Even today, with all that has happened over the last 10 days and all the condemnation around the world from democratic countries, and particularly within the United States the condemnation of what has happened and the consternation and appall at what is taking place from the standpoint of demonstrations in Pakistan and in Libya, the Libyan Government and the Pakistani Government have given us all the help they can possibly give us, particularly in Libya. That is a government in transition. It is a temporary government, and we need to make sure the people of Libya have the opportunity to, hopefully, have a democratic form of government one day.

If we sever ties with them today, folks, that is over. We can just make certain of the fact that we have one more territory, one more country where terrorists have the opportunity to be trained to kill and harm Americans.

With respect to Pakistan, the PAC government has sent the Palace Guard to guard the Embassy of the United States. That is their most elite troops. Again, our relationship is frayed and it is fractured, but they are doing their level best to try to make sure the Americans who remain in Pakistan are protected. If we all of a sudden decide that we are going to cut them off from financial aid, is that going to improve the situation? Is it going to give us some sort of satisfaction? It may from

the standpoint of folks who don't like the idea of foreign aid period. But from a national security standpoint, it is simply the wrong thing to do.

There will be one country that will gain from this. The country that will gain from this is the most notorious terrorist-sponsoring nation in the world, and that is Iran. Iran has a very powerful presence in Pakistan today. They want to have a powerful presence in Libya. I assure you if we cut off the minimal amount of aid that is being talked about with this amendment, then we are simply fostering the ability of Iran to have a larger voice and a larger presence in countries that are very fractious and very vulnerable today.

So while in spirit I agree with my good friend Senator PAUL, this is not the right time in the history of our country and not the right time in the history of the world to take action that is simply not in the best interest of the United States.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, in the last few days several interesting things have happened, and some of them tragic—of course, beginning with the tragic loss of our brave four Americans and Ambassador Chris Stevens, then the demonstrations that have taken place everywhere. But I also remind my colleagues there was a most sophisticated attack on one of the most heavily fortified installations in Iraq. It was professional. It was carried out in a professional fashion. It resulted in \$200 million worth of loss to the American taxpayer, the greatest single act of destruction since the Tet Offensive back during the Vietnam war.

In Afghanistan, because of the attacks of Afghan soldiers on American soldiers, we have had to suspend the operations between the military and police between the two countries. If there was ever an indicator of failure of our policy in Afghanistan, it is our now inability to even train with them to be ready to take over the responsibilities that we now hold.

There is no greater indication of the failure of the President of the United States to continue to tell the American people and the people of the world not that we need to succeed, not that we need to win, but that we need to withdraw. So countries in the region have taken the lesson and are making accommodations.

The fact is we are now facing a collapsed national security policy in the region, beginning of course with the assertion by the ambassador of the United Nations that what happened with Christopher Stevens and the three others was "spontaneous" and the President's spokesperson saying the same thing.

We knew it wasn't spontaneous. We know people don't bring heavy weapons

and mortars and rocket-propelled grenades to demonstrations spontaneously. This was a well-orchestrated, well-planned, well-executed act of murder of four brave Americans. Now we blame it on the video; it is the video.

It is not the video. The video is the vehicle of radical Islamists that they use. And don't think there will not be other vehicles. There are people now, I am sure, all over the world who are making videos that Muslims may find offensive. I found it offensive when there was a picture—that I will not even describe now—back some years ago that was sponsored by the National Endowment for the Arts. And we believe in freedom of speech. The first thing we should have said is Americans cherish and have fought for these freedoms, including freedom of speech.

Very briefly, because I know my colleagues want to talk, we have totally failed in Iraq. Today, as we speak, Iranian aircraft are overflying Iraq to Syria and delivering weapons to Bashar Assad. We were supposed to leave a residual force there. We didn't because then-Senator Obama, who said the surge would fail—where he was completely wrong—now has said he is now celebrating that we are out of Iraq.

They just sentenced their Vice President to death. The tensions between Sunni, Shia, and Kurd have never been greater, and al-Qaida is on the rise in Iraq. In the words of General Keane, the architect of the surge, we won the war and we have lost the peace.

In Syria, 25,000 people have now been massacred. When is the last time the President of the United States stood and spoke on behalf of these people? It is impossible for me to understand why the President of the United States wouldn't at least speak out against the murder, rape, and torture that is going on, and continues to go on, and it is an unfair fight with Bashar Assad supplied with Russian weapons, Iranians on the ground—which they have acknowledged. Of course, every day that goes by more and more al-Qaida infiltrate the country.

In Afghanistan, of course they know we are leaving. Of course they are accommodating. There is a famous story of the Taliban prisoner and the American officer. The Taliban prisoner says: You have the watches; we have the time.

America is believed to be on the decline and weakening. So Mitt Romney was right. The statement issued by the Embassy in Cairo was a semi-apology, which later the administration itself repudiated.

This President does not believe in American exceptionalism, he does not believe in American leadership, and we have just paid a very heavy price for our lack of leadership. Leading from behind is not the role of America in the world, and appropriate lessons are being drawn from that all over the world.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I thank my friend from Arizona. I will be very brief because I know others want to speak.

This last conversation is extremely important. Northern Africa and other Arab countries are in a state of flux, to say the least. The Arab spring has caused lots of questions and profound implications that we don't begin to now fathom. Those countries don't have executive governments that have any experience. They have replaced tyrants who preceded them. These are Muslim countries.

Many of the people who live in these countries believe other parts of the world are more wealthy and they have been put upon. Add to that, these are countries which, in most respects, have very high unemployment. Add to that, most of the demographics of these countries are such that close to half of the population is under the age of 25 or 30, maybe even younger than that. It is a powder keg, and these are countries which don't have the history and culture of the first amendment freedom of speech we have.

I say all this because I urge all of us on both sides of the aisle to work together. It is an extremely complicated, complex situation.

It used to be not too many years ago that politics stopped at the water's edge. It used to be not too many years ago that on foreign policy issues, because they are nonpartisan, we as a country worked together. We addressed the world with one voice. So I strongly caution my colleagues on both sides of the aisle to not make this a partisan issue; that is, U.S. policy in the Middle East, especially in this case, northern Africa—but, rather, we work together. It is so important.

There is probably a reason why politics used to stop at the water's edge not too many years ago. Because it made us a lot more effective worldwide. I urge my colleagues not to be too critical of the other side of the aisle. It gets us nowhere. It is dividing and conquering, and that puts us at a great point of weakness.

#### SECOND BIG SKY HONOR FLIGHT TO DC

I rise on another matter and that is to recognize a very important event that is occurring this Sunday and Monday. What is that? Eighty-nine World War II veterans from the State of Nevada will take part in the Big Sky Honor Flight and come to Washington to visit their monument, the World War II Memorial. Their trip is hosted by the Big Sky Honor Flight Program. The mission is to recognize American veterans for their sacrifices and achievements by flying them to Washington, DC, to see their memorials at no cost. They raised money from Montanans all across the State to make

this possible. I helped make this possible at steak fries, et cetera, and in today's economy, Montanans' generosity in paying for these flights is something special. Don't forget it has to be two tickets, one for the vet and one for the person helping the vet, because these World War II vets have been around several years and they often need a little bit of assistance.

One of the passengers on Sunday's flight is a 102-year-old. His name is Dr. McDonald W. Held of Billings, MT. Don has had a remarkable life. He has been a U.S. Air Force intelligence worker, a professor, an author, a minister, and a college president. Don was born in 1909. What was going on in 1909? That year President Taft was inaugurated as the 27th President. The U.S. Army received its first delivery from the Wright brothers. Congress passed the Homestead Act, which resulted in a large influx of settlers all across the West, including my State of Montana.

Don graduated from Baylor University in 1933 with a degree in speech. Although he earned his master's and doctoral degrees from Northwestern University, Don's heart remained at Baylor. He wears a Baylor workout suit every Monday, Wednesday, and Friday when he exercises at the Billings YMCA. Remember, Don is 102 years old.

During World War II, Don served in the Air Force as an intelligence officer in the Philippines. After the peace treaty was signed he was stationed in Tokyo. He worked just a couple of buildings down from GEN Douglas MacArthur.

After the war, Don embarked on his career in academics at Howard Payne University, as a professor there from 1955 to 1964. He presided over the speech and theater department and served as academic dean. Don then worked for 7 years at Wayland Baptist University before moving to Billings, MT.

In Billings he became the first head of the speech and theater department at the Eastern Montana College, which we now know as Montana State University-Billings.

At age 74, Don was ordained as a Baptist minister in the Baptist church. He has ministered in three churches in Montana and also served as a president of the Yellowstone Baptist Bible Institute, now Yellowstone Baptist College.

Don and his wife Beverly have five children, five grandchildren, and seven great-grandchildren so far. His son Don, Jr., a veteran of the Vietnam war, will escort him to Washington this Sunday.

This is a special weekend for this group of heroes. Believe me, I was here when the last honor flight came in. I cannot remember a time when I have been so touched by people. You see these World War II vets. Most of the men and women are just talking about

their experiences. They are the "greatest generation," as has been mentioned before, especially by Tom Brokaw.

It is time to give them thanks for their courage, time to give them thanks for their sacrifice. They have done so much. It is time to reflect on all the sacrifices they made. Think of it, battles of Europe, Korea, the jungles of Vietnam, deserts of Iraq, and those who are currently fighting in the mountains of Afghanistan. We must not forget them.

Please join me in welcoming our Montana heroes to Washington this weekend. I am going to be down there. I know many others will too.

I yield the floor.

I thank again my good friend from South Carolina.

Mr. GRAHAM. Mr. President, I ask unanimous consent to speak in morning business for the next hour.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

#### IRAN'S NUCLEAR PROGRAM

Mr. GRAHAM. Mr. President, we are going to have a nice discussion between Republicans and Democrats about an important issue. If you are looking for bipartisanship, your ship has come in. S.J. Res. 41 has 82 cosponsors. I am not sure we could get 82 of us to agree that Sunday should be a day off, but we have done it when it comes to the concept of not allowing the Iranian ayatollahs to possess a nuclear weapon and trying to contain them. S.J. Res. 41 has 82 cosponsors. The Presiding Officer is one of them. To my Democratic colleagues, Senators BLUMENTHAL, COONS, MENENDEZ, CASEY—Senator CASEY was the first one to step up—Senator LIEBERMAN—it has been a real joy to work in a bipartisan fashion over something that matters, that if there is a time for the Senate to speak, it is now, regarding Iran's desire to get a nuclear weapon.

President Obama has rejected containing a nuclear-armed Iran as a national strategy. Mr. President, you are dead right on that. I know Governor Romney agrees.

What I wish to do is recognize my good friend from Georgia, Senator ISAKSON, and we have Senator AYOTTE here, to share their thoughts. I will be joining later, and certainly Senator BLUMENTHAL, who has been one of the leading voices on the Democratic side for this resolution.

At this time I wish to yield for Senator ISAKSON.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, before he leaves, I wish to acknowledge that today may be one of the more important foreign policy debates that ever takes place in the Senate because whichever way the Paul amendment goes and this resolution goes is going to determine the direction of where

America goes in terms of foreign policy. Are we engaged? Are we firm? Are we the greatest power on the face of this Earth? Or do we recede as we did prior to World War II and put our Nation in jeopardy again? I don't vote for receding. I think it is time to be strong. If there were ever an issue to be strong about, it is nuclear proliferation and the possibility of Iran possessing nuclear fissionable material to make a weapon. I will commend Senator GRAHAM for his leadership in the Armed Forces, for his leadership on this issue, for his leadership on the floor of the Senate. He is a beacon of hope in a body that needs it right now.

I also commend him for getting 82 cosponsors—I agree with him, we could not agree that Sunday is a day of rest if we had to have a vote on it—to come together and join to send a clear message not just to the Iranians but to the world that a nuclear-armed Iran is not acceptable. We need to have a policy of prevention. That is what this resolution does. It doesn't just say to Iran we want to prevent you from having nuclear fissionable material and weapons, it encourages the world to join together to prevent it.

Ten days ago I was in Germany, meeting with the EU Minister of Finance, meeting the German Minister of Finance, and meeting with the Defense Minister of Germany. Do you know what the No. 1 question of all three of them was? It was not the problems with the EU, although they have them. It was Iran and what would happen if they ended up possessing fissionable nuclear materials and a weapon. So this resolution is an important statement of the United States of America, but moreover the world, and I think it will be replicated in parliamentary bodies around the world to send that united signal. We are close to a time when we have to fish or cut bait. The Iranians have continued to work. We have pretty good knowledge but not total knowledge. One of the problems the Germans have, the IAEA thinks they know where the centrifuges are and where they all are, but they are not sure. They think there hasn't been movement and in some cases they think there may have been movement.

We need clarity, and the only way to get clarity is for the Iranians to agree to the rules that we establish for them to disclose through the United Nations or through whatever body possible to see to it we have total transparency, and in the absence of that they need to understand that our goal is to prevent them from ever possessing a weapon that could destroy humanity.

The nation of Iran states clearly and often and tells the world it yearns for the day until it destroys the nation of Israel and the Jewish people. No entity, none whatsoever, deserves the ability to have enriched uranium or any other tool to actually carry out what it says is its stated goal.

So I rise today as one Georgian, but one of millions of Americans, to send a clear and unvarnished message to the people of Iran. We want the people of Iran to know freedom and democracy, to be released from the tyranny of the ayatollahs and the current totalitarian government but, most importantly, we will not stand 1 day, 1 minute, or 1 hour for Iran to possess fissionable material or a weapon that could destroy mankind.

I end by commending the Senator.

I yield the floor.

Mr. GRAHAM. I thank Senator ISAKSON, who is on the Foreign Relations Committee. He is a ranking member on the African subcommittee. He has, frankly, opened my eyes with what we are doing in Africa. A little money goes a long way in Africa, trying to prevent radical Islamists from taking over the continent of Africa, combating the Chinese who are trying to buy up all the resources, and using American taxpayer dollars to create an environment and create jobs back here at home and, frankly, save thousands if not millions of young children from certain death from AIDS and malaria. JOHNNY is everything right about being a Senator in that regard. I appreciate him coming down here today.

If the Senator from New Hampshire doesn't mind, can we go to our good friend Senator BLUMENTHAL? I have had the pleasure of going to Egypt with him and all these other hotspots and enjoyed working with him on this resolution. This started with a meeting in our offices, an idea to try to back up what President Obama said about not containing a nuclear-armed Iran. The next thing we know we are on the floor of the Senate today with 82 cosponsors.

My good friend from Connecticut, Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I want to begin by thanking my colleague and friend from South Carolina who has so eloquently and powerfully stated the case for this resolution. But even before discussing resolution 41, I thank him and our colleagues who spoke today on the floor about the Rand Paul resolution.

I think this morning's debate—and I listened to it for all 3 hours, because I was presiding at the time—marked one of the finer moments of my brief time as a Member of the Senate. What I saw this morning was an articulate, thoughtful, and courageous statement against a resolution that would do grave harm to this Nation's national interests if it became law and if it bound the U.S. Government and cut off aid to these countries. I think the case stated was courageous because it very likely may prove unpopular with some elements of their own party—to put it very bluntly, the political reality here. But I think it was one of the finer mo-

ments of this body because it marked a point of clarity and a clear recognition for the need to come together as a nation when our national interests are threatened, when our national security is at stake, when the harm to this Nation requires acting together.

I am hoping this spirit of bipartisanship will also come together, as it has so far with 82 cosponsors, on the resolution we have sponsored, S.J. Res. 41. As Senator GRAHAM has rightly observed, it began with the leadership of a handful of Senators. He was one of the key leaders, as were Senator LIEBERMAN, Senator AYOTTE, Senator HOEVEN, Senator CASEY, and Senator MENENDEZ. I was proud to be among them. The spirit of bipartisanship and the strength of that spirit was really extraordinary.

Here is what we know. At a time of confusion and obfuscation, in many respects, where foreign policy is concerned, knowing with certainty some of the facts is very important. We all know from the International Atomic Energy Agency that as of November 2011, Iran had produced approximately 5,000 kilograms of uranium enriched up to 3.5 percent. We also know that this Iranian regime is the most active state sponsor of terrorism in the world, according to our Department of State. We know this regime has repeatedly expressed its desire to "wipe Israel off the map." We know this regime has provided weapons training to Hamas, Hezbollah, and militias in Iraq who murder civilians and spread terror. We know it has already actively and consistently provided aid to the Assad regime in Syria in its brutal and unconscionable repression of its own people. The torture and murders that have occurred have been directly linked to Iran. We know the Iranian Government is attempting to develop nuclear weapons. If it does, it will lead to an arms race in that part of the world that will be as threatening as any other potential harm to this Nation. We know Iran would create access for terrorists to these nuclear weapons, making the Middle East a nuclear tinderbox. We cannot trust this regime. We know that fact beyond any potential doubt.

Iran's nuclear program is of extraordinarily grave concern not only to nations in that part of the world but to all nations everywhere that want peace. That is why an international coalition has come together, with the leadership of the United States of America. Iran cannot be permitted to continue its nuclear program to a point where it is capable of making a nuclear weapon.

Despite repeated calls for it to suspend or stop this program, we know with certainty that Iranian leaders show no signs of waiting or wanting to halt their program to build nuclear weapons. In fact, recent intelligence shows they are continuing to enrich uranium and develop nuclear facilities.

That is why we need S.J. Res. 41. There is no question that the administration, under President Obama, has repeatedly affirmed his commitment to such a policy. The President has made his position and the position of the United States absolutely clear. I am quoting President Obama:

Iran's leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon.

That is the message of S.J. Res. 41. That is the message we must convey as a nation together from all parties, all parts of the United States, and all interests, that time is limited. Time is limited to keep Iran from acquiring nuclear weapon capability.

This resolution calls for increased pressure on Iran to come into compliance with the U.S. security resolution. This resolution builds on the efforts of myself and others to call for successful P5+1 talks that would lead Iran to halt its nuclear program. This resolution says to the world that the United States and governments of other responsible nations have a vital, mutual interest in working together to prevent Iran from acquiring nuclear weapon capability. Let's underscore the words and recognize their importance: nuclear weapons capability.

Many of us have written multiple times to President Obama outlaying a framework that would lead to successful negotiations. My hope is that the combination of strict international sanctions and international condemnation of a nuclear-armed Iran will convince that government to desist and cease its program of nuclear weapons capability building. It is not in our interest, it is not in the world's interest, and ultimately it is not in that regime's interest. If sanctions fail, we must be prepared to act.

This resolution expresses the resolution and the resoluteness of this body. I am hopeful that sanctions will work, but if the Government of Iran is unconvinced by this very compelling case, it must know that this issue is not a partisan one, it is not one on which we are divided. We stand together, we stand strong, and we are resolute and resilient. The United States and its allies will join together to prevent a nuclear-armed Iran.

Again, I thank the Senator from South Carolina and all 82 of my colleagues who have joined as cosponsors. We began with a handful, but I think the compelling power and persuasiveness of the need for this resolution is carrying the day.

I yield to the Senator from South Carolina, my good friend and the leader of this effort.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. I thank Senator BLUMENTHAL for those articulate words about the resolution and for his kind

comments. Senator LIEBERMAN was on the ground floor of this, as he is with everything, including bills to construct foreign policy for the country.

One of the original partners we had trying to get this matter going was Senator AYOTTE, who is a freshman Senator but has quickly hit the ground running and has become a strong voice on national security.

With that, Mr. President, I ask unanimous consent to yield to the Senator whatever time she needs.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I thank my colleague from South Carolina. He has really led the effort on this incredibly important resolution. I also thank my colleague from Connecticut, Senator BLUMENTHAL, for his leadership on this issue.

The bipartisan nature of this resolution tells us very clearly that this really is the policy of this Congress and how important this issue is for our country. This resolution will ensure that we give a clear message to Iran that it is not our policy and that the United States and the world will not accept Iran acquiring the capability of having a nuclear weapon. We understand that it would make the Middle East a more dangerous place than it is now and would cause an arms race in that part of the world. In addition, it would also cause us to be in a position in which one of our strongest allies in the Middle East, Israel, is threatened with annihilation because that is exactly what the Iranian regime has said.

Most importantly, it will endanger our own country if Iran acquires a nuclear weapon because Iran is incredibly hostile to the United States of America. Iran participates with various terrorist groups, including Hezbollah. One of the greatest risks we face is that the regime itself wouldn't use the nuclear weapon; they would just give it to a terrorist group who could hit any one of our allies. They could use it to harm us and our country, and then, of course, the world changes. We cannot allow this to happen, and it is very important to have 82 Senators sponsoring this resolution.

I wish to talk briefly about the Paul amendment that is pending before this body. How we act on this amendment, as my colleague from Georgia so eloquently said, will define the foreign policy of the United States of America. I wish to state my strong opposition to the Paul amendment because I am very concerned that if we pass the Paul amendment, then we are sending the very message to the radical Islamists and the terrorists of the world that they want to hear from us, which is that we will withdraw.

Let's be clear on what their goal is when they attack us. They don't want us to be engaged. They would like the Middle East to become a seventh-cen-

tury, Taliban-style government that is a threat to our country.

In my view, for us to withdraw now, we would put ourselves in a position where, for example, the amendment is so broadly drafted that even if one of our ally's embassies were attacked, such as Israel, we would have to withdraw aid and it would send the absolute wrong message. It would be to the detriment of the safety of the United States of America.

I understand that my colleague Senator PAUL is well intentioned, but every time we have withdrawn, people have died and the world has not become safer and the battle comes here. We don't want the battle to be here. We don't want any of these elements to be in our country. We can't forget what happened to us on September 11.

As my colleagues have eloquently stated before, our only tools can't be our military. The reason we have so many of our present and former military leaders standing up and saying they oppose the Paul amendment is because they understand that by engaging with these countries through the small foreign aid budget we have, we can prevent conflict. We can actually be in a position where we are engaged and we are sending the message to the radical Islamist terrorists that, no, the United States of America will not back off. They cannot put us in a position where they can bring the battle to our soil. We will not be defeated by them.

I think if we were to pass this amendment from my colleague, no matter how well intentioned it is, we would only be empowering those radical elements. I urge my colleagues to vote against the Paul amendment.

I also believe it very much relates to this containment resolution for the following reasons: We see Iran right now ignoring what the U.N. has asked of it, ignoring what the good people of the world want to have happen in Syria. In fact, Iran is supporting Hezbollah. They are arming and training Assad's forces in Syria. They are providing weapons to insurgents in Afghanistan who are killing our troops. They are engaged with radical elements in Iraq. If we look at the whole course of events, we can imagine that Iran will cheer if we pass an amendment in which we say that we back off our commitment to Pakistan, our commitment to Egypt, and our commitment to Libya and other areas around the world. God forbid if one of our other allies' embassies were attacked.

Most importantly, as my colleagues have said, Iran would cheer if the Paul amendment passes because it would actually break the Camp David Accords in which we agreed as a country to provide aid to Egypt. It would also make Israel less safe, and there is nothing in the world that Iran wants more than to have Israel be less safe. In fact, they have stated very clearly that their goal

is to annihilate Israel from the face of the Earth.

We cannot allow them to get nuclear weapons. They are marching closer and closer to this capability. Senator BLUMENTHAL told us about the enrichment of the uranium. This is not the level of enrichment used for a power-plant. It is being enriched to have the capability of having a nuclear weapon.

They have created more and more centrifuges despite us asking them to stop, despite the sanctions we have put in place, all for the possibility of having that nuclear weapon they could use that would change the world, not to mention what they have said about our friend Israel, that they would seek to annihilate Israel.

The world is a very dangerous place. If we allow Iran to acquire a nuclear weapon, this is a game changer for the world. That is why this resolution is so incredibly important.

I very much appreciate the leadership on both sides of the aisle in support of this resolution, and my colleague from South Carolina for bringing this forward, because we need to tell the world we are not going to allow this game changer to happen. Iran needs to hear a very clear message from us as a Congress, backing up our President, that we will not allow for the containment of a nuclear-armed Iran, for the safety of the world.

Finally, we need to let our friends in Israel know, when Prime Minister Netanyahu said on September 16 that "those in the international community who refuse to put red lines before Iran don't have a moral right to place a red light before Israel," I say to our friends in Israel: Please know that by passing this resolution, we stand with you. We will work with you to make sure the tyrannical regime in Iran never gets that weapon of mass destruction that could very much change the safety of the Middle East, the safety of your country, as well as our own country and the world.

With that, I yield for my colleague from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Thanks to Senator AYOTTE for helping to get this whole process going, for being on the Senate floor and for getting this whole process started, and for her strong voice on national security.

Now I wish to recognize my friend, the Senator from Tennessee, Mr. CORKER. He is on the Foreign Relations Committee and is moving up the ladder to be chairman or ranking member, depending on how the election comes out. But no matter how it comes out, Senator CORKER will be there talking about constructive engagements and guarding the taxpayer dollar. I would like for him to give his thoughts about the Rand Paul amendment and the noncontainment of a nuclear-capable Iran.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I wish to thank the great Senator from South Carolina, the State where I was born. I do want to say the committee makes those decisions. I don't want anybody to be jumping the gun with the kind of statements made earlier about future situations.

First of all, I wish to speak to the resolution brought forward on Iran. I thank the Senator from South Carolina for that and for the tremendous work he has done to bring so many of us on as cosponsors. I think it is a strong signal to Iran, but also to people in the neighborhood, about our beliefs. So I thank the Senator from South Carolina for that.

I wish to speak mainly, though, about the Paul amendment. First of all, I wish to say to the Senator from Kentucky that I understand the sentiments that drive people to look at foreign aid the way a lot of people around this country are looking at it today. I wish to remind people that our total foreign aid budget is 1 percent of what we spend each year, but that doesn't mean we don't need to look at it in a very different way.

We haven't done an authorization bill on foreign aid since I have been here. I have been here almost 6 years now. I know the Senator from South Carolina is the ranking member on Foreign Operations, and I know they spend a lot of time looking at things in an appropriate way. But there is no question that as a body we should be looking more closely at how we generate foreign aid to other countries, and I hope we are going to be doing that in this next Congress when, hopefully, we will begin to function in a much better way.

I wish to say the purpose of foreign aid at the end of the day, in many cases, is to keep our men and women in uniform from having to be deployed in other places because of unrest that is against our national interests. So I would like to point that out.

In this particular case, regarding Libya, Egypt and Pakistan, I would just like to point out three things: No. 1, the people of Libya are very thankful for our intervention. However, people have come in and created a travesty in Benghazi around our consulate, and these are people who are trying to undermine what we are doing there.

So the way the Paul amendment is drafted, if terrorists in any country we are aiding happen to do something at one of our embassies or consulates, then we withdraw aid. So what that means is that basically, terrorists—people such as al-Qaida, the Taliban, and other groups—are deciding what we are going to do as it relates to foreign aid. That would be a real big step for the Senate to say that in the future, everything we do relating to for-

eign aid will be determined by terrorists. I don't think that is what we want to do as a body.

So let me set Libya aside and say this was obviously something that wasn't a popular movement. It was done by premeditated terrorists. It was terrible. We all loved Chris Stevens, and we thank him for the work he has done for our Nation. But this is not the way for us to react to a country that is trying to evolve into, hopefully, a functioning democracy and, hopefully, a country that in some way down the road will create even more stability in that part of the world.

Let's move to Egypt. I was just in Egypt and sat down with the military leaders. One of the things we continue to talk about is the Camp David Accords. The aid we send to Egypt is to reinforce, in many ways, the Camp David Accords. That is very important to Israel, which is one of our major allies, one of the biggest allies we have in the world. So I don't know why we would decide to cut off all aid, which would totally undermine the Camp David Accords, which would totally undermine the security of a country that is one of our biggest allies.

Now, do we need to take into account the response in Egypt to what happened at our embassy? I think we should, and I think it should affect the negotiations we have with them regarding our foreign aid. I mean, let's face it. We have had decades of relationships with their military, and even though there have been a lot of changes in the country, the military is still there and, candidly, they did respond exactly the way we would like for them to respond. They are a great ally.

The President was a little hesitant to respond. I understand the fine line he is walking. He had just been elected. I understand the country hasn't been through this process, and I understand he didn't respond exactly the way we would expect him to respond. He, since that time, has, but I still think it should affect our negotiations and we ought to go slowly.

It is my understanding that the Senator from South Carolina, working with his counterpart, has taken those things into account as it relates to this next year, and I thank them for that.

So in Egypt, it looks to me as if we are slowing this down a little bit. We are making sure the relationship we have with Egypt is appropriate under the circumstances, and I thank the Senator for helping to make that happen. But withdrawing all aid would basically totally undermine the Camp David Accords, which most of us in this body believe to be something that is very important.

So let me move to Pakistan. Pakistan is a place where probably most of us are most disappointed. We understand the relationship the intelligence

agencies in Pakistan have with the Haqqani network, and that has been disappointing. We understand the trouble we have had trying to close down some of the ammonium nitrate plants that are there and that are actually helping to create some of the IEDs that are used to dismember and harm and kill our men and women in uniform in Afghanistan. So we are disappointed about a lot of things in Pakistan.

Obviously, one of the most disappointing things—or maybe one of the things that is most difficult for us to understand—is the treatment of this physician who aided us with Osama bin Laden. Yet there is a legal process that is underway there, and I think we sometimes forget that, and there is a court of law there and, hopefully, that will have an outcome that ends up showing that it has been handled in a judicious way.

Let me just speak to Pakistan. We are getting ready to leave Afghanistan. We are going to have all of our troops out of Afghanistan, or a big part of our troops out of Afghanistan, by 2014. I met yesterday with General Dempsey. He was telling me that in order to meet that timeline, we have to move a truckload of equipment out of Afghanistan every 7 minutes between now and the end of 2014—every 7 minutes. Well, what is the major route we use to move our equipment out of Afghanistan? Pakistan.

Now, if we want to cut our nose off to spite our face, I would say let's close off that route, let's create enmity between us, more enmity than already exists.

I think most of us realize we have a very transactional-oriented relationship with Pakistan. It is not quite the way those of us in America would like to see it be, but the fact is there are some valuable things there that have a lot to do, by the way, with the safety of our men and women in uniform. If we have to take another route out in getting all of this equipment and material out of there, we are probably going to take a route that doesn't work quite as well for our men and women in uniform.

So, again, I understand the sentiment. Our phone is ringing off the hook with people who share the same sentiment. I understand it. When we see on television people rising up in these nations against us—by the way, these countries are not monolithic. It is not unlike here. We have groups, such as Occupy Wall Street, that are able to express themselves, but they don't represent my viewpoint. These countries are in some ways like ours. I mean, they have people who protest and do things. That doesn't mean the whole country feels that way. These are countries that have had strong men leading their countries in some places and aren't used to understanding what it means to be able to express themselves,

and they don't understand how to operate in a society that is more open than it has been in the past.

So that certainly doesn't quell my strong feelings about what has happened in Benghazi, nor does it for anyone else here, I am sure. But the fact is we need to look at foreign aid in a different way. I think we have taken some steps to do that. We need to continue to improve. We need to make sure there is accountability.

What I do know is the Paul amendment is not the way to do it. Again, I appreciate the energy the Senator has brought to this body and the many good points he brings forth. But I know this: We do not want an amendment to pass that says if terrorists attack an embassy or consulate anywhere around the world, aid is taken from that country. I do not want a terrorist determining what our relationship is going to be with that country, and I think all of us know that our withdrawal from the Middle East will leave us in a world that is vastly unsafe for our citizens and for people around the world.

While I know our engagement needs to continue and evolve, I know this amendment is not the way to make that happen. I strongly oppose it, and I will vote against it if we ever get a vote on this amendment.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I thank Senator CORKER for his very good, country-by-country explanation; kind of a big picture, rational approach to what we are trying to do. I understand Senator PAUL's convictions. A lot of Americans are frustrated. We are broke but giving money to people overseas. They all hate us.

Well, they all don't hate us. Some do, some don't. Let's invest in the ones we can live with and stand up to the ones who want to kill us all.

Before I turn it over to Senator HOEVEN, one last thought about the world in which we live. We could get hit in the next minute. We could get hit today. We could get hit tomorrow. They are trying to get here as desperately as they can. Thank God for every day we have been able to survive without being attacked again in our homeland. But I would say this: One of the reasons we have been effective after 9/11 is that we are in their backyard. We are deployed over there—not just with military force but with assistance. We are making their lives more difficult by raising money and operating and being able to maneuver and find allies. To get to America now to attack us is harder than it was on September 10, 2001, because we are engaged in the fight. If we withdraw aid, we take one of the most valuable tools off the table. There has to be more tools in the tool kit than just bombing people or disengaging from the world. So this

1 percent of the budget is a godsend to those in the military.

S.J. RES. 41

Now I will turn back to S.J. Res. 41. Senator HOEVEN of North Dakota was my first Republican cosponsor of the idea that we cannot contain a nuclear-capable Iran, and I cannot tell my colleagues how much I appreciate his leadership.

So I yield to Senator HOEVEN.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I wish to thank the Senator from South Carolina for his leadership on this incredibly important issue and to also express my appreciation for the Senator from Tennessee and my agreement with his remarks. I thought he was right-on with what he said, and I support what he had to say.

I am very pleased to be a cosponsor of S.J. Res. 41 with Senator GRAHAM. He is knowledgeable on this issue. He has dedicated an incredible amount of time and commitment to this effort.

Recently I was with Senator GRAHAM and Senator MCCAIN and others. We were in Afghanistan, and then we were in Egypt, where we met with the Muslim Brotherhood. We were in Israel, where we met with Prime Minister Netanyahu. Then we were in Libya, where we met with a number of the militia groups who now control Benghazi and Misrata and, of course, Tripoli. And we were in Tunisia as well. I have to say that it is incredibly important that we had the opportunity to go to those countries. Senator GRAHAM has been there many times, as has Senator MCCAIN. But it is very important that we understand what is going on.

Some of the comments Senator CORKER expressed are so true. We have to understand what is going on in these countries. At the same time, we have to communicate with these countries as they try to build democracies. But we must be clear and consistent in our foreign policy that we support our friends, we support our allies, we will oppose our opponents, and that we demand safety for our embassies and for Americans abroad. We provide no less to the people who come to our country, and we expect the same in return.

S.J. Res. 41 is a bipartisan effort. And I want to express that again; that is so important. It is a bipartisan effort—80 Senators standing together and expressing their support, bringing this resolution to the Senate floor, and saying to the administration: We need to take a tough stand with Iran. We cannot allow Iran to develop nuclear weapons. It is not an option. Containment—a nuclear Iran contained is not an option. It does not work.

Look what is going on in the Middle East right now, in Egypt, in Libya, Tunisia, Yemen. Across the Middle East right now, you have extremist groups—fundamental Islamic extremist



groups—that are undermining the democratic efforts in those countries. Look at the attacks on our Embassy. Look at the killing of our Ambassador. We cannot allow that and can only prevent that through strength—through strength.

So we have to stand for America's interests in all of these countries, and we have to prevent a nuclear Iran. Iran is helping the extremists throughout all of these countries, supporting Bashar Asad in Syria, supporting Hezbollah, Hamas—all these groups that are undertaking violence throughout the Middle East, not only against Americans but against their own people, undermining these nations' democracies. The way we help stop that and the way we help support freedom and democracy is through a strong, consistent foreign policy.

That is what the resolution, on a bipartisan basis, is all about—saying to the administration: We must stand up to Iran, and we must prevent Iran from getting nuclear weapons. And if Iran were to develop a nuclear weapon, that could also start a race for other countries in the Middle East to develop a nuclear capability. Look at the unstable situation there. It is certainly not a situation where nuclear weapons can be added to the equation as well.

We have worked in the Senate, in the House, to provide tools to the administration to put sanctions in place to prevent Iran from developing a nuclear weapon. The Kirk-Menendez legislation, which was passed as part of the Defense authorization bill, provides strong sanctions against Iran that still have not been fully implemented. The best way to stop Iran from getting a nuclear weapon is through sanctions. All options have to be on the table. We must support Israel in whatever action Israel determines it must take to protect itself. All options for the United States must be on the table as well. The best way to stop Iran, if we can, is with sanctions, but the only way that is going to work is if they are fully imposed to the full extent possible.

Let me use Kirk-Menendez as an example. What did that legislation provide? That legislation provided a tool to the administration that essentially barred any company or country that does business with Iran or its Central Bank from doing business with the central banking system in the United States. That is an effective tool because if Iran cannot sell its oil, it cannot continue to function.

We must fully impose those sanctions. We must stand strongly with our closest friend and ally Israel in the region. This resolution is a bipartisan message to our administration saying: Stand strong. We can and we must prevent Iran from getting nuclear weapons.

With that, Mr. President, I see the majority leader and the minority lead-

er are on the floor, and I will turn the floor back to the esteemed Senator from South Carolina and thank him for his work.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, before I turn this over, may I have just 2 minutes to wrap up.

I want to thank Senator REID and Senator MCCONNELL for scheduling this vote. Eighty-two Senators stand behind President Obama's statement that it is bad policy to contain a nuclear-capable Iran. Let me tell you right quickly why. If the Iranians get a nuclear weapon or nuclear capability, the Sunni Arab States will want one themselves to counter the Shia Persian influence, and you will have a nuclear arms race in the Mideast. That is not a good result. That is the road to Armageddon. Israel will never know a minute's peace. If the ayatollahs in Iran have a nuclear weapon, my God, what would living in Israel be like? Look at the threat you would live under the rest of your life. That is a no-go for the people of Israel.

The big concern I have above all else is that the ayatollahs will share that nuclear capability, that technology with a terrorist group. The only reason thousands have died in the war on terror and not millions is they just cannot get the weapons to kill millions of us. And if the ayatollahs had those nuclear weapons or that capability, they would share it with terrorists. That is why containment is not a good idea.

This is not an authorization to use force. It encourages sanctions. It encourages diplomacy. It says that all options are on the table. It is not authorizing force, but it is taking off the table the idea that the Iranians can get a nuclear weapon and we will try to contain them because that is just emptying Pandora's box.

One last thought. An Israeli soldier was killed today because the Sinai border between Egypt and Israel was breached. Part of our aid to Egypt has conditions that say: If you break the treaty with Israel, you lose the money. And you need to beef up the security in the Sinai.

The Egyptian Army is basically being driven out of the Sinai. They are moving back in. So if you really do care about the security of Israel, we cannot break relations with Egypt. It is a complicated relationship, but it is in our interest to be involved.

Again, we are all over the world in different fashions, and I would rather be helping people help themselves than having to send soldiers in every time there is a hot spot in the world. We cannot disengage from the world. It is our destiny to be the leader of the free world; we just need to do it smartly.

One percent of our budget is spent on foreign assistance. I think it makes sense.

With that, I will yield the floor and thank all of my colleagues for jumping on board for a resolution that I think is timely. If the Senate of the United States ever needed to speak with one voice on a single topic, it is now, and that single topic is to the Iranian regime: You will not be allowed to get a nuclear weapon, period.

With that, I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that at 11:30 p.m. this evening, there be 30 minutes of debate equally divided between the majority leader and Senator PAUL or their designees; that following the use or yielding back of that time, the Senate proceed to votes in relation to the following items in the order listed: passage of S. 3576, passage of S.J. Res. 41, cloture on H.J. Res. 117; that if cloture is invoked on H.J. Res. 117, the pending amendments be withdrawn and the Senate proceed to vote on passage of H.J. Res. 117; that immediately following that vote, the Senate proceed to the cloture vote on the motion to proceed to S. 3525; that if cloture is not invoked on H.J. Res. 117, the Senate proceed to the cloture vote on the motion to proceed to S. 3525; that the vote on passage of S. 3576 be subject to a 60-affirmative-vote threshold; that if S. 3576 does not achieve 60 affirmative votes, then it be returned to the calendar; that following the cloture vote on the motion to proceed to S. 3525, the majority leader be recognized; finally, that no amendments, motions, or points of order be in order during the consideration of these measures.

That all begins at 11:30. Mr. President, usually we have a 15-minute vote for the first one, but I think, with the time we are doing this, I would like all votes to be 10-minute votes, so I also ask unanimous consent that be the case and that between each vote there be 2 minutes equally divided so the sponsors and those opposing the passage of that legislation can speak on them.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, this agreement paves the way for the completion of our remaining business for this work period. It is going to be a very early morning or late night, however you look at it, but it is the right thing to do. I expect that upon the completion of the scheduled votes, the motion to proceed to the sportsmen's bill will be pending, postcloture. I am gratified that we are on track to attempt to move this measure when we get back. After we address that bill, when we return in November, I intend to move to Senator MENENDEZ's housing bill. But I will be in touch with the Republican leader several times before the election, I am sure, anyway.

Mr. President, before we leave here, everyone should understand that what we are going to try to do this evening—I have spoken with the Republican leader—is that when people finish their talking—we hope it can be early this evening—we would go into recess—and hopefully we can do that at 5 or 6 o'clock tonight—until 11:30 tonight. I hope that can be done.

The PRESIDING OFFICER. The Senator from Kentucky.

S.J. RES. 41

Mr. PAUL. Mr. President, we have before us a resolution on containment of Iran. I have voted for sanctions on Iran and do not think it is a good idea that Iran have nuclear weapons. However, I am very concerned about this particular resolution. I think a vote for this resolution is a vote for the concept of preemptive war. I know of no other way to interpret this resolution.

The resolution says that containment—the strategy of trying to prevent expansion or invasion of countries—will never be our policy with regard to Iran. While I think it unwise to announce that we will contain Iran—I do think it unwise to tell Iran: Oh, it is fine to get a nuclear weapon; we will contain you—I also think it is equally unwise to say: We will never contain you.

The reason I say this is that we woke up one day and Pakistan had nuclear weapons. We woke up one day and Russia had nuclear weapons—China and India and North Korea. Had we made the statement—the rash statement—that we will never contain any country that has nuclear weapons, what does that mean? I think that means that you have decided—right now, before anything happens, you have decided that you will preemptively go to war.

We have been at war for a decade now. We have been at war in Afghanistan. I supported going to Afghanistan, but I am ready to come home from Afghanistan. We were at war in Iraq for nearly 10 years. I am glad we are coming home from Iraq. But I do not want to automatically commit our country to a war in Iran.

So while I do think it is a mistake to say we will not contain them, I think it is also a mistake to say we will contain them. It is a mistake to have a policy that is explicit one way or the other.

President Reagan was once criticized and accused of having no foreign policy. He replied that it was not that he had no foreign policy; it was that he did not care to share it with everyone. Because if you give everyone—your potential enemies or friends—if you say to every country: If you do X, I will do X, or if you maybe do this, I will do that, you are exposing exactly what your plans are, and that may not be the best strategy. In other words, foreign policy is an ever-shifting battleground, and there should be a certain strategic ambiguity to foreign policy.

So when we announce to Iran or to the world that we will never, ever contain Iran, it is an announcement that the bombs will be dropping if we ever hear that they are a nuclear power. I do not think we should say automatically we are willing to accept them as a nuclear power, but I do not think we should automatically say there will be a preemptive war with Iran.

Now, everybody has been bragging. They say: Oh, everybody in the Senate is for this. Everybody is not. I am not for this. I may be alone on this, but, interestingly, if you travel to Israel, there is a very spirited debate on this.

Meir Dagan, who was the head of the Mossad, cares deeply about Israel, would not be, by anyone's imagination accused of being a shrinking violet—he has done many things to prevent Iran from having a nuclear weapon. He is worried about what happens the minute the bombs start dropping on Iran. Where do you think the next set of bombs will go? They will be on Tel Aviv. They will not be on the United States. But if you live in Tel Aviv, you might have some concern over what happens and what Iran does.

The other thing about beginning a war is that historically in our country we have had defensive wars. Nobody messes with us, and I agree with that. You mess with the United States there will be significant repercussions. We will not let you invade other countries and we will not let you invade the United States. But the idea that we will have offensive war and not defensive war is a concept that is new in our history.

Preemptive war, going to war and saying we will go to war to prevent you from doing certain activities is a new concept in our lexicon of foreign policy. I think it is a dangerous one. Announcing to the world, as this resolution does, that containment will never be our policy is unwise. It is a recipe for perpetual war. A country that vows to never contain an enemy is a country that vows to always preemptively attack. To rule out containment as a strategy or as a strategic and sometimes militarily active form of defense is to admit we have become Orwellian. Yes, we have always been at war with East Asia or, yes, we have always been at war with Eurasia. It is an idea that we will always be perpetually at war.

I am proud of being for a strong national defense. I am proud of being for protecting our country. But I cannot accept a resolution that says we will completely get rid of the containment strategy that was a strategy that kept us safe for 60 years during the most aggressive and dangerous war we have ever encountered, the Cold War. The Soviet Union had 30,000 intercontinental ballistic missiles that could reach the United States and attack us and devastate our country.

If we would have had this concept that we rule out the idea of contain-

ment, we would have had an awful and devastating and maybe cataclysmic war with Russia. Now North Korea is more similar to Iran, a two-bit dictatorship that has trouble feeding their own people, has trouble having enough supplies of food and gasoline for their own people. There are similarities. But when North Korea announced it had a nuclear weapon, did we immediately start dropping bombs? Did we say we will not contain them? We contained North Korea. Some would argue the leadership of North Korea is equally as irrational as the leadership of Iran, if not more so. So we were able to contain a two-bit socialist, very small and unproductive country such as North Korea. I see no reason why, if we had to, we could not contain Iran. I am not promoting that as a philosophy. We should not be telling Iran we will contain them. But for goodness' sake, we should not be saying: We will never contain you.

The people who vote for this resolution I think are well meaning, but I do not think they are thinking this through. We have had this before. When the resolution came up for the Iraq war, many voted for it and then some came back later and said: I voted for it before I voted against it. They wanted it both ways. Many come up to me now and say: I voted for the Iraq war, but it was a mistake. I voted for this concept of offensive war, of preemptive war to stop Iraq from having weapons of mass destruction, but I made a mistake.

I think the Iraq war was a mistake. I was not here, but I would have voted no. I fear we are pushing on. Every month there has to be a new and more bellicose resolution to ensure we will go to war and that at all costs we will go to war in Iran. I think it is a mistake. I think there should be some strategic ambiguity, meaning that we do not announce to our enemies exactly what we are going to do. We let them know firmly what our position is, but we do not announce to them our entire military strategy.

To do so, to rule out a strategy that we had for 60 years that worked, that kept us in a very difficult and uneasy peace with the Soviet Union, does anybody here argue we would have been much better if containment would not have been a strategy, if we would have said absolutely to Russia, if you do this, we are going to—the bombs will drop tomorrow.

That scares me. But what scares me more is that so many Members of this body are jumping up and down to embrace each other in the bipartisan desire that we will not have containment as a strategy, that we absolutely will go to war if we wake up and Iran has nuclear weapons. You know what, the other day Meir Dagan, the former head of the Mossad, said that you cannot bomb the nuclear knowledge out of the

psyche. Nuclear knowledge, the knowledge to make nuclear weapons, is out there now. It is in Iran. We will not be able to stop that knowledge. We will not be able to eradicate the knowledge of nuclear weapons. That is something to think about. Because there may come a day—and this is the prelude to the next argument. The next argument we have on this floor will be one day when Iran announces, and am not for this, I think we should do everything—I voted for sanctions. I think we should do everything to prevent Iran from having a nuclear weapon.

But my goodness this is a huge mistake. It may be unpopular for me at home to say this, but I will say it. I will say it loudly. To rule out any kind of defensive strategy that does not include an offensive war is a huge mistake for the country. I will vigorously oppose this resolution. I hope those who have glommed onto this resolution so quickly, because there is an incredible force behind this resolution, there is an incredible lobbying apparatus that says you have to go onto this or else. I hope they will reread this and reconsider. Think about the double and triple amputees who have come home to your town. Think about the soldiers who have committed suicide. Think about the hundreds of thousands of soldiers who are overseas now. Ask yourself, are we ready to send another 100,000 or 200,000 or 300,000 soldiers to Iran?

I am not asking that we do nothing. We just beefed up the sanctions a couple months ago. But there are other things to do besides saying we will always have to go to war. For example, who does Iran trade with? You know the reason why the sanctions probably will not ultimately work? Because Iran trades with China and Russia and India and Japan and they are exempt from the sanctions. We say there are sanctions, but then we give them exemptions and they sell all their oil somewhere else. We do not have the power to shut down Iran through sanctions.

If we were to convince somehow Russia and China to be on our side, we could have leverage, and I think Iran would listen. The sanctions have brought them back to the table. They are negotiating. I do not for 1 minute believe everything they say or think they are trustworthy. But it is better than war to have negotiations, even with a fallible and perhaps deceitful partner sometimes—but it is still better than war.

I think there is such an eagerness or such a lack of reluctance in this body to think through the issues of war. That is how we get into this. We get into it because everybody wants to be stronger than the next guy. Everybody wants to be more bellicose than the next guy. Everybody wants to say: Nobody pushes us around and we are not going to take it. But there are other ways. There are other ways.

We have to worry about and think about what ultimately are the repercussions. Our soldiers are not inanimate clay that we put on this master board of chess, this geopolitical chess game, to move around. These are young men and women who live in your neighborhood, who live in the neighboring town. When I think about war, I think about this resolution; I do not think about empty black and white words on a page. I think about those young men and woman and my commitment, my real and strong commitment that I am not going to war without absolute provocation, without a threat to the national security, and for goodness' sake, without a debate over it.

The other side may say: This does not say anything about war. No, but it says some things that are very unwise; that we would rule out an entire form of defense strategy that we used for 60 years successfully to stay out of war. I think it is a mistake to say it is OK for Iran to be a nuclear country and we will contain them. But I think it is also a mistake to say we will never contain them.

I have another amendment that is coming up this evening. This is an amendment to place limitations on foreign aid. For the last hour or two, we have had a bit of the other side giving their response. That is fine. We discover the truth by hearing the debate on both sides of this. But Senator Moynihan, who used to serve up here who is deceased, once said: Everybody has the right to their own opinion, but you do not have the right to make up your own set of facts.

There was a Senator here earlier who said: Oh, that guy from Kentucky, he does not believe in a strong national defense. He would slash national defense. So anybody who is against foreign aid is not for national defense.

This particular Senator said: He would gut defense and he would cut it by 16 percent. That is just sort of making up your facts. That is not fair. He is entitled to his opinion, but he is not entitled to make up the facts. I do have a budget that I put forward that balances the budget in 5 years. I also have a priority within that budget that I think the most important thing our government does and that the Constitution mandates is a strong national defense. I think it is the most important thing we do in this country.

So in my budget I am able to cut a significant amount of spending, but I actually limit the military sequester. The military sequester was an automatic cut. I do it by cutting out other spending, real cuts in spending in the same year to reduce the size of government, but I do not have a 16-percent cut in military in 1 year.

In fact, under the military sequester, I actually restore \$50 billion that allows the first year not to have any cuts

in military. Do I think there should be some cuts in military? Yes. But I make it a little bit easier on the cuts over time. To say I am proposing a 16-percent cut is untrue.

Others have said: Yes, the military sequester is so horrible. He is going to cut foreign aid. The country will be defenseless. The hordes will be over here. We will have to fight them over there. There is a certain irony to this because half these people, these Senators who are caterwauling about this military sequester, guess what they will not tell you. They voted for the military sequester. I voted against the military sequester last year because I did not think there was going to be enough cuts to rescue us from this debt bomb that is ticking.

But the people who voted for the military sequester are now up here accusing me of wanting to gut defense and all the military cuts and they voted for the military sequester. Others have come to the floor and said: If we do not pay people to be our friend, if we do not give people foreign aid, then we are wanting to withdraw from the world, that we are going to withdraw into a little, tiny shell, into a closet and lock ourselves in a fortress and we are not going to engage the world.

Nothing could be further from the truth. We do not give any foreign aid to England. Have we withdrawn from England? We do not give any foreign aid to anybody in Europe. Have we withdrawn from Europe? We are incredibly connected with Europe. We are incredibly connected with China, despite our differences—incredibly connected with China. We do not have to give foreign aid to be connected to the world. We should trade with the world. That is the connection. The more we are interconnected through trade, the less likely we are to go to war.

The other side also says that if we do not have foreign aid we will have war. My goodness, has anybody been paying attention? We have had two pretty big wars for a decade. We are involved in the longest war in the history of our country. I do not see any evidence that foreign aid is preventing war.

Some might say: But foreign aid is humanitarian and we want to help poor people. I see zero evidence that foreign aid is helping poor people. It is helping rich people in poor countries. I went through an hour's worth of this earlier talking about how dictators are the ones stealing the money in Africa. Africans live on an average of \$2 a day. They did 30 years ago and they still do because foreign aid does not get to the people; it is stolen by the dictators.

The other point to make about foreign aid is: My goodness, if we do not have foreign aid, we will be fighting them on our shores. Because we have foreign aid, we have a great deal of antipathy. What they need to think

through—and nobody is thinking through—is why are the Arabs mad? Why are they yelling and screaming and burning the American flag? That makes me mad, and that is one reason I don't want to send them any money, because they are burning our flag. But why are they mad?

They are mad because Mubarak, who was a dictator in Egypt—do you know what he did when the crowds were formed? He hosed them down with tear-gas made in Pennsylvania and bought with foreign aid. When the police came with truncheons and beat the crap out of people who were protesting in Egypt, they did it with money from the United States. They are not mad at us because we are rich, they are not mad at us because we drive cars and have nice clothes and have music they find distasteful. They are really not even ultimately mad at us because of that movie. They do not like it, and I understand there are sensibilities on this, but that is not ultimately why they are mad. But they get really mad when they are hit over the head with a police truncheon paid for with foreign aid.

So it is exactly the opposite of what the other side says. The other side says without foreign aid we will have more war. I say because of the foreign aid we have more war. There is no objective evidence. Is there any objective evidence we have had less war with foreign aid? None. Zero. There is a lot of evidence we are out of money, though. We are \$1 trillion in the hole every year, and they all come down and pay lip service to it, but then say: Oh, well, \$30 billion won't make a difference. I say we have to start somewhere, and foreign aid is a great place to start.

These Senators are disconnected from the public. I defy any Senator who votes to continue foreign aid with no limitations to go home and ask their people. I will bet 90 percent of the people at home—it routinely polls in the 70s—are in favor of not sending money overseas, particularly if asked whether they want to send money overseas to people who despise us or if they would want to send money overseas to people who are burning our flag; would they want to send money overseas to a country that has tortured a man who helped us get bin Laden; to a country that allowed bin Laden to live within its midst for 6 or 7 years unmolested; to a country that is mad at us now because we got bin Laden; to a country where a third of the population would vote for bin Laden for president.

I say far from destabilizing the world, what would happen if we were to remove foreign aid is we would remove the impetus to the Arab spring becoming the Arab winter. What I see is people recognizing that people are angry, but I see no intelligent discussion about why they are angry. When people come to me and they say: Oh, it is because we are rich and we are a wealthy

country, that doesn't make any sense to me.

Many of these people actually in the Arab spring do want freedom—a freedom like our freedom. It may be a little different, because it is a different culture and they believe in a different system of democracy than we do, but they still want some freedom. Some might ask: If they want freedom and we have freedom, why wouldn't they admire our system; why wouldn't they be sympathetic; why are they burning our flag; why are 20,000, 30,000, 40,000, 50,000 people rallying and burning our flag? It is because too often our foreign aid has gone to support dictators who have oppressed their people.

Mubarak got \$60 billion in Egypt. Estimates of his family's worth are up to \$50 billion. They repressed their people. No one could come into the street without being beaten over the head with a police baton or sprayed with teargas made in Pennsylvania. They were mad at Mubarak, understandably, so that anger is transferred to us. The same with Ben Ali in Tunisia, and the same with Hussein.

Remember that Hussein was our ally before he was our enemy. In the Iran-Iraq war we had American planes on both sides. We had military advisers supporting Hussein against Iran, but we had F-4 Phantoms flying on Iran's side that were left there when we left. So this goes back a long way.

I remember being in high school and being perplexed as to why the Iranians hated us. Why were they burning our flag? Why were they burning our Embassy and jumping up and down like a bunch of idiots burning our flag? Why did they hate us so much? Because we kept in power a man—the shah—whom they didn't like, whom they despised, and who was autocratic and had a very significant police force that didn't allow dissent.

It is the opposite of what the other side argues for. The other side is arguing that without foreign aid we will have war. I am arguing that because of foreign aid we have war. Because of foreign aid and because of the misapplication of foreign aid, because of the theft of foreign aid, and because foreign aid is given to people who repress their people, the Arab spring, which has a healthy element to it, has become the Arab winter. If we don't understand that, we are never going to get beyond that.

We have to also go back to the specifics of what I am asking for in this amendment. In this amendment, what I am asking for is that there simply be restrictions. I am asking that in order to get our foreign aid, a country has to act like an ally; they have to significantly and believably pledge to protect our Embassy. In Libya's regard, they have to promise to turn over the people who assassinated our Ambassador.

I think that is the minimum of what we should do. Frankly, I think we prob-

ably shouldn't be sending aid at all, but I think this is a first step in the right direction; to say, for goodness sakes, if we are going to send aid to people, at least send it to people who are acting like our allies.

When we see the American flag being burned in public by tens of thousands of the horde around our Embassies around the world, we should ask ourselves if we want to send good money after bad to that country. Do we believe it is working? And when we think about whether our money should go to African despots and dictators, we should ask if that money is getting to the poor people in Africa or is our foreign aid going to rich people in poor countries. That is the history of it. It is the history of repression, it is the history of human rights abuse, it is the history of theft and more corruption than anyone can ever imagine.

I will probably lose this vote, but I have fought long and hard. I have fought for 6 weeks to get this vote, and so we are going to have this vote at midnight. People aren't too happy with me now, but we are going to have a vote tonight at midnight, and I think it is an important vote. I think it is an important first step whether we win or lose. Because every Senator who votes on this tonight will have to go home and they will have to engage their constituents and explain to their constituents why they are still willing to send money to countries that are burning the American flag; why they are still willing to send money to countries where there is ample evidence of corruption and thievery; why they are still willing to send foreign aid to countries that are openly disdainful of us.

Does everyone realize the President of Afghanistan, or senior advisers, have said that if there is a war with Pakistan—between the United States and Pakistan—they will side with Pakistan? Pakistan's senior advisers have said if there is a war with Iran, they will side with Iran. These are the people we are sending billions of dollars to and saying: Please be our friends. They laugh and snigger at us and turn away and say: Fools. That is what they say about us.

I say what we need in this country is an American spring—an American spring where we wake up and say: Look, to make our country great again, to retain American greatness, we have to figure out how to grow at home. And I think that means leaving more money at home. I hope the Senate will consider this when they vote this evening.

Mr. President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Iowa.

REPORT ON OPERATION FAST AND FURIOUS

Mr. GRASSLEY. Mr. President, on Wednesday, the inspector general of the Department of Justice issued his

report on ATF's Operation Fast and Furious. This report is a significant milestone for the family of Border Patrol Agent Brian Terry. He was killed in a firefight with illegal aliens who were armed with illegal guns from Fast and Furious.

Attorney General Holder delayed any discipline for the officials responsible for Fast and Furious until after this report was released. The time for accountability has come. There are no more excuses for inaction.

The inspector general's nonpartisan review confirmed virtually everything I heard from whistleblowers over the last year and a half. The Justice Department tried to push all the blame on the ATF and officials down in Phoenix, AZ, but the inspector general confirmed that senior officials in Washington ignored red flag after red flag.

Senior officials in both the Justice Department and ATF knew or should have known that Operation Fast and Furious was putting guns into the hands of criminals. But they ignored the risk and failed to take steps to protect the public safety. The Inspector General also confirmed that there were major information-sharing failures between law enforcement agencies.

We are still going through the nearly 500-page report, as well as 309 pages of new documents the Justice Department produced late Wednesday. However, I was surprised to learn from the report that Attorney General Holder testified that he doesn't remember the conversation with me about Fast and Furious in my office on January 31, 2011. That is when I handed the first letters to the Attorney General opening the investigation of Fast and Furious.

I happen to remember that conversation. My staff told the Attorney General that day what whistleblowers had told us. Remember, whistleblowers got involved in coming to Congress because for months they were sending reports up from Phoenix to main Justice that selling guns illegally or encouraging our gun dealers to sell guns illegally was not a very smart thing for our Justice Department to do. And when they weren't listened to, these whistleblowers started coming to this Senator.

Specifically, at that meeting with Holder, we discussed that two weapons the ATF let go in Fast and Furious were found at the murder scene of Border Patrol Agent Terry. I emphasized I was personally bringing it to his attention—meaning the attention of the Attorney General—because these were very serious and credible allegations, not just some run-of-the-mill letter that I send to departments generally.

Yet even after that meeting, the Department didn't take this case seriously. The inspector general's independent report says so explicitly.

We do not believe that the gravity of this allegation was met with an equally serious

effort by the Department to determine whether ATF and the U.S. Attorney's Office had allowed the sale of hundreds of weapons to straw purchasers.

The Justice Department claimed its process for writing letters to Congress was sound. But its response to me, in its February 4, 2011, letter, was false. That letter came back only 4 or 5 days after I first handed the letter to the Attorney General. The February 4, 2011, letter was false because DOJ later withdrew it and claimed it relied on bad information from the ATF and the U.S. Attorney's Office. However, the inspector general agreed with me that the Justice Department's response was seriously flawed—and not just the initial response. The inspector general also found that the Justice Department knew its initial reply wasn't true when it reaffirmed the denial of the whistleblower allegations in a May 2, 2011 letter to me.

Instead of acknowledging it was wrong, the Department repeatedly doubled down on its denials.

For example, Attorney General Holder said on multiple occasions since November 2011 that the wiretap evidence authorized by the Justice Department headquarters did not put senior leadership on notice that the ATF was walking guns.

Most recently, on June 7 of this year, the Attorney General went before the House Judiciary Committee. At this point, many Members of Congress had obtained and read the affidavits, even though the Justice Department did not want us to see them. Members who reviewed them said that the affidavits contained evidence of gunwalking. But Attorney General Holder testified:

I've looked at these affidavits, I've looked at these summaries. There's nothing in those affidavits as I've reviewed them that indicates gunwalking was allowed.

The inspector general has read these same wiretap affidavits. Since the inspector general is independent and nonpartisan, that independent, nonpartisan conclusion is at odds with the quote I just gave you from the Attorney General, and that quote from the Attorney General comes from testimony before the other body.

I quote from his report:

[T]he affidavits described specific incidents that would suggest . . . ATF was employing a strategy of not interdicting weapons or arresting known straw purchasers.

In fact, much of the inspector general's report is redacted because those affidavits are still under seal. Chairman ISSA and I asked the Justice Department months ago to move to unseal them so the public could decide for themselves. Now the inspector general has joined Congressman ISSA and this Senator, and is also calling for the Department to ask for permission of the court to release the affidavits. The Justice Department should have filed that motion months ago. Unsealing the

affidavits will allow the American people and the Terry family to see the whole story.

The details of those affidavits show that senior officials knew, or should have known, about gunwalking in Fast and Furious. The inspector general independently confirmed this point, quite contrary to Attorney General Holder's denials. Those denials by the Attorney General show either incompetence or lack of truthfulness. Congress created an explicit statutory duty for certain senior Justice Department officials to authorize all wiretap applications, not just those involved with Fast and Furious.

Deputy Assistant Attorney General Jason Weinstein, who served directly under criminal division head Lanny Breuer, was one of the officials who approved some of these affidavits. Senior officials such as Mr. Weinstein tried to claim that they shouldn't be held accountable because they only read memos summarizing the wiretaps, not the full wiretap applications, as I think is required under law. But the inspector general found that Justice Department officials should review more than just the cover memo. He said that under the statute, they have the responsibility to be fully informed before authorizing wiretap applications.

Yet the inspector general also found that even

. . . a reader of the . . . cover memorandum would infer from the facts that ATF agents did not take enforcement action to interdict the weapons or arrest [straw purchasers].

So the memo Mr. Weinstein admits he did read indicated that ATF had walked guns, according to the inspector general.

Back in September of last year, Attorney General Holder said at a press conference:

The notion that somehow or other this thing reaches the upper levels of the Justice Department is something that . . . I don't think is supported by the facts.

Maybe the Attorney General doesn't think someone who reports directly to the head of the criminal division is a senior official, but this Senator does.

As a result of the inspector general's findings, Deputy Assistant Attorney General Weinstein has resigned. Mr. Weinstein should be held accountable, but he shouldn't take the fall for more senior officials who are also culpable.

Mr. Weinstein reported directly to Assistant Attorney General Lanny Breuer. When the Justice Department sent its letter to me denying ATF ever walked guns, Breuer knew otherwise. He knew in 2010 about gunwalking in another case, Operation Wide Receiver. That was long before the allegations in Fast and Furious; yet he waited 9 months before e-mails about Wide Receiver were about to be produced to Congress before he publicly apologized for not doing more about gunwalking in the previous gun walking Wide Receiver.

I asked Breuer whether he had seen the draft of the February 4 false letter to me. Breuer testified:

I cannot say for sure whether I saw a draft of the letter that was sent to you.

Now I will explain why that was a false statement that he made to me.

A month after Breuer's testimony, the Justice Department released more documents showing that Breuer was sent five drafts of the letter before it was sent to me. He forwarded three of them to his personal e-mail account. Breuer still maintained in written responses that it was "highly unlikely" he had read the letter because he was in Mexico when it was sent. On this matter, the inspector general report contained a significant factual error.

By the way, there aren't many errors in this inspector general's report. I compliment him for a very good job that he did.

The report read:

The OIG found no e-mail messages from Breuer in which he proposed edits, commented on the drafts, or otherwise indicated he had read them.

That statement of the inspector general is not true. In response to one of the drafts that Breuer received, he commented to Weinstein that it was "great work."

That may not be a proposed edit, but it is certainly a comment. Thus, Breuer's statement to Congress is simply not credible. E-mails show that Breuer was very engaged in the process, asking for and receiving updates from Weinstein at every stage of the drafting of that letter of February 4, 2011 that 8 or 9 months later they withdrew because it was false. Breuer and Weinstein sent multiple e-mails to each other on the matter each day, with Breuer asking after a quiet period, "Jason, let me know what's happening with this."

So, quite obviously, he was involved before the letter was ever sent to me. Rather than holding him accountable for this evidence, the inspector general's report gives him a pass.

Worse, new e-mails produced Wednesday show that Breuer was in the weeds about his deputy Jason Weinstein coming to brief the Senate Judiciary Committee staff a week after the Justice Department's false letter was sent to me.

On February 13, 2011, Breuer sent an e-mail about such details as what specific questions my staff asked of Weinstein at this briefing. Breuer wrote:

The goal—and by all accounts it seems to have worked—was to communicate that ATF's work in the AZ case and others like it reflected sound judgment and investigative work.

It is clear that Breuer was in the weeds enough to know what the Justice Department was communicating to me was undermined by the gunwalking he knew about in Wide Re-

ceiver. He should have come forward in February 2011 and told Congress that he knew ATF had in fact walked guns. His failure to do so, coupled with his attempt to mislead Congress, is why I have called for him to resign or be fired. I made that request last fall on the floor of this Senate.

The Attorney General has been saying for months that he would hold off on any personnel action until the inspector general's report was released. We have been hearing that for almost a year, "Let the inspector general finish his work, and then we will decide what to do." So, Mr. Attorney General, it is time to hold people accountable.

I wish to close with language from a statement that the family of Border Patrol Agent Brian Terry issued. Agent Terry is the person where two guns that were walked were found at his murder scene.

From the family of Brian Terry:

The Department's failure chronicled in the report had deadly and tragic consequences for hundreds of innocent American and Mexican victims of violent crimes.

And our son, friend, relative and hero, Brian Terry, is dead.

Questions and concerns should have been raised before the weapons purchased in this failed government sting wound up in the hands of drug dealers and killers, including those who killed Brian.

The focus today should not be on political spin control nor on praise for the Department of Justice supervisors who chose to resign in light of the report's findings, but rather on the gross negligence of the Department documented in the report and the tragic consequences of that negligence.

I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Iowa.

THE RYAN BUDGET

Mr. HARKIN. Mr. President, our Nation faces an absolutely fundamental choice in this year's election: Are we going to rescue, restore, and rebuild the middle class or are we going to continue to shift even more wealth and advantages to those at the top at the expense of the middle class?

As I have done every day we have been in session here, I want to point out to the American people what the blueprint is for this country under the Romney-Ryan budget. That is their budget. A budget is a blueprint of where you want to go, what you want to do, how you want to build something—how you want to build the future of our country. That is the Ryan budget. So I want to take a look again at the Ryan budget and what it does for the future of this country.

First of all, the very centerpiece of the Ryan budget is whopping new tax cuts, mostly for those at the top, the richest 2 percent. Those making \$1 million or more a year would receive \$265,000 a year in new tax cuts on top of the \$129,000 they would get from extending the old Bush tax cuts. That means now if you are in the top 2 per-

cent and you are making over \$1 million a year, you get \$394,000 in new tax cuts.

We keep hearing about Mr. Romney and Mr. RYAN talking about entitlements. We have got to cut back on entitlements. Don't we? What about this? That is what they always talk about. They are talking about people who are lower income, who rely upon certain things such as nutrition assistance or job training programs, maybe Pell grants for students, for poor kids to go to college—cut back on those. What about this entitlement? This is an entitlement; you are entitled to it: If you make over \$1 million a year, you will be entitled to those tax cuts.

We don't hear them cutting back on that entitlement. No. They want to extend it. How do they pay for all these new tax cuts? The total is \$4.5 trillion over 10 years. They do not exactly say how, but the Republican budget, that Ryan budget, would offset these tax cuts by making very deep and Draconian cuts in programs that undergird the middle class—everything from education, student loans, grants, law enforcement, clean air, clean water, food safety, medical research, highways, bridges and other infrastructure, all cut in the Ryan budget.

The Ryan budget, as I will explain a little bit more in detail shortly, would end Medicare. We will hear a lot of people saying it will end Medicare as we know it. Well, if we end something as we know it, that means we end it.

The Romney-Ryan budget, since Mr. Romney called it marvelous—the Romney-Ryan budget would end Medicare and make it a voucher care system. That would force seniors to pay nearly \$6,000 more per year out of their pockets for health care in the future.

Last, they offset these tax cuts by raising taxes on the middle class—actually raising taxes on the middle class. Mr. RYAN's budget is to use the deficit crisis as a pretext for dismantling Medicare, Medicaid, cutting education and environmental protection, workplace safety, and all the things I have said. What they do is double down on the theory that if we just give more and more to those at the top, it will trickle down to everybody else. That theory was tried under President George W. Bush, and it did not work out too well.

Today I want to focus on the devastating impact of the Romney-Ryan budget on Medicare and on health care generally. Since he first arrived in Congress, Representative RYAN has consistently pushed a very specific and radical health care program to end Medicare. Under his proposal, seniors would no longer have the guaranteed Medicare benefits they have enjoyed for decades. Instead, they would get a voucher from the Federal Government. They can then go out and buy individual private insurance or Medicare.

Again, they say: You can buy Medicare. You can stay in Medicare if you want or you can buy private insurance. Let's take a look at that. In 10 years the Ryan plan would eliminate Medicare, shift to vouchers, but the vouchers would not be enough to cover the health care costs so seniors' out-of-pocket costs would go up.

The nonpartisan Congressional Budget Office has projected that the Ryan proposal could increase annual out-of-pocket costs for seniors by more than \$1,200 in 2030, almost \$6,000 in 2050. If we total all these years, if we add one year after the other that seniors would have to pay, seniors retiring in 2023, over their lifetime, would be paying almost \$60,000 more in total. For seniors retiring in 2030 it would be about \$125,000. When we get up to 2050, a senior retiring then would be spending about \$330,000 over their retirement years just for health care. That is what voucher care means.

In addition, the Ryan plan would leave the traditional Medicare system in a death spiral. Mr. Romney and Mr. RYAN, in extolling their budget, say: You know, we will give them a voucher. If you want to, you can go out and buy traditional Medicare or you can buy a private insurance plan.

What does that mean? That means if someone is a very healthy senior they might get a better deal by going out and buying a private insurance plan. So who stays in Medicare? The poorest and the sickest. Then the Medicare costs explode and it becomes unaffordable and we destroy the whole Medicare system. Do not buy that argument of Mr. RYAN, that someone can stay in Medicare if they want. No, it would destroy it.

Make no mistake, the Ryan plan is a radical break with the past. This is not some little transition. This is not some little bit of experimentation or something. No, the Ryan budget is a radical break with what we have had in the past. It turns a successful, reliable comprehensive source of health care that seniors have depended on for decades, paid into over years of hard work—they turn it into an unpredictable, unreliable voucher care system.

Our approach is very different. President Obama has fought to strengthen Medicare, not end it. He believes Medicare is a sacred compact, and he has improved Medicare in the Affordable Care Act or what we now know as ObamaCare.

My friends on the other side of the aisle have been saying "ObamaCare" as though it is a pejorative. It has a bad connotation. I use it as a very good connotation because I want to tell you President Obama does care. He cares about the fact that kids can stay on their parents' policy until age 26. He does care that insurance companies can no longer put lifetime caps on real sick people any longer. President Obama

does care if someone has a preexisting condition, they cannot be denied affordable health care insurance. So, yes, President Obama does care. That is why I think ObamaCare really does describe it well—Obama cares.

For example, in ObamaCare we eliminate gaps in coverage; that is, the doughnut hole. We close the doughnut hole. We reduce the cost of prescription drugs. According to Medicare's Actuary—not me, the Actuary—the Affordable Care Act extends the program's solvency by 8 years, from 2016 to 2024, by getting rid of wasteful subsidies to insurance companies, getting rid of fraud, waste, and abuse in the system. So our plan for Medicare is simple: Mend it, don't end it. That is just what we do.

The Ryan plan is bad news for those who depend on Medicare for their basic health care needs. It is disastrous for people who depend on the Medicaid Program. The Ryan budget would block-grant Medicaid, put the entire program under the States, and then cut it by \$810 billion over the next 10 years. That's right. The Medicaid Program, block-grant it to the States, cut it by \$810 billion over the next 10 years.

What does Medicaid do? Seniors, if they pay into the program, have Medicare when they retire. If they become disabled, if they have paid in the requisite amount of money, they can get disability coverage or survivors' benefits. I am talking about Medicaid, health care for low-income Americans and other populations.

The Medicaid Program is something we instituted over half a century ago now to tell all Americans that they are going to be able to have quality health care. Do you remember that debate? I remember watching one of the debates that the Republicans were having in their Presidential series. The question was asked: You know we take care of sick people in our country. Where do they go? They can go to the emergency room. It costs a lot more money. But the question was asked—something about, do you just deny that? A lot of people would say just let them die, leave them out on the street.

Is that the kind of country we want to be? If we are sick and we do not have the wherewithal we cannot get health care? We moved beyond that. We have moved beyond that as a society.

The other population is Americans with disabilities. Almost one in every two Americans, almost 50 percent of Americans with disabilities depend on Medicaid for access to health services and support that span everything from hospital to home care. Services from the Medicaid Program allow our citizens with disabilities to live with dignity and with purpose in their homes and in their communities. Nearly 3 million seniors and people with disabilities use the Medicaid Program to avoid costly nursing home care. If we

cut home and community-based care for this group of Americans, then they would have to turn to institutional care.

The short-term cuts, these cuts they are going to make in Medicaid, will lead to longer term expenses because we know that institutional care is more expensive than care at home or in the community. I guess, unless we just say to them: Tough luck, you are on your own. Tough luck. You have a disability? Cut your Medicaid. Can't live at home? Go live in an institution. Oh, the institution is no longer there because we cannot afford it—then I guess you have to go out on the street and beg.

Is that what we want to see? Like many third world countries where we see people with disabilities on the corners begging? Families with a child with a disability out in the street begging? Is that what we want? Do we want to walk down the street and see people who, through no fault of their own, are disabled and they are out there begging with a tin cup and a tin plate? Is that the kind of country we want to become?

To dismantle the Medicaid Program, as they would do under the Ryan budget, would dismantle our commitment to quality affordable health care for all. The Medicaid Program is a lifeline to hundreds of thousands of middle-class families—yes, middle-class families, working families who have children with lifelong disabilities such as Down syndrome or autism. Instead of cutting these families off from a critical lifeline, we should be strengthening the long-term viability of this program, Medicaid, reassuring these families that America is not going to turn its back on them when they need help the most.

You do not have to take my word for it about shredding this compact. I have said many times that we have a unique American social contract, a compact that evolved over our march from a society in which we had child labor, which, if people were older and poor, they went to the county home; where children died in infancy; where, if people were disabled, they were put in dark places.

We evolved a social contract. We said, basically, in America we are going to provide a ladder of opportunity or ramp of opportunity. We are going to make sure we take care that we educate our young and take care of our elderly, a social safety net.

Here is the former Reagan economic adviser, Mr. Bruce Bartlett. Here is what he said:

Distributionally, the Ryan plan is a monstrosity. The rich would receive huge tax cuts while the social safety net would be shredded to pay for them.

Then again, we don't have to take those words. I think the bishops had something to say about that when the



bishops said the Ryan budget fails the moral test. The Nation's Catholic bishops reiterated their demand that the Federal budget protect the poor and said the GOP measure "fails to meet these moral criteria." That is the Ryan budget.

At the centerpiece of the Ryan budget is its promise to repeal the Affordable Care Act or ObamaCare. Again, once we get past this political theater and look at what repeal of the Affordable Care Act or ObamaCare would actually mean, it is not a very pretty picture. Repeal would reopen the Medicare prescription doughnut hole, requiring seniors to pay about \$600 more per year on average for prescription drugs.

Thanks to the Affordable Care Act or ObamaCare, about 86 million Americans received at least one free preventive service in 2011 and almost 1 million Iowans received at least one free prevention service in 2011. That would be repealed, and then they would be charged. Americans now get services such as mammograms, colonoscopies, and other cancer screenings. Eighty-six million Americans received free preventive services. This is in keeping with ObamaCare's goal that changes from a sick care society to a health care society. Rather than focusing all of our attention and money on emergency room care or when people get the sickest, we start to move it more upfront to preventive care. We would get to people early and prevent illness. We would keep people healthy and out of the hospital in the first place.

The Ryan budget shreds all of that. It is back to the old system we always had—no preventive care. When someone gets sick, they go to the emergency room, and that is busting us as a country. That is breaking our budget. We have to put more into prevention.

Mr. President, your mother was right, an ounce of prevention is worth a pound of cure. I don't know why we have not learned that. We did learn it. We put that in ObamaCare.

The Ryan budget says, no, we want to get rid of that. The repeal of ObamaCare would allow insurance companies to deny people coverage because of a preexisting condition. Nearly half of Americans have some form of a preexisting health condition, and right now the Affordable Care Act covers all children. In 2014—just 1 year and a little over 2 months from now—everyone will be covered even if they have a preexisting condition.

This is Eleanor Pierce from Cedar Falls, IA. She was denied health insurance, when she lost her job, because of a preexisting condition of high blood pressure. Without coverage, she racked up \$60,000 in medical debts. If you repeal ObamaCare, more than 30 million people would be denied access to affordable and comprehensive health insurance. It would make insured Americans pay more than tens of billions of

dollars of uncompensated care when they show up in emergency rooms.

Actually, repealing ObamaCare would cost American families an average of over \$1,100 extra in premiums annually right now that we are paying for uncompensated care when people show up in an emergency room. Repeal would kick more than 3 million young people off their parents' policy.

That hurts people like Emily Schlichting. She testified at one of our hearings. She is a young woman from Omaha. She said that "young people are the future of this country and we are the most affected by reform. We are the generation that is most uninsured. We need the Affordable Care Act because it is literally an investment in the future of this country."

She suffers from a rare autoimmune disorder. In the bad old days, that made her uninsurable. Thanks to the Affordable Care Act or ObamaCare, she is now covered under her parents' policy until age 26. Guess what. In 2014 her preexisting condition will mean nothing. She will be able to get affordable health insurance. The Ryan budget says, sorry, Emily, you are on your own.

These are just a few of the ways in which the Ryan plan to repeal ObamaCare would drag us backward to the bad old days when insurance companies were in the driver's seat and millions of Americans were one illness away from bankruptcy.

Over the last few weeks, Governor Romney and Representative RYAN have been saying that the President's health reform robs Medicare. I heard that he said that in Florida last night. I don't know how else to say this, but that is totally false. That is untrue. First of all, nonpartisan economists have certified that the President's health care plan or ObamaCare has strengthened the Medicare Program and extends its solvency by 8 years. If we were robbing the Medicare Program, how could it extend its solvency by 8 more years?

The Affordable Care Act doesn't rob Medicare, it makes the program more efficient and more reliable. It saves \$700 billion, not from beneficiaries, not from recipients who are on Medicare, but from overpayments to private insurance companies, providers, pharmaceuticals. It cracks down on fraud, waste, and abuse.

What is interesting is that the Ryan budget has exactly the same savings in his budget as ObamaCare has in the plan we passed here. It is the same and exact to the dollar. It is written the same way. As President Clinton said: "You gotta give [him] one thing—it takes some brass to attack a guy for doing what you did." RYAN put in his budget exactly what we had in ObamaCare, and now they are attacking President Obama for what they have in their budget. Go figure. In both of his budget proposals, Mr. RYAN

keeps all of the Affordable Care Act's medical improvements that we put in the Affordable Care Act.

I heard Mr. Romney in Florida last night attacking President Obama for doing what Mr. Romney said was marvelous about Mr. RYAN's budget. In short, Mr. RYAN's Medicare plan would end Medicare.

There is something else that I hear them say all the time. They say they are going to protect everyone over age 55. Under the Ryan plan he says they are going to go to this voucher care, but anyone over age 55 is protected. I have to ask: Protected from what? I mean, if it is such a good deal, why don't we do it for everybody? Yet Mr. RYAN and Mr. Romney say, no, everyone over age 55 has the same Medicare system and they don't get the voucher program. It is only for those under age 55. There must be something wrong with it then. If it is so darn good, why don't they put everybody in there right away? Conversely, if they are protecting everyone over age 55, why don't they protect everyone under age 55? Got it? If they are aged 55 and over they are unprotected. Put them on a voucher program. That is the dirty little secret they are not telling us.

Again, by repealing the Affordable Care Act, ObamaCare, 439,000 Iowa seniors would be forced onto these vouchers, 60,000 Iowa seniors would be forced back into the doughnut hole and paying more money for their drugs, and 400,000 Iowa seniors would pay for preventive services that they now get at no cost. More than 30 million people will be denied coverage under the Ryan budget. ObamaCare insures more than 94 percent of all Americans. That is what would happen; they would be denied coverage.

I will close with this: The bottom line is President Obama and ObamaCare protects Medicare. It keeps it solvent. It keeps everyone covered. The Ryan budget shreds the social safety net for Medicaid and destroys Medicare by turning it into a voucher system. ObamaCare protects Americans from insurance company abuses, expands coverage, increases the quality of care, shifts more into prevention and keeping people healthy. The Ryan budget does away with all of that and would drag us backward to the bad old days.

When we look at the Ryan budget—or the Romney-Ryan budget, since Mr. Romney called it marvelous—we have to shake our heads in disbelief that they would take America back that far after we have come so far in covering people and getting rid of preexisting condition clauses. ObamaCare takes off caps on lifetime coverage for those who have a serious illness so they don't go bankrupt. ObamaCare makes sure kids in America can stay on their parents' policies. We don't want to go back, and that is why this Ryan budget must be totally defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I want to congratulate my colleague, Senator HARKIN, for his remarks. I certainly agree with him. I want to amplify a point Senator HARKIN made. There was a frightening story in the New York Times today. I don't know that people have digested it, but the headline is "Life Spans Shrink for Least-Educated Whites in the U.S."

Generally speaking, the trend for life expectancy in the United States, and all over the world, has been going up. The goal of a good society and a strong health care system is to see that people live longer, healthier, and happier lives, but as a result of the devastating attacks in a variety of ways on the working class of this country, over a period of years—not just starting yesterday—this is where we are. Let me quote from this article. I hope people hear this because this is shocking stuff. I quote:

The steepest declines were for white women without a high school diploma, who lost five years of life between 1990 and 2008.

Their life expectancy went down by 5 years. This is astronomical. Going back to the article, it says:

S. Jay Olshansky, a public health professor at the University of Illinois at Chicago and the lead investigator on the study, published last month in *Health Affairs*.

What happened is between 1990 and 2008—an 18-year period—life expectancy for white women without a high school diploma declined by 5 years.

The article states:

White men lacking a high school diploma lost 3 years of life. Life expectancy for both blacks and Hispanics of the same education level rose, the data showed. But Blacks overall do not live as long as whites, while Hispanics live longer than both whites and blacks.

So let's digest what that means. As chairman of the Subcommittee on Primary Health and Aging, last year we held a hearing entitled "Poverty as a Death Sentence." What that hearing pointed out is that people who are in the top 20 percent live, as I recall, about 6 years longer than people in the bottom 20 percent. But what new evidence is suggesting is that people without a high school degree—the least educated people in America and often the poorest people in America—we are now seeing a significant decline in the life expectancies of both men and women. This is moving in exactly the wrong direction.

The authors of the study are not exactly sure why this is taking place. Many low-income, uneducated people are using drugs, cutting short their lives. Lack of health care is certainly one of the reasons. More and more low-income people can't access health care, which is why it is so important that we defeat the Romney-Ryan effort to dev-

astate, as Senator HARKIN just said, Medicaid and throw millions and millions of people off health insurance. If life expectancy for low-income people is now going down, think of what it will mean if we throw millions more off Medicaid. It is a death sentence.

I also wish to say a word on the issue of Social Security, and I wish to thank the Presiding Officer and Senator WHITEHOUSE and Senator BEGICH for joining me yesterday in releasing a letter which had 29 signatures on it from Members of the Senate, and that letter was pretty simple. What it said is that Social Security has not added a nickel to the deficit because Social Security, of course, is funded by the payroll tax. It said Social Security has a \$2.7 trillion surplus and can pay out all the benefits to eligible Americans over the next 21 years. So it is absolutely wrong and bad public policy to be talking about cutting Social Security within the context of deficit reduction when Social Security has nothing to do with the deficit.

The reason we are in a deficit situation in a significant way—the reason we have gone a very long way in the wrong direction since January 2001 when Bill Clinton left office with a \$236 billion surplus—has nothing to do with Social Security. It has everything to do with Bush and those people who voted for two wars and forgot to pay for them, thereby adding to the deficit; those people who gave huge tax breaks, much of it going to the richest people in this country, forgot to pay for it; passed the Medicare Part D prescription drug program and forgot to pay for it; and a recession caused by Wall Street which resulted in lower revenue coming into the Federal Government. Those are the reasons why we are in a deficit, not because of Social Security.

I understand Republicans want to cut Social Security. That is what they do. They are not very sympathetic to Social Security. They have opposed Social Security for years. They don't believe the government should be involved in retirement security. They want to balance the budget on the backs of the elderly, the sick, the children and the poor and give tax breaks to the rich. I understand that. More and more Americans understand that.

But I will tell my colleagues what I am concerned about. I am concerned about President Obama. Four years ago, the President was very clear on this issue. When the President was running for election against Senator MCCAIN, this is what he told AARP and, ironically, he just spoke to AARP, I believe it was today. So 4 years ago, same venue. This is what he said 4 years ago:

John McCain's campaign has suggested that the best answer for the growing pressures on Social Security might be to cut cost-of-living adjustments or raise the retirement age. Let me be clear: I will not do either.

Candidate Barack Obama said that 4 years ago. Barack Obama is in the White House now.

We have people such as billionaire Pete Peterson, who has been pushing deficit reduction on the backs of working people for years now. He has been spending huge amounts of money to make sure we do deficit reduction not by asking the wealthiest people in this country to pay their fair share but by balancing the budget on the backs of the elderly, the children, the sick, and the poor. These guys have come up with a strategy called the chained CPI.

Nobody in America outside Capitol Hill knows what the chained CPI is. It is a new formulation as to how we determine cost-of-living adjustments—COLAs—for seniors. What these economists have decided—these rightwing economists—COLAs today are formulated in a way that are too generous—too generous for America's seniors and for disabled veterans. They want to reformulate how we come up with these COLAs. If they get their way—and I have a great deal of fear that unless some of us stop them, unless the American people stop them, they will, in fact, get their way—what this will mean is that if a person is 65 years of age today, by the time they are 75, they will lose about \$560 a year in their benefits. If a person is 65 years of age today, in 20 years, when that person is 85, they will lose \$1,000 a year.

Let me be very clear. I do not believe we should move to a deficit reduction on the backs of a senior citizen living on \$14,000 or \$15,000 a year and take \$1,000 away from them and then get on the floor of the Senate and talk about how we have to give more tax breaks to billionaires. I think that is not only morally inexcusable, I think it is bad economics.

While we are talking about this so-called chained CPI which will cut benefits for seniors, we are also talking about cutting VA benefits for disabled veterans. So I want to hear all these tough guys here who think we should balance the budget on the backs of the elderly and the children, let them get up here and tell us why, when somebody fought in a war to defend the United States—maybe they lost their legs or their eyes or their arms—they want to cut their benefits and then they want to give tax breaks to billionaires.

The American people don't want to do that. So I think we have to get on the phones right now. We have to call our Senators and we have to call Members of the House and we have to call President Obama: Mr. President, 4 years ago you told us you weren't going to cut Social Security. Is that still your position? Four years ago, you came up with an idea that is, in fact, exactly the right idea. You made the point that multimillionaires are contributing the same amount of money

into the Social Security trust fund as somebody making \$110,000, and 4 years ago you made the point that if we lift that cap—and we don't have to start at \$110,000; we can go up to \$250,000—if we lift that cap above \$250,000, we could bring in enough revenue to fund Social Security for the next 75 years. That was your position, Mr. President, 4 years ago. Is that your position today? Are you going to stand up to the Republicans and the Wall Street folks who want us to cut Social Security?

That is where we are right now.

My last point I wish to make is on the much discussed remarks of Governor Romney from the video released recently that has gone all over the Internet. There is a lot that can be said about it, and I suspect everybody has said a lot. I just want to pick up on one point. I feel strongly about this point because I am the son of a working-class family—of a father who never made a lot of money but worked hard his entire life and of a mother who raised her kids as best she could. So I take this kind of personally.

This is what Mr. Romney said in connection with the famous 47 percent of the people who don't pay taxes, which is not true, of course. As we know, they pay Social Security taxes and gasoline taxes, Medicare taxes. But be that as it may, that is not the issue I want to get to.

This is what Mr. Romney said:

My job is not to worry about those people. I will never convince them they should take personal responsibility and care for their lives.

Let me repeat that.

I will never convince them they should take personal responsibility and care for their lives.

He was talking about my parents. He was talking about the parents of millions of people who worked hard their whole lives who don't need advice from a multimillionaire who went to elite schools and had all the money and privileges his family could provide him. We don't need advice from him to families who have worked and struggled their whole lives to, in fact, take personal responsibility to make sure their kids did well. That is an incredibly arrogant statement from a guy surrounded by money, speaking to millionaires, who should not be making that statement.

People on Social Security, people on Medicare, in many cases, have worked their entire lives, have done the best they could to provide for their kids, have seen their kids go to college. Many of the people on Social Security, Medicare have fought in wars defending this country. They do not need advice from a multimillionaire about how they should take personal responsibility for their lives. That is an insulting remark and it would become Governor Romney to apologize for that remark.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Might I ask how much time I have?

The PRESIDING OFFICER (Mr. TESTER). There is no controlled time. The Senator may consume as much time as he wishes.

Mr. HATCH. I thank the Chair.

Mr. President, I have to say I always enjoy my colleague from Vermont. He is a very sincere and dedicated man and I like him. There is no use kidding about it; you can't help but like him, in my eyes. But I don't know any Republican Senator who wants to cut Social Security. They want to save Social Security. I don't know anybody who wants to cut Medicare or Medicaid. We want to save Medicare and Medicaid. Anybody in their right mind who looks at this knows we have to do some things and change some things or we are not going to have Medicare and Medicaid for our people and we will not have Social Security continue.

With regard to Mitt Romney, yes, he may not have articulated his thoughts as well as he may have wished. But there is no way in this world Mitt Romney meant his comments to be taken the way they have been taken by the left in this country. All he is saying is there are too many people riding in the wagon and not enough people pulling the wagon and we are going to have to get jobs for those who should be outside the wagon, pulling the wagon, and help them to have the self-esteem that comes from working. That is what the whole welfare bill of 1996 was all about, in having a work requirement: We are going to help you, we are going to subsidize you, we are going to give you job training, but after a certain period of time, if you don't have a job, you are off the dole. Literally two-thirds, almost two-thirds of the people who have been on the dole, some for generations, went to work after incentives were realigned through Republican welfare reform. That is the Republican approach, to get people back to work, to provide efficient incentives, and to get this economy moving again; not to hurt anybody. So these things can be exaggerated to a point where sometimes it becomes confusing to the American people, and that is not right either.

I know Mitt Romney. I know how he cares for people. I know what he did when he was a bishop in the LDS Church, in the Church of Jesus Christ of Latter-day Saints. I was a bishop when I was running for Senate, and I have to tell my colleagues I spent at least 30 hours a week of my own time and expense, because there is no paid clergy in the LDS faith, other than the general authorities and those are very few people, and we all volunteer our time. We help people from every walk of life.

#### FISCAL HISTORY OF THE 1990S AND 2000S

Mr. President, I am here today to talk about some very important things that are related to what I have just been saying.

There has been much discussion by President Obama about the source of our current economic and fiscal challenges. The President seems to suggest we could easily return to the prosperity of the 1990s by adopting the policies of President Clinton, particularly by raising taxes to the level they were during his Presidency. At the recent Democratic National Convention, President Clinton himself made a similar argument. But the positive economic and fiscal history of the 1990s was not owing to higher taxes, and the economic and fiscal challenges we face today—in particular, our \$16 trillion national debt and exploding entitlement spending programs—cannot be fixed by higher tax rates.

During his convention speech, President Clinton claimed that President Obama inherited a damaged economy, put a floor under the crash, began the road to recovery, and laid the foundation for a modern, well-balanced economy. Tell that to the 12.5 million unemployed Americans who continue to struggle with unemployment. Tell that to Americans who have been suffering through unemployment rates above 8 percent for 43 consecutive months. Explain to Americans how redistribution, massive expansion of refundable tax credits, ballooned transfer payments, and an interventionist Federal Reserve represent a foundation for future growth of the economy. Explain how this economy is “well balanced” when government spending represents as much as 25 percent of GDP, debt is higher than an entire year's worth of the output of the economy, and we have an activist Federal Reserve that has increased its balance sheet by well over \$1 trillion.

President Clinton does admit that, under President Obama, we are not where we need to be. So, instead, he asks whether we are better off than when President Obama took office, and he answers in the affirmative. Putting aside the rhetoric and spin and considering the facts, this is a dubious claim at best.

Relative to the beginning of 2009 when President Obama took office, jobs are down by 261,000 and unemployment remains above 8 percent. But wait. Democrats say the President cannot be held responsible for bad things that happened during his Presidency; those things were inherited or due to Europe or caused by uncontrollable forces. All right, then. Let's look at the President's jobs record after the end of the recession, which the National Bureau of Economic Research says was June of 2009. Since then, job growth under President Obama has been only 73,600 jobs per month on average—far too

weak to move the unemployment rate below 8 percent.

Democrats say the only reason we do not have more jobs is because Republicans will not agree to more Keynesian stimulus—never mind that the previous dose, which cost over \$800 billion and was promised to deliver unemployment below 8 percent, failed to get unemployment down.

Remember those promised shovel-ready jobs that became a source of amusement to the President? Remember the promised infrastructure? Americans should ask themselves where all those things are. Where are the jobs? Well, the President makes claims of saving millions of jobs because of stimulus magic. And the Federal Reserve claims millions of jobs saved from its so-called quantitative easing. There you have it. The President's foundation of well-balanced economic growth rests on debt-financed Keynesian stimulus and Federal Reserve stimulus.

Absent anything but a dismal record on jobs, President Obama has decided to try to run on President Clinton's record. So let's consider President Clinton's rose-colored nostalgia—a revisionist history adopted by President Obama and his surrogates.

President Clinton's view goes like this: I came into office with a weak economy. I raised taxes. The economy boomed.

President Clinton's depiction of the roaring 1990s is missing a few chapters. In his first years in office, Democrats controlled Congress. He and the Democrats raised income taxes and gas taxes. He tried to impose a Btu energy tax, attempted a government takeover of health care—known as HillaryCare and proposed a \$31 billion stimulus while putting off welfare reform.

The first few years of the Clinton Presidency can fairly be characterized as prioritizing tax-and-spend economic policy. But HillaryCare failed, and American voters decided to make some changes. They faced uncertainty over taxes, health care, energy costs, deficits, and runaway government spending. After 2 years of complete Democratic control of Washington, American voters decided in 1994 that Republican control of the Senate and House was desirable.

Does this sound familiar? A new Democrat in the White House, complete Democratic control of Congress, prioritizing higher taxes, a government takeover of the Nation's health care system, and more spending, followed by a popular uprising that gave some Republican balance in Congress. It was the first Republican Congress in over 40 years.

But in contrast to President Obama's refusal to heed the message of the 2010 election, President Clinton listened to the American people and moved to the political center. He embraced a Republican goal of a balanced budget and,

after two vetoes, signed GOP welfare reform legislation shortly before the 1996 election. In 1996 President Clinton was reelected, but Republicans retained control of Congress.

Now, President Obama claims these were the good old days because President Clinton raised taxes. Let's consider that tax landscape. President Clinton did raise the top income tax rate in 1993, and Democrats credit that increase for shrinking the deficit and unleashing future economic growth. However, he also agreed with Republicans in 1997 to cut the capital gains tax rate to 20 percent from 28 percent, which contributed to revenue and economic growth. I know because it was the Hatch-Lieberman bill that they followed in doing that. JOE LIEBERMAN had the guts to stand up on that issue, as did I, and it happened. The Democrats said we would lose revenues. The revenues went up because people did not feel gouged anymore. Funny how that chapter gets left out of the Democrats' 1990s story.

In 2000 President Clinton left office with Federal receipts measuring 20.6 percent of GDP—well above the 17.5 percent seen in 1992 before he took office. But those receipts were boosted by capital gains realizations associated with the Internet stock bubble that formed toward the end of the Clinton Presidency.

But even more notable and something Democrats do not discuss in relation to the Clinton Presidency is that he left office with Federal outlays measuring 18.2 percent of GDP—significantly below the 22.1 percent seen in 1992 before Clinton took office. Significant reductions in Federal outlays as a share of GDP occurred once Republicans gained control of the Congress. In contrast, President Obama has presided over the largest spending spree since World War II, with outlays as high as 25.2 percent of the entire economy—something that has not happened since the years surrounding World War II.

In his 1996 State of the Union speech, President Clinton took credit for budget improvements and spending restraint imposed by Republicans in Congress. He famously stated that the era of big government is over. But in a nod to the Republicans' role in containing the budget, in that same speech, he said: "I compliment the Republican leadership and membership for the energy and determination you have brought to this task of balancing the budget." Compare that to the sentiment of President Obama: We tried it their way, and it did not work.

President Obama and those Democrats who embrace the history of the 1990s also conveniently neglect to give any credit to Ronald Reagan, whose ending of the Cold War led to a peace dividend which helped allow President Clinton to curtail growth in Federal defense outlays.

In summary, the Democratic nostalgia for the 1990s is based on a very limited recollection of events. They see that Clinton raised taxes, the economy grew, and the budget improved. Apparently, correlation is all that is necessary to establish causality in their world, particularly when it works in their favor.

What also gets left out of the standard Democratic history is a stock-price bubble that was actually the basis of much of the growth in the 1990s. So let's consider the Clinton bubble further and ask what it could possibly mean for the recent financial crisis.

One of the charges levied by President Clinton, which echoes a familiar Democratic talking point, is that Americans should be wary of Republicans because we champion deregulation that "got us into this mess." But who generated the mess? The mess was a devastating financial crisis, and who sowed the seeds of that crisis?

First, consider the significant financial deregulation under the Bush administration. The fact is there was not any. So where did the deregulation in finance come from? Whose policies promoted financial markets prone to bubbles and irrational exuberance and bailouts?

It was under President Clinton's watch that warnings were ignored about the riskiness of derivatives. It was under his watch that risky derivatives led to the collapse of the hedge fund Long-Term Capital Management—or LTCM and to an eventual bailout arranged by the Fed. It was under his watch that the Fed left market participants with a belief that should there be significant market turbulence, the Fed would be there to bail them out. It was under his watch that the Gramm-Leach-Bliley Act was signed into law, which many Democrats believe contributed to the crisis by repealing part of the Glass-Steagall Act of 1933. I think that they misunderstand the financial crisis by making that claim, but since they and President Obama appear to believe it, through their promotion of the so-called Volker rule, then the deregulation they decry came under Clinton.

As a basis for strong fundamental growth in the economy, President Clinton's stock bubble was lacking, and numerous companies crashed. A bursting stock bubble, along with corporate accounting scandals, which included the Enron debacle, left a mess for President Bush, who, by the way, did not whine about it for 4 straight years.

It was under President Clinton's watch that significant growth began in risky subprime mortgage lending, which ended up at the heart of the recent financial crisis. And warnings were ignored—even the warning by the Clinton-appointed Federal Reserve official Edward Gramlich. Clinton's presidency pushed financial deregulation,

and it showed inattention to the beginnings of speculative excesses in housing and mortgage markets.

The financial crisis was indeed severe. Seeds of the crisis were sown during President Clinton's Presidency and then nurtured by many years of regulatory inattention. Failure of regulators to do their job during the Bush administration has nothing to do with deregulation. There was no deregulation. There were plenty of regulations to go around, but the regulators failed to use their authority as bubbles and irrational exuberance was tolerated by the unaccountable regulators. To say that Republican deregulation caused the recent crisis is simply false.

We have faced crises before. President Obama is not unique in this respect. What is unique is how poorly he has handled our economic and fiscal crisis.

In February 2009 President Obama said his Presidency would be a "one-term proposition" if the economy did not recover within 3 years. Well, it has been over 3 years and the economy has not recovered; therefore, by the President's own metric, his administration should be a one-time proposition. No, he wants 4 more years to do more of the same.

The President has no plan.

The President claims to want to get our deficit under control by raising taxes on the wealthy and keeping the tax burden on middle-class Americans where it is. But the President's tax proposals do not work, as we learned from his Buffett tax, which fell over \$800 billion short of his plan to use the tax to pay for a long-term alternative minimum tax patch. The unpleasant fact facing the President is that there simply is not enough revenue from taxing the so-called rich to fill his desires of permanently larger government.

Taxing business owners who the President thinks are undeserving of their success will simply not pay for his redistribution dreams. Of course, contrary to President Obama's disdain for business, Americans who own and operate businesses did build them, and they also paid taxes, which built the roads and bridges they use. And make no mistake, business owners and American workers did build America. They did build it.

Mr. President, let me go back just a little bit here. I made the comment, with regard to all of this media criticism of Governor Romney, that he was inarticulate in a private meeting, where no press was invited, and he is the first to admit that.

He certainly has tried to explain himself. But he is right. He is right. There are at least 47 percent of Americans who do not pay a nickel or a penny of income taxes. The standard answer by my friends on the other side is, well, they pay payroll taxes. Well, everyone does that. But those are un-

like income taxes. With payroll taxes, workers pay into Social Security and Disability Insurance and the like. Which is to say, they pay in; but they also receive benefits. To equate the payroll tax system with the income tax system is simply misleading.

But in the income tax system, 23 million or so people get refundable tax credits which are more than they pay in payroll taxes, and a little less than 16 million get refundable tax credits that are more than they and their employers pay in payroll taxes.

Now, do Republicans want to tax the truly poor? Heavens no. This is a great country. We can take care of the truly poor. The question is, Are all of those in the—according to Joint Tax Committee, recently the bottom 51 percent did not pay any income taxes—are all of those in the truly poor category? The answer is no.

Well, what does Governor Romney mean? He means that, as I said at the beginning, there are too many people who are riding in the wagon and not enough pulling. Many people simply have no skin in the game in the income tax system, which means they really don't care much if income taxes on others are raised. And it is not their fault in many cases, except there are millions who will not find a job in the Obama economy, or they just become discouraged given the bleak labor market. I do not blame them, with the economy, but they ought to be looking for jobs anyway. I would do anything if it were me. I would do anything to be able to support my family other than be on Federal largesse. But that is the way it is today.

Governor Romney's goal in this life is to pull us out of this mess, get spending down to no more than 20 percent of the GDP, which would be a remarkable downturn in spending compared to what we have today, and also to get people to work, get them to where they have the self-esteem that comes from working, which we did on welfare reform in 1996. I worked hard on that bill, as did so many others at that time. Give them the self-esteem that comes from supporting themselves. That is what he meant. That is what is meant here. He will create jobs, and a vibrant economy where all workers prosper and can find work.

Frankly, let's just be honest, the mainstream media is not for Governor Romney. We all know that. Anybody with brains knows that. All you have to do is watch it. And that is the way it has been here ever since I have been in the Congress. Frankly, they are not going to treat Governor Romney fairly. But I will tell you this: Mitt Romney will put America to work. He knows how to do it. This man has been successful in everything he has ever undertaken to do. He does not need this job as President, but he is running because he knows this country is in trou-

ble. He knows it is not following good economic practices. He knows this administration is a disaster from a jobs standpoint, among other things. He could have the most lovely life, and he is taking this kind of unmitigated barrage of assaults in trying to do that which he knows is right for this country.

I think we ought to be more fair in these Presidential elections. I wish the media was split 50/50. It is not. Everybody knows it. I care a great deal for my friends in the media, but there is no one with brains who does not understand that especially the mainstream media right here in Washington, DC, New York, Los Angeles, et cetera, is heavily stacked in favor of President Obama.

I like President Obama too. I have known him as a Senator. I have known him as a friend. I have known him as a President. And what I am saying here is that he has not done the job. I do not believe he is going to do the job. I do not think he has the background to do the job, and for us to not put somebody who does in there may be catastrophic for the future of our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I ask unanimous consent that my friend from Alabama and I be allowed to engage in a colloquy.

The PRESIDING OFFICER (Mr. PRYOR.) Without objection, it is so ordered.

#### THE BUDGET

Mr. WICKER. Mr. President, let me say from the outset that this Senate and this Nation are profoundly fortunate to have had the services of Senator ORRIN HATCH for decades and decades. The speech he just delivered to this body was profound in so many ways and true in so many ways. It was made at 10 minutes til 6 on a Friday night when perhaps Americans are looking elsewhere, but just so much of what the Senator said is absolutely the truth, and our country needs to hear it. I appreciate him coming and delivering it in such a talented way.

Mr. HATCH. I thank my friend and colleague. I really appreciate it. I enjoy serving with the Senator, as I do with everybody in this body.

Mr. SESSIONS. Senator WICKER just talked for a minute about this. What does the Senator think? Would it be great to have the chairman of the Finance Committee be named Senator ORRIN HATCH?

Mr. WICKER. Well, it would be. I think that with the leadership of people such as Senator HATCH, we would not be ignoring what we have out there facing us in America today, and that is nothing less than a financial crisis. The Senator from Utah is correct. The President of the United States is doing

everything he can to change the subject from the central issue of our faltering economy. Yet the mainstream media is out there playing trivial pursuit, talking about everything that is not important, and that is a distraction. But you just can't get around the facts. The facts are these: We have a \$16 trillion staggering debt in this country. This government has added \$6 trillion in 3½ short years. Just the facts. You can't get around it.

You also can't get around these absolute truths: We have had no appropriations bills come out of this Senate this year. Our Republican friends in the House—it is a different story. They have done their work, and they passed product after product, as they are supposed to do. And my hat is off to the chair, the gentleman from Kentucky, Chairman ROGERS, for getting the appropriations bills done. We have not done that in this Democrat-led Senate. We have not passed a defense bill—first time in half a century that we will have gone through a whole session and not passed a defense bill, at a time when we have troops at war, troops in harm's way. Our men and women are putting themselves at risk and fighting and dying. We do not have a defense bill.

Mr. SESSIONS. It is amazing. We do not have a defense bill. The Senator serves on the Armed Services Committee, as I do. It came out of committee unanimously, bipartisan vote, and for some reason, the Democratic leadership has failed to bring the bill up to the floor for the first time in 50 years. Is that not amazing?

Mr. WICKER. No question about it. It does not make me comfortable to point fingers, but there is no getting around the fact that there is one person on this planet who can call up a bill before this Senate; that is, the majority leader of the Senate. He has not brought up the defense bill.

We also do not have a budget resolution. Again, our friends in the House, the Republicans in the House, under Speaker BOEHNER, have during the 2 years of their stewardship brought budget resolutions to the floor, passed them, sent them over here, only to be ignored.

The President has submitted budgets—did not get a single vote in the House of Representatives, did not get a single vote when we called it up as sort of a test vote here in the Senate. But this Senate, under the leadership of the Democratic majority, has not followed the statute that says you bring a budget resolution up every year—has not done it. We are into our fourth year now.

Beyond that, they do not have a budget deficit reduction plan. It is one thing to have a resolution that could say anything, but what the American people need, what our future generations are crying out for is a plan to reduce this debt.

I look forward to and hope to see the day when my friend from Alabama is chairman of the Senate Budget Committee. I would ask him to assure everyone within the sound of our voices today that under his leadership as chairman of the Budget Committee, we will see a budget resolution brought to the floor and debated according to statute.

Mr. SESSIONS. Senator WICKER asked a very good question, and every American needs to be thinking about that. I have given a lot of thought to it. We have not had a budget in 3 years—1,241 days. We have not had a budget passed on the floor of this Senate. They did not even report one from committee this year.

If we are blessed by the American people—we the Republican Senators—and have a majority in this body and if I am honored to have the opportunity to lead the Budget Committee, we will have a budget. Failure is not an option. It cannot be that we will not comply with the law. But more than that, Senator WICKER, we have to have a plan to get us off the course to financial disaster, and the budget is the way you lay out that plan.

Does the Senator not agree that the difficulty our Democratic colleagues had is that anything they thought they could agree on and bring forth would not be popular with the American people? And they did not want to subject themselves to having it debated on the floor and having a vote on amendments, as the Budget Act allows, even though you can pass a budget with a simple majority, cannot be filibustered?

I guess what I will ask the Senator, when you do not write a budget because you cannot agree or are unwilling to step forward with a plan, what you are really doing is failing to provide leadership. We were elected to lead, to have a plan that we are willing to announce to try to get us on the right course, a budget. Would the Senator not agree to sort of have a plan to deal with the crisis we are facing? We have not seen one in this body.

Mr. WICKER. Well, it is one of our basic responsibilities. As I said, the discretionary part of it is the appropriations bills. Not one single appropriations bill has cleared this Senate during 2012. And yes, indeed, at a time when we are running a debt of \$6 trillion, when we are seeing our friends and allies across the ocean teetering on the brink, we are seeing all the warning signs.

We have time in this Capitol, in this Capital City, the shining city on the hill, to be an example to the world.

I can only answer the Senator's question by saying that the President's budget was so unpopular it did not get a single vote. There is not one single—even the most leftwing, left-leaning Senator would not step forward and

embrace that budget. I can only assume that what they would have suggested would have been very much like that.

But when you are in the majority, you have a responsibility to lead. We all have a responsibility to lead, but in particular, when you are the only vehicle for bringing bills to the floor, you have a responsibility to lead in a time of crisis. That is what we have been lacking here in the Senate.

Of course, we do have the Federal Reserve, and the leader of the Federal Reserve announced the other day that he is going to print \$40 billion extra each month. Now, that is his solution. I would counsel against that. I think most Members on this side would counsel against that. But at least it is a plan. We have had no indication from the leader of the Senate whether they like that plan.

We do know this. We passed a stimulus bill over here that cost almost \$1 trillion. Unemployment has gone up under this bill that was supposed to jump-start the economy. It was supposed to do two things: jump-start the economy and keep the unemployment rate 8 percent or less. Of course, we know that for 42 months now, the unemployment rate has been over 8 percent. And the last thing the stimulus bill did was jump-start the economy. It has been going downhill ever since. It is hard to put a pretty face on this situation. Of course, the result is that a staggering 23 million American citizens either do not have a job, are underemployed, or have stopped looking for work.

In addition, of course, the President promised in 2008—the Senator remembers that promise—that he would cut the deficit in half by the end of his first term. Well, this is the end of his first term. The deficit has mushroomed, not been cut in half. We are in a financial crisis, and everybody on television seems to be trying to paint a rosy picture and avoid the subject. So I am glad to join with my friend, the ranking member on the Budget Committee, to suggest that we will have a plan, as House Republicans had a specific plan, in black and white, to address this unbelievable financial crisis our country faces.

Mr. SESSIONS. Well, it is a challenge we have to face, and it is not easy. It will be a challenge and it will be difficult and it will force us to make difficult choices. But I feel very frustrated. We are from small towns in America. Where we grew up, if you had a tough choice to make, if somebody came up with an idea and defended it, you respected them, even if you didn't agree with it. If you didn't have a better plan, and all you did was criticize their plan, people wouldn't think much of you, would they?

Mr. WICKER. That is right.

Mr. SESSIONS. So what we did in this body, when the budgets were



brought up—they brought up the House budget—called the Ryan budget—and we brought up the President's budget, and Senator TOOMEY and others had a budget, and every one of them was brought up—our Democratic colleagues voted against every one of them. And not in one instance did they set out before the people what they believed in, what they would advocate for, what they would fight for, what they believed would fix the American economy and put us on the right track. But they have invested a tremendous amount of effort in attacking Congressman RYAN and the House budget.

Let me say this about that budget. Any budget is going to be subject to some complaint here and there, but it was historic. It would change the debt course of America. It would reduce our deficit by \$3.5 trillion and it would create economic growth. It was designed not just to be a budget-cutting, frugal budget, but also to try to create growth and prosperity in this country and get this country moving again and get businesses hiring again.

It was a historic and good budget that would change the debt course of America and put us on the right path, yet all we have heard from our colleagues, without offering anything themselves, is criticism of him. And I believe the House, as the Senator said, fulfilled their duty.

Mr. WICKER. I tell you what else it would do. It would tell the truth to the American people about what we are facing. I like what our young nominee for Vice President said. We have got time to fix this, but we need to fix it, and we don't have much time.

Speaking of telling the truth, I wish to pivot, if I could, to a question that has been raised on this floor in the last couple of days about this Senate's lack of compliance with the Budget Act. There is not a more learned expert on the federal Budget Act of 1974 than my friend from Alabama, and I would ask him to clarify, if he would, the statements and misstatements and charges and countercharges that have been made about the fact there has not been a budget resolution brought to this floor for consideration and amendment.

Mr. SESSIONS. I thank Senator WICKER for raising this point because we need to discuss this, and the American people need to ask themselves who is telling the truth about this and who is accurate about this.

A group of us spoke—40 or more Republicans—and we expressed frustration with the lack of action in this body, the likes of which we have never seen perhaps in our history, with regard to not passing an appropriations bill. Historic research has been done, and we have not passed a single appropriations bill only two times: 2010 and this year, both under this Democratic leadership. Those are the only times in history that no appropriations bill has passed.

Yesterday, however, Senator REID used this language. It kind of hurt my feelings, because I said we didn't have a budget, and I am the ranking member of the Budget Committee. Maybe 10 or 15 Republicans talked about our not having a budget, and Senator REID said: "It is a lie to say we don't have a budget."

I don't know if that violates the rules of the Senate about personal attacks, but I try not to use that word—lie. I try not to say a colleague is lying. Even if I ever would say something like that, I would want to be sure I had absolute proof to back it up. And that is a responsibility.

You know, we like HARRY REID. I consider him a friend, I really do. He has always treated me fairly on the floor. But I have to say, the majority leader shouldn't have said that. First of all, it is not accurate. For example, Senator REID announced unequivocally that he had no intention of passing a budget. This is what he said last year. He said: "There is no need to have a Democratic budget, in my opinion."

It is a statutory requirement. Unfortunately, it doesn't say you go to jail if you don't pass one. The people are crying out for a plan to get out of the financial condition we are in, but he said there is no need to have one, in his opinion.

He said at another time, "It would be foolish for us to do a budget." Foolish for us to do a budget. And they did not do one. There is no budget. So for him to say it is a lie when we say we don't have a budget, well, that is inaccurate.

I will point out, as Senator WICKER knows, the Budget Act, the United States Code, defines what a budget is. It lays out some of the things that have to be a part of the budget and the process by which one is produced. It has to be reported by the Budget Committee by April 1. It sets out the date as April 1. Then we have to have a floor vote by April 15. And when it comes to the floor, the rule says we have unlimited amendments, with 50 hours of debate, and it can't be filibustered. So 50 hours would mean about 1 week. It can be done in 6, 7 days at most.

Mr. WICKER. It is the one thing that can't be filibustered.

Mr. SESSIONS. Absolutely. The party with the majority, 53 Senators, ought to be able to pass a budget. We passed a budget with 51 senators one time. A budget allows us to control everything but Social Security. We can't touch Social Security but we can deal with Medicare, Medicaid, food stamps, pensions, as well as the discretionary accounts. So that was all avoided.

My friend has been around here and in the House for a number of years, but it seems to me it would have been a healthy thing indeed for the Democrats to have brought to the floor a budget, even if I didn't agree with it. We then could have had a national public debate

about these difficult choices the Nation faces and Senators would have to vote as to whether they believed that balancing the budget was worth cutting some spending here, and how much they believed in taxes we ought to raise, and how much would they be cutting in spending. We could read the fine print and ask how much we are cutting and actually debate and vote on these things. But that is what the majority leader and his colleagues wanted to avoid.

Mr. WICKER. It is what every city council, every State legislature cannot avoid. They do not have a printing press down in Montgomery, AL, or Jackson, MS.

I know the Senator has seen the local delegations of county officials coming in and talking about economic development. They tell me: Senator, we have had to cut back on this, we have had to cut back on that, we have had to do this to our budget. We used to be able to afford these things and now we can't afford them anymore. They have had to make sensible decisions. Councils and legislatures, Republican and Democrat, have faced the hard choices, and it can't be any fun for them. They have to face the voters and say: we paid for this last year, we don't have the money this year. And families have had to do that as well.

Mr. SESSIONS. I couldn't agree more. In my hometown of Mobile, AL, they fell one vote short of raising the sales tax because of the financial challenges they were facing, and they had a big debate about it, but they didn't duck the vote. They had the vote and they decided they didn't need to raise the taxes. But it wasn't a question of the city council being able to avoid a vote.

We in the great United States Senate, we travel the whole of our States over and over and over again and we ask for this tough job. My wife has a good phrase for it when I complain. She says: Don't blame me. You asked for the job. Well, we asked for this job. Nobody said it was going to be easy, and this is not easy because we have never faced a more fundamental financial crisis. Because of demographics and history and trends that are going on in our population, the situation is such that it is going to be difficult to meet these challenges.

Mr. WICKER. But we can meet these challenges.

I have grown children—32, 28, and 25. They may be about to age into the next year, and they wonder if they will even receive Medicare when it comes time to retire. That retirement for them will come sooner than they think, though it seems like forever. But they do not believe—that generation doesn't believe—Medicare will be there for them. If we tackle this problem, Medicare can be there for the next generation. It should be there for the next generation.



Mr. SESSIONS. Exactly.

Mr. WICKER. It won't look exactly like it does for my father, who is 88 years old today and depends on Medicare, but Medicare could be there. But not the way it is going now. We have to tackle these issues.

Mr. SESSIONS. My colleague is so right. We are not going to have to cancel these programs.

Mr. WICKER. No, sir.

Mr. SESSIONS. We can save these programs. It is just going to require us to confront reality and make some changes in how we do business.

I wish to say one more thing about this budget, before I forget. My Democratic colleagues claim the Budget Control Act was a budget, but it only dealt with discretionary spending. It didn't deal with all the other spending. It only set limits on expenditures and it didn't have any debate on the floor. It was a secret agreement. There was a budget limitation placed on spending as a result of Republicans insisting we had to reduce some spending before we would allow the President to raise the debt limit. That went on into the wee hours of the morning and they put together a horrible deal and now we are paying the price for it. It did cut some spending, and it limited how much spending we could do, but it didn't go through the budget process, it didn't cover all the government programs, and it doesn't have anything like the indices of a budget.

An attempt was made—and successfully—to bring up the President's budget for a vote. The motion was believed to be legitimate because there was no budget, and we were going to have a vote on it. Our Democratic colleagues ran to the Parliamentarian to try to argue that this cap on spending that was agreed to last August was a budget. They picked the Parliamentarian. The majority hires the Parliamentarian. And very courageously and properly the Parliamentarian said: No, it is not a budget. So there was no budget in the Senate, and President Obama's budget was brought up and got zero votes.

I wanted to share that.

Mr. WICKER. Well, I appreciate the Senator's sharing his time with me.

Mr. President, I guess in a moment, Senator SESSIONS will yield the floor and we will go dark, subject to the call of the Chair for a vote at midnight, and then we will sort of slink out of town, with no appropriations bills, no defense bill, and no dealing with sequestration, which means meat axe cuts to defense and other programs.

But we will have gotten away under cover of darkness to face the voters, and in this country they are the ultimate arbiters.

I appreciate this opportunity to stand on the floor with a statesman such as my friend from Alabama and to thank him for his leadership on budget

issues and to thank him for coming here and telling the truth to our colleagues and to the American people.

Mr. SESSIONS. Mr. President, Senator OLYMPIA SNOWE, who is not running again, is frustrated with this body and pointed out yesterday on the Senate floor that we voted in this body a few years ago up until November 1. We act like we have to be out by the middle of September. We aren't going to do any work during October, and we will come back maybe after the election in a lameduck circumstance and see how much junk can be shoved through here without real votes.

Isn't it true that we have had plenty of time since September to bring up the Defense authorization bill, to bring up a budget, to bring up some of the appropriations bills, at least some of them?

Mr. WICKER. Day after day, hour after hour in quorum calls. It is very frustrating, and frustrating to the people who sent us here to do a job.

Mr. SESSIONS. We have heard it said that 40 percent of what we spend every day is borrowed. Really, \$4 billion a day is what we borrow. People probably think that can't be true, that 40 cents of every dollar we spend and put out the door has to be borrowed from countries around the world and from others who will loan us the money, and we pay interest on it.

In a recent interview in July on CNBC, Mr. Erskine Bowles—President Clinton's Chief of Staff, appointed by President Obama to head the debt commission—said this about the state of our finances:

If you take last year, 100 percent of our revenue that came into the country, every nickel, every single dollar that came into the country last year was spent on our—what's called mandatory spending and interest on the debt. Mandatory spending is principally the entitlement programs, Medicare, Medicaid, and Social Security.

What that means is every single dollar we spent last year on these two wars, national defense, homeland security, education, infrastructure, high-value-added research, every single dollar was borrowed. And half of it was borrowed from foreign countries. That is crazy. Crazy. It's a formula for failure in any organization.

That is the man President Obama chose to head the debt commission, a businessman who understands the threat this Nation faces.

We can get off this path. Congressman RYAN laid out a plan that would get us off this path. We have to get off this path.

As we head out from this Senate to return to our States and visit with our constituents, and as we head into an election, I would just like to ask, Is there one Senator on the other side of the aisle who can defend to the good people of this country the decision of this body to withhold a budget, withhold a financial plan from the country? Can you defend that? Can you defend

not even attempting to do the fundamental requirement of Congress, which is to appropriate the money to run the government—not even bring up a single bill—for the second time in the history of the Republic?

What about the Defense authorization bill? It came out of our Armed Services Committee unanimously. The leadership has refused to bring it up on the Senate floor. Can you defend that?

Really, can you defend failing to deal with the fiscal cliff, the deep defense cuts and huge tax increases that will occur January 1? Wouldn't the economy be better if that uncertainty had been removed? We could have already brought up those bills and voted on them.

Instead, you know how they are going to do it: The leadership will meet over here, and it will be December 23. The majority leader said we may be here until December 23. That is when they will bring it all up. That is when the health care bill was passed. Christmas Eve is when the health care bill was passed.

So that is the plan: Bring it up at the end. Everybody will have to vote for it, or the government will shut down and it will be a disaster. That is the kind of thing we should be avoiding.

I believe the complaints that have been made today are not just political rhetoric, not just talk, but represent a legitimate, honest criticism of the leadership of the Senate. I think the American people should weigh that as they go to the polls.

Mr. TOOMEY. Mr. President, today the Senate will vote on H.J. Res. 117, a continuing resolution to fund Federal agencies for the next 6 months. While I appreciate that this measure avoids the need to negotiate a spending bill during the lame duck session, after careful consideration, I believe the promises I made to the people of Pennsylvania in 2010 compel me to oppose this bill.

H.J. Res. 117 establishes discretionary appropriations for fiscal year at \$1.047 trillion, an amount equal to the spending cap created by the Budget Control Act of 2011. Unfortunately, this figure is far above what is fiscally responsible, which is one of the reasons I voted against the Budget Control Act last year. Given that the Federal Government has now run deficits in excess of \$1 trillion for 4 consecutive years, it would be irresponsible to vote for a bill that increases discretionary spending by about \$8 billion.

Furthermore, H.J. Res. 117 employs a tired old accounting gimmick called "changes in mandatory spending programs" to make discretionary spending appear nearly \$20 billion lower. This gimmick does not eliminate mandatory spending; it only delays it, resulting in no actual budgetary savings.

The continuing resolution fails to restore recently undermined welfare-to-

work provisions within the Temporary Assistance for Needy Families—TANF—Program. In 1996, a Republican led Congress and President Clinton enacted the Personal Responsibility and Work Opportunity Reconciliation Act—P.L. 104-193, a key component of which established work requirements, helping individuals provide for themselves and their families. On July 12, 2012, the administration unilaterally weakened reporting requirements for TANF, erroneously stipulating that waiver authority provided under section 1115 of the Social Security Act enabled the agency to modify work participation requirements, a provision explicitly outside the scope of waivable provisions. Welfare-to-work provisions have proven instrumental in transitioning millions off welfare. While TANF's work requirements have contributed towards declining welfare rolls, there remain additional opportunities to strengthen and reform the TANF program. By failing to engage in a dialogue, Congress missed a critical opportunity to restore the welfare-to-work requirements and assist more TANF recipients take steps towards independence.

Though I am unable to support this continuing resolution, I would note my support for one provision in the underlying legislation. I am happy that a technical correction was included that ensures that States that have not remediated all of their abandoned mine lands do not lose any payments from the Abandoned Mine Lands Trust Fund as a result of the recently enacted Moving Ahead for Progress in the 21st Century Act (MAP-21). To pay for MAP-21, conferees inserted a provision intending to cap payments to States that have been certified by the EPA as having remediated all of their abandoned mine lands.

After enactment, there was some uncertainty about how this provision would affect noncertified states like Pennsylvania because of the structure of the funding formula. This was clearly not the intent of Congress. The Congressional Budget Office scored the provision as capping payments to certified States only. Therefore, this technical correction ensures that Pennsylvania, the State with more abandoned mine lands than any other, continues to receive its baseline level of funding.

Mrs. MURRAY. Mr. President, I rise today to discuss an important provision included in the continuing resolution. As parents sent their children off to school this fall, many were uncertain whether their child would be taught by teachers in training who are enrolled in alternative route programs. That is why I am pleased this legislation requires the Department of Education to provide Congress, and the parents of Washington State and the country, information on how frequently this is occurring. The data and

report should be made public and available to parents and other interested parties. As a former teacher, a Parent Teacher Association member, a school board president, and most important a mom who actively participated in my two children's journey through the education system, I firmly believe that every parent deserves to know the qualifications of their child's teacher.

Specifically, the provision requires the Secretary of Education to report to Congress no later than December 31, 2013, on the extent to which students with disabilities, English learners, students in rural areas, and students from low-income families are being taught by alternative route teachers in training who are deemed highly qualified according to title 34 section 200.56(a)(2)(ii) of the Code of Federal Regulations. This regulation allows individuals who have not yet obtained regular State teacher certification but are participating in alternative route programs to be labeled "highly qualified." The provision included in this continuing resolution will require the Department of Education to gather and report the extent to which our most vulnerable students and those with the highest needs are being taught by teachers with the least amount of preparation. While we know many students are being taught by these teachers in training, we do not know if these teachers are equitably distributed among high need schools, in which States they are concentrated, or which student subgroups they are teaching. The report will provide this information and will be vital for developing policies to ensure every child in America receives a high-quality education.

The report should include data on the professional qualifications of teachers. In particular the number of teachers who have not met State qualification and licensing criteria for the grade levels and subjects areas in which the teacher provides instruction. Also, the report should include the number teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived, the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the teacher's certification or degree. States and local education agencies are already required to collect this data according to the Parents' Right to Know provisions of the No Child Left Behind Act of 2001.

I look forward to receiving this important report. Throughout my political career, from the school board to the Senate, I have been committed to doing everything I can to ensure every student has an opportunity to learn, and to succeed, to the best of his or her ability. This report will help us craft policy that supports this goal. Parents deserve to know who is teaching their

child and it is our responsibility to ensure this information is provided.

#### FOREIGN AID

Mrs. FEINSTEIN. Mr. President, I would like to speak in opposition to the Paul amendment, and to put this debate over foreign aid in some context.

As chairman of the Intelligence Committee, I see the threats this Nation faces around the world.

We are no longer in a world where we can focus on ballistic missiles from Russia or troops pouring into Europe through the Fulda Gap. Instead, we face asymmetric threats—terrorist attacks, the potential use of chemical weapons, and the thousands of attempted cyber intrusions that hit our networks every day.

In this environment, our partnerships with other nations are more important than ever, as attacks can emanate from anywhere, and the responses to those threats often require bilateral or multilateral support.

I agree with Senator PAUL that there are areas where other nations can and should do more to combat these threats; after all, terrorism and extremist ideologies are not U.S. problems, they are global problems.

On the subject of Pakistan, I strongly agree that Dr. Shakil Afridi should be released from prison.

He helped play an important role in making the intelligence case that Usama bin Laden was at that compound in Abbottabad, and his actions helped this Nation eliminate the world's most wanted target.

I had the opportunity to make this case directly to Pakistan's Foreign Minister Hina Rabbani Khar and Pakistan's Ambassador to the United States Sherry Rehman in a meeting on Wednesday.

But is the appropriate response to cut off all U.S. assistance to Pakistan—including economic and humanitarian assistance—because of Dr. Afridi? No, clearly, it is not.

I joined an effort by Senator GRAHAM on the Foreign Operations Appropriations bill to cut \$33 million in Foreign Military Financing for Pakistan in FY 2013—\$1 million for every year of Dr. Afridi's prison sentence. It was a targeted effort, and it enabled us to send a public message to Pakistan.

The United States and Pakistan have had a series of confrontations over the past couple of years, and the relationship has been sorely tested. There has been fault on both sides.

And we are now improving our coordination and partnership in key areas, including on counterterrorism. We absolutely need to continue to press Pakistan to do more, and to release Dr. Afridi—and we are.

But eliminating all foreign assistance without a national security waiver is a knee-jerk reaction that will cause the United States more harm than good.

The amendment would also cut off all foreign assistance to the nascent governments in Egypt and Libya because elements of their populace or foreign fighters attacked the U.S. Embassy in Cairo and the consulate in Benghazi.

Both of those governments have denounced the attacks, and both have increased the security they are providing to U.S. missions.

We are still learning who was behind these attacks, whether motivated solely by a stupid video put out by someone with no regard for religious tolerance or the safety of Americans overseas or by terrorist elements who used the protests as a pretext to carry out an agenda of violence against the United States.

But one thing is pretty clear: the anger and violence directed against the United States by the people of Libya, Egypt, and perhaps numerous other Middle Eastern countries will not be lessened by reducing American aid.

The Paul amendment goes even further, though. It would prohibit any direct U.S. assistance to any country in which a U.S. diplomatic facility was attacked, trespassed upon, breached, or attempted to be attacked, trespassed upon, or breached even if the host government provided every possible measure of security and support, and no matter how small the infraction.

I believe in a strategy of engagement. I believe that the United States should work with countries to root out terrorists and denounce extremism of all forms.

And I believe that we should use foreign aid—which, by the way, accounts for only 1 percent of the U.S. government's budget—to bring humanitarian relief, support democratization, and help other governments improve their own security and law enforcement efforts to defeat terrorism and extremism.

Indeed, at this time, we should look to the example set by Ambassador Chris Stevens, a man who dedicated himself to learning the language and the culture of the Middle East and promoting the universal values of democracy, human rights and the rule of law—from his time as a Peace Corps volunteer in Morocco, to tours as a Foreign Service Officer in Jerusalem, Damascus, Riyadh, and Cairo, and, finally, as our Ambassador to a democratic Libya.

Ambassador Stevens worked tirelessly to help the people of Libya build a new country and new future after years of brutal dictatorship.

He knew that path would not be easy and there would be many challenges. But he also knew that the Libyan people could succeed and that leadership and support from the United States would be crucial.

This amendment will turn America away from the commitment to the Middle East that Ambassador Stevens championed and towards isolation.

It will harm America's interests, will harm our national security, and will promote anti-Americanism in precisely the parts of the world where we need to be more, not less, engaged.

I urge my colleagues to oppose the Paul amendment.

• Mr. RUBIO. Mr. President, in every region of the world, the United States should search for ways to use foreign aid and humanitarian assistance to strengthen our influence, the effectiveness of our leadership, and the service of our national interests and ideals. When done effectively, in partnership with the private sector, with faith-based organizations, and our allies, foreign aid is a cost-effective way not only to export our values and our example but to advance our security and economic goals.

Foreign aid is a foreign policy tool used by the United States to work with other countries. In the case of Libya, Egypt, and Pakistan, each receives significant amounts of foreign aid from the U.S. taxpayers, and U.S. citizens expect these countries to meet the conditions we set upon this aid. In the wake of the uprisings across the Muslim world and the September 11, 2012, terrorist attack on the U.S. consulate in Libya, it is imperative that the United States receive the full cooperation of the host nations in investigating and prosecuting those responsible for the attacks on our diplomatic missions and the deaths of four brave Americans.

Senator RAND PAUL's legislation would affect aid for these countries by effectively eliminating it. The American people deserve to be outraged following these attacks. However, the situations in these three countries are very different.

In Egypt, the government has the security capabilities to protect our Embassy and failed to do so. It was unacceptable that their President didn't immediately condemn the attacks and instead focused on a YouTube video.

In Libya, there was a terrorist attack on our consulate which resulted in the death of four Americans, including the Ambassador. The Libyan people rejected Islamists in their recent election, but their pro-Western Libyan Government does not have the security capabilities of the Egyptians. So far, the Libyans are trying to do the right thing by working with the United States to investigate these attacks and strengthen their own security capabilities. In fact, just yesterday thousands of Libyans fed up with terrorism took matters into their own hands by seizing control of the headquarters of several militias and demanding they be disarmed. Cutting off aid to Libya, which is trying to help us, is not the answer as it would weaken their ability to help us and undermine their efforts to defeat the terrorists in their country. It would also represent America's

stunning rejection of what is clearly the Libyan people's will to reject extremists and terrorists trying to lead Libya back to darkness.

With Pakistan, I believe we should condition some if not all of the aid on the release of Dr. Afridi. He has been arrested on false charges. The time has finally come for Pakistan to decide if they are going to be a truthful ally of the United States.

Senator PAUL's legislation lumps in three different countries with three very different situations, and I could not support such a measure as drafted. Prior to the vote on this matter, I urged Senator PAUL to consider, at a minimum, restructuring his amendment to recognize that there are considerable differences between Libya, Egypt, and Pakistan. Since no changes were ultimately made, I opposed this measure.●

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

Mr. TESTER. Mr. President, I ask unanimous consent that the Senate recess until 11:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Thereupon, the Senate, at 6:22 p.m., recessed until 11:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. KERRY).

#### SPORTSMEN'S ACT OF 2012— MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Vermont is recognized.

#### FOREIGN AID

Mr. LEAHY. Mr. President, seeing the distinguished chairman of the Foreign Relations Committee in the chair, I have a feeling I may be preaching to the converted, but let me say we, all of us, were outraged by the video denigrating the Muslim faith but then by the mob violence—some of it encouraged by al-Qaida or other extremist groups—against our embassies and diplomats in Egypt, Libya, Pakistan, and other countries around the world. Secretary of State Clinton said it well: "The United States rejects both the content and message of that video . . . and deplores any intentional effort to denigrate the religious beliefs of others."

The Secretary and President Obama have also said, repeatedly, that there is never any justification for the violent

acts that have been perpetrated against our diplomats, and they have called on the governments of those countries to protect our embassies and consulates. And of course, they are right.

As far as I am aware we have received the condolences and support of the governments of these countries, as well as scores of other governments around the world.

The support and sympathy expressed, not only by foreign officials but by countless citizens of these countries who have denounced the attacks on United States personnel, needs to be recognized.

There is no evidence, that I am aware of, that any of these governments were responsible for, or had any involvement in, these violent demonstrations. They neither ordered nor condoned them. To the contrary, they have since taken steps to protect our facilities and personnel.

That is why I am mystified by the legislation offered by the junior Senator from Kentucky, Senator PAUL, which would cut off aid to key U.S. allies like Israel, Indonesia and Jordan where such protests have occurred, even peaceful demonstrations, as well as security partners like Egypt, Libya, and Pakistan.

On the one hand, there are some affirmations of our policy goals in the legislation that I agree with—for example, we all want those responsible for the deaths of Ambassador Stevens and the other Americans in Benghazi, as well as the destruction of property there and in Cairo and elsewhere, to be brought to justice. And already, dozens of people are under arrest in those countries.

But anyone who is inclined to support this legislation should read the fine print, because the way it is drafted is not only unworkable, it would serve to inflame an already dangerous situation, harming America's national security interests.

For example, all aid would be cut off to governments in countries where a demonstration occurred, even a peaceful demonstration, until the government arrests everyone who participated, and until the FBI has identified everyone involved and they are all in the custody of the United States, even if we do not have extradition treaties with those countries.

In other words, we would cut off aid to the governments of Egypt, Israel, Jordan, Libya, Pakistan, Indonesia, Morocco, Nigeria, Turkey, Lebanon, Iraq, Afghanistan, Tunisia, Yemen, and India, among others, until every one of the thousands of people who participated in demonstrations in those countries has been identified by name, arrested, and brought to the United States and imprisoned.

I have seen unworkable, unwise legislation before, but this may win the

prize. Not only would this be a colossal waste of FBI resources, it would be impossible to implement.

How is the FBI going to determine the identity of everyone who joined in these protests? Is that really what we want the FBI doing?

Are we, who believe in freedom of speech, really going to fill up our prisons with thousands of foreigners, including those who have engaged in peaceful demonstrations?

Does the author of this amendment have any idea how much that would cost U.S. taxpayers?

Are we really going to cut off aid to the Government of Egypt, which has reaffirmed its peace agreement with Israel, sent troops against Egyptian extremists in the Sinai, deployed police to protect the U.S. embassy, and is in the process of negotiating an agreement with the IMF—with U.S. and European support—to reform its economy?

Are we going to also cut off aid to Israel—which we would not do, of course?

Do we really want to cut off aid to the Government of Indonesia, the largest Muslim country in the world and a key U.S. ally in South East Asia?

And Libya, which we helped to liberate, and which has just emerged from a bloody revolution to overthrow a tyrant who posed a real threat to regional peace and security?

As I said before, we are all outraged and saddened by the tragic events in Benghazi, Cairo, and elsewhere. There is no justification for it. We expect to see those responsible for the violence to be brought to justice, and we have insisted that these governments fulfill their obligation to protect our embassies, as we protect theirs.

But this is no way to honor the patriotism and sacrifice of Ambassador Stevens and the others who lost their lives.

We are not talking about brutal kleptocracies like the Mobutu Government of the 1980s who the junior Senator from Kentucky spoke of today.

These are fledgling democracies whose people have been ruled and brutalized by corrupt dictators for decades. They are struggling to draft new constitutions, elect parliaments, reform their police, restructure their stagnant economies, and manage competing ethnic, religious and political factions, some of which have been in conflict with each other for centuries.

We can punish them by cutting off our aid, even though these governments had no more to do with organizing the protests than our government had to do with producing the anti-Muslim video that is inciting the protests.

That might score political points for some back home.

Or we can support them in making decisions that will improve our relations and strengthen our security.

Withdrawal is not an option for the United States. Isolationism is not an option. Overreacting in ways that embolden violent extremists is not an option.

This amendment is poorly conceived, poorly drafted, and would have all sorts of unintended and dangerous consequences. The best message the United States Congress could send to the forces of democracy in these countries is to defeat it overwhelmingly.

I believe, like so many both Democrats and Republicans who have spoken against this, it makes no sense.

I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from South Carolina.

Mr. DEMINT. Mr. President, Americans are crying out for us to stop giving away hard-earned tax dollars to countries that are not our friends. I agree. We need to review all our foreign aid and make any aid conditional on the protection of Americans and of our interests. But when it comes to the bill offered by Senator PAUL, I have to say I do not like how some parts of it are worded. It has some flaws and Members on both sides of the aisle have some legitimate concerns. I have been working all day with Senator PAUL to improve the language to address concerns on our side.

Senator PAUL has been more than accommodating on this. He was willing to limit the scope of the bill to Libya, Pakistan, and Egypt. With respect to Libya and Egypt, he agreed to loosen restrictions so the funds would not turn off for 60 days, and only turn off if it was clear their governments were not cooperating with the investigation into the attacks and efforts to find the perpetrators. In short, he was willing to accept the legitimate concerns that have been raised by colleagues with respect to the potential unintended consequences of the bill.

Then Senator PAUL asked the majority leader if he could modify the bill. Senators do this all the time—or at least we used to. We work together, we have managers' amendments, we allow Senators to modify their legislation to fix issues raised by other Senators. So after all this work and this good faith accommodation by Senator PAUL who, to address the concerns of colleagues on both sides of the aisle, was agreeing to changes that narrowed the scope of the legislation far beyond what he personally wanted—after all this, the other side of the aisle decided to play gotcha. They would not let him modify his own amendment. His request was made 8 to 10 hours before the vote—plenty of time for Members to review the changes—but the normal rules of comity apparently do not apply anymore in the Senate.

This Senator is ashamed of the way the Senate is being run. We have had an entire Congress of gag rules, limited

debate, limited votes, limited amendments, and the result has been no accomplishments. Over the last 2 years, the Senate has become a laughing-stock. I may not like the way Senator PAUL's bill is worded, his unmodified bill. I do not agree with the scope of the conditions in some cases, but I support the goals of providing accountability in our foreign aid, of freeing Dr. Afridi, and of ensuring that those we support with our precious dollars are defending our interests and our diplomats overseas.

I will vote yes on this bill in support of these principles. The bill will not pass, but the other side cannot hide from this issue forever. Senator PAUL will be back and I will be back with him. We will get the votes the American people are demanding.

Mr. KERRY. Will the Senator yield for a question?

Mr. DEMINT. Certainly.

Mr. KERRY. I ask the Senator this question. We all understand the normal rules of the Senate. This is a big policy, cutting off four countries' aid with a set of circumstances that is so rigid it may encompass countries such as Israel and others. The normal rules of comity are that something such as this would go through the appropriate committee. That is why we have committees.

The Senator from South Carolina is a member of the Foreign Relations Committee. This has never been to the Foreign Relations Committee. Does the Senator believe some policy as important as this doesn't deserve a hearing, doesn't deserve a process? I think the Senator knows that as the chairman I have never slowed down a process of our committee. The normal rules of comity ought to require this to go through the committee.

Mr. DEMINT. I say to the Senator, if that were true, I think he has to admit Senator TESTER has one that his side pushed this night that has not been through committee, violates the budget, and a number of other things.

The point is this. Senator PAUL has been working on this legislation for several months and has been working to try to get a vote on this floor for several months and he could not get it. He was turned down time and time again. This legislation has been out there. The issue of foreign aid has been out there. We have not taken it up as a committee as we should have. The fact that he is not given the opportunity to get a vote on the amendment of his choice, to modify his own amendment, does break the precedent of the Senate and does break the comity we should enjoy here. When a Member offers an amendment, they should be able to modify it.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I stand tonight in support of the amendment of

Senator PAUL to provide limitations on the amount and scope of foreign aid the United States sends abroad. This is not a decision I have reached quickly, nor is it an issue I take lightly.

I appreciate that, as some of my colleagues have pointed out, conditions already exist on some of the foreign aid we send to Pakistan, Egypt, Libya, and Yemen. I respectfully submit, however, that these conditions are not producing the desired result nor are they yet fully enforced.

For example, is Pakistan cooperating with the United States on countering terrorism efforts and preventing terrorists from basing or operating in Pakistan, as is already required in section 7046 of Public Law 112-74? Are the programs and activities we support in Afghanistan sustainable, as is also required by section 7046? If the answer to these and to other questions regarding this aid could possibly be no, then we have an obligation to the American people to at least review this aid and inspect every single dollar we send abroad to ensure that the billions of dollars we send to Pakistan, to Egypt, and to Libya are well spent.

I support this amendment, if for no other reason than to begin the debate on the merit of sending billions of American dollars abroad each and every year. When will we stop sending this kind of money to nations that harbor terrorists and imprison those who, like Dr. Afridi, would defend our interests?

To be clear, I don't think the amendment of Senator PAUL is perfect. Many of my colleagues have legitimate concerns about this amendment's potential effect on some of our allies outside the Middle East. That is why I and several other Senators have asked our staffs to work with Senator PAUL and his office to narrow the scope of this amendment. Senator PAUL was responsive to our concerns and was willing to make the requested changes.

Unfortunately, the majority leader refused to allow Senator PAUL to modify his own amendment. I don't yet have 2 full years under my belt as a Member of this body, but I have been around just long enough to see that managers' amendments and modifications are routinely applied to their own legislation, and I am very sorry Senator PAUL was not given the courtesy that apparently is reserved only for other Members of this distinguished body.

In a Senate where the majority leader has recently announced "the amendment days are over," I guess I should not be surprised.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. I will just take 1 minute before I yield back. With respect to the question, first of all—I obviously do not run the Senate so I cannot speak about what happened with respect to

these other pieces of legislation, but I am responsible for the Foreign Relations Committee. This particular amendment was filed at the desk on September 19. We are here under rule XIV. That is not months of work. The first time I heard of it was when it came to the desk. So this could well have been a policy we amended in the committee, that we worked on appropriately, came up with some appropriate way of dealing with legitimate issues.

I am not denigrating the legitimacy of some of the issues the Senator from Kentucky raises. We had a very profound conversation with the Foreign Minister of Pakistan the other day. The Foreign Relations Committee met with her. We went into Dr. Afridi's situation in some detail, and there are other issues raised here. But just to come in out of the whole blue and file it at the desk and say let's change years of policy with a country that we, in the case of Egypt, desperately rely on with respect to the peace process in the Middle East, sustaining the peace agreement with Israel—it just defies rationale about how you make good foreign policy.

I will have more to say about it in a moment, but I just want to make it clear this did not come to the floor until September 19 at the desk and it is here under rule XIV.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. KERRY. I don't know how much time we have.

The ACTING PRESIDENT pro tempore. Nine minutes.

Mr. KERRY. We will hold off and come back.

Mr. LEE. Will the Senator yield?

Mr. KERRY. Not on my time, no. I will do it on the Senator's time.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. MCCAIN. Mr. President, parliamentary inquiry: Whose time is being—

The ACTING PRESIDENT pro tempore. If no one yields time, time will be charged equally to both sides.

The Senator from Utah.

Mr. LEE. Mr. President, I rise to respond to my friend and distinguished colleague, the Senator from Massachusetts.

In the first place, it is significant. Dr. Afridi has been in prison for more than a year. It is significant that this amount of time has elapsed. It is appropriate that we respond in some fashion. I don't know why exactly legislation has not emerged from the Foreign Relations Committee, on which I sit. The fact is it has not.

I respect the junior Senator from Kentucky for having the courage to bring forward this legislation. Regardless, the fact is that this legislation is now before us. We can argue about how it got here and about whether it should

have gone through committee, but it is before us. The fact that it is now before us means the Senator from Kentucky who introduced it ought to have certain prerogatives—prerogatives to change it or modify it before it gets to the floor. That is the point I was making, and that is the point I think bears some mention here. I think that is a point which was somehow lost in this discussion today, and that is most unfortunate.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

UNANIMOUS CONSENT REQUEST—S. 3576

Mr. PAUL. Mr. President, I ask unanimous consent that the pending business be set aside and that S. 3576 be made pending; that the Paul substitute amendment No. 2849 to S. 3576 be adopted; and that at the appropriate time the Senate consider S. 3576 as amended under the terms of the earlier order.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Yes, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Who yields time?

The Senator from Kentucky.

Mr. PAUL. It boggles the mind to think that Hillary Clinton was on Capitol Hill this week to ask for increasing aid to Egypt. It boggles the mind that last month President Obama found an extra \$1 billion to give to Pakistan.

Meanwhile, Dr. Shakil Afridi has been in prison for a year. He said directly in interviews that he has been tortured by the Pakistani Government. Now he has been imprisoned for life. The Foreign Relations Committee has had a year to act on this and has not been forthcoming in doing anything to address Dr. Afridi or get him freed or to attach any restrictions or limitations to foreign aid. The restrictions currently in place are for the administration, and they have been waived.

I say we don't give up the power of the purse. I say we keep the power of the purse and the restrictions with the legislature. This bill places restrictions on foreign aid to three countries. This bill does not end foreign aid, it adds restrictions. Some have argued that interrupting foreign aid now could inflame the Arab world. Does anyone think they are not already inflamed? They are inflamed because our foreign aid has incensed them. Our foreign aid bought Mubarak tear gas and police truncheons. We need to understand why the Arabs are angry.

Some have argued that aid to Israel could be ended by this bill. That is ridiculous. The bill requires the Secretary of State to allege that a country did not attempt to protect an embassy that was attacked. To imply that a Secretary of State, Republican or Democrat, is going to allege that Israel is not protecting our embassy is absurd. It boggles the mind to think that any

Senator wants to send foreign aid without conditions to countries that are burning our flag. I, for one, will not vote for one more penny to be sent to the people who riot and burn the American flag. Enough is enough. We are running a trillion-dollar deficit, and Americans are tired of their tax dollars being sent to countries that are burning the American flag.

I urge a "yes" vote on placing restrictions on foreign aid.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts. I yield the time to the Senator from Arizona.

Mr. KERRY. Mr. President, let me say quickly to the Senator from Kentucky, whom I asked the other day whether he has ever been to Pakistan or Egypt—I think if he had, he would know something more about the millions of people in those countries who aspire to democracy and who have invested in our values and are trying to have a different future.

I particularly—"resent" is not a particularly attractive word, but to hear him say that the Foreign Relations Committee has done nothing on Dr. Afridi does a disservice to the efforts we have been making in what is called a quiet and thoughtful diplomacy. Not all diplomacy is conducted by passing a fly-by-night amendment on the floor of the Senate, pretending that is going to improve relations or change the world. When we sit down with people and talk through problems, we can work out a resolution.

We had a long conversation just a day ago with the Foreign Minister of Pakistan about Dr. Afridi. That was not the first conversation. For months some of us have been talking with Pakistan about how we resolve this issue, which does, incidentally, have something to do with the law of another country, the politics of another country, and the political demands and needs of another country. It is not always the best way to resolve those things simply by racing to the floor of the Senate and saying: Here, do what we tell you. I am afraid that is not always how it works.

So I think the Senator from Kentucky has a lot to learn about how we get things done within the international community.

I yield 3 minutes to the Senator from Arizona.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I hope all of my colleagues will take note that AIPAC disagrees with the view of the Senator from Kentucky about the effect this legislation may have on aid to Israel.

Every Member of Congress and all Americans should know what happened today in Benghazi, Libya. The reports are that as many as 30,000 Libyans took to the streets in Benghazi, the city in

which Ambassador Chris Stevens and three of his colleagues were tragically murdered 10 days ago. These demonstrators marched peacefully to the gates of the compound of Ansar al-Sharia, the militia that was responsible for the attack that killed Ambassador Stevens and his colleagues. The demonstrators conducted themselves peacefully. According to media reports, they carried signs that read "The Ambassador was Libya's friend" and "No, no to militias." When these brave Libyans arrived at the gates of the compound, they told the militia that they and their violent, extremist agenda are not welcome in the new Libya. Do we want to send a message tonight, after the people of Libya told the militants no, that we don't want to have anything to do with them, we won't assist them, we won't give them what they need to establish a democratic and free society?

Because of what happened in Benghazi today, somewhere Chris Stevens is smiling. He is smiling because this is the real Libya, the Libya he knew and loved so well. This is the Libya he wanted America to support and remain engaged with, the Libya of which he ultimately gave his life. These brave people in Libya are friends of America's. They want our help, and they need our help. We must continue to provide it to them, which is exactly what Chris Stevens would have wanted.

If the Senate were to cut off all U.S. assistance to Libya now, as this amendment before us would do, it would abandon our friends to our terrorist enemies and destroy America's moral standing in the world and do egregious harm to our national interests.

Mr. KERRY. Mr. President, how much time do we have remaining?

The ACTING PRESIDENT pro tempore. Four minutes.

Who yields time?

Mr. KERRY. How much time is remaining altogether?

The ACTING PRESIDENT pro tempore. Two minutes 20 seconds on Senator PAUL's time; 4 minutes left to the Senator from Massachusetts.

Mr. KERRY. Does the Senator plan to use his time?

Mr. PAUL. I will reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. If no one yields time, time will be charged equally to both sides.

Mr. KERRY. Mr. President, I yield such time as I may use. I will be happy to have the Senator speak last if that is what he wants to do.

We have heard today from 110 retired generals and admirals that the suspension of U.S. aid is not in America's interest and that assistance is a critical component of America's national security strategy.

We have heard from Jewish Americans about the impacts this bill would

have on our relationship with Israel at what they have called “a time of turmoil and uncertainty,” and “the U.S. government needs to be able to use all available tools to influence events in the region.”

It would affect Israel’s security if the United States were to suddenly pull out its assistance and change its relationship with Yemen and particularly change its relationship with Egypt.

I have heard from the State Department, which said this legislation “will weaken democracies” and “play into the hands of extremists.”

With respect to Libya, Senator MCCAIN has just spoken eloquently about Chris Stevens. He knew Chris Stevens. We knew him on our committee. He worked for Senator LUGAR, and we knew him as a Pearson fellow. There was no more dedicated person. We just confirmed him and sent him over this May. I guarantee that the last thing he would want is his death being used as an excuse for the United States to cut off Libya and to disengage.

The 30,000 people who marched today marched for America. They marched for themselves. They marched for democracy. They marched for what Chris Stevens was investing in. I don’t think we want to punish those people and that government because of what happened.

With respect to Egypt, the United States derives extraordinarily important security benefits from that relationship. Shutting down American military assistance to Egypt would jeopardize our nonproliferation initiatives. It would undermine efforts to stop the smuggling of weapons and interdicting of arms into Gaza, which affects the security of Israel. It would undermine the 1979 peace treaty between Israel and Egypt. Those of us who have traveled to Israel in recent months have heard concern from Israeli officials about the prospects of suspension of American military assistance to Egypt. They have already talked about it. They are nervous about it, and they think it would have a profound negative impact on their security and Israel.

These are the connections the Paul legislation just doesn’t face up to. Senator PAUL’s legislation would essentially shut down our ability to work with the new civilian government. And while we are working to build the same kind of alliance with them we have had previously, it would really interrupt that and say to them that the United States of America is not interested in having that kind of an alliance.

With respect to Pakistan, the reality is the United States has vital national security interests in Pakistan, all of which are at stake. They have a population of 190 million people, a troubled economy, pockets of extremism, and a robust nuclear arsenal. We can’t turn

our backs on any of that, and I think we need to remember that our aid plays a critical role in supporting our interests and our values.

The Paul amendment would make us less secure, and it is in no one’s interest.

Whatever time we have, I reserve the remainder.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Kentucky.

Mr. PAUL. Mr. President, nothing in this bill refers to Israel, and nothing would apply to Israel. To imagine that any money could be removed from Israel, we would have to imagine that Secretary of State Hillary Clinton accuses Israel of not protecting the Embassy. It is a canard, and it is a typical one that has been used many times.

Nothing in the bill says we would have no aid to these countries. It simply says to these countries that if they protect our Embassy—Libya, if you continue to cooperate and send back terrorists and catch the assassins, you will continue to get our aid.

It conditions aid on behavior. Right now, aid is not being conditioned on behavior.

We have Pakistan, which has actually tortured a friend of America’s. Dr. Shakil Afridi has been tortured for a year by the Pakistani Government.

The Foreign Relations Committee has done nothing to address that, and so we have Dr. Shakil Afridi now in prison for years—for the rest of his life, essentially. I don’t see any action forthcoming from the Foreign Affairs Committee.

What I would say to my colleagues is this is a bill that places restrictions on foreign aid, it does not end foreign aid. It doesn’t breach the Israel-Egypt treaty or the Camp David Accords. It is a canard. It is brought up routinely to try to prevent any changes or reform in foreign aid. We always hear it is going to end aid to Israel. It is a canard.

What I would say to my colleagues is this bill does not end foreign aid. It places restrictions on foreign aid. Ask the American people: Do you think these restrictions are appropriate? Do you think a host country should protect our Embassy? Do you think a host country such as Libya should be asked to continue to cooperate? Do you think a host country such as Pakistan should turn over a friend of America and not imprison and torture a friend of America?

I think these are very reasonable restrictions. I think these are restrictions we should have. I think these are restrictions anyone in America would say are very reasonable, and I urge adoption of the resolution.

The PRESIDING OFFICER. All time has expired.

Mr. KERRY. Mr. President, could we have order in the Senate.

The PRESIDING OFFICER. There is order in the Senate.

The Senator’s time has expired.

Mr. KERRY. Mr. President, for such time as I have left, let me make it clear: The Paul legislation requires all identifiable persons associated with organizing, planning, participating in the attacks, trespass, breach, or attempted attack, have been identified by the Federal Bureau of Investigation, Bureau of Diplomatic Security, or other United States law enforcement entity, and are in United States custody. We are talking about other countries. That is an absolutely impossible-to-fulfill requirement and that is why it would result in the cutoff of aid automatically, and that is why it is dangerous.

The PRESIDING OFFICER. All time has expired.

#### PROVIDING LIMITATIONS ON UNITED STATES ASSISTANCE

The PRESIDING OFFICER. Under the previous order, the clerk will report S. 3576.

The legislative clerk read as follows:

A bill (S. 3576) to provide limitations on United States assistance, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. PAUL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: “yea.”

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 10, nays 81, as follows:



[Rollcall Vote No. 196 Leg.]

## YEAS—10

Crapo	Moran	Shelby
DeMint	Paul	Toomey
Grassley	Risch	
Lee	Roberts	

## NAYS—81

Akaka	Feinstein	McConnell
Alexander	Franken	Menendez
Ayotte	Gillibrand	Merkley
Barrasso	Graham	Mikulski
Baucus	Hagan	Murkowski
Begich	Harkin	Nelson (NE)
Bennet	Hatch	Nelson (FL)
Bingaman	Hoehn	Portman
Blumenthal	Hutchison	Pryor
Blunt	Inouye	Reed
Brown (MA)	Isakson	Reid
Brown (OH)	Johanns	Rockefeller
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Snowe
Coats	Kyl	Stabenow
Coburn	Landrieu	Tester
Cochran	Lautenberg	Thune
Collins	Leahy	Udall (CO)
Conrad	Levin	Udall (NM)
Coons	Lieberman	Warner
Corker	Lugar	Webb
Cornyn	Manchin	Whitehouse
Durbin	McCain	Wicker
Enzi	McCaskey	Wyden

## NOT VOTING—9

Boozman	Heller	Murray
Boxer	Inhofe	Rubio
Burr	Kirk	Vitter

The PRESIDING OFFICER. The 60-vote threshold not having been achieved, the bill is rejected.

# EXPRESSING THE SENSE OF CONGRESS REGARDING THE NUCLEAR PROGRAM OF THE GOVERNMENT OF THE ISLAMIC REPUBLIC OF IRAN

The PRESIDING OFFICER. Under the previous order, the clerk will report S.J. Res. 41 by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 41) expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

The Senate proceeded to consider the joint resolution.

The PRESIDING OFFICER. Under the previous order, there is now 2 minutes equally divided.

The Senator from South Carolina.

Mr. GRAHAM. Mr. President, this resolution has 83 cosponsors. Even I cannot lose this vote.

This resolution says it will not be the policy of the United States to allow the Iranian regime to get a nuclear weapon and try to contain them. President Obama has rejected containment. Governor Romney, 83 Senators have said that is a bad idea.

Very quickly, why will containment not work? If the Iranians get a nuclear weapon, every Sunni Arab state will want one themselves. Israel will never know a minute's peace. And my biggest fear: If we allow these people to get a nuclear weapon, they will share the technology with terrorists. The reason

thousands have died in the war on terror—not millions—is because the terrorists cannot get the weapons to kill millions.

Senator CASEY has been terrific. My Democratic colleagues, thank you for working in a bipartisan fashion.

I yield now to Senator CASEY.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to, first of all, thank all the Members who are cosponsors, led by Senator GRAHAM, Senator LIEBERMAN, and our team doing this.

This is bipartisan on a very important issue. I think it does three things. It adds a sense of urgency because of the threat posed by an Iranian nuclear program, it adds clarity, and also the resolve of the American people to stop them.

I thank the Chair.

Mr. FRANKEN. Mr. President, today I vote to support S.J. Res. 41, reinforcing President Obama's policy of preventing Iran from possessing a nuclear weapon rather than containing a nuclear Iran. I support this resolution, which explicitly states that nothing in it should be construed as an authorization to use force, because its intention and its purpose is to echo and reinforce President Obama's policy toward Iran. It is particularly important to make that clear because there has been a lot of debate about the meaning of the term "nuclear weapons capability" in the resolution. But a brief examination of the issue shows that the resolution and its language support the President's policy of preventing Iran from developing or acquiring a nuclear weapon.

An authoritative definition of a nuclear weapons capability was offered in testimony by the Director of National Intelligence in 2009. He stated that there are three parts of an effective nuclear weapons capability: production of fissile material; effective means for weapon delivery; and design, weaponization, and testing of the warhead itself. According to this definition, the Senate and the President are articulating the same position: we are committed to preventing Iran from achieving all of those components of a nuclear weapons capability, which amounts to saying that Iran must not develop or acquire nuclear weapons.

That we are reinforcing the President's policy was one of the main themes in the debate on the resolution on the floor of the Senate. When this was debated in May, that is what both the sponsor, Senator GRAHAM, and the lead cosponsor, Senator LIEBERMAN, emphasized repeatedly. Senator LIEBERMAN stated, "This resolution's main focus is to essentially back up with a congressional statement the position President Obama has articulated: that no matter what happens, containment of a nuclear Iran is not an acceptable

policy from the point of view of the security of the United States; that our policy is to prevent the government of the Islamic Republic of Iran from acquiring a nuclear weapons capability." And Senator GRAHAM stated, "We are intending to echo a policy statement made by President Obama that the policy of the United States will be—if you are listening in Tehran—not to contain Iran if they obtain a nuclear capability." Again, Senator GRAHAM stated, "We are not coming up with a new idea: we are just reinforcing an idea put on the table by our own President—we are not going to contain a nuclear-capable Iran as a policy."

Other leading voices on this issue in the Senate made the same point at the time. Senator MCCAIN stated, "So this resolution we are considering is no different in any way—in fact, it is less specific than what the President of the United States has said and what I believe most every Member of the U.S. Senate is on record one way or the other saying: that the development of a nuclear weapon by Iran would be an unacceptable situation." Senator MENENDEZ similarly characterized the resolution as "making the intentions or amplifying the intentions of the President crystal clear."

Those intentions are to prevent Iran from developing or acquiring a nuclear weapon. I share those intentions, and that is why I support the resolution today.

Mr. LEAHY. Mr. President, I will vote for this resolution which reaffirms current U.S. policy towards Iran.

In doing so, I want to emphasize that it is my understanding that this Resolution, which is non-binding, is in no way intended by its sponsors to endorse, authorize, or otherwise encourage the use of military force against Iran.

Secretary of Defense Panetta, Secretary of State Clinton, former Secretary of Defense Gates, and other top Pentagon officials have strongly advised against the use of pre-emptive military force. They said it would, at best, only temporarily halt Iran's nuclear program, it would drive their program further underground, and it could ignite a wider war in the Middle East that could spin out of control.

I am as concerned as anyone about Iran. But while this Resolution reaffirms that concern, that is the extent of what it does. The policy of the Administration, and of our allies is to support sanctions, to use diplomacy, to resort to military force only if all other options fail. This Resolution does not change that.

The PRESIDING OFFICER. All time in favor has expired.

Who yields time in opposition?

The Senator from Kentucky.

Mr. PAUL. Mr. President, a vote for this resolution is a vote for the concept of preemptive war. I know of no other way to interpret this resolution.

The resolution states that containment will never be our policy toward Iran. While I think it is unwise to say we will contain Iran, I think it is equally unwise to say we will never contain Iran.

We woke up one day and Pakistan was a nuclear power. We woke up one day and North Korea was a nuclear power—India, Russia, China. But if we would have announced preemptively that we were not going to contain anyone, then we would be at odds with these countries, and what would the solution be? Preemptive war.

Announcing to the world, as this resolution does, that containment will never be our policy is unwise. A country that vows to never contain an enemy is a country that vows always to preemptively strike.

I urge a “no” vote on this resolution.

The PRESIDING OFFICER. All time is expired.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: “aye.”

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 1, as follows:

[Rollcall Vote No. 197 Leg.]

#### YEAS—90

Akaka	Brown (MA)	Collins
Alexander	Brown (OH)	Conrad
Ayotte	Cantwell	Coons
Barrasso	Cardin	Corker
Baucus	Carper	Cornyn
Begich	Casey	Crapo
Bennet	Chambliss	DeMint
Bingaman	Coats	Durbin
Blumenthal	Coburn	Enzi
Blunt	Cochran	Feinstein

Franken	Leahy	Risch
Gillibrand	Lee	Roberts
Graham	Levin	Rockefeller
Grassley	Lieberman	Sanders
Hagan	Lugar	Schumer
Harkin	Manchin	Sessions
Hatch	McCain	Shaheen
Hoeven	McCaskill	Shelby
Hutchison	McConnell	Snowe
Inouye	Menendez	Stabenow
Isakson	Merkley	Tester
Johanns	Mikulski	Thune
Johnson (SD)	Moran	Toomey
Johnson (WI)	Murkowski	Udall (CO)
Kerry	Nelson (NE)	Udall (NM)
Klobuchar	Nelson (FL)	Warner
Kohl	Portman	Webb
Kyl	Pryor	Whitehouse
Landrieu	Reed	Wicker
Lautenberg	Reid	Wyden

#### NAYS—1

Paul  
NOT VOTING—9

Boozman	Heller	Murray
Boxer	Inhofe	Rubio
Burr	Kirk	Vitter

The joint resolution (S.J. Res. 41) was passed, as follows:

#### S.J. RES. 41

Whereas, since at least the late 1980s, the Government of the Islamic Republic of Iran has engaged in a sustained and well-documented pattern of illicit and deceptive activities to acquire nuclear capability;

Whereas the United Nations Security Council has adopted multiple resolutions since 2006 demanding the full and sustained suspension of all uranium enrichment-related and reprocessing activities by the Government of the Islamic Republic of Iran and its full cooperation with the International Atomic Energy Agency (IAEA) on all outstanding issues related to its nuclear activities, particularly those concerning the possible military dimensions of its nuclear program;

Whereas, on November 8, 2011, the IAEA issued an extensive report that—

(1) documents “serious concerns regarding possible military dimensions to Iran’s nuclear programme”;

(2) states that “Iran has carried out activities relevant to the development of a nuclear device”; and

(3) states that the efforts described in paragraphs (1) and (2) may be ongoing;

Whereas, as of November 2008, Iran had produced, according to the IAEA—

(1) approximately 630 kilograms of uranium hexafluoride enriched up to 3.5 percent uranium-235; and

(2) no uranium hexafluoride enriched up to 20 percent uranium-235;

Whereas, as of November 2011, Iran had produced, according to the IAEA—

(1) nearly 5,000 kilograms of uranium hexafluoride enriched up to 3.5 percent uranium-235; and

(2) 79.7 kilograms of uranium hexafluoride enriched up to 20 percent uranium-235;

Whereas, on January 9, 2012, IAEA inspectors confirmed that the Government of the Islamic Republic of Iran had begun enrichment activities at the Fordow site, including possibly enrichment of uranium hexafluoride up to 20 percent uranium-235;

Whereas section 2(2) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (Public Law 111–195) states, “The United States and other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability.”;

Whereas, if the Government of the Islamic Republic of Iran were successful in acquiring

a nuclear weapon capability, it would likely spur other countries in the region to consider developing their own nuclear weapons capabilities;

Whereas, on December 6, 2011, Prince Turki al-Faisal of Saudi Arabia stated that if international efforts to prevent Iran from obtaining nuclear weapons fail, “we must, as a duty to our country and people, look into all options we are given, including obtaining these weapons ourselves”;

Whereas top leaders of the Government of the Islamic Republic of Iran have repeatedly threatened the existence of the State of Israel, pledging to “wipe Israel off the map”;

Whereas the Department of State has designated Iran as a state sponsor of terrorism since 1984 and characterized Iran as the “most active state sponsor of terrorism”;

Whereas the Government of the Islamic Republic of Iran has provided weapons, training, funding, and direction to terrorist groups, including Hamas, Hezbollah, and Shiite militias in Iraq that are responsible for the murders of hundreds of United States forces and innocent civilians;

Whereas, on July 28, 2011, the Department of the Treasury charged that the Government of Iran had forged a “secret deal” with al Qaeda to facilitate the movement of al Qaeda fighters and funding through Iranian territory;

Whereas, in October 2011, senior leaders of Iran’s Islamic Revolutionary Guard Corps (IRGC) Quds Force were implicated in a terrorist plot to assassinate Saudi Arabia’s Ambassador to the United States on United States soil;

Whereas, on December 26, 2011, the United Nations General Assembly passed a resolution denouncing the serious human rights abuses occurring in the Islamic Republic of Iran, including torture, cruel and degrading treatment in detention, the targeting of human rights defenders, violence against women, and “the systematic and serious restrictions on freedom of peaceful assembly” as well as severe restrictions on the rights to “freedom of thought, conscience, religion or belief”;

Whereas President Barack Obama, through the P5+1 process, has made repeated efforts to engage the Government of the Islamic Republic of Iran in dialogue about Iran’s nuclear program and its international commitments under the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow July 1, 1968, and entered into force March 5, 1970 (commonly known as the “Nuclear Non-Proliferation Treaty”);

Whereas representatives of the P5+1 countries (the United States, France, Germany, the People’s Republic of China, the Russian Federation, and the United Kingdom) and representatives of the Islamic Republic of Iran held negotiations on Iran’s nuclear program in Istanbul, Turkey on April 14, 2012, and these discussions are set to resume in Baghdad, Iraq on May 23, 2012;

Whereas, on March 31, 2010, President Obama stated that the “consequences of a nuclear-armed Iran are unacceptable”;

Whereas in his State of the Union Address on January 24, 2012, President Obama stated, “Let there be no doubt: America is determined to prevent Iran from getting a nuclear weapon, and I will take no options off the table to achieve that goal.”;

Whereas, on March 4, 2012, President Obama stated “Iran’s leaders should understand that I do not have a policy of containment; I have a policy to prevent Iran from obtaining a nuclear weapon”;

Whereas Secretary of Defense Leon Panetta stated, in December 2011, that it was unacceptable for Iran to acquire nuclear weapons, reaffirmed that all options were on the table to thwart Iran's nuclear weapons efforts, and vowed that if the United States gets "intelligence that they are proceeding with developing a nuclear weapon then we will take whatever steps necessary to stop it";

Whereas the Department of Defense's January 2012 Strategic Guidance stated that United States defense efforts in the Middle East would be aimed "to prevent Iran's development of a nuclear weapons capability and counter its destabilizing policies"; and

Whereas, on April 2, 2012, President Obama stated, "All the evidence indicates that the Iranians are trying to develop the capacity to develop nuclear weapons. They might decide that, once they have that capacity that they'd hold off right at the edge in order not to incur more sanctions. But, if they've got nuclear weapons-building capacity and they are flouting international resolutions, that creates huge destabilizing effects in the region and will trigger an arms race in the Middle East that is bad for U.S. national security but is also bad for the entire world."; Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SENSE OF CONGRESS.

That Congress—

(1) reaffirms that the United States Government and the governments of other responsible countries have a vital interest in working together to prevent the Government of Iran from acquiring a nuclear weapons capability;

(2) warns that time is limited to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(3) urges continued and increasing economic and diplomatic pressure on the Islamic Republic of Iran until the Government of the Islamic Republic of Iran agrees to and implements—

(A) the full and sustained suspension of all uranium enrichment-related and reprocessing activities and compliance with United Nations Security Council resolutions;

(B) complete cooperation with the IAEA on all outstanding questions related to the nuclear activities of the Government of the Islamic Republic of Iran, including the implementation of the additional protocol to Iran's Safeguards Agreement with the IAEA; and

(C) a permanent agreement that verifiably assures that Iran's nuclear program is entirely peaceful;

(4) expresses the desire that the P5+1 process successfully and swiftly leads to the objectives identified in paragraph (3), but warns that, as President Obama has said, the window for diplomacy is closing;

(5) expresses support for the universal rights and democratic aspirations of the people of Iran;

(6) strongly supports United States policy to prevent the Government of the Islamic Republic of Iran from acquiring a nuclear weapons capability;

(7) rejects any United States policy that would rely on efforts to contain a nuclear weapons-capable Iran; and

(8) joins the President in ruling out any policy that would rely on containment as an option in response to the Iranian nuclear threat.

#### SEC. 2. RULE OF CONSTRUCTION.

Nothing in this resolution shall be construed as an authorization for the use of force or a declaration of war.

#### MAKING CONTINUING APPROPRIATIONS FOR FISCAL YEAR 2012—Continued

##### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows.

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

Harry Reid, Daniel K. Inouye, Patty Murray, Bernard Sanders, Jeanne Shaheen, Richard J. Durbin, Sheldon Whitehouse, Debbie Stabenow, Max Baucus, Mark Pryor, Christopher A. Coons, Jon Tester, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Ron Wyden, Barbara Boxer.

The PRESIDING OFFICER. There is now 2 minutes equally divided prior to a vote on the motion.

The Senator from Hawaii.

Mr. INOUE. Mr. President, this CR funds the government for the next 6 months at a level agreed to by the Budget Control Act. It contains a minimum of anomalies and allows adequate funding for disaster relief. This is an inefficient way to fund our Federal Government, but it is better than shutting it down next week.

I urge a "yes" vote.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.J. Res. 117, a joint resolution making continuing appropriations for fiscal year 2013, and for other purposes shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 62, nays 30, as follows:

[Rollcall Vote No. 198 Leg.]

##### YEAS—62

Akaka	Hagan	Mikulski
Alexander	Harkin	Murkowski
Baucus	Hoeben	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johanns	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Kyl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	Wyden
Gillibrand	Merkley	

##### NAYS—30

Ayotte	Enzi	Paul
Barrasso	Graham	Portman
Chambliss	Grassley	Risch
Coats	Hatch	Roberts
Coburn	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Lee	Shelby
Cornyn	Manchin	Snowe
Crapo	McCain	Thune
DeMint	Moran	Toomey

##### NOT VOTING—8

Boozman	Heller	Murray
Boxer	Inhofe	Vitter
Burr	Kirk	

The PRESIDING OFFICER. On this vote, the yeas are 62, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the pending amendments are withdrawn.

The clerk will read the joint resolution for the third time.

The joint resolution (H.J. Res. 117) was read the third time.

The PRESIDING OFFICER. The question is on passage of the joint resolution.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: "yea."

The PRESIDING OFFICER (Mr. BROWN of Ohio). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 30, as follows:

[Rollcall Vote No. 199 Leg.]

YEAS—62

Akaka	Hagan	Mikulski
Alexander	Harkin	Murkowski
Baucus	Hoeven	Nelson (NE)
Begich	Hutchison	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johanns	Reed
Blumenthal	Johnson (SD)	Reid
Blunt	Kerry	Rockefeller
Brown (MA)	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Kyl	Shaheen
Cardin	Landrieu	Stabenow
Carper	Lautenberg	Tester
Casey	Leahy	Udall (CO)
Cochran	Levin	Udall (NM)
Conrad	Lieberman	Warner
Coons	Lugar	Webb
Durbin	McCaskill	Whitehouse
Feinstein	McConnell	Wicker
Franken	Menendez	Wyden
Gillibrand	Merkley	

NAYS—30

Ayotte	Enzi	Paul
Barrasso	Graham	Portman
Chambliss	Grassley	Risch
Coats	Hatch	Roberts
Coburn	Isakson	Rubio
Collins	Johnson (WI)	Sessions
Corker	Lee	Shelby
Cornyn	Manchin	Snowe
Crapo	McCain	Thune
DeMint	Moran	Toomey

NOT VOTING—8

Boozman	Heller	Murray
Boxer	Inhofe	Vitter
Burr	Kirk	

The joint resolution (H.J. Res. 117) was passed.

VOTE EXPLANATION

• Mrs. BOXER. Mr. President, I was unable to attend the roll call votes that occurred at midnight, September 22. Had I been present, I would have voted against S. 3576, related to foreign aid and voted in favor of S.J. Res. 41, the Iran Resolution. I would have also voted to support passage of H.J. Res. 117, the Continuing Appropriations resolution and would have voted against the motion to invoke cloture on the motion to proceed to S. 3525, the Sportsmen's Act.●

SPORTSMEN'S ACT OF 2012—  
MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 504, S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Jon Tester, Joe Manchin III, Jeanne Shaheen, Sheldon Whitehouse,

Debbie Stabenow, Ron Wyden, Max Baucus, Daniel K. Inouye, Kent Conrad, Mark Pryor, Christopher A. Coons, Michael F. Bennet, Kay R. Hagan, Robert P. Casey, Jr., Richard Blumenthal, Ben Nelson.

The PRESIDING OFFICER. There are now 2 minutes equally divided.

The Republican leader is recognized.

Mr. MCCONNELL. I am going to proceed very briefly on my leader time. I ask consent that the next vote on cloture on the motion to proceed to S. 2535 be vitiated and the Senate proceed to the immediate consideration of H.R. 4089, which is at the desk and is the House-passed Sportsmen's Heritage Act, the bill be read a third time and passed with the motion to reconsider laid upon the table.

For the record, again, this will allow a bill to get to the President's desk immediately.

The PRESIDING OFFICER. Is there objection? The majority leader.

Mr. REID. Reserving the right to object, Mr. President, the House bill is this big. It has three provisions. The bill we are going to vote on has 20, supported by over 50 groups—NRA, Ducks Unlimited, and more than 50 others, a wonderful piece of legislation that is robust, it is conclusive, and it is not partisan. It is a very good piece of legislation. It should be widely accepted. It is a fine piece of legislation supported by conservation groups, sportsmen's groups all over America.

I object.

The PRESIDING OFFICER. Objection is heard. The Republican leader.

Mr. MCCONNELL. Mr. President, very briefly, we could have tonight passed the House-passed Sportsmen's bill. It would have gone straight to the President for signature. That having been thwarted by our friends on the other side, I certainly think it is appropriate to vote to proceed to the measure before us and I intend to vote aye. I yield the floor.

The PRESIDING OFFICER. There is now 2 minutes equally divided. The Senator from Montana is recognized.

Mr. TESTER. Mr. President, as the majority leader pointed out, this Sportsmen's Act is a compilation of 19 bills. Hunting season has already started. This bill benefits 90 million Americans who hunt, fish, and watch wildlife, supported by 56 groups from the Nature Conservancy to the NRA. It reduces our deficit by some \$7 million due to net gain over 10 years. This is an economic driver of outdoor industry, some \$646 billion in direct spending to our economy. I urge a "yes" vote on the motion to proceed and since it is 20 after 1, I would like to have a voice vote on it.

Mr. DURBIN. Mr. President, I want to explain my vote in support of cloture on the motion to proceed to S. 3525, the Sportsmen's Act of 2012. I am supporting cloture in an effort to move this important bill forward. It is a

compilation of almost 20 different pieces of legislation that are important to the sportsmen's community. The Sportsmen's Act will increase habitat conservation while improving access to recreational fishing and hunting lands. The Senate deserves the chance to debate this bill, and I support invoking cloture on the motion to proceed in an effort to make it the pending business before the Senate.

However, I want to voice my opposition to a provision in this bill dealing with polar bears. The provision would allow hunters who killed polar bears in Canada before a ban was put in place to bring their remains into the United States. I believe this provision could encourage further hunting of polar bears, increase demand for polar bear trophies, and lead to a rise in poaching or illegal trade of polar bear parts. It could also stimulate demand for other exotic and endangered animal parts from around the globe.

Polar bears are currently listed as threatened under the Endangered Species Act. Their habitat is being threatened by global warming. We need to do everything we can to curb the hunting of these creatures for sport and avoid the unintended consequence of putting polar bears and other endangered species at risk.

The PRESIDING OFFICER. Who yields time?

Mr. REID. I yield back all time.

The PRESIDING OFFICER. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes be brought to a close?

The yeas are mandatory under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Nevada (Mr. HELLER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. COBURN), the Senator from Illinois (Mr. KIRK), and the Senator from Louisiana (Mr. VITTER).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted: "yea."

The PRESIDING OFFICER (Mr. WHITEHOUSE). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 7, as follows:

[Rollcall Vote No. 200 Leg.]

## YEAS—84

Akaka	Gillibrand	Moran
Alexander	Graham	Murkowski
Ayotte	Grassley	Nelson (NE)
Barrasso	Hagan	Nelson (FL)
Baucus	Harkin	Portman
Begich	Hatch	Pryor
Bennet	Hoeven	Reid
Bingaman	Hutchison	Risch
Blunt	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Cantwell	Johnson (SD)	Sanders
Cardin	Johnson (WI)	Schumer
Carper	Kerry	Sessions
Casey	Klobuchar	Shaheen
Chambliss	Kohl	Shelby
Coats	Landrieu	Snowe
Cochran	Lautenberg	Stabenow
Collins	Leahy	Tester
Conrad	Lee	Thune
Coons	Levin	Toomey
Corker	Lieberman	Udall (CO)
Cornyn	Lugar	Udall (NM)
Crapo	Manchin	Warner
Durbin	McCaskill	Webb
Enzi	McConnell	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	Wyden

## NAYS—7

Blumenthal	McCain	Reed
DeMint	Menendez	
Kyl	Paul	

## NOT VOTING—9

Boozman	Coburn	Kirk
Boxer	Heller	Murray
Burr	Inhofe	Vitter

The PRESIDING OFFICER (Mr. WHITEHOUSE). On this vote, the yeas are 84, the nays are 7. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The majority leader.

UNANIMOUS CONSENT REQUEST—  
S. 3254

Mr. REID. Mr. President, I have been asked on a number of occasions by Senator LEVIN and Senator MCCAIN what we are going to do on the Defense authorization bill.

I now ask unanimous consent that at a time to be determined by me after consultation with the Republican leader, the Senate proceed to Calendar No. 419, S. 3254, the Defense authorization bill; and that only relevant amendments be in order on the bill.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, reserving the right to object, I am very disappointed in this request. Senator MCCAIN has been asking that the leader take up the Defense authorization bill for weeks. This evening he tried very hard to get agreement from the Senator from Michigan, the chairman of the committee, and others to try to work out a way that we could take up this bill right after we come back or at some point after we come back after the election.

After he leaves the Chamber, and after virtually everybody is gone, at 1:40 in the morning the majority leader asks unanimous consent to take up the

bill limited to relevant amendments. Now that would be fine with me, and I am sure it is fine with Senator MCCAIN, but everybody knows you can't get unanimous consent of your colleagues when they are all gone at 1:40 a.m. in the morning without any advanced notice that the request was going to be made.

As a result—though I would be happy personally to agree to the request—we don't know what our Members would agree to and whether they would agree to limiting this to relevant amendments. To me that is the only thing that seems to be out of order, but obviously we can't agree to it because we can't hotline this at this time of the evening and get consent from our Members.

What mostly bothers me is the implication, therefore, that the leader is all for taking it up and it is the Republicans who are objecting. I hope anyone who is aware of what has been going on here appreciates the fact that no one wants to go to the Defense authorization bill more than my colleague from Arizona, JOHN MCCAIN, and our leader, MITCH MCCONNELL.

With great regret and only because at this time of morning there is no way to survey our Members to see whether they would agree to the request, we have no option but to object.

I would certainly hope the leader would contact Senator MCCAIN. He left the Chamber now, but perhaps he could contact him tomorrow or the next day and ask if we can begin to work this out and allow us to talk to our Members so when we come back we can take up the Defense authorization bill. We should.

The Republican Members of this body want to do so, and I would hope we could work that out so it could be dealt with in the very early days after the election.

The PRESIDING OFFICER. Is there objection?

Mr. KYL. Mr. President, I said I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, Senator LEVIN has consulted with JOHN MCCAIN in regard to this matter. Senator MCCAIN knew this was going to happen. That is what the chairman of the committee told me, and Senator LEVIN has never misled me ever. Again, it is obvious the bill is being held up. So I am not surprised. This has been going on for 6 months.

Mr. KYL. Mr. President, would the majority leader yield for one question from me?

Mr. REID. Of course.

Mr. KYL. Mr. President, my question is, Is the Senator saying that Senator MCCAIN was aware the Senator was going to make this request tonight in the form it was made?

Mr. REID. Senator LEVIN gave this to me and said he already talked to Senator MCCAIN about this.

Mr. KYL. I know they talked all evening long, but I am not sure that Senator MCCAIN was made aware that the Senator would propose this tonight.

Mr. REID. Mr. President, I first learned about this several hours ago from Senator LEVIN, so I take him at his word.

Mr. KYL. Thank you, Mr. President.

Mr. REID. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

UNANIMOUS CONSENT  
AGREEMENT—S.J. RES. 41

Mr. REID. I ask unanimous consent that the preamble to S.J. Res. 41 be agreed to.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 456, 714, 880 through 908, and 910, and all nominations placed on the Secretary's desk in the Air Force, Army, Foreign Service, Navy, and Public Health Service; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## AMTRAK BOARD OF DIRECTORS

Albert DiClemente, of Delaware, to be a Director of the Amtrak Board of Directors for a term of five years.

## DEPARTMENT OF DEFENSE

Heidi Shyu, of California, to be an Assistant Secretary of the Army.

## IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Christopher C. Bogdan

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Jon A. Weeks

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Andrew M. Mueller

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be major general*

Brig. Gen. Donald P. Dunbar

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Col. Gerard F. Bolduc, Jr.

The following Air National Guard of the United States officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., sections 12203 and 12212:

*To be brigadier general*

Col. Matthew P. Jamison

## IN THE ARMY

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

*To be brigadier general*

Colonel David O. Smith

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Michaelene A. Kloster

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Garrett S. Yee

The following Army National Guard of the United States officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be major general*

Brig. Gen. Deborah A. Ashenhurst

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., sections 12203 and 12211:

*To be major general*

Brig. Gen. Judd H. Lyons

Brig. Gen. Lee E. Tafanelli

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C., sections 12203 and 12211:

*To be major general*

Brig. Gen. Kendall W. Penn

*To be brigadier general*

Col. Keith A. Klemmer

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Michael R. Smith

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. David J. Conboy

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Frederick B. Hodges

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Mark S. Bowman

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Ural D. Glanville

## IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be vice admiral*

Rear Adm. (1h) James D. Syring

## DEPARTMENT OF STATE

Sharon English Woods Villarosa, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mauritius, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Seychelles.

Dawn M. Liberi, of Florida, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Stephen D. Mull, of Virginia, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Ex-

traordinary and Plenipotentiary of the United States of America to the Republic of Poland.

Walter North, of Washington, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

Richard G. Olson, of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Islamic Republic of Pakistan.

Joseph E. Macmanus, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the Vienna Office of the United Nations, with the rank of Ambassador.

Joseph E. Macmanus, of New York, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Representative of the United States of America to the International Atomic Energy Agency, with the rank of Ambassador.

## UNITED NATIONS

John Hardy Isakson, of Georgia, to be a Representative of the United States of America to the Sixty-seventh Session of the General Assembly of the United Nations.

Patrick J. Leahy, of Vermont, to be a Representative of the United States of America to the Sixty-seventh Session of the General Assembly of the United Nations.

## DEPARTMENT OF STATE

The following-named Career Members of the Senior Foreign Service, Class of Career Minister, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period:

William R. Brownfield

Kristie Anne Kenney

Thomas Alfred Shannon, Jr.

## NATIONAL FOUNDATION ON THE ARTS AND THE

## HUMANITIES

Emil J. Kang, of North Carolina, to be a Member of the National Council on the Arts for a term expiring September 3, 2018.

## DEPARTMENT OF THE INTERIOR

Kevin K. Washburn, of New Mexico, to be an Assistant Secretary of the Interior.

NOMINATIONS PLACED ON THE SECRETARY'S  
DESK

## IN THE AIR FORCE

PN1546 AIR FORCE nominations (2350) beginning ADAM D. AASEN, and ending MARK C. ZWYGHUIZEN, which nominations were received by the Senate and appeared in the Congressional Record of April 23, 2012.

PN1783 AIR FORCE nominations (33) beginning LANCE A. AIUMOPAS, and ending ROBERT S. ZAUNER, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1784 AIR FORCE nominations (1236) beginning JAMES H. ABBOTT, and ending MARIO F. ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1848 AIR FORCE nomination of Michael F. Wendelken, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1849 AIR FORCE nominations (2) beginning MICHAEL M. HOWARD, and ending

PATRICK E. KNOESTER, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1850 AIR FORCE nominations (3) beginning KARYN J. AYERS, and ending JOHN M. TUDELA, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1851 AIR FORCE nominations (4) beginning KIMBERLY A. DALE, and ending CHRISTOPHER B. VOGLER, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1891 AIR FORCE nomination of Stephen P. Roberts, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1898 AIR FORCE nominations (3) beginning JEFFREY R. ALTHOFF, and ending GREGORY T. MCCAIN, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

#### IN THE ARMY

PN1852 ARMY nomination of Gregory S. Ulma, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1853 ARMY nomination of Patrick P. Metke, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1854 ARMY nomination of Drew D. Dukett, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1855 ARMY nomination of David A. Cortese, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1856 ARMY nomination of Jeffrey T. Whorton, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1857 ARMY nomination of Charles J. Romero, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1858 ARMY nominations (2) beginning TANASHA N. BENNETT, and ending REIES M. FLORES, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1859 ARMY nominations (9) beginning BRAD D. BEKKEDAHL, and ending WILLIAM L. ZANA, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1893 ARMY nomination of George C. Sturges, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1894-1 ARMY nominations (615) beginning DAVID W. ACKER, and ending D003093, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1895 ARMY nomination of Joseph R. Newcomb, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1896 ARMY nomination of Morohunranti O. Oguntoye, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1897 ARMY nomination of August Seeber, which was received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1899 ARMY nominations (15) beginning ERIC J. ALBERTSON, and ending D011234, which nominations were received by the Sen-

ate and appeared in the Congressional Record of September 10, 2012.

PN1900 ARMY nominations (7) beginning STUART N. BURRUSS, and ending ROBERT J. QUINKER, III, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1901 ARMY nominations (389) beginning ANDRE B. ABADIE, and ending G001060, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1902 ARMY nominations (329) beginning JOHN J. ACEVEDO, and ending D010397, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1903 ARMY nominations (7) beginning JEFFREY S. BELL, and ending MARK R. THORNTON, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1904 ARMY nominations (7) beginning STEVEN E. BATTLE, and ending LUZMIRA A. TORRES, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1905 ARMY nominations (14) beginning ANTHONY H. ADRIAN, and ending JOHN F. WOYTE, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1906 ARMY nominations (67) beginning FREDRIC N. AMIDON, and ending ANNE E. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1907 ARMY nominations (8) beginning ELIZABETH A. BAKER, and ending IAN J. TOLMAN, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1908 ARMY nominations (139) beginning PATRICK M. ARIDA, and ending ALI S. ZAZA, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

#### FOREIGN SERVICE

PN1819 FOREIGN SERVICE nominations (328) beginning Joelle-Elizabeth Beatrice Bastien, and ending Kenneth R. Propp, which nominations were received by the Senate and appeared in the Congressional Record of July 12, 2012.

#### NAVY

PN1860 NAVY nomination of Alan T. Wakefield, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1861 NAVY nomination of Tassos J. Sfondouris, which was received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1862 NAVY nominations (3) beginning GLEN CABARCAS, and ending RICARDO A. FERRA, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1863 NAVY nominations (9) beginning CHUCK J. BROWDER, and ending CHRISTOPHER K. TUGGLE, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1864 NAVY nominations (10) beginning DANIEL ARANDA, and ending CHAD J. STUEWE, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1865 NAVY nominations (12) beginning MATTHEW R. ALLEN, and ending BRIAN T. WIERZBICKI, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1866 NAVY nominations (14) beginning WILLIAM E. BLANKS, and ending JEREMY J. WAGNER, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1867 NAVY nominations (21) beginning BRADLEY H. ABRAMOWITZ, and ending ERIC A. WEISS, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1868 NAVY nominations (22) beginning CHARITY A. BREIDENBACH, and ending PHILLIP A. ZAMARRIPA, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1869 NAVY nominations (25) beginning HENRY L. BUSH, and ending STANLEY C. WARE, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1870 NAVY nominations (29) beginning KYLE R. ALCOCK, and ending SHEREE T. WILLIAMS, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1871 NAVY nominations (47) beginning JEREMIAH P. ANDERSON, and ending AARON L. WOOLSEY, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1872 NAVY nominations (265) beginning MARK J. AID, JR., and ending BRIAN L. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1873 NAVY nominations (769) beginning BRYCE D. ABBOTT, and ending MAXWELL V. ZUJEWSKI, which nominations were received by the Senate and appeared in the Congressional Record of August 2, 2012.

PN1909 NAVY nominations (316) beginning DEMETRIA L. AARON, and ending AMY J. ZWETTLER, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1910 NAVY nominations (3) beginning TIMOTHY M. FRENCH, and ending BRYAN E. WOOLDRIDGE, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1911 NAVY nominations (109) beginning CEDRIC J. ABRON, and ending CHADWICK Y. YASUDA, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1912 NAVY nominations (65) beginning AMY H. ADAIR, and ending DONAVON A. YAPSHING, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1913 NAVY nominations (10) beginning VINCENT M. J. AMBROSINO, and ending MARK VERHOVSHEK, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1914 NAVY nominations (35) beginning KORY A. ANGLESEY, and ending ADAM G. ZAJAC, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1915 NAVY nominations (34) beginning EVAN D. ADAMS, and ending HAROLD B. WOODRUFF, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1916 NAVY nominations (22) beginning WALTER B. BLACKWELL, and ending JAMES P. ZAKAR, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1917 NAVY nominations (151) beginning ELIZABETH A. ABAN, and ending ELIZABETH M. ZULOAGA, which nominations



were received by the Senate and appeared in the Congressional Record of September 10, 2012.

PN1918 NAVY nominations (32) beginning THOMAS M. BROWN, and ending RALPH G. S. YOUNG, which nominations were received by the Senate and appeared in the Congressional Record of September 10, 2012.

#### PUBLIC HEALTH SERVICE

PN1790 PUBLIC HEALTH SERVICE nominations (600) beginning Melinda Astran, and ending Chelsea True, which nominations were received by the Senate and appeared in the Congressional Record of June 25, 2012.

PN1829 PUBLIC HEALTH SERVICE nominations (1628) beginning Donald S. Ahrens, and ending Diamond E. Zuchlinski, which nominations were received by the Senate and appeared in the Congressional Record of July 25, 2012.

### NOMINATIONS DISCHARGED

Mr. REID. I ask unanimous consent that the Commerce Committee be discharged from further consideration of Presidential Nomination 1958, Kenneth T. Boyt to be Lieutenant Commander in the U.S. Coast Guard; and the Foreign Relations Committee be discharged from further consideration of Presidential Nomination 1879, Foreign Service nominations beginning with Michael Lewis and ending with Carolyn Shuckerow; Presidential Nomination 1880, Foreign Service nominations beginning with Bridget C. Riffle and ending with David J. Zanni; and Presidential Nomination 1923, Robert Stephen Beecroft, of California, to be Ambassador to the Republic of Iraq; that the Senate proceed to the nominations en bloc, that the nominations be confirmed; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### COAST GUARD

*To be lieutenant commander*

Kenneth T. Boyt

#### FOREIGN SERVICE

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Michael Lewis, of Virginia  
George Lin, of Virginia  
Scott Lindsay, of Michigan  
Jared Ragland, of Maryland  
Carolyn Shuckerow, of Virginia

For appointment as Foreign Service Officer of Class Four, Consular Officer and Secretary in the Diplomatic Service of the United States of America:

Bridget C. Riffle, of New York  
Christopher Canellakis, of Massachusetts  
Daniel Michael Pattarini, of Virginia  
David A. Brock, of California  
Donald Burton Cordell, of Virginia

Edward Howard Winant, of West Virginia  
Holly D. Wilkerson, of Tennessee  
Jennifer G. Handog, of Nevada  
Kristina R. Hayden, of Virginia  
Rebecca Catherine Alper, of Florida  
Skye Spencer Justice, of West Virginia

The following-named Members of the Foreign Service to be Consular Officers and Secretaries in the Diplomatic Service of the United States of America:

Katie Marie Adamson, of Colorado  
Ani A. Akinbiyi, of Maryland  
Carlton B. Ammons, of Virginia  
Laura Anikow, of Virginia  
Benjamin D. Arterburn, of Kentucky  
Oscar Alejandro Baez Mejia, of Massachusetts

Grover R. Battle, of North Carolina  
Drew David Bazil, of Colorado  
Daniel Alexander Boehmer, of Massachusetts  
Evelina Bozek, of California  
Diana Braunschweig, of California  
Shannon S. Brown, of Florida  
Elise Brumbach, of Pennsylvania  
Sean Thomas Buckley, of the District of Columbia

Natalie Calvano, of Kentucky  
Barrak Jeffrey Chaaban, of Virginia  
Scott I. Cohen, of Virginia  
James Trenton Core, of Utah  
Sydney Alexis Cross, of Missouri  
Thomas Louis Czerwinski, of Texas  
Ranya Daher, of Virginia  
Aleksander Daigle, of Virginia  
Elon Michael Dando, of Minnesota  
Quazi Rumman Dastgir, of the District of Columbia

James Davis II, of the District of Columbia  
Paul W. Degennaro, of Virginia  
Merrica Dominick, of Illinois  
Alexander Fairbanks Douglas, of Virginia  
Daniel A. Durazo, of California  
Brian B. Duty, of California  
Patrick R. Elliot, of Virginia  
Christopher Frank Estoch, of Florida  
Cavan Fabris, of California  
Rebecca E. Fox, of Arizona  
Destiny L. Freeman, of Virginia  
Joseph Freeman, of Virginia  
Katherine Diane Garry, of the District of Columbia

Jonas B. Gil, of Nevada  
Brian Gilligan, of Virginia  
Gayshiel Fayandy Grandison, of New York  
Julia Groeblicher, of Kansas  
Joshua J. Hack, of Virginia  
Matthew J. Harrier, of Missouri  
Caitlin B. Hartford, of Washington  
Thomas M. Hartman, of Virginia  
Jeffrey W. Henry, of Virginia  
Mark James Hitchcock, of California  
Gregory Earl Holliday, of Virginia  
Nina Elizabeth Horowitz, of Virginia  
Phillip Christopher Hughey, of Virginia  
Irina Itkin, of Indiana

Shayma Jannat, of Connecticut  
Anton Philip Jongeneel, of California  
Jehan Khaleeli, of the District of Columbia  
Traci Thiessen Kidwell, of the District of Columbia

Daniel Edward Kight, of Ohio  
Joseph Kim, of Michigan  
Erin Leigh Kimsey, of North Carolina  
Erica Samona King, of Texas  
Kristine M. Knapp, of South Dakota  
Leanne N. Koontz, of Virginia  
Sheela E. Krishnan, of Virginia  
Jon R. Larson, of the District of Columbia  
James E. Laster, of Virginia  
Kristin R. Laster, of Virginia  
Joseph N. Leavitt, of Oregon  
James S. Manlowe, of New Mexico  
Michael John Marble, of Virginia  
Michael Marcous, of Florida

Bria Mathews, of Missouri  
Dwayne T. McDavid, of Nevada  
Shaun M. McGuire, of Nevada  
Sean P. McKeating, of Texas  
Michael James Method II, of Alaska  
Shay Suzanne Miller, of the District of Columbia

M D Mitchell, of Maine  
Angela C. Mizeur, of the District of Columbia  
Joseph M. Morbach, of Virginia  
Khanh P. Nguyen, of Massachusetts  
Kevin J. O'Connor, of California  
Matthew D. Parry, of Alaska  
Drew Nathaniel Peterson, of Vermont  
Stephanie W. Peterson, of Minnesota  
Richard T. Phillips, of South Dakota  
Marissa Joy Polnerow, of New Jersey  
Daniel Charles Rhodes, of the District of Columbia

Lois L. Ribich, of Virginia  
Mirna S. Rivas, of Virginia  
Amanda Roberson, of Arizona  
William L. Romine, of Florida  
Stephen V. Sass, of New Jersey  
Bryan Scott Schiller, of Florida  
Shiloh Anne Schlung, of Alaska  
Jillian Schmitt, of Montana  
Lynn Marie Segas, of California  
Shan Shi, of Wisconsin  
Colleen Smith, of Washington  
Eric L. Smith, of Virginia  
Marco Sherwood Sotelino, of Massachusetts  
Hannah Taber, of Michigan  
Jett Thomason, of Tennessee  
Michelle B. Thornburgh, of Virginia  
Kharmika K. Tillery, of North Carolina  
Thao Ahn Nguyen Tran, of the District of Columbia

Holly D. Turner, of the District of Columbia  
Melissa P. Tyborowski, of Connecticut  
Stephen E. Watson, of Virginia  
David Karl Wessel, of North Carolina  
James L. West, of Virginia  
Brad Michael Wilkinson, of Virginia  
Lisa Marie Wilkinson, of Virginia  
Anton Lee Wishik II, of Washington  
Angela Jean Wyse, of Georgia  
Duden Yegenoglu, of Georgia  
Matthew June Yi, of California  
Steven D. Zack, of Virginia  
David J. Zanni, of Virginia

Robert Stephen Beecroft, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

### NOMINATION OF GONZALO P. CUIEL TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA

### NOMINATION OF ROBERT J. SHELBY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH

Mr. REID. I now ask unanimous consent that the Senate consider the following nominations en bloc: Calendar Nos. 674, 675; that the Senate proceed to vote on the nominations in the order listed, without intervening action or debate; the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order to the nominations; that any

statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. The clerk will report the nominations.

The legislative clerk read the nominations of Gonzalo P. Curiel, of California, to be United States District Judge for the Southern District of California, and Robert J. Shelby, of Utah, to be United States District Judge for the District of Utah.

The PRESIDING OFFICER. Is there any further debate?

The question is, Will the Senate advise and consent to the nominations of Gonzalo P. Curiel, of California, to be United States District Judge for the Southern District of California; and Robert J. Shelby, of Utah, to be United States District Judge for the District of Utah?

The nominations were confirmed.

Mr. LEAHY. Mr. President, Senate Republicans' partisan obstructionism has reached a new low. There are 17 district court nominees pending before the Senate, and 12 of them would fill judicial emergency vacancies on our Federal trial courts. In an unprecedented breaking from our tradition, Senate Republicans have decided that they will recess for the election and deny almost all of these consensus nominees confirmation. Worse, they have decided to extend the delays that Americans face in our overburdened Federal courts by denying new judges to those courts. We all know that justice delayed is justice denied. By denying confirmation votes to 15 of these 17 nominations, Senate Republicans are denying justice to the American people. By refusing to vote on these 15 nominations, Senate Republicans have declared that they are unconcerned about the millions of Americans who will continue to lack adequate access to our Federal courts and speedy justice.

Sadly this is just one more example of Senate Republicans putting partisanship ahead of the interests of the American people. The refusal to allow votes on consensus nominees has become standard operating procedure for Senate Republicans. They refused to vote on 10 judicial nominees at the end of 2009, left 19 judicial nominees pending at the end of 2010, and blocked votes on 19 judicial nominees pending at the end of 2011. It took through May of this year to clean up the backlog left from last year. Then in June Senate Republicans declared their shutdown of confirmations. I have served in the Senate for 37 years, and I have never seen so many judicial nominees, reported with bipartisan support, be denied a simple up-or-down vote for four months, five months, six months, even 11 months. I have never seen such twisted applications of their "Thur-

mond Rule" and never have I seen the Thurmond Rule used to block votes on consensus district court nominees. And if there was any doubt that Senate Republicans insist on being the party of "no", their current decision to deny votes on these highly-qualified, non-controversial district court nominees, supported by their home State Senators both Republican and Democratic, while our Federal courts still have almost 80 vacancies, shows that they care more about opposing this President's nominees than helping the American people.

Before the American people elected Barack Obama as our President, district court nominees were generally confirmed within a couple of weeks of being reported by the Judiciary Committee. This was true of those nominated by Republican Presidents and Democratic Presidents. Deference was traditionally afforded to home State Senators and district court nominees supported by home State Senators were almost always confirmed unanimously.

However, Senate Republicans have raised the level of partisanship so that district court nominees have now become wrapped around the axle of partisanship. And that is unfortunate. In just this year, the Majority Leader has been forced to file cloture on 23 of President Obama's judicial nominees, including 19 district court nominees. Every single one of those 23 nominees had bipartisan support, and when the Senate was finally allowed to vote on them, all of the 22 who did receive an up-or-down vote were confirmed with votes from both Republican and Democratic Senators.

In spite of this unprecedented obstruction of President Obama's nominees, Senate Republicans are oblivious to their foot-dragging and the harm it is creating for Americans seeking justice from our Federal courts across the country.

There are currently 78 Federal judicial vacancies. Judicial vacancies during the last few years have been at historically high levels and have remained near or above 80 for nearly the entire first term of the President. Nearly one out of every 11 Federal judgeships is currently vacant. Vacancies on the Federal courts are more than two and one half times as many as they were on this date during the first term of President Bush. That is not what any objective observer would call "consistent progress."

The fact is that due to across-the-board obstruction by Senate Republicans, we remain well behind the pace we set during President Bush's first term. According to the Congressional Research Service, 95 percent of President Bush's district court nominees were confirmed in his first term. We would have had to confirm all 17 of the district court nominees the Majority

Leader sought consent earlier this week, just to get close to parity with that level. Moreover, President Obama's district court nominees have been consistently stalled, being forced to wait nearly three times longer for a Senate vote once reported by the Judiciary Committee.

Nor has the Senate even been allowed to keep pace with the progress that Senate Democrats made on President Bush's district court nominees in 2008, the last year of his presidency. That year, the Committee reported 24 district court nominees and all 24 were confirmed. We continued holding hearings and the Committee reported and the Senate then confirmed nominees into September of that presidential election year. This year, the Senate has been allowed to confirm only 13 district court nominees reported this year. Because of Republican obstruction, the Senate has barely accomplished half of what we did in 2008.

Indeed, in September 2008, the Judiciary Committee held hearings on and then reported 10 district court nominees, all of whom were then confirmed by unanimous consent in that same month. Contrary to the assertion from the Republican leader, they were not backed up and long delayed. We did not do what Senate Republicans are now doing. We moved promptly on consensus trial court nominees. This year, Republicans have backlogged consensus nominees who were reported in April, five months ago. None of these nominees has been pending for less than seven weeks. To date, the Senate has been allowed to confirm one district court nominee this September while 17 other Federal trial court nominees await Republicans agreeing to a vote so that they can be confirmed and get to work for the American people.

There are still far too many judicial vacancies and the Republican leader's efforts to slice and dice various numbers in ways most flattering to this obstruction do nothing to explain why we cannot make more progress. The Majority Leader is not "jamming" through nominees when he asks for votes that should have taken place before the Memorial Day, Fourth of July, and August recesses.

Despite the Republican filibuster against Caitlin Halligan to serve on the D.C. Circuit, Patty Schwartz of New Jersey to serve on the Third Circuit; their filibuster of Judge Barbara Keenan of Virginia to serve on the Fourth Circuit; their opposition to Justice Sonia Sotomayor, Justice Elena Kagan, Judge Jane Stranch of Tennessee to serve on the Sixth Circuit, Judge Susan Carney of Connecticut to serve on the Second Circuit, Judge Bernice Donald of Tennessee to serve on the Sixth Circuit, Judge Morgan Christen of Alaska to serve on the Ninth Circuit, Judge Stephanie Thacker of

West Virginia to serve on the Fourth Circuit, Judge Jacqueline Nguyen of California to serve on the Ninth Circuit, Judge Nancy Freudenthal of the District of Wyoming, Judge Benita Pearson of the Northern District of Ohio, Judge Susan Hickey of the Western District of Arkansas, Judge Ali Nathan of the Southern District of New York, Judge Cathy Bissoon of the Western District of Pennsylvania, Judge Yvonne Rogers of the Northern District of California, Judge Sharon Gleason of the District of Alaska, Judge Cathy Bencivengo of the Southern District of California, Judge Margo Brodie of the Eastern District of New York, Judge Beth Phillips of the Western District of Missouri, Judge Gina Groh of the Northern District of West Virginia, Judge Ronnie Abrams of the Southern District of New York, Judge Susie Morgan of the Eastern District of Louisiana, Judge Miranda Du of the District of Nevada and Judge Mary Lewis of the District of South Carolina, there is one area in which we have been able to make progress in spite of Senate Republican obstruction. With the confirmation last week of Judge Stephanie Rose to the district court in Iowa, President Obama has already, in his fourth year in office, appointed as many women to the Federal bench as President Bush had in all eight years in which he was President. I hope that all Americans are proud of President Obama's outstanding effort to increase diversity in the Federal judiciary and to ensure that it better reflects all Americans. Those commendable efforts are not preventing votes on the 17 Federal trial court nominees ready for final Senate action. Senate Republicans are preventing those votes.

I wish Senate Republicans approached this as something other than an ill-conceived game of tit for tat. This obstruction has real costs to the American people. Last week I inserted in the *RECORD* an article about the "Human Costs of Judicial Confirmation Delays." The author, Andrew Cohen, described the problems facing just one of our Nation's 94 district courts. In the Middle District of Pennsylvania, where there are two judicial emergency vacancies, a litigant had to wait nearly two months for an "urgent injunction hearing" because there "simply aren't enough federal judges in the Middle District of Pennsylvania to handle his case." In that District, senior judges have had to take on far more cases than they would otherwise. Four of those senior judges are at least 86 years old. The Chief Judge of that district called it an "absurdity." It is not fair to the senior judges, and it is not fair to the litigants who rely on the court to do justice. Two of the Federal trial court nominees being held hostage by Senate Republicans would fill judicial emergency vacancies in the Middle District of Pennsylvania.

This is just one example of the damage done to our courts by needlessly delayed confirmations. I have heard from judges around the country whose courts have vacancies, including in Illinois and Florida. They are working hard to keep their courts functioning, but they need help to ensure that all Americans have access to courts and to justice. There are also judicial emergency vacancies in California, New York and Illinois that we could have filled this week but Senate Republicans objected. Of the 17 district court nominees pending before the Senate a dozen would fill judicial emergency vacancies.

These longstanding vacancies are harming the American people, but it does not have to be this way. Americans seeking justice in Federal trial courts in California, Connecticut, and Utah should not have to wait five months for a judge because Senate Republicans will not proceed with nominations that have bipartisan support and have been considered and voted on by the Senate Judiciary Committee. Americans in Florida, Illinois, Maryland, Michigan, New York, Pennsylvania, and Oklahoma should not have to wait four and five extra months for their courtrooms to have judges. If we were keeping pace with what Senate Democrats did in President Bush's first term and as recently as 2008, those nominees would be confirmed. They would be hearing cases and providing justice today.

Some Senate Republicans have sought to justify their inaction on nominations by complaining that the President has not sent us enough nominees. The fact is that there are 17 district court nominees who can be confirmed right now, including 12 who would fill emergency vacancies. The names of these 17 nominees have been printed in the Senate Executive Calendar every day for the last several months, every day since they were voted on by the Senate Judiciary Committee months ago. There is no excuse for not acting on them.

Today the Senate finally voted on the nomination of Gonzalo Curiel to fill a judicial emergency vacancy on the U.S. District Court for the Southern District of California. He has the support of his home State Senators, Senator FEINSTEIN and Senator BOXER. His nomination was reported with a virtually unanimous voice vote by the Judiciary Committee five months ago. The only objection came as a protest on another issue by Senator LEE.

Judge Curiel currently serves as a judge on the Superior Court of California in San Diego County. Prior to joining the State bench in 2006, Judge Curiel spent 17 years as a Federal prosecutor and 10 years in private practice. As a Federal prosecutor he rose to become Chief of the Narcotics Enforcement Section for the Southern District

of California, and led the successful investigation and prosecution of a multi-billion dollar trafficking organization responsible for over 100 drug-related murders in the United States and Mexico.

The Senate finally voted on the nomination of Robert Shelby to fill a judicial emergency vacancy on the U.S. District Court for the District of Utah. He is currently a shareholder at the Salt Lake City law firm of Snow, Christensen & Martineau. After law school he served as a law clerk to Judge J. Thomas Greene in the District of Utah, the same court to which he is nominated. His nomination, which has the support of both of Utah's Senators, Senator HATCH and Senator LEE, was reported nearly unanimously by the Judiciary Committee by voice vote nearly five months ago.

Further delays on the 15 additional district court nominees still awaiting their confirmation votes do not help the American people. These nominees should be providing justice for the American people. Supreme Court Justice Anthony Kennedy said recently that this extreme partisanship erodes the public's confidence in our courts and "makes the judiciary look politicized when it is not, and it has to stop." He is right. If Senate Republicans have a good reason for why courts in California and Illinois and Michigan and New York and Pennsylvania should remain overburdened and unable to provide the quality and speedy justice Americans deserve, then I wish they would let the American people know what that reason is. The fact is, Senate Republicans have not explained their unprecedented obstruction of President Obama's consensus nominees, they just try to pretend it does not exist. The American people know better, and they deserve better.

Americans are rightfully proud of our legal system and its promise of access to justice and speedy trials. This promise is embedded in our Constitution. When overburdened courts made it hard to keep this centuries-old promise, the Senate should work in a bipartisan manner to fill judgeships and to create and fill new judgeships. That is what Senate Democrats did when Ronald Reagan, George H.W. Bush, and George W. Bush were President. Since the American people elected President Obama, Senate Republicans have determined that they are no longer interested in whether or not our courts are able to meet this fundamental guarantee. They have decided that it is acceptable for hardworking Americans to wait two months for "urgent" hearings, and that the ten additional judicial emergency vacancies they could fill right now should remain vacant for no good reason. The American people deserve better.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

# EUROPEAN UNION EMISSIONS TRADING SCHEME PROHIBITION ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 484, S. 1956.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1956) to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the "European Union Emissions Trading Scheme Prohibition Act of 2011".*

## SEC. 2. PROHIBITION ON PARTICIPATION IN THE EUROPEAN UNION'S EMISSIONS TRADING SCHEME.

(a) IN GENERAL.—The Secretary of Transportation shall prohibit an operator of a civil aircraft of the United States from participating in the emissions trading scheme unilaterally established by the European Union in EU Directive 2003/87/EC of October 13, 2003, as amended, in any case in which the Secretary determines the prohibition to be, and in a manner that is, in the public interest, taking into account—

(1) the impacts on U.S. consumers, U.S. carriers, and U.S. operators;

(2) the impacts on the economic, energy, and environmental security of the United States; and

(3) the impacts on U.S. foreign relations, including existing international commitments.

(b) PUBLIC HEARING.—After determining that a prohibition under this section may be in the public interest, the Secretary must hold a public hearing at least 30 days before imposing any prohibition.

## SEC. 3. NEGOTIATIONS.

The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international

negotiations to pursue a worldwide approach to address aircraft emissions; and

(2) shall, as appropriate, take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

## SEC. 4. DEFINITION OF CIVIL AIRCRAFT OF THE UNITED STATES.

*In this Act, the term "civil aircraft of the United States" has the meaning given the term under section 40102(a) of title 49, United States Code.*

Mr. THUNE. Mr. President, I would like to thank my colleague from Oregon, Mr. MERKLEY, for working with the Senator from Missouri, Mrs. MCCASKILL, and me today to address his concerns with our bipartisan bill, S. 1956, the European Union Emissions Trading Scheme Prohibition Act. The amendment, which he has filed for consideration and which is currently running through the hotline process, reconfirms that the Secretary of Transportation's responsibility to determine there is a public interest before taking any action does not end after the first determination. Instead, it is an ongoing responsibility.

The amendment that Mr. MERKLEY has filed, and which I support, clarifies that it is the Secretary's right to reassess the public interest determination. Additionally, the amendment clarifies that if the EU ETS is amended, if there is an international agreement on aviation emissions, or if a Federal public law is enacted that addresses aviation emissions, that the Secretary will again revisit the public interest determination.

Again, I would like to thank the Senator from Oregon for working with me, and I look forward to passage of S. 1956.

Mr. REID. Mr. President, I ask unanimous consent that the committee-reported amendment be considered, the Cardin and Merkley amendments at the desk be agreed to, the committee-reported amendment, as amended, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and any statements relating to this bill be printed in the RECORD.

I would also extend my appreciation to all Senators who have been involved in this contentious issue—for a while, at least—and especially Senator THUNE, who has helped us work through this and a number of other things.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2859

(Purpose: To prohibit the use of taxpayer dollars to pay taxes and penalties imposed on United States air carriers pursuant to the European Union emissions trading scheme)

Beginning on page 5, strike line 14 and all that follows through page 6, line 2, and insert the following:

## SEC. 3. NEGOTIATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions, including the environmental impact of aircraft emissions; and

(2) shall, as appropriate and except as provided in subsection (b), take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

(b) EXCLUSION OF PAYMENT OF TAXES AND PENALTIES.—Actions taken under subsection (a)(2) may not include the obligation or expenditure of any amounts in the Airport and Airway Trust Fund established under section 9905 of the Internal Revenue Code of 1986, or amounts otherwise made available to the Department of Transportation or any other Federal agency pursuant to appropriations Acts, for the payment of any tax or penalty imposed on an operator of civil aircraft of the United States pursuant to the emissions trading scheme referred to under section 2.

AMENDMENT NO. 2860

(Purpose: To provide for the reassessment by the Secretary of Transportation of a determination that it is in the public interest to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme)

On page 5, between lines 13 and 14, insert the following:

(c) REASSESSMENT OF DETERMINATION OF PUBLIC INTEREST.—The Secretary—

(1) may reassess a determination under subsection (a) that a prohibition under that subsection is in the public interest at any time after making such a determination; and

(2) shall reassess such a determination after—

(A) any amendment by the European Union to the EU Directive referred to in subsection (a); or

(B) the adoption of any international agreement pursuant to section 3(1).

(C) enactment of a public law or issuance of a final rule after formal agency rule-making, in the United States to address aircraft emissions.

The committee-reported amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1956), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

*This Act may be cited as the "European Union Emissions Trading Scheme Prohibition Act of 2011".*

## SEC. 2. PROHIBITION ON PARTICIPATION IN THE EUROPEAN UNION'S EMISSIONS TRADING SCHEME.

(a) IN GENERAL.—The Secretary of Transportation shall prohibit an operator of a civil aircraft of the United States from participating in the emissions trading scheme unilaterally established by the European Union

in EU Directive 2003/87/EC of October 13, 2003, as amended, in any case in which the Secretary determines the prohibition to be, and in a manner that is, in the public interest, taking into account—

(1) the impacts on U.S. consumers, U.S. carriers, and U.S. operators;

(2) the impacts on the economic, energy, and environmental security of the United States; and

(3) the impacts on U.S. foreign relations, including existing international commitments.

(b) PUBLIC HEARING.—After determining that a prohibition under this section may be in the public interest, the Secretary must hold a public hearing at least 30 days before imposing any prohibition.

(c) REASSESSMENT OF DETERMINATION OF PUBLIC INTEREST.—The Secretary—

(1) may reassess a determination under subsection (a) that a prohibition under that subsection is in the public interest at any time after making such a determination; and

(2) shall reassess such a determination after—

(A) any amendment by the European Union to the EU Directive referred to in subsection (a); or

(B) the adoption of any international agreement pursuant to section 3(1).

(C) enactment of a public law or issuance of a final rule after formal agency rule-making, in the United State to address aircraft emissions.

#### SEC. 3. NEGOTIATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions, including the environmental impact of aircraft emissions; and

(2) shall, as appropriate and except as provided in subsection (b), take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

(b) EXCLUSION OF PAYMENT OF TAXES AND PENALTIES.—Actions taken under subsection (a)(2) may not include the obligation or expenditure of any amounts in the Airport and Airway Trust Fund established under section 9905 of the Internal Revenue Code of 1986, or amounts otherwise made available to the Department of Transportation or any other Federal agency pursuant to appropriations Acts, for the payment of any tax or penalty imposed on an operator of civil aircraft of the United States pursuant to the emissions trading scheme referred to under section 2.

#### SEC. 4. DEFINITION OF CIVIL AIRCRAFT OF THE UNITED STATES.

In this Act, the term “civil aircraft of the United States” has the meaning given the term under section 40102(a) of title 49, United States Code.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHANGES TO THE SENATE RULES

Mr. LEVIN. Mr. President, the institution of the Senate is unique in its robust protections of the rights of the minority. In establishing our democracy, our Founders warned of the dangers of a tyrannical majority, and through our history as a country the Senate has stood, often alone, against that threat. One of the essential aspects of the Senate is the ability of 41 Senators, a minority, to defeat a measure if they are willing to talk and there are not 60 Senators who will vote to end the talking. Throughout the history of the Senate, the minority has usually used its right to thwart the will of the majority judiciously and only on measures of the greatest importance. Without that self-restraint, we would be exchanging a tyranny of the majority for a tyranny of the minority, and, indeed, that could mean a tiny minority.

That important quality of self-restraint is essential for the proper functioning of the Senate. With this quality, the Senate can debate, negotiate, and compromise; and without it, the result is gridlock. In a legislative body where extended debate is a central principle, self-restraint is what allows the gears of government to eventually turn. The Senate cannot operate without it.

It is that self-restraint that is too often missing in today's Senate. It is one reason for the low public approval of Congress. In fact, scholars of the Congress have noted an unprecedented change in the functioning of the Senate. In his testimony before the Senate Rules Committee on May 19, 2010, Norm Ornstein said:

The sharp increase in cloture motions reflects the routinization of the filibuster; it's used not as a tool of last resort for a minority that feels intensely about a major issue but as a weapon to delay and obstruct on nearly all matters, including routine and widely supported ones. It is fair to say that this has never happened before in the history of the Senate.

Wait, some might say, the Senate seems to have plenty of debate, perhaps too much. But the sad fact is, in today's Senate, a small minority of Senators routinely block the Senate from even beginning debate on legislation by filibustering or more accurately, perhaps, threaten to filibuster the motion

to proceed to legislation. Without 60 votes to end debate on the motion to proceed, the Senate is routinely blocked from even beginning debate on critical legislation, making negotiation and compromise on legislation far more difficult.

Mr. Ornstein is right. The routine threat of a filibuster is an abuse of the rules. Just consider the number of filibusters of the motions to proceed. From the time the cloture rule was first extended to cover the motion to proceed in 1949 to 1990, 41 years, the Senate saw a total of 53 filibusters on the motion to proceed. During those years, Senate minorities would filibuster no more than a handful of motions to proceed during any single Congress. In recent years, the numbers of filibusters have exploded. Now, it is not uncommon for the Senate to see dozens of filibusters of the motions to proceed during any single Congress, as has been the case in the last 2 years. Where is the self-restraint?

Why is this so important? Why should the country care if a small group of Senators block the Senate from doing its work? What is at stake? In my opinion, the stakes could not be higher.

Over and over again, the Senate is forced to waste time just on the question of whether to begin debate on a bill. The process of threatening a filibuster and requiring cloture on every motion to proceed, including the mandatory postcloture debate time of 30 hours under the Senate rules, can consume a week of the Senate's time. That is a full week of the Senate's time consumed just by the question of whether to begin debate on a bill. Where is the self-restraint?

Does self-restraint mean that Senators must abandon long-held positions or violate principle? Of course not. Throughout the history of the Senate, Senators have fought fiercely for their positions and beliefs. Still, at some point, the fighting stopped and agreements were struck. That is the way of every legislative body. The majority's ability to act is what allows other legislative bodies to function. Self-restraint is what separates a functioning U.S. Senate from a broken one. It is what separates a Senate that is capable of doing the Nation's business from a Senate that is prevented from even beginning a debate on that business. The lack of self-restraint is the root of the problem the Senate faces.

In the Senate, a tension has always existed between the majority that wishes to enact legislation and the minority that wishes to amend or defeat it. That tension is not unique to today's Senate. The rules of the Senate have always provided the minority with an arsenal of parliamentary weapons to counter a determined majority. For instance, if a majority leader blocks the minority from offering

amendments to a bill, then the minority can filibuster the legislation and deny it passage if it lacks 60 votes. The ability to extend debate and deny cloture are powerful tools that the minority can use to prevent the Senate from acting.

On the other hand, short of 60 votes, Senate rules do not provide a tool for the majority to counter an obstructionist minority. The majority leader could offer a minority days, weeks, or months of debate and endless amendments to a bill, but nothing in the rules of this body would allow the majority to even begin debate if a unified minority filibusters the motion to proceed, which it does now routinely.

Republicans insist that they filibuster motions to proceed because the majority leader fills the amendment tree and blocks consideration of minority amendments. That rationale could justify a filibuster of a bill after the Senate begins its consideration and the leader fills the tree. It does not justify the routine filibusters of the motion to proceed.

The Senate must strike a balance between protecting the rights of the minority and the need of the Senate to function better. To limit the consideration of the motion to proceed would not stifle debate; in fact, it would help ensure Senators have the opportunity to have a debate.

As a practical matter, we will have little chance of ending the filibuster on the motion to proceed unless we, at the same time, assure the minority opportunities to offer and vote on amendments, forcing them to filibuster the bill itself in order to gain that assurance.

According to the Senate rules, any change to those rules can be adopted by a simple majority vote. However, rule XXII of the Standing Rules of the Senate requires an affirmative vote of two-thirds of the Senators present and voting in order to invoke cloture and end debate on a proposed change to the rules. This extraordinarily high threshold has prevented most attempts to amend the rules of the Senate.

Some of our colleagues believe the rules of the Senate can be changed outside the auspices of the Senate rules. They say the U.S. Constitution allows a simple majority to change the Senate rules. They call it "the constitutional option;" others call it "the nuclear option." Supporters of the constitutional option point out that the Constitution endows each House of Congress with the authority to establish its own rules of proceedings. Accordingly, at the beginning of every Congress, the House of Representatives adopts rules by a majority vote. Those rules govern proceedings of the House for only the term of that Congress. Supporters of the constitutional option argue the Constitution empowers the Senate to do the same.

The mechanics of the constitutional option are fairly straightforward. One such approach to this option would occur as follows. At the beginning of a Congress, a Senator would offer a resolution adopting Senate rules. The resolution would be filibustered, and so cloture would be filed. Cloture would yield an affirmative vote of a simple majority, but not the two-thirds necessary to end debate as described in rule XXII. Supporters of the resolution would raise a constitutional point of order, which the Presiding Officer, presumably the Vice President, would sustain under this scenario. The chair's ruling would be appealed, and finally the appeal would be tabled by a simple majority vote. And just like that, the Senate could become a simple majoritarian body.

Historically, of course, the Senate has not adopted its rules at the beginning of a Congress as the House does. In fact, Senate rules explicitly address this. According to rule V of the Standing Rules of the Senate, "The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules." Rule V makes clear that the Senate is a continuing body. Indeed, only one-third of its membership is up for election every 2 years while the other two-thirds of its membership continue their service into the new Congress, which is why a quorum in the Senate is continuously in being from Congress to Congress.

Both supporters and opponents of the constitutional option have compelling arguments, but none of them are new. This question has been debated for decades. Confronting the same question in 1949, Senator Arthur Vandenberg, one of my predecessors from Michigan, said:

I continue to believe that the rules of the Senate are as important to equity and order in the Senate as is the Constitution to the life of the Republic, and that those rules should never be changed except by the Senate itself, in the direct fashion prescribed by the rules themselves. One of the immutable truths in Washington's Farewell Address, which cannot be altered even by changing events in a changing world, is the following sentence: The Constitution, which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.' I respectfully submit as a basic explanation of my attitude, that I accept this admonition without reservation, and I think it is equally applicable to the situation which Senators here confront, though obviously the comparison cannot be literal. . . . [T]he Father of his Country said to us, by analogy, The rules of the Senate, which at any time exist, until changed by an explicit and authentic act of the whole Senate, are sacredly obligatory upon all.'

Senator Vandenberg continued:

I have heard it erroneously argued in the cloakrooms that since the Senate rules themselves authorize a change in the rules through due legislative process by a majority vote, it is within the spirit of the rules when we reach the same net result by a ma-

jority vote of the Senate upholding a parliamentary ruling of the Vice President which, in effect, changes the rules. This would appear to be some sort of doctrine of amendment by proxy. It is argued that the Senate itself makes the change in both instances by majority vote; and it is asked, What is the difference? Of course, this is really an argument that the end justifies the means.

Senator Vandenberg continued:

When a substantive change is made in the rules by sustaining a ruling of the Presiding Officer of the Senate—and that is what I contend is being undertaken here—it does not mean that the rules are permanently changed. It simply means that regardless of precedent or traditional practice, the rules hereafter, mean whatever the Presiding Officer of the Senate, plus a simple majority of Senators voting at the time, want the rules to mean. We fit the rules to the occasion, instead of fitting the occasion to the rules. Therefore, in the final analysis, under such circumstances, there are no rules except the transient, unregulated wishes of a majority of whatever quorum is temporarily in control of the Senate. That, Mr. President, is not my idea of the greatest deliberative body in the world. . . . No matter how important [the pending issue's] immediate incidence may seem to many today, the integrity of the Senate's rules is our paramount concern, today, tomorrow, and so long as this great institution lives.

Mr. President, the November elections are upon us. I believe it is important to lay out my position on the constitutional option now, before we know the outcome of the election and the makeup of the Senate next year. I believe one's position on this question is so essential to the nature and the future of the Senate that it should not be dependent upon the outcome of an election but upon the best interests of this institution.

I believe the so-called constitutional option to change the rules of the Senate, if actually implemented, would turn the Senate into a legislative body where the majority can, whenever it wishes, run roughshod over the rights of the minority. My frustration with the recent abuses of the rules does not overwhelm my duty to defend the uniqueness and integrity of this great institution.

With that in mind, I suggest a change to the Senate rules that would provide the majority leader with an additional procedural option that preserves his ability to control the floor while maintaining the necessary 60-vote threshold to end debate. This alternative procedure would avoid the filibuster on the motion to proceed, preserve the ability of the majority leader to fill the amendment tree, but at the same time ensure all Senators have the ability to offer and have votes on relevant, timely filed amendments prior to a vote on final passage of a measure.

Using this procedure, the majority leader could move to proceed to the consideration of a measure with only relevant amendments in order. When a motion to proceed is made in such



form, the consideration of that motion would be limited to 2 hours. If the Senate adopted that motion, then Senators would have until 1 p.m. the following session day to file relevant, first-degree amendments and until 1 p.m. the session day after that to file relevant, second-degree amendments.

This procedure would guarantee that any Senator who has a timely filed, relevant amendment could offer that amendment prior to final passage, even if the amendment tree is filled. For example, if the Senate is considering a bill under this procedure and the amendment tree is filled, following disposition of all pending amendments but prior to the third reading, it would be in order for any Senator with a relevant, timely filed amendment to call up that amendment. Once pending, that amendment would need to be disposed of before final passage.

While this procedure would expedite the process to begin consideration of a bill, it would not abandon the essential principle that a supermajority is necessary to bring debate to a close on a bill in the Senate. Nothing under this procedure would deny Senators his or her right to extended debate on a bill, unless, of course, 60 or more Senators vote to invoke cloture. Aside from the filing deadlines, the only substantive change from the current cloture process would be the application of a relevancy standard rather than the conventional germaneness standard. Only relevant amendments would be in order only if the majority leader opted to use this alternative approach to moving to proceed.

This procedure would not be needed or even appropriate for every bill that is placed on the calendar. But for some bills, the majority leader might view this alternative procedure as a useful tool that could help both the majority and the minority achieve their aims. And should this alternative procedure prove to be ineffective, the majority leader could always abandon it for regular order, and if the right to get votes on relevant amendments is abused by filing a dilatory number of relevant amendments, the majority leader would simply not utilize the option.

As I said, an election season is upon us. We will soon recess, and only after November 6 will we know who will hold a majority in this body. My support for ending the current motion to proceed process will be there after the election, regardless which party controls the Senate in the next Congress. My goal is not to gain partisan advantage but to protect the unique role of the Senate. Increasingly, after facing years of excessive obstruction, some Members on my side of the aisle see the filibuster as an archaic procedure that prevents the Senate from addressing the pressing needs of the Nation. I suspect that some of my friends in the minority today, if in the majority sometime in

the future, will find the filibuster equally frustrating to their own efforts. We face an increasing danger that, in order to end the gridlock that prevents either side from offering solutions to the challenges we face, pressure to severely reduce minority rights will become irresistible.

If we are to preserve the Senate's function as a check on haste, as a haven for minority views, we must ensure that protection of minority rights is no longer a barrier to any and all action. Limiting excessive filibusters on the motion to proceed is one modest change we can make that addresses this crisis without changing the Senate's fundamental character. I ask my colleagues to consider carefully whether a change in the present might be necessary to avoid more radical change in the future.

#### REMEMBERING NEIL A. ARMSTRONG

Mr. COCHRAN. Mr. President, I rise today in celebration of the life and career of Neil A. Armstrong. Americans and people around the world paused when Mr. Armstrong passed away on August 25, 2012, to recall his heroic accomplishments and historic legacy.

Neil Armstrong is remembered as a man who pushed the frontiers of space exploration and engineering. Over the course of his life and service to the Nation, he promoted the idea of never doubting what is possible. He inspired countless young men and women to pursue careers in science and engineering, many of whom became aeronautics workers at facilities like the Stennis Space Center in Mississippi.

Mr. Armstrong was born in Wapakoneta, OH, on August 5, 1930. He received a Bachelor of Science in Aerospace Engineering from Purdue University, a Master of Science in Aerospace Engineering from the University of California, and received honorary doctorates from multiple universities.

Mr. Armstrong embarked on a remarkable career that would involve his flying more than 200 different models of aircraft including jets, rockets, helicopters and gliders.

From 1949 to 1952, Mr. Armstrong served as a naval aviator, and in 1955 joined the National Advisory Committee for Aeronautics, now the National Aeronautics and Space Administration. From 1955 through 1972, he served as an engineer, test pilot, astronaut, and administrator for our Nation's ambitious space program.

Mr. Armstrong's transfer to astronaut status in 1962 led to his performing the first successful docking of two vehicles in space in March 1966 as the command pilot for *Gemini 8*. Mr. Armstrong subsequently became commander for *Apollo 11*, the first manned lunar mission, and was the first man to land a craft on the moon. At 10:56 p.m.

ET on July 20, 1969, Neil Armstrong became the first man to step on the surface of the moon. It was one of the defining moments of the 20th century and one of the proudest days for the American people.

Following his career with NASA, Mr. Armstrong was a Professor of Aerospace Engineering at the University of Cincinnati between 1971 and 1979. Mr. Armstrong was decorated by 17 countries and was the recipient of many special honors including: the Presidential Medal of Freedom, the Congressional Gold Medal, the Congressional Space Medal of Honor, the Explorers Club Medal, the Robert H. Goddard Memorial Trophy, the NASA Distinguished Service Medal, the Harmon International Aviation Trophy, the Royal Geographic Society's Gold Medal, the Federal Aeronautique Internationale's Gold Space Medal, the American Astronautical Society Flight Achievement Award, the Robert J. Collier Trophy, the AIAA Astronautics Award, the Octave Chanute Award, and the John J. Montgomery Award.

Mr. Armstrong will be remembered not only for his famous words as he stepped foot on the moon—"That's one small step for a man, one giant leap for mankind"—but more importantly for inspiring generations of people around the world to explore and push the boundaries of what they believe is possible. Neil Armstrong was a true American hero who will be missed by many, but never forgotten.

#### CAPACITY TO IMPLEMENT THE ACA

Mr. GRASSLEY. Mr. President, the Supreme Court decision on the Affordable Care Act has put the brakes on Medicaid expansion for now.

The Federal Government can no longer force States to expand their Medicaid programs.

With the expansion and the billions of dollars that States would have had to spend on hold, and as we look at solutions to address our 16 trillion dollar national debt, now is a good time for us to step back and ask what role health care should play for States in our Federal system.

Mr. President, as of today, the primary function of a state is health administration—not primary and secondary education, not public safety, not roads and bridges.

According to the National Association of State Budget Officers, Medicaid is the single largest spending line in state budgets at 23.6 percent.

The economic downturn and high unemployment have resulted in an increase in Medicaid enrollment as individuals lose job-based coverage and incomes decline.

Medicaid enrollment increased by 5.1 percent during fiscal 2011 and is estimated to increase by 3.3 percent in fiscal 2012.



In governors' recommended budgets for fiscal 2013, Medicaid enrollment would rise by an additional 3.6 percent.

This would represent a 12.5 percent increase in Medicaid enrollment over this three-year period.

Medicaid enrollment surged during the economic downturn with enrollment rising by 7.2 percent from June 2009 to June 2010.

Although Medicaid enrollment is easing for now, the implementation of the Affordable Care Act would have greatly increased the individuals served in the Medicaid program in 2014 and thereafter.

The Affordable Care Act, as passed, required States to cover all childless adults beginning in 2014 under Medicaid that heretofore had not been covered.

The expansion to 138 percent of the poverty level was expected to cover 16 million people.

States would get 100 percent of the cost of new individuals enrolled paid for by the Federal Government for the first several years before the Federal payment levels for those new individuals would fall to approximately 92 percent.

The Supreme Court rejected the mandatory expansion.

Quoting from the Supreme Court ruling

The threatened loss of over 10 percent of a State's overall budget is economic dragooning that leaves the States with no real option but to acquiesce in the Medicaid expansion.

The Government claims that the expansion is properly viewed as only a modification of the existing program, and that this modification is permissible because Congress reserved the "right to alter, amend, or repeal any provision" of Medicaid.

But the expansion accomplishes a shift in kind, not merely degree.

The original program was designed to cover medical services for particular categories of vulnerable individuals.

Under the Affordable Care Act, Medicaid is transformed into a program to meet the health care needs of the entire nonelderly population with income below 133 percent of the poverty level.

A State could hardly anticipate that Congress's reservation of the right to alter or amend the Medicaid program included the power to transform it so dramatically.

The Medicaid expansion thus violates the Constitution by threatening States with the loss of their existing Medicaid funding if they decline to comply with the expansion.

As a result of the Supreme Court ruling, the Federal Government can no longer threaten the States with withdrawal of all Federal Medicaid funding if States do not expand their Medicaid programs.

States now have the option to expand coverage.

Several States have now suggested they will not expand in 2014.

The Congressional Budget Office now estimates that only one-third of the potential newly eligible population will reside in States that choose to fully extend coverage.

According to CBO, about one-half of the potential newly eligible population will reside in States that only partially extend Medicaid coverage.

The remainder, about one-sixth of the potential newly eligible population, will reside in States that do not extend Medicaid coverage at all in the next decade.

CBO's predicted Medicaid coverage under the Affordable Care Act has been reduced by 35 percent.

Clearly CBO accepts the proposition that if States are not forced to extend coverage to the ACA mandatory population, they will not.

Mr. President, right before the August recess my office released a report from the Government Accountability Office on State capacity to meet the Medicaid requirements under the ACA.

It shows why CBO's skepticism is appropriate.

The report discusses challenges States are facing with information technology, guidance from CMS, and the budgetary uncertainty of increased enrollment of those currently eligible for Medicaid.

The GAO surveyed the States and found that the vast majority expect to have additional costs related to administering their current program, developing eligibility systems, enrolling newly eligible individuals and enrolling additional individuals who are currently eligible.

The GAO focused particularly on the challenges faced by States in updating their eligibility systems.

In the report, GAO found four main deterrents to States as they consider the challenge of expanding their eligibility systems to meet the goal of Medicaid expansion.

First, many States face a lengthy procurement process as they look to upgrade their technology to handle expansion.

Second, designing new eligibility systems is complex and may involve the replacement of existing, outdated systems.

Third, States often have systems that operate across multiple programs further increasing the cost and complexity of upgrading.

Fourth, as States have fought against their own budgetary problems, many have reduced personnel resources to manage projects as complex as Medicaid expansion.

The GAO further found problems with the guidance CMS has been providing the States.

30 of the 36 responding to the GAO survey found that CMS guidance was only slightly useful or not useful at all.

Mr. President, many outside observers have treated the expansion of Med-

icaid as a foregone conclusion, that States couldn't possibly turn down so much supposedly "free money."

The evidence from CBO and GAO is crystal clear.

When the Federal Government is involved, there's no such thing as a free lunch.

States absolutely can turn down the option to expand and every State faces a difficult decision in how they choose to move forward.

However, Mr. President, the Medicaid expansion in the Affordable Care Act is not the only fiscal pressure States face from the health care administration.

One of the most expensive and complex populations receiving Federal health care services are those dually eligible for Medicare and Medicaid, commonly referred to as DUALS.

They are poorer, sicker and often in need of more extensive and expensive coordinated care.

The inefficiency created in the misaligned incentives of the Medicare and Medicaid programs is frequently cited as one of the areas in health care in greatest need of reform.

The Affordable Care Act created an office in CMS charged with creating demonstration projects to allow for greater coordination of dual eligibles.

Those demonstration projects have been moving forward at breakneck pace with as many as 26 States looking to participate.

Essentially all the demonstrations seek to give States greater control of the acute care of dual eligibles.

CMS has legal authority under the ACA to take these demonstrations nationally if they are successful.

Many outside groups are concerned about the size, scope and pace at which demonstrations are proceeding citing California's initial proposal to take control of one million dual eligibles as an example of the outsized nature of the demonstrations.

In July, Senator ROCKEFELLER wrote a strongly worded letter to CMS suggesting they should halt the demonstrations for similar reasons.

Mr. President, no one argues that the way Medicare and Medicaid coordinate for dual eligibles works.

Coordination today is akin to asking my wife and me to compose a letter with her writing the consonants and my writing the vowels.

Giving the States greater control of duals may be the right answer, but when you consider the fiscal challenges faced by States, this should be a decision considered by Congress examining all possible alternatives rather than something occurring through regulatory action.

Finally, the Affordable Care Act gives States broad leeway in creating State-based Exchanges.

These State exchanges are the mechanism where people with incomes above Medicaid eligibility will go to get health insurance.

It would be an understatement to say the States haven't moved very rapidly to get these Exchanges up and running.

I do acknowledge that many States may have been waiting for the Supreme Court ruling before moving ahead with their Exchanges.

However, I do think it remains equally plausible that States are moving cautiously as they look at one more role in health care where they are being asked to expand.

Mr. President, for the States, health care is a chaotic mess.

The Federal Government is asking the States to take greater roles in administering coverage for the uninsured in Medicaid, the dually eligible and the uninsured in the private sector.

As we move forward in 2013, we will revisit, perhaps repeal, the Affordable Care Act.

We will examine proposals to reign in the cost of our health care entitlements.

Mr. President, as we do so, I strongly recommend we step back and reconsider what is the appropriate role for health care in our Federal system.

In July, Robert Samuelson wrote in the Washington Post about a proposal often associated with my friend from Tennessee, Senator ALEXANDER, known as the "grand swap."

In this proposal, the Federal Government would assume all responsibility for Medicaid and the States would assume all responsibility for education.

Samuelson raises the proposal because, in his words,

Only the federal government can devise a solution to control health costs; concentrating government health spending at the federal level would intensify pressures to do so.

States have tried mightily to control spending with at best partial success.

For example, Medicaid reimbursement rates average only 72 percent of Medicare levels.

The low rates have caused some doctors not to accept Medicaid patients.

Mr. President, Samuelson raises a significant question, which Congress needs to consider in entitlement reform.

Congress should consider what States should do in health care and what are reasonable expectations.

If Congress wants States to administer benefits for the aged, blind and disabled, and low income individuals along with managing the exchanges for individuals with incomes up to 400 percent of poverty, Congress can do so.

If health care is the primary responsibility of States, it is because of decisions made by Congress.

If States are being asked to do so while also overseeing education, public safety, roads and bridges and meet in most cases a balanced budget requirement, Congress should temper its expectations regarding the resources States will be able to devote to health care.

With significant restructuring of Medicare and Medicaid possible in 2013, we should use this as an opportunity to reconsider the role of the States in providing health care coverage inclusive of populations and services.

What we ask of the States should be thoughtfully considered in any reform discussion.

#### RECOGNIZING TAIWAN'S NATIONAL DAY

Mr. LIEBERMAN. Mr. President, I rise today to honor the people and leaders of the Republic of China on Taiwan as they prepare to celebrate the hundred-and-first anniversary of the founding of their country on October 10.

I would like to highlight Taiwan's economic successes over the last century—a success that has rightly been called a miracle. In just several decades, the people of Taiwan have transformed their economy from a recipient of American aid into one of our most important trade partners. The world economy relies upon Taiwan's computer chip foundries, and the whole world benefits from the entrepreneurial spirit and inventiveness of Taiwan's people.

Looking forward to the future of our relationship with Taiwan, I believe it will be essential to take bold new steps to strengthen the ties between us. In particular, it is past time for Washington to negotiate a free trade agreement with Taiwan. That would be the first and most important step we could take to demonstrate our continued dedication to this relationship.

I also wish to take this opportunity to congratulate Ambassador Jason Yuan, who has ably represented Taiwan in the United States for the past 4 years, on his new appointment to serve as Secretary-General of the National Security Council of Taiwan. I am deeply grateful for his hard work to further strengthen the ties between our two countries, and I wish Ambassador and Madame Yuan the very best of luck in their future endeavors.

In closing, I urge my colleagues to join me in congratulating the people of Taiwan on their many successes, and to recommit ourselves to strengthening this essential relationship. As we look forward to Taiwan's national celebration, the people of both the United States and the Republic of China on Taiwan have much to celebrate.

#### TRIBUTE TO GENERAL NORTON A. SCHWARTZ

Mr. MCCAIN. Mr. President, today I rise to honor GEN Norton A. Schwartz. General Schwartz will soon officially retire after 39 years as an Air Force officer, the last 4 spent as Chief of Staff. Throughout his career, on the front lines and in the "corporate" Air Force,

General Schwartz served our Nation selflessly and ably, with dedication and distinction.

I came to know General Schwartz when he was appointed Chief of Staff of the Air Force in August 2008. He began his leadership at a very difficult time. Controversy surrounded the Air Force's acquisition activities and the control of our Nation's nuclear arsenal. The Air Force's attempt to acquire aerial refueling tanker aircraft had been mired in scandal and missteps, while the service had just come off two incidents of mishandling nuclear missiles and related materials.

General Schwartz established a command climate that helped the service make the changes needed to address these issues. For example, General Schwartz insisted on fully restoring excellence and integrity to the Air Force's acquisition workforce and practices. He succeeded. After years of failed attempts to get the tanker replacement program under contract, the Air Force conducted a source-selection for the program, under full-and-open competition, that serves as a textbook example of how the Department of Defense should award contracts for its largest and most expensive weapon systems. Today, the Air Force's strategy to acquire these tankers is sound. It can certainly be said that under General Schwartz's leadership, this program is, for the first time in its checkered history, well-positioned for success.

Through his thoughtful temperament and purposeful humility, General Schwartz also helped restore Congress's confidence in the Air Force's acquisition practices and its management of the critical national security resources entrusted to it. For this, both the warfighter and the taxpayer will remain in his debt.

During public hearings before the Armed Services Committee and in our private meetings, I always appreciated General Schwartz's "straight talk" about Air Force programs and operations. Despite his unwavering dedication to the Air Force, General Schwartz was never afraid to talk about the hard truths, to propose solutions to problems, and to see those solutions through. Neither was he shy about lauding the many excellent people and accomplishments of the Air Force.

So I extend a grateful nation's thanks to GEN Norton A. Schwartz and his wife Suzie for their service to our Nation and wish them every success in the next chapter in their life together.

#### POSTAL REFORM

Ms. COLLINS. Mr. President, the Postal Service's financial crisis continues to escalate.

At the end of this month, the U.S. Postal Service will miss the deadline

for the required \$5.6 billion payment toward its future retiree health care obligations. In fact, the Postal Service will have defaulted on more than \$11 billion in payments to fund health care for future retirees, raising concerns about its ability to keep promises to current workers about their future benefits.

Five months ago, the Senate passed by a strong bipartisan vote legislation to shore up the Postal Service. Yet the House has failed to act. And unfortunately, the House is about to adjourn without taking up either the Senate-passed postal bill or a House version.

I have implored House leaders to take up postal reform legislation—any postal reform legislation—so the conference process and the difficult negotiations involved in that process can begin in earnest.

No one should pretend this is not a crisis worthy of congressional action.

The Postal Service has lost more than \$13 billion during the past 2 years and is losing \$25 million each day. It will reach its credit limit of \$15 billion by the end of the year. Despite the fact that Congress has deferred or reduced the Postal Service's payments for future retiree health benefits multiple times, the Postal Service has still reported billions of dollars in deficits—clear evidence that its fiscal woes go far beyond this requirement.

The Senate bill passed in April ensures those promises to future retirees will be kept, while still providing financial relief by restructuring the payment plan in a responsible way.

Much is at stake. Without legislative reforms, the universal mail service that drives a trillion-dollar mail industry and supports more than 8 million jobs will be in jeopardy.

A key reason for the Postal Service's crisis is simply a changing world, where more and more communication is online rather than via traditional mail. First-class mail volume has fallen by 26 percent over the past 6 years and continues to decline. Reflecting that sharp drop in volume, the Postal Service's revenue has also plummeted from \$72.8 billion in 2006 to \$65.7 billion in 2011.

Nearly 80 percent of the Postal Service's costs are workforce-related, and so, as painful as it may be, finding a compassionate way to reduce these costs is simply unavoidable. In doing so, however, it is critical that the service on which many postal customers depend—customers the Postal Service desperately needs to keep—be preserved. The worst thing the Postal Service could do would be to drive more customers out of the mail, causing revenues to decline further and ensuring that the financial free fall continues. That would trigger a death spiral from which the Postal Service might never recover.

We need to help put the Postal Service back on solid financial footing, not

only to help protect those who work in jobs related to mailing industry but also so that taxpayers are not left holding the bag.

The bill I coauthored along with Senators LIEBERMAN, CARPER, and SCOTT BROWN would do just that.

Our bill encourages the Postal Service to operate more like a business by cutting internal costs first instead of driving away customers with deep service cuts or steep price hikes.

Our bill would transfer to the Postal Service the nearly \$11 billion it has overpaid into the Federal Employee Retirement System and direct the Postmaster General to use a portion of this money for retirement and separation incentives in order to reduce the size of the workforce in a compassionate way.

Let me emphasize: This refund is not taxpayer money. It was contributed by the Postal Service using ratepayer dollars. It is an overpayment that was identified and confirmed by the actuaries at OPM and verified by the GAO. GAO recently confirmed OPM's assessment that this figure now has risen to nearly \$11 billion.

The Senate-passed bill also includes a new requirement that arbitrators rendering binding decisions in labor disputes consider the financial condition of the Postal Service. I know that it might defy belief that an arbitrator would not automatically consider the looming bankruptcy of the Postal Service when ruling on contract disputes. Some previous arbitrators, however, have discounted this factor in their decisions because the requirement to consider it was not explicitly listed in law.

For the first time in 35 years, the bill also brings sorely needed, common-sense reforms to the Federal Workers' Compensation Program, not only at the Postal Service but across the entire Federal Government. More than 45,500 people are on the long-term rolls for Federal workers' comp, and 40 percent of those are Postal Service employees. The reforms will help injured employees return to work and ensure that workers' comp is not a substitute for retirement benefits.

The Senate bill would also rationalize what has been an erratic and Draconian closure plan for thousands of rural post offices. While some post offices can and should be closed, curbing access for customers could well jeopardize revenue. Therefore, our bill would set up a new process that would involve the consideration of alternatives to closure, such as reducing hours, co-locating a post office at a nearby pharmacy, or renting out excess space to other government agencies. Perhaps most important, the process includes the requirement for the views of the affected community to be heard and responded to prior to any final decision.

Our bill would prevent the Postal Service from eliminating Saturday delivery for the next 2 years. Instead, it directs the USPS to embark on a period of aggressive cost-cutting and then would allow this reduction in service only if the Government Accountability Office and postal regulators both certify that elimination of Saturday delivery is still necessary to achieve solvency.

The Senate's bipartisan postal reform bill preserves the Postal Service and the critical economic activity it supports.

Now, the House must act. Failure to do so puts in peril American commerce and could harm our fragile economy.

I am confident that, for the good of our country, we will be able to come together with our House colleagues and work out our differences, no matter how significant those differences may be. No doubt more compromises will be required along the way, but it is critical that we get a bill to the President for his signature as soon as possible.

Our task is urgent. Postal employees, businesses who rely on the U.S. mail, and the American people should not have to wait any longer.

#### WORLD ALZHEIMER'S ACTION DAY

Mr. AKAKA. Mr. President, today I wish to join my colleagues in bringing attention to Alzheimer's disease and dementia, which tragically affects so many people across our Nation, including in my home State of Hawaii. Today, the Alzheimer's Association recognizes World Alzheimer's Action Day as a way of raising awareness and reducing the stigma associated with Alzheimer's. Sadly, this disease has touched the lives of the families of so many of my friends, colleagues, and staff.

In 2010, 27,000 people in Hawaii were living with Alzheimer's disease. Their family members and loved ones sacrificed to help them with nearly \$800 million worth of unpaid care. Not only is this a devastating disease for the people afflicted with it, but the emotional and monetary costs to their families are enormous.

The reach of the disease continues to grow, and it is estimated that the cost of caring for people with Alzheimer's and other dementia in America will reach \$1.1 trillion by 2050. Despite the fact that Alzheimer's has affected so many, the disease itself remains poorly understood. Not only does it cause memory loss and confusion, but it is also the sixth leading cause of death nationwide.

During the last Congress, my colleagues and I worked together to pass the National Alzheimer's Project Act, which President Obama signed into law in 2011. This law created a national strategic plan to address the crisis of Alzheimer's disease and to make ending Alzheimer's a national priority. We

have a plan in place to fight this disease, but finding a cure will require us to continue funding research into the disease. While we work towards a cure, we must also support caregivers and raise public awareness of the effects of this disease.

I would also like to express my profound gratitude to all those who are caring for family members who are afflicted with Alzheimer's disease and other forms of dementia. Many caregivers have one or more jobs and other family members to care for and it can often be a thankless job. So mahalo nui loa, thank you very much, for your sacrifices. I call on my colleagues to continue supporting Alzheimer's disease research and education so that we may find a cure and end this devastating disease.

#### TRIBUTE TO ROBERT EPPLIN

Ms. COLLINS. Mr. President, I rise to commemorate the distinguished public service of Robert Epplin, who served for nearly 20 years as staff in the Senate, and most recently for the past 3½ years as my legislative director. Rob's service in the Senate, as well as his service in the executive branch, has typified what a dedicated public servant should be: he took pride in his work and faced challenges with determination and tenacity; he recognized what an honor it was to serve the people of this country and my constituents, in particular; and he had a respect for and an unparalleled understanding of the Senate as an institution. Because of these many fine qualities, Rob earned the respect and admiration of so many of his staff colleagues, as well as so many Senators.

Rob got his start in Washington in 1989 working as a research analyst at the Republican National Committee. In 1991 he went to work at the Department of Education, serving in the office of then-Secretary LAMAR ALEXANDER.

Rob began his work in the Senate in 1993 when he served as an adviser for budget, economic, foreign affairs, and defense issues for former Senator Bob Packwood of Oregon. At the time he accepted the position, I am sure he had little inkling that his work would lead to more than a decade of service to the Oregon congressional delegation. In 1994, Rob moved to the Senate Finance Committee, where he continued to work for Senator Packwood as a professional staff member responsible for pensions, benefits, social security, and economic issues. He then worked for the Office of Management and Budget before returning in 1997 to the Senate and Oregon delegation as a senior adviser, and later legislative director, to my friend and former colleague, Senator Gordon Smith.

During his career in public service, Rob left his mark on issues ranging

from tax and national security to budget policy. But it was his long fight for the passage of historic civil rights legislation, including the repeal of the don't ask, don't tell law and hate crimes legislation, that gives him the most pride. America now welcomes the service of any qualified individual who is willing to put on the uniform, and we no longer dismiss brave, dedicated, and skilled service men and women simply because they are gay. In addition, those who commit hate crimes against individuals based on their sexual orientation can now be punished under Federal law.

As Rob leaves the Senate after nearly 20 years of hard work and dedicated public service, he also leaves behind an impressive list of accomplishments, and colleagues whose lives he touched because he was such an exceptional role model and mentor. I wish him continued success and every happiness in the years to come.

#### TRIBUTE TO MONTFORD POINT MARINE

Ms. LANDRIEU. Mr. President, on the 25th day of June 1941, President Franklin D. Roosevelt issued Executive Order No. 8802 establishing the fair employment practice that began to erase discrimination in the Armed Forces.

In 1942, President Roosevelt established a presidential directive giving African Americans an opportunity to be recruited into the Marine Corps. These African Americans, from all States, were not sent to the traditional boot camps of Parris Island, SC and San Diego, CA. Instead, African American Marines were segregated—experiencing basic training at Montford Point—a facility at Camp Lejeune, NC. Approximately 20,000 African American Marines received basic training at Montford Point between 1942 and 1949.

In July of 1948 President Harry S. Truman issued Executive Order No. 9981 negating segregation. In September of 1949, Montford Marine Camp was deactivated, ending 7 years of segregation.

On April 19, 1974, Montford Point Camp was renamed Camp Johnson, in honor of the late Sergeant Major, Gilbert H. "Hashmark" Johnson. Johnson was one of the first African Americans to join the Corps, a Distinguished Montford Point Drill Instructor and a Veteran of WWII and Korea. The Camp remains the only Marine Corps installation named in honor of an African American.

The awarding of the Congressional Gold Medal came to fruition after the signing of H.R. 2447, Public Law 112-59 by President Obama on 23 Nov 11, which is the highest civilian honor for the distinguished achievement. The Congressional Gold Medal was presented to 366 Original Montford Point Marines, 27 June 2012 at the Capital

Visitor's Center in Washington, DC. The next day, replicas of this medal were presented to these men at the Commandant of the Marine Corps' residence.

January of 2012 began the keeling of the USNS Montford Point, T-MLP-1, the lead ship of her class of Mobile Landing Platforms, MLP, a ship named in honor of the Original Montford Point Marines. Currently the Montford Point Marine Association Inc is raising funds to build the Montford Point Memorial at Camp Lejeune, NC.

Today, I would like to recognize the following Original Montford Point Marines from Louisiana:

Henry Leonard Bart, New Orleans  
Winston Joseph Burns, Sr., New Orleans  
Cleauthor Sanders, Shreveport  
Otis O'Neal Stewart, Baton Rouge  
Ruffin Dawson, Mandeville  
Joseph Bastian, New Iberia  
Alcee Chriss, Sr., Baton Rouge  
Walter Duhon, Fenton  
William Joseph Brashear, Morgan City

#### RECOGNIZING THE JUNIOR LEAGUE

Ms. LANDRIEU. Mr. President, today I wish to recognize the Junior League of Washington, JLW, as this organization honors 100 years of community service and dedication to the greater Washington, DC, area. The Junior League has approximately 300 organizations across the world, including eight leagues in my home State of Louisiana. I know that the women in these organizations make a profound impact on their communities, and in particular, I recognize the positive impact the women of the Junior League of Washington have made in communities throughout our Nation's Capital since 1912.

The Junior League of Washington, JLW, is an organization of women committed to promoting volunteerism, developing the potential of women, and improving communities through the effective action and leadership of trained volunteers. Its purpose is exclusively educational and charitable. Throughout their history, the JLW has provided millions of volunteer hours and more than \$5.4 million to the community.

It was one woman, Miss Elizabeth Noyes, and her sewing circle, that started the JLW in 1912. The League quickly grew to over 100 women working for the welfare of children and serving the helpless and sick. One hundred years later, the league is still going strong with over 2,300 members still striving to improve the lives of children and the poor.

The league continues this mission and in the late 1990s chose to focus its energies on literacy-related programs. The ability to read, write, and communicate affects far more than a person's knowledge of literacy masterpieces. It changes their access to jobs, health

care, and transportation, and the way they raise their children. The JLW has adopted a broad approach to solving the literacy challenges their community faces by addressing the issue from many angles: adult, child, and cultural. The league is proud to partner with over 23 organizations throughout the area to achieve this laudable goal.

In addition, the league honors and celebrates diversity while focusing on shared values, and it strives to create an environment in which any woman committed to improving her community, regardless of race, religion, or national origin, will feel welcome and be encouraged to be part of the organization. The JLW is a vibrant presence in the lives of the women and children in the greater metropolitan area of the District of Columbia, serving as a resource throughout the community to effect positive change, seek common ground, and inspire hope.

In honor of their centennial year, the women of the JLW have created the Resolution Read Program, committing themselves to purchasing and distributing 100,000 new books to needy children in the greater Washington, DC, community. This is no small undertaking for a small group of women, but by meeting this goal, many children throughout the area will get a book to call their own. As such, JLW will continue to make a lasting impact in their community by fostering a passion for books and reading where it otherwise might not exist.

I would like to sincerely thank the volunteers of the Junior League of Washington for their commitment to volunteerism, their community, and the District of Columbia. Their efforts are extraordinary and greatly appreciated. I congratulate the league on their 100 years of success and look forward to hearing about all the wonderful things the league will accomplish by their Bicentennial.

#### FEDERAL LONG TERM CARE INSURANCE

Mrs. SHAHEEN. Mr. President, 10 years have passed since the first consumer enrolled in the Federal Long Term Care Insurance Program, an insurance option for Federal employees, retirees and their loved ones created by the Long-Term Care Security Act. This law set a new standard regarding providing for the unique and important medical needs of seniors and individuals with disabilities. Participants in the program are now confident that they will receive help financing the care that they may require. I am pleased to recognize the 10th anniversary of the first enrollment in this important program, and I am proud that its administration is handled by Long Term Care Partners, LLC, which is located in my home State of New Hampshire.

Today, 1 in 10 Americans aged 55 and older carries a long-term care insurance policy; however, it is estimated that 70 percent of people over age 65 will eventually require long-term care. Our Nation's changing demographics and significant medical advances have contributed to an aging population, and addressing the issue of how best to care for seniors and individuals with disabilities should be part of our national discourse on how we support ourselves and our families. These services are critical for so many Americans who need assistance to continue living independently and actively in their communities.

The Federal Long Term Care Insurance Program was the first benefit offered to the Federal workforce that was completely employee-funded, coming at no cost to the taxpayer. The program is unique in that, at the time of its inception, it was the first benefit offered uniformly to all Federal employees, including military personnel and staff of the U.S. Postal Service. It is also the Nation's first successful large-scale, long-term care insurance program with consistent benefits, regardless of where the recipient lives.

With nearly 270,000 enrollees, the Federal Long Term Care Insurance Program has made a difference in the lives of so many in the Federal workforce. It is the largest group long-term care insurance program in the country and has already paid nearly \$215 million in claims. The program helps its beneficiaries stay where they are most comfortable, with more than 85 percent of these claims going to home and community-based services.

Every family needs to plan for retirement and how to best care for aging loved ones and those with disabilities. Long-term care insurance is one way that millions of Americans get the support they need to remain independent and active in their communities. For Federal employees, the Federal Long Term Care Insurance Program is an important option that provides a sense of security and comfort in knowing that family members will be cared for in times of need.

I stand today to recognize the Federal Long Term Care Insurance Program's 10th anniversary and to wish the program continued success as it embarks on its second decade of assisting Federal employees and their families in planning for their retirements.

#### TRIBUTE TO PASTOR YUCEF NADARKHANI

Mr. BLUNT. Mr. President, I would like to take a few moments to share a rare piece of good news related to international religious freedom. On October 11 of last year I submitted for the RECORD the story of a Christian pastor in Iran who had been charged with apostasy and sentenced to death. Ear-

lier this month, after almost 3 years of imprisonment, Pastor Youcef Nadarkhani has been released and is at home with his family.

The good news for Pastor Youcef comes after years of struggle, and we can only imagine the joy his own family feels after a long, difficult fight for his freedom. Many organizations and individuals, often risking their own lives, deserve thanks for their enduring commitment to Pastor Youcef's cause. Pastor Youcef's enduring faith in God saw him through this trying time and his experience is an inspiration to people of faith everywhere.

This moment of relief and thanksgiving comes as a reminder that the liberties we enjoy as Americans come at a high price to those who have fought and continue to fight for our freedoms. And too many people in countries like Iran, Iraq, Egypt, and Pakistan, to name a few, still do not enjoy the basic human rights you and I have here at home.

The persecution of religious minorities and Christians like Pastor Youcef abroad is unfortunately nothing new. That's why I introduced the Near East and South Central Asia Religious Freedom Act in June of last year. The bill came out of coordination with U.S. Congressman FRANK WOLF in the House and my colleague, U.S. Senator CARL LEVIN. It creates a special envoy on religious freedom in the State Department to monitor the status of religious minorities in these particularly vulnerable regions.

We can and we must do more to advance religious freedom abroad. I am sincerely committed to this effort and believe that it is essential to promoting the God-given right to liberty around the world. My colleagues and I are hopeful that the Senate can soon join the House in passing this important legislation.

#### RECOGNIZING THE CITY CLUB OF CLEVELAND

Mr. PORTMAN. Mr. President, I rise today to recognize The City Club of Cleveland, the oldest continuously operating free speech forum in the country.

Often referred to as a "Citadel of Free Speech," The City Club offers an unbiased setting for dynamic discussions and exchange of ideas on important issues of interest to citizens and communities throughout Ohio and the United States. The City Club has succeeded in its mission to inform, educate and inspire citizens by presenting significant ideas and providing opportunities for dialog in a collegial setting, and has secured its place in history as an impartial, vital center for discussion of diverse topics.

The City Club forums encourage active debate and participation by the audience. Over the years, local, national and international leaders have

been featured as speakers and have addressed a wide variety of subjects which have impacted our region, state and Nation. These sessions encourage nonpartisan, spirited debate and discussion about important topics. I have been honored to speak at the City Club on several occasions and have enjoyed the robust dialog.

I would like to congratulate The City Club of Cleveland on 100 years of success.

#### ADDITIONAL STATEMENTS

##### REMEMBERING JON HOLDER

• Mr. BAUCUS. Mr. President, I would like to take a few moments to pay tribute to Mr. Jon Frederick Holder, a man who was instrumental in helping my staff prepare for a hearing the Senate Finance Committee held on private long-term disability benefits in September 2010.

Jon died unexpectedly last spring at the youthful age of 71. The world has lost a dedicated attorney, a civil rights activist who took part in the Selma-Montgomery march, and an advocate who specialized in disability law. Jon spent the last 30 years working alongside his wife Kathleen at their small law firm in Maine defending people whose voices are muffled in a process that can become mired in duplicative forms, draconian due dates, and burdensome record collection.

Jon worked with my staff as the Committee's hearing date neared, staying late into the evening to distill with witty anecdotes and a razor sharp understanding, ERISA's complex statutory law, its legislative history and the seminal judicial interpretations that dramatically changed it. He described the insurance industry's corporate structure and its goal to reduce the benefit ratio percentage. Then he put flesh on that structure as he described what achieving that reduction goal means to the individual whose disability check suddenly stops arriving.

A philosophy major-turned-lawyer, an avid bicyclist who loved the ocean, a husband and a father, Jon approached life with passion and purpose questioning and challenging the status quo and always seeking for ways to change or improve it. He will be missed by those close to him, but his legacy of good works lives on.●

##### GREENBELT, MARYLAND

• Mr. CARDIN. Mr. President, today I wish to recognize the 75th anniversary of the city of Greenbelt, the first planned community in the United States built by the Federal Government. Greenbelt was envisioned as a social experiment by Rexford Guy Tugwell, a friend and adviser to President Franklin D. Roosevelt. The town

was built under the authority of the Emergency Relief Appropriation Act. It was designed to provide low-income housing and drew 5,700 applicants for the original 885 residences. The first families arrived on October 1, 1937. They were chosen to meet income and other criteria, including a demonstrated willingness to participate in community organizations.

Most early residents were under 30 years of age and were from diverse religious backgrounds. They were blue and white collar workers, but due to the segregation at the time, no African Americans were able to purchase homes or live in Greenbelt. Physically, Greenbelt was designed as a complete city with homes, businesses, schools, roads, recreation facilities, and town government. Homes were clustered in "superblocks" with a system of interior walkways permitting residents to go from home to town center without crossing a major street. Streets were designed to separate pedestrians from vehicular traffic and community amenities and businesses were centrally located for easy access.

The first residents were pioneers in community engagement. They quickly formed a government—the first city manager form of government in the State of Maryland. They formed the first kindergarten in Prince George's County, started a journalism club that today continues to publish the weekly Greenbelt News Review, formed the Greenbelt Health Association, established police, fire and rescue squads, and opened the first public swimming pool in the Washington area in 1939. Greenbelt Consumer Services, Inc. operated the grocery store, gas station, drug and variety stores, barber and beauty shops, movie theater, valet shop, and tobacco shop, and over the years, as needs arose, citizens formed numerous cooperatives.

The Federal Government built an additional 1,000 homes in 1941 to accommodate families coming to Washington in connection with the defense programs of World War II. In 1952, Congress voted to sell off the Greenbelt towns, and citizens in Greenbelt formed a housing cooperative which purchased the homes. In 1997, when Greenbelt celebrated its 60th anniversary, the U.S. Department of Interior recognized Historic Greenbelt as a National Historic Landmark.

Today, many of the original features of this planned community still exist, although the city itself has expanded to include additional shopping centers, high-rise office buildings, garden apartments, townhouses, and private development. Around a dozen original families still live in Greenbelt, passing on the cooperative spirit and sense of community that has made Greenbelt a thriving city and a special place to call home.

I ask my colleagues to join me in congratulating the residents and the

city of Greenbelt on successfully nurturing 75 years of community planning, cooperation, and engagement.●

##### REMEMBERING AL ADAMS

• Ms. MURKOWSKI. I speak today to honor the memory of Al Adams, an Alaska Native leader. In the Alaska legislature for some 20 years, Al Adams was regarded as one of the most effective advocates for the interests of rural Alaska. Senator Adams died on August 13 after a long battle with cancer. Alaska's Governor ordered flags in the State lowered to half staff in honor of Adams' service to Alaska. His funeral, at ChangePoint Alaska in Anchorage, drew over 1,500 mourners. A second funeral was conducted in Al's hometown of Kotzebue.

Al Adams was born in Kotzebue, AK in 1942. He attended Mt. Edgecumbe High School in Sitka. Following high school, he attended the University of Alaska Fairbanks and RCA Technical Institute. There is a back story behind the RCA Technical Institute. Prior to enactment of the Alaska Native Claims Settlement Act of 1971, one of the better jobs that a Native person from rural Alaska could hope for was a job tracking satellites at the Gilmore Creek Satellite Tracking Facility near Fairbanks. Several of those who traveled with Al to Los Angeles for training at the RCA Technical Institute would later become leading players in the implementation of the Alaska Native Claims Settlement Act.

Over the course of his career, Al would serve as president of Kikiktatruk Inupiat Corporation and executive vice president of NANA Regional Corporation, but his service in the Alaska legislature left Al's most enduring legacies. Al served in the Alaska House of Representatives from 1980-1988 and in the Alaska Senate from 1989-2000. He was known as "Mr. Finance." Al chaired the powerful House Finance Committee. He served 18 years on the Legislative Budget and Audit Committee and 12 years on the Operating Budget Conference Committee. As a Representative and Senator from rural western Alaska he understood the unique problems that his communities faced and ensured that they received an equitable share of State funding.

Al's most enduring legislative accomplishment is the Power Cost Equalization Program. One of the greatest impediments to the viability of traditional Native communities in rural Alaska is the cost of electricity. Since rural Alaska largely lives "off the grid" electricity must be generated locally by burning diesel fuel which is transported long distances by barge. The Power Cost Equalization Program protects rural communities by setting a cap on the price that rural consumers pay for energy. It is a tremendously

important program and rural Alaska has Al Adams to thank for it.

Following his service as a legislator, Al became a lobbyist. We do not commonly commend the work of lobbyists in the pages of the RECORD, but Al was a special kind of lobbyist. He lobbied selectively for the causes he believed in, representing the North Slope Borough and the Northwest Arctic Borough. During this period he used his vast legislative and political experience to educate his Native people on how they can be more effective in the political arena. Just one example, recognizing that rural Alaska's reliance on imported diesel was ultimately unsustainable, he lobbied to develop local sources of energy in western Alaska, at one time proposing an intraregional grid to power remote communities. He lobbied to make it possible for the tribal hospital in Kotzebue to build a new long-term care wing on their hospital. Al Adams used his insider access and knowledge for good.

I would like to spend a moment to discuss Al on a personal level. I will always remember his smile—that crinkly smile—and his sense of humor which could defuse even the tensest of meetings. Al operated in multiple worlds at once—the world of politics, the world of business—but he never abandoned his Inupiaq roots. His official obituary relates that Al often organized subsistence hunting and fishing trips for his children, where he passed down traditional Inupiaq skills. He coordinated all the logistics for these memorable outings and even served as camp cook, making sure everyone else was well fed. Whether dipnetting at the mouth of the Kenai, caribou hunting outside Kotzebue or visiting the fish wheel at Chitina, he let his wife, children and grandchildren know that they were loved and that they came first and foremost in his life.

I have lost a dear friend, the Native community has lost a respected leader, and all Alaska has lost a statesman whose legacies will long be remembered. The Senate extends its condolences to the Al Adams family and all who mourn the loss of this exemplary Alaskan.●

#### REMEMBERING RICHARD FRANK

● Ms. MURKOWSKI. Mr. President, the front page of this morning's Fairbanks Daily News-Miner carries the sad news that Richard Frank, an Athabascan elder, died at age 85.

Richard Frank is an individual of great significance in the history of post-statehood Alaska. He was among the first Alaska Native leaders to recognize the risk that development of the modern State of Alaska posed to the subsistence lifestyle of traditional villages like his home village of Minto in Interior Alaska. He was among the

first Native leaders to organize his people in opposition to State land selections that would prejudice the eventual settlement of the aboriginal land claims of Alaska Natives. And his leadership, recognized throughout the State, is one of the reasons that the Native peoples of Alaska won their battle for land claims with passage of the Alaska Native Claims Settlement Act of 1971.

Richard Frank was born on August 27, 1927, in Old Minto. He was educated at the village school. Some historians say that the village school provided an education up to the third grade. Others say it was the fourth. What is undisputed is that Richard Frank possessed a sense of adventure and wisdom far beyond his formal education. Growing up around the fishing and trapping camps of the Yukon River he gained an appreciation of the interdependence between the land and the Native way of life. But some would say it was his experience in the Army Air Corps during World War II that best prepared him for the leadership role he would occupy in the 1960s.

Richard's wartime experience is chronicled in Fern Chardonnet's book, "Alaska at War, 1941-1945." She relates that World War II presented an extraordinary opportunity for Alaska Natives. Many, for the first time, received the same pay and benefits as White workers, and a chance to acquire new skills and to build genuine self esteem. Richard Frank was a case in point. Upon enlisting he was encouraged to pursue specialized training as an aircraft mechanic. At first he said, "No," but his commanding officer had confidence in Richard and he agreed to pursue the training. Richard relates that the passing score in training was 2.5 and he completed the course with a 3.9. He went on to service P-47 fighters in the South Pacific.

Richard regarded himself as lucky. Service in the military showed young men from the village that there was another option. After the war Richard worked as a mechanic for Wien Alaska Airlines and Boeing, though his heart remained in village Alaska.

The son of a traditional village chief, he found his calling in the early 1960s as the battle for Alaska's lands was beginning. The Alaska Statehood Act gave the State of Alaska the right to select lands but left resolution of Alaska Native land claims for another day.

One of the areas where State land selections first conflicted with Native hunting, fishing, and trapping activities was in the Minto Lakes region of Interior Alaska. The State wanted to establish a recreation area in 1961 near the Athabascan village of Minto and to construct a road so that the region would be more easily accessible to Fairbanks residents and visiting sportsmen. In addition, State officials believed that the area held potential

for future development of oil and other resources.

Learning of these plans of the State, Minto filed a protest with the U.S. Interior Department. The people of Minto had filed blanket claims to the area in the 1930s, and Richard's father, then Traditional Chief, delineated this area as belonging to the Minto people in 1951. Minto asked the Federal agency to protect their rights to the region by turning down the State's application for the land. Minto's attorney was none other than the late Senator Ted Stevens who took up their cause pro bono.

In response to the protest, a meeting of sportsmen, biologists, conservationists, and State officials was held in 1963 to discuss the proposed road and recreation area.

Richard argued that State development in the region would ruin the subsistence way of life of the Natives and urged that the recreation area be established elsewhere, where new hunting pressure would not threaten the traditional economy. He said, "A village is at stake. Ask yourself this question, is a recreation area worth the future of a village?"

He also took his cause to the Alaska Conservation Society in Anchorage. He told the conservation society members that without the use of the lakes, Minto's people would go hungry. Lael Morgan, in her landmark book, "The Life and Times of Howard Rock," relates Richard's pleas for support. He said, "Nothing is so sorrowful for a hunter, empty handed, to be greeted by hungry children."

A 1985 history of the Alaska Native Claims Settlement Act characterized Minto's protest as a precursor of events to come. During the years that followed, many other Native communities would protest actions that threatened their lands. In 1966, Secretary of the Interior Stewart Udall gave the land claims movement teeth by initiating a freeze on the transfer of lands to the State which were protested by the Native people.

As a well respected Native leader and elder, Richard went on to play significant roles in the Tanana Chiefs Conference and the Fairbanks Native Association. He served on the Governor's Veterans Advisory Committee and founded the Alaska Native Veterans Association. It is also appropriate to acknowledge Richard's role as the patriarch of one of the truly great Fairbanks families. Richard's wife of 57 years, Anna, became the first Native American woman ordained as a priest in the Episcopal Church in 1983. Richard was the father of four and was blessed with grandchildren and great-grandchildren.

As a significant figure in Alaska's history, Richard was generous to collectors of oral history. One of those oral histories was done for the Alaska Trappers Association, which notes,



"Richard freely shares insight into the Native view of the world. He takes great pride in their dedication to family. He speaks often of the lessons he learned from his elders."

Alaska has truly lost a significant figure. If it is any condolence, Richard's life experiences were rich, he accomplished a great deal for his Native people, and he supported a truly wonderful family. Thanks to modern technology, his stories and life experiences will live on for eternity.

On behalf of the Senate I extend condolences to Reverend Anna, Richard's family, and the Athabascan people of Interior Alaska who are preparing to honor and celebrate Richard's life next week with a Memorial Potlatch.●

#### REMEMBERING BARNEY UHART

● Ms. MURKOWSKI. Mr. President, I was saddened to learn that Barney Uhart of Anchorage, AK passed away on September 8, 2012 after a long battle with cancer. Barney was President Emeritus of the Chugach Alaska Corporation, one of the thirteen regional Alaska Native Corporations. Chugach Alaska Corporation is owned by over 2,300 shareholders of Alutiiq, Eskimo and Indian heritage.

Barney was elected President and CEO of Chugach Alaska Corporation in May 2000 and served in that role until July 2012. In July he announced his retirement to focus on his health and spend time with his family. But the Chugach Alaska Corporation board would not let him go. That is how Barney earned the title of President Emeritus.

Barney was a master in administering Base Operations Services contracts, a field he entered into on something of a lark. As the story goes, while living in Hawaii he was delivering furniture with a friend to a company called Kentron International. This was back in 1979. He wondered what they did and slipped a resume under the door. A few days later he learned that they managed remote sites and was on his way to Wake Island. Over the course of his career Barney came to know more about places like Wake Island, Midway Island and Amchitka than anyone I know. He would return to Wake Island many times over the course of his career, helping his successor employers win that Base Operations Support contract. You might even call him the Mayor Emeritus of Wake Island.

Barney joined the Chugach Alaska family in 1993 as an Operations Manager with Chugach Development Corporation. Known as a charismatic leader and a hard worker, he quickly rose through the ranks. Those at Chugach Alaska tell me that his dedication to the company, its people and employees was steadfast. His hard work and commitment helped provide real, tangible,

and ongoing benefits to the Native shareholders of Chugach Alaska. He strove tirelessly to help fulfill the promise of the Alaska Native Claims Settlement Act. His work in opening up the 8(a) program to meaningful participation by Alaska Natives, Lower 48 Indian tribes, and Native Hawaiians is recognized throughout the Native American contractor community.

Barney Uhart will be remembered as a leader, a friend and a champion of doing the right thing and doing things right. I express my condolences to his wife Randi, his children Jordan, Abigail and Jacob, and the shareholders of Chugach Alaska Corporation on the loss of this exemplary Alaskan.●

#### COAST GUARD PAY AND PERSONNEL CENTER

● Mr. ROBERTS. Mr. President, today I wish to recognize the 30th anniversary of the U.S. Coast Guard Pay and Personnel Center in Topeka, KS. The Coast Guard's Pay and Personnel Center was first established in 1979 in the greater Washington, DC, area. In 1982 the center permanently moved to the Frank Carlson Federal Building in Topeka. My staff and I have the honor of working with this dedicated team of leaders on a regular basis.

The Pay and Personnel Center offers a specific and imperative service to more than 100,000 men and women of the U.S. Coast Guard. Spanning from human resources, to processing, disbursement, and other services, the Pay and Personnel Center has continued to operate without much attention or fanfare but with the goal of providing the compensation and services necessary to keep our Coast Guardians focused, secure, and dedicated.

Today, I offer congratulations and accolades to the Pay and Personnel Center on 30 years of hard work and superior service to our men and women in the U.S. Coast Guard. The center is a shining example of the Coast Guard motto, *Semper Paratus*, Always Ready.●

#### AIR FORCE SPACE COMMAND

● Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to the outstanding accomplishments of Air Force Space Command. And of course, I offer my deep respect and thanks to the 42,000 men and women who keep constant watch over our most distant skies. These great Americans are responsible for a staggering range of essential missions, and this week, I join them in celebrating the 30th anniversary of the command's creation.

Air Force Space Command was established in 1982 as our national leaders recognized the growing need to dominate the space domain to enhance our warfighting capabilities and to better protect our servicemembers. The com-

mand's responsibilities and capabilities have steadily increased over the past 30 years to keep pace with technology and foreign threats, and from the outset, those missions have been a critical part of our national defense architecture.

All day, every day, Air Force Space Command personnel provide our warfighters with the space-based assets they require at the speed of need. And at the same time, they keep a major portion of our economy, travel, and transportation on track. They fly the GPS satellites that make modern computing, air travel, and precision munitions possible. Air Force Space Command provides our Nation with global ballistic missile early warning and defense. Without Air Force Space Command, there would be no military satellite communications and our meteorological and navigational data would be far less advanced and accurate. These airmen and civilians of Space Command demonstrate amazing technical and scientific proficiency as they conduct space based surveillance, land-based intercontinental ballistic missile operations, and most recently, prosecute a cyber space mission that is growing more essential to our security every day. Their capabilities have strengthened our Nation's homeland defense, allowed disaster relief efforts to be more timely and efficient, and enhanced America's military operational capabilities in all stages of warfare. Simply put, without Air Force Space Command, the strategic and technological advantages enjoyed by both the military and civilian communities in the United States would not be possible.

Of course, all of these tremendous accomplishments are due to the remarkable devotion to duty, sacrifice, and dedication displayed by Space Command personnel around the world every day. As we all know, our service men and women, both active duty and those in the Reserve component, aren't simply serving in the military—they are our military. Additionally, civilian members of Air Force Space Command provide the stability and corporate knowledge that's essential to the command's enduring success. Yes, it's a true total force effort. Colorado is the proud home of Air Force Space Command headquarters, but right now, their personnel are deployed to every corner of the globe, providing unparalleled space and cyber space expertise to combatant commanders in every theater of operations. As they celebrate yet another milestone, I would like to honor these patriots for their selfless service and dedication to our Nation's security. On behalf of all Coloradans and to every member of Air Force Space Command, past and present: happy 30th anniversary.●

## REMEMBERING EDWARD D. PARE

• Mr. WHITEHOUSE. Mr. President, the State of Rhode Island has lost a dear and dedicated public servant. Captain Edward D. Pare was a sworn officer of the Rhode Island State Police for 2½ decades, from 1959 until his retirement in 1986.

Captain Pare was a true son of Rhode Island, born in Coventry, RI. In addition to serving our State, he also served his country in the U.S. Navy, sailing appropriately enough aboard the USS Pawcatuck, named for the river that flows across the southern part of our State.

Captain Pare left an indelible mark on the force. He was captain of detectives for many years prior to his retirement. In this important role, Captain Pare had his hand in every major investigation undertaken by the State police during that period. His leadership and commitment were the hallmarks of his stint with the department and set an example for a generation of officers. Even beyond his retirement, Captain Pare was known in law enforcement circles and across Rhode Island as simply "The Captain."

During his tenure with the State police, Captain Pare acted as both the head of the Rhode Island Division of Motor Vehicles and the director of the Rhode Island Department of Transportation. There had been concerns raised about mismanagement and corruption at these agencies. Captain Pare, as the "gold standard" of competence, rigor, and integrity, provided public assurance that any such problems would be met and mastered.

Captain Pare's sense of public service was a family value, carried on by his sons, Ed and Steven. During our Rhode Island banking crisis, I had the pleasure of working alongside Ed at the Rhode Island Department of Business Regulation, where he worked for the people of Rhode Island for many years in a number of roles, including superintendent of banking and superintendent of the securities division. Steven followed his father's path into the State police, rising in his 26 years to the rank of colonel and serving as State trooper, detective, and superintendent of the force. Steven continues his work in law enforcement and homeland security today as commissioner of public safety for the city of Providence.

Captain Pare is survived by his beloved wife Phyllis, and in addition to Ed and Steven, he leaves behind his daughter Diane, son Gary, and 12 grandchildren. The captain's impact on our communities was profound, and his legacy of integrity and service to others will be remembered by Rhode Islanders for a long time to come.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to

the Senate by Mr. Thomas, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGE FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following joint resolution, in which it requests the concurrence of the Senate:

H.J. Res. 118. Joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3607. A bill to approve the Keystone XL Pipeline.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7698. A communication from the Associate General Counsel, Office of the General Counsel, Department of Agriculture, transmitting, pursuant to law, a report relative to a vacancy in the position of Administrator, Rural Services, in the Department of Agriculture received in the Office of the President of the Senate on September 19, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7699. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to a violation of the Antideficiency Act that occurred in the Operation and Maintenance, Army (OMA) appropriation, account 2172020, at the U.S. Army Installation Management Command (IMCOM) during fiscal year 2007 and was assigned Army case number 11-04; to the Committee on Appropriations.

EC-7700. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of

the President of the Senate on September 20, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7701. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency declared in Executive Order 12978 of October 21, 1995, with respect to significant narcotics traffickers centered in Colombia; to the Committee on Banking, Housing, and Urban Affairs.

EC-7702. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC-7703. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Poland; to the Committee on Banking, Housing, and Urban Affairs.

EC-7704. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, the Charter of the Consumer Advisory Board; to the Committee on Banking, Housing, and Urban Affairs.

EC-7705. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Trip Limit Reduction" (RIN0648-XC196) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7706. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Western Regulatory Area of the Gulf of Alaska Management Area" (RIN0648-XC205) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7707. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC202) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7708. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure" (RIN0648-XC166) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7709. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; South Atlantic Snapper-Grouper Fishery; 2012-2013 Accountability Measure and Closure for Recreational Black Sea Bass in the South Atlantic"

(RIN0648-XC133) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7710. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions 4 through 14" (RIN0648-X121) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7711. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Framework Adjustment 6" (RIN0648-BB99) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7712. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limit in Longline Fisheries for 2012" (RIN0648-BC14) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7713. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures" (RIN0648-BB28) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7714. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "MOX Fuel Fabrication Feedstock"; to the Committee on Energy and Natural Resources.

EC-7715. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report of a technical correction for the boundary for the McKenzie Wild and Scenic River in Oregon; to the Committee on Energy and Natural Resources.

EC-7716. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detailed boundaries for the Au Sable, Bear Creek, Manistee, and Pine Rivers in Michigan relative to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-7717. A communication from the Deputy Chief of the National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detailed boundary for the White Salmon Wild and Scenic River, Oregon relative to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC-7718. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Procedures for Placement and Monitoring of

Work with Federal Agencies Other Than the U.S. Department of Energy (DOE) Laboratory Work" (Management Directive 11.8) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Environment and Public Works.

EC-7719. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Biscayne Bay Coastal Wetlands Phase I project in Miami-Dade County, Florida; to the Committee on Environment and Public Works.

EC-7720. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions Imposed on Archaeological Material from Mali" (RIN1515-AD91) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Finance.

EC-7721. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States—Colombia Trade Promotion Agreement" (RIN1515-AD88) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Finance.

EC-7722. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Technical Corrections Relating to the Rules of Origin for Goods Imported Under the NAFTA and for Textile and Apparel Products" (CPB Dec. 12-15) received in the Office of the President of the Senate on September 19, 2012; to the Committee on Finance.

EC-7723. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, an annual report relative to the activities of the Office of the Medicare Ombudsman; to the Committee on Finance.

EC-7724. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (DCN OSS 2012-1472); to the Committee on Foreign Relations.

EC-7725. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of a proposed permanent export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-096); to the Committee on Foreign Relations.

EC-7726. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-125); to the Committee on Foreign Relations.

EC-7727. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-067); to the Committee on Foreign Relations.

EC-7728. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Con-

trol Act (Transmittal No. DDTC 12-059); to the Committee on Foreign Relations.

EC-7729. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-102); to the Committee on Foreign Relations.

EC-7730. A joint communication from the Secretary of Energy and the Secretary of Defense, transmitting, pursuant to law, a report relative to the New START Treaty; to the Committee on Foreign Relations.

EC-7731. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Hanford Engineer Works in Richland, Washington, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7732. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from Titanium Alloys Manufacturing, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7733. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Clarksville Modification Center, Ft. Campbell, in Clarksville, Tennessee, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7734. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Winchester Engineering and Analytical Center in the Winchester, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7735. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers at the Medina Modification Center in San Antonio, Texas, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-7736. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC-7737. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Exempting In-Home Video Telehealth From Copayments" (RIN2900-AO26) received in the Office of the President of the Senate on September 21, 2012; to the Committee on Veterans' Affairs.

EC-7738. A communication from the Secretary of the Army, transmitting, pursuant to law, a report relative to the management of Arlington National Cemetery; to the Committee on Veterans' Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

From the Committee on Indian Affairs, without amendment:

H.R. 2467. A bill to take certain Federal lands in Mono County, California, into trust

for the benefit of the Bridgeport Indian Colony.

### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. GILLIBRAND (for herself, Mr. DURBIN, Ms. LANDRIEU, and Mr. SANDERS):

S. 3608. A bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. WYDEN:

S. 3609. A bill to adopt fair standards and procedures by which determinations of Copyright Royalty Judges are made with respect to webcasting, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 3610. A bill to amend the Internal Revenue Code of 1986 to deny the inclusion of any antidumping or countervailing duties in the determination of the basis of any energy tax credit property; to the Committee on Finance.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 3611. A bill to prohibit executive agencies from procuring merchandise subject to antidumping or countervailing duty orders, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DEMINT (for himself, Mr. COBURN, Mr. GRAHAM, Mrs. HUTCHISON, Mr. JOHNSON of Wisconsin, Mr. LEE, Mr. MCCAIN, and Mr. RISCH):

S. 3612. A bill to prohibit the payment of surcharges for commemorative coin programs to private organizations or entities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH (for himself and Ms. MURKOWSKI):

S. 3613. A bill to promote research, monitoring, and observation of the Arctic and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. REED (for himself and Mr. JOHANNES):

S. 3614. A bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to non-profit organizations to rehabilitate and modify homes of disabled and low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BEGICH:

S. 3615. A bill to enhance national seafood marketing efforts through the creation of a National Seafood Marketing and Development Fund, Regional Seafood Marketing Boards and a National Coordinating Committee and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. LANDRIEU (for herself, Mr. CARDIN, Mr. BLUNT, and Mrs. HUTCHISON):

S. 3616. A bill to amend the Internal Revenue Code of 1986 to make permanent the expansion of tax benefits for adoption enacted in 2001 and to permanently reinstate the ex-

pansion of tax benefits for adoption enacted in 2010, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Ms. MIKULSKI, Mr. HARKIN, Mr. BROWN of Ohio, Mr. BEGICH, Mr. DURBIN, and Mr. AKAKA):

S. 3617. A bill to ensure sufficient sizing of the civilian and contract services workforces of the Department of Defense; to the Committee on Armed Services.

By Mrs. SHAHEEN (for herself, Ms. COLLINS, and Mr. WHITEHOUSE):

S. 3618. A bill to amend title 28, United States Code, to prohibit the exclusion of individuals from service on a Federal jury on account of sexual orientation or gender identity; to the Committee on the Judiciary.

By Mr. MANCHIN:

S. 3619. A bill to amend the Older Americans Act of 1965 to provide for outreach, and coordination of services, to veterans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WICKER:

S. 3620. A bill to amend the Securities Exchange Act of 1934 to clarify provisions relating to the regulation of municipal advisors, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MANCHIN:

S. 3621. A bill to amend the Older Americans Act of 1965 to provide for a Seniors' Financial Bill of Rights, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SCHUMER (for himself, Mr. MERKLEY, and Mr. BLUMENTHAL):

S. 3622. A bill to prohibit prescription drug price-gouging during states of market shortage; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself and Mr. PORTMAN):

S. 3623. A bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself, Mrs. MURRAY, Mr. INHOFE, Mr. RUBIO, Mr. MORAN, Mr. BROWN of Massachusetts, Mr. ROCKEFELLER, Mr. BEGICH, Ms. KLOBUCHAR, Mr. ISAKSON, and Mr. BROWN of Ohio):

S. 3624. A bill to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State; considered and passed.

By Mr. LIEBERMAN (for himself and Ms. COLLINS):

S. 3625. A bill to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes; considered and passed.

### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LUGAR (for himself and Mr. KERRY):

S. Res. 575. A resolution commending the 4 American public servants who died in Benghazi, Libya, United States Ambassador to Libya John Christopher Stevens, Sean

Smith, Tyrone Woods, and Glen Doherty, for their tireless efforts on behalf of the American people, and condemning the violent attack on the United States consulate in Benghazi; to the Committee on Foreign Relations.

By Mr. COCHRAN (for himself, Mr. WICKER, Ms. COLLINS, and Ms. SNOWE):

S. Res. 576. A resolution celebrating the 50th anniversary of the signing of Public Law 87—788, an Act commonly known as the McIntire—Stennis Cooperative Forestry Act; considered and agreed to.

By Mr. BAUCUS (for himself, Mr. KERRY, Mrs. MURRAY, Mr. TESTER, and Ms. MURKOWSKI):

S. Res. 577. A resolution honoring the First Special Service Force, in recognition of its superior service during World War II; considered and agreed to.

By Ms. MURKOWSKI (for herself, Mrs. FEINSTEIN, Mr. MORAN, and Mr. BEGICH):

S. Res. 578. A resolution supporting the goals and ideals of Red Ribbon Week, 2012; considered and agreed to.

By Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN of Ohio, Mr. BURR, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mrs. HUTCHISON, Mr. ISAKSON, Ms. LANDRIEU, Mr. MANCHIN, Mrs. MCCASKILL, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PORTMAN, Mr. PRYOR, Mr. SESSIONS, Mr. WARNER, Mr. WEBB, Mr. WICKER, Mr. LEVIN, and Mr. CARDIN):

S. Res. 579. A resolution designating the week of September 24 through September 28, 2012, as "National Historically Black Colleges and Universities Week"; considered and agreed to.

By Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. LIEBERMAN, Mr. BROWN of Massachusetts, Mr. UDALL of New Mexico, Ms. SNOWE, Mrs. MURRAY, Mr. ALEXANDER, Mr. REED, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. LEAHY, Ms. LANDRIEU, Mr. BENNET, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. PRYOR, Mr. WYDEN, Mr. WHITEHOUSE, Mr. UDALL of Colorado, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, and Ms. COLLINS):

S. Res. 580. A resolution designating the week beginning on October 14, 2012, as "National Wildlife Refuge Week"; considered and agreed to.

By Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. BOOZMAN, and Mr. BLUNT):

S. Res. 581. A resolution designating October 26, 2012, as "Day of the Deployed"; considered and agreed to.

By Mr. MENENDEZ (for himself, Mr. REID, Mr. CORNYN, Ms. MIKULSKI, Mr. BEGICH, Mr. HELLER, Mrs. HUTCHISON, Mr. UDALL of New Mexico, Mrs. HAGAN, Mr. NELSON of Florida, Mr. BLUMENTHAL, Mr. ENZI, Mr. CRAPO, Mr. MERKLEY, Mr. BENNET, Mr. UDALL of Colorado, Mr. AKAKA, Mr. WHITEHOUSE, Mr. DURBIN, Mr. RUBIO, Mrs. BOXER, Mr. CASEY, Mr. INOUE, Mr. LAUTENBERG, Mr. REED, Mr. BINGAMAN, Ms. STABENOW, Mr. WYDEN, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, and Mrs. FEINSTEIN):

S. Res. 582. A resolution recognizing Hispanic Heritage Month and celebrating the

heritage and culture of Latinos in the United States and the immense contributions of Latinos to the United States; considered and agreed to.

By Mr. LIEBERMAN (for himself, Ms. COLLINS, and Ms. LANDRIEU):

S. Res. 583. A resolution designating September 2012 as "National Preparedness Month"; considered and agreed to.

By Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BEGICH, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. BENNET, and Mr. COCHRAN):

S. Res. 584. A resolution designating October 4, 2012, as "Jumpstart's Read for the Record Day"; considered and agreed to.

By Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico):

S. Res. 585. A resolution recognizing the extraordinary history and heritage of the State of New Mexico, and honoring and commending the State of New Mexico and its people on its centennial anniversary; considered and agreed to.

By Mr. CARDIN (for himself, Mr. BURR, and Mr. MENENDEZ):

S. Res. 586. A resolution expressing support for the goals and ideals of National Infant Mortality Awareness Month, 2012; considered and agreed to.

By Mrs. BOXER (for herself, Ms. COLLINS, and Mr. WHITEHOUSE):

S. Res. 587. A resolution supporting "Lights on Afterschool", a national celebration of afterschool programs; considered and agreed to.

By Mr. LUGAR (for himself, Mr. KERRY, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 588. A resolution commending the 4 American public servants who died in Benghazi, Libya, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, for their tireless efforts on behalf of the Amer-

ican people, and condemning the violent attack on the United States consulate in Benghazi; considered and agreed to.

By Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. RISCH, Mr. KERRY, Mr. ALEXANDER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mrs. HAGAN, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. ENZI, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mrs. MURRAY, Mr. HOEVEN, Mr. PRYOR, Mr. ISAKSON, Mr. COONS, Mr. KIRK, Mr. LAUTENBERG, Mr. RUBIO, Mr. ROCKEFELLER, Mr. BROWN of Massachusetts, Mr. UDALL of New Mexico, Ms. AYOTTE, Mr. BEGICH, Mr. PORTMAN, Mr. MANCHIN, Mr. BOOZMAN, Mr. MERKLEY, Mr. MENENDEZ, Ms. CANTWELL, Mr. DURBIN, Mr. BAUCUS, Mr. LEVIN, Mr. WARNER, Mrs. FEINSTEIN, Mr. CARDIN, Mr. TESTER, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. THUNE, Mr. CHAMBLISS, Mrs. BOXER, and Mr. BENNET):

S. Res. 589. A resolution designating November 24, 2012, as "Small Business Saturday" and supporting efforts to increase awareness of the value of locally owned small businesses; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 687

At the request of Mr. CONRAD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 738

At the request of Mr. WHITEHOUSE, his name was added as a cosponsor of S. 738, a bill to amend title XVIII of the Social Security Act to provide for Medicare coverage of comprehensive Alzheimer's disease and related dementia diagnosis and services in order to improve care and outcomes for Americans living with Alzheimer's disease and related dementias by improving detection, diagnosis, and care planning.

S. 891

At the request of Mr. GRASSLEY, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 891, a bill to amend title XVIII of the Social Security Act to provide for the recognition of attending physician assistants as attending physicians to serve hospice patients.

S. 1281

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1281, a bill to amend title 49, United States Code, to prohibit the transportation of horses in interstate transportation in a motor vehicle containing two or more levels stacked on top of one another.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1301, a bill to authorize appropria-

tions for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1366

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1366, a bill to amend the Internal Revenue Code of 1986 to broaden the special rules for certain governmental plans under section 105(j) to include plans established by political subdivisions.

S. 1872

At the request of Mr. CASEY, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1910

At the request of Mr. LIEBERMAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1910, a bill to provide benefits to domestic partners of Federal employees.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2013

At the request of Mr. BROWN of Massachusetts, his name was added as a cosponsor of S. 2013, a bill to amend title 32, United States Code, the body of laws of the United States dealing with the National Guard, to recognize the City of Salem, Massachusetts, as the Birthplace of the National Guard of the United States.

S. 2046

At the request of Ms. MIKULSKI, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2046, a bill to amend the Immigration and Nationality Act to modify the requirements of the visa waiver program and for other purposes.

S. 2123

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2123, a bill to amend title V of the Social Security Act to extend funding for family-to-family health information centers to help families of children with disabilities or special health care needs make informed choices about health care for their children.

S. 2160

At the request of Mr. MORAN, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of S. 2160, a bill to improve the examination of depository institutions, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3231

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3231, a bill to provide for the issuance and sale of a semipostal by the United States Postal Service to support effective programs targeted at improving permanency outcomes for youth in foster care.

S. 3250

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 3250, a bill to amend the DNA Analysis Backlog Elimination Act of 2000 to provide for Debbie Smith grants for auditing sexual assault evidence backlogs and to establish a Sexual Assault Forensic Evidence Registry, and for other purposes.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Hawaii (Mr. INOUE) and the Senator from Connecticut (Mr. BLUMENTHAL) were added as cosponsors of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3407

At the request of Mr. WYDEN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3461

At the request of Mr. BROWN of Ohio, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3461, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 3498

At the request of Mr. CASEY, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3498, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 3522

At the request of Mr. MENENDEZ, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3522, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3525

At the request of Mr. TESTER, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from New Mexico (Mr. UDALL) were added as cosponsors of S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

S. 3526

At the request of Mr. WICKER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 3526, a bill to amend title 10, United States Code, to protect the rights of conscience of members of the Armed Forces and chaplains of members of the Armed Forces, and for other purposes.

S. 3541

At the request of Mr. NELSON of Nebraska, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Kansas (Mr. ROBERTS), the Senator from Montana (Mr. TESTER) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of S. 3541, a bill to amend section 520 of the Housing Act of 1949 to revise the census data and population requirements for areas to be considered as rural areas for purposes of such Act.

S. 3551

At the request of Mr. DEMINT, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3551, a bill to require investigations into and a report on the September 11–13, 2012, attacks on the United States missions in Libya, Egypt, and Yemen, and for other purposes.

S. 3555

At the request of Mr. BURR, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 3555, a bill to amend title 38, United States Code, to require Federal agencies to hire veterans, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes.

S. 3562

At the request of Mr. SANDERS, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3562, a bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes.

S. 3565

At the request of Mr. CASEY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3565, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 3574

At the request of Mr. BLUNT, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3574, a bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 3588

At the request of Mr. LEVIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 3588, a bill to amend the Federal Water Pollution Control Act to protect and restore the Great Lakes.

S. 3601

At the request of Mr. VITTER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 3601, a bill to provide tax relief with respect to the Hurricane Isaac disaster area.

S. 3605

At the request of Mr. CRAPO, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 3605, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

S.J. RES. 41

At the request of Mr. GRAHAM, the names of the Senator from New Hampshire (Mrs. SHAHEEN) and the Senator from Tennessee (Mr. CORKER) were added as cosponsors of S.J. Res. 41, a joint resolution expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

At the request of Mr. KERRY, his name was added as a cosponsor of S.J. Res. 41, supra.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S. CON. RES. 50

At the request of Mr. MCCONNELL, his name was added as a cosponsor of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance



model under which the Internet has thrived.

S. RES. 466

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 466, a resolution calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko.

S. RES. 543

At the request of Mrs. BOXER, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 543, a resolution to express the sense of the Senate on international parental child abduction.

S. RES. 572

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 572, a resolution designating September 2012 as the "National Month of Voter Registration".

S. RES. 573

At the request of Mr. MENENDEZ, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 573, a resolution designating the third week of January 2013, as "Teen Cancer Awareness Week".

S. RES. 574

At the request of Mrs. GILLIBRAND, the names of the Senator from Missouri (Mrs. McCASKILL), the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 574, a resolution calling on the United Nations to take concerted actions against leaders in Iran for their statements calling for the destruction of another United Nations Member State, Israel.

AMENDMENT NO. 2862

At the request of Mr. PORTMAN, his name was added as a cosponsor of amendment No. 2862 proposed to H.R. 4850, a bill to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 3609. A bill to adopt fair standards and procedures by which determinations of Copyright Royalty Judges are made with respect to webcasting, and for other purposes; to the Committee on the Judiciary.

Mr. WYDEN. Mr. President, today I rise to introduce the Internet Radio Fairness Act. The goal of this proposal is to help one of America's oldest, most dynamic industries grow into the 21st Century. Thanks to new digital music technologies, the ways in which consumers can listen and buy music has been revolutionized.

Internet technology is even changing the music industry itself. The Net is

freeing artists from the shackles of major record label middlemen by enabling artists to broadcast and sell directly to consumers. In fact, right now bands on independent labels are dominating the music charts. Artists like Amanda Palmer are leaving the record labels behind by instead reaching for success by embracing Internet platforms like Kickstarter to get her music heard.

I am a firm believer that further unleashing Internet technology will expand the music marketplace to better reward Internet innovation and musical artists.

The Internet has changed our lives. It is reshaping how people communicate, collaborate and engage in commerce. The Internet empowers the powerless, it gives everyone a voice, and it advances human rights and the cause of freedom around the world. The growth and evolution of the Internet comes from good, innovative ideas and from policy environments that protect the Net from unfair and discriminatory taxes, regulation, and legal liability.

Unfortunately, one area of the Internet ecosystem that is stifled is the digital services of broadcast music. In 1998 Federal laws were enacted to specifically thwart the development of Internet platforms that are commercially viable as broadcasters of digital music. Since then, concerns about online copyright infringement intensified, record sales plummeted, and many commercially successful musicians are struggling. Consumers and rightsholders are increasingly seeking innovative, new models that can better promote music and compensate artists. The Internet Radio Fairness Act intends to answer some of these calls.

Under current law royalty rates prescribed for Internet Radio are established based on what a panel of special copyright judges determine to be the market rate for musical licenses. But there is no functioning market for these licenses and these judges are left with very little information to make reasonable conclusions. That is why Congress routinely intervenes to correct the work of these judges. The current method these judges use to establish royalty rates for Internet Radio has led to webcasters paying five times the amount of royalties—as a percentage of revenue—as other digital music broadcasters, like satellite and cable. The long-established method that copyright judges use to determine royalty rates for satellite and cable providers enables a broader set of factors to be considered.

The Internet Radio Fairness Act would end the discrimination against the Internet and Internet Radio in the digital marketplace. It would treat Internet Radio, for purposes of establishing royalty rates, in the same way that satellite and cable radio are treated. It would enable the copyright

judges the ability to consider factors they have long been familiar with to establish royalty rates for Internet Radio in the same way they have long done for other broadcasters.

Doing this can enable new Internet Radio startups to succeed and create jobs, foster competition, and the expansion of the music marketplace in part so that artists can obtain broader exposure and more compensation.

I hope to work with you, with stakeholders, and with my Senate colleagues to discuss this legislation and additional ideas that are necessary to unleash the power of the Internet to foster a broader, more dynamic marketplace for digital music.

By Mr. WYDEN (for himself and Mr. MERKLEY):

S. 3610. A bill to amend the Internal Revenue Code of 1986 to deny the inclusion of any antidumping or countervailing duties in the determination of the basis of any energy tax credit property; to the Committee on Finance.

Mr. WYDEN. Mr. President, I rise today to sponsor two important pieces of legislation. My colleagues in this body are all aware of the challenges that American manufacturers struggle with in the global market. A particular challenge faces producers of renewable energy technology. Not only do these producers compete against decades of government subsidies provided to the oil and gas industry, these manufacturers are increasingly competing against China's unfair trade practices.

As my colleagues know, the record is clear that China is cheating. China is illegally subsidizing their producers of solar and wind energy technology. China is enabling solar panels and wind energy property to be sold in the U.S. at below market value due to the government subsidies they are provided by China.

The Department of Commerce is investigating these practices. The Department has already found specific practices employed by China that are against international trade rules. As a result the government will soon assign antidumping and countervailing duties on solar panels, for example, as they have been determined by the Department of Commerce to be unfairly traded.

The first measure that I sponsored today is very simple. The Investment Tax Credit Integrity Act, S. 3610, would simply say for purposes of the tax credit that American buyers of solar panels and other qualifying renewable energy can claim, taxpayers cannot use the tax credit to offset the antidumping and countervailing duties that are assigned to this merchandise. As you know, the rate of these duties is designed to remedy the unfair trade that was exposed; it would be counterproductive to allow the Investment Tax Credit to undermine the purpose of these duties.



The second measure that I filed today, S. 3611, is equally important. The Buy Fairly Traded Goods Act says that federal agencies should not, with taxpayer money, buy merchandise, like Chinese subsidized solar panels, that are subject to U.S. duties assigned to remedy the unfair trade practices. Taxpayer money should not be used to buy property that the Department of Commerce has determined is unfairly traded and which is shown to harm U.S. manufacturers. This measure is written so there may be limited exceptions in the event of a national security issue, and it is crafted to comply with America's international trade obligations. Importantly, this bill also instructs federal agencies to use their contracting power to ensure that developers who are producing renewable energy for use by the federal government do not buy property for that purpose that is subject to trade remedies.

I am pleased that Senator MERKLEY has joined me in sponsoring these proposals. Mr. MERKLEY has a strong record for standing up for American businesses and the workers who are struggling during these difficult times due to the unscrupulous trade practices employed by the People's Republic of China.

By Mr. REED (for himself and Mr. JOHANNIS):

S. 3614. A bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. REED. Mr. President, today I am introducing the Housing Assistance for Veterans Act along with my colleague Senator JOHANNIS.

Our veterans have made many personal sacrifices in service to our nation. We must honor our commitment to provide them with the care they have earned and deserved, in both word and deed. One such way is to ensure that they have access to adequate housing.

According to Rebuilding Together, more than a quarter of all veterans, about six million, are estimated to be disabled. In my home State of Rhode Island, according to the U.S. Census Bureau, there are more than 19,000 veterans with disabilities, each of whom face their own unique challenges in terms of their housing needs.

The Department of Veterans Affairs, VA, has programs that assist these veterans in adapting and improving their homes. Unfortunately, these programs do not extend assistance to all veterans with disabilities. It is clear we must do more, and with this legislation, we are seeking to serve all veterans with disabilities, regardless of the severity of the disability and whether the dis-

ability is service-connected. The Housing Assistance for Veterans Act will give them the opportunity to renovate and modify their existing homes by installing wheelchair ramps, widening doors, re-equipping rooms, and making necessary additions and adjustments to existing structures, all so that these homes are both more suitable and safer for our veterans.

Our legislation encourages key stakeholders, such as the Department of Housing and Urban Development, the VA, housing non-profits, and veterans service organizations, to work together to serve our veterans. In order to extend the reach of this Federal funding, grant recipients would be expected to either match Federal funding or make in-kind contributions, through encouraging volunteers to help make repairs or engaging businesses to donate needed supplies.

This bill is supported by Rebuilding Together, VetsFirst, Vietnam Veterans of America, Veterans of Foreign Wars, Paralyzed Veterans of America, and Habitat for Humanity. I thank Senator JOHANNIS for working with me on this important bill, and I look forward to working with him and the rest of our colleagues to pass this legislation.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 575—COM-MENDING THE 4 AMERICAN PUBLIC SERVANTS WHO DIED IN BENGHAZI, LIBYA, UNITED STATES AMBASSADOR TO LIBYA JOHN CHRISTOPHER STEVENS, SEAN SMITH, TYRONE WOODS, AND GLEN DOHERTY, FOR THEIR TIRELESS EFFORTS ON BEHALF OF THE AMERICAN PEOPLE, AND CONDEMNING THE VIOLENT ATTACK ON THE UNITED STATES CONSULATE IN BENGHAZI

Mr. LUGAR (for himself and Mr. KERRY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 575

Whereas on September 11, 2012, 4 American public servants, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, were killed in a reprehensible and vicious attack on the United States consulate in Benghazi, Libya;

Whereas Ambassador Stevens—

(1) was a courageous and exemplary representative of the United States;

(2) had spent 21 years in the Foreign Service;

(3) was deeply passionate about representing the United States through his diplomatic service; and

(4) was an ardent friend of the Libyan people;

Whereas Ambassador Stevens served as Special Envoy to the Libyan Transitional National Council in Benghazi during the 2011 Libyan revolution;

Whereas Ambassador Stevens was a dear friend of the Senate, having served on the

staff of the Committee on Foreign Relations of the Senate in 2006 and 2007 as a distinguished Pearson Fellow;

Whereas Foreign Service Information Management Officer Sean Smith—

(1) was a husband and a father of 2 children;

(2) joined the Department of State 10 years ago after serving in the United States Air Force; and

(3) had served in the Foreign Service, before arriving in Benghazi, in Baghdad, Pretoria, Montreal, and The Hague;

Whereas Tyrone Woods was a husband and a father of three children, who, after two decades of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas Glen Doherty, after 12 years of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas the 4 Americans who perished in the Benghazi attack made great sacrifices and showed bravery in taking on a difficult post in Libya;

Whereas the violence in Benghazi coincided with an attack on the United States Embassy in Cairo, Egypt, which was also swarmed by an angry mob of protesters on September 11, 2012;

Whereas on a daily basis, United States diplomats, military personnel, and other public servants risk their lives to serve the American people; and

Whereas throughout this Nation's history, thousands of Americans have sacrificed their lives for the ideals of freedom, democracy, and partnership with nations and people around the globe.

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the dedicated service and deep commitment of Ambassador John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty in assisting the Libyan people as they navigate the complex currents of democratic transition marked in this case by profound instability;

(2) praises Ambassador Stevens, who represented the highest tradition of American public service, for his extraordinary record of dedication to the United States' interests in some of the most difficult and dangerous posts around the globe;

(3) sends its deepest condolences to the families of those American public servants killed in Benghazi;

(4) commends the bravery of Foreign Service Officers, United States Armed Forces, and public servants serving in harm's way around the globe and recognizes the deep sacrifices made by their families; and

(5) condemns, in the strongest possible terms, the despicable attacks on American diplomats and public servants in Benghazi and calls for the perpetrators of such attacks to be brought to justice.

SENATE RESOLUTION 576—CELEBRATING THE 50TH ANNIVERSARY OF THE SIGNING OF PUBLIC LAW 87-788, AN ACT COMMONLY KNOWN AS THE MCINTIRE-STENNIS COOPERATIVE FORESTRY ACT

Mr. COCHRAN (for himself, Mr. WICKER, Ms. COLLINS, and Ms. SNOWE) submitted the following resolution; which was:

## S. RES. 576

Whereas October 10, 2012, marks the 50th anniversary of the signing of Public Law 87-788 (commonly known as the "McIntire-Stennis Cooperative Forestry Act") (16 U.S.C. 582a et seq.), which authorized the Secretary of Agriculture to encourage and assist States in conducting a program of forestry research;

Whereas the McIntire-Stennis Cooperative Forestry Act was named for the 2 primary, bipartisan sponsors of the Act, Representative Clifford G. McIntire of Maine and Senator John C. Stennis of Mississippi, who recognized that research in forestry is the "driving force behind progress in developing and utilizing the Nation's forests";

Whereas the McIntire-Stennis Cooperative Forestry Act recognized that forestry research would be more effective nationwide if efforts among State-supported institutions of higher education were partnered and more closely coordinated with forestry research activities in the Federal Government;

Whereas Congressman McIntire and Senator Stennis stated a clear intent to address the important need of the United States for increased numbers of highly trained forestry scientists and other research professionals;

Whereas the McIntire-Stennis Cooperative Forestry Act has provided 5 decades of base funding to establish and strengthen research and training capacity in forestry at State-supported institutions of higher education;

Whereas funds provided by the Act to State-supported institutions of higher education are highly leveraged with non-Federal funds;

Whereas university-based forestry research has provided an accumulated wealth of science-based knowledge, skills, and technologies that have been critical for sustaining United States forests for economic, ecological, and social benefits;

Whereas funds provided by the McIntire-Stennis Cooperative Forestry Act for forestry research at State-supported institutions of higher education have provided significant graduate student support over the last 50 years, resulting in 8,500 master's degrees and 2,600 doctoral degrees;

Whereas the State-supported institutions of higher education that receive funds under the McIntire-Stennis Cooperative Forestry Act conduct forestry research in all 50 States and 4 territories of the United States, and disseminate the results of those efforts locally, regionally, nationally, and globally for the betterment of the communities of the institutions, the United States, and the world; and

Whereas many State-supported institutions of higher education are celebrating and commemorating the 50th anniversary of the signing of the McIntire-Stennis Cooperative Forestry Act: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 50th anniversary of the signing of Public Law 87-788 (commonly known as the "McIntire-Stennis Cooperative Forestry Act") (16 U.S.C. 582a et seq.) by President John F. Kennedy;

(2) encourages the people of the United States to observe and celebrate the 50th anniversary of the signing of the McIntire-Stennis Cooperative Forestry Act with appropriate ceremonies and activities;

(3) affirms the continuing importance and vitality of the State-supported institutions of higher education conducting forestry research and training supported by the McIntire-Stennis Cooperative Forestry Act; and

(4) respectfully requests that the Secretary of the Senate transmit to the National Association of University Forest Resources Programs an enrolled copy of this resolution for appropriate display.

# SENATE RESOLUTION 577—HONORING THE FIRST SPECIAL SERVICE FORCE, IN RECOGNITION OF ITS SUPERIOR SERVICE DURING WORLD WAR II

Mr. BAUCUS (for himself, Mr. KERRY, Mrs. MURRAY, Mr. TESTER, and Ms. MURKOWSKI) submitted the following resolution; which was:

## S. RES. 577

Whereas the First Special Service Force (referred to in this preamble as the "Force"), a military unit composed of volunteers from the United States and Canada, was activated in July 1942 at Fort Harrison near Helena, Montana;

Whereas the Force was initially intended to target military and industrial installations that were supporting the German war effort, including important hydroelectric plants, which would severely limit the production of strategic materials used by the Axis powers;

Whereas, from July 1942 through June 1943, volunteers of the Force trained in hazardous, arctic conditions in the mountains of western Montana, and in the waterways of Camp Bradford, Virginia;

Whereas the combat echelon of the Force totaled 1,800 soldiers, half from the United States and half from Canada;

Whereas the Force also contained a service battalion, composed of 800 members from the United States, that provided important support for the combat troops;

Whereas a special bond developed between the Canadian and United States soldiers, who were not segregated by country, although the commander of the Force was a United States colonel;

Whereas the Force was the only unit formed during World War II that consisted of troops from Canada and the United States;

Whereas, in October 1943, the Force went to Italy, where it fought in battles south of Cassino, including Monte La Difensa and Monte Majo, two mountain peaks that were a critical anchor of the German defense line;

Whereas, during the night of December 3, 1943, the Force ascended to the top of the precipitous face of Monte La Difensa, where the Force suffered heavy casualties and overcame fierce resistance to overtake the German line;

Whereas, after the battle for La Difensa, the Force continued to fight tough battles at high altitudes, in rugged terrain, and in severe weather;

Whereas, after battles on the strongly defended Italian peaks of Sammuco, Vischiataro, and Remetanea, the size of the Force had been reduced from 1,800 soldiers to fewer than 500;

Whereas, for 4 months in 1944, the Force engaged in raids and aggressive patrols at the Anzio Beachhead;

Whereas, on June 4, 1944, members of the Force were among the first Allied troops to liberate Rome;

Whereas, after liberating Rome, the Force moved to southern Italy and prepared to assist in the liberation of France;

Whereas, during the early morning of August 15, 1944, members of the Force made silent landings on Les Iles D'Hyeres, small is-

lands in the Mediterranean Sea along the southern coast of France;

Whereas the Force faced a sustained and withering assault from the German garrisons as the Force progressed from the islands to the Franco-Italian border;

Whereas, after the Allied forces secured the Franco-Italian border, the United States Army ordered the disbandment of the Force on December 5, 1944, in Nice, France;

Whereas, during 251 days of combat, the Force suffered 2,314 casualties, or 134 percent of its authorized strength, captured thousands of prisoners, won 5 United States campaign stars and 8 Canadian battle honors, and never failed a mission;

Whereas the United States is forever indebted to the acts of bravery and selflessness of the troops of the Force, who risked their lives for the cause of freedom;

Whereas the efforts of the Force along the seas and skies of Europe were critical in repelling the advance of Nazi Germany and liberating numerous communities in France and Italy;

Whereas the bond between the members of the Force from the United States and those from Canada has endured over the decades, as the members meet every year for a reunion, alternating between the United States and Canada; and

Whereas the traditions and honors exhibited by the Force are carried on by 2 outstanding active units of 2 great democracies, the Special Forces of the United States and the Canadian Special Operations Regiment: Now, therefore, be it

*Resolved*, That the Senate recognizes and honors the superior service of the First Special Service Force during World War II.

# SENATE RESOLUTION 578—SUPPORTING THE GOALS AND IDEALS OF RED RIBBON WEEK, 2012

Ms. MURKOWSKI (for herself, Mrs. FEINSTEIN, Mr. MORAN, and Mr. BEGICH) submitted the following resolution; which was:

## S. RES. 578

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique "Kiki" Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, Young Marines, the Drug Enforcement Administration, and hundreds of other

organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the United States faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas emerging drug threats and growing epidemics demand attention, with a particular focus on prescription medications, the second most abused drug by young people in the United States, and synthetic drugs;

Whereas, since the majority of teenagers abusing prescription medications get the medications from family, friends, and home medicine cabinets, the Drug Enforcement Administration will host a National Take Back Day on September 29, 2012, for the public to safely dispose of unused or expired prescription medications that can lead to accidental poisoning, overdose, and abuse;

Whereas synthetic marijuana, also known as "K2" or "Spice", has become especially popular, particularly among teenagers and young adults, and in 2011 poison centers across the United States responded to about 6,960 calls related to synthetic marijuana, up from approximately 2,900 calls in 2010;

Whereas Congress recently enacted the Food and Drug Administration Safety and Innovation Act (Public Law 112-144; 126 Stat. 993), which adds 26 synthetic drugs to the Controlled Substances Act (21 U.S.C. 801 et seq.), including the drugs commonly found in products marketed as K2, Spice, and bath salts; and

Whereas parents, young people, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2012;

(2) encourages children and teenagers to choose to live drug-free lives; and

(3) encourages the people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

#### SENATE RESOLUTION 579—DESIGNATING THE WEEK OF SEPTEMBER 24 THROUGH SEPTEMBER 28, 2012, AS "NATIONAL HISTORICALLY BLACK COLLEGES AND UNIVERSITIES WEEK"

Mr. GRAHAM (for himself, Mrs. HAGAN, Mr. ALEXANDER, Mr. BLUNT, Mr. BOOZMAN, Mr. BROWN of Ohio, Mr. BURR, Mr. CASEY, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mrs. HUTCHISON,

Mr. ISAKSON, Ms. LANDRIEU, Mr. MANCHIN, Mrs. MCCASKILL, Ms. MIKULSKI, Mr. NELSON of Florida, Mr. PORTMAN, Mr. PRYOR, Mr. SESSIONS, Mr. WARNER, Mr. WEBB, Mr. WICKER, Mr. LEVIN, and Mr. CARDIN) submitted the following resolution; which was:

S. RES. 579

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 24 through September 28, 2012, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

#### SENATE RESOLUTION 580—DESIGNATING THE WEEK BEGINNING ON OCTOBER 14, 2012, AS "NATIONAL WILDLIFE REFUGE WEEK"

Mr. COONS (for himself, Mr. SESSIONS, Mr. CARDIN, Mr. LIEBERMAN, Mr. BROWN of Massachusetts, Mr. UDALL of New Mexico, Ms. SNOWE, Mrs. MURRAY, Mr. ALEXANDER, Mr. REED, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. KERRY, Mrs. BOXER, Mr. LEAHY, Ms. LANDRIEU, Mr. BENNETT, Mr. BLUMENTHAL, Ms. MIKULSKI, Mr. PRYOR, Mr. WYDEN, Mr. WHITEHOUSE, Mr. UDALL of Colorado, Mr. JOHNSON of South Dakota, Mr. BINGAMAN, and Ms. COLLINS) submitted the following resolution; which was:

S. RES. 580

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas, in 2012, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150,000,000 acres, 558 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the United States, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas more than 360 units of the National Wildlife Refuge System have hunting programs and more than 300 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,500,000 hunting visits and more than 7,000,000 fishing visits each year;

Whereas the National Wildlife Refuge System experienced more than 30,000,000 wildlife observation visits during fiscal year 2012;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every \$1 appropriated, national wildlife refuges generate \$4 in economic activity;

Whereas the National Wildlife Refuge System experiences approximately 47,000,000 visits each year, which generated nearly \$2,100,000,000 and more than 35,000 jobs in local economies during fiscal year 2012;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas, since 1934, the sale of the Federal Duck Stamp to outdoor enthusiasts has generated more than \$850,000,000 in funds, which has enabled the purchase or lease of more than 5,500,000 acres of waterfowl habitat in the National Wildlife Refuge System;

Whereas 59 refuges were established specifically to protect imperiled species, and of the more than 1,300 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas more than 42,000 volunteers and approximately 220 national wildlife refuge "Friends" organizations contribute nearly 1,600,000 hours annually, the equivalent of 766 full-time employees, and provide an important link to local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the United States;

Whereas, since 1995, refuges across the United States have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of "Conserving the Future: Wildlife Refuges and the Next Generation", an update to the strategic plan of the Fish

and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 14, 2012, has been designated as "National Wildlife Refuge Week" by the Fish and Wildlife Service; and

Whereas the designation of National Wildlife Refuge Week by the Senate would recognize more than a century of conservation in the United States, raise awareness about the importance of wildlife and the National Wildlife Refuge System, and celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on October 14, 2012, as "National Wildlife Refuge Week";

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

#### SENATE RESOLUTION 581—DESIGNATING OCTOBER 26, 2012, AS "DAY OF THE DEPLOYED"

Mr. HOEVEN (for himself, Mr. CONRAD, Mr. ROBERTS, Mr. BOOZMAN, and Mr. BLUNT) submitted the following resolution; which was:

S. RES. 581

Whereas more than 2,500,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas in 2010, 40 States designated October 26 as "Day of the Deployed" following the first recognition of a "Day of the Deployed" by North Dakota on October 26, 2006; and

Whereas the Senate designated October 26, 2011, as "Day of the Deployed": Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2012, as "Day of the Deployed"; and

(4) encourages the people of the United States to observe "Day of the Deployed" with appropriate ceremonies and activities.

#### SENATE RESOLUTION 582—RECOGNIZING HISPANIC HERITAGE MONTH AND CELEBRATING THE HERITAGE AND CULTURE OF LATINOS IN THE UNITED STATES AND THE IMMENSE CONTRIBUTIONS OF LATINOS TO THE UNITED STATES

Mr. MENENDEZ (for himself, Mr. REID, Mr. CORNYN, Ms. MIKULSKI, Mr. BEGICH, Mr. HELLER, Mrs. HUTCHISON, Mr. UDALL of New Mexico, Mrs. HAGAN, Mr. NELSON of Florida, Mr. BLUMENTHAL, Mr. ENZI, Mr. CRAPO, Mr. MERKLEY, Mr. BENNET, Mr. UDALL of Colorado, Mr. AKAKA, Mr. WHITEHOUSE, Mr. DURBIN, Mr. RUBIO, Mrs. BOXER, Mr. CASEY, Mr. INOUE, Mr. LAUTENBERG, Mr. REED, Mr. BINGAMAN, Ms. STABENOW, Mr. WYDEN, Mr. WARNER, Mr. SCHUMER, Mr. BROWN of Ohio, and Mrs. FEINSTEIN) submitted the following resolution; which was:

S. RES. 582

Whereas beginning on September 15, 2012, through October 15, 2012, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at over 52,000,000 people, making Hispanic Americans the largest racial or ethnic minority group within the United States overall and in 25 individual States;

Whereas Latinos accounted for over ½ of all population growth from July 1, 2010, to July 1, 2011;

Whereas the Hispanic population in the United States is projected to grow to 132,800,000 by July 1, 2050, at which point the Hispanic population will comprise 30 percent of the total population in the United States;

Whereas nearly 1 in 4 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas 16.5 percent of all college students between the age of 18 and 24 years old are Hispanics, making Hispanics the largest racial or ethnic minority group on college campuses in the United States, including both 2-year community colleges and 4-year colleges and universities;

Whereas the purchasing power of Hispanic Americans was \$1,000,000,000,000 in 2010 and is

expected to grow 50 percent to \$1,500,000,000 by 2015;

Whereas there are approximately 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas as of June 2012, nearly 25,000,000 Hispanic workers represented 16 percent of the total labor force in the United States, with the share of Latino labor force participation expected to grow to 18 percent by 2018;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas as of July 2012, 143,054 Hispanic active duty service members served with distinction in the United States Armed Forces in fiscal year 2012;

Whereas as of June 30, 2012, there were 19,752 Hispanics serving in Afghanistan;

Whereas as of May 7, 2012, 645 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent of individuals who made the ultimate sacrifice for their country in that conflict even though Hispanics comprised only 4.5 percent of the United States population at the time;

Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas as of September 2012, there are approximately 1,300,000 living Hispanic veterans of the United States Armed Forces;

Whereas 44 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed on an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 2 seats in the Senate, 29 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2012, through October 15, 2012;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

#### SENATE RESOLUTION 583—DESIGNATING SEPTEMBER 2012 AS "NATIONAL PREPAREDNESS MONTH"

Mr. LIEBERMAN (for himself, Ms. COLLINS, and Ms. LANDRIEU) submitted the following resolution; which was:

S. RES. 583

Whereas a terrorist attack, natural disaster, or other emergency could strike any part of the United States at any time;

Whereas natural and manmade emergencies disrupt hundreds of thousands of

lives each year, costing lives and causing serious injuries and billions of dollars in property damage;

Whereas Federal, State, and local officials, as well as private and nonprofit organizations, are working to mitigate against, prevent, and respond to all types of emergencies;

Whereas the people of the United States can help promote the overall emergency preparedness of the United States by being prepared for all types of emergencies;

Whereas National Preparedness Month provides an opportunity to highlight the importance of public emergency preparedness and to encourage the people of the United States to take steps to be better prepared for emergencies at home, work, and school;

Whereas the people of the United States can prepare for emergencies by taking steps, such as assembling emergency supply kits, creating family emergency plans, staying informed about possible emergencies, and obtaining reasonable levels of insurance; and

Whereas additional information about public emergency preparedness may be obtained through the Ready Campaign of the Department of Homeland Security at [www.ready.gov](http://www.ready.gov) or the American Red Cross at [www.redcross.org/prepare](http://www.redcross.org/prepare): Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2012 as “National Preparedness Month”; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe National Preparedness Month with appropriate events and activities to promote emergency preparedness.

#### SENATE RESOLUTION 584—DESIGNATING OCTOBER 4, 2012, AS “JUMPSTART’S READ FOR THE RECORD DAY”

Mrs. MURRAY (for herself, Mr. ISAKSON, Mr. BEGICH, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. WICKER, Mr. BENNET, and Mr. COCHRAN) submitted the following resolution; which was:

S. RES. 584

Whereas Jumpstart, a national early education organization, is working to ensure that every child in the United States enters school prepared to succeed;

Whereas Jumpstart delivers a year-round research-based and cost-effective program by training college students and community volunteers to serve preschool age children in low-income neighborhoods, helping them to develop the language and literacy skills necessary to succeed in school and in life;

Whereas, since 1993, Jumpstart has trained nearly 25,000 college students and community volunteers to transform the lives of more than 42,000 preschool children in communities across the United States;

Whereas Jumpstart’s Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that culminates in one day of the year when millions of people in the United States come together to celebrate literacy and support Jumpstart in its efforts to promote early childhood education;

Whereas the goals of the campaign are to raise awareness in the United States of the importance of early childhood education, support Jumpstart’s early education pro-

grams in preschools in low-income neighborhoods through donations and sponsorship, and celebrate the commencement of Jumpstart’s program year;

Whereas October 4, 2012, is an appropriate date to designate as “Jumpstart’s Read for the Record Day” because it is the date Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,200,000 children in reading “Ladybug Girl and the Bug Squad” by David Soman and Jacky Davis during this record-breaking celebration of reading and service, all in support of preschool children in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 4, 2012, as “Jumpstart’s Read for the Record Day”;:

(2) commends Jumpstart’s Read for the Record on its seventh year;

(3) encourages adults, including grandparents, parents, teachers, and college students—

(A) to join children in creating the world’s largest shared reading experience; and

(B) to show their support for literacy and Jumpstart’s early education programming for young children in low-income communities; and

(4) requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading nonprofit organizations in the United States in the field of early childhood education.

#### SENATE RESOLUTION 585—RECOGNIZING THE EXTRAORDINARY HISTORY AND HERITAGE OF THE STATE OF NEW MEXICO, AND HONORING AND COMMENDING THE STATE OF NEW MEXICO AND ITS PEOPLE ON ITS CENTENNIAL ANNIVERSARY

Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted the following resolution; which was:

S. RES. 585

Whereas New Mexico has a rich heritage and history, dating as far back as 11,000 B.C. when the Clovis people left the earliest evidence of human existence in what is now New Mexico;

Whereas Santa Fe, the capital of New Mexico, was established in 1610 and is the oldest capital city in the United States, as well as the highest in elevation at 7,000 feet above sea level;

Whereas, on September 9, 1850, the portion of the Compromise of 1850 (9 Stat. 446) that created the New Mexico Territory was enacted;

Whereas, on January 6, 1912, President William Howard Taft signed the proclamation making New Mexico the 47th State of the Union;

Whereas the nickname of New Mexico is the “Land of Enchantment” because of its scenic beauty and rich history and culture;

Whereas the natural wonder of New Mexico is preserved by a broad range of national parks, forests, wilderness areas, and wildlife refuge centers;

Whereas the diverse cultural roots of New Mexico come from the many different groups of people who have inhabited the State, notably the strong tribal and Hispanic cultural influences in the State;

Whereas New Mexico has one of the richest indigenous tribal populations in the United States, including 19 Pueblo nations, 2 Apache nations, and the Navajo Nation;

Whereas the Hispanic population of New Mexico has rich and distinct cultural roots in its historic land grants as recognized by the Treaty of Peace, Friendship, Limits, and Settlement between the United States and Mexico, signed at Guadalupe Hidalgo February 2, 1848, and entered into force May 30, 1848 (9 Stat. 922) (commonly referred to as the “Treaty of Guadalupe Hidalgo”);

Whereas New Mexico continues to derive strength from the new Hispanic communities in the State with roots in Latin America;

Whereas New Mexico has an extensive variety of prehistoric, tribal, and Hispanic archaeological ruins;

Whereas New Mexico has a long tradition of artistic expression inspired by its natural beauty, unique architecture, and diverse people;

Whereas the people of New Mexico have a proud history of military service, predating and continuing after statehood, including the participation of the people of New Mexico in every major war of the United States since the Civil War, with notable participation by the people of New Mexico in Teddy Roosevelt’s Rough Riders, the Navajo Code Talkers, the defense of Bataan and Corregidor, the wars in Korea and Vietnam, and the wars in Iraq and Afghanistan;

Whereas New Mexico is a center for scientific innovation and laboratory research, serving as the home to the Los Alamos National Laboratory and Sandia National Laboratories;

Whereas, on July 16, 1945, the United States Army conducted the Trinity test, the first test of a nuclear weapon, which was developed at Los Alamos National Laboratory and tested at the White Sands Proving Ground in New Mexico;

Whereas, in 1980, New Mexico dedicated the Very Large Array, one of the world’s premier astronomical radio observatories that studies the history of the universe;

Whereas, in October 2011, New Mexico dedicated Spaceport America, propelling New Mexico into the future with the first commercial spaceport;

Whereas New Mexico is home to the Albuquerque International Balloon Fiesta, the largest hot air balloon event in the world, which is also considered to be the most photographed event in the world;

Whereas New Mexico has a long history of agricultural sustainability and productivity, supporting cattle and dairy, as well as many crops, including chile, corn, wheat, onions, peanuts, pistachios, pecans, hay, cotton, and beans;

Whereas the Hatch Valley of New Mexico, known as the “Chile Capital of the World”, is recognized worldwide for its bountiful chile crop; and

Whereas New Mexico celebrated the centennial anniversary of its admission to the Union as the 47th State of the United States on January 6, 2012: Now, therefore, be it

*Resolved*, That the Senate recognizes the extraordinary history and heritage of the State of New Mexico, and honors and commends the State of New Mexico and its people on its centennial anniversary.

#### SENATE RESOLUTION 586—EXPRESSING SUPPORT FOR THE GOALS AND IDEALS OF NATIONAL INFANT MORTALITY AWARENESS MONTH, 2012

Mr. CARDIN (for himself, Mr. BURR, and Mr. MENENDEZ) submitted the following resolution; which was:

## S. RES. 586

Whereas the term “infant mortality” refers to the death of a baby before the first birthday of the baby;

Whereas the United States ranks 49th among countries in the rate of infant mortality;

Whereas high rates of infant mortality are especially prevalent in African American, Native American, Alaskan Native, Latino, Asian, and Hawaiian and other Pacific Islander communities, communities with high rates of unemployment and poverty, and communities with limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality;

Whereas, according to the Institute of Medicine of the National Academies, premature birth costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services, such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality may result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, acting through the Office of Minority Health, has implemented the “A Healthy Baby Begins With You” campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services on reducing infant mortality and improving the health status of infants and pregnant women;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services with respect to developing a national strategy for reducing infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2012 has been designated as “National Infant Mortality Awareness Month”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports—

(A) the goals and ideals of National Infant Mortality Awareness Month, 2012;

(B) efforts to educate people in the United States about infant mortality and the factors that contribute to infant mortality; and

(C) efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(2) recognizes the critical importance of including efforts to reduce infant mortality and the factors that contribute to infant mortality as part of prevention and wellness strategies; and

(3) calls on the people of the United States to observe National Infant Mortality Awareness Month with appropriate programs and activities.

## SENATE RESOLUTION 587—SUPPORTING “LIGHTS ON AFTERSCHOOL”, A NATIONAL CELEBRATION OF AFTERSCHOOL PROGRAMS

Mrs. BOXER (for herself, Ms. COLLINS, and Mr. WHITEHOUSE) submitted the following resolution; which was:

## S. RES. 587

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in those families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of children in the United States, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of children in the United States;

Whereas “Lights On Afterschool”, a national celebration of afterschool programs held on October 18, 2012, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and approximately 15,100,000 children in the United States have no place to go after school; and

Whereas nearly 2 in 5 afterschool programs report that their budgets are in worse condition today than at the height of the recession in 2008, and more than 3 in 5 afterschool programs report that their level of funding is lower than it was 3 years ago, making it difficult for afterschool programs across the United States to keep their doors open and their lights on: Now, therefore, be it

*Resolved*, That the Senate supports “Lights On Afterschool”, a national celebration of afterschool programs held on October 18, 2012.

## SENATE RESOLUTION 588—COMMENDING THE 4 AMERICAN PUBLIC SERVANTS WHO DIED IN BENGHAZI, LIBYA, UNITED STATES AMBASSADOR TO LIBYA JOHN CHRISTOPHER STEVENS, SEAN SMITH, TYRONE WOODS, AND GLEN DOHERTY, FOR THEIR TIRELESS EFFORTS ON BEHALF OF THE AMERICAN PEOPLE, AND CONDEMNING THE VIOLENT ATTACK ON THE UNITED STATES CONSULATE IN BENGHAZI

Mr. LUGAR (for himself, Mr. KERRY, Mr. REID of Nevada, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Ms. AYOTTE, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN,

Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED of Rhode Island, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mrs. SHAHEEN, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was:

## S. RES. 588

Whereas on September 11, 2012, 4 American public servants, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, were killed in a reprehensible and vicious attack on the United States consulate in Benghazi, Libya;

Whereas Ambassador Stevens—

(1) was a courageous and exemplary representative of the United States;

(2) had spent 21 years in the Foreign Service;

(3) was deeply passionate about representing the United States through his diplomatic service; and

(4) was an ardent friend of the Libyan people;

Whereas Ambassador Stevens served as Special Envoy to the Libyan Transitional National Council in Benghazi during the 2011 Libyan revolution;

Whereas Ambassador Stevens was a dear friend of the Senate, having served on the staff of the Committee on Foreign Relations of the Senate in 2006 and 2007 as a distinguished Pearson Fellow;

Whereas Foreign Service Information Management Officer Sean Smith—

(1) was a husband and a father of 2 children;

(2) joined the Department of State 10 years ago after serving in the United States Air Force; and

(3) had served in the Foreign Service, before arriving in Benghazi, in Baghdad, Pretoria, Montreal, and The Hague;

Whereas Tyrone Woods was a husband and a father of three children, who, after two decades of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas Glen Doherty, after 12 years of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas the 4 Americans who perished in the Benghazi attack made great sacrifices



and showed bravery in taking on a difficult post in Libya;

Whereas the violence in Benghazi coincided with an attack on the United States Embassy in Cairo, Egypt, which was also swarmed by an angry mob of protesters on September 11, 2012;

Whereas on a daily basis, United States diplomats, military personnel, and other public servants risk their lives to serve the American people; and

Whereas throughout this Nation's history, thousands of Americans have sacrificed their lives for the ideals of freedom, democracy, and partnership with nations and people around the globe.

Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the dedicated service and deep commitment of Ambassador John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty in assisting the Libyan people as they navigate the complex currents of democratic transition marked in this case by profound instability;

(2) praises Ambassador Stevens, who represented the highest tradition of American public service, for his extraordinary record of dedication to the United States' interests in some of the most difficult and dangerous posts around the globe;

(3) sends its deepest condolences to the families of those American public servants killed in Benghazi;

(4) commends the bravery of Foreign Service Officers, United States Armed Forces, and public servants serving in harm's way around the globe and recognizes the deep sacrifices made by their families; and

(5) condemns, in the strongest possible terms, the despicable attacks on American diplomats and public servants in Benghazi and calls for the perpetrators of such attacks to be brought to justice.

**SENATE RESOLUTION 589—DESIGNATING NOVEMBER 24, 2012, AS “SMALL BUSINESS SATURDAY” AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES**

MS. SNOWE (for herself, Ms. LANDRIEU, Mr. RISCH, Mr. KERRY, Mr. ALEXANDER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mrs. HAGAN, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. ENZI, Mr. WHITEHOUSE, Ms. MURKOWSKI, Mrs. MURRAY, Mr. HOEVEN, Mr. PRYOR, Mr. ISAKSON, Mr. COONS, Mr. KIRK, Mr. LAUTENBERG, Mr. RUBIO, Mr. ROCKEFELLER, Mr. BROWN of Massachusetts, Mr. UDALL of New Mexico, Ms. AYOTTE, Mr. BEGICH, Mr. PORTMAN, Mr. MANCHIN, Mr. BOOZMAN, Mr. MERKLEY, Mr. MENENDEZ, Ms. CANTWELL, Mr. DURBIN, Mr. BAUCUS, Mr. LEVIN, Mr. WARNER, Mrs. FEINSTEIN, Mr. CARDIN, Mr. TESTER, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. ROBERTS, Mr. THUNE, Mr. CHAMBLISS, Mrs. BOXER, and Mr. BENNET) submitted the following resolution; which was:

S. RES. 589

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as “employer firms”) in the United States;

Whereas small businesses employ ½ of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, non-farm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every \$100 spent with locally owned, independent stores, \$68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a “buy local” movement: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates November 24, 2012, as “Small Business Saturday”; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2849. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3576, to provide limitations on United States assistance, and for other purposes; which was ordered to lie on the table.

SA 2850. Ms. MURKOWSKI (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2851. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2852. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2853. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2854. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2855. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2856. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2857. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2858. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2859. Mr. REID (for Mr. CARDIN) proposed an amendment to the bill S. 1956, to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

SA 2860. Mr. REID (for Mr. MERKLEY) proposed an amendment to the bill S. 1956, to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

SA 2861. Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

SA 2862. Mr. PRYOR (for Mrs. SHAHEEN) proposed an amendment to the bill H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

SA 2863. Mr. PRYOR (for Mr. DURBIN) proposed an amendment to S. Res. 466, calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko.

SA 2864. Mr. PRYOR (for Mr. AKAKA) proposed an amendment to the bill S. 3193, to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

SA 2865. Mr. PRYOR (for Mr. BLUMENTHAL) proposed an amendment to the bill H.R. 2453, to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

SA 2866. Mr. PRYOR (for Mr. LIEBERMAN) proposed an amendment to S. 3315, to repeal or modify certain mandates of the Government Accountability Office.

SA 2867. Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.

SA 2868. Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, supra.

SA 2869. Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2606, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

SA 2870. Mr. PRYOR (for Mr. ENZI) proposed an amendment to the resolution S. Res. 472, designating October 7, 2012, as “Operation Enduring Freedom Veterans Day”.

**TEXT OF AMENDMENTS**

**SA 2849.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3576, to provide limitations on United States assistance, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:



**SECTION 1. LIMITATION ON FOREIGN ASSISTANCE.****(a) PROHIBITION.—**

(1) **IN GENERAL.**—Except as provided under paragraph (2), beginning 60 days after the date of the enactment of this Act, no amounts may be obligated or expended to provide any direct United States assistance, loan guarantee, or debt relief to a Government described under subsection (b).

(2) **EXCEPTION.**—With respect to the Government of Pakistan, the prohibition under paragraph (1) shall be effective as of the date of the enactment of this Act.

(b) **COVERED GOVERNMENTS.**—The Governments referred to in subsection (a) are as follows:

- (1) The Government of Libya.
- (2) The Government of Egypt.
- (3) The Government of Pakistan.

(c) **CERTIFICATION.**—The President may certify to Congress that a Government described under subsection (b)—

(1) is cooperating or has cooperated fully with investigations into an attack, trespass, breach, or attempted attack, trespass, or breach;

(2) is facilitating or has facilitated any security improvements at United States diplomatic facilities, as requested by the United States Government; and

(3) is taking or has taken sufficient steps to strengthen and improve reliability of local security in order to prevent any future attack, trespass, or breach.

(d) **REQUEST TO SUSPEND PROHIBITION ON FOREIGN ASSISTANCE.**—

(1) **IN GENERAL.**—Except as provided under paragraph (2), upon submitting a certification under subsection (c) with respect to a Government described under subsection (b), the President may submit a request to Congress to suspend the prohibition on foreign assistance to the Government.

(2) **PAKISTAN.**—No request under paragraph (1) may be submitted with respect to the Government of Pakistan until—

(A) Dr. Shakil Afridi has been released alive from prison in Pakistan;

(B) any criminal charges brought against Dr. Afridi, including treason, have been dropped; and

(C) if necessary to ensure his freedom, Dr. Afridi has been allowed to leave Pakistan alive.

(e) **EXPEDITED CONSIDERATION OF PRESIDENTIAL REQUEST.**—

(1) **IN GENERAL.**—For purposes of this subsection, the term “joint resolution” means only a joint resolution introduced in the period beginning on the date on which a request under subsection (d) is received by Congress and ending 60 days thereafter (excluding days either House of Congress is adjourned for more than 3 days during a session of Congress), the matter after the resolving clause of which is as follows: “That Congress approves the request submitted by the President to suspend the prohibition on foreign assistance to the Government of \_\_\_\_\_ in effect since \_\_\_\_\_, and such prohibition shall have no force or effect.” (The blank spaces being appropriately filled in).

(2) **REFERRAL.**—A joint resolution described in paragraph (1) shall be referred to the committees in each House of Congress with jurisdiction.

(3) **SUBMISSION DATE DEFINED.**—For purposes of this section, the term “submission date” means the date on which a House of Congress receives the request submitted under subsection (d).

(4) **DISCHARGE OF SENATE COMMITTEE.**—In the Senate, if the committee to which is referred a joint resolution described in para-

graph (1) has not reported such joint resolution (or an identical joint resolution) at the end of 20 calendar days after the submission date, such committee may be discharged from further consideration of such joint resolution upon a petition supported in writing by 30 Senators, and such joint resolution shall be placed on the calendar.

(5) **SENATE CONSIDERATION OF RESOLUTION.**—

(A) **MOTIONS.**—In the Senate, when the committee to which a joint resolution is referred has reported, or when a committee is discharged (under paragraph (4)) from further consideration of a joint resolution described in paragraph (1), it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for a motion to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the Senate until disposed of.

(B) **DEBATE.**—In the Senate, debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to, or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order.

(C) **VOTE ON FINAL PASSAGE.**—In the Senate, immediately following the conclusion of the debate on a joint resolution described in paragraph (1), and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the Senate, the vote on final passage of the joint resolution shall occur.

(D) **APPEALS OF DECISIONS OF THE CHAIR.**—Appeals from the decisions of the Chair relating to the application of the rules of the Senate to the procedure relating to a joint resolution described in paragraph (1) shall be decided without debate.

(6) **INAPPLICABILITY OF CERTAIN PROVISIONS.**—In the Senate, the procedures specified in paragraph (4) or (5) shall not apply to the consideration of a joint resolution respecting a request—

(A) after the expiration of the 60 session days beginning with the applicable submission date; or

(B) if the request submitted under subsection (d) was submitted during the period beginning on the date occurring—

(i) in the case of the Senate, 60 session days, or

(ii) in the case of the House of Representatives, 60 legislative days,

before the date the Congress adjourns a session of Congress through the date on which the same or succeeding Congress first convenes its next session, after the expiration of the 60 session days beginning on the 15th session day after the succeeding session of Congress first convenes.

(7) **RECEIPT OF JOINT RESOLUTION FROM OTHER HOUSE.**—If, before the passage by one House of a joint resolution of that House described in paragraph (1), that House receives from the other House a joint resolution de-

scribed in paragraph (1), then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution described in paragraph (1) of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(f) **REPORT ON UNSECURED WEAPONS IN LIBYA.**—Not later than 90 days after the date of the enactment of this Act, the President shall submit a report to Congress examining the extent to which advanced weaponry remaining unsecured after the fall of Moammar Qaddafi was used by the individuals responsible for the September 11, 2012, attack on the United States consulate in Benghazi, Libya.

(g) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed as an authorization for the use of military force.

**SA 2850.** Ms. MURKOWSKI (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 7, after line 21, add the following:  
**SEC. 104. HERITAGE OF RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL LAND.**

(a) **DEFINITIONS.**—In this section:

(1) **FEDERAL PUBLIC LAND.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “Federal public land” means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) **EXCLUSIONS.**—The term “Federal public land” does not include—

(i) land or water held or managed in trust for the benefit of Indians or other Native Americans;

(ii) land managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) **HUNTING.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the term “hunting” means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) **EXCLUSION.**—The term “hunting” does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(3) **RECREATIONAL FISHING.**—The term “recreational fishing” means—

(A) an activity for sport or for pleasure that involves—

(i) the lawful catching, taking, or harvesting of fish; or

(ii) the lawful attempted catching, taking, or harvesting of fish; or

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) **RECREATIONAL SHOOTING.**—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

(b) **RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.**—

(1) **IN GENERAL.**—Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by—

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(B) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(2) **MANAGEMENT.**—Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head—

(A) in a manner that supports and facilitates recreational fishing, hunting, and recreational shooting opportunities;

(B) to the extent authorized under applicable State law; and

(C) in accordance with applicable Federal law.

(3) **PLANNING.**—

(A) **EFFECTS OF PLANS AND ACTIVITIES.**—

(i) **EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.**—Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) **OTHER ACTIVITY NOT CONSIDERED.**—

(I) **IN GENERAL.**—Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of—

(aa) planning for or determining which units of Federal public land are open for recreational fishing, hunting, or recreational shooting; or

(bb) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(II) **ENHANCED OPPORTUNITIES.**—Federal public land management officials may consider the opportunities described in subclause (I) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(B) **USE OF VOLUNTEERS.**—If hunting is prohibited by law, all Federal public land planning document described in subparagraph (A)(i) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled

volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(4) **BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LAND.**—

(A) **LAND OPEN.**—

(i) **IN GENERAL.**—Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to such activity.

(ii) **MOTORIZED ACCESS.**—Nothing in this subparagraph authorizes or requires motorized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(B) **CLOSURE OR RESTRICTION.**—Land described in subparagraph (A) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(C) **SHOOTING RANGES.**—

(i) **IN GENERAL.**—Except as provided in clause (iii), the head of each Federal public land agency may use the authorities of the head, in a manner consistent with this section and other applicable law—

(I) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(II) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(ii) **LIMITATION ON LIABILITY.**—Any designation under clause (i)(II) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any recreational shooting activity occurring at or on the designated land.

(iii) **EXCEPTION.**—The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(5) **REPORT.**—Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs

shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) any Federal public land administered by the agency head that was closed to recreational fishing, hunting, or recreational shooting at any time during the preceding year; and

(B) the reason for the closure.

(6) **CLOSURES OR SIGNIFICANT RESTRICTIONS OF 1,280 OR MORE ACRES.**—

(A) **IN GENERAL.**—Other than closures established or prescribed by land planning actions referred to in paragraph (4)(B) or emergency closures described in subparagraph (C), a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water—

(i) publishes appropriate notice of the withdrawal or change, respectively;

(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(B) **AGGREGATE OR CUMULATIVE EFFECTS.**—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significant restrictions affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) **EMERGENCY CLOSURES.**—

(i) **IN GENERAL.**—Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(ii) **TERMINATION.**—An emergency closure under clause (i) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this subsection.

(7) **NO PRIORITY.**—Nothing in this section requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(8) **CONSULTATION WITH COUNCILS.**—In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) **AUTHORITY OF STATES.**—

(A) **IN GENERAL.**—Nothing in this section interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

## (B) FEDERAL LICENSES.—

(i) IN GENERAL.—Except as provided in clause (ii), nothing in this section authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(ii) MIGRATORY BIRD STAMPS.—This subparagraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

**SA 2851.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—LAND CONVEYANCE****SEC. 301. DEFINITIONS.**

In this title:

(1) CITY.—The term “City” means the city of Fruit Heights, Utah.

(2) MAP.—The term “map” means the map entitled “Proposed Fruit Heights City Conveyance” and dated 2012.

(3) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means the approximately 100 acres of National Forest System land, as depicted on the map.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

**SEC. 302. CONVEYANCE OF CERTAIN LAND TO THE CITY OF FRUIT HEIGHTS, UTAH.**

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(b) SURVEY.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The City shall pay the reasonable survey and other administrative costs associated with a survey conducted under paragraph (1).

(c) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (a), the City shall use the National Forest System land only for public purposes.

**SA 2852.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—LAND CONVEYANCE****SEC. 301. LAND CONVEYANCE, UTAH-WASATCH-CACHE NATIONAL FOREST, UTAH.**

(a) CONVEYANCE REQUIRED.—On the request of Brigham Young University submitted to the Secretary of Agriculture not later than one year after the date of the enactment of this Act, the Secretary shall convey, not later than one year after receiving the request, to Brigham Young University all right, title, and interest of the United States in and to an approximately 80-acre parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah consisting of the SE $\frac{1}{4}$ SE $\frac{1}{4}$  of section

32, T. 6 S., R. 3 E., and the NE $\frac{1}{4}$ NE $\frac{1}{4}$  of section 5, T. 7 S., R. 3 E., Salt Lake Base & Meridian. The conveyance shall be subject to valid existing rights and shall be made by quitclaim deed.

(b) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—As consideration for the land conveyed under subsection (a), Brigham Young University shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) DEPOSIT.—The consideration received by the Secretary under paragraph (1) shall be deposited in the general fund of the Treasury to reduce the Federal deficit.

(c) GUARANTEED PUBLIC ACCESS TO Y MOUNTAIN TRAIL.—After the conveyance under subsection (a), Brigham Young University represents that it will—

(1) continue to allow the same reasonable public access to the trailhead and portion of the Y Mountain Trail already owned by Brigham Young University as of the date of the enactment of this Act that Brigham Young University has historically allowed; and

(2) allow that same reasonable public access to the portion of the Y Mountain Trail and the “Y” symbol located on the land described in subsection (a).

(d) SURVEY AND ADMINISTRATIVE COSTS.—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Brigham Young University shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

**SA 2853.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—NATIONAL MONUMENTS IN UTAH****SEC. 301. LIMITATION ON FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN UTAH.**

This proviso of the last sentence of the first section of the Act of September 14, 1950 (64 Stat. 849, chapter 950; 16 U.S.C. 431a), is amended by inserting “or Utah” after “Wyoming”.

**SA 2854.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—LAND CONVEYANCE****SEC. 301. DEFINITIONS.**

In this title:

(1) FEDERAL LAND.—The term “Federal land” means any land (including mineral rights) under the jurisdiction of the Secretary in the State, including any public land in the State (as defined in section 103 of the Federal Land Policy And Management Act of 1976 (43 U.S.C. 1702)).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the state of Utah.

**SEC. 302. CONVEYANCE OF FEDERAL LAND TO THE STATE OF UTAH.**

(a) IN GENERAL.—Not later than December 31, 2014, the Secretary shall convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) RECONVEYANCE.—If the State reconveys any Federal land conveyed to the State under subsection (a), the State shall, as soon as practicable after the date of the reconveyance, pay to the Secretary concerned an amount equal to 95 percent of the amount received by the State in consideration for the Federal land reconveyed.

**SA 2855.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—CLARIFICATION OF AUTHORITY, UTAH AND OURAY INDIAN RESERVATION****SEC. 301. CLARIFICATION OF AUTHORITY.**

The Act entitled “An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes”, approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled “An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character” approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

“SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

“(1) RESERVATION BY UNITED STATES.—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq) in any mineral lands conveyed to the State.

“(2) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the United States under paragraph (1) shall consist of—

“(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;

“(B) 50 percent of any rental or other payments received by the State as consideration for the lease or authorization to develop such mineral resources;

“(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production

under any lease or authorization to develop such oil and gas resources; and

“(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

“(3) RESERVATION BY STATE OF UTAH.—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq) in any mineral lands relinquished by the State to the United States.

“(4) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the State under paragraph (3) shall consist of—

“(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

“(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

“(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

“(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

“(5) NO OBLIGATION TO LEASE.—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

“(6) COOPERATIVE AGREEMENTS.—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and Ouray Reservation to facilitate the relinquishment and selection of lands to be conveyed under this section, and the administration of the overriding interests reserved hereunder.

“(7) TERMINATION.—The overriding interest reserved by the Secretary of the Interior under paragraph (1), and the overriding interest reserved by the State under paragraph (3), shall automatically terminate 30 years after the date of enactment of this section.”.

**SA 2856.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **TITLE III—TIMBER SALE CONTRACTS**

##### **SEC. 301. EXTENDING NATIONAL FOREST SYSTEM TIMBER SALE CONTRACTS.**

(a) DEFINITIONS.—In this section:

(1) QUALIFYING CONTRACT.—The term “qualifying contract” means a contract (including an integrated resource timber contract) for the sale of timber on National Forest System land—

(A) that was awarded before January 1, 2010;

(B) for which the original contract term was for 2 or more years;

(C) for which there is unharvested volume of timber remaining;

(D) for which, not later than 90 days after the date of enactment of this Act, the contract awardee makes a written request to the Secretary for an extension of time;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions;

(F) for which the Secretary determines there is not an urgent need to harvest to accomplish fuel reduction objectives in wildland-urban interface areas; and

(G) that is not in breach or default.

(2) SECRETARY.—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) EXTENSION OF TIME.—

(1) IN GENERAL.—Notwithstanding any other provision of law and subject to the conditions described in paragraph (2), the Secretary may extend the term of a qualifying contract for not more than 2 years after the applicable contract termination date.

(2) CONDITIONS.—An extension of a qualifying contract under paragraph (1) shall be subject to the following conditions:

(A) The total contract term shall not exceed 10 years, including the extension granted under this section.

(B) A qualifying contract that receives a 1-year substantial overriding public interest extension authorized by the Chief of the Forest Service in 2012 may only receive an extension of 1 year under this section.

(C) Periodic payment dates that have not been reached as of the date of a request by a contract awardee under this section shall be adjusted in accordance with applicable law and policies.

(c) EFFECT.—

(1) NO SURRENDER OF CLAIMS.—Nothing in this section shall result in the surrendering of any claim by the United States against any contract awardee that arose under a qualifying contract before the date on which the Secretary extends the qualifying contract term under this section.

(2) RELEASE OF LIABILITY.—Before receiving an extension of a contract term under this section, the contract awardee shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the extension of the qualifying contract term; or

(B) a determination by the Secretary under this section to not extend the contract term.

(3) FUTURE ADMINISTRATIVE ACTIONS.—Nothing in this section precludes the Secretary from modifying a qualifying contract extended under this section to grant administrative relief consistent with applicable law (including regulations) and policy.

**SA 2857.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 100, after line 13, add the following:

##### **SEC. 249. REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.**

(a) DEFINITIONS.—In this section:

(1) GRAY WOLF.—The term “gray wolf” means any taxonomic group traditionally as-

sociated with the gray wolf, including *Canis lupus baileyi*, regardless of specific taxonomy of any particular gray wolf variety as a species, subspecies, or other designation.

(2) SECRETARY.—The term “Secretary” has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(b) REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this section, the Secretary shall promulgate regulations removing from the list of endangered or threatened species under section 4(c) of the Endangered Species Act of 1973 (16 U.S.C. 1533(c)) the gray wolf within the borders of the State of Utah.

**SA 2858.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

At the end, add the following:

#### **TITLE III—PUTTING THE GULF OF MEXICO BACK TO WORK**

##### **SEC. 301. SHORT TITLE.**

This title may be cited as the “Putting the Gulf of Mexico Back to Work Act”.

##### **SEC. 302. DEFINITIONS.**

In this title:

(1) COVERED CIVIL ACTION.—The term “covered civil action” means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project in the Gulf of Mexico.

(2) COVERED ENERGY PROJECT.—

(A) IN GENERAL.—The term “covered energy project” means the leasing of Federal land of the outer Continental Shelf for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy in the Gulf of Mexico, and any action under a lease.

(B) EXCLUSION.—The term “covered energy project” does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### **Subtitle A—Outer Continental Shelf Land**

##### **SEC. 311. DRILLING PERMITS.**

Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by striking subsection (d) and inserting the following:

“(d) DRILLING PERMITS.—

“(1) IN GENERAL.—The Secretary shall by regulation require that any lessee operating under an approved exploration plan—

“(A) obtain a permit before drilling any well in accordance with the plan; and

“(B) obtain a new permit before drilling any well of a design that is significantly different than the design for which the existing permit was issued.

“(2) SAFETY REVIEW REQUIRED.—The Secretary shall not issue a permit under paragraph (1) without ensuring that the proposed drilling operations meet all—

“(A) critical safety system requirements, including blowout prevention; and

“(B) oil spill response and containment requirements.

“(3) TIMELINE.—

“(A) IN GENERAL.—The Secretary shall determine whether to issue a permit under paragraph (1) not later than 30 days after the date on which the Secretary receives the application for a permit.

“(B) EXTENSION OF TIME.—

“(i) IN GENERAL.—The Secretary may extend the period in which to consider an application for a permit for up to 2 periods of 15 days each if the Secretary has given written notice of the delay to the applicant.

“(ii) NOTICE.—The notice described in clause (i) shall—

“(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

“(II) include—

“(aa) the name and title of each individual processing the application; and

“(bb) the reason for the delay; and

“(cc) the date on which the Secretary expects to make a final decision on the application.

“(4) DENIAL OF APPLICATION.—If the Secretary denies the application, the Secretary shall provide the applicant—

“(A) a written statement that provides clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiency; and

“(B) an opportunity to remedy any deficiencies.

“(5) FAILURE TO MAKE DECISION WITHIN 60 DAYS.—If the Secretary does not make a decision on the application by the date that is 60 days from the date on which the Secretary receives the application, the application shall be considered approved.”.

#### **Subtitle B—Judicial Review of Agency Actions Relating to Outer Continental Shelf Activities in Gulf of Mexico**

#### **SEC. 322. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS IN GULF OF MEXICO.**

A covered civil action shall be brought only in a judicial district in the Fifth Circuit unless there is no district in that circuit in which the action may be brought.

#### **SEC. 323. TIME LIMITATION ON FILING.**

A covered civil action is barred unless the action is filed not later than the date that is 60 days after the date of the final Federal agency action.

#### **SEC. 324. EXPEDITION IN HEARING AND DETERMINING ACTION.**

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

#### **SEC. 325. STANDARD OF REVIEW.**

(a) IN GENERAL.—In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct.

(b) STANDARD.—The presumption described in subsection (a) may be rebutted only by a preponderance of the evidence contained in the administrative record.

#### **SEC. 326. LIMITATION ON PROSPECTIVE RELIEF.**

In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

#### **SEC. 327. LIMITATION ON ATTORNEYS' FEES.**

(a) IN GENERAL.—Sections 504 of title 5 and 2412 of title 28, United States Code, do not apply to a covered civil action.

(b) PAYMENT FROM FEDERAL GOVERNMENT.—No party to a covered civil action shall receive from the Federal Government

payment for attorneys' fees, expenses, and other court costs.

### **TITLE IV—RESTARTING AMERICAN OFFSHORE LEASING NOW**

#### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Restarting American Offshore Leasing Now Act”.

#### **SEC. 402. DEFINITIONS.**

In this title:

(1) ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007-2012 5-YEAR OCS PLAN.—The term “environmental impact statement for the 2007-2012 5-Year OCS plan” means the final environmental impact statement prepared by the Secretary entitled “Outer Continental Shelf Oil and Gas Leasing Program: 2007-2012”, and dated April 2007.

(2) MULTISALE ENVIRONMENTAL IMPACT STATEMENT.—The term “multisale environmental impact statement” means the environmental impact statement prepared by the Secretary relating to proposed Western Gulf of Mexico OCS Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and proposed Central Gulf of Mexico OCS Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222, and dated September 2008.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### **SEC. 403. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN CENTRAL GULF OF MEXICO.**

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007-2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### **SEC. 404. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.**

(a) IN GENERAL.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007-2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

#### **SEC. 405. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN CENTRAL GULF OF MEXICO.**

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007-2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

### **TITLE V—REVERSING PRESIDENT OBAMA'S OFFSHORE MORATORIUM**

#### **SEC. 501. SHORT TITLE.**

This title may be cited as the “Reversing President Obama's Offshore Moratorium Act”.

#### **SEC. 502. OUTER CONTINENTAL SHELF LEASING PROGRAM.**

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

“(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

“(i) at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geological assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

“(ii) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.

“(B) In this paragraph, the term ‘available unleased acreage’ means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

“(6)(A) For the 2012-2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that are estimated to contain more than—

“(i) 2,500,000,000 barrels of oil; or

“(ii) 7,500,000,000,000 cubic feet of natural gas.

“(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled ‘Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation's Outer Continental Shelf, 2006’.”.

#### **SEC. 503. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.**

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

“(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

“(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program, which goal shall be—

“(A) the best estimate of the practicable increase in domestic production of oil and natural gas from the outer Continental Shelf; and

“(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

“(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

“(2) 2012-2017 PROGRAM GOAL.—For purposes of the 2012-2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of not less than—

“(A) 3,000,000 barrels in the quantity of oil produced per day; and

“(B) 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

“(3) REPORTING.—Beginning at the end of the 5-year period for which the program applies and annually thereafter, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the program in meeting the production goal that includes an identification of projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.”.

#### **TITLE VI—JOBS AND ENERGY PERMITTING**

##### **SEC. 601. SHORT TITLE.**

This title may be cited as the “Jobs and Energy Permitting Act of 2012”.

##### **SEC. 602. AIR QUALITY MEASUREMENT.**

Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended in the second sentence by inserting before the period at the end the following: “, except that any air quality impact of any OCS source shall be measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area”.

##### **SEC. 603. OCS SOURCE.**

Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C. 7627(a)(4)(C)) is amended in the second sentence of the matter following clause (iii) by striking “shall be considered direct emissions from the OCS source” and inserting “shall be considered direct emissions from the OCS source but shall not be subject to any emission control requirement applicable to the source under subpart 1 of part C of title I of this Act. For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at the location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons”.

##### **SEC. 604. PERMITS.**

(a) PERMITS.—Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end the following:

“(d) PERMIT APPLICATION.—In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source—

“(1) final agency action (including any reconsideration of the issuance or denial of such a permit) shall be taken not later than 180 days after the date on which the completed application is filed;

“(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter regarding the consideration, issuance, or denial of the permit;

“(3) no administrative stay of the effectiveness of the permit may extend beyond the date that is 180 days after the date on which the completed application is filed;

“(4) that final agency action shall be considered to be nationally applicable under section 307(b); and

“(5) judicial review of that final agency action shall be available only in accordance with section 307(b) without additional administrative review or adjudication.”.

(b) CONFORMING AMENDMENT.—Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended by striking “For purposes of subsections (a) and (b) of this section—” and inserting “For purposes of subsections (a), (b), and (d):”.

#### **TITLE VII—SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY**

##### **SEC. 701. SHORT TITLE.**

This title may be cited as the “Sacramento-San Joaquin Valley Water Reliability Act”.

##### **Subtitle A—Central Valley Project Water Reliability**

##### **SEC. 711. AMENDMENT TO PURPOSES.**

Section 3402 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

“(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors not later than December 31, 2016, at the lowest cost reasonably achievable; and

“(h) to facilitate and expedite water transfers in accordance with this title.”.

##### **SEC. 712. AMENDMENT TO DEFINITION.**

Section 3403 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4707) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) the term ‘anadromous fish’ means those native stocks of salmon (including steelhead) and sturgeon that—

“(1) as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and the tributaries of the Sacramento and San Joaquin Rivers; and

“(2) ascend those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.”;

(2) by redesignating subsections (i) through (m) as subsections (j) through (n), respectively; and

(3) by inserting after subsection (h) the following:

“(i) the term ‘reasonable flows’ means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.”.

##### **SEC. 713. CONTRACTS.**

Section 3404 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4708) is amended to read as follows:

##### **“SEC. 3404. CONTRACTS.**

“(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—On request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years.

“(b) ADMINISTRATION OF CONTRACTS.—Except as expressly provided by this title, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (chapter 492; 70 Stat. 483).

“(c) DELIVERY CHARGE.—Beginning on the date of enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge any other party to the contract only for water actually delivered by the Secretary.”.

##### **SEC. 714. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.**

Section 3405 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4709) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking “Except as provided herein” and inserting “The Secretary shall take all actions nec-

essary to facilitate and expedite transfers of Central Valley Project water in accordance with this title or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Except as provided in this subsection,”;

(B) in paragraph (1)(A), by striking “to combination” and inserting “or combination”;

(C) in paragraph (2), by adding at the end the following:

“(E) WRITTEN TRANSFER PROPOSALS.—

“(i) IN GENERAL.—The contracting district from which the water is supplied, the agency, or the Secretary, as applicable, shall determine whether a written transfer proposal is complete not later than 45 days after the date on which the proposal is submitted.

“(ii) DETERMINATION.—If the contracting district, the agency, or the Secretary determines that the proposal described in clause (i) is incomplete, the contracting district, agency, or Secretary shall state, in writing and with specificity, the conditions under which the proposal would be considered complete.

“(F) NO MITIGATION REQUIREMENTS.—

“(i) IN GENERAL.—Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer.

“(ii) APPLICABILITY.—This section shall have no effect on the authority of the contracting district from which the water is supplied or the agency under State law to approve or condition a proposed transfer.”; and

(D) by adding at the end the following:

“(4) APPLICABILITY.—Notwithstanding any other provision of Federal reclamation law—

“(A) the authority to transfer, exchange, bank, or make recharging arrangements using Central Valley Project water that could have been carried out before October 30, 1992, is valid, and those transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

“(B) this title does not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water in effect before October 30, 1992.”;

(2) in subsection (b)—

(A) in the heading, by striking “METERING” and inserting “MEASUREMENT”;

(B) in the first sentence, by striking “All Central Valley” and inserting the following:

“(1) IN GENERAL.—All Central Valley”;

(C) in the second sentence, by striking “The contracting district” and inserting the following:

“(3) ANNUAL REPORT.—The contracting district”;

and

(D) by inserting after paragraph (1) (as designated by subparagraph (B)) the following:

“(2) MEASUREMENT REQUIREMENTS.—The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within the boundaries of the contracting district or agency measure surface water at the facilities of the contracting district or agency up to the point at which the surface water is commingled with other water supplies.”;

(3) by striking subsection (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(5) by striking subsection (e) (as redesignated by paragraph (4)) and inserting the following:

“(e) INCREASED REVENUES.—All revenues received by the Secretary that exceed the



cost-of-service rates applicable to the delivery of water transferred from irrigation use to municipal and industrial use under subsection (a) shall be covered to the Restoration Fund.”.

#### SEC. 715. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4714) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1)(B) and inserting the following:

“(B) ADMINISTRATION.—

“(i) IN GENERAL.—As needed to carry out the goals of the Central Valley Project, the Secretary may modify Central Valley Project operations to provide reasonable flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish.

“(ii) REQUIREMENTS.—The flows under clause (i) shall be provided from the quantity of water dedicated to fish, wildlife, and habitat restoration purposes under paragraph (2) from the water supplies acquired pursuant to paragraph (3) and from other sources which do not conflict with fulfillment of the remaining contractual obligations of the Secretary to provide Central Valley Project water for other authorized purposes.

“(iii) DETERMINATION OF NEEDS.—The Secretary shall determine the instream reasonable flow needs for all Central Valley Project controlled streams and rivers based on recommendations of the United States Fish and Wildlife Service and the National Marine Fisheries Service after consultation with the United States Geological Survey.”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking “primary purpose” and inserting “purposes”;

(II) by striking “but not limited to additional obligations under the Federal Endangered Species Act” and inserting “additional obligations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)”; and

(III) by adding at the end the following: “All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of that water would affect the delivery capability of the Central Valley Project yield. To the maximum extent practicable and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the remaining contractual obligations of the Secretary to provide Central Valley Project water for agricultural or municipal and industrial purposes.”; and

(ii) by striking subparagraph (C) and inserting the following:

“(C) MANDATORY REDUCTION.—If on March 15 of a given year, the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is less than 75 percent of the total quantity of water to be made available under those contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.”; and

(2) by adding at the end the following:

“(i) SATISFACTION OF PURPOSES.—In carrying out this section, the Secretary shall be considered to have met the mitigation, protection, restoration, and enhancement purposes of this title.”.

#### SEC. 716. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4726) is amended—

(1) by striking “There is hereby” and inserting the following:

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—There is”;

(2) in paragraph (1)(A) (as designated by paragraph (1)), by striking “Not less than 67 percent” and all that follows through “Monies” and inserting the following:

“(B) USE OF DONATED AMOUNTS.—Amounts”; and

(3) by adding at the end the following:

“(2) RESTRICTIONS.—The Secretary may not directly or indirectly require a donation or other payment (including environmental restoration or mitigation fees not otherwise provided by law) to the Restoration Fund—

“(A) as a condition of—

“(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

“(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97-293; 96 Stat. 1270); or

“(B) for any water that is delivered with the sole intent of groundwater recharge.”.

(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4726) is amended—

(1) by striking “mitigation and restoration payments, in addition to charges provided for or” and inserting “payments, in addition to charges”; and

(2) by striking “of fish, wildlife” and all that follows through the period and inserting “of carrying out this title.”.

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4727) is amended—

(1) in paragraph (2)(A)—

(A) by striking “, and \$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project” and inserting “\$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project, and after October 1, 2013, \$4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)”; and

(B) by inserting “but not later than December 31, 2020,” after “That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title.”; and

(2) by adding at the end the following:

“(g) REPORT ON EXPENDITURE OF FUNDS.—

“(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited in the Restoration Fund during the preceding fiscal year.

“(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

“(h) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the ‘Advisory Board’), which shall be composed of 12 members appointed by the Secretary.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

“(i) 4 members shall be agricultural users of the Central Valley Project;

“(ii) 3 members shall be municipal and industrial users of the Central Valley Project;

“(iii) 3 members shall be power contractors of the Central Valley Project; and

“(iv) 2 members shall be appointed at the discretion of the Secretary.

“(B) OBSERVERS.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chairman of the Advisory Board.

“(3) TERMS.—The term of each member of the Advisory Board shall be for a period of 4 years.

“(4) DUTIES.—The duties of the Advisory Board are—

“(A) to meet not less frequently than semi-annually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

“(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

“(C) not later than December 31, 2013, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

“(D) not later than December 31, 2013, and biennially thereafter, to submit to Congress a report that details the progress made in achieving the actions required under section 3406.

“(5) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.”.

#### SEC. 717. ADDITIONAL AUTHORITIES.

(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section 3408 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4728) is amended by striking subsection (c) and inserting the following:

“(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

“(1) IN GENERAL.—The Secretary may enter into contracts under the reclamation laws and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

“(2) LIMITATION.—Nothing in this subsection supersedes section 2(d) of the Act of August 26, 1937 (chapter 832; 50 Stat. 850; 100 Stat. 3051).

“(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

“(4) RATES.—

“(A) IN GENERAL.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection.

“(B) ADMINISTRATION.—The rates shall be charged to a party using Central Valley Project facilities for a beneficial purpose, but the costs described in subparagraph (A) shall not include any donation or other payment to the Restoration Fund.

“(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate



and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.”.

(b) **REPORTING REQUIREMENTS.**—Section 3408(f) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4729) is amended—

(1) in the first sentence, by striking “Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries” and inserting “Natural Resources”;

(2) in the second sentence, by inserting “, including progress on the plan under subsection (j)” before the period at the end; and

(3) by adding at the end the following: “The filing and adequacy of the report shall be personally certified to the Committees by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.”.

(c) **PROJECT YIELD INCREASE.**—Section 3408(j) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4730) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and indenting appropriately;

(2) by striking “In order to minimize adverse effects, if any, upon” and inserting the following:

“(1) **IN GENERAL.**—In order to minimize adverse effects upon”;

(3) in the second sentence, by striking “The plan” and all that follows through “operations” and inserting the following:

“(2) **CONTENTS.**—The plan shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection, as well as a description of how the Secretary intends to use—”;

(4) in paragraph (1) (as designated by paragraph (2))—

(A) by striking “needs, the Secretary, shall” and all that follows through “to the Congress,” and inserting “needs, the Secretary, on a priority basis and not later than September 30, 2013, shall submit to Congress”; and

(B) by striking “increase,” and all that follows through “under this title” and inserting “increase, as soon as practicable, but not later than September 30, 2016 (except that the construction of new facilities shall not be limited by that deadline), the water of the Central Valley Project by the quantity dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project, including satisfying contractual obligations”;

(5) in paragraph (2)(A) (as designated by paragraph (1)), by inserting “and construction of new water storage facilities” before the semicolon;

(6) in paragraph (2)(F) (as designated by paragraph (1)), by striking “and” at the end;

(7) in paragraph (2)(G) (as designated by paragraph (1)), by striking the period and all that follows through the end of the subsection and inserting “; and”;

(8) by adding after paragraph (2)(G) the following:

“(H) water banking and recharge.

“(3) **IMPLEMENTATION OF PLAN.**—

“(A) **IN GENERAL.**—The Secretary shall implement the plan under paragraph (1) beginning on October 1, 2013.

“(B) **COORDINATION.**—In carrying out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

“(4) **FAILURE OF PLAN.**—Notwithstanding any other provision of the reclamation laws, if by September 30, 2016, the plan under paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any nonmandatory action under section 3406(b)(2) shall be suspended until the date on which the plan achieves an increase in the annual delivery capability of the Central Valley Project of 800,000 acre-feet.”.

(d) **TECHNICAL CORRECTIONS.**—Section 3408(h) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4729) is amended—

(1) in paragraph (1), by striking “paragraph (h)(2)” and inserting “paragraph (2)”;

(2) in paragraph (2), by striking “paragraph (h)(i)” and inserting “paragraph (1)”.

(e) **WATER STORAGE PROJECT CONSTRUCTION.**—

(1) **IN GENERAL.**—The Secretary of the Interior, acting through the Commissioner of Reclamation, may partner or enter into an agreement relating to the water storage projects described in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108-361; 118 Stat. 1684) with local joint powers authorities formed under State law by irrigation districts and other local governments or water districts within the applicable hydrological region to advance those water storage projects.

(2) **NO ADDITIONAL FEDERAL AMOUNTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), no additional Federal amounts are authorized to be appropriated to carry out the activities described in clauses (i) through (iii) of sections 103(d)(1)(A) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108-361; 118 Stat. 1684) Public Law 108-361.

(B) **EXCEPTION.**—Additional Federal amounts may be appropriated for construction of a project described in subparagraph (A) if non-Federal amounts are used to finance and construct the project.

**SEC. 718. BAY-DELTA ACCORD.**

(a) **CONGRESSIONAL DIRECTION REGARDING CENTRAL VALLEY PROJECT AND CALIFORNIA STATE WATER PROJECT OPERATIONS.**—

(1) **IN GENERAL.**—The Central Valley Project and the California State Water Project shall be operated strictly in accordance with the water quality standards and operational constraints described in the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994.

(2) **APPLICABILITY OF OTHER LAW.**—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable law shall not apply to operations described in paragraph (1).

(3) **IMPLEMENTATION.**—Implementation of the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(b) **APPLICATION OF LAWS TO OTHERS.**—

(1) **IN GENERAL.**—As a condition of the receipt of Federal amounts for the Central Valley Project and the California State Water Project, the State of California (including any agency or board of the State of California), on any water right obtained pursuant to State law, including a pre-1914 appropriate right, shall not—

(A) impose any condition that restricts the exercise of that water right that is affected by operations of the Central Valley Project or California State Water Project;

(B) restrict under the Public Trust Doctrine any public trust value imposed in order to conserve, enhance, recover, or otherwise protect any species.

(2) **FEDERAL AGENCIES.**—The prohibition under paragraph (1)(A) shall apply to Federal agencies.

(c) **COSTS.**—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless those costs are incurred on a voluntary basis.

(d) **NATIVE SPECIES PROTECTION.**—This section preempts any law of the State of California law restricting the quantity or size of a nonnative fish that is taken or harvested that preys on 1 or more native fish species that occupy the Sacramento and San Joaquin Rivers and the tributaries of those rivers or the Sacramento-San Joaquin Rivers Delta.

**SEC. 719. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.**

After the date of enactment of this Act, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned (or otherwise artificially propagated strains of a species) in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to an anadromous fish species present in the Sacramento and San Joaquin Rivers or the tributaries of those rivers and that ascends those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

**SEC. 720. AUTHORIZED SERVICE AREA.**

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Commissioner of Reclamation, shall include in the service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706) the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries are defined as of the date of enactment of this Act.

(b) **LONG-TERM CONTRACT.**—

(1) **IN GENERAL.**—Notwithstanding the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706) and subject to paragraph (2), the Secretary, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District or the delivery of not more than 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) **REDUCTION IN CONTRACT.**—The Secretary may temporarily reduce deliveries of the quantity of water made available under paragraph (1) by not more than 25 percent of the total whenever reductions due to hydrologic circumstances are imposed on agricultural deliveries of Central Valley Project water.

(c) **ADDITIONAL COST.**—If any additional infrastructure or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

**SEC. 721. REGULATORY STREAMLINING.**

(a) **DEFINITIONS.**—In this section:

(1) **CVP.**—The term “CVP” means the Central Valley Project.

(2) **PROJECT.**—The term “project”—

(A) means an activity that—

(i) is undertaken by a public agency, funded by a public agency, or requires the issuance of a permit by a public agency;

(ii) has a potential to result in a physical change to the environment; and

(iii) may be subject to several discretionary approvals by governmental agencies;

(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or

(C) has the meaning given the term defined in section 21065 of the California Public Resource Code.

(b) **APPLICABILITY OF CERTAIN LAWS.**—The filing of a notice of determination or a notice of exemption for any project, including the issuance of a permit under State law, for any project of the CVP or the delivery of water from the CVP in accordance with the California Environmental Quality Act shall be considered to meet the requirements for that project or permit under section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) **CONTINUATION OF PROJECT.**—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity for any project of the CVP or the delivery of water from the CVP pending completion of judicial review of any determination made under the National Environmental Protection Act of 1969 (42 U.S.C. 4321 et seq.).

**Subtitle B—San Joaquin River Restoration**  
**SEC. 731. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.**

As of the date of enactment of this Act, the Secretary shall cease any action to implement the Stipulation of Settlement, Natural Resources Defense Council, Inc. v. Rodgers, No. Civ. S-88-1658 LKK/GGH (E.D. Cal. Sept. 13, 2006).

**SEC. 732. PURPOSE.**

Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1349) is amended by striking “implementation of the Settlement” and inserting “restoration of the San Joaquin River”.

**SEC. 733. DEFINITIONS.**

Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1349) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by striking paragraph (1) and inserting the following:

“(1) **CRITICAL WATER YEAR.**—The term ‘critical water year’ means a year in which the total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.

“(2) **RESTORATION FLOWS.**—The term ‘Restoration Flows’ means the additional water released or bypassed from Friant Dam to ensure that the target flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below a speed of 50 cubic feet per second.”; and

(3) by striking paragraph (4) (as redesignated by paragraph (1)) and inserting the following:

“(4) **WATER YEAR.**—The term ‘water year’ means the period beginning March 1 of a given year and ending on the last day of February of the following calendar year.”.

**SEC. 734. IMPLEMENTATION OF RESTORATION.**

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1350) is amended—

(1) in subsection (a)—

(A) by striking “hereby authorized and directed” and all that follows through “in the Settlement:” and inserting “may carry out the following:”;

(B) by striking paragraphs (1), (2), (4), and (5);

(C) by redesignating paragraph (3) as paragraph (1);

(D) in paragraph (1) (as redesignated by subparagraph (C)), by striking “paragraph 13 of the Settlement” and inserting “this part”; and

(E) by adding at the end the following:

“(2) In each water year, beginning in the water year commencing on March 1, 2013, the Secretary—

“(A) shall modify Friant Dam operations to release the Restoration Flows for that water year, unless the year is a critical water year;

“(B) shall ensure that—

“(i) the release of Restoration Flows are maintained at the level prescribed by this part; and

“(ii) Restoration Flows do not reach downstream of Mendota Pool;

“(C) shall release the Restoration Flows in a manner that improves the fishery in the San Joaquin River below Friant Dam and upstream of Gravelly Ford, Nevada, as in existence on the date of the enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, including the associated riparian habitat; and

“(D) may, without limiting the actions required under subparagraphs (A) and (C) and subject to paragraph (3) and subsection (1), use the Restoration Flows to enhance or restore a warm water fishery downstream of Gravelly Ford, Nevada, including to Mendota Pool, if the Secretary determines that the action is reasonable, prudent, and feasible.

“(3) Not later than 1 year after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan—

“(A) to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows; and

“(B) to provide the recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows that were recirculated, recaptured, reused, exchanged, or transferred.

“(4) The plan described in paragraph (3) shall—

“(A) address any impact on groundwater resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include groundwater banking and recharge projects;

“(B) not impact the water supply or water rights of any entity outside the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project; and

“(C) be subject to applicable provisions of California water law and the use by the Secretary of the Interior of Central Valley Project facilities to make Project water (other than water released from Friant Dam under this part) and water acquired through transfers available to existing south of Delta Central Valley Project contractors.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “the Settlement” and inserting “this part”; and

(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;

(3) in subsection (c), by striking “the Settlement” and inserting “this part”;

(4) by striking subsection (d) and inserting the following:

“(d) **MITIGATION OF IMPACTS.**—

“(1) **IN GENERAL.**—Not later than October 1, 2013 and subject to paragraph (2), the Secretary shall identify—

“(A) the impacts associated with the release of Restoration Flows prescribed in this part; and

“(B) the measures to be implemented to mitigate impacts on adjacent and downstream water users, landowners, and agencies as a result of Restoration Flows.

“(2) **MITIGATION MEASURES.**—Before implementing a decision or agreement to construct, improve, operate, or maintain a facility that the Secretary determines is necessary to implement this part, the Secretary shall implement all mitigation measures identified in paragraph (1)(B) before the date on which Restoration Flows are commenced.”;

(5) in subsection (e), by striking “the Settlement” and inserting “this part”;

(6) in subsection (f), by striking “the Settlement and section 10011” and inserting “this part”;

(7) in subsection (g)—

(A) by striking “the Settlement and”; and

(B) by striking “or exchange contract” and inserting “exchange contract, water rights settlement, or holding contract”;

(8) in subsection (h)—

(A) by striking “INTERIM” in the header;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Interim Flows under the Settlement:” and inserting “Restoration Flows under this part”;

(ii) in subparagraph (C)—

(I) in clause (i), by striking “Interim” and inserting “Restoration”; and

(II) in clause (ii), by inserting “and” after the semicolon;

(iii) in subparagraph (D), by striking “and” at the end; and

(iv) by striking subparagraph (E);

(C) by striking paragraph (2) and inserting the following:

“(2) **CONDITIONS FOR RELEASE.**—The Secretary may release Restoration Flows to the extent that the flows would not exceed existing downstream channel capacities.”;

(D) in paragraph (3), by striking “Interim” and inserting “Restoration”; and

(E) by striking paragraph (4) and inserting the following:

“(4) **CLAIMS.**—Not later than 60 days after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall issue, by regulation, a claims process to address claims, including groundwater seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of this subtitle.”;

(9) in subsection (i)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the Settlement and parts I and III” and inserting “this part”;

(ii) in subparagraph (A), by inserting “and” after the semicolon;

(iii) in subparagraph (B)—

(I) by striking “additional amounts authorized to be appropriated, including the”; and

(II) by striking “; and” and inserting a period; and

(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

(10) by adding at the end the following:

“(k) **NO IMPACTS ON OTHER INTERESTS.**—

“(1) **IN GENERAL.**—No Central Valley Project or other water (other than San Joaquin River water impounded by or bypassed from Friant Dam) shall be used to implement subsection (a)(2) unless the use is on a voluntary basis.

“(2) **INVOLUNTARY COSTS.**—No cost associated with the implementation of this section

shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the cost is incurred on a voluntary basis.

“(3) **REDUCTION IN WATER SUPPLIES.**—The implementation of this part shall not directly or indirectly reduce any water supply or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the reduction or cost is incurred on a voluntary basis.

“(1) **PRIORITY.**—Each action taken under this part shall be subordinate to the use by the Secretary of Central Valley Project facilities to make Project water available to Project contractors, other than water released from the Friant Dam under this part.

“(m) **APPLICABILITY.**—

“(1) **IN GENERAL.**—Notwithstanding section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093), except as provided in this part and subtitle D of the Sacramento and San Joaquin Valleys Water Reliability Act, this part—

“(A) preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part; and

“(B) does not alter or modify any obligation of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River, or tributaries of the San Joaquin River, under any order issued by the State Water Resources Control Board under the Porter-Cologne Water Quality Control Act (California Water Code section 13000 et seq.).

“(2) **APPLICABILITY.**—An order described in paragraph (1)(B) shall be consistent with any congressional authorization for any affected Federal facility relating to the Central Valley Project.

“(n) **PROJECT IMPLEMENTATION.**—Any project to implement this part shall be phased such that each project shall include—

“(1) the project purpose and need;

“(2) identification of mitigation measures;

“(3) appropriate environmental review; and

“(4) prior to releasing Restoration Flows under this part the completion of the any required mitigation measures and the completion of the project.”.

#### **SEC. 735. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.**

Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1353) is amended—

(1) in subsection (a), by striking “the Settlement authorized by this part” and inserting “this part”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “(1) **IN GENERAL.**—The Secretary” and inserting “The Secretary”; and

(ii) by striking “the Settlement authorized by this part” and inserting “this part”; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (1), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2)—

(i) by striking “through the exercise of its eminent domain authority”; and

(ii) by striking “the Settlement” and inserting “this part”; and

(C) in paragraph (3), by striking “section 10009(c)” and inserting “section 10009”.

#### **SEC. 736. COMPLIANCE WITH APPLICABLE LAW.**

Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1354) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, unless otherwise provided by this part” before the period at the end; and

(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;

(2) in subsection (b), by inserting “, unless otherwise provided by this part” before the period at the end;

(3) in subsection (c)—

(A) in paragraph (2), by striking “section 10004” and inserting “this part”; and

(B) in paragraph (3), by striking “the Settlement” and inserting “this part”; and

(4) in subsection (d)—

(A) by inserting “, including, without limitation, the costs of implementing subsections (d) and (h)(4) of section 10004,” after “implementing this part”; and

(B) by striking “for implementation of the Settlement.”.

#### **SEC. 737. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.**

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1354) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “the Settlement” and inserting “the enactment of this part”; and

(B) by inserting: “and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam, including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)” before “, provided”; and

(2) in paragraph (1), by striking “, as provided in the Settlement”.

#### **SEC. 738. NO PRIVATE RIGHT OF ACTION.**

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1355) is amended—

(1) by striking “not a party to the Settlement”; and

(2) by striking “or the Settlement” and inserting “unless otherwise provided by this part, but any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden unit, or Buchanan unit adversely affected by the failure of the Secretary to comply with section 10004(a)(3) may bring an action against the Secretary for injunctive relief, damages, or both.”.

#### **SEC. 739. IMPLEMENTATION.**

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1355) is amended—

(1) in the section heading, by striking “; **SETTLEMENT FUND**”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “the Settlement” the first place it appears and inserting “this part”;

(ii) by striking “, estimated to total” and all that follows through “subsection (b)(1),”; and

(iii) by striking “; provided however,” and all that follows through “\$110,000,000 of State funds”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “(A) **IN GENERAL.**—The Secretary” and inserting “The Secretary”; and

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

(i) by striking “Except as provided in the Settlement, to” and inserting “To”; and

(ii) by striking “this Settlement” and inserting “this part”;

(3) in subsection (b)(1)—

(A) by striking “In addition” and all that follows through “however, that the” and inserting “The”;

(B) by striking “such additional appropriations only in amounts equal to”; and

(C) by striking “or the Settlement”;

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the Settlement” and inserting “this part”;

(ii) in subparagraph (C), by striking “from the sale of water pursuant to the Settlement, or”; and

(iii) in subparagraph (D), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2), by striking “the Settlement and”; and

(5) by striking subsections (d) through (f).

#### **SEC. 740. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.**

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1358) is amended—

(1) in paragraphs (3)(D) and (4)(C) of subsection (a), by striking “the Settlement and” each place it appears;

(2) in subsection (c), by striking paragraph (3);

(3) in subsection (d)(1), by striking “the Settlement” each place it appears and inserting “this part”;

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement” and inserting “Restoration Flows, pursuant to this part”;

(ii) by striking “Interim Flows or” before “Restoration Flows”; and

(iii) by striking “the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement” and inserting “Restoration Flows”; and

(B) in paragraph (2)—

(i) by striking “except as provided in paragraph 16(b) of the Settlement”; and

(ii) by striking “the Interim Flows or Restoration Flows or to facilitate the Water Management Goal” and inserting “Restoration Flows”.

#### **SEC. 741. REPEAL.**

Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1362) is repealed.

#### **SEC. 742. WATER SUPPLY MITIGATION.**

Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1365) is amended—

(1) in paragraph (1), by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”;

(2) in paragraph (2), by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “meet the Restoration Goal as described in part I of this subtitle” and inserting “recover Restoration Flows as described in this part”;

(B) in subparagraph (C)—

(i) by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”; and

(ii) by striking “, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)”.

**SEC. 743. ADDITIONAL AUTHORITIES.**

Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1367) is amended—

(1) in subsection (b)—

(A) by striking “section 10004(a)(4)” and inserting “section 10004(a)(3)”;

(B) by striking “, provided” and all that follows through “section 10009(f)(2)”;

(2) by striking subsection (c).

**Subtitle C—Repayment Contracts and Acceleration of Repayment of Construction Costs****SEC. 751. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.**

(a) CONVERSION OF CONTRACTS.—

(1) CERTAIN CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date enactment of this Act, the Secretary of the Interior, on the request of a contractor, shall convert all existing long-term Central Valley Project contracts entered into under section 9(e) of the Act of August 4, 1939 (53 Stat. 1196, chapter 418), to a contract under section 9(d) of that Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2013 (or if made in approximately equal annual installments, not later than January 31, 2016), which amount shall be discounted by the Treasury rate (defined as the 20-year Constant Maturity Treasury rate published by the Department of the Treasury as of October 1, 2012);

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the converted contract or not reflected in the schedule described in clause (i) and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if that amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal \$5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(iii) provide that power revenues will not be available to aid in the repayment of construction costs allocated to irrigation under the contract.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2013, as adjusted.

(2) OTHER CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, on the request of a contractor, the Secretary may convert any Central Valley Project long-term contract entered into under section 9(c)(2) of the Act of August 4, 1939 (chap-

ter 418; 53 Stat. 1194) to a contract under section 9(c)(1) of that Act, under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2016; and

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the Schedule described in clause (i), and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if the amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal \$5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of \$5,000,000 shall not be a precedent in any other context.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2016, as adjusted.

(b) FINAL ADJUSTMENT.—

(1) IN GENERAL.—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior on completion of the construction of the Central Valley Project.

(2) REPAYMENT OBLIGATION.—

(A) IN GENERAL.—If the final cost allocation indicates that the costs properly assignable to the contractor are greater than the amount that has been paid by the contractor, the contractor shall pay the remaining allocated costs.

(B) TERMS.—The term of an additional repayment contract described in subparagraph (A) shall be—

(i) for not less than 1 year and not more than 10 years; and

(ii) based on mutually agreeable provisions regarding the rate of repayment of the amount developed by the parties.

(3) CREDITS.—If the final cost allocation indicates that the costs properly assignable to the contractor are less than the amount that the contractor has paid, the Secretary of the Interior shall credit the amount of the overpayment as an offset against any outstanding or future obligation of the contractor.

(c) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) IN GENERAL.—Notwithstanding any repayment obligation under subsection (a)(1)(B)(ii) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the ownership and full-cost pricing limitations of any provision of the reclamation laws shall not apply to land in that district.

(2) OTHER CONTRACTS.—Notwithstanding any repayment obligation under paragraph

(1)(B)(ii) or (2)(B)(ii) of subsection (a) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to the repayment contracts pursuant to then-current rate-setting policy and applicable law.

(d) CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.—This section does not—

(1) alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project; or

(2) shift any costs that would otherwise have been properly assignable to a contractor absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred after the date of enactment of this Act, to other contractors.

(e) STATUTORY INTERPRETATION.—Nothing in this subtitle affects the right of any long-term contractor to use a particular type of financing to make the payments required in paragraph (1)(B)(i) or (2)(B)(i) of subsection (a).

**Subtitle D—Bay-Delta Watershed Water Rights Preservation and Protection****SEC. 761. WATER RIGHTS AND AREA-OF-ORIGIN PROTECTIONS.**

Notwithstanding the provisions of this title, Federal reclamation law, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)—

(1) the Secretary of the Interior shall, in the operation of the Central Valley Project—

(A) strictly adhere to State water rights law governing water rights priorities by honoring water rights senior to those belonging to the Central Valley Project, regardless of the source of priority; and

(B) strictly adhere to and honor water rights and other priorities that are obtained or exist pursuant to the California Water Code, including sections 10505, 10505.5, 11128, 11460, 11463, and 12220; and

(2) any action that affects the diversion of water or involves the release of water from any Central Valley Project water storage facility taken by the Secretary of the Interior or the Secretary of Commerce to conserve, enhance, recover, or otherwise protect any species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be applied in a manner that is consistent with water right priorities established by State law.

**SEC. 762. SACRAMENTO RIVER SETTLEMENT CONTRACTS.**

(a) IN GENERAL.—In carrying out the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in the Bay-Delta and on the Sacramento River, the Secretary of the Interior and the Secretary of Commerce shall apply any limitations on the operation of the Central Valley Project or relating to the formulation of any reasonable prudent alternative associated with the operation of the Central Valley Project in a manner that strictly adheres to and applies the water rights priorities for project water and base supply as provided in the Sacramento River Settlement Contracts.

(b) APPLICABILITY.—Article 3(i) of the Sacramento River Settlement Contracts shall not be used by the Secretary of the Interior or any other Federal agency head as means to provide shortages that are different from those provided for in Article 5(a) of the Sacramento River Settlement Contracts.

**SEC. 763. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.**

(a) EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTORS WITHIN SACRAMENTO RIVER WATERSHED.—In this section, the term “existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed” means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project that have a water service contract in effect on the date of enactment of this Act that provides water for irrigation.

(b) ALLOCATION OF WATER.—Subject to subsection (c) and the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and deliveries to other contractors, the Secretary of the Interior shall, in the operation of the Central Valley Project, allocate water provided for irrigation purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed as follows:

(1) Not less than 100 percent of the contract quantities in a “Wet” year (as that term is defined in the Sacramento Valley Water Year Type (40-30-30) Index).

(2) Not less than 100 percent of the contract quantities in an “Above Normal” year (as that term is defined in the Sacramento Valley Water Year Type (40-30-30) Index).

(3) Not less than 100 percent of the contract quantities in a “Below Normal” year (as that term is defined in the Sacramento Valley Water Year Type (40-30-30) Index).

(4) Not less than 75 percent of the contract quantities in a “Dry” year (as that term is defined in the Sacramento Valley Water Year Type (40-30-30) Index).

(5) Not less than 50 percent of the contract quantities in a “Critically Dry” year (as that term is defined in the Sacramento Valley Water Year Type (40-30-30) Index).

**(c) PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.—**

(1) IN GENERAL.—Nothing in this section—

(A) modifies any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary of the Interior;

(B) affects or limits the authority of the Secretary of the Interior—

(i) to adopt or modify municipal and industrial water shortage policies; or

(ii) to implement municipal and industrial water shortage policies; or

(C) affects allocations to Central Valley Project municipal and industrial contractors pursuant to the water shortage policies of the Secretary of the Interior.

(2) APPLICABILITY.—This section does not constrain, govern, or affect, directly or indirectly, the operations of the American River Division of the Central Valley Project or any deliveries from that Division, including the units and facilities of that Division.

**SEC. 764. NO REDIRECTED ADVERSE IMPACTS.**

The Secretary of the Interior shall ensure that there are no redirected adverse water supply or fiscal impacts to the State Water Project or to individuals within the Sacramento River or San Joaquin River watershed arising from the operation of the Secretary of the Central Valley Project to meet legal obligations imposed by or through any Federal or State agency, including—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) this title; and

(3) actions or activities implemented to meet the twin goals of improving water sup-

ply and addressing the environmental needs of the Bay-Delta.

**Subtitle E—Miscellaneous****SEC. 771. PRECEDENT.**

Congress finds that—

(1) coordinated operations between the Central Valley Project and the State Water Project, as consented to and requested by the State of California and the Federal Government, require the assertion of Federal supremacy to protect existing water rights throughout the system, a circumstance that is unique to the State of California; and

(2) this title should not serve as precedent for similar operations in any other State.

**TITLE VIII—REDUCING REGULATORY BURDENS****SEC. 801. SHORT TITLE.**

This title may be cited as the “Reducing Regulatory Burdens Act of 2012”.

**SEC. 802. USE OF AUTHORIZED PESTICIDES.**

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

“(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of the pesticide, resulting from the application of the pesticide.”.

**SEC. 803. DISCHARGES OF PESTICIDES.**

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of the pesticide, resulting from the application of the pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the quantity of a pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

**TITLE IX—FARM DUST REGULATION PREVENTION****SEC. 901. SHORT TITLE.**

This title may be cited as the “Farm Dust Regulation Prevention Act of 2012”.

**SEC. 902. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.**

Before the date that is 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this title as the “Administrator”) may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

**SEC. 903. NUISANCE DUST.**

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

**“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.**

“(a) DEFINITION OF NUISANCE DUST.—In this section:

“(1) IN GENERAL.—The term ‘nuisance dust’ means particulate matter that—

“(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

“(B) consists primarily of soil, other natural or biological materials, or some combination of those materials;

“(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

“(D) is not comprised of residuals from the combustion of coal.

“(2) EXCLUSION.—The term ‘nuisance dust’ does not include radioactive particulate matter produced from uranium mining or processing.

“(b) APPLICABILITY.—Except as provided in subsection (c), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

“(c) EXCEPTION.—Subsection (a) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator, in consultation with the Secretary of Agriculture, finds that—

“(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

“(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or a subcategory).”.

**SEC. 904. SENSE OF CONGRESS.**

It is the sense of Congress that the Administrator should implement an approach to excluding so-called “exceptional events”, or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, Indian tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, Indian tribes, and local governments bear in excluding those events.

**SEC. 905. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN AGRICULTURE COMMUNITY.**

(a) DEFINITIONS.—In this section:

(1) **COVERED ACTION.**—The term “covered action” means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Promulgating or issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(2) **MORE THAN A DE MINIMIS NEGATIVE IMPACT.**—The term “more than a de minimis negative impact” means—

(A) with respect to employment levels, a loss of more than 100 jobs relating to the agriculture industry, as calculated by excluding consideration of any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment; and

(B) with respect to economic activity, a decrease in agricultural economic activity of more than \$1,000,000 over any calendar year, as calculated by excluding consideration of any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment.

(b) **ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.**—

(1) **ANALYSIS.**—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity relating to agriculture.

(2) **ECONOMIC MODELS.**—

(A) **IN GENERAL.**—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) **ANNUAL GAO REPORT.**—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) **AVAILABILITY OF INFORMATION.**—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis on the main page of the public Interest website of the State.

(c) **PUBLIC HEARINGS.**—

(1) **IN GENERAL.**—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days before the effective date of the covered action.

(2) **TIME, LOCATION, AND SELECTION.**—A public hearing required under paragraph (1) shall be held at—

(A) a convenient time and location for impacted residents; and

(B) at such location selected by the Administrator as shall give priority to locations in the State that will experience the greatest number of job losses.

(d) **NOTIFICATION.**—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of the impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

## TITLE X—ENERGY TAX PREVENTION

### SEC. 1001. SHORT TITLE.

This title may be cited as the “Energy Tax Prevention Act of 2012”.

### SEC. 1002. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

#### “SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.

“(a) **DEFINITION.**—In this section, the term ‘greenhouse gas’ means any of the following:

“(1) Water vapor.

“(2) Carbon dioxide.

“(3) Methane.

“(4) Nitrous oxide.

“(5) Sulfur hexafluoride.

“(6) Hydrofluorocarbons.

“(7) Perfluorocarbons.

“(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

“(b) **LIMITATION ON AGENCY ACTION.**—

“(1) **LIMITATION.**—

“(A) **IN GENERAL.**—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

“(B) **AIR POLLUTANT DEFINITION.**—The definition of the term ‘air pollutant’ in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

“(2) **EXCEPTIONS.**—Paragraph (1) does not prohibit the following:

“(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled ‘Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards’ (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled ‘Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles’ published at 75 Fed. Reg. 74152 (November 30, 2010).

“(B) Implementation and enforcement of section 211(o).

“(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

“(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

“(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101-549 (commonly referred to as the ‘Clean Air Act Amendments of 1990’).

“(3) **INAPPLICABILITY OF PROVISIONS.**—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of

title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

“(4) **CERTAIN PRIOR AGENCY ACTIONS.**—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

“(A) ‘Mandatory Reporting of Greenhouse Gases’, published at 74 Fed. Reg. 56260 (October 30, 2009).

“(B) ‘Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act’ published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

“(C) ‘Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs’ published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning ‘EPA’s Interpretation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program’ (Dec. 18, 2008).

“(D) ‘Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 31514 (June 3, 2010).

“(E) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call’, published at 75 Fed. Reg. 77698 (December 13, 2010).

“(F) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases’, published at 75 Fed. Reg. 81874 (December 29, 2010).

“(G) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan’, published at 75 Fed. Reg. 82246 (December 30, 2010).

“(H) ‘Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 82254 (December 30, 2010).

“(I) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program’, published at 75 Fed. Reg. 82430 (December 30, 2010).

“(J) ‘Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule’, published at 75 Fed. Reg. 82536 (December 30, 2010).

“(K) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule’, published at 75 Fed. Reg. 82365 (December 30, 2010).

“(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

“(5) STATE ACTION.—

“(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

“(B) EXCEPTION.—

“(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

“(I) is not federally enforceable;

“(II) is not deemed to be a part of Federal law; and

“(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

“(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term ‘provision’ means any provision that—

“(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

“(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

“(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).”.

#### SEC. 1003. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

“(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive application of subsection (a); and

“(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).”.

**SA 2859.** Mr. REID (for Mr. CARDIN) proposed an amendment to the bill S. 1956, to prohibit operators of civil aircraft of the United States from participating in the European Union’s emissions trading scheme, and for other purposes.

Beginning on page 5, strike line 14 and all that follows through page 6, line 2, and insert the following:

#### SEC. 3. NEGOTIATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions, including the environmental impact of aircraft emissions; and

(2) shall, as appropriate and except as provided in subsection (b), take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

(b) EXCLUSION OF PAYMENT OF TAXES AND PENALTIES.—Actions taken under subsection (a)(2) may not include the obligation or ex-

penditure of any amounts in the Airport and Airway Trust Fund established under section 9905 of the Internal Revenue Code of 1986, or amounts otherwise made available to the Department of Transportation or any other Federal agency pursuant to appropriations Acts, for the payment of any tax or penalty imposed on an operator of civil aircraft of the United States pursuant to the emissions trading scheme referred to under section 2.

**SA 2860.** Mr. REID (for Mr. MERKLEY) proposed an amendment to the bill S. 1956, to prohibit operators of civil aircraft of the United States from participating in the European Union’s emissions trading scheme, and for other purposes.

On page 5, between lines 13 and 14, insert the following:

(c) REASSESSMENT OF DETERMINATION OF PUBLIC INTEREST.—The Secretary—

(1) may reassess a determination under subsection (a) that a prohibition under that subsection is in the public interest at any time after making such a determination; and

(2) shall reassess such a determination after—

(A) any amendment by the European Union to the EU Directive referred to in subsection (a);

(B) the adoption of any international agreement pursuant to section 3(1); or

(C) enactment of a public law or issuance of a final rule after formal agency rulemaking, in the United States to address aircraft emissions.

**SA 2861.** Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

At the end of the bill, add the following:

#### SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

“(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) COVERED WATER HEATER.—The term ‘covered water heater’ means—

“(I) a water heater; and

“(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

“(ii) FINAL RULE.—The term ‘final rule’ means the final rule published under this paragraph.

“(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

“(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

“(i) the energy factor descriptor for water heaters established under this subsection; and

“(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

“(D) EFFECT OF FINAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this title, effective begin-

ning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

“(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

“(E) CONVERSION FACTOR.—

“(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

“(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

“(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

“(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

“(v) PERIOD.—Subclause (E) shall apply during the period—

“(I) beginning on the date of publication of the conversion factor in the Federal Register; and

“(II) ending on April 16, 2015.

“(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

“(i) does not have a residential use and can be clearly described in the final rule; and

“(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

“(G) OPTIONS.—The descriptor set by the final rule may be—

“(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

“(ii) the thermal efficiency and standby loss descriptors in use as of that date;

“(iii) a revised version of the thermal efficiency and standby loss descriptors;

“(iv) a hybrid of descriptors; or

“(v) a new approach.

“(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

“(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.

“(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

“(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the



effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

“(i) was manufactured prior to the effective date of the final rule; and

“(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.”.

#### SEC. 4. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

“(C) The term ‘service over the counter, self-contained, medium temperature commercial refrigerator’ or ‘SOC-SC-M’ means a medium temperature commercial refrigerator—

“(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

“(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

“(D) The term ‘TDA’ means the total display area (ft<sup>2</sup>) of the refrigerated case, as defined in AHRI Standard 1200.”;

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

“(4) Each SOC-SC-M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than  $0.6 \times \text{TDA} + 1.0$ .”.

#### SEC. 5. SMALL DUCT HIGH VELOCITY SYSTEMS AND ADMINISTRATIVE CHANGES.

(a) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

“(4) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term ‘small duct, high velocity system’ means a heating and cooling product that contains a blower and indoor coil combination that—

“(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

“(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

“(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms ‘through-the-wall central air conditioner’ and ‘through-the-wall central air conditioning heat pump’ mean a central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

“(I) is not weatherized;

“(II) is clearly and permanently marked for installation only through an exterior wall;

“(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

“(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

“(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

“(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

“(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

“(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than—

“(I) 11.00 for products manufactured on or after January 23, 2006; and

“(II) 12.00 for products manufactured on or after January 1, 2015.

“(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than—

“(I) 6.8 for products manufactured on or after January 23, 2006; and

“(II) 7.2 for products manufactured on or after January 1, 2015.

“(C) SUBSEQUENT RULEMAKINGS.—The Secretary shall conduct subsequent rulemakings for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps, and small duct, high velocity systems as part of any rulemaking under this section used to review or revise standards for other central air conditioners and heat pumps.”.

(b) DUTY TO REVIEW COMMERCIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) in subparagraph (A)(i), by inserting “the standard levels or design requirements applicable under that standard to” immediately before “any small commercial”; and

(2) in subparagraph (C)—

(A) in clause (i)—

(i) by striking “Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part,” and inserting “Every 6 years,”; and

(ii) by inserting after “the Secretary shall” the following: “conduct an evaluation of each class of covered equipment and shall”; and

(B) by adding at the end the following:

“(vi) For any covered equipment as to which more than 6 years has elapsed since the issuance of the most recent final rule establishing or amending a standard for the product as of the date of enactment of this clause, the first notice required under clause (i) shall be published by December 31, 2013.”.

(c) PETITION FOR AMENDED STANDARDS.—Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

“(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

“(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting

a petition for new or amended standards, the Secretary shall publish in the Federal Register—

“(A) a final rule that contains the new or amended standards; or

“(B) a determination that no new or amended standards are necessary.”.

#### SEC. 6. TECHNICAL CORRECTIONS.

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking “supplies is” and inserting “supply is”.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking “6313(a)” and inserting “6314(a)”.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking “If the Secretary” and inserting the following:

“(i) IN GENERAL.—If the Secretary”;

(ii) by striking “clause (ii)(II)” and inserting “subparagraph (A)(ii)(II)”;

(iii) by striking “clause (i)” and inserting “subparagraph (A)(i)”;

(iv) by adding at the end the following:

“(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

“(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

“(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

“(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

“(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

“(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

“(VI) the need for national energy conservation; and

“(VII) other factors the Secretary considers relevant.

“(iii) ADMINISTRATION.—

“(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

“(II) UNAVAILABILITY.—

“(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons

have established by a preponderance of the evidence that a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

“(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.”; and

(B) in subparagraph (C)(iv), by striking “An amendment prescribed under this subsection” and inserting “Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph”.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking “subparagraphs (B) through (G)” each place it appears and inserting “subparagraphs (B), (C), (D), (I), (J), and (K)”;

(B) by striking “part A” each place it appears and inserting “part B”; and

(C) in subsection (a)—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(10) section 327 shall apply with respect to the equipment described in section 340(1)(L) beginning on the date on which a final rule establishing an energy conservation standard is issued by the Secretary, except that any State or local standard prescribed or enacted for the equipment before the date on which the final rule is issued shall not be preempted until the energy conservation standard established by the Secretary for the equipment takes effect.”;

(D) in subsection (b)(1), by striking “section 325(p)(5)” and inserting “section 325(p)(4)”;

(E) in subsection (h)(3), by striking “section 342(f)(3)” and inserting “section 342(f)(4)”.

(6) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: “or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens”.

(7) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after “household appliance” and inserting “and”; and

(ii) by striking “and is sold at retail.”; and

(B) in clause (ii), by inserting “when sold at retail,” before “is designated”.

(8) Section 325(1)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(1)(4)(A))

(as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking “only”.

(9) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B)) (as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” and inserting a period; and

(C) by striking clause (iii).

(10) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after “40 watts or higher”.

(11) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking “6995(i)” and inserting “6295(i)”.

(12) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking “6924(c)” and inserting “6294(c)”.

(13) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110-140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking “20F” and inserting “20°F”.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 594).

(c) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(xiii) other motors.”.

(2) Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking “Air-Conditioning and Refrigeration Institute” each place it appears in paragraphs (4)(A) and (7) and inserting “Air-Conditioning, Heating, and Refrigeration Institute”.

**SA 2862.** Mr. PRYOR (for Mrs. SHAHEEN) proposed an amendment to the bill H.R. 4850, to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

At the end of the bill, add the following:

## **TITLE II—INDUSTRIAL ENERGY EFFICIENCY**

### **SEC. 201. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.**

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy (referred to in this title as the “Secretary”) shall establish, as appropriate, collaborative research and development partnerships with other

programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

### **SEC. 202. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.**

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) **RECOMMENDATIONS AND GUIDANCE.**—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

#### **SEC. 203. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) **REPORT.**—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

#### **SEC. 204. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.**

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

#### **TITLE III—FEDERAL AGENCY ENERGY EFFICIENCY**

#### **SEC. 301. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

“(d) **AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

“(2) **LIMITATION.**—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).”

#### **SEC. 302. BEST PRACTICES FOR ADVANCED METERING.**

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) **PLAN.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(B) **UPDATES.**—Reports submitted under subparagraph (A) shall be updated annually.

“(4) **BEST PRACTICES REPORT.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) **UPDATING.**—The report described under subparagraph (A) shall be updated annually.

“(C) **COMPONENTS.**—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”

#### **SEC. 303. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

“(A) **IN GENERAL.**—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

“(II) implementation of identified energy and water measures under paragraph (4); and

“(III) follow-up on implemented measures under paragraph (5); and

“(ii) to publish energy and water consumption data on an individual facility basis.”

#### **SEC. 304. FEDERAL PURCHASE REQUIREMENT.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking “electric energy” each place it appears and inserting “electric, direct, and thermal energy”;

(2) in subsection (b)(2)—

(A) by inserting “, or avoided by,” after “generated from”; and

(B) by inserting “(including ground-source, reclaimed, and ground water)” after “geothermal”;

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

“(d) **SEPARATE CALCULATION.**—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

“(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

“(2) may be used individually or in combination to comply with subsection (a).”

#### **SEC. 305. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.**

(a) **IN GENERAL.**—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) **COORDINATION.**—In conducting the study, the Secretary shall coordinate with

Federal data center program managers, facilities managers, and sustainability officers.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

**SA 2863.** Mr. PRYOR (for Mr. DURBIN) proposed an amendment to S. Res. 466, calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko.

On page 9, strike lines 1 through 14 and insert the following:

(2) expresses its deep concern that the politicized nature of prosecutions and detention of Ms. Tymoshenko and other members of her party took place in a country that is scheduled to assume chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2013;

(3) expresses its deep concern that the politicized detention of Ms. Tymoshenko threatens to jeopardize ties between the United States and Ukraine;

(4) calls for the Government of Ukraine to release Ms. Tymoshenko from her current incarceration based on politicized charges, to provide Ms. Tymoshenko with timely access to medical care, and to conduct the October parliamentary elections in a fair and transparent manner consistent with OSCE standards; and

**SA 2864.** Mr. PRYOR (for Mr. AKAKA) proposed an amendment to the bill S. 3193, to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes.

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “Barona Band of Mission Indians Land Transfer Clarification Act of 2012”.

#### **SEC. 2. FINDINGS; PURPOSES.**

(a) **FINDINGS.**—Congress finds that—

(1) the legal description of land previously taken into trust by the United States for the benefit of the Barona Band of Mission Indians may be interpreted to refer to private, nontribal land;

(2) there is a continued, unresolved disagreement between the Barona Band of Mission Indians and certain off-reservation property owners relating to the causes of diminishing native groundwater;

(3) Congress expresses no opinion, nor should an opinion of Congress be inferred, relating to the disagreement described in paragraph (2); and

(4) it is the intent of Congress that, if the land described in section 121(b) of the Native American Technical Corrections Act of 2004 (118 Stat. 544) (as amended by section 3) is used to bring water to the Barona Indian Reservation, the effort is authorized only if the effort also addresses water availability for neighboring off-reservation land located along Old Barona Road that is occupied as of the date of enactment of this Act by providing guaranteed access to that water supply at a mutually agreeable site on the southwest boundary of the Barona Indian Reservation.

(b) **PURPOSES.**—The purposes of this Act are—

(1) to clarify the legal description of the land placed into trust for the Barona Band of Mission Indians in 2004; and

(2) to remove all doubt relating to the specific parcels of land that Congress has placed into trust for the Barona Band of Mission Indians.

#### **SEC. 3. LAND TRANSFER.**

Section 121 of the Native American Technical Corrections Act of 2004 (Public Law 108–204; 118 Stat. 544) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) **DESCRIPTION OF LAND.**—The land referred to in subsection (a) is land comprising approximately 86.87 acres in T. 14 S., R. 1 E., San Bernardino Meridian, San Diego County, California, and described more particularly as follows:

“(1) The approximately 69.85 acres located in Section 21 and described as—

“(A) SW¼ SW¼, excepting the north 475 feet;

“(B) W½ SE¼ SW¼, excepting the north 475 feet;

“(C) E½ SE¼ SW¼, excepting the north 350 feet; and

“(D) the portion of W½ SE¼ that lies southwesterly of the following line: Beginning at the intersection of the southerly line of said SE¼ of Section 21 with the westerly boundary of Rancho Canada De San Vicente Y Mesa Del Padre Barona as shown on United States Government Resurvey approved January 21, 1939, and thence northwesterly along said boundary to an intersection with the westerly line of said SE¼.

“(2) The approximately 17.02 acres located in Section 28 and described as NW¼ NW¼, excepting the east 750 feet.”; and

(2) by adding at the end the following:

“(d) **CLARIFICATIONS.**—

“(1) **EFFECT ON SECTION.**—The provisions of subsection (c) shall apply to the land described in subsection (b), as in effect on the day after the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012.

“(2) **EFFECT ON PRIVATE LAND.**—The parcel of private, non-Indian land referenced in subsection (a) and described in subsection (b), as in effect on the day before the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012, but excluded from the revised description of the land in subsection (b) was not intended to be—

“(A) held in trust by the United States for the benefit of the Band; or

“(B) considered to be a part of the reservation of the Band.”.

**SA 2865.** Mr. PRYOR (for Mr. BLUMENTHAL) proposed an amendment to the bill H.R. 2453, to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

On page 7, strike lines 5 through 7 and insert the following:

(2) One-quarter of the surcharges, to the University of California, Berkeley, California, for the benefit of the Mark Twain Project at the Bancroft Library to support programs to study and promote the legacy of Mark Twain.

At the end, add the following:

#### **SEC. 8. NO NET COST.**

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient des-

ignated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

**SA 2866.** Mr. PRYOR (for Mr. LIEBERMAN) proposed an amendment to S. 3315, to repeal or modify certain mandates of the Government Accountability Office.

On page 2, line 11, insert “, the Secretary of the Senate, or the Clerk of the House of Representatives” after “House of Representatives”.

On page 5, line 1, insert “or the Secretary of the Senate” after “the Senate”.

**SA 2867.** Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.

Strike all after the enacting clause and insert the following:

#### **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Coast Guard Authorization Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

#### **TITLE I—AUTHORIZATION**

Sec. 101. Authorization of appropriations.

Sec. 102. Authorized levels of military strength and training.

#### **TITLE II—ORGANIZATION**

Sec. 201. Coast Guard authority to operate and maintain Coast Guard assets.

Sec. 202. Clarification of Coast Guard ice operations mission.

#### **TITLE III—PERSONNEL**

Sec. 301. Acquisition workforce expedited hiring authority.

Sec. 302. Officers recommended for promotion.

Sec. 303. Original appointment of permanent commissioned officers.

Sec. 304. Academy pay, allowances, and emoluments.

Sec. 305. Academy policy on sexual harassment and sexual violence.

Sec. 306. Coast Guard auxiliaries enrollment eligibility.

#### **TITLE IV—ADMINISTRATION**

Sec. 401. Advance procurement funding.

Sec. 402. Multiyear procurement authority for Coast Guard National Security Cutters.

Sec. 403. Requirement to maintain United States polar icebreaking capability.

Sec. 404. National response functions.

Sec. 405. National Response Center notification requirements.

Sec. 406. Conforming amendment.

#### **TITLE V—SHIPPING AND NAVIGATION**

Sec. 501. Central Bering Sea potential place of refuge.

Sec. 502. Protection and fair treatment of seafarers.

Sec. 503. Delegation of authority.

Sec. 504. Report on establishment of arctic deep water port.

Sec. 505. Risk analysis of transporting Canadian oil sands.

Sec. 506. Eligibility to receive surplus training equipment.

#### TITLE VI—MARITIME ADMINISTRATION AUTHORIZATION

Sec. 601. Short title; amendment of title 46, United States Code.

Sec. 602. Marine transportation system.

Sec. 603. Short sea transportation program amendments.

Sec. 604. Maritime environmental and technical assistance program.

Sec. 605. Waiver of navigation and vessel inspection laws.

Sec. 606. Extension of maritime security fleet program.

Sec. 607. Maritime workforce study.

Sec. 608. Maritime administration vessel recycling contract award practices.

Sec. 609. Requirement for barge design.

#### TITLE VII—MISCELLANEOUS

Sec. 701. Limitation on availability of funds for procurement of alternative fuel.

Sec. 702. Passenger vessel security and safety requirements.

Sec. 703. Oil spill liability trust fund investment amount.

Sec. 704. Vessel determinations.

Sec. 705. Alteration of bridge obstructing navigation.

Sec. 706. Notice of arrival.

Sec. 707. Waivers.

Sec. 708. Budgetary effects.

Sec. 709. Technical amendments.

#### TITLE I—AUTHORIZATION

##### SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FISCAL YEAR 2013.—Funds are authorized to be appropriated for fiscal year 2013 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$7,077,783,000 of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,421,924,000 of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)), to remain available until expended;

(B) \$642,000,000 is authorized to acquire, effect major repairs to, renovate, or improve vessels, small boats, and related equipment;

(C) \$289,000,000 is authorized to acquire, effect major repairs to, renovate, or improve aircraft or increase aviation capability;

(D) \$166,140,000 is authorized for other equipment;

(E) \$213,692,000 is authorized for shore facilities, aids to navigation facilities, and military housing, of which not more than \$14,000,000 shall be derived from the Coast Guard Housing Fund; and

(F) \$110,192,000 is authorized for personnel compensation and benefits and related costs.

(3) For research, development, testing, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$19,779,000.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed

appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical and dental care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,440,157,000, to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program, \$16,000,000.

(6) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$16,699,000.

(7) For operation and maintenance of the Coast Guard Reserve program, \$136,778,000.

(b) FISCAL YEAR 2014.—Funds are authorized to be appropriated for fiscal year 2014 for necessary expenses of the Coast Guard as follows:

(1) For the operation and maintenance of the Coast Guard, \$7,077,783,000 of which \$24,500,000 is authorized to be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)).

(2) For the acquisition, construction, rebuilding, renovation, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, \$1,421,924,000 of which—

(A) \$20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990 (33 U.S.C. 2712(a)(5)), to remain available until expended;

(B) \$642,000,000 is authorized to acquire, effect major repairs, renovate, or improve vessels, small boats, and related equipment;

(C) \$289,000,000 is authorized to acquire, effect major repairs, renovate, or improve aircraft or increase aviation capability;

(D) \$166,140,000 is authorized for other equipment;

(E) \$213,692,000 is authorized for shore facilities, aids to navigation facilities, and military housing, of which not more than \$14,000,000 shall be derived from the Coast Guard Housing Fund; and

(F) \$110,192,000 is authorized for personnel compensation and benefits and related costs.

(3) For research, development, testing, and evaluation of technologies, materials, and human factors directly related to improving the performance of the Coast Guard's mission in search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, \$19,779,000.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical and dental care of retired personnel and their dependents under chapter 55 of title 10, United States Code, \$1,440,157,000 to remain available until expended.

(5) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Alteration of Bridges Program, \$16,000,000.

(6) For environmental compliance and restoration functions under chapter 19 of title 14, United States Code, \$16,699,000.

(7) For operation and maintenance of the Coast Guard Reserve program, \$136,778,000.

##### SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) FISCAL YEAR 2013.—

(1) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 47,000 for the fiscal year ending on September 30, 2013.

(2) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2013, the Coast Guard is authorized average military training student loads as follows:

(A) For recruit and special training, 2,500 student years.

(B) For flight training, 165 student years.

(C) For professional training in military and civilian institutions, 350 student years.

(D) For officer acquisition, 1,200 student years.

(b) FISCAL YEAR 2014.—

(1) ACTIVE DUTY STRENGTH.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 49,350 for the fiscal year ending on September 30, 2014.

(2) MILITARY TRAINING STUDENT LOADS.—For fiscal year 2014, the Coast Guard is authorized average military training student loads as follows:

(A) For recruit and special training, 2,625 student years.

(B) For flight training, 173 student years.

(C) For professional training in military and civilian institutions, 368 student years.

(D) For officer acquisition, 1,260 student years.

#### TITLE II—ORGANIZATION

##### SEC. 201. COAST GUARD AUTHORITY TO OPERATE AND MAINTAIN COAST GUARD ASSETS.

(a) IN GENERAL.—Section 93 of title 14, United States Code, is amended by adding at the end the following:

“(e) OPERATION AND MAINTENANCE OF COAST GUARD ASSETS AND FACILITIES.—All authority, including programmatic budget authority, for the operation and maintenance of Coast Guard vessels, aircraft, systems, aids to navigation, infrastructure, and any other Coast Guard assets or facilities, shall be allocated to and vested in the Coast Guard and the department in which the Coast Guard is operating.”

##### SEC. 202. CLARIFICATION OF COAST GUARD ICE OPERATIONS MISSION.

(a) COAST GUARD PROVISION OF FEDERAL ICEBREAKING SERVICES.—Chapter 5 of title 14, United States Code, is amended by inserting after section 86 the following:

##### “§ 87. Provision of icebreaking services

“(a) IN GENERAL.—Notwithstanding any other provision of law, except as provided in subsection (b), the Coast Guard shall be the sole supplier of icebreaking services, on an advancement or reimbursable basis, to each Federal agency that requires icebreaking services.

“(b) EXCEPTION.—In the event that a Federal agency requires icebreaking services and the Coast Guard is unable to provide the services, the Federal agency may acquire icebreaking services from another entity.”

(b) PRIORITY OF COAST GUARD MISSIONS IN POLAR REGIONS.—

(1) SECTION 110.—Section 110(b)(2) of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4109(b)(2)) is amended—

(A) by inserting “to execute the statutory missions of the Coast Guard and” after “needed”; and

(B) by inserting “and all budget authority related to such operations” after “projects.”

(2) SECTION 312.—Section 312(c) of the Antarctic Marine Living Resources Convention Act of 1984 (16 U.S.C. 2441(c)) is amended by inserting “to execute the statutory missions of the Coast Guard and” after “needed”.

(c) CONFORMING AMENDMENT.—The table of contents for chapter 5 of title 14, United States Code, is amended by inserting after the item relating to section 86 the following: “87. Provision of icebreaking services.”.

### TITLE III—PERSONNEL

#### SEC. 301. ACQUISITION WORKFORCE EXPEDITED HIRING AUTHORITY.

Section 404 of the Coast Guard Authorization Act of 2010 (124 Stat. 2950) is amended—

(1) in subsection (a)(1), by striking “as shortage category positions” and inserting “as positions for which there is a shortage of candidates or a critical hiring need”; and

(2) in subsection (b)—

(A) by striking “paragraph” and inserting “section”; and

(B) by striking “2012” and inserting “2015”.

#### SEC. 302. OFFICERS RECOMMENDED FOR PROMOTION.

Section 259(c)(1) of title 14, United States Code, is amended by striking “After selecting” and inserting “In selecting”.

#### SEC. 303. ORIGINAL APPOINTMENT OF PERMANENT COMMISSIONED OFFICERS.

Section 211 of title 14, United States Code, is amended by adding at the end the following:

“(d) For purposes of this section, the term ‘original’ with respect to the appointment of a member of the Coast Guard refers to the member’s most recent appointment in the Coast Guard that is neither a promotion nor a demotion.”.

#### SEC. 304. ACADEMY PAY, ALLOWANCES, AND EMOLUMENTS.

Section 195 of title 14, United States Code, is amended—

(1) by striking “person” each place it appears and inserting “foreign national”; and

(2) by striking “pay and allowances” each place it appears and inserting “pay, allowances, and emoluments”.

#### SEC. 305. ACADEMY POLICY ON SEXUAL HARASSMENT AND SEXUAL VIOLENCE.

(a) ESTABLISHMENT.—Chapter 9 of title 14, United States Code, is amended by adding at the end the following:

##### “§ 200. Policy on sexual harassment and sexual violence

“(a) REQUIRED POLICY.—The Commandant shall direct the Superintendent of the Coast Guard Academy to prescribe a policy on sexual harassment and sexual violence applicable to the cadets and other personnel of the Coast Guard Academy.

“(b) MATTERS TO BE SPECIFIED IN POLICY.—The policy on sexual harassment and sexual violence under this section shall include specification of the following:

“(1) Programs to promote awareness of the incidence of rape, acquaintance rape, and other sexual offenses of a criminal nature that involve cadets or other Academy personnel.

“(2) Information about how the Coast Guard and the Academy will protect the confidentiality of victims, including how any records, statistics, or reports intended for public release will be formatted such that the confidentiality of victims is not jeopardized.

“(3) Procedures that a cadet or other Academy personnel should follow in the case of an occurrence of sexual harassment or sexual violence, including—

“(A) if the cadet or other Academy personnel chooses to report an occurrence of sexual harassment or sexual violence, a specification of the person or persons to whom the alleged offense should be reported and options for confidential reporting, including written information to be given to victims

which explains how the Coast Guard and the Academy will protect the confidentiality of victims;

“(B) a specification of any other person whom the victim should contact; and

“(C) procedures on the preservation of evidence potentially necessary for proof of criminal sexual assault.

“(4) Procedures for disciplinary action in cases of criminal sexual assault involving a cadet or other Academy personnel.

“(5) Any other sanction authorized to be imposed in a substantiated case of sexual harassment or sexual violence involving a cadet or other Academy personnel in rape, acquaintance rape, or other criminal sexual offense, whether forcible or nonforcible.

“(6) Required training on the policy for all cadets and other Academy personnel who process allegations of sexual harassment or sexual violence involving a cadet or other Academy personnel.

“(c) ASSESSMENT.—

“(1) IN GENERAL.—The Commandant shall direct the Superintendent to conduct at the Academy during each Academy program year an assessment to determine the effectiveness of the policies of the Academy with respect to sexual harassment and sexual violence involving cadets and other Academy personnel.

“(2) BIENNIAL SURVEY.—For the assessment at the Academy under paragraph (1) with respect to an Academy program year that begins in an odd-numbered calendar year, the Superintendent shall conduct a survey of cadets and other Academy personnel—

“(A) to measure—

“(i) the incidence, during that program year, of sexual harassment and sexual violence events, on or off the Academy reservation, that have been reported to an official of the Academy; and

“(ii) the incidence, during that program year, of sexual harassment and sexual violence, on or off the Academy reservation, that have not been reported to an official of the Academy; and

“(B) to assess the perceptions of the cadets and other Academy personnel of—

“(i) the policies, training, and procedures on sexual harassment and sexual violence involving cadets and other Academy personnel;

“(ii) the enforcement of such policies;

“(iii) the incidence of sexual harassment and sexual violence involving cadets and other Academy personnel; and

“(iv) any other issues relating to sexual harassment and sexual violence involving cadets and other Academy personnel.

“(d) REPORT.—

“(1) IN GENERAL.—The Commandant shall direct the Superintendent of the Coast Guard Academy to submit to the Commandant a report on sexual harassment and sexual violence involving cadets or other Academy personnel for each Academy program year.

“(2) REPORT SPECIFICATIONS.—Each report under paragraph (1) shall include, for the Academy program year covered by the report, the following:

“(A) The number of sexual assaults, rapes, and other sexual offenses involving cadets or other Academy personnel that have been reported to Coast Guard Academy officials during the Academy program year and, of those reported cases, the number that have been substantiated.

“(B) A plan for the actions that are to be taken in the following Academy program year regarding prevention of and response to sexual harassment and sexual violence involving cadets or other Academy personnel.

“(3) BIENNIAL SURVEY.—Each report under paragraph (1) for an Academy year that be-

gins in an odd-numbered calendar year shall include the results of the survey conducted in that Academy program year under subsection (c)(2).

“(4) TRANSMISSION OF REPORT.—The Commandant shall transmit each report received by the Commandant under this subsection, together with the Commandant’s comments on the report to—

“(A) the Committee on Commerce, Science, and Transportation of the Senate; and

“(B) the Committee on Transportation and Infrastructure of the House of Representatives.

“(5) FOCUS GROUPS.—

“(A) IN GENERAL.—In each even-numbered calendar year that the Superintendent is not required to conduct a survey at the Academy under subsection (c)(2), the Commandant shall require focus groups to be conducted at the Academy for the purposes of ascertaining information relating to sexual assault and sexual harassment issues at the Academy.

“(B) INCLUSION IN REPORTS.—Information derived from a focus group under subparagraph (A) shall be included in the Commandant’s report under this subsection.

“(e) VICTIM CONFIDENTIALITY.—To the extent that information collected under authority of this section is reported or otherwise made available to the public, such information shall be provided in a form that is consistent with applicable privacy protections under Federal law and does not jeopardize the confidentiality of victims.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 9 of title 14, United States Code, is amended by inserting after the item relating to section 199 the following:

“200. Policy on sexual harassment and sexual violence.”.

#### SEC. 306. COAST GUARD AUXILIARISTS ENROLLMENT ELIGIBILITY.

Section 823 of title 14, United States Code, is amended to read as follows:

##### “§ 823. Eligibility, enrollments

“The Auxiliary shall be composed of nationals of the United States, as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)), and of aliens lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20))—

“(1) who are owners, sole or part, of motorboats, yachts, aircraft, or radio stations; or

“(2) who by reason of their special training or experience are deemed by the Commandant to be qualified for duty in the Auxiliary, and who may be enrolled therein pursuant to applicable regulations.”.

### TITLE IV—ADMINISTRATION

#### SEC. 401. ADVANCE PROCUREMENT FUNDING.

With respect to any Coast Guard vessel for which amounts are appropriated or otherwise made available for vessels for the Coast Guard in any fiscal year, the Secretary may enter into a contract or place an order, in advance of a contract or order for construction of a vessel, for—

(1) materials, parts, components, and effort for the vessel;

(2) advance construction of parts or components for the vessel;

(3) protection and storage of materials, parts, or components for the vessel; and

(4) production planning, design, and other related support services that reduce the overall procurement lead time of the vessel.



# **SEC. 402. MULTIYEAR PROCUREMENT AUTHORITY FOR COAST GUARD NATIONAL SECURITY CUTTERS.**

(a) IN GENERAL.—Beginning with the fiscal year 2013 program year, the Secretary of the department in which the Coast Guard is operating may enter, under section 2306b of title 10, United States Code, into a multiyear contract for the procurement of Coast Guard National Security Cutters and government-furnished equipment associated with the National Security Cutter program.

(b) LIMITATION.—The Secretary may not enter into a contract under subsection (a) until—

(1) the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a certification that the Secretary has made, with respect to the contract, each of the findings under section 2306b(a) of title 10, United States Code, such as the analysis referred to under subsection (c) of this section; and

(2) a period of 30 days has elapsed after the date that the Secretary submits the certification under paragraph (1).

(c) DETERMINATION OF SUBSTANTIAL SAVINGS.—In conducting an analysis of substantial savings under section 2306b(a)(1) of title 10, United States Code, the Secretary—

(1) may not limit the analysis to a simple percentage-based metric; and

(2) shall employ a full-scale analysis of cost avoidance—

(A) based on a multiyear procurement; and

(B) taking into account the potential benefit any accrued savings might have for future shipbuilding programs if the cost avoidance savings were subsequently utilized for further ship construction.

# **SEC. 403. REQUIREMENT TO MAINTAIN UNITED STATES POLAR ICEBREAKING CAPABILITY.**

(a) CURRENT ICEBREAKER MAINTENANCE.—Until new heavy icebreakers are acquired for operation by the Coast Guard, in order to meet Coast Guard mission requirements, the Commandant of the Coast Guard may not—

(1) transfer, relinquish ownership of, dismantle, or recycle the POLAR SEA or POLAR STAR;

(2) remove any part of the POLAR SEA unless it will be installed on the POLAR STAR before it is put in “active” status and the Commandant certifies to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that it is not possible for the POLAR STAR to function properly without doing so;

(3) change the existing homeport of any Coast Guard icebreaker; or

(4) expend any funds—

(A) for any expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for dock use or other goods and services;

(B) for any personnel expenses directly or indirectly associated with the decommissioning of either of the vessels, including expenses for a decommissioning officer;

(C) for any expenses associated with a decommissioning ceremony for either of the vessels;

(D) to appoint a decommissioning officer to be affiliated with either of the vessels; or

(E) to place either of the vessels in inactive status.

(b) REIMBURSEMENT.—Nothing in this section shall preclude the Secretary from seeking reimbursement for operation and maintenance costs of the polar icebreakers from

other Federal agencies and entities, including foreign governments, that benefit from the use of the polar icebreakers.

# **SEC. 404. NATIONAL RESPONSE FUNCTIONS.**

(a) IN GENERAL.—Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)—

(A) by striking paragraph (23); and

(B) redesignating paragraphs (24) through (26) as paragraphs (23) through (25), respectively;

(2) in subsection (j)(2), by striking “National Response Unit.” through “acting through the National Response Unit” and inserting the following:

“(2) NATIONAL RESPONSE FUNCTIONS.—The Secretary of the department in which the Coast Guard is operating—”; and

(3) in subsection (j)(4)(C)(vi), by striking “, and into operating procedures of the National Response Unit”.

(b) CONFORMING AMENDMENT.—Section 4202(b) of the Oil Pollution Act of 1990 (33 U.S.C. 1321 note) is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

# **SEC. 405. NATIONAL RESPONSE CENTER NOTIFICATION REQUIREMENTS.**

The Ohio River Valley Water Sanitation Commission, established pursuant to the Ohio River Valley Water Sanitation Compact authorized by House Joint Resolution 377, 74th Congress, agreed to June 8, 1936 (49 Stat. 1490), and consented to and approved by Congress in the Act of July 11, 1940 (54 Stat. 752), is deemed a Government agency for purposes of the notification requirements of section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9603). The National Response Center shall convey notification, including complete and un-redacted incident reports, expeditiously to the Commission regarding each release in or affecting the Ohio River Basin for which notification to all appropriate Government agencies is required.

# **SEC. 406. CONFORMING AMENDMENT.**

Section 210 of the Coast Guard and Maritime Transportation Act of 2006 (14 U.S.C. 93 note) is repealed.

# **TITLE V—SHIPPING AND NAVIGATION**

# **SEC. 501. CENTRAL BERING SEA POTENTIAL PLACE OF REFUGE.**

(a) CONSULTATION.—Not later than 1 year after the date of enactment of this Act, the Commandant of the Coast Guard shall consult with appropriate Federal agencies and with State and local interests to determine what improvements, if any, are necessary to designate existing ice-free facilities (or infrastructure) in the Central Bering Sea as a fully functional, year-round Potential Place of Refuge for vessels with drafts up to 25 feet and lengths overall of up to 450 feet.

(b) PURPOSES.—The purposes of the consultation under subsection (a) shall be to enhance safety of human life at sea and protect the marine environment in the Central Bering Sea.

(c) REPORT.—Not later than 90 days after making the determination under subsection (a), the Commandant shall inform the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives in writing of the findings under subsection (a).

# **SEC. 502. PROTECTION AND FAIR TREATMENT OF SEAFARERS.**

(a) IN GENERAL.—Chapter 111 of title 46, United States Code, is amended by adding at the end the following:

# **“§ 11113. Protection and fair treatment of seafarers**

“(a) PURPOSE.—The purpose of this section shall be to ensure the protection and fair treatment of seafarers.

“(b) SPECIAL FUND.—

“(1) ESTABLISHMENT.—There is established in the Treasury a special fund known as the Support of Seafarers Fund.

“(2) USE OF AMOUNTS IN FUND.—The amounts deposited into the Fund shall be available to the Secretary, without fiscal year limitation, to—

“(A) pay necessary support under subsection (c)(1); and

“(B) reimburse a shipowner for necessary support under subsection (c)(2).

“(3) AMOUNTS CREDITED TO FUND.—Notwithstanding any other provision of law, the Fund may receive—

“(A) any moneys ordered to be paid to the Fund in the form of community service under section 8B1.3 of the United States Sentencing Guidelines Manual or to the extent permitted under paragraph (4); and

“(B) amounts reimbursed or recovered under subsection (e).

“(4) PREREQUISITE FOR COMMUNITY SERVICE CREDITS.—The Fund may receive credits under paragraph (3)(A) if the unobligated balance of the Fund is less than \$5,000,000.

“(5) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated, from the Fund, for each fiscal year such sums as may be necessary for the purposes set forth in paragraph (2).

“(6) REPORT REQUIRED.—

“(A) IN GENERAL.—The Secretary shall submit to Congress, concurrent with the President’s budget submission for a given fiscal year, a report that describes—

“(i) the amounts credited to the Fund under paragraph (3) for the preceding fiscal year;

“(ii) in detail, the activities for which amounts were charged; and

“(iii) the projected level of expenditures from the Fund for the upcoming fiscal year, based on—

“(I) on-going activities; and

“(II) new cases, derived from historic data.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to obligations during the first fiscal year during which amounts are credited to the Fund.

“(7) FUND MANAGER.—The Secretary shall designate a Fund manager. The Fund manager shall—

“(A) ensure the visibility and accountability of transactions utilizing the Fund;

“(B) prepare the report under paragraph (6);

“(C) monitor the unobligated balance of the Fund; and

“(D) provide notice to the Secretary and the Attorney General whenever the unobligated balance of the Fund is less than \$5,000,000.

“(c) AUTHORITY.—The Secretary may—

“(1) pay, from amounts appropriated from the Fund, necessary support of—

“(A) a seafarer that—

“(i) enters, remains, or is paroled into the United States; and

“(ii) is involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard; and

“(B) a seafarer that the Secretary determines was abandoned in the United States; and

“(2) reimburse, from amounts appropriated from the Fund, a shipowner that has provided necessary support of a seafarer who



has been paroled into the United States to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard, for the costs of necessary support if the Secretary determines that reimbursement is necessary to avoid serious injustice.

“(d) LIMITATION.—Nothing in this section shall be construed—

“(1) to create a right, benefit, or entitlement to necessary support; or

“(2) to compel the Secretary to pay or reimburse the cost of necessary support.

“(e) REIMBURSEMENT; RECOVERY.—

“(1) IN GENERAL.—A shipowner shall reimburse the Fund an amount equal to the total amount paid from the Fund for necessary support of a seafarer plus a surcharge of 25 percent of the total amount if—

“(A) the shipowner—

“(i) during the course of an investigation, reporting, documentation, or adjudication of any matter that the Coast Guard referred to a United States Attorney or the Attorney General, fails to provide necessary support of a seafarer who was paroled into the United States to facilitate the investigation, reporting, documentation, or adjudication; and

“(ii) subsequently receives a criminal penalty; or

“(B) the shipowner, under any circumstance, abandons a seafarer in the United States, as determined by the Secretary.

“(2) ENFORCEMENT.—If a shipowner fails to reimburse the Fund under paragraph (1), the Secretary may—

“(A) proceed in rem against any vessel of the shipowner in the Federal district court for the district in which the vessel is found; and

“(B) withhold or revoke the clearance required under section 60105 of any vessel of the shipowner wherever the vessel is found.

“(3) REMEDY.—A vessel may obtain clearance from the Secretary after it is withheld or revoked under paragraph (2)(B) if the shipowner reimburses the Fund the amount required under paragraph (1).

“(f) BOND AND SURETY.—

“(1) AUTHORITY.—The Secretary may require a bond or a surety satisfactory as an alternative to withholding or revoking clearance under subsection (e) if, in the opinion of the Secretary, the bond or surety satisfactory is necessary to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

“(2) SURETY CORPORATIONS.—A surety corporation may provide a bond or surety satisfactory under paragraph (1) if the surety corporation is authorized by the Secretary of the Treasury under section 9305 of title 31 to provide surety bonds under section 9304 of title 31.

“(3) APPLICATION.—The authority to require a bond or surety satisfactory or to request the withholding or revocation of the clearance under subsection (e) applies to any investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard.

“(g) DEFINITIONS.—In this section:

“(1) ABANDONS; ABANDONED.—The term ‘abandons’ or ‘abandoned’ means—

“(A) a shipowner’s unilateral severance of ties with a seafarer; or

“(B) a shipowner’s failure to provide necessary support of a seafarer.

“(2) BOND OR SURETY SATISFACTORY.—The term ‘bond or surety satisfactory’ means a negotiated instrument, the terms of which may, at the discretion of the Secretary, include provisions that require a shipowner—

“(A) to provide necessary support of a seafarer who has or may have information pertinent to an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

“(B) to facilitate an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

“(C) to stipulate to certain incontrovertible facts, including the ownership or operation of the vessel, or the authenticity of documents and things from the vessel;

“(D) to facilitate service of correspondence and legal papers;

“(E) to enter an appearance in United States district court;

“(F) to comply with directions regarding payment of funds;

“(G) to name an agent in the United States for service of process;

“(H) to stipulate in United States district court as to the authenticity of certain documents;

“(I) to provide assurances that no discriminatory or retaliatory measures will be taken against a seafarer involved in an investigation, reporting, documentation, or adjudication of any matter that is related to the administration or enforcement of any treaty, law, or regulation by the Coast Guard;

“(J) to provide financial security in the form of cash, bond, or other means acceptable to the Secretary; and

“(K) to provide for any other appropriate measures as the Secretary considers necessary to ensure the Government is not prejudiced by granting the clearance required under section 60105 of title 46.

“(3) FUND.—The term ‘Fund’ means the Support of Seafarers Fund established under this section.

“(4) NECESSARY SUPPORT.—The term ‘necessary support’ means normal wages, lodging, subsistence, clothing, medical care (including hospitalization), repatriation, and any other expense the Secretary considers appropriate.

“(5) SEAFARER.—The term ‘seafarer’ means an alien crewman who is employed or engaged in any capacity on board a vessel subject to the jurisdiction of the United States. A seafarer is a claimant for the purposes of section 30509.

“(6) SHIPOWNER.—The term ‘shipowner’ means an individual or entity that owns, has an ownership interest in, or operates a vessel subject to the jurisdiction of the United States.

“(7) VESSEL SUBJECT TO THE JURISDICTION OF THE UNITED STATES.—The term ‘vessel subject to the jurisdiction of the United States’ has the meaning given the term in section 70502(c), except that it excludes—

“(A) a vessel—

“(i) that is owned by the United States, a State or political subdivision thereof, or a foreign nation; and

“(ii) that is not engaged in commerce; and

“(B) a bareboat—

“(i) that is chartered and operated by the United States, a State or political subdivision thereof, or a foreign nation; and

“(ii) that is not engaged in commerce.

“(h) REGULATIONS.—The Secretary may prescribe regulations to implement this section.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 111 of title 46, United States Code, is amended by inserting after the item relating to section 11112 the following:

“11113. Protection and fair treatment of seafarers.”.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Support of Seafarers Fund \$1,500,000 for each of fiscal years 2013 and 2014.

#### SEC. 503. DELEGATION OF AUTHORITY.

Section 3316 of title 46, United States Code, is amended—

(1) in subsection (b)(2)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(C) by adding at the end the following:

“(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.”;

(2) in subsection (d)(2)—

(A) by striking “and” at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting “; and”; and

(C) by adding at the end the following:

“(C) if the Secretary of State determines that the foreign classification society does not provide comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.”; and

(3) by adding at the end the following—

“(e) The Secretary shall revoke an existing delegation made to a classification society under subsection (b) or (d) if the Secretary of State determines that the classification society provides comparable services in or for the government of a country designated by the Secretary of State as a State Sponsor of Terrorism.”.

#### SEC. 504. REPORT ON ESTABLISHMENT OF ARCTIC DEEP WATER PORT.

(a) STUDY.—The Commandant of the Coast Guard shall conduct a study on the feasibility and potential of establishing a deep water sea port in the Arctic to protect and advance strategic United States interests within the Arctic region.

(b) SCOPE.—The study under subsection (a) shall include an analysis of—

(1) the capability that a deep water sea port would provide;

(2) the potential and optimum locations for the port;

(3) the resources needed to establish the port;

(4) the time frame needed to establish the port;

(5) the infrastructure required to support the port; and

(6) any other issues the Secretary considers necessary to complete the study.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commandant shall submit a report on the findings of the study under subsection (a) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### SEC. 505. RISK ANALYSIS OF TRANSPORTING CANADIAN OIL SANDS.

(a) IN GENERAL.—The Commandant of the Coast Guard shall assess the increased vessel traffic in the Salish Sea (including the Puget Sound, the Strait of Georgia, Haro Strait, Rosario Strait, and the Strait of Juan de

Fuca), that may occur from the transport of Canadian oil sands oil.

(b) SCOPE.—The analysis required under subsection (a) shall, at a minimum, consider—

(1) the extent to which vessel (barge, tanker, and supertanker) traffic may increase due to Canadian oil sands development;

(2) whether transport of Canadian oil sands within the Salish Sea is likely to require navigation through United States territorial waters;

(3) the rules and regulations that restrict supertanker traffic in United States waters, including an assessment of whether there are methods to bypass those rules in such waterways and adjacent Canadian waters;

(4) the rules and regulations that restrict the amount of oil transported in tankers or barges in United States waters, including an assessment of whether there are methods to bypass those rules in such waterways and adjacent Canadian waters;

(5) the spill response capability throughout the shared water of the United States and Canada, including oil spill response planning requirements for vessels bound for one nation transiting through the waters of the other nation;

(6) the vessel emergency response towing capability at the entrance to the Strait of Juan de Fuca;

(7) the agreement between the United States and Canada that outlines requirements for laden tank vessels to be escorted by tug boats;

(8) whether oil extracted from oil sands has different properties from other types of oil, including toxicity and other properties, which may require different maritime clean up technologies;

(9) a risk assessment of the increasing supertanker, tanker, and barge traffic associated with Canadian oil sands development or expected to be associated with Canadian oil sands development; and

(10) the potential costs and benefits to the U.S. public and the private sector of maritime transportation of oil sands products.

(c) CONSULTATION REQUIREMENT.—In conducting the analysis required under this section, the Commandant shall consult with the State of Washington and affected tribal governments. The Commandant is also strongly encouraged to consult with the Secretary of State.

(d) REPORT.—Not later than 180 days after the date of enactment of this Act, the Commandant shall submit a report based on the analysis required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### SEC. 506. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting “or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof” after “a non-profit training institution”.

### TITLE VI—MARITIME ADMINISTRATION AUTHORIZATION

#### SEC. 601. SHORT TITLE; AMENDMENT OF TITLE 46, UNITED STATES CODE.

(a) SHORT TITLE.—This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2013”.

(b) AMENDMENT OF TITLE 46, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amend-

ment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 46, United States Code.

#### SEC. 602. MARINE TRANSPORTATION SYSTEM.

(a) REPORT ON STATUS OF SYSTEM.—Section 50109(d) is amended to read as follows:

“(d) MARINE TRANSPORTATION SYSTEM.—

“(1) REPORT ON WATERWAYS.—Not later than October 1, 2013, the Secretary, in consultation with the Secretary of Defense and the commanding officer of the Army Corps of Engineers, and with the concurrence of the Secretary of the department in which the Coast Guard is operating, shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives on the status of the Nation’s coastal and inland waterways that—

“(A) describes the state of the United States’ marine transportation infrastructure, including intercoastal infrastructure, intracoastal infrastructure, inland waterway infrastructure, ports, and marine facilities;

“(B) provides estimates of the investment levels required—

“(i) to maintain the infrastructure; and

“(ii) to improve the infrastructure; and

“(C) describes the overall environmental management of the maritime transportation system and the integration of environmental stewardship into the overall system.

“(2) MARINE TRANSPORTATION.—The Secretary may investigate, make determinations concerning, and develop a repository of statistical information relating to marine transportation, including its relationship to transportation by land and air, to facilitate research, assessment, and maintenance of the maritime transportation system. As used in this paragraph, the term ‘marine transportation’ includes intercoastal transportation, intracoastal transportation, inland waterway transportation, ports, and marine facilities.

“(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this subsection.”.

(b) CONTAINER-ON-BARGE TRANSPORTATION.—

(1) ASSESSMENT AND REPORT.—Not later than 6 months after the date of enactment of this Act, the Maritime Administration shall assess the potential for using container-on-barge transportation on the inland waterways system and submit a report, together with the Administration’s findings, conclusions, and recommendations, to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Armed Services and the Committee on Transportation and Infrastructure of the House of Representatives. If the Administration determines that it would be in the public interest, the report may include recommendations for a plan to increase awareness of the potential for use of such container-on-barge transportation and recommendations for the development and implementation of such a plan.

(2) FACTORS.—In conducting the assessment, the Administration shall consider—

(A) the environmental benefits of increasing container-on-barge movements on our inland and intracoastal waterways system;

(B) the regional differences in the inland waterways system;

(C) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(D) the mechanisms to ensure that implementation of the plan will not be inconsistent with antitrust laws; and

(E) the potential frequency of service at inland river ports.

#### SEC. 603. SHORT SEA TRANSPORTATION PROGRAM AMENDMENTS.

(a) PROGRAM PURPOSE.—Section 55601(a) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “congestion”.

(b) DESIGNATION OF ROUTES.—Section 55601(c) is amended by inserting “and to promote more efficient use of the navigable waters of the United States” after “coastal corridors”.

(c) PROJECT DESIGNATION.—Section 55601(d) is amended to read as follows:

“(d) PROJECT DESIGNATION.—The Secretary may designate a project as a short sea transportation project if the Secretary determines that the project—

“(1) mitigates landside congestion; or

“(2) promotes more efficient use of the navigable waters of the United States.”.

(d) DOCUMENTATION.—Section 55605 is amended by striking “by vessel” and inserting “by a documented vessel”.

#### SEC. 604. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Chapter 503 is amended by adding at the end the following:

##### “§ 50307. Maritime environmental and technical assistance program

“(a) IN GENERAL.—The Secretary of Transportation may establish a maritime environmental and technical assistance program to engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) PROGRAM REQUIREMENTS.—The program shall—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) be coordinated with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) PROGRAM COORDINATION.—Program coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) FUNDING AND FEES.—

“(1) IN GENERAL.—In carrying out the maritime environmental and technical assistance program, the Secretary of Transportation may apply such funds as may be appropriated and such funds or resources as may become available by gift, cooperative agreement, or otherwise, including the collection of fees, for the purposes of the program and its administration.

“(2) ESTABLISHMENT OF FEES.—Pursuant to section 9701 of title 31, the Secretary of Transportation may promulgate regulations establishing fees to recover reasonable costs to the Secretary and to academic, public, and non-governmental entities associated with the program.

“(3) FEE DEPOSIT.—Any fees collected under this section shall be deposited in a special fund of the United States Treasury for services rendered under the program, which thereafter shall remain available until expended to carry out the Secretary of Transportation's activities for which the fees were collected.

“(e) REPORT.—The Secretary of Transportation shall report on the activities, expenditures, and results of the maritime environmental and technical assistance program during the preceding fiscal year in the annual budget submission to Congress.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 is amended by inserting after the item relating to section 50306 the following:

“50307. Maritime environmental and technical assistance program.”.

#### SEC. 605. WAIVER OF NAVIGATION AND VESSEL INSPECTION LAWS.

Section 501(b) is amended by adding “A waiver shall be accompanied by a certification by the individual and the Administrator to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives that it is not possible to use a United States flag vessel or United States flag vessels collectively to meet the national defense requirements.” after “prescribes.”.

#### SEC. 606. EXTENSION OF MARITIME SECURITY FLEET PROGRAM.

(a) Section 53101 is amended—

(1) by amending paragraph (4) to read as follows:

“(4) FOREIGN COMMERCE.—The term ‘foreign commerce’ means—

“(A) commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country; and

“(B) commerce or trade between foreign countries.”;

(2) by striking paragraph (5);

(3) by redesignating paragraphs (6) through (13) as paragraphs (5) through (12), respectively; and

(4) by amending paragraph (5), as redesignated, to read as follows:

“(5) PARTICIPATING FLEET VESSEL.—The term ‘participating fleet vessel’ means any vessel that—

“(A) on October 1, 2015—

“(i) meets the requirements of paragraph (1), (2), (3), or (4) of section 53102(c); and

“(ii) is less than 20 years of age if the vessel is a tank vessel, or is less than 25 years of age for all other vessel types; and

“(B) on December 31, 2014, is covered by an operating agreement under this chapter.”.

(b) Section 53102(b) is amended to read as follows:

“(b) VESSEL ELIGIBILITY.—A vessel is eligible to be included in the Fleet if—

“(1) the vessel meets the requirements of paragraph (1), (2), (3), or (4) of subsection (c);

“(2) the vessel is operated (or in the case of a vessel to be constructed, will be operated) in providing transportation in foreign commerce;

“(3) the vessel is self-propelled and—

“(A) is a tank vessel that is 10 years of age or less on the date the vessel is included in the Fleet; or

“(B) is any other type of vessel that is 15 years of age or less on the date the vessel is included in the Fleet;

“(4) the vessel—

“(A) is suitable for use by the United States for national defense or military purposes in time of war or national emergency, as determined by the Secretary of Defense; and

“(B) is commercially viable, as determined by the Secretary; and

“(5) the vessel—

“(A) is a United States-documented vessel; or

“(B) is not a United States-documented vessel, but—

“(i) the owner of the vessel has demonstrated an intent to have the vessel documented under chapter 121 of this title if it is included in the Fleet; and

“(ii) at the time an operating agreement for the vessel is entered into under this chapter, the vessel is eligible for documentation under chapter 121 of this title.”.

(c) Section 53103 is amended—

(1) by amending subsection (b) to read as follows:

“(b) EXTENSION OF EXISTING OPERATING AGREEMENTS.—

“(1) OFFER TO EXTEND.—Not later than 60 days after the date of enactment of the Maritime Administration Authorization Act for Fiscal Year 2013, the Secretary shall offer, to an existing contractor, to extend, through September 30, 2025, an operating agreement that is in existence on the date of enactment of that Act. The terms and conditions of the extended operating agreement shall include terms and conditions authorized under this chapter, as amended from time to time.

“(2) TIME LIMIT.—An existing contractor shall have not later than 120 days after the date the Secretary offers to extend an operating agreement to agree to the extended operating agreement.

“(3) SUBSEQUENT AWARD.—The Secretary may award an operating agreement to an applicant that is eligible to enter into an operating agreement for fiscal years 2016 through 2025 if the existing contractor does not agree to the extended operating agreement under paragraph (2).”; and

(2) by amending subsection (c) to read as follows:

“(c) PROCEDURE FOR AWARDED NEW OPERATING AGREEMENTS.—The Secretary may enter into a new operating agreement with an applicant that meets the requirements of section 53102(c) (for vessels that meet the qualifications of section 53102(b)) on the basis of priority for vessel type established by military requirements of the Secretary of Defense. The Secretary shall allow an applicant at least 30 days to submit an application for a new operating agreement. After consideration of military requirements, priority shall be given to an applicant that is a U.S. citizen under section 50501 of this title. The Secretary may not approve an application without the consent of the Secretary of Defense. The Secretary shall enter into an operating agreement with the applicant or provide a written reason for denying the application.”.

(d) Section 53104 is amended—

(1) in subsection (c), by striking paragraph (3); and

(2) in subsection (e), by striking “an operating agreement under this chapter is terminated under subsection (c)(3), or if”.

(e) Section 53105 is amended—

(1) by amending subsection (e) to read as follows:

“(e) TRANSFER OF OPERATING AGREEMENTS.—A contractor under an operating agreement may transfer the agreement (including all rights and obligations under the operating agreement) to any person that is eligible to enter into the operating agreement under this chapter if the Secretary and the Secretary of Defense determine that the transfer is in the best interests of the United States. A transaction shall not be considered a transfer of an operating agreement if the same legal entity with the same vessels remains the contracting party under the operating agreement.”; and

(2) by amending subsection (f) to read as follows:

“(f) REPLACEMENT VESSELS.—A contractor may replace a vessel under an operating agreement with another vessel that is eligible to be included in the Fleet under section 53102(b), if the Secretary, in conjunction with the Secretary of Defense, approves the replacement of the vessel.”.

(f) Section 53106 is amended—

(1) in subsection (a)(1), by striking “and (C) \$3,100,000 for each of fiscal years 2012 through 2025.” and inserting the following:

“(C) \$3,100,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(D) \$3,500,000 for each of fiscal years 2019, 2020, and 2021; and

“(E) \$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.”;

(2) in subsection (c)(3)(C), by striking “a LASH vessel.” and inserting “a lighter aboard ship vessel.”; and

(3) by striking subsection (f).

(g) Section 53107(b)(1) is amended to read as follows:

“(1) IN GENERAL.—An Emergency Preparedness Agreement under this section shall require that a contractor for a vessel covered by an operating agreement under this chapter shall make commercial transportation resources (including services) available, upon request by the Secretary of Defense during a time of war or national emergency, or whenever the Secretary of Defense determines that it is necessary for national security or contingency operation (as that term is defined in section 101 of title 10, United States Code).”.

(h) Section 53109 is repealed.

(i) Section 53111 is amended—

(1) by striking “and” at the end of paragraph (2); and

(2) by striking paragraph (3) and inserting the following:

“(3) \$186,000,000 for each of fiscal years 2012, 2013, 2014, 2015, 2016, 2017, and 2018;

“(4) \$210,000,000 for each of fiscal years 2019, 2020, and 2021; and

“(5) \$222,000,000 for each fiscal year thereafter through fiscal year 2025.”.

(j) AUTHORIZATION OF APPROPRIATIONS; MAINTENANCE AND REPAIR REIMBURSEMENT PILOT PROGRAM.—Section 3517(i) of the Maritime Security Act of 2003 (46 U.S.C. 53101 note) is amended by striking “2011” and inserting “2025”.

(k) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by—

(1) paragraphs (2), (3), and (4) of section 606(a) of this Act take effect on December 31, 2014; and

(2) section 606(f)(2) of this Act take effect on December 31, 2014.

#### SEC. 607. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) **STUDY COMPONENTS.**—The study shall—

(1) analyze the impact of training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the Nation's maritime training infrastructure to meet the current needs of the maritime industry;

(3) evaluate the ability of the Nation's maritime training infrastructure to effectively meet the needs of the maritime industry in the future;

(4) identify trends in maritime training;

(5) compare the training needs of U.S. mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of U.S. mariners;

(6) include recommendations for future programs to enhance the capabilities of the Nation's maritime training infrastructure; and

(7) include recommendations for future programs to assist U.S. mariners and those entering the maritime profession achieve the required training.

(c) **FINAL REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### **SEC. 608. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.**

(a) **IN GENERAL.**—Not later than 12 months after the date of enactment of this Act, the Inspector General of the Department of Transportation shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Inspector General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Inspector General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) **ASSESSMENT.**—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) **CONSIDERATIONS.**—In making the assessment under subsection (a), the Inspector General may consider any other aspect of the Maritime Administration's vessel recycling process that the Inspector General deems appropriate to review.

#### **SEC. 609. REQUIREMENT FOR BARGE DESIGN.**

Not later than 9 months after the date of enactment of this Act, the Administrator of the Maritime Administration shall complete the design for a containerized articulated barge identified in the Dual Use Vessel Study carried out by the Administrator and the Secretary of Defense that is able to utilize roll-on, roll-off or load-on, load-off technology for use in marine highway maritime commerce.

### **TITLE VII—MISCELLANEOUS**

#### **SEC. 701. LIMITATION ON AVAILABILITY OF FUNDS FOR PROCUREMENT OF ALTERNATIVE FUEL.**

None of the funds authorized to be appropriated by this Act or otherwise made available during fiscal year 2013 or 2014 for the Coast Guard may be obligated or expended for the production or purchase of any alternative fuel if the cost of producing or purchasing the alternative fuel exceeds the cost of producing or purchasing a traditional fossil fuel that would be used for the same purpose as the alternative fuel.

#### **SEC. 702. PASSENGER VESSEL SECURITY AND SAFETY REQUIREMENTS.**

(a) **VESSEL DESIGN, EQUIPMENT, CONSTRUCTION, AND RETROFITTING REQUIREMENTS.**—Section 3507(a) of title 46, United States Code, is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking “to which this subsection applies” and inserting “to which this section applies”;

(B) in subparagraph (A)—

(i) by striking “The vessel” and inserting “Each exterior deck of a vessel”; and

(ii) by striking the period at the end and inserting “unless the height requirement would interfere with the deployment of a lifesaving device or other emergency equipment as identified by the Commandant.”; and

(C) in subparagraph (B), by striking “entry doors that include peep holes or other means of visual identification.” and inserting “an entry door that includes a peep hole or other means of visual identification that provides an unobstructed view of the area outside the stateroom or crew cabin. For purposes of this subparagraph, the addition of an optional privacy cover on the interior side of the entry shall not in and of itself constitute an obstruction.”; and

(2) in paragraph (3)—

(A) by striking “subparagraph (B)” in subparagraph (A) and inserting “subparagraphs (B) and (C)”; and

(B) by adding at the end the following:

“(C) **SHIP RAIL, ENTRY DOOR, AND TECHNOLOGY REQUIREMENTS.**—The requirements of subparagraphs (A) and (B) of paragraph (1) take effect on the date of enactment of the Coast Guard Authorization Act of 2012.”.

(b) **VIDEO RECORDING.**—Section 3507(b)(1) of title 46, United States Code, is amended to read as follows:

“(1) **REQUIREMENT TO MAINTAIN SURVEILLANCE.**—

“(A) **IN GENERAL.**—The owner of a vessel to which this section applies shall maintain a video surveillance system to assist in documenting crimes on the vessel and in providing evidence for the prosecution of such crimes, as determined by the Secretary.

“(B) **ASSESSMENT.**—Not later than 120 days after the date of enactment of the Coast Guard Authorization Act of 2012, the owner of a vessel to which this section applies shall perform and submit to the Commandant a criminal and passenger safety risk assessment to determine the appropriate placement of video surveillance equipment on the vessel. The assessment shall require consideration of camera placement in areas where video surveillance may assist in documenting crimes on the vessel and in providing evidence of such crimes. The assessment shall make recommendations as to the appropriate placement of video surveillance equipment throughout the vessel, including passenger and crew common areas where there is no expectation of privacy, as to the

frequency or infrequency of crimes in areas of the vessel, and as to the use of cameras in areas of perceived higher risk. The Commandant shall have authority to review, modify, and require modifications to the assessment to provide for additional video coverage of a vessel.

“(C) **INTERIM RETENTION REQUIREMENTS.**—The owner of a vessel to which this section applies shall retain all video images for a voyage for not less than 10 days after the date that the images are recorded. If an incident described in subsection (g)(3)(A)(i) is alleged and reported to law enforcement, all video images for a voyage that the Federal Bureau of Investigation determines relevant shall—

“(i) be provided to the Federal Bureau of Investigation; and

“(ii) be preserved by the vessel owner for not less than 3 years from the date of the Federal Bureau of Investigation's determination.

“(D) **RETENTION REQUIREMENTS.**—Not later than 3 years after the date of enactment of the Coast Guard Authorization Act of 2012, the Commandant, in consultation with the Federal Bureau of Investigation, shall promulgate standards for the retention of video surveillance records. The Commandant shall consider factors that would aid in the investigation of serious crimes, including crimes that go unreported until after the completion of a voyage. The Commandant shall consider the different types of video surveillance systems and storage requirements in creating standards both for vessels currently in operation and for vessels newly built.”.

(c) **SEXUAL ASSAULT.**—Section 3507(d)(1) of title 46, United States Code, is amended by inserting “(taking into consideration the length of the voyage and the number of passengers and crewmembers that the vessel can accommodate)” after “a sexual assault”.

(d) **CREW ACCESS TO PASSENGER STATE-ROOMS.**—Section 3507(f)(2) of title 46, United States Code, is amended by striking “are fully and properly implemented and periodically reviewed.” and inserting “are fully and properly implemented, reviewed annually, and updated as necessary.”.

(e) **LOG BOOK AND REPORTING REQUIREMENTS.**—Section 3507(g) of title 46, United States Code, is amended—

(1) by amending paragraph (1) to read as follows:

“(1) **IN GENERAL.**—The owner of a vessel to which this section applies shall—

“(A) record in a log book, either electronically or otherwise, a report on—

“(i) all complaints of vessels currently in paragraph (3)(A)(i);

“(ii) all complaints of theft of property valued in excess of \$1,000; and

“(iii) all complaints of other crimes committed on any voyage that embarks or disembarks passengers in the United States; and

“(B) make the log book and all entries therein available, whether the log book and entries are maintained onboard the vessel or at a centralized location off the vessel, upon request to—

“(i) any agent of the Federal Bureau of Investigation performing official duties in the course and scope of an investigation; and

“(ii) any member of the United States Coast Guard performing official duties in the course and scope of an investigation; and

“(iii) any law enforcement officer performing official duties in the course and scope of an investigation.”;

(2) in paragraph (3)(A)—

(A) in clause (i), by striking “as soon as possible after the occurrence on board the

vessel of an incident” and inserting “not later than 24 hours after the vessel is notified of an incident on board the vessel”; and

(B) in clause (ii), by striking “the incident” and inserting “each incident under clause (i), including the details under paragraph (2).”; and

(3) in paragraph (4)—

(A) by amending subparagraph (A) to read as follows:

“(A) WEBSITE.—

“(i) IN GENERAL.—The Secretary shall maintain a statistical compilation of all incidents described in paragraph (3)(A)(i) on an Internet site that provides a numerical accounting of the missing persons and alleged crimes recorded in each report filed under paragraph (3)(A)(i). Each such incident shall be included in the statistical compilation regardless of whether the incident is under investigation by the Federal Bureau of Investigation or not, unless the Bureau determines through the investigative process the report to be unfounded. If determined to be unfounded, the incident shall not be included in the statistical compilation or shall be removed when the determination is made. The data shall be updated no less frequently than quarterly, aggregated by cruise line, each cruise line shall be identified by name and each crime and alleged crime shall be identified as to whether it was committed or allegedly committed by a passenger or crew member and against a passenger or crew member. The Secretary shall also include on the Internet site a rate of crime, comparable to that provided under the Uniform Crime Reporting Program, as determined by the Federal Bureau of Investigation. The rate shall take into account the total number of passengers and crew members carried by each reporting cruise line on voyages that embark or disembark in the United States during the reporting period, and shall be adjusted by the Bureau to reflect the average length of time such persons were on board, as documented to the Secretary by each reporting cruise line.

“(ii) DEFINITION OF UNFOUNDED.—For purposes of this subparagraph, the term ‘unfounded’ means an allegation that is determined through the course of an investigation to be false or baseless.”;

(B) by redesignating subparagraph (B) as subparagraph (C);

(C) by inserting after subparagraph (A) the following:

“(B) REPORTS OF INCIDENTS.—The Federal Bureau of Investigation shall furnish quarterly to the Secretary, the Committee on Commerce, Science, and Transportation and the Committee on Judiciary of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Judiciary of the House of Representatives a numerical accounting of each incident reported to a Federal Bureau of Investigation Field Office under paragraph (3)(A)(i) that quarter.”; and

(D) in subparagraph (C), as redesignated—

(i) by striking “taking on or discharging” and inserting “that takes on or discharges”; and

(ii) by striking “a link” and inserting “, on any Internet site that the cruise line maintains to purchase or book cruises on any vessel that the cruise line owns or operates, and to which this section applies, a prominently accessible link”.

(f) PROCEDURES.—Section 3507(i) of title 46, United States Code, is amended by striking “Within 6 months after the date of enactment of the Cruise Vessel Security and Safety Act of 2010, the” and inserting “The”.

(g) REGULATIONS.—Section 3507(j) of title 46, United States Code, is amended by striking “shall each” and inserting “are authorized each to”.

(h) DEFINITIONS.—Section 3507(l) of title 46, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting before paragraph (3), as redesignated, the following:

“(2) EXTERIOR DECK.—The term ‘exterior deck’ means any exterior weather deck on which a passenger may be present, including passenger stateroom balconies, exterior promenades on passenger decks, muster stations, and similar exterior weather deck areas.”; and

(3) by adding at the end the following:

“(4) TIME-SENSITIVE KEY TECHNOLOGY.—The term ‘time-sensitive key technology’ means an electronic lock or key, or both that may be programmed to prohibit a person that lacks permission to enter a guest stateroom or crew cabin.”.

#### SEC. 703. OIL SPILL LIABILITY TRUST FUND INVESTMENT AMOUNT.

Not later than 30 days after the date of enactment of this Act, the Secretary of the Treasury shall increase the amount invested in income producing securities under section 5006(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2736(b)) by \$12,851,340.

#### SEC. 704. VESSEL DETERMINATIONS.

(a) VESSELS DEEMED NEW VESSELS.—The vessel with United States official number 981472 and the vessel with United States official number 988333 shall each be deemed to be a new vessel effective on the date of delivery after January 1, 2008, from a privately owned United States shipyard if no encumbrances are on record with the United States Coast Guard at the time of the issuance of the new vessel certificate of documentation for each vessel.

(b) SAFETY INSPECTION.—Each vessel under subsection (a) shall be subject to the vessel safety and inspection requirements of title 46, United States Code (as in effect on the day before the date of enactment of this Act), applicable to any such vessel.

#### SEC. 705. ALTERATION OF BRIDGE OBSTRUCTING NAVIGATION.

(a) REQUIREMENT TO COMMENCE ADMINISTRATIVE REVIEW.—Not later than 15 days after the date of enactment of this Act, the Secretary of the department in which the Coast Guard is operating shall certify to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that the Coast Guard has commenced the required interagency administrative review of the pending proposal to alter the bridge that is unreasonably obstructing navigation and that spans the Kill Van Kull, connecting Bayonne, New Jersey, and Staten Island, New York.

(b) EXPEDITED PROCESS.—The Commandant—

(1) shall expedite the interagency administrative review under subsection (a); and

(2) may use any resources offered to the Coast Guard by the bridge owner for the purpose of paragraph (1).

(c) DEADLINE FOR COMPLETION.—Not later than November 30, 2012, the Coast Guard shall complete the interagency administrative review under subsection (a).

#### SEC. 706. NOTICE OF ARRIVAL.

The regulations required under section 109(a) of the Security and Accountability For Every Port Act of 2006 (33 U.S.C. 1223 note) dealing with notice of arrival requirements

for foreign vessels on the Outer Continental Shelf shall not apply to a vessel documented under section 12105 of title 46, United States Code, unless the vessel arrives from a foreign port or place.

#### SEC. 707. WAIVERS.

(a) F/V TEXAS STAR CASINO.—Notwithstanding subchapter II of chapter 121 and chapter 551 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating may issue a fishery endorsement and a license under chapter 121 for the fishing vessel TEXAS STAR CASINO (IMO number 7722047).

(b) RANGER III.—Section 3703a of title 46, United States Code, does not apply to the passenger vessel RANGER III (United States official number 277361), so long as it is owned and operated by the National Park Service.

#### SEC. 708. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### SEC. 709. TECHNICAL AMENDMENTS.

(a) CONTINUATION ON ACTIVE DUTY.—Section 290(a) of title 14, United States Code, is amended in the second sentence by striking “in the grade of vice admiral” and inserting “in or above the grade of vice admiral”.

(b) FAILURE OF SELECTION AND REMOVAL FROM ACTIVE STATUS.—Section 740(d) of title 14, United States Code, is amended by striking “that appointment” and inserting “that Reserve appointment”.

(c) TABLE OF CONTENTS.—The table of contents for chapter 17 of title 14, United States Code, is amended—

(1) by striking the item relating to section 669 and inserting the following:

“669. Telephone installation and charges.”; and

(2) by striking the item relating to section 674 and inserting the following:

“674. Small boat station rescue capability.”.

(d) WAIVER.—Section 7(c) of the America's Cup Act of 2011 (125 Stat. 755) is amended by inserting “located in Ketchikan, Alaska” after “moorage”.

**SA 2868.** Mr. PRYOR (for Mr. ROCKEFELLER) proposed an amendment to the bill H.R. 2838, supra.

Amend the title so as to read: “An Act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.”.

**SA 2869.** Mr. PRYOR (for Mr. BINGAMAN) proposed an amendment to the bill H.R. 2606, to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “New York City Natural Gas Supply Enhancement Act”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) PERMITTEE.—The term “permittee” means the Transcontinental Gas Pipeline

Company, LLC, (Transco), its successors or assigns.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

#### SEC. 3. AUTHORIZATION FOR PERMIT.

(a) IN GENERAL.—The Secretary may issue permits for rights-of-way or other necessary authorizations to allow the permittee to construct, operate, and maintain a natural gas pipeline and related facilities within the Gateway National Recreation Area in New York, as described in Federal Regulatory Commission Docket No. PF09-8.

(b) TERMS AND CONDITIONS.—A permit issued under this section shall be—

(1) consistent with the laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to such terms and conditions as the Secretary deems appropriate.

(c) FEES.—The Secretary shall charge a fee for any permit issued under this section. The fee shall be based on fair market value and shall also provide for recovery of costs incurred by the National Park Service associated with the processing, issuance, and monitoring of the permit. The Secretary shall retain any fees associated with the recovery of costs.

(d) TERM.—Any permit issued under this section shall be for a term of 10 years. The permit may be renewed at the discretion of the Secretary in accordance with this section.

#### SEC. 4. LEASE OF HISTORIC BUILDINGS AT FLOYD BENNETT FIELD.

(a) IN GENERAL.—The Secretary may enter into a non-competitive lease with the permittee to allow the occupancy and use of buildings and associated property at Floyd Bennett Field within the Gateway National Recreation Area to house meter and regulating equipment and other equipment necessary to the operation of the natural gas pipeline described in section 3(a).

(b) TERMS AND CONDITIONS.—A lease entered into under this section shall—

(1) be in accordance with section 3(k) of the National Park System General Authorities Act (16 U.S.C. 1a–2(k)), except that the proceeds from rental payments may be used for infrastructure needs, resource protection and restoration, and visitor services at Gateway National Recreation Area; and

(2) provide for the restoration and maintenance of the buildings and associated property in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and applicable regulations and programmatic agreements.

#### SEC. 5. ENFORCEMENT.

The Secretary may impose citations or fines, or suspend or revoke any authority under a permit or lease issued in accordance with this Act for failure to comply with, or a violation of any term or condition of such permit or lease.

**SA 2870.** Mr. PRYOR (for Mr. ENZI) proposed an amendment to the resolution S. Res. 472, designating October 7, 2012, as “Operation Enduring Freedom Veterans Day”.

In the fifth whereas clause, strike “nearly 1,800” and insert “some 2,000”.

#### PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Abby Duggan, Anne Berry, and Nikki Hurt of my staff

be granted floor privileges for the duration of today’s proceedings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ENABLING ENERGY SAVING INNOVATIONS ACT

Mr. PRYOR. Mr. President, I ask unanimous consent the Energy Committee be discharged from further consideration of H.R. 4850, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4850) to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I ask unanimous consent a Bingaman amendment, which is at the desk, be agreed to, that a Shaheen-Portman amendment which is at the desk be agreed to, the bill as amended be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2861) was agreed to.

(The text of the amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendment (No. 2862) was agreed to.

(The text of the amendment is printed in today’s RECORD under “Text of Amendments.”)

The amendments were ordered to be engrossed and the bill read a third time.

The bill (H.R. 4850), as amended, was read the third time and passed, as follows:

#### H.R. 4850

*Resolved*, That the bill from the House of Representatives (H.R. 4850) entitled “An Act to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals.”, do pass with the following amendment:

At the end of the bill, add the following:

#### SEC. 3. UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.

Section 325(e) of the Energy Policy and Conservation Act (42 U.S.C. 6295(e)) is amended by adding at the end the following:

“(5) UNIFORM EFFICIENCY DESCRIPTOR FOR COVERED WATER HEATERS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) COVERED WATER HEATER.—The term ‘covered water heater’ means—

“(I) a water heater; and

“(II) a storage water heater, instantaneous water heater, and unfired water storage tank (as defined in section 340).

“(ii) FINAL RULE.—The term ‘final rule’ means the final rule published under this paragraph.

“(B) PUBLICATION OF FINAL RULE.—Not later than 180 days after the date of enactment of this paragraph, the Secretary shall publish a final

rule that establishes a uniform efficiency descriptor and accompanying test methods for covered water heaters.

“(C) PURPOSE.—The purpose of the final rule shall be to replace with a uniform efficiency descriptor—

“(i) the energy factor descriptor for water heaters established under this subsection; and

“(ii) the thermal efficiency and standby loss descriptors for storage water heaters, instantaneous water heaters, and unfired water storage tanks established under section 342(a)(5).

“(D) EFFECT OF FINAL RULE.—

“(i) IN GENERAL.—Notwithstanding any other provision of this title, effective beginning on the effective date of the final rule, the efficiency standard for covered water heaters shall be denominated according to the efficiency descriptor established by the final rule.

“(ii) EFFECTIVE DATE.—The final rule shall take effect 1 year after the date of publication of the final rule under subparagraph (B).

“(E) CONVERSION FACTOR.—

“(i) IN GENERAL.—The Secretary shall develop a mathematical conversion factor for converting the measurement of efficiency for covered water heaters from the test procedures in effect on the date of enactment of this paragraph to the new energy descriptor established under the final rule.

“(ii) APPLICATION.—The conversion factor shall apply to models of covered water heaters affected by the final rule and tested prior to the effective date of the final rule.

“(iii) EFFECT ON EFFICIENCY REQUIREMENTS.—The conversion factor shall not affect the minimum efficiency requirements for covered water heaters otherwise established under this title.

“(iv) USE.—During the period described in clause (v), a manufacturer may apply the conversion factor established by the Secretary to rerate existing models of covered water heaters that are in existence prior to the effective date of the rule described in clause (v)(II) to comply with the new efficiency descriptor.

“(v) PERIOD.—Subclause (E) shall apply during the period—

“(I) beginning on the date of publication of the conversion factor in the Federal Register; and

“(II) ending on April 16, 2015.

“(F) EXCLUSIONS.—The final rule may exclude a specific category of covered water heaters from the uniform efficiency descriptor established under this paragraph if the Secretary determines that the category of water heaters—

“(i) does not have a residential use and can be clearly described in the final rule; and

“(ii) are effectively rated using the thermal efficiency and standby loss descriptors applied (as of the date of enactment of this paragraph) to the category under section 342(a)(5).

“(G) OPTIONS.—The descriptor set by the final rule may be—

“(i) a revised version of the energy factor descriptor in use as of the date of enactment of this paragraph;

“(ii) the thermal efficiency and standby loss descriptors in use as of that date;

“(iii) a revised version of the thermal efficiency and standby loss descriptors;

“(iv) a hybrid of descriptors; or

“(v) a new approach.

“(H) APPLICATION.—The efficiency descriptor and accompanying test method established under the final rule shall apply, to the maximum extent practicable, to all water heating technologies in use as of the date of enactment of this paragraph and to future water heating technologies.

“(I) PARTICIPATION.—The Secretary shall invite interested stakeholders to participate in the rulemaking process used to establish the final rule.



“(J) TESTING OF ALTERNATIVE DESCRIPTORS.—In establishing the final rule, the Secretary shall contract with the National Institute of Standards and Technology, as necessary, to conduct testing and simulation of alternative descriptors identified for consideration.

“(K) EXISTING COVERED WATER HEATERS.—A covered water heater shall be considered to comply with the final rule on and after the effective date of the final rule and with any revised labeling requirements established by the Federal Trade Commission to carry out the final rule if the covered water heater—

“(i) was manufactured prior to the effective date of the final rule; and

“(ii) complied with the efficiency standards and labeling requirements in effect prior to the final rule.”.

#### SEC. 4. SERVICE OVER THE COUNTER, SELF-CONTAINED, MEDIUM TEMPERATURE COMMERCIAL REFRIGERATORS.

Section 342(c) of the Energy Policy and Conservation Act (42 U.S.C. 6313(c)) is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraph (C) as subparagraph (E); and

(B) by inserting after subparagraph (B) the following:

“(C) The term ‘service over the counter, self-contained, medium temperature commercial refrigerator’ or ‘(SOC-SC-M)’ means a medium temperature commercial refrigerator—

“(i) with a self-contained condensing unit and equipped with sliding or hinged doors in the back intended for use by sales personnel, and with glass or other transparent material in the front for displaying merchandise; and

“(ii) that has a height not greater than 66 inches and is intended to serve as a counter for transactions between sales personnel and customers.

“(D) The term ‘TDA’ means the total display area (ft<sup>2</sup>) of the refrigerated case, as defined in AHRI Standard 1200.”.

(2) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (3) the following:

“(4) Each SOC-SC-M manufactured on or after January 1, 2012, shall have a total daily energy consumption (in kilowatt hours per day) of not more than  $0.6 \times \text{TDA} + 1.0$ .”.

#### SEC. 5. SMALL DUCT HIGH VELOCITY SYSTEMS AND ADMINISTRATIVE CHANGES.

(a) THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended by adding at the end the following:

“(4) STANDARDS FOR THROUGH-THE-WALL CENTRAL AIR CONDITIONERS, THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMPS, AND SMALL DUCT, HIGH VELOCITY SYSTEMS.—

“(A) DEFINITIONS.—In this paragraph:

“(i) SMALL DUCT, HIGH VELOCITY SYSTEM.—The term ‘small duct, high velocity system’ means a heating and cooling product that contains a blower and indoor coil combination that—

“(I) is designed for, and produces, at least 1.2 inches of external static pressure when operated at the certified air volume rate of 220–350 CFM per rated ton of cooling; and

“(II) when applied in the field, uses high velocity room outlets generally greater than 1,000 fpm that have less than 6.0 square inches of free area.

“(ii) THROUGH-THE-WALL CENTRAL AIR CONDITIONER; THROUGH-THE-WALL CENTRAL AIR CONDITIONING HEAT PUMP.—The terms ‘through-the-wall central air conditioner’ and ‘through-the-wall central air conditioning heat pump’ mean a

central air conditioner or heat pump, respectively, that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and—

“(I) is not weatherized;

“(II) is clearly and permanently marked for installation only through an exterior wall;

“(III) has a rated cooling capacity no greater than 30,000 Btu/hr;

“(IV) exchanges all of its outdoor air across a single surface of the equipment cabinet; and

“(V) has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface area described in subclause (IV).

“(iii) REVISION.—The Secretary may revise the definitions contained in this subparagraph through publication of a final rule.

“(B) SMALL-DUCT HIGH-VELOCITY SYSTEMS.—

“(i) SEASONAL ENERGY EFFICIENCY RATIO.—The seasonal energy efficiency ratio for small-duct high-velocity systems shall be not less than—

“(I) 11.00 for products manufactured on or after January 23, 2006; and

“(II) 12.00 for products manufactured on or after January 1, 2015.

“(ii) HEATING SEASONAL PERFORMANCE FACTOR.—The heating seasonal performance factor for small-duct high-velocity systems shall be not less than—

“(I) 6.8 for products manufactured on or after January 23, 2006; and

“(II) 7.2 for products manufactured on or after January 1, 2015.

“(C) SUBSEQUENT RULEMAKINGS.—The Secretary shall conduct subsequent rulemakings for through-the-wall central air conditioners, through-the-wall central air conditioning heat pumps, and small duct, high velocity systems as part of any rulemaking under this section used to review or revise standards for other central air conditioners and heat pumps.”.

(b) DUTY TO REVIEW COMMERCIAL EQUIPMENT.—Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) is amended—

(1) in subparagraph (A)(i), by inserting “the standard levels or design requirements applicable under that standard to” immediately before “any small commercial”; and

(2) in subparagraph (C)—

(A) in clause (i)—

(i) by striking “Not later than 6 years after issuance of any final rule establishing or amending a standard, as required for a product under this part,” and inserting “Every 6 years,”; and

(ii) by inserting after “the Secretary shall” the following: “conduct an evaluation of each class of covered equipment and shall”; and

(B) by adding at the end the following:

“(vi) For any covered equipment as to which more than 6 years has elapsed since the issuance of the most recent final rule establishing or amending a standard for the product as of the date of enactment of this clause, the first notice required under clause (i) shall be published by December 31, 2013.”.

(c) PETITION FOR AMENDED STANDARDS.—Section 325(n) of the Energy Policy and Conservation Act (42 U.S.C. 6295(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following:

“(3) NOTICE OF DECISION.—Not later than 180 days after the date of receiving a petition, the Secretary shall publish in the Federal Register a notice of, and explanation for, the decision of the Secretary to grant or deny the petition.

“(4) NEW OR AMENDED STANDARDS.—Not later than 3 years after the date of granting a peti-

tion for new or amended standards, the Secretary shall publish in the Federal Register—

“(A) a final rule that contains the new or amended standards; or

“(B) a determination that no new or amended standards are necessary.”.

#### SEC. 6. TECHNICAL CORRECTIONS.

(a) TITLE III OF ENERGY INDEPENDENCE AND SECURITY ACT OF 2007—ENERGY SAVINGS THROUGH IMPROVED STANDARDS FOR APPLIANCES AND LIGHTING.—

(1) Section 325(u) of the Energy Policy and Conservation Act (42 U.S.C. 6295(u)) (as amended by section 301(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1550)) is amended—

(A) by redesignating paragraph (7) as paragraph (4); and

(B) in paragraph (4) (as so redesignated), by striking “supplies is” and inserting “supply is”.

(2) Section 302(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1551) is amended by striking “6313(a)” and inserting “6314(a)”.

(3) Section 342(a)(6) of the Energy Policy and Conservation Act (42 U.S.C. 6313(a)(6)) (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)) is amended—

(A) in subparagraph (B)—

(i) by striking “If the Secretary” and inserting the following:

“(i) IN GENERAL.—If the Secretary”;

(ii) by striking “clause (ii)(II)” and inserting “subparagraph (A)(ii)(II)”;

(iii) by striking “clause (i)” and inserting “subparagraph (A)(i)”;

(iv) by adding at the end the following:

“(ii) FACTORS.—In determining whether a standard is economically justified for the purposes of subparagraph (A)(ii)(II), the Secretary shall, after receiving views and comments furnished with respect to the proposed standard, determine whether the benefits of the standard exceed the burden of the proposed standard by, to the maximum extent practicable, considering—

“(I) the economic impact of the standard on the manufacturers and on the consumers of the products subject to the standard;

“(II) the savings in operating costs throughout the estimated average life of the product in the type (or class) compared to any increase in the price of, or in the initial charges for, or maintenance expenses of, the products that are likely to result from the imposition of the standard;

“(III) the total projected quantity of energy savings likely to result directly from the imposition of the standard;

“(IV) any lessening of the utility or the performance of the products likely to result from the imposition of the standard;

“(V) the impact of any lessening of competition, as determined in writing by the Attorney General, that is likely to result from the imposition of the standard;

“(VI) the need for national energy conservation; and

“(VII) other factors the Secretary considers relevant.

“(iii) ADMINISTRATION.—

“(I) ENERGY USE AND EFFICIENCY.—The Secretary may not prescribe any amended standard under this paragraph that increases the maximum allowable energy use, or decreases the minimum required energy efficiency, of a covered product.

“(II) UNAVAILABILITY.—

“(aa) IN GENERAL.—The Secretary may not prescribe an amended standard under this subparagraph if the Secretary finds (and publishes the finding) that interested persons have established by a preponderance of the evidence that



a standard is likely to result in the unavailability in the United States in any product type (or class) of performance characteristics (including reliability, features, sizes, capacities, and volumes) that are substantially the same as those generally available in the United States at the time of the finding of the Secretary.

“(bb) OTHER TYPES OR CLASSES.—The failure of some types (or classes) to meet the criterion established under this subclause shall not affect the determination of the Secretary on whether to prescribe a standard for the other types or classes.”; and

(B) in subparagraph (C)(iv), by striking “An amendment prescribed under this subsection” and inserting “Notwithstanding subparagraph (D), an amendment prescribed under this subparagraph”.

(4) Section 342(a)(6)(B)(iii) of the Energy Policy and Conservation Act (as added by section 306(c) of the Energy Independence and Security Act of 2007 (121 Stat. 1559)) is transferred and redesignated as clause (vi) of section 342(a)(6)(C) of the Energy Policy and Conservation Act (as amended by section 305(b)(2) of the Energy Independence and Security Act of 2007 (121 Stat. 1554)).

(5) Section 345 of the Energy Policy and Conservation Act (42 U.S.C. 6316) (as amended by section 312(e) of the Energy Independence and Security Act of 2007 (121 Stat. 1567)) is amended—

(A) by striking “subparagraphs (B) through (G)” each place it appears and inserting “subparagraphs (B), (C), (D), (I), (J), and (K)”;

(B) by striking “part A” each place it appears and inserting “part B”; and

(C) in subsection (a)—

(i) in paragraph (8), by striking “and” at the end;

(ii) in paragraph (9), by striking the period at the end and inserting “; and”;

(iii) by adding at the end the following:

“(10) section 327 shall apply with respect to the equipment described in section 340(1)(L) beginning on the date on which a final rule establishing an energy conservation standard is issued by the Secretary, except that any State or local standard prescribed or enacted for the equipment before the date on which the final rule is issued shall not be preempted until the energy conservation standard established by the Secretary for the equipment takes effect.”;

(D) in subsection (b)(1), by striking “section 325(p)(5)” and inserting “section 325(p)(4)”;

and

(E) in subsection (h)(3), by striking “section 342(f)(3)” and inserting “section 342(f)(4)”.

(6) Section 321(30)(D)(i)(III) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(D)(i)(III)) (as amended by section 321(a)(1)(A) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended by inserting before the semicolon the following: “or, in the case of a modified spectrum lamp, not less than 232 lumens and not more than 1,950 lumens”.

(7) Section 321(30)(T) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(T)) (as amended by section 321(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1574)) is amended—

(A) in clause (i)—

(i) by striking the comma after “household appliance” and inserting “and”;

(ii) by striking “and is sold at retail,”; and

(B) in clause (ii), by inserting “when sold at retail,” before “is designated”.

(8) Section 325(l)(4)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6295(l)(4)(A)) (as amended by section 321(a)(3)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1581)) is amended by striking “only”.

(9) Section 327(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6297(b)(1)(B))

(as amended by section 321(d)(3) of the Energy Independence and Security Act of 2007 (121 Stat. 1585)) is amended—

(A) in clause (i), by inserting “and” after the semicolon at the end;

(B) in clause (ii), by striking “; and” and inserting a period; and

(C) by striking clause (iii).

(10) Section 321(30)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(C)(ii)) (as amended by section 322(a)(1)(B) of the Energy Independence and Security Act of 2007 (121 Stat. 1587)) is amended by inserting a period after “40 watts or higher”.

(11) Section 322(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1588) is amended by striking “6995(i)” and inserting “6295(i)”.

(12) Section 325(b) of the Energy Independence and Security Act of 2007 (121 Stat. 1596) is amended by striking “6924(c)” and inserting “6294(c)”.

(13) This subsection and the amendments made by this subsection take effect as if included in the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1492).

(b) ENERGY POLICY ACT OF 2005.—

(1) Section 325(g)(8)(C)(ii) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(8)(C)(ii)) (as added by section 135(c)(2)(B) of the Energy Policy Act of 2005) is amended by striking “20F” and inserting “20F”.

(2) This subsection and the amendment made by this subsection take effect as if included in the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594).

(c) ENERGY POLICY AND CONSERVATION ACT.—

(1) Section 340(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6311(2)(B)) is amended—

(A) in clause (xi), by striking “and” at the end;

(B) in clause (xii), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(xiii) other motors.”.

(2) Section 343(a) of the Energy Policy and Conservation Act (42 U.S.C. 6314(a)) is amended by striking “Air-Conditioning and Refrigeration Institute” each place it appears in paragraphs (4)(A) and (7) and inserting “Air-Conditioning, Heating, and Refrigeration Institute”.

## TITLE II—INDUSTRIAL ENERGY EFFICIENCY

### SEC. 201. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial Technologies Program of the Department of Energy, the Secretary of Energy (referred to in this title as the “Secretary”) shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) REPORTS.—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

### SEC. 202. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) DEFINITIONS.—In this section:

(1) INDUSTRIAL ENERGY EFFICIENCY.—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) INDUSTRIAL SECTOR.—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31–33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(b) REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) STUDY.—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) Examples of—

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) **RECOMMENDATIONS AND GUIDANCE.**—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

**SEC. 203. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.**

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) **REPORT.**—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

**SEC. 204. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.**

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

**TITLE III—FEDERAL AGENCY ENERGY EFFICIENCY**

**SEC. 301. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

“(d) **AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act

(42 U.S.C. 6834) and other requirements established under section 3312.

“(2) **LIMITATION.**—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a lifecycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).”.

**SEC. 302. BEST PRACTICES FOR ADVANCED METERING.**

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) **PLAN.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(B) **UPDATES.**—Reports submitted under subparagraph (A) shall be updated annually.

“(4) **BEST PRACTICES REPORT.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this paragraph, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) **UPDATING.**—The report described under subparagraph (A) shall be updated annually.

“(C) **COMPONENTS.**—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”.

**SEC. 303. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.**

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

“(A) **IN GENERAL.**—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

“(II) implementation of identified energy and water measures under paragraph (4); and

“(III) follow-up on implemented measures under paragraph (5); and

“(ii) to publish energy and water consumption data on an individual facility basis.”.

**SEC. 304. FEDERAL PURCHASE REQUIREMENT.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking “electric energy” each place it appears and inserting “electric, direct, and thermal energy”;

(2) in subsection (b)(2)—

(A) by inserting “, or avoided by,” after “generated from”; and

(B) by inserting “(including ground-source, reclaimed, and ground water)” after “geothermal”;

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

“(d) **SEPARATE CALCULATION.**—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

“(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

“(2) may be used individually or in combination to comply with subsection (a).”.

**SEC. 305. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.**

(a) **IN GENERAL.**—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum of 800 Federal data center closures by October 1, 2015.

(b) **COORDINATION.**—In conducting the study, the Secretary shall coordinate with Federal data center program managers, facilities managers, and sustainability officers.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

**JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE ACT**

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to consideration of Calendar No. 497, H.R. 915.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 915) to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which has been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to

strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Jaime Zapata Border Enforcement Security Task Force Act”.

#### SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.

Congress finds the following:

(1) The Department of Homeland Security’s (DHS) overriding mission is to lead a unified national effort to protect the United States. United States Immigration and Customs Enforcement (ICE) is the largest investigative agency within DHS and is charged with enforcing a wide array of laws, including laws related to securing the border and combating criminal smuggling.

(2) Mexico’s northern border with the United States has experienced a dramatic surge in border crime and violence in recent years due to intense competition between Mexican drug cartels and criminal smuggling organizations that employ predatory tactics to realize their profits.

(3) Law enforcement agencies at the United States northern border also face challenges from transnational smuggling organizations.

(4) In response, DHS has partnered with Federal, State, local, tribal, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative as a comprehensive approach to addressing border security threats. These multi-agency teams are designed to increase information-sharing and collaboration among the participating law enforcement agencies.

(5) BEST teams incorporate personnel from ICE, United States Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), the Federal Bureau of Investigation (FBI), the United States Coast Guard (USCG), and the U.S. Attorney’s Office (USAO), along with other key Federal, State and local law enforcement agencies.

(6) Foreign law enforcement agencies participating in BEST include Mexico’s Secretaria de Seguridad Publica (SSP), the Canada Border Services Agency (CBSA), the Ontario Provincial Police (OPP), and the Royal Canadian Mounted Police (RCMP).

#### SEC. 3. BORDER ENFORCEMENT SECURITY TASK FORCE.

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

##### “SEC. 432. BORDER ENFORCEMENT SECURITY TASK FORCE.

“(a) ESTABLISHMENT.—There is established within the Department a program to be known as the Border Enforcement Security Task Force (referred to in this section as ‘BEST’).

“(b) PURPOSE.—The purpose of BEST is to establish units to enhance border security by addressing and reducing border security threats and violence by—

“(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and

“(2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

“(c) COMPOSITION AND ESTABLISHMENT OF UNITS.—

“(1) COMPOSITION.—BEST units may be comprised of personnel from—

“(A) U.S. Immigration and Customs Enforcement;

“(B) U.S. Customs and Border Protection;

“(C) the United States Coast Guard;

“(D) other Department personnel, as appropriate

“(E) other Federal agencies, as appropriate;

“(F) appropriate State law enforcement agencies;

“(G) foreign law enforcement agencies, as appropriate;

“(H) local law enforcement agencies from affected border cities and communities; and

“(I) appropriate tribal law enforcement agencies.

“(2) ESTABLISHMENT OF UNITS.—The Secretary is authorized to establish BEST units in jurisdictions in which such units can contribute to BEST missions, as appropriate. Before establishing a BEST unit, the Secretary shall consider—

“(A) whether the area in which the BEST unit would be established is significantly impacted by cross-border threats;

“(B) the availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit;

“(C) the extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions in the country; and

“(D) whether or not an Integrated Border Enforcement Team already exists in the area in which the BEST unit would be established.

“(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new BEST unit or to expand an existing BEST unit in a given jurisdiction, the Secretary shall ensure that the BEST unit under consideration does not duplicate the efforts of other existing interagency task forces or centers within that jurisdiction.

“(d) OPERATION.—After determining the jurisdictions in which to establish BEST units under subsection (c)(2), and in order to provide Federal assistance to such jurisdictions, the Secretary may—

“(1) direct the assignment of Federal personnel to BEST, subject to the approval of the head of the department or agency that employs such personnel; and

“(2) take other actions to assist Federal, State, local, and tribal entities to participate in BEST, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with the participation of Federal, State, local, and tribal law enforcement agencies in BEST.

“(e) REPORT.—Not later than 180 days after the date on which BEST is established under this section, and annually thereafter for the following 5 years, the Secretary shall submit a report to Congress that describes the effectiveness of BEST in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.”

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 431 the following:

“Sec. 432. Border Enforcement Security Task Force.”

Mr. PRYOR. I ask unanimous consent the committee-reported substitute amendment be agreed to and the bill as amended be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was ordered to be engrossed and the bill read a third time.

Mr. PRYOR. I know of no further debate on the bill.

The PRESIDING OFFICER. If there is no further debate, the question is on passage of the measure.

The bill (H.R. 915), as amended, was read the third time and passed.

Mr. PRYOR. I ask unanimous consent the motion to reconsider be laid upon the table with no intervening action or debate and any related statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDING THE TRADEMARK ACT OF 1946

Mr. PRYOR. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of H.R. 6215, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6215) to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I know of no further debate on this measure.

The PRESIDING OFFICER. If there is no further debate, the question is on passage of the bill.

The bill (H.R. 6215) was ordered to a third reading, was read the third time and passed.

Mr. PRYOR. I ask unanimous consent the motion to reconsider be laid upon the table with no intervening action or debate and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### BILLFISH CONSERVATION ACT OF 2011

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2706, which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2706) to prohibit the sale of billfish.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I know of no further debate on this measure and urge its passage.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the measure.

The bill (H.R. 2706) was ordered to a third reading, was read the third time, and passed.

# CALLING FOR THE RELEASE FROM PRISON OF FORMER PRIME MINISTER OF UKRAINE YULIA TYMOSHENKO

Mr. PRYOR. I ask unanimous consent the Senate proceed to the immediate consideration of Calendar No. 526, S. Res. 466.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 466) calling for the release from prison of former Prime Minister of Ukraine Yulia Tymoshenko.

There being no objection, the Senate proceeded to consider the resolution which had been reported from the Committee on Foreign Relations with an amendment and an amendment to the preamble, as follows:

[Strike all after the enacting clause and insert the part printed in italic.]

[Strike the preamble and insert the part printed in italic.]

S. RES. 466

*Whereas Ukraine has experienced encouraging growth and reforms since it declared its independence from the former Soviet Union in 1991 and adopted its first constitution in 1996;*

*Whereas the 1996 constitution provided basic freedoms like the freedom of speech, assembly, religion, and press, but was ultimately too weak to contain the existing corruption-laced political culture inherited from its communist past;*

*Whereas, as a result of the electoral fraud by which Prime Minister Viktor Yanukovich was declared the winner of the 2004 presidential election, the citizens of the Ukraine organized a series of protests, strikes, and sit-ins, which came to be known as "The Orange Revolution";*

*Whereas the Orange Revolution, in concert with international pressure, forced an unprecedented second run-off election, which resulted in opposition leader Viktor Yushchenko defeating Mr. Yanukovich by a margin of 52 percent to 44 percent;*

*Whereas, in the 2010 presidential election, incumbent Yushchenko won only 5.5 percent in the first round of voting, which left former Prime Minister Yanukovich and then Prime Minister Yulia Tymoshenko to face one another in the run-off election;*

*Whereas, Mr. Yanukovich defeated Ms. Tymoshenko by a margin of 49 percent to 44 percent;*

*Whereas, shortly after the 2010 inauguration of Mr. Yanukovich, the Ukrainian Constitutional Court found most of the 2004 Orange Revolution inspired constitutional reforms unconstitutional;*

*Whereas, in 2010, President Yanukovich appointed Viktor Pshonka Prosecutor General;*

*Whereas, since Mr. Pshonka's appointment, more than a dozen political leaders associated with the 2004 Orange Revolution have faced criminal charges under the Abuse of Office and Exceeding Official Powers articles of the Ukrainian Criminal Code;*

*Whereas, in 2011, Prosecutor General Pshonka brought charges under these Abuse of Office articles against former Prime Minister Yulia Tymoshenko over her decision while in office to conclude a natural gas contract between Ukraine and Russia;*

*Whereas, on October 11, 2011, Ms. Tymoshenko was found guilty and sentenced to seven years in prison, fined \$189,000,000, and banned from holding public office for three years following the completion of her sentence;*

*Whereas, recognizing the judicial abuses present in Ukraine, the Parliamentary Assembly*

*Council of Europe (PACE) passed Resolution 1862 on January 26, 2012;*

*Whereas Resolution 1862 declared that the Abuse of Office and Exceeding Official Powers articles under which Ms. Tymoshenko was convicted are "overly broad in application and effectively allow for ex post facto criminalization of normal political decision making";*

*Whereas, since Ms. Tymoshenko's imprisonment, the Prosecutor General's Office has re-opened additional cases against her that were previously closed and thought to be sealed under a 10-year statute of limitations;*

*Whereas, beginning on October 28, 2011, and multiple times since, Ukrainian Deputy Prosecutor General Renat Kuzmin has alleged in television interviews that Tymoshenko was involved in contract killings, but has filed no formal charges;*

*Whereas, for much of Ms. Tymoshenko's detention, she had limited outside contact and access to needed medical treatment;*

*Whereas international calls for Ms. Tymoshenko's release, access to outside visitors, and adequate medical treatment were initially ignored even as her health continued to deteriorate;*

*Whereas, on April 28, 2012, major international news organizations, including the British Broadcast Corporation and Reuters, reported on and produced photos of bruises allegedly received by Ms. Tymoshenko from prison guards on April 20, 2012;*

*Whereas, in response to her inhumane treatment, Ms. Tymoshenko began a hunger strike on April 20, 2012;*

*Whereas, amid international outrage, the European Union has delayed indefinitely the signing of a free trade agreement with Ukraine;*

*Whereas, under international pressure, Ms. Tymoshenko was moved to a hospital in Kharkiv on May 9, 2012, prompting her to end her hunger strike, yet leaving her in poor health; and*

*Whereas on May 30, 2012, the European Parliament passed a resolution (C153/21) deploring the sentencing of Ms. Tymoshenko: Now, therefore, be it*

*Resolved, That the Senate—*

*(1) condemns the selective and politically motivated prosecution and imprisonment of former Prime Minister Yulia Tymoshenko;*

*(2) expresses its deep concern that the politicized prosecutions and continued detention of Ms. Tymoshenko and other members of her party took place in a country that is scheduled to assume chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2013;*

*(3) expresses its deep concern that the continued detention of Ms. Tymoshenko threatens to jeopardize ties between the United States and Ukraine;*

*(4) calls for the Government of Ukraine to release Ms. Tymoshenko, to provide her with timely access to medical care, and to conduct the October parliamentary elections in a fair and transparent manner consistent with OSCE standards; and*

*(5) calls on the Department of State to institute a visa ban against those responsible for the imprisonment and mistreatment of Ms. Tymoshenko and the more than dozen political leaders associated with the 2004 Orange Revolution.*

Mr. PRYOR. I further ask that the Durbin amendment which is at the desk be agreed to, the committee-reported substitute amendment, as amended, be agreed to, and the Senate immediately proceed to a voice vote on adoption of the resolution, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2863) was agreed to, as follows:

On page 9, strike lines 1 through 14 and insert the following:

(2) expresses its deep concern that the politicized nature of prosecutions and detention of Ms. Tymoshenko and other members of her party took place in a country that is scheduled to assume chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2013;

(3) expresses its deep concern that the politicized detention of Ms. Tymoshenko threatens to jeopardize ties between the United States and Ukraine;

(4) calls for the Government of Ukraine to release Ms. Tymoshenko from her current incarceration based on politicized charges, to provide Ms. Tymoshenko with timely access to medical care, and to conduct the October parliamentary elections in a fair and transparent manner consistent with OSCE standards; and

The question is on agreeing to the committee-reported substitute amendment, as amended.

The committee-reported substitute amendment, as amended, was agreed to.

Mr. PRYOR. I further ask the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be laid upon the table with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

(The resolution will be printed in a future edition of the RECORD.)

## ROBERT H. JACKSON UNITED STATES COURTHOUSE

Mr. PRYOR. I ask unanimous consent the Senate proceed to the immediate consideration of H.R. 3556, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3556) to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I further ask the bill be read a third time and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3556) was ordered to a third reading, was read the third time, and passed.

## ALTO LEE ADAMS, SR., UNITED STATES COURTHOUSE

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed

to the immediate consideration of Calendar No. 445, H.R. 1791.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1791) to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I further ask the bill be read a third time and passed, the motion to reconsider be made and laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1791) was ordered to a third reading, was read the third time, and passed.

#### ROBERT BOOCHEVER COURTHOUSE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4347, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4347) to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boochever United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I further ask that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4347) was ordered to a third reading, was read the third time, and passed.

#### JAMES F. BATTIN COURTHOUSE

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 444, S. 3311.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3311) to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse."

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3311) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:  
S. 3311

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. JAMES F. BATTIN UNITED STATES COURTHOUSE.

(a) IN GENERAL.—

(1) DESIGNATION.—The United States courthouse located at 2601 2nd Avenue North, Billings, Montana, shall be known and designated as the "James F. Battin United States Courthouse".

(2) TECHNICAL AMENDMENT.—The "James F. Battin United States Courthouse" located at 315 North 26th Street, Billings, Montana, shall no longer be known and designated as the "James F. Battin United States Courthouse".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in subsection (a)(1) shall be deemed to be a reference to the "James F. Battin United States Courthouse".

#### MULTISTAKEHOLDER GOVERNANCE MODEL

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 529, S. Con. Res. 50.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 50) expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 50) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 50

Whereas given the importance of the Internet to the global economy, it is essential that the Internet remain stable, secure, and free from government control;

Whereas the world deserves the access to knowledge, services, commerce, and communication, the accompanying benefits to economic development, education, and health care, and the informed discussion that is the bedrock of democratic self-government that the Internet provides;

Whereas the structure of Internet governance has profound implications for competition and trade, democratization, free expression, and access to information;

Whereas countries have obligations to protect human rights, which are advanced by online activity as well as offline activity;

Whereas the ability to innovate, develop technical capacity, grasp economic opportunities, and promote freedom of expression online is best realized in cooperation with all stakeholders;

Whereas proposals have been put forward for consideration at the 2012 World Conference on International Telecommunications that would fundamentally alter the governance and operation of the Internet;

Whereas the proposals, in international bodies such as the United Nations General Assembly, the United Nations Commission on Science and Technology for Development, and the International Telecommunication Union, would attempt to justify increased government control over the Internet and would undermine the current multistakeholder model that has enabled the Internet to flourish and under which the private sector, civil society, academia, and individual users play an important role in charting its direction;

Whereas the proposals would diminish the freedom of expression on the Internet in favor of government control over content;

Whereas the position of the United States Government has been and is to advocate for the flow of information free from government control; and

Whereas this and past Administrations have made a strong commitment to the multistakeholder model of Internet governance and the promotion of the global benefits of the Internet: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that the Secretary of State, in consultation with the Secretary of Commerce, should continue working to implement the position of the United States on Internet governance that clearly articulates the consistent and unequivocal policy of the United States to promote a global Internet free from government control and preserve and advance the successful multistakeholder model that governs the Internet today.*

#### PATENT LAW TREATIES IMPLEMENTATION ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 532, S. 3486.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3486) to implement the provisions of the Hague Agreement and the Patent Law Treaty.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on the Judiciary, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Patent Law Treaties Implementation Act of 2012".*

# **TITLE I—HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

## **SEC. 101. THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS.**

(a) IN GENERAL.—Title 35, United States Code, is amended by adding at the end the following:

### **“PART V—THE HAGUE AGREEMENT CONCERNING INTERNATIONAL REGISTRATION OF INDUSTRIAL DESIGNS**

“CHAPTER 381. International design applications .. 381.

### **“CHAPTER 38—INTERNATIONAL DESIGN APPLICATIONS**

“Sec.

“381. Definitions.

“382. Filing international design applications.

“383. International design application.

“384. Filing date.

“385. Effect of international design application.

“386. Right of priority.

“387. Relief from prescribed time limits.

“388. Withdrawn or abandoned international design application.

“389. Examination of international design application.

“390. Publication of international design application.

### **“§381. Definitions**

“(a) IN GENERAL.—When used in this part, unless the context otherwise indicates—

“(1) the term ‘treaty’ means the Geneva Act of the Hague Agreement Concerning the International Registration of Industrial Designs adopted at Geneva on July 2, 1999;

“(2) the term ‘regulations’—

“(A) when capitalized, means the Common Regulations under the treaty; and

“(B) when not capitalized, means the regulations established by the Director under this title;

“(3) the terms ‘designation’, ‘designating’, and ‘designate’ refer to a request that an international registration have effect in a Contracting Party to the treaty;

“(4) the term ‘International Bureau’ means the international intergovernmental organization that is recognized as the coordinating body under the treaty and the Regulations;

“(5) the term ‘effective registration date’ means the date of international registration determined by the International Bureau under the treaty;

“(6) the term ‘international design application’ means an application for international registration; and

“(7) the term ‘international registration’ means the international registration of an industrial design filed under the treaty.

“(b) RULE OF CONSTRUCTION.—Terms and expressions not defined in this part are to be taken in the sense indicated by the treaty and the Regulations.

### **“§382. Filing international design applications**

“(a) IN GENERAL.—Any person who is a national of the United States, or has a domicile, a habitual residence, or a real and effective industrial or commercial establishment in the United States, may file an international design application by submitting to the Patent and Trademark Office an application in such form, together with such fees, as may be prescribed by the Director.

“(b) REQUIRED ACTION.—The Patent and Trademark Office shall perform all acts connected with the discharge of its duties under the treaty, including the collection of international fees and transmittal thereof to the International Bureau. Subject to chapter 17, international design applications shall be forwarded by the Patent and Trademark Office to the International Bureau, upon payment of a transmittal fee.

“(c) APPLICABILITY OF CHAPTER 16.—Except as otherwise provided in this chapter, the provisions of chapter 16 shall apply.

“(d) APPLICATION FILED IN ANOTHER COUNTRY.—An international design application on an industrial design made in this country shall be considered to constitute the filing of an application in a foreign country within the meaning of chapter 17 if the international design application is filed—

“(1) in a country other than the United States;

“(2) at the International Bureau; or

“(3) with an intergovernmental organization.

### **“§383. International design application**

“In addition to any requirements pursuant to chapter 16, the international design application shall contain—

“(1) a request for international registration under the treaty;

“(2) an indication of the designated Contracting Parties;

“(3) data concerning the applicant as prescribed in the treaty and the Regulations;

“(4) copies of a reproduction or, at the choice of the applicant, of several different reproductions of the industrial design that is the subject of the international design application, presented in the number and manner prescribed in the treaty and the Regulations;

“(5) an indication of the product or products that constitute the industrial design or in relation to which the industrial design is to be used, as prescribed in the treaty and the Regulations;

“(6) the fees prescribed in the treaty and the Regulations; and

“(7) any other particulars prescribed in the Regulations.

### **“§384. Filing date**

“(a) IN GENERAL.—Subject to subsection (b), the filing date of an international design application in the United States shall be the effective registration date. Notwithstanding the provisions of this part, any international design application designating the United States that otherwise meets the requirements of chapter 16 may be treated as a design application under chapter 16.

“(b) REVIEW.—An applicant may request review by the Director of the filing date of the international design application in the United States. The Director may determine that the filing date of the international design application in the United States is a date other than the effective registration date. The Director may establish procedures, including the payment of a surcharge, to review the filing date under this section. Such review may result in a determination that the application has a filing date in the United States other than the effective registration date.

### **“§385. Effect of international design application**

“An international design application designating the United States shall have the effect, for all purposes, from its filing date determined in accordance with section 384, of an application for patent filed in the Patent and Trademark Office pursuant to chapter 16.

### **“§386. Right of priority**

“(a) NATIONAL APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172, a national application shall be entitled to the right of priority based on a prior international design application that designated at least 1 country other than the United States.

“(b) PRIOR FOREIGN APPLICATION.—In accordance with the conditions and requirements of subsections (a) through (d) of section 119 and section 172 and the treaty and the Regulations, an international design application designating

the United States shall be entitled to the right of priority based on a prior foreign application, a prior international application as defined in section 351(c) designating at least 1 country other than the United States, or a prior international design application designating at least 1 country other than the United States.

“(c) PRIOR NATIONAL APPLICATION.—In accordance with the conditions and requirements of section 120, an international design application designating the United States shall be entitled to the benefit of the filing date of a prior national application, a prior international application as defined in section 351(c) designating the United States, or a prior international design application designating the United States, and a national application shall be entitled to the benefit of the filing date of a prior international design application designating the United States. If any claim for the benefit of an earlier filing date is based on a prior international application as defined in section 351(c) which designated but did not originate in the United States or a prior international design application which designated but did not originate in the United States, the Director may require the filing in the Patent and Trademark Office of a certified copy of such application together with a translation thereof into the English language, if it was filed in another language.

### **“§387. Relief from prescribed time limits**

“An applicant’s failure to act within prescribed time limits in connection with requirements pertaining to an international design application may be excused as to the United States upon a showing satisfactory to the Director of unintentional delay and under such conditions, including a requirement for payment of the fee specified in section 41(a)(7), as may be prescribed by the Director.

### **“§388. Withdrawn or abandoned international design application**

“Subject to sections 384 and 387, if an international design application designating the United States is withdrawn, renounced or canceled or considered withdrawn or abandoned, either generally or as to the United States, under the conditions of the treaty and the Regulations, the designation of the United States shall have no effect after the date of withdrawal, renunciation, cancellation, or abandonment and shall be considered as not having been made, unless a claim for benefit of a prior filing date under section 386(c) was made in a national application, or an international design application designating the United States, or a claim for benefit under section 365(c) was made in an international application designating the United States, filed before the date of such withdrawal, renunciation, cancellation, or abandonment. However, such withdrawn, renounced, canceled, or abandoned international design application may serve as the basis for a claim of priority under subsections (a) and (b) of section 386, or under subsection (a) or (b) of section 365, if it designated a country other than the United States.

### **“§389. Examination of international design application**

“(a) IN GENERAL.—The Director shall cause an examination to be made pursuant to this title of an international design application designating the United States.

“(b) APPLICABILITY OF CHAPTER 16.—All questions of substance and, unless otherwise required by the treaty and Regulations, procedures regarding an international design application designating the United States shall be determined as in the case of applications filed under chapter 16.

“(c) FEES.—The Director may prescribe fees for filing international design applications, for designating the United States, and for any other



processing, services, or materials relating to international design applications, and may provide for later payment of such fees, including surcharges for later submission of fees.

“(d) **ISSUANCE OF PATENT.**—The Director may issue a patent based on an international design application designating the United States, in accordance with the provisions of this title. Such patent shall have the force and effect of a patent issued on an application filed under chapter 16.

**“§ 390. Publication of international design application**

“The publication under the treaty of an international design application designating the United States shall be deemed a publication under section 122(b).”.

(b) **CONFORMING AMENDMENT.**—The table of parts at the beginning of title 35, United States Code, is amended by adding at the end the following:

“V. The Hague Agreement concerning international registration of industrial designs ..... 401”.

**SEC. 102. CONFORMING AMENDMENTS.**

Title 35, United States Code, is amended—

(1) in section 100(i)(1)(B) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking “right of priority under section 119, 365(a), or 365(b) or to the benefit of an earlier filing date under section 120, 121, or 365(c)” and inserting “right of priority under section 119, 365(a), 365(b), 386(a), or 386(b) or to the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)”;

(2) in section 102(d)(2) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking “to claim a right of priority under section 119, 365(a), or 365(b), or to claim the benefit of an earlier filing date under section 120, 121, or 365(c)” and inserting “to claim a right of priority under section 119, 365(a), 365(b), 386(a), or 386(b), or to claim the benefit of an earlier filing date under section 120, 121, 365(c), or 386(c)”;

(3) in section 111(b)(7)—

(A) by striking “section 119 or 365(a)” and inserting “section 119, 365(a), or 386(a)”;

(B) by striking “section 120, 121, or 365(c)” and inserting “section 120, 121, 365(c), or 386(c)”;

(4) in section 115(g)(1) (as amended by the Leahy-Smith America Invents Act (Public Law 112–29; 125 Stat. 284)), by striking “section 120, 121, or 365(c)” and inserting “section 120, 121, 365(c), or 386(c)”;

(5) in section 120, in the first sentence, by striking “section 363” and inserting “section 363 or 385”;

(6) in section 154—

(A) in subsection (a)—

(i) in paragraph (2), by striking “section 120, 121, or 365(c)” and inserting “section 120, 121, 365(c), or 386(c)”;

(ii) in paragraph (3), by striking “section 119, 365(a), or 365(b)” and inserting “section 119, 365(a), 365(b), 386(a), or 386(b)”;

(B) in subsection (d)(1), by inserting “or an international design application filed under the treaty defined in section 381(a)(1) designating the United States under Article 5 of such treaty” after “Article 21(2)(a) of such treaty”;

(7) in section 173, by striking “fourteen years” and inserting “15 years”;

(8) in section 365(c)—

(A) in the first sentence, by striking “or a prior international application designating the United States” and inserting “, a prior international application designating the United States, or a prior international design application as defined in section 381(a)(6) designating the United States”;

(B) in the second sentence, by inserting “or a prior international design application as defined

in section 381(a)(6) which designated but did not originate in the United States” after “did not originate in the United States”;

(9) in section 366—

(A) in the first sentence, by striking “unless a claim” and all that follows through “withdrawal.” and inserting “unless a claim for benefit of a prior filing date under section 365(c) of this section was made in a national application, or an international application designating the United States, or a claim for benefit under section 386(c) was made in an international design application designating the United States, filed before the date of such withdrawal.”;

(B) by striking the second sentence and inserting the following: “However, such withdrawn international application may serve as the basis for a claim of priority under section 365 (a) and (b), or under section 386 (a) or (b), if it designated a country other than the United States.”.

**SEC. 103. EFFECTIVE DATE.**

(a) **IN GENERAL.**—The amendments made by this title shall take effect on the later of—

(1) the date that is 1 year after the date of the enactment of this Act; or

(2) the date of entry into force of the treaty with respect to the United States.

(b) **APPLICABILITY OF AMENDMENTS.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the amendments made by this title shall apply only to international design applications, international applications, and national applications filed on and after the effective date set forth in subsection (a), and patents issuing thereon.

(2) **EXCEPTION.**—Sections 100(i) and 102(d) of title 35, United States Code, as amended by this title, shall not apply to an application, or any patent issuing thereon, unless it is described in section 3(n)(1) of the Leahy-Smith America Invents Act (35 U.S.C. 100 note).

(c) **DEFINITIONS.**—For purposes of this section—

(1) the terms “treaty” and “international design application” have the meanings given those terms in section 381 of title 35, United States Code, as added by this title;

(2) the term “international application” has the meaning given that term in section 351(c) of title 35, United States Code; and

(3) the term “national application” means “national application” within the meaning of chapter 38 of title 35, United States Code, as added by this title.

**TITLE II—PATENT LAW TREATY IMPLEMENTATION**

**SEC. 201. PROVISIONS TO IMPLEMENT THE PATENT LAW TREATY.**

(a) **APPLICATION FILING DATE.**—Section 111 of title 35, United States Code, is amended—

(1) in subsection (a), by striking paragraphs (3) and (4) and inserting the following:

“(3) **FEE, OATH OR DECLARATION, AND CLAIMS.**—The application shall be accompanied by the fee required by law. The fee, oath or declaration, and 1 or more claims may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as may be prescribed by the Director. Upon failure to submit the fee, oath or declaration, and 1 or more claims within such prescribed period, the application shall be regarded as abandoned.

“(4) **FILING DATE.**—The filing date of an application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.”;

(2) in subsection (b), by striking paragraphs (3) and (4) and inserting the following:

“(3) **FEE.**—The application shall be accompanied by the fee required by law. The fee may be submitted after the filing date of the application, within such period and under such conditions, including the payment of a surcharge, as

may be prescribed by the Director. Upon failure to submit the fee within such prescribed period, the application shall be regarded as abandoned.

“(4) **FILING DATE.**—The filing date of a provisional application shall be the date on which a specification, with or without claims, is received in the United States Patent and Trademark Office.”; and

(3) by adding at the end the following:

“(c) **PRIOR FILED APPLICATION.**—Notwithstanding the provisions of subsection (a), the Director may prescribe the conditions, including the payment of a surcharge, under which a reference made upon the filing of an application under subsection (a) to a previously filed application, specifying the previously filed application by application number and the intellectual property authority or country in which the application was filed, shall constitute the specification and any drawings of the subsequent application for purposes of a filing date. A copy of the specification and any drawings of the previously filed application shall be submitted within such period and under such conditions as may be prescribed by the Director. A failure to submit the copy of the specification and any drawings of the previously filed application within the prescribed period shall result in the application being regarded as abandoned. Such application shall be treated as having never been filed, unless—

“(1) the application is revived under section 27; and

“(2) a copy of the specification and any drawings of the previously filed application are submitted to the Director.”.

(b) **RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHTS.**—

(1) **IN GENERAL.**—Chapter 2 of title 35, United States Code, is amended by adding at the end the following:

**“§ 27. Revival of applications; reinstatement of reexamination proceedings**

“The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to revive an unintentionally abandoned application for patent, accept an unintentionally delayed payment of the fee for issuing each patent, or accept an unintentionally delayed response by the patent owner in a reexamination proceeding, upon petition by the applicant for patent or patent owner.”.

(2) **CONFORMING AMENDMENT.**—The table of sections for chapter 2 of title 35, United States Code, is amended by adding at the end the following:

“27. Revival of applications; reinstatement of reexamination proceedings.”.

(c) **RESTORATION OF PRIORITY RIGHT.**—Title 35, United States Code, is amended—

(1) in section 119—

(A) in subsection (a)—

(i) by striking “twelve” and inserting “12”; and

(ii) by adding at the end the following: “The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application in this country within the 12-month period was unintentional.”; and

(B) in subsection (e)—

(i) in paragraph (1)—

(I) by inserting after the first sentence the following: “The Director may prescribe regulations, including the requirement for payment of the fee specified in section 41(a)(7), pursuant to which the 12-month period set forth in this subsection may be extended by an additional 2 months if the delay in filing the application under section 111(a) or section 363 within the 12-month period was unintentional.”; and



(II) in the last sentence—

(aa) by striking “including the payment of a surcharge” and inserting “including the payment of the fee specified in section 41(a)(7)”; and

(bb) by striking “during the pendency of the application”; and

(ii) in paragraph (3), by adding at the end the following: “For an application for patent filed under section 363 in a Receiving Office other than the Patent and Trademark Office, the 12-month and additional 2-month period set forth in this subsection shall be extended as provided under the treaty and Regulations as defined in section 351.”; and

(2) in section 365(b), by adding at the end the following: “The Director may establish procedures, including the requirement for payment of the fee specified in section 41(a)(7), to accept an unintentionally delayed claim for priority under the treaty and the Regulations, and to accept a priority claim that pertains to an application that was not filed within the priority period specified in the treaty and Regulations, but was filed within the additional 2-month period specified under section 119(a) or the treaty and Regulations.”.

(d) RECDATION OF OWNERSHIP INTERESTS.—Section 261 of title 35, United States Code, is amended—

(1) in the first undesignated paragraph by adding at the end the following: “The Patent and Trademark Office shall maintain a register of interests in patents and applications for patents and shall record any document related thereto upon request, and may require a fee therefor.”; and

(2) in the fourth undesignated paragraph by striking “An assignment” and inserting “An interest that constitutes an assignment”.

#### SEC. 202. CONFORMING AMENDMENTS.

(a) IN GENERAL.—Section 171 of title 35, United States Code, is amended—

(1) by striking “Whoever” and inserting “(a) IN GENERAL.—Whoever”;

(2) by striking “The provisions” and inserting “(b) APPLICABILITY OF THIS TITLE.—The provisions”; and

(3) by adding at the end the following:

“(c) FILING DATE.—The filing date of an application for patent for design shall be the date on which the specification as prescribed by section 112 and any required drawings are filed.”.

(b) RELIEF IN RESPECT OF TIME LIMITS AND REINSTATEMENT OF RIGHT.—Title 35, United States Code, is amended—

(1) in section 41—

(A) in subsection (a), by striking paragraph (7) and inserting the following:

“(7) REVIVAL FEES.—On filing each petition for the revival of an abandoned application for a patent, for the delayed payment of the fee for issuing each patent, for the delayed response by the patent owner in any reexamination proceeding, for the delayed payment of the fee for maintaining a patent in force, for the delayed submission of a priority or benefit claim, or for the extension of the 12-month period for filing a subsequent application, \$1,700.00. The Director may refund any part of the fee specified in this paragraph, in exceptional circumstances as determined by the Director”; and

(B) in subsection (c), by striking paragraph (1) and inserting the following:

“(1) ACCEPTANCE.—The Director may accept the payment of any maintenance fee required by subsection (b) after the 6-month grace period if the delay is shown to the satisfaction of the Director to have been unintentional. The Director may require the payment of the fee specified in subsection (a)(7) as a condition of accepting payment of any maintenance fee after the 6-month grace period. If the Director accepts payment of a maintenance fee after the 6-month

grace period, the patent shall be considered as not having expired at the end of the grace period.”.

(2) in section 119(b)(2), in the second sentence, by striking “including the payment of a surcharge” and inserting “including the requirement for payment of the fee specified in section 41(a)(7)”; and

(3) in section 120, in the fourth sentence, by striking “including the payment of a surcharge” and inserting “including the requirement for payment of the fee specified in section 41(a)(7)”; and

(4) in section 122(b)(2)(B)(iii), in the second sentence, by striking “, unless it is shown” and all that follows through “unintentional”; and

(5) in section 133, by striking “, unless it be shown” and all that follows through “unavoidable”; and

(6) by striking section 151 and inserting the following:

#### “§ 151. Issue of patent

“(a) IN GENERAL.—If it appears that an applicant is entitled to a patent under the law, a written notice of allowance of the application shall be given or mailed to the applicant. The notice shall specify a sum, constituting the issue fee and any required publication fee, which shall be paid within 3 months thereafter.

“(b) EFFECT OF PAYMENT.—Upon payment of this sum the patent may issue, but if payment is not timely made, the application shall be regarded as abandoned.”.

(7) in section 361, by striking subsection (c) and inserting the following:

“(c) International applications filed in the Patent and Trademark Office shall be filed in the English language, or an English translation shall be filed within such later time as may be fixed by the Director.”;

(8) in section 364, by striking subsection (b) and inserting the following:

“(b) An applicant’s failure to act within prescribed time limits in connection with requirements pertaining to an international application may be excused as provided in the treaty and the Regulations.”; and

(9) in section 371(d), in the third sentence, by striking “, unless it be shown to the satisfaction of the Director that such failure to comply was unavoidable”.

#### SEC. 203. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this title—

(1) shall take effect on the date that is 1 year after the date of the enactment of this Act; and

(2) shall apply to—

(A) any patent issued before, on, or after the effective date set forth in paragraph (1); and

(B) any application for patent that is pending on or filed after the effective date set forth in paragraph (1).

(b) EXCEPTIONS.—

(1) SECTION 201(a).—The amendments made by section 201(a) shall apply only to applications that are filed on or after the effective date set forth in subsection (a)(1).

(2) PATENTS IN LITIGATION.—The amendments made by this title shall have no effect with respect to any patent that is the subject of litigation in an action commenced before the effective date set forth in subsection (a)(1).

Mr. PRYOR. Mr. President, I ask unanimous consent that the committee-reported amendment be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was agreed to.

The bill (S. 3486), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

#### MAKING TECHNICAL CORRECTIONS TO LEGAL DESCRIPTION OF CERTAIN LAND

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 498, S. 3193.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3193) to make technical corrections to the legal description of certain land, to be held in trust for the Barona Band of Mission Indians, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Akaka amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2864) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Barona Band of Mission Indians Land Transfer Clarification Act of 2012”.

#### SEC. 2. FINDINGS; PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the legal description of land previously taken into trust by the United States for the benefit of the Barona Band of Mission Indians may be interpreted to refer to private, nontribal land;

(2) there is a continued, unresolved disagreement between the Barona Band of Mission Indians and certain off-reservation property owners relating to the causes of diminishing native groundwater;

(3) Congress expresses no opinion, nor should an opinion of Congress be inferred, relating to the disagreement described in paragraph (2); and

(4) it is the intent of Congress that, if the land described in section 121(b) of the Native American Technical Corrections Act of 2004 (118 Stat. 544) (as amended by section 3) is used to bring water to the Barona Indian Reservation, the effort is authorized only if the effort also addresses water availability for neighboring off-reservation land located along Old Barona Road that is occupied as of the date of enactment of this Act by providing guaranteed access to that water supply at a mutually agreeable site on the southwest boundary of the Barona Indian Reservation.

(b) PURPOSES.—The purposes of this Act are—

(1) to clarify the legal description of the land placed into trust for the Barona Band of Mission Indians in 2004; and

(2) to remove all doubt relating to the specific parcels of land that Congress has placed into trust for the Barona Band of Mission Indians.

### SEC. 3. LAND TRANSFER.

Section 121 of the Native American Technical Corrections Act of 2004 (Public Law 108-204; 118 Stat. 544) is amended—

(1) by striking subsection (b) and inserting the following:

“(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) is land comprising approximately 86.87 acres in T. 14 S., R. 1 E., San Bernardino Meridian, San Diego County, California, and described more particularly as follows:

“(1) The approximately 69.85 acres located in Section 21 and described as—

“(A) SW $\frac{1}{4}$  SW $\frac{1}{4}$ , excepting the north 475 feet;

“(B) W $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , excepting the north 475 feet;

“(C) E $\frac{1}{2}$  SE $\frac{1}{4}$  SW $\frac{1}{4}$ , excepting the north 350 feet; and

“(D) the portion of W $\frac{1}{2}$  SE $\frac{1}{4}$  that lies southwesterly of the following line: Beginning at the intersection of the southerly line of said SE $\frac{1}{4}$  of Section 21 with the westerly boundary of Rancho Canada De San Vicente Y Mesa Del Padre Barona as shown on United States Government Resurvey approved January 21, 1939, and thence northwesterly along said boundary to an intersection with the westerly line of said SE $\frac{1}{4}$ .

“(2) The approximately 17.02 acres located in Section 28 and described as NW $\frac{1}{4}$  NW $\frac{1}{4}$ , excepting the east 750 feet.”; and

(2) by adding at the end the following:

“(d) CLARIFICATIONS.—

“(1) EFFECT ON SECTION.—The provisions of subsection (c) shall apply to the land described in subsection (b), as in effect on the day after the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012.

“(2) EFFECT ON PRIVATE LAND.—The parcel of private, non-Indian land referenced in subsection (a) and described in subsection (b), as in effect on the day before the date of enactment of the Barona Band of Mission Indians Land Transfer Clarification Act of 2012, but excluded from the revised description of the land in subsection (b) was not intended to be—

“(A) held in trust by the United States for the benefit of the Band; or

“(B) considered to be a part of the reservation of the Band.”.

The bill (S. 3193), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

### FINANCIAL ASSISTANCE FOR BURMA

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6431, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6431) to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be

read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6431) was ordered to a third reading, was read the third time, and passed.

### MARK TWAIN COMMEMORATIVE COIN ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2453 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2453) to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I ask unanimous consent that the Blumenthal amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2865) was agreed to, as follows:

On page 7, strike lines 5 through 7 and insert the following:

(2) One-quarter of the surcharges, to the University of California, Berkeley, California, for the benefit of the Mark Twain Project at the Bancroft Library to support programs to study and promote the legacy of Mark Twain.

At the end, add the following:

### SEC. 8. NO NET COST.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2453), as amended, was read the third time, and passed, as follows:

H.R. 2453

*Resolved*, That the bill from the House of Representatives (H.R. 2453) entitled “An Act to require the Secretary of the Treasury to mint coins in commemoration of Mark

Twain.”, do pass with the following amendments:

On page 7, strike lines 5 through 7 and insert the following:

(2) One-quarter of the surcharges, to the University of California, Berkeley, California, for the benefit of the Mark Twain Project at the Bancroft Library to support programs to study and promote the legacy of Mark Twain.

At the end, add the following:

### SEC. 8. NO NET COST.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

### MAKING CORRECTIONS WITH RESPECT TO FOOD AND DRUG ADMINISTRATION USER FEES

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 6433 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6433) to make corrections with respect to Food and Drug Administration user fees.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6433) was ordered to a third reading, was read the third time, and passed.

### TO CONFIRM FULL OWNERSHIP RIGHTS FOR CERTAIN UNITED STATES ASTRONAUTS TO ARTIFACTS FROM THE ASTRONAUTS' SPACE MISSIONS

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 4158 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4158) to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be

read a third time and passed, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4158) was ordered to a third reading, was read the third time, and passed.

#### SAFE DOSES ACT

Mr. PRYOR. I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 4223 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4223) to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4223) was ordered to a third reading, was read the third time, and passed.

#### VA MAJOR CONSTRUCTION AUTHORIZATION AND EXPIRING AUTHORITIES EXTENSION ACT OF 2012

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the consideration of H.R. 6375 which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6375) to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6375) was ordered to a third reading, was read the third time, and passed.

#### GAO MANDATES REVISION ACT OF 2012

Mr. PRYOR. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 523, S. 3315.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3315) to repeal or modify certain mandates of the Government Accountability Office.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(Omit the part shown in boldface brackets and insert the part printed in italic.)

S. 3315

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “GAO Mandates Revision Act of 2012”.

#### SEC. 2. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking “annual audits of the transactions of the Commission” and inserting “periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives requests that an audit be conducted at an earlier date.”.

(b) JUDICIAL SURVIVORS’ ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking “subsection (x)” and inserting “subsection (w)”.

[(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) by striking “(a) IN GENERAL.—”; and

(2) by striking subsection (b).]

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking “of each year” and inserting “, 2013, and every 3 years thereafter.”; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “at a frequency of not less than once per year—” and inserting “not later than December 31, 2013, and every 3 years thereafter—”.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans’ Benefits Act of 2010 (Public Law 111-275; 38 U.S.C. 4301 note) is amended by striking “, and annually thereafter during the period when the demonstration project is conducted.”.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of

the Semipostal Authorization Act (Public Law 106-253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION’S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking “of paragraph (2) of this subsection” and inserting “of section 3515 of title 31”;

(2) in paragraph (1), by striking “(1)”; and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking “annual audits of the Senate Preservation Fund” and inserting “periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate requests that an audit be conducted at an earlier date.”.

Mr. PRYOR. I ask unanimous consent that the committee-reported amendment be agreed to, the Lieberman amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The committee-reported amendment was agreed to.

The amendment (No. 2866) was agreed to, as follows:

On page 2, line 11, insert “, the Secretary of the Senate, or the Clerk of the House of Representatives” after “House of Representatives”.

On page 5, line 1, insert “or the Secretary of the Senate” after “the Senate”.

The bill (S. 3315), as amended, was ordered to be engrossed for a third reading, was read the third time and passed, as follows:

S. 3315

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “GAO Mandates Revision Act of 2012”.

#### SEC. 2. REPEALS AND MODIFICATIONS.

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking “annual audits of the transactions of the Commission” and inserting “periodic audits of the transactions of the Commission, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date.”.

(b) JUDICIAL SURVIVORS' ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking “subsection (x)” and inserting “subsection (w)”.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking “of each year” and inserting “, 2013, and every 3 years thereafter,”; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “at a frequency of not less than once per year—” and inserting “not later than December 31, 2013, and every 3 years thereafter—”.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans' Benefits Act of 2010 (Public Law 111–275; 38 U.S.C. 4301 note) is amended by striking “, and annually thereafter during the period when the demonstration project is conducted,”.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106–253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION'S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking “of paragraph (2) of this subsection” and inserting “of section 3515 of title 31”; and

(2) in paragraph (1), by striking “(1)”;

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking “annual audits of the Senate Preservation Fund” and inserting “periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,”.

#### GOVERNMENT CHARGE CARD ABUSE PREVENTION ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House on S. 300.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 300) entitled “An Act to prevent abuse of Government charge cards,” do pass with an amendment.

Mr. PRYOR. I ask unanimous consent that the Senate concur in the

House amendment, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HAZARDOUS WASTE ELECTRONIC MANIFEST ESTABLISHMENT ACT

Mr. PRYOR. Mr. President, I ask the Chair to lay before the Senate a message from the House on S. 710.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 710) entitled “An Act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system,” do pass with an amendment.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be considered made and laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COAST GUARD AND MARITIME TRANSPORTATION ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of H.R. 2838 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2838) to authorize appropriations for the Coast Guard for fiscal years 2012 through 2015, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I further ask unanimous consent that the Rockefeller substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the title amendment, which is at the desk, be agreed to, the motions to reconsider be made and laid upon the table, with no intervening action or debate, and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2867) in the nature of a substitute was agreed to.

(The amendment is printed in today's RECORD under “Text of Amendments.”)

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The bill (H.R. 2838), as amended, was passed.

The amendment (No. 2868) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: “An Act to authorize appropriations for the Coast Guard for fiscal years 2013 through 2014, and for other purposes.”.

#### QUADRENNIAL DIPLOMACY AND DEVELOPMENT REVIEW ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 525, S. 3341.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3341) to require a quadrennial diplomacy and development review, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3341) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3341

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Quadrennial Diplomacy and Development Review Act of 2012”.

#### SEC. 2. QUADRENNIAL DIPLOMACY AND DEVELOPMENT REVIEW.

(a) REQUIREMENT.—

(1) QUADRENNIAL REVIEWS REQUIRED.—Under the direction of the President, the Secretary of State shall every four years, during a year following a year evenly divisible by four, conduct a review of United States diplomacy and development (to be known as a “quadrennial diplomacy and development review”).

(2) SCOPE OF REVIEWS.—Each quadrennial diplomacy and development review shall be a comprehensive examination of the national diplomacy and development policy and strategic framework of the United States for the next four year period until a subsequent review is due under paragraph (1). The review shall include—

(A) recommendations regarding the long-term diplomacy and development policy and strategic framework of the United States;

(B) priorities of the United States for diplomacy and development; and

(C) guidance on the related programs, assets, capabilities, budget, policies, and authorities of the Department of State and United States Agency for International Development.

(3) CONSULTATION.—In conducting each quadrennial diplomacy and development review, after consultation with Department of State and United States Agency for International Development officials, the Secretary of State should consult with—

(A) the heads of other relevant Federal agencies, including the Secretary of Defense, the Secretary of the Treasury, the Secretary of Homeland Security, the Attorney General, the Secretary of Health and Human Services, the Secretary of Agriculture, the Secretary of Commerce, the Chief Executive Officer of the Millennium Challenge Corporation, and the Director of National Intelligence;

(B) any other Federal agency that provides foreign assistance, including at a minimum the Export-Import Bank of the United States and the Overseas Private Investment Corporation;

(C) the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and, as appropriate, other members of Congress; and

(D) other relevant governmental and non-governmental entities, including private sector representatives, academics, and other policy experts.

(b) CONTENTS OF REVIEW.—Each quadrennial diplomacy and development review shall—

(1) delineate, as appropriate, the national diplomacy and development policy and strategic framework of the United States, consistent with appropriate national, Department of State, and United States Agency for International Development strategies, strategic plans, and relevant presidential directives, including the national security strategy prescribed pursuant to section 108 of the National Security Act of 1947 (50 U.S.C. 404a);

(2) outline and prioritize the full range of critical national diplomacy and development areas, capabilities, and resources, including those implemented across agencies, and address the full range of challenges confronting the United States in this regard;

(3) describe the interagency cooperation, and preparedness of relevant Federal assets, and the infrastructure, budget plan, and other elements of the diplomacy and development policies and programs of the United States required to execute successfully the full range of mission priorities outlined under paragraph (2);

(4) describe the roles of international organizations and multilateral institutions in advancing United States diplomatic and development objectives, including the mechanisms for coordinating and harmonizing development policies and programs with partner countries and among donors;

(5) identify the budget plan required to provide sufficient resources to successfully execute the full range of mission priorities outlined under paragraph (2);

(6) include an assessment of the organizational alignment of the Department of State and the United States Agency for International Development with the national diplomacy and development policy and strategic framework referred to in paragraph (1) and the diplomacy and development mission priorities outlined under paragraph (2);

(7) review and assess the effectiveness of the management mechanisms of the Department of State and the United States Agency for International Development for executing the strategic priorities outlined in the quadrennial diplomacy and development review, including the extent to which such effectiveness has been enhanced since the previous report; and

(8) the relationship between the requirements of the quadrennial diplomacy and development review and the acquisition strategy and expenditure plan within the Department of State and the United States Agency for International Development.

(c) REPORTING.—

(1) IN GENERAL.—Not later than the year following the year in which a quadrennial diplomacy and development review is conducted, but not later than the date on which the President submits the budget for the next fiscal year to Congress under section 1105(a) of title 31, United States Code, the Secretary of State shall submit to Congress a report regarding that quadrennial diplomacy and development review.

(2) CONTENTS OF REPORT.—Each report submitted under paragraph (1) shall include—

(A) the results of the quadrennial diplomacy and development review conducted in accordance with, and based on a detailed assessment of, the provisions of and considerations set out in subsections (a)(2) and (b), addressing each of the key elements identified in such subsections;

(B) a description of the threats to the assumed or defined national security interests of the United States that were examined for the purposes of that review;

(C) an explanation of any underlying assumptions used in conducting the review; and

(D) any other matters the Secretary of State considers appropriate.

(3) PUBLIC AVAILABILITY.—The Secretary of State shall, consistent with the protection of national security and other sensitive matters, make each report submitted under paragraph (1) publicly available on the Internet Web site of the Department of State.

(d) ESTABLISHMENT.—The Secretary of State may establish within the Department of State an Office of Quadrennial Diplomacy and Development Review, which the Secretary of State may, using only existing resources, staff in a manner to assist in discharging the functions under this section.

(e) FOREIGN AFFAIRS POLICY BOARD REVIEW.—The Secretary of State should apprise the Foreign Affairs Policy Board on an ongoing basis of the work undertaken in the conduct of the quadrennial diplomacy and development review and, upon completion of the review, the Chairman of the Foreign Affairs Policy Board should, on behalf of the Board, prepare and submit to the Secretary an assessment of the review for inclusion in the report submitted under subsection (c).

#### DIVISIONAL REALIGNMENT ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 5512 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 5512) to amend title 28, United States Code, to realign divisions within two judicial districts.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 5512) was ordered to a third reading, was read the third time, and passed.

#### REPORTING EFFICIENCY IMPROVEMENT ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6189 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6189) to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6189) was ordered to a third reading, was read the third time, and passed.

#### MINNESOTA CHIPPEWA TRIBE JUDGMENT FUND DISTRIBUTION ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 482, H.R. 1272.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1272) to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I further ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be made and laid upon the table with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1272) was ordered to a third reading, was read the third time, and passed.

#### LOWELL NATIONAL HISTORICAL PARK LAND EXCHANGE ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 392, H.R. 2240.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2240) to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2240) was ordered to a third reading, was read the third time, and passed.

#### NEW YORK CITY NATURAL GAS SUPPLY ENHANCEMENT ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Energy Committee be discharged from further consideration of H.R. 2606 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2606) to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that a Bingaman substitute amendment which is at the desk be agreed to, the bill, as amended, be read a third time and passed, and the motion to reconsider be laid upon the table, with no intervening action or debate and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2869) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "New York City Natural Gas Supply Enhancement Act".

#### SEC. 2. DEFINITIONS.

In this Act:

(1) **PERMITTEE.**—The term "permittee" means the Transcontinental Gas Pipeline Company, LLC, (Transco), its successors or assigns.

(2) **SECRETARY.**—The term "Secretary" means the Secretary of the Interior.

#### SEC. 3. AUTHORIZATION FOR PERMIT.

(a) **IN GENERAL.**—The Secretary may issue permits for rights-of-way or other necessary authorizations to allow the permittee to construct, operate, and maintain a natural gas pipeline and related facilities within the

Gateway National Recreation Area in New York, as described in Federal Regulatory Commission Docket No. PF09-8.

(b) **TERMS AND CONDITIONS.**—A permit issued under this section shall be—

(1) consistent with the laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and

(2) subject to such terms and conditions as the Secretary deems appropriate.

(c) **FEES.**—The Secretary shall charge a fee for any permit issued under this section. The fee shall be based on fair market value and shall also provide for recovery of costs incurred by the National Park Service associated with the processing, issuance, and monitoring of the permit. The Secretary shall retain any fees associated with the recovery of costs.

(d) **TERM.**—Any permit issued under this section shall be for a term of 10 years. The permit may be renewed at the discretion of the Secretary in accordance with this section.

#### SEC. 4. LEASE OF HISTORIC BUILDINGS AT FLOYD BENNETT FIELD.

(a) **IN GENERAL.**—The Secretary may enter into a non-competitive lease with the permittee to allow the occupancy and use of buildings and associated property at Floyd Bennett Field within the Gateway National Recreation Area to house meter and regulating equipment and other equipment necessary to the operation of the natural gas pipeline described in section 3(a).

(b) **TERMS AND CONDITIONS.**—A lease entered into under this section shall—

(1) be in accordance with section 3(k) of the National Park System General Authorities Act (16 U.S.C. 1a-2(k)), except that the proceeds from rental payments may be used for infrastructure needs, resource protection and restoration, and visitor services at Gateway National Recreation Area; and

(2) provide for the restoration and maintenance of the buildings and associated property in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and applicable regulations and programmatic agreements.

#### SEC. 5. ENFORCEMENT.

The Secretary may impose citations or fines, or suspend or revoke any authority under a permit or lease issued in accordance with this Act for failure to comply with, or a violation of any term or condition of such permit or lease.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2606) was read the third time and passed.

#### LIONS CLUBS INTERNATIONAL CENTURY OF SERVICE COM- MEMORATIVE COIN ACT

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2139 which was received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2139) to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2139) was ordered to a third reading, was read the third time, and passed.

#### MILITARY COMMERCIAL DRIVER'S LICENSE ACT OF 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3624 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3624) to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3624) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3624

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Commercial Driver's License Act of 2012".

#### SEC. 2. DOMICILE REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

Section 31311(a)(12) of title 49, United States Code, is amended to read as follows:

"(12)(A) Except as provided in subparagraphs (B) and (C), the State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State.

"(B) Under regulations prescribed by the Secretary, the State may issue a commercial driver's license to an individual who—

"(i) operates or will operate a commercial motor vehicle; and

"(ii) is not domiciled in a State that issues commercial driver's licenses.

"(C) The State may issue a commercial driver's license to an individual who—

"(i) operates or will operate a commercial motor vehicle;

"(ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and

"(iii) is not domiciled in the State, but whose temporary or permanent duty station is located in the State."



# CHANGING THE EFFECTIVE DATE FOR THE INTERNET PUBLICATION OF CERTAIN INFORMATION

Mr. PRYOR. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. 3625 introduced earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 3625) to change the effective date for the Internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. PRYOR. Mr. President, I ask unanimous consent the bill be read three times and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3625) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3625

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. CHANGED EFFECTIVE DATE FOR FINANCIAL DISCLOSURE FORMS OF CERTAIN OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—Except with respect to financial disclosure forms filed by officers and employees referred to in subsection (b), section 8(a)(1) and section 11(a)(1) of the STOCK Act (5 U.S.C. App. 105 note) shall take effect on December 8, 2012.

(b) FINANCIAL DISCLOSURE FORMS NOT SUBJECT TO NEW EFFECTIVE DATE.—Financial disclosure forms filed by the following individuals shall not be subject to the effective date under this section:

- (1) The President.
- (2) The Vice President.
- (3) Any Member of Congress.
- (4) Any candidate for Congress.

(5) Any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position.

## SEC. 2. STUDY AND REPORT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall contract with the National Academy of Public Administration (referred to in this section as the “National Academy”) to—

(1) conduct a study of issues raised by website publication of financial disclosure forms as is required under the STOCK Act (Public Law 112–105; 126 Stat. 291); and

(2) issue a report containing findings and recommendations.

(b) SCOPE OF STUDY.—The study conducted under subsection (a)(1) shall—

(1) examine the nature, scope, and degree of risk, including risk of harm to national security, law enforcement, or other Federal missions and risk of endangerment, including to personal safety and security, financial

security (such as through identity theft), and privacy, of officers and employees and their family members, that may be posed by website and other publication of financial disclosure forms and associated personal information;

(2) examine any harm that may have arisen from the current online availability of financial disclosure forms and associated personal information of employees of the legislative branch, including any harm to national security, law enforcement, or other Federal missions and any endangerment that may have occurred, including to personal safety and security, financial security (such as through identity theft), and privacy, of such legislative branch officers and employees or their family members; and

(3) include any other analysis that the National Academy believes is necessary or desirable on the topic of the study.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Academy shall submit to Congress and the President a report that contains—

(1) the findings of the study conducted under subsection (a)(1);

(2) recommendations for ways to avoid or mitigate the risks identified in the study conducted under subsection (a)(1), consistent with the goal of providing appropriate public disclosure of potential conflicts of interest or instances of insider trading by Federal officers or employees; and

(3) any other recommendations that the National Academy believes are necessary or desirable.

## SEC. 3. PERIODIC TRANSACTION REPORTS FOR TRANSACTIONS OF SPOUSES AND CHILDREN.

(a) IN GENERAL.—

(1) DATE REPORTING REQUIREMENT COMMENCES IN HOUSE OF REPRESENTATIVES AND EXECUTIVE BRANCH.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking “September 30, 2012” and inserting “January 1, 2013”.

(2) EXTENSION TO EXECUTIVE BRANCH.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking “for reporting individuals” and all that follows through “House of Representatives”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking “such section 101” and inserting “section 101 of such Act (5 U.S.C. App. 101)”.

(b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2013.

(2) RULE OF CONSTRUCTION.—Before January 1, 2013, the amendments made by subsection (a) shall not affect the applicability of section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of

certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), as in effect on the day before the effective date under paragraph (1).

(c) SAVINGS CLAUSE.—Nothing in the amendments made by subsection (a) shall be construed as affecting any requirement with respect to the House of Representatives or the executive branch in effect before January 1, 2013, with respect to the inclusion of transaction information for a report under section 103(l) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(l)).

(d) NO CHANGE TO EXISTING SENATE REQUIREMENTS.—Nothing in this section or the amendments made this section shall be construed as affecting the requirement that took effect with respect to the Senate on July 3, 2012, which mandates the inclusion of transaction information for spouses and dependent children for a report under section 103(l) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(l)).

## RECOGNIZING THE 100TH ANNIVERSARY OF HADASSAH

Mr. PRYOR. Mr. President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 448 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 448) recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 448) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 448

Whereas Hadassah, the Women's Zionist Organization of America, Inc. (referred to in this preamble as “Hadassah”) was established by Henrietta Szold on February 24, 1912;

Whereas Hadassah is now the largest Zionist organization for Jewish women, with more than 300,000 active members;

Whereas Hadassah celebrated the 100th anniversary of its founding on February 24, 2012;

Whereas, since its founding, Hadassah has consistently promoted the unity of the Jewish people and worked for the betterment of communities in the United States and what is now present-day Israel;

Whereas Hadassah was nominated for the 2005 Nobel Peace Prize for its ongoing initiatives to use medicine as a bridge to peace;

Whereas Hadassah conducts a wide variety of training programs for medical personnel and students throughout the world;



Whereas, in Israel, Hadassah initiates and supports pace-setting health care, education, and youth institutions;

Whereas the world-class Hadassah Medical Organization in Israel is renowned for cutting-edge medical research;

Whereas the Hadassah Medical Organization is constructing the Sarah Wetsman Davidson Hospital Tower at Hadassah Medical Center as a gift to Israel, to be officially dedicated at the Hadassah Centennial Convention in October 2012;

Whereas, in the United States, Hadassah—

- (1) enhances the quality of American and Jewish life through education and Zionist youth programs;
- (2) promotes health awareness; and
- (3) provides personal enrichment and growth for members; and

Whereas Hadassah helps support young people by providing scholarships for students and educating disadvantaged children: Now, therefore, be it

*Resolved*, That the Senate—

- (1) congratulates Hadassah, the Women's Zionist Organization of America, Inc. on its 100th anniversary; and

- (2) recognizes the important contributions that Hadassah, the Women's Zionist Organization of America, Inc. has made to medical research and care, the health of communities, the relationship between the United States and Israel, and the continuity of Jewish heritage.

#### OPERATION ENDURING FREEDOM VETERANS DAY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate now proceed to S. Res. 472.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 472) designating October 7, 2012, as "Operation Enduring Freedom Veterans Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. Mr. President, I ask unanimous consent that the Enzi amendment at the desk be agreed to, that the resolution be agreed to, the preamble, as amended, be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2870) was agreed to, as follows:

(Purpose: To update the number of patriots in the United States Armed Forces who have made the ultimate sacrifice while serving in Afghanistan)

In the fifth whereas clause, strike "nearly 1,800" and insert "some 2,000".

The resolution (S. Res. 472) was agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

S. RES. 472

Whereas the initial volley of Operation Enduring Freedom took place in Afghanistan

on October 7, 2001, and October 7, 2012, marks the eleventh anniversary of the war;

Whereas Operation Enduring Freedom, launched in response to the terrorist attacks committed against the United States on September 11, 2001, targeted al-Qaida and the Taliban protectors of al-Qaida in Afghanistan;

Whereas Operation Enduring Freedom is the longest ongoing war in which the United States is involved;

Whereas the wounded warriors who have served in Operation Enduring Freedom carry the scars of war, both seen and unseen;

Whereas some 2,000 patriots in the United States Armed Forces have made the ultimate sacrifice while serving in Afghanistan;

Whereas the war in Afghanistan should not fade from the hearts and minds of the people of the United States; and

Whereas the ongoing sacrifices made by the men and women of the Armed Forces should be recognized and honored: Now, therefore, be it

*Resolved*, That the Senate—

- (1) designates October 7, 2012, as "Operation Enduring Freedom Veterans Day";

- (2) honors the brave men and women who gave their lives while serving the United States in Operation Enduring Freedom; and

- (3) encourages the people of the United States to salute the more than half a million men and women who have served bravely in Afghanistan to preserve our shared security and freedom.

#### CONGRATULATING THE ATHLETES FROM THE STATE OF NEVADA AND THROUGHOUT THE UNITED STATES

Mr. PRYOR. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. Res. 558 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 558) congratulating the athletes from the State of Nevada and throughout the United States who participated in the 2012 Olympic and Paralympic Games as members of the United States Olympic and Paralympic Teams.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, a moving 11-day journey recently came to an end. Nearly 4,300 athletes from 166 countries traveled to London, England, to fulfill their dream of representing their country at the 2012 Paralympic games. I congratulate each of these athletes on a job well done and for their hard work, determination and triumph. Their accomplishments inspired us all and help to broaden our sense of what is possible for individuals living with a disability.

Shortly after the 2012 Olympic games concluded, Olympic officials worked feverishly to transform the Olympic venues for the upcoming Paralympic games. Their task was formidable, and their work was impressive. And once

again, London proved to be an exceedingly welcoming host. In fact, more than 2.7 million spectators attended the games, shattering the previous mark and making these games the best attended in history. Many venues were filled to capacity. The energy and excitement of the fans was impressive and a wonderful inspiration for these athletes to showcase their talents. While the world watched with joy and amazement, the athletes competed fiercely, setting an astonishing 251 world records in the process.

Those in attendance and audiences around the world were treated to many dazzling performances and were introduced to some truly inspiring personal stories. One such story is that of LT. Brad Synder. Almost 1 year ago to the day, Lieutenant Synder was bravely serving his country in Afghanistan when a bomb exploded, rendering him blind. One year later, he stood in London, again representing his country, with two gold medals and a silver in swimming around his neck and a world record in his grasp. In the face of such a tragic and life-altering injury, this brave soldier refused to let this injury define him and forged ahead, setting his sights on a new goal. There is also LCDR Steven Peace who began cycling during rehabilitation from a stroke he suffered during Active Duty and competed for Team USA in that event. And there is Scot Severn, another former soldier, who won bronze in shot put at these games after recovering from injuries sustained from a lighting strike while on duty. These are but a few of the seemingly endless stories of perseverance and strength that define the lives of these athletes and enrich the lives of all of us.

It was in 1948 that the seed of what would grow to become the second largest sporting event in the world was planted in London. Sir Ludwig Guttmann sought to inspire recently wounded World War II veterans by organizing a sporting event to raise their spirits and aid their rehabilitation. After years of increasing participation and awareness, this sporting event, which was conceived to parallel the Olympic games, would formally become known as the Paralympic games in 1960. In 2012, 227 athletes represented the United States in London.

There were many Paralympic athletes with ties to Michigan on Team USA. They represented their Nation and Michigan admirably. They include Steve Peace in cycling, Asya Miller in goalball, Robin Theryyoung in goalball, Tucker Dupree in swimming, Scott Severn in track and field, Bryan Barten in wheelchair tennis, and MacKenzie Soldan in wheelchair tennis. Along with these impressive athletes, I also congratulate the legions of coaches, trainers, officials, support staff, family and friends who played indispensable roles for these athletes and

helped to make their performances possible.

There are more than 24 million Americans living with a disability and many more who face some sort of physical, visual or mental challenge. The athletes who competed in London sent a strong, compelling signal that, while their circumstance may seem daunting, there are many mountains to climb and races to win if they are determined and willing to pursue excellence in whatever field they choose, whether it be the track, a classroom or any other worthy pursuit. These games also bring greater awareness and more resources to efforts to increase the availability of physical activity for disabled Americans across the Nation, the benefits of which have been well-documented in recent years.

The 2012 Paralympic games dazzled us with impressive athletic feats, inspired us with stories of courage and perseverance, and reminded us that we can all overcome adversity and pursue excellence both in competition and in life. The 2012 summer Paralympic games, like the Olympic games that preceded it, was a stage on which athletes from across the globe came together in friendly competition. Barb and I salute every athlete who represented Team USA in London. As one organizer eloquently stated, “The Paralympians have lifted the cloud of limitation.” For that, we owe them a deep debt of gratitude.

Mr. BLUMENTHAL. Mr. President, today I rise to recognize three of our Nation’s inspiring Paralympians, with Connecticut roots, who competed, along with 227 American teammates and more than 4,000 athletes from over 160 countries, in this year’s Paralympic games in London. During these games, which took place from August 29 to September 9, the United States brought home 98 medals, including 31 gold medals. The exceptional drive, discipline, and dreams of these athletes are as extraordinary as the medals. Their personal stories of sacrifice and hard work, effort and energy, and aspirations turned into realities, despite setbacks and adversity, are truly remarkable.

In 1948 at Aylesbury, England’s Stoke Mandeville Hospital, the idea of the Paralympics was formed, and so it is historically significant that England hosted this year’s Paralympic games. Sir Ludwig Guttmann envisioned including disabled veterans in international sports competition, and in 1948 his dream was realized in the International Wheelchair Games. In 1960, Rome hosted the first official Paralympic games as we know them today. As we look back at this year’s games—one of the largest Paralympics in history—we celebrate this legacy. We are reminded of how important these games were for the rehabilitation of our disabled World War II veterans.

For Tara Profitt of Newington, CT, and member of the 2012 U.S. Paralympic Table Tennis Team, England as host country is personally significant. Ms. Profitt competed in the women’s singles competition at the 1984 Paralympics hosted in Stoke Mandeville, England, but always hoped to have the opportunity to play alongside her college friend and fellow table tennis champion, Pamela Fontaine, in the women’s team class. This year, in addition to participating individually in the women’s single class events, Ms. Profitt and Ms. Fontaine were selected to represent the United States together in the women’s team event, reuniting again on familiar territory. Ms. Profitt has credited Ms. Fontaine with inspiring her to become the athlete she is today, encouraging her to engage in sports again after the diving injury that she suffered as a teenager. They have worked hard to qualify over the past few years, traveling around the world to compete, and this year achieved the goal that they have held dearly for decades: to play together, celebrating their country and friendship on an international stage.

Representing the United States in track and field, three-time gold medalist Paul Nitz traveled from Bloomfield, CT, to participate in his third Paralympic games. This year, he was given the tremendous honor of serving as track captain for the U.S. Paralympic Track and Field team, inspiring both first-time and veteran athletes. Mr. Nitz has an accomplished athletic record: He won the Gold in the 100m event in 1992, 1996, and 2000 and broke the 100m world record during the 2012 Swiss Series. This year, I am proud to announce that he brought home the bronze in the 100m. Equally commendable, Mr. Nitz works in his community—as an employee of the Hartford Insurance Group—to positively change public perception regarding disability. In addition to his impressive athletic achievements, through his efforts at the Hartford, he has led great strides across the Nation in dispelling prejudice, misconception, and judgment.

I also applaud the Hartford Insurance Group for their commitment to the Paralympic games: Since 2003, it has been a founding partner of the U.S. Paralympics, an official division of the U.S. Olympic Committee.

Five-time Paralympian Scott Danberg calls Stamford his hometown, and Connecticut has been proud to follow him throughout his impressive athletic career. Recently, as a well-known and regarded member of the U.S. Paralympic track and field team, he competed in the men’s discus event, throwing his personal best for this season in London. And this year he was nominated by his fellow track and field members and then chosen by a vote by the U.S. paralympic team as our Nation’s flag bearer during opening cere-

monies. He adds this tremendous honor to his past accomplishments, including the bronze at the 2011 IPC World Championships, the gold at the 2010 U.S. Paralympics Track & Field National Championships in both discus and shot put, and the silver in javelin at the 1998 Paralympic games.

I hope that Connecticut’s Paralympians can continue to promote international and national awareness and engagement and we can continue to come together as a nation, recognizing what unites us. Thank you for joining me in applauding our amazing American athletes and those around the world who have shown the athleticism, stamina, and national identity that transcend differences.

Mr. WICKER. Mr. President, I rise today to recognize the gifted athletes from my home State of Mississippi who represented the United States in the 2012 London Olympic games and Paralympic games. They join an extraordinary legacy built by generations of great American Olympians and Paralympians, and their historic successes on the world stage are a proud moment for Mississippi.

In the London Olympic games, Gulfport native Brittney Reese became the first American woman to win a gold medal in long jump since Jackie Joyner-Kersey, who won it more than two decades ago in the Seoul games. The Olympic title tops an impressive career for the former University of Mississippi standout and four-time world champion, who has become an unmatched competitor over the past several years.

Particularly heartfelt and inspiring was Reese’s dedication of her gold-medal success to the people of Mississippi and those still recovering from Hurricane Katrina, which damaged her family’s home 7 years ago. As she told reporters, “This is a great way for me to bring something home and show them we can all do this together.”

Bianca Knight of Ridgeland helped lead the women’s 4x100-meter relay team to a gold-medal win in an incredible 40.82 seconds—besting the world record set by East Germany in 1985. The performance earned the United States its first Olympic gold medal in the women’s relay event since 1996 in Atlanta.

In the men’s 4x100-meter relay, Coldwater sprinter Trell Kimmons and his teammates blazed through to a silver-medal finish—setting a new American record. Former Jackson State University track star Michael Tinsley also won silver in the 400-meter hurdles. Isaiah Young, a talented athlete at the University of Mississippi, made his Olympic debut in the exciting 200-meter dash, advancing to the semifinals with an impressive run against decorated Jamaican sprinter Usain Bolt.

One Mississippian continued her Olympic success this time as a coach

for the U.S. women's basketball team. Assistant coach Jennifer Gillom, an Ole Miss graduate from Abbeville, helped lead the team to a gold-medal victory in London. She won gold as a player during the Seoul Games and is the first person in Ole Miss women's basketball history to be part of multiple medal wins.

Like the Olympics, the London Paralympic games were also a spectacular display of athleticism and perseverance. The international sports event for athletes with disabilities began shortly after World War II as a way for those with war injuries to enhance their quality of life. More than 4,000 athletes competed in this year's Paralympic games—including four Mississippians who captivated the world with outstanding performances.

Shaquille Vance of Houston set a new American record in the men's 200-meter-T42 event—earning the silver medal. Richard Browne of Jackson sprinted to a silver-medal finish in the highly anticipated 100-meter-T44 race. Top-ranked competitors Ryan Estep and Joseph Brinson of Florence showcased their expertise as part of the U.S. wheelchair fencing team, with Estep competing in the epee-style event and Brinson in the saber-style competition.

I thank the family and friends who have supported and encouraged these athletes throughout this incredible journey. The Olympics and Paralympics are a dream for athletes around the world and a life-changing experience for those who participate. I congratulate these inspiring Mississippians on their remarkable accomplishments. They have worked hard and made us proud.

Mr. PRYOR. Mr. President, I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 558) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 558

Whereas the 2012 Olympic Games were held in London, England from July 27, 2012, to August 12, 2012, and the 2012 Paralympic Games were held in London, England from August 29, 2012, to September 9, 2012;

Whereas 532 Olympians and 227 Paralympians competed on behalf of Team USA in London, England;

Whereas the great State of Nevada contributed 4 athletes to the United States Olympic Team and 1 athlete to the United States Paralympic Team;

Whereas the Olympians and Paralympian from the State of Nevada proudly represented the United States in competition and displayed an admirable dedication to the spirit of the Olympic Games;

Whereas Amanda Bingson of Las Vegas, Nevada, competed in the Olympic Women's Hammer Throw event;

Whereas Jacob Dalton of Reno, Nevada, competed in the Olympic Men's Gymnastics Floor Exercise and Men's Team events;

Whereas Connor Fields of Las Vegas, Nevada, competed in the Olympic Men's BMX event;

Whereas Michael Hunter II of Las Vegas, Nevada, competed in the Olympic Men's Heavyweight Boxing event;

Whereas Cortney Jordan of Henderson, Nevada, competed in the Paralympic Women's 400m Freestyle, 100m Breaststroke, 100m Backstroke, 200m Individual Medley, 50m Freestyle, and 100m Freestyle events;

Whereas Ms. Jordan won silver medals in the 400m Freestyle, 50m Freestyle, and 100m Freestyle, and a bronze medal in the 100m Backstroke;

Whereas the citizens of the State of Nevada and the people of the United States stand united in respect and admiration for the Nevadan Olympians and Paralympian, and the athletic accomplishments, sportsmanship, and dedication of those athletes to excellence in the 2012 Olympics and Paralympics;

Whereas the many accomplishments of the Nevadan Olympians and Paralympian would not have been possible without the hard work and dedication of many others, including the United States Olympic Committee, the relevant United States National Governing Bodies, and the many administrators, coaches, and family members who provided critical support for the athletes: Now, therefore, be it

*Resolved*, That the Senate extends sincere congratulations for the accomplishments and gratitude for the sacrifices of the athletes from the State of Nevada and throughout the United States on the United States Olympic and Paralympic Teams and to everyone who supported the efforts of those athletes at the 2012 Olympics and Paralympics.

#### NATIONAL SAVE FOR RETIREMENT WEEK

Mr. PRYOR. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 555 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 555) supporting the goals and ideals of "National Save for Retirement Week," including raising public awareness of the various tax-preferred retirement vehicles and increasing personal financial literacy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be made and laid upon the table, with no intervening action or debate, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 555) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 555

Whereas people in the United States are living longer, and the cost of retirement is increasing significantly;

Whereas Social Security remains the bedrock of retirement income for the great majority of the people of the United States but was never intended by Congress to be the sole source of retirement income for families;

Whereas recent data from the Employee Benefit Research Institute indicates that, in the United States, less than 3% of workers or their spouses are currently saving for retirement, and the actual amount of retirement savings of workers is much less than the amount needed to adequately fund their retirement years;

Whereas the financial literacy of workers in the United States is important to their understanding of the need to save for retirement;

Whereas saving for retirement is a key component to overall financial health and security during retirement years, and the importance of financial literacy in planning for retirement must be advocated;

Whereas many workers may not be aware of their options in saving for retirement or may not have focused on the importance of, and need for, saving for retirement;

Whereas many employees have available to them, through their employers, access to defined benefit and defined contribution plans to assist them in preparing for retirement, yet many of those employees may not be taking advantage of those plans at all or to the full extent allowed by Federal law;

Whereas the need to save for retirement is important even during economic downturns or market declines, which make continued contributions all the more important;

Whereas all workers, including public and private sector employees, employees of tax-exempt organizations, and self-employed individuals, can benefit from developing personal budgets and financial plans that include retirement savings strategies and taking advantage of tax-preferred retirement savings vehicles; and

Whereas October 21 through October 27, 2012, has been designated as "National Save for Retirement Week": Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of "National Save for Retirement Week", including raising public awareness of the importance of saving adequately for retirement;

(2) supports the need to raise public awareness of the availability of a variety of ways to save for retirement which are favored under the Internal Revenue Code of 1986 and are utilized by many people in the United States, but which should be utilized by more; and

(3) calls on the States, localities, schools, universities, nonprofit organizations, businesses, other entities, and the people of the United States to observe National Save for Retirement Week with appropriate programs and activities, with the goal of increasing the retirement savings and personal financial literacy of all people in the United States.

# NATIONAL NATIVE AMERICAN HERITAGE MONTH

Mr. PRYOR. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be discharged from further consideration of S. Res. 561 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 561) recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRYOR. I further ask that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 561) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

## S. RES. 561

Whereas from November 1, 2012, through November 30, 2012, the United States celebrates National Native American Heritage Month;

Whereas Native Americans are descendants of the original, indigenous inhabitants of what is now the United States;

Whereas the United States Bureau of the Census estimated in 2009 that there were almost 5,000,000 individuals in the United States of Native American descent;

Whereas Native Americans maintain vibrant cultures and traditions and hold a deeply rooted sense of community;

Whereas Native Americans have moving stories of tragedy, triumph, and perseverance that need to be shared with future generations;

Whereas Native Americans speak and preserve indigenous languages, which have contributed to the English language by being used as names of individuals and locations throughout the United States;

Whereas Congress has recently reaffirmed its support of tribal self-governance and its commitment to improving the lives of all Native Americans by enhancing health care services, increasing law enforcement resources, and approving settlements of litigation involving Indian tribes and the United States;

Whereas Congress is committed to improving the housing conditions and socioeconomic status of Native Americans;

Whereas the United States is committed to strengthening the government-to-government relationship that it has maintained with the various Indian tribes;

Whereas Congress has recognized the contributions of the Iroquois Confederacy, and its influence on the Founding Fathers in the drafting of the Constitution of the United States with the concepts of freedom of speech, the separation of governmental powers, and the system of checks and balances between the branches of government;

Whereas with the enactment of the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922), Congress—

(1) reaffirmed the government-to-government relationship between the United States and Native American governments; and

(2) recognized the important contributions of Native Americans to the culture of the United States;

Whereas Native Americans have made distinct and important contributions to the United States and the rest of the world in many fields, including the fields of agriculture, medicine, music, language, and art, and Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars;

Whereas Native Americans have served with honor and distinction in the Armed Forces of the United States, and continue to serve in the Armed Forces in greater numbers per capita than any other group in the United States;

Whereas the United States has recognized the contribution of the Native American code talkers in World War I and World War II, who used indigenous languages as an unbreakable military code, saving countless Americans; and

Whereas the people of the United States have reason to honor the great achievements and contributions of Native Americans and their ancestors: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the month of November 2012 as National Native American Heritage Month;

(2) recognizes the Friday after Thanksgiving as “Native American Heritage Day” in accordance with the Native American Heritage Day Act of 2009 (Public Law 111-33; 123 Stat. 1922); and

(3) urges the people of the United States to observe National Native American Heritage Month and Native American Heritage Day with appropriate programs and activities.

## RESOLUTIONS SUBMITTED TODAY

Mr. PRYOR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 576, S. Res. 577, S. Res. 578, S. Res. 579, S. Res. 580, S. Res. 581, S. Res. 582, S. Res. 583, S. Res. 584, S. Res. 585, S. Res. 586, S. Res. 587, S. Res. 588, and S. Res. 589.

There being no objection, the Senate proceeded to consider the resolutions en bloc.

Mr. PRYOR. I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related to the resolutions be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

## S. RES. 576

Whereas October 10, 2012, marks the 50th anniversary of the signing of Public Law 87-788 (commonly known as the “McIntire-Stennis

Cooperative Forestry Act”) (16 U.S.C. 582a et seq.), which authorized the Secretary of Agriculture to encourage and assist States in conducting a program of forestry research;

Whereas the McIntire-Stennis Cooperative Forestry Act was named for the 2 primary, bipartisan sponsors of the Act, Representative Clifford G. McIntire of Maine and Senator John C. Stennis of Mississippi, who recognized that research in forestry is the “driving force behind progress in developing and utilizing the Nation’s forests”;

Whereas the McIntire-Stennis Cooperative Forestry Act recognized that forestry research would be more effective nationwide if efforts among State-supported institutions of higher education were partnered and more closely coordinated with forestry research activities in the Federal Government;

Whereas Congressman McIntire and Senator Stennis stated a clear intent to address the important need of the United States for increased numbers of highly trained forestry scientists and other research professionals;

Whereas the McIntire-Stennis Cooperative Forestry Act has provided 5 decades of base funding to establish and strengthen research and training capacity in forestry at State-supported institutions of higher education;

Whereas funds provided by the Act to State-supported institutions of higher education are highly leveraged with non-Federal funds;

Whereas university-based forestry research has provided an accumulated wealth of science-based knowledge, skills, and technologies that have been critical for sustaining United States forests for economic, ecological, and social benefits;

Whereas funds provided by the McIntire-Stennis Cooperative Forestry Act for forestry research at State-supported institutions of higher education have provided significant graduate student support over the last 50 years, resulting in 8,500 master’s degrees and 2,600 doctoral degrees;

Whereas the State-supported institutions of higher education that receive funds under the McIntire-Stennis Cooperative Forestry Act conduct forestry research in all 50 States and 4 territories of the United States, and disseminate the results of those efforts locally, regionally, nationally, and globally for the betterment of the communities of the institutions, the United States, and the world; and

Whereas many State-supported institutions of higher education are celebrating and commemorating the 50th anniversary of the signing of the McIntire-Stennis Cooperative Forestry Act: Now, therefore, be it

*Resolved*, That the Senate—

(1) celebrates the 50th anniversary of the signing of Public Law 87-788 (commonly known as the “McIntire-Stennis Cooperative Forestry Act”) (16 U.S.C. 582a et seq.) by President John F. Kennedy;

(2) encourages the people of the United States to observe and celebrate the 50th anniversary of the signing of the McIntire-Stennis Cooperative Forestry Act with appropriate ceremonies and activities;

(3) affirms the continuing importance and vitality of the State-supported institutions of higher education conducting forestry research and training supported by the McIntire-Stennis Cooperative Forestry Act; and

(4) respectfully requests that the Secretary of the Senate transmit to the National Association of University Forest Resources Programs an enrolled copy of this resolution for appropriate display.

## S. RES. 577

Whereas the First Special Service Force (referred to in this preamble as the "Force"), a military unit composed of volunteers from the United States and Canada, was activated in July 1942 at Fort Harrison near Helena, Montana;

Whereas the Force was initially intended to target military and industrial installations that were supporting the German war effort, including important hydroelectric plants, which would severely limit the production of strategic materials used by the Axis powers;

Whereas, from July 1942 through June 1943, volunteers of the Force trained in hazardous, arctic conditions in the mountains of western Montana, and in the waterways of Camp Bradford, Virginia;

Whereas the combat echelon of the Force totaled 1,800 soldiers, half from the United States and half from Canada;

Whereas the Force also contained a service battalion, composed of 800 members from the United States, that provided important support for the combat troops;

Whereas a special bond developed between the Canadian and United States soldiers, who were not segregated by country, although the commander of the Force was a United States colonel;

Whereas the Force was the only unit formed during World War II that consisted of troops from Canada and the United States;

Whereas, in October 1943, the Force went to Italy, where it fought in battles south of Cassino, including Monte La Difensa and Monte Majo, two mountain peaks that were a critical anchor of the German defense line;

Whereas, during the night of December 3, 1943, the Force ascended to the top of the precipitous face of Monte La Difensa, where the Force suffered heavy casualties and overcame fierce resistance to overtake the German line;

Whereas, after the battle for La Difensa, the Force continued to fight tough battles at high altitudes, in rugged terrain, and in severe weather;

Whereas, after battles on the strongly defended Italian peaks of Sammuuro, Vischiataro, and Remetanea, the size of the Force had been reduced from 1,800 soldiers to fewer than 500;

Whereas, for 4 months in 1944, the Force engaged in raids and aggressive patrols at the Anzio Beachhead;

Whereas, on June 4, 1944, members of the Force were among the first Allied troops to liberate Rome;

Whereas, after liberating Rome, the Force moved to southern Italy and prepared to assist in the liberation of France;

Whereas, during the early morning of August 15, 1944, members of the Force made silent landings on Les Iles D'Hyerres, small islands in the Mediterranean Sea along the southern coast of France;

Whereas the Force faced a sustained and withering assault from the German garrisons as the Force progressed from the islands to the Franco-Italian border;

Whereas, after the Allied forces secured the Franco-Italian border, the United States Army ordered the disbandment of the Force on December 5, 1944, in Nice, France;

Whereas, during 251 days of combat, the Force suffered 2,314 casualties, or 134 percent of its authorized strength, captured thousands of prisoners, won 5 United States campaign stars and 8 Canadian battle honors, and never failed a mission;

Whereas the United States is forever indebted to the acts of bravery and selflessness

of the troops of the Force, who risked their lives for the cause of freedom;

Whereas the efforts of the Force along the seas and skies of Europe were critical in repelling the advance of Nazi Germany and liberating numerous communities in France and Italy;

Whereas the bond between the members of the Force from the United States and those from Canada has endured over the decades, as the members meet every year for a reunion, alternating between the United States and Canada; and

Whereas the traditions and honors exhibited by the Force are carried on by 2 outstanding active units of 2 great democracies, the Special Forces of the United States and the Canadian Special Operations Regiment: Now, therefore, be it

*Resolved*, That the Senate recognizes and honors the superior service of the First Special Service Force during World War II.

## S. RES. 578

Whereas the Red Ribbon Campaign was established to commemorate the service of Enrique "Kiki" Camarena, a special agent of the Drug Enforcement Administration for 11 years who was murdered in the line of duty in 1985 while engaged in the battle against illicit drugs;

Whereas the Red Ribbon Campaign was established by the National Family Partnership to preserve the memory of Special Agent Camarena and further the cause for which he gave his life;

Whereas the Red Ribbon Campaign has been nationally recognized since 1988 and is now the oldest and largest drug prevention program in the United States, reaching millions of young people each year during Red Ribbon Week;

Whereas the Drug Enforcement Administration, established in 1973, aggressively targets organizations involved in the growing, manufacturing, and distribution of controlled substances and has been a steadfast partner in commemorating Red Ribbon Week;

Whereas the Governors and attorneys general of the States, the National Family Partnership, Parent Teacher Associations, Boys and Girls Clubs of America, PRIDE Youth Programs, Young Marines, the Drug Enforcement Administration, and hundreds of other organizations throughout the United States annually celebrate Red Ribbon Week during the period of October 23 through October 31;

Whereas the objective of Red Ribbon Week is to promote the creation of drug-free communities through drug prevention efforts, education, parental involvement, and community-wide support;

Whereas drug abuse is one of the major challenges that the United States faces in securing a safe and healthy future for families in the United States;

Whereas drug abuse and alcohol abuse contribute to domestic violence and sexual assault and place the lives of children at risk;

Whereas emerging drug threats and growing epidemics demand attention, with a particular focus on prescription medications, the second most abused drug by young people in the United States, and synthetic drugs;

Whereas, since the majority of teenagers abusing prescription medications get the medications from family, friends, and home medicine cabinets, the Drug Enforcement Administration will host a National Take Back Day on September 29, 2012, for the public to safely dispose of unused or expired prescription medications that can lead to accidental poisoning, overdose, and abuse;

Whereas synthetic marijuana, also known as "K2" or "Spice", has become especially popular, particularly among teenagers and young adults, and in 2011 poison centers across the United States responded to about 6,960 calls related to synthetic marijuana, up from approximately 2,900 calls in 2010;

Whereas Congress recently enacted the Food and Drug Administration Safety and Innovation Act (Public Law 112-144; 126 Stat. 993), which adds 26 synthetic drugs to the Controlled Substances Act (21 U.S.C. 801 et seq.), including the drugs commonly found in products marketed as K2, Spice, and bath salts; and

Whereas parents, young people, schools, businesses, law enforcement agencies, religious institutions, service organizations, senior citizens, medical and military personnel, sports teams, and individuals throughout the United States will demonstrate their commitment to healthy, productive, and drug-free lifestyles by wearing and displaying red ribbons during the week-long celebration of Red Ribbon Week: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Red Ribbon Week, 2012;

(2) encourages children and teenagers to choose to live drug-free lives; and

(3) encourages the people of the United States—

(A) to promote the creation of drug-free communities; and

(B) to participate in drug prevention activities to show support for healthy, productive, and drug-free lifestyles.

## S. RES. 579

Whereas there are 105 historically Black colleges and universities in the United States;

Whereas historically Black colleges and universities provide the quality education essential to full participation in a complex, highly technological society;

Whereas historically Black colleges and universities have a rich heritage and have played a prominent role in the history of the United States;

Whereas historically Black colleges and universities allow talented and diverse students, many of whom represent underserved populations, to attain their full potential through higher education; and

Whereas the achievements and goals of historically Black colleges and universities are deserving of national recognition: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 24 through September 28, 2012, as "National Historically Black Colleges and Universities Week"; and

(2) calls on the people of the United States and interested groups to observe the week with appropriate ceremonies, activities, and programs to demonstrate support for historically Black colleges and universities in the United States.

## S. RES. 580

Whereas, in 1903, President Theodore Roosevelt established the first national wildlife refuge on Florida's Pelican Island;

Whereas, in 2012, the National Wildlife Refuge System, administered by the Fish and Wildlife Service, is the premier system of lands and waters to conserve wildlife in the world, and has grown to more than 150,000,000 acres, 558 national wildlife refuges, and 38 wetland management districts in every State and territory of the United States;

Whereas national wildlife refuges are important recreational and tourism destinations in communities across the United States, and these protected lands offer a variety of recreational opportunities, including 6 wildlife-dependent uses that the National Wildlife Refuge System manages: hunting, fishing, wildlife observation, photography, environmental education, and interpretation;

Whereas more than 360 units of the National Wildlife Refuge System have hunting programs and more than 300 units of the National Wildlife Refuge System have fishing programs, averaging more than 2,500,000 hunting visits and more than 7,000,000 fishing visits each year;

Whereas the National Wildlife Refuge System experienced more than 30,000,000 wildlife observation visits during fiscal year 2012;

Whereas national wildlife refuges are important to local businesses and gateway communities;

Whereas, for every \$1 appropriated, national wildlife refuges generate \$4 in economic activity;

Whereas the National Wildlife Refuge System experiences approximately 47,000,000 visits each year, which generated nearly \$2,100,000,000 and more than 35,000 jobs in local economies during fiscal year 2012;

Whereas the National Wildlife Refuge System encompasses every kind of ecosystem in the United States, including temperate, tropical, and boreal forests, wetlands, deserts, grasslands, arctic tundras, and remote islands, and spans 12 time zones from the Virgin Islands to Guam;

Whereas national wildlife refuges are home to more than 700 species of birds, 220 species of mammals, 250 species of reptiles and amphibians, and more than 1,000 species of fish;

Whereas national wildlife refuges are the primary Federal lands that foster production, migration, and wintering habitat for waterfowl;

Whereas, since 1934, the sale of the Federal Duck Stamp to outdoor enthusiasts has generated more than \$850,000,000 in funds, which has enabled the purchase or lease of more than 5,500,000 acres of waterfowl habitat in the National Wildlife Refuge System;

Whereas 59 refuges were established specifically to protect imperiled species, and of the more than 1,300 federally listed threatened and endangered species in the United States, 280 species are found on units of the National Wildlife Refuge System;

Whereas national wildlife refuges are cores of conservation for larger landscapes and resources for other agencies of the Federal Government and State governments, private landowners, and organizations in their efforts to secure the wildlife heritage of the United States;

Whereas more than 42,000 volunteers and approximately 220 national wildlife refuge "Friends" organizations contribute nearly 1,600,000 hours annually, the equivalent of 766 full-time employees, and provide an important link to local communities;

Whereas national wildlife refuges provide an important opportunity for children to discover and gain a greater appreciation for the natural world;

Whereas, because there are national wildlife refuges located in several urban and suburban areas and 1 refuge located within an hour's drive of every metropolitan area in the United States, national wildlife refuges employ, educate, and engage young people from all backgrounds in exploring, connecting with, and preserving the natural heritage of the United States;

Whereas, since 1995, refuges across the United States have held festivals, educational programs, guided tours, and other events to celebrate National Wildlife Refuge Week during the second full week of October;

Whereas the Fish and Wildlife Service will continue to seek stakeholder input on the implementation of "Conserving the Future: Wildlife Refuges and the Next Generation", an update to the strategic plan of the Fish and Wildlife Service for the future of the National Wildlife Refuge System;

Whereas the week beginning on October 14, 2012, has been designated as "National Wildlife Refuge Week" by the Fish and Wildlife Service; and

Whereas the designation of National Wildlife Refuge Week by the Senate would recognize more than a century of conservation in the United States, raise awareness about the importance of wildlife and the National Wildlife Refuge System, and celebrate the myriad recreational opportunities available to enjoy this network of protected lands: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week beginning on October 14, 2012, as "National Wildlife Refuge Week";

(2) encourages the observance of National Wildlife Refuge Week with appropriate events and activities;

(3) acknowledges the importance of national wildlife refuges for their recreational opportunities and contribution to local economies across the United States;

(4) pronounces that national wildlife refuges play a vital role in securing the hunting and fishing heritage of the United States for future generations;

(5) identifies the significance of national wildlife refuges in advancing the traditions of wildlife observation, photography, environmental education, and interpretation;

(6) recognizes the importance of national wildlife refuges to wildlife conservation and the protection of imperiled species and ecosystems, as well as compatible uses;

(7) acknowledges the role of national wildlife refuges in conserving waterfowl and waterfowl habitat pursuant to the Migratory Bird Treaty Act (40 Stat. 755, chapter 128);

(8) reaffirms the support of the Senate for wildlife conservation and the National Wildlife Refuge System; and

(9) expresses the intent of the Senate—

(A) to continue working to conserve wildlife; and

(B) to manage the National Wildlife Refuge System for current and future generations.

S. RES. 581

Whereas more than 2,500,000 people serve as members of the United States Armed Forces;

Whereas several hundred thousand members of the Armed Forces rotate each year through deployments to 150 countries in every region of the world;

Whereas more than 2,300,000 members of the Armed Forces have deployed to the area of operations of the United States Central Command since the September 11, 2001, terrorist attacks;

Whereas the United States is kept strong and free by the loyal military personnel who protect our precious heritage through their positive declaration and actions;

Whereas members of the Armed Forces serving at home and abroad have courageously answered the call to duty to defend the ideals of the United States and to preserve peace and freedom around the world;

Whereas members of the Armed Forces personify the virtues of patriotism, service, duty, courage, and sacrifice;

Whereas the families of members of the Armed Forces make important and significant sacrifices for the United States;

Whereas in 2010, 40 States designated October 26 as "Day of the Deployed" following the first recognition of a "Day of the Deployed" by North Dakota on October 26, 2006; and

Whereas the Senate designated October 26, 2011, as "Day of the Deployed": Now, therefore, be it

*Resolved*, That the Senate—

(1) honors the members of the United States Armed Forces who are deployed;

(2) calls on the people of the United States to reflect on the service of those members of the United States Armed Forces, wherever they serve, past, present, and future;

(3) designates October 26, 2012, as "Day of the Deployed"; and

(4) encourages the people of the United States to observe "Day of the Deployed" with appropriate ceremonies and activities.

S. RES. 582

Whereas beginning on September 15, 2012, through October 15, 2012, the United States celebrates Hispanic Heritage Month;

Whereas the Census Bureau estimates the Hispanic population in the United States at over 52,000,000 people, making Hispanic Americans the largest racial or ethnic minority group within the United States overall and in 25 individual States;

Whereas Latinos accounted for over 1/2 of all population growth from July 1, 2010, to July 1, 2011;

Whereas the Hispanic population in the United States is projected to grow to 132,800,000 by July 1, 2050, at which point the Hispanic population will comprise 30 percent of the total population in the United States;

Whereas nearly 1 in 4 United States public school students is Hispanic, and the total number of Hispanic students enrolled in public schools in the United States is expected to reach 28,000,000 by 2050;

Whereas 16.5 percent of all college students between the age of 18 and 24 years old are Hispanics, making Hispanics the largest racial or ethnic minority group on college campuses in the United States, including both 2-year community colleges and 4-year colleges and universities;

Whereas the purchasing power of Hispanic Americans was \$1,000,000,000,000 in 2010 and is expected to grow 50 percent to \$1,500,000,000 by 2015;

Whereas there are approximately 2,300,000 Hispanic-owned firms in the United States, supporting millions of employees nationwide and greatly contributing to the economic sector, especially retail trade, wholesale trade, food services, and construction;

Whereas as of June 2012, nearly 25,000,000 Hispanic workers represented 16 percent of the total labor force in the United States, with the share of Latino labor force participation expected to grow to 18 percent by 2018;

Whereas Hispanic Americans serve in all branches of the Armed Forces and have bravely fought in every war in the history of the United States;

Whereas as of July 2012, 143,054 Hispanic active duty service members served with distinction in the United States Armed Forces in fiscal year 2012;

Whereas as of June 30, 2012, there were 19,752 Hispanics serving in Afghanistan;

Whereas as of May 7, 2012, 645 United States military fatalities in Iraq and Afghanistan have been Hispanic;

Whereas more than 80,000 Hispanics served in the Vietnam War, representing 5.5 percent



of individuals who made the ultimate sacrifice for their country in that conflict even though Hispanics comprised only 4.5 percent of the United States population at the time; Whereas 140,000 Hispanic soldiers served in the Korean War;

Whereas as of September 2012, there are approximately 1,300,000 living Hispanic veterans of the United States Armed Forces;

Whereas 44 Hispanic Americans have received the Congressional Medal of Honor, the highest award for valor in action against an enemy force that can be bestowed on an individual serving in the United States Armed Forces;

Whereas Hispanic Americans are dedicated public servants, holding posts at the highest levels of government, including 1 seat on the Supreme Court, 2 seats in the Senate, 29 seats in the House of Representatives, and 2 seats in the Cabinet; and

Whereas Hispanic Americans harbor a deep commitment to family and community, an enduring work ethic, and a perseverance to succeed and contribute to society: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the celebration of Hispanic Heritage Month from September 15, 2012, through October 15, 2012;

(2) esteems the integral role of Latinos and the manifold heritage of Latinos in the economy, culture, and identity of the United States; and

(3) urges the people of the United States to observe Hispanic Heritage Month with appropriate programs and activities that appreciate the cultural contributions of Latinos to American life.

S. RES. 583

Whereas a terrorist attack, natural disaster, or other emergency could strike any part of the United States at any time;

Whereas natural and manmade emergencies disrupt hundreds of thousands of lives each year, costing lives and causing serious injuries and billions of dollars in property damage;

Whereas Federal, State, and local officials, as well as private and nonprofit organizations, are working to mitigate against, prevent, and respond to all types of emergencies;

Whereas the people of the United States can help promote the overall emergency preparedness of the United States by being prepared for all types of emergencies;

Whereas National Preparedness Month provides an opportunity to highlight the importance of public emergency preparedness and to encourage the people of the United States to take steps to be better prepared for emergencies at home, work, and school;

Whereas the people of the United States can prepare for emergencies by taking steps, such as assembling emergency supply kits, creating family emergency plans, staying informed about possible emergencies, and obtaining reasonable levels of insurance; and

Whereas additional information about public emergency preparedness may be obtained through the Ready Campaign of the Department of Homeland Security at [www.ready.gov](http://www.ready.gov) or the American Red Cross at [www.redcross.org/prepare](http://www.redcross.org/prepare): Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2012 as “National Preparedness Month”; and

(2) encourages the Federal Government, States, localities, schools, nonprofit organizations, businesses, and other applicable entities, along with the people of the United States, to observe National Preparedness

Month with appropriate events and activities to promote emergency preparedness.

S. RES. 584

Whereas Jumpstart, a national early education organization, is working to ensure that every child in the United States enters school prepared to succeed;

Whereas Jumpstart delivers a year-round research-based and cost-effective program by training college students and community volunteers to serve preschool age children in low-income neighborhoods, helping them to develop the language and literacy skills necessary to succeed in school and in life;

Whereas, since 1993, Jumpstart has trained nearly 25,000 college students and community volunteers to transform the lives of more than 42,000 preschool children in communities across the United States;

Whereas Jumpstart’s Read for the Record, presented in partnership with the Pearson Foundation, is a national campaign that culminates in one day of the year when millions of people in the United States come together to celebrate literacy and support Jumpstart in its efforts to promote early childhood education;

Whereas the goals of the campaign are to raise awareness in the United States of the importance of early childhood education, support Jumpstart’s early education programs in preschools in low-income neighborhoods through donations and sponsorship, and celebrate the commencement of Jumpstart’s program year;

Whereas October 4, 2012, is an appropriate date to designate as “Jumpstart’s Read for the Record Day” because it is the date Jumpstart aims to set the world record for the largest shared reading experience; and

Whereas Jumpstart hopes to engage more than 2,200,000 children in reading “Ladybug Girl and the Bug Squad” by David Soman and Jacky Davis during this record-breaking celebration of reading and service, all in support of preschool children in the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 4, 2012, as “Jumpstart’s Read for the Record Day”;;

(2) commends Jumpstart’s Read for the Record on its seventh year;

(3) encourages adults, including grandparents, parents, teachers, and college students—

(A) to join children in creating the world’s largest shared reading experience; and

(B) to show their support for literacy and Jumpstart’s early education programming for young children in low-income communities; and

(4) requests the Secretary of the Senate to transmit a copy of this resolution to Jumpstart, one of the leading nonprofit organizations in the United States in the field of early childhood education.

S. RES. 585

Whereas New Mexico has a rich heritage and history, dating as far back as 11,000 B.C. when the Clovis people left the earliest evidence of human existence in what is now New Mexico;

Whereas Santa Fe, the capital of New Mexico, was established in 1610 and is the oldest capital city in the United States, as well as the highest in elevation at 7,000 feet above sea level;

Whereas, on September 9, 1850, the portion of the Compromise of 1850 (9 Stat. 446) that created the New Mexico Territory was enacted;

Whereas, on January 6, 1912, President William Howard Taft signed the proclamation

making New Mexico the 47th State of the Union;

Whereas the nickname of New Mexico is the “Land of Enchantment” because of its scenic beauty and rich history and culture;

Whereas the natural wonder of New Mexico is preserved by a broad range of national parks, forests, wilderness areas, and wildlife refuge centers;

Whereas the diverse cultural roots of New Mexico come from the many different groups of people who have inhabited the State, notably the strong tribal and Hispanic cultural influences in the State;

Whereas New Mexico has one of the richest indigenous tribal populations in the United States, including 19 Pueblo nations, 2 Apache nations, and the Navajo Nation;

Whereas the Hispanic population of New Mexico has rich and distinct cultural roots in its historic land grants as recognized by the Treaty of Peace, Friendship, Limits, and Settlement between the United States and Mexico, signed at Guadalupe Hidalgo February 2, 1848, and entered into force May 30, 1848 (9 Stat. 922) (commonly referred to as the “Treaty of Guadalupe Hidalgo”);

Whereas New Mexico continues to derive strength from the new Hispanic communities in the State with roots in Latin America;

Whereas New Mexico has an extensive variety of prehistoric, tribal, and Hispanic archaeological ruins;

Whereas New Mexico has a long tradition of artistic expression inspired by its natural beauty, unique architecture, and diverse people;

Whereas the people of New Mexico have a proud history of military service, predating and continuing after statehood, including the participation of the people of New Mexico in every major war of the United States since the Civil War, with notable participation by the people of New Mexico in Teddy Roosevelt’s Rough Riders, the Navajo Code Talkers, the defense of Bataan and Corregidor, the wars in Korea and Vietnam, and the wars in Iraq and Afghanistan;

Whereas New Mexico is a center for scientific innovation and laboratory research, serving as the home to the Los Alamos National Laboratory and Sandia National Laboratories;

Whereas, on July 16, 1945, the United States Army conducted the Trinity test, the first test of a nuclear weapon, which was developed at Los Alamos National Laboratory and tested at the White Sands Proving Ground in New Mexico;

Whereas, in 1980, New Mexico dedicated the Very Large Array, one of the world’s premier astronomical radio observatories that studies the history of the universe;

Whereas, in October 2011, New Mexico dedicated Spaceport America, propelling New Mexico into the future with the first commercial spaceport;

Whereas New Mexico is home to the Albuquerque International Balloon Fiesta, the largest hot air balloon event in the world, which is also considered to be the most photographed event in the world;

Whereas New Mexico has a long history of agricultural sustainability and productivity, supporting cattle and dairy, as well as many crops, including chile, corn, wheat, onions, peanuts, pistachios, pecans, hay, cotton, and beans;

Whereas the Hatch Valley of New Mexico, known as the “Chile Capital of the World”, is recognized worldwide for its bountiful chile crop; and

Whereas New Mexico celebrated the centennial anniversary of its admission to the



Union as the 47th State of the United States on January 6, 2012: Now, therefore, be it

*Resolved*, That the Senate recognizes the extraordinary history and heritage of the State of New Mexico, and honors and commends the State of New Mexico and its people on its centennial anniversary.

#### S. RES. 586

Whereas the term “infant mortality” refers to the death of a baby before the first birthday of the baby;

Whereas the United States ranks 49th among countries in the rate of infant mortality;

Whereas high rates of infant mortality are especially prevalent in African American, Native American, Alaskan Native, Latino, Asian, and Hawaiian and other Pacific Islander communities, communities with high rates of unemployment and poverty, and communities with limited access to safe housing and medical providers;

Whereas premature birth is a leading cause of infant mortality;

Whereas, according to the Institute of Medicine of the National Academies, premature birth costs the United States more than \$26,000,000,000 annually;

Whereas infant mortality can be substantially reduced through community-based services, such as outreach, home visitation, case management, health education, and interconceptional care;

Whereas support for community-based programs to reduce infant mortality may result in lower future spending on medical interventions, special education, and other social services that may be needed for infants and children who are born with a low birth weight;

Whereas the Department of Health and Human Services, acting through the Office of Minority Health, has implemented the “A Healthy Baby Begins With You” campaign;

Whereas the Maternal and Child Health Bureau of the Health Resources and Services Administration has provided national leadership on the issue of infant mortality;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services on reducing infant mortality and improving the health status of infants and pregnant women;

Whereas the Advisory Committee on Infant Mortality provides advice and recommendations to the Secretary of Health and Human Services with respect to developing a national strategy for reducing infant mortality;

Whereas public awareness and education campaigns on infant mortality are held during the month of September each year; and

Whereas September 2012 has been designated as “National Infant Mortality Awareness Month”: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports—

(A) the goals and ideals of National Infant Mortality Awareness Month, 2012;

(B) efforts to educate people in the United States about infant mortality and the factors that contribute to infant mortality; and

(C) efforts to reduce infant deaths, low birth weight, pre-term births, and disparities in perinatal outcomes;

(2) recognizes the critical importance of including efforts to reduce infant mortality and the factors that contribute to infant mortality as part of prevention and wellness strategies; and

(3) calls on the people of the United States to observe National Infant Mortality Awareness

Month with appropriate programs and activities.

#### S. RES. 587

Whereas high-quality afterschool programs provide safe, challenging, engaging, and fun learning experiences that help children and youth develop social, emotional, physical, cultural, and academic skills;

Whereas high-quality afterschool programs support working families by ensuring that the children in those families are safe and productive after the regular school day ends;

Whereas high-quality afterschool programs build stronger communities by involving students, parents, business leaders, and adult volunteers in the lives of children in the United States, thereby promoting positive relationships among children, youth, families, and adults;

Whereas high-quality afterschool programs engage families, schools, and diverse community partners in advancing the well-being of children in the United States;

Whereas “Lights On Afterschool”, a national celebration of afterschool programs held on October 18, 2012, highlights the critical importance of high-quality afterschool programs in the lives of children, their families, and their communities;

Whereas more than 28,000,000 children in the United States have parents who work outside the home and approximately 15,100,000 children in the United States have no place to go after school; and

Whereas nearly 2 in 5 afterschool programs report that their budgets are in worse condition today than at the height of the recession in 2008, and more than 3 in 5 afterschool programs report that their level of funding is lower than it was 3 years ago, making it difficult for afterschool programs across the United States to keep their doors open and their lights on: Now, therefore, be it

*Resolved*, That the Senate supports “Lights On Afterschool”, a national celebration of afterschool programs held on October 18, 2012.

#### S. RES. 588

Whereas on September 11, 2012, 4 American public servants, United States Ambassador to Libya John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty, were killed in a reprehensible and vicious attack on the United States consulate in Benghazi, Libya;

Whereas Ambassador Stevens—

(1) was a courageous and exemplary representative of the United States;

(2) had spent 21 years in the Foreign Service;

(3) was deeply passionate about representing the United States through his diplomatic service; and

(4) was an ardent friend of the Libyan people;

Whereas Ambassador Stevens served as Special Envoy to the Libyan Transitional National Council in Benghazi during the 2011 Libyan revolution;

Whereas Ambassador Stevens was a dear friend of the Senate, having served on the staff of the Committee on Foreign Relations of the Senate in 2006 and 2007 as a distinguished Pearson Fellow;

Whereas Foreign Service Information Management Officer Sean Smith—

(1) was a husband and a father of 2 children;

(2) joined the Department of State 10 years ago after serving in the United States Air Force; and

(3) had served in the Foreign Service, before arriving in Benghazi, in Baghdad, Pretoria, Montreal, and The Hague;

Whereas Tyrone Woods was a husband and a father of three children, who, after two decades of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas Glen Doherty, after 12 years of service as a Navy SEAL that included tours in Iraq and Afghanistan, began working with the Department of State to protect United States diplomatic personnel;

Whereas the 4 Americans who perished in the Benghazi attack made great sacrifices and showed bravery in taking on a difficult post in Libya;

Whereas the violence in Benghazi coincided with an attack on the United States Embassy in Cairo, Egypt, which was also swarmed by an angry mob of protesters on September 11, 2012;

Whereas on a daily basis, United States diplomats, military personnel, and other public servants risk their lives to serve the American people; and

Whereas throughout this Nation’s history, thousands of Americans have sacrificed their lives for the ideals of freedom, democracy, and partnership with nations and people around the globe.

Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the dedicated service and deep commitment of Ambassador John Christopher Stevens, Sean Smith, Tyrone Woods, and Glen Doherty in assisting the Libyan people as they navigate the complex currents of democratic transition marked in this case by profound instability;

(2) praises Ambassador Stevens, who represented the highest tradition of American public service, for his extraordinary record of dedication to the United States’ interests in some of the most difficult and dangerous posts around the globe;

(3) sends its deepest condolences to the families of those American public servants killed in Benghazi;

(4) commends the bravery of Foreign Service Officers, United States Armed Forces, and public servants serving in harm’s way around the globe and recognizes the deep sacrifices made by their families; and

(5) condemns, in the strongest possible terms, the despicable attacks on American diplomats and public servants in Benghazi and calls for the perpetrators of such attacks to be brought to justice.

#### S. RES. 589

Whereas small businesses represent 99.7 percent of all businesses having employees (commonly referred to as “employer firms”) in the United States;

Whereas small businesses employ ½ of the employees in the private sector in the United States;

Whereas small businesses pay 44 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses are responsible for more than 50 percent of the private, non-farm product of the gross domestic product;

Whereas small businesses generated 65 percent of net new jobs during the last 17 years;

Whereas small businesses generate 60 to 80 percent of all new jobs annually;

Whereas small businesses focus on 2 key strategies: deepening relationships with customers and creating value for customers;

Whereas, for every \$100 spent with locally owned, independent stores, \$68 returns to the community through local taxes, payroll, and other expenditures;

Whereas 92 percent of consumers in the United States agree that the success of small

businesses is critical to the overall economic health of the United States;

Whereas 93 percent of consumers in the United States agree that small businesses contribute positively to the local community by supplying jobs and generating tax revenue;

Whereas 91 percent of consumers in the United States have small businesses in their community that the consumers would miss if the small businesses closed;

Whereas 99 percent of consumers in the United States agree that it is important to support the small businesses in their community; and

Whereas 90 percent of consumers in the United States are willing to pledge support for a "buy local" movement: Now, therefore, be it

*Resolved*, That the Senate—  
(1) designates November 24, 2012, as "Small Business Saturday"; and

(2) supports efforts—  
(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

S. RES. 585

Mr. BINGAMAN. Mr. President, I rise today to introduce a resolution, along with my colleague Senator TOM UDALL, recognizing the centennial anniversary of New Mexico's statehood.

For over 100 years, New Mexico, the "Land of Enchantment," has enriched the Nation with its magnificent landscapes, diverse people, and unique culture. New Mexico's road to statehood began in 1850 when the New Mexico Territory was established. Statehood was finally achieved on January 6, 1912 when President William Howard Taft signed the proclamation making New Mexico the 47th State of the Union. New Mexico's history long predates this, though, with the State's earliest inhabitants dating as far back as 11,000 B.C. The State's capitol, Santa Fe, is the oldest capital city in the United States, having been established by the Spanish in 1610.

New Mexico's beautiful deserts and mountains have been a magnet for visitors. It is no wonder that our State has inspired artists beginning with our earliest inhabitants. New Mexicans have a proud history of military service, and the State has served as a center for scientific innovation for over half a century through the national laboratories based there. Among New Mexico's agricultural products, its chile crop makes it the "Chile Capital of the World."

Given New Mexico's many contributions and accomplishments in its first 100 years as a State, and even before then, I am proud to introduce this resolution recognizing the extraordinary history and heritage of the State, and commending the State and its people on this centennial anniversary.

#### SIGNING AUTHORITY

Mr. PRYOR. Mr. President, I ask unanimous consent that from Satur-

day, September 22, through Tuesday, November 13, the majority leader and Senator LIEBERMAN be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection it is so ordered.

#### APPOINTMENTS AUTHORITY

Mr. PRYOR. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORITY FOR COMMITTEES TO REPORT

Mr. PRYOR. Mr. President, I ask unanimous consent that notwithstanding the Senate's recess, committees be authorized to report legislation and executive matters on Friday, November 2, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ORDERS FOR TUESDAY, SEPTEMBER 25, 2012, THROUGH TUESDAY, NOVEMBER 13, 2012

Mr. PRYOR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, September 25, at 9:30 a.m.; Friday, September 28, at 10 a.m.; Tuesday, October 2, at 11 a.m.; Friday, October 5, at 1 p.m.; Tuesday, October 9, at 11 a.m.; Friday, October 12, at 10:30 a.m.; Tuesday, October 16, at 10 a.m.; Friday, October 19, at 11 a.m.; Tuesday, October 23, at 1 p.m.; Friday, October 26, at 1 p.m.; Tuesday, October 30, at 10 a.m.; Friday, November 2, at 11 a.m.; Tuesday, November 6, at 11 a.m.; Friday, November 9, at 10 a.m.; and that the Senate adjourn on Friday, November 9, until 2 p.m. on Tuesday, November 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; and that at 5:30 p.m. all postcloture time on the motion to proceed to S. 3525, the Sportsmen's Act, be yielded back and the Senate proceed to a vote on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. PRYOR. Mr. President, the next rollcall vote will be at 5:30 p.m. on Tuesday, November 13, 2012.

#### ADJOURNMENT UNTIL TUESDAY, SEPTEMBER 25, 2012, AT 9:30 A.M.

Mr. PRYOR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 4:03 a.m., adjourned until Tuesday, September 25, 2012, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### TENNESSEE VALLEY AUTHORITY

MARILYN A. BROWN, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2017. (RE-APPOINTMENT)

VERA LYNN EVANS, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2017. VICE WILLIAM H. GRAVES, TERM EXPIRED.

MICHAEL MCWHERTER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016. VICE DENNIS BOTTORFF, TERM EXPIRED.

JOE H. RITCH, OF ALABAMA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE TENNESSEE VALLEY AUTHORITY FOR A TERM EXPIRING MAY 18, 2016. VICE THOMAS C. GILLILAND, TERM EXPIRED.

##### DEPARTMENT OF THE INTERIOR

VINCENT G. LOGAN, OF NEW YORK, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR, VICE ROSS OWEN SWIMMER, RESIGNED.

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

OLGA VISO, OF MINNESOTA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018. VICE WILLIAM FRANCIS PRICE, JR., TERM EXPIRED.

##### DEPARTMENT OF DEFENSE

ALAN F. ESTEVEZ, OF THE DISTRICT OF COLUMBIA, TO BE A PRINCIPAL DEPUTY UNDER SECRETARY OF DEFENSE, VICE FRANK KENDALL III.

#### DISCHARGED NOMINATIONS

COAST GUARD NOMINATION OF KENNETH T. BOYT, TO BE LIEUTENANT COMMANDER.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL LEWIS AND ENDING WITH CAROLYN SHUCKEROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH BRIDGET C. BITTLE AND ENDING WITH DAVID J. ZANNI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

##### FEDERAL CAMPAIGN CONTRIBUTION REPORT

Nominee: Robert Stephen Beecroft  
Post: Baghdad

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: None.
2. Spouse: Anne Tisdell Beecroft: None.
3. Children and Spouses: Blythe A. Beecroft: None. Robert Warren Beecroft: None. Sterling S. Beecroft: None. Grace A. Beecroft: None.
4. Parents: Robert L. Beecroft—deceased; Emma Lou Beecroft: None.
5. Grandparents: Irl R. Beecroft—deceased; Ruth V. Beecroft—deceased; John E. Warren—deceased; Emma Warren—deceased.
6. Brothers and Spouses: Warren E. Beecroft: \$100, May 2012, Romney; \$100, June 2012, Romney; Frances Beecroft: None. Edward R. Beecroft: None. JoAn Stopa Beecroft: None. Collin J. Beecroft: \$2,500, December 2011, Romney. Melinda K. Beecroft: None.
7. Sisters and Spouses: Robyn R. Ryskamp, None. Barry Ryskamp: None.

## CONFIRMATIONS

### Executive nominations confirmed by the Senate Friday, September 21, 2012:

#### AMTRAK BOARD OF DIRECTORS

ALBERT DICLEMENTE, OF DELAWARE, TO BE A DIRECTOR OF THE AMTRAK BOARD OF DIRECTORS FOR A TERM OF FIVE YEARS.

#### THE JUDICIARY

GONZALO P. CURIEL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

ROBERT J. SHELBY, OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH.

#### DEPARTMENT OF DEFENSE

HEIDI SHYU, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY.

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. CHRISTOPHER C. BOGDAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. JON A. WEEKS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

#### *To be major general*

BRIG. GEN. ANDREW M. MUELLER

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### *To be major general*

BRIG. GEN. DONALD P. DUNBAR

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### *To be brigadier general*

COL. GERARD F. BOLDOC, JR.

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### *To be brigadier general*

COL. MATTHEW P. JAMISON

#### IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be brigadier general*

COLONEL DAVID O. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

MICHAEL ENE A. KLOSTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. GARRETT S. YEE

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be major general*

BRIG. GEN. DEBORAH A. ASHENHURST

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be major general*

BRIG. GEN. JUDD H. LYONS

BRIG. GEN. LEE E. TAFANELLI

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

#### *To be major general*

BRIG. GEN. KENDALL W. PENN

#### *To be brigadier general*

COL. KEITH A. KLEMMER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. MICHAEL R. SMITH

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be major general*

BRIG. GEN. DAVID J. CONBOY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. FREDERICK B. HODGES

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be lieutenant general*

MAJ. GEN. MARK S. BOWMAN

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

#### *To be brigadier general*

COL. URAL D. GLANVILLE

#### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### *To be vice admiral*

REAR ADM. (LH) JAMES D. SYRING

#### DEPARTMENT OF STATE

SHARON ENGLISH WOODS VILLAROSA, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MAURITIUS, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SEYCHELLES.

DAWN M. LIBERI, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BURUNDI.

STEPHEN D. MULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF POLAND.

WALTER NORTH, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO PAPUA NEW GUINEA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE SOLOMON ISLANDS AND AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

POTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VANUATU.

RICHARD G. OLSON, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

JOSEPH E. MACMANUS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE VIENNA OFFICE OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR.

JOSEPH E. MACMANUS, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE INTERNATIONAL ATOMIC ENERGY AGENCY, WITH THE RANK OF AMBASSADOR.

#### UNITED NATIONS

JOHN HARDY ISAKSON, OF GEORGIA, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

PATRICK J. LEAHY, OF VERMONT, TO BE A REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SIXTY-SEVENTH SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS.

#### DEPARTMENT OF STATE

DEPARTMENT OF STATE NOMINATIONS BEGINNING WITH WILLIAM R. BROWNFIELD AND ENDING WITH THOMAS ALFRED SHANNON, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 27, 2012.

#### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EMIL J. KANG, OF NORTH CAROLINA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2018.

#### DEPARTMENT OF THE INTERIOR

KEVIN K. WASHBURN, OF NEW MEXICO, TO BE AN ASSISTANT SECRETARY OF THE INTERIOR.

#### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH ADAM D. AASEN AND ENDING WITH MARK C. ZWYGHUIZEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 23, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH LANCE A. AIUMOPAS AND ENDING WITH ROBERT S. ZAUNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH JAMES H. ABBOTT AND ENDING WITH MARIO F. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

AIR FORCE NOMINATION OF MICHAEL F. WENDELKEN, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH MICHAEL M. HOWARD AND ENDING WITH PATRICK E. KNOESTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH KARYN J. AYERS AND ENDING WITH JOHN M. TUDELA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

AIR FORCE NOMINATIONS BEGINNING WITH KIMBERLY A. DALE AND ENDING WITH CHRISTOPHER B. VOGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

AIR FORCE NOMINATION OF STEPHEN P. ROBERTS, TO BE COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JEFFREY R. ALTHOFF AND ENDING WITH GREGORY T. MCCAIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

#### IN THE ARMY

ARMY NOMINATION OF GREGORY S. ULMA, TO BE MAJOR.

ARMY NOMINATION OF PATRICK P. METKE, TO BE MAJOR.

ARMY NOMINATION OF DREW D. DUKETT, TO BE COLONEL.

ARMY NOMINATION OF DAVID A. CORTESE, TO BE LIEUTENANT COLONEL.

ARMY NOMINATION OF JEFFREY T. WHORTON, TO BE MAJOR.

ARMY NOMINATION OF CHARLES J. ROMERO, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH TANASHA N. BENNETT AND ENDING WITH REES M. FLORES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

ARMY NOMINATIONS BEGINNING WITH BRAD D. BEKKEDAHL AND ENDING WITH WILLIAM L. ZANA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

ARMY NOMINATION OF GEORGE C. STURGES, TO BE MAJOR.

ARMY NOMINATIONS BEGINNING WITH DAVID W. ACKER AND ENDING WITH D003093, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATION OF JOSEPH R. NEWCOMB, TO BE MAJOR.

ARMY NOMINATION OF MOROHUNRANTI O. OGUNTOYE, TO BE MAJOR.

ARMY NOMINATION OF AUGUST SEEGER, TO BE MAJOR. ARMY NOMINATIONS BEGINNING WITH ERIC J. ALBERTSON AND ENDING WITH D011234, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH STUART N. BURRUSS AND ENDING WITH ROBERT J. QUINKER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH ANDRE B. ABADIE AND ENDING WITH G001060, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH JOHN J. ACEVEDO AND ENDING WITH D010397, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH JEFFREY S. BELL AND ENDING WITH MARK R. THORNTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH STEVEN E. BATTLE AND ENDING WITH LUZMIRA A. TORRES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH ANTHONY H. ADRIAN AND ENDING WITH JOHN F. WOYTE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH FREDRIC N. AMIDON AND ENDING WITH ANNE E. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH ELIZABETH A. BAKER AND ENDING WITH IAN J. TOLMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

ARMY NOMINATIONS BEGINNING WITH PATRICK M. ARIDA AND ENDING WITH ALI S. ZAZA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

#### IN THE NAVY

NAVY NOMINATION OF ALAN T. WAKEFIELD, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATION OF TASSOS J. SPONDOURIS, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH GLEN CABARCAS AND ENDING WITH RICARDO A. FERRA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH CHUCK J. BROWDER AND ENDING WITH CHRISTOPHER K. TUGGLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH DANIEL ARANDA AND ENDING WITH CHAD J. STUEWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH MATTHEW R. ALLEN AND ENDING WITH BRIAN T. WIERZBICKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH WILLIAM E. BLANKS AND ENDING WITH JEREMY J. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH BRADLEY H. ABRAMOWITZ AND ENDING WITH ERIC A. WEISS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH CHARITY A. BREIDENBACH AND ENDING WITH PHILLIP A. ZAMARRIPA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH HENRY L. BUSH AND ENDING WITH STANLEY C. WARE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH KYLE R. ALCOCK AND ENDING WITH SHEREE T. WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH JEREMIAH P. ANDERSON AND ENDING WITH AARON L. WOOLSEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH MARK J. AID, JR. AND ENDING WITH BRIAN L. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH BRYCE D. ABBOTT AND ENDING WITH MAXWELL V. ZUJEWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON AUGUST 2, 2012.

NAVY NOMINATIONS BEGINNING WITH DEMETRIA L. AARON AND ENDING WITH AMY J. ZWETTLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH TIMOTHY M. FRENCH AND ENDING WITH BRYAN E. WOOLDRIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH CEDRIC J. ABRON AND ENDING WITH CHADWICK Y. YASUDA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH AMY H. ADAIR AND ENDING WITH DONAVON A. YAPSHING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH VINCENT M. J. AMBROSINO AND ENDING WITH MARK VERHOVSHEK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE

AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH KORY A. ANGLESEY AND ENDING WITH ADAM G. ZAJAC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH EVAN D. ADAMS AND ENDING WITH HAROLD B. WOODRUFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH WALTER B. BLACKWELL AND ENDING WITH JAMES P. ZAKAR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH ELIZABETH A. ABAN AND ENDING WITH ELIZABETH M. ZULOAGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

NAVY NOMINATIONS BEGINNING WITH THOMAS M. BROWN AND ENDING WITH RALPH G. S. YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH JOELLE-ELIZABETH BEATRICE BASTIEN AND ENDING WITH KENNETH R. PROPP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 12, 2012.

#### PUBLIC HEALTH SERVICE

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH MELINDA ASTRAN AND ENDING WITH CHELSEA TRUE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 25, 2012.

PUBLIC HEALTH SERVICE NOMINATIONS BEGINNING WITH DONALD S. AHRENS AND ENDING WITH DIAMOND E. ZUCHLINSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JULY 25, 2012.

#### IN THE COAST GUARD

COAST GUARD NOMINATION OF KENNETH T. BOYT, TO BE LIEUTENANT COMMANDER.

#### DEPARTMENT OF STATE

ROBERT STEPHEN BEECROFT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF IRAQ.

#### FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH MICHAEL LEWIS AND ENDING WITH CAROLYN SHUCKEROW, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

FOREIGN SERVICE NOMINATIONS BEGINNING WITH BRIDGET C. BITTLE AND ENDING WITH DAVID J. ZANNI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON SEPTEMBER 10, 2012.

## EXTENSIONS OF REMARKS

HONORING THE 50TH  
ANNIVERSARY OF ROHNERT PARK**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Ms. WOOLSEY. Mr. Speaker, I rise today to honor a city in my District on the occasion of the 50th anniversary of its establishment. Incorporated in 1962, Rohnert Park has become an integral part of Sonoma County's historical and cultural heritage.

The land that would become Rohnert Park was known as Rancho Cotate when it was granted by General Mariano Vallejo to one of his soldiers in 1844. During the next century, the land would change ownership many times and experience much development.

After World War II, when Sonoma County experienced a surge in growth, the City of Rohnert Park was conceived and developed by two Sonoma County lawyers, Paul Golis and Maurice Fredericks, who had a vision of a vibrant planned community in the heart of the valley. Their concept stressed the importance of "neighborhood units", groups of houses centered around schools and parks, in order to provide ample recreation to city-dwellers.

Through collaboration and hard work, Rohnert Park was established in 1962. Today it is proud to serve its residents with many recreational amenities and attractions. Rohnert Park is home to two municipal swimming pools, an 18-hole golf course, and bike, hiking, and equestrian trails. The city also contains Sonoma State University and the Green Music Center.

Mr. Speaker, Rohnert Park is an important city in the heart of Sonoma County. Please join me in honoring Rohnert Park on the occasion of its 50th anniversary.

PEACE CORPS DIRECTOR AARON  
WILLIAMS**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. HONDA. Mr. Speaker, I rise today to honor and thank Director Aaron Williams for his invaluable service to the Peace Corps and our nation. As the Director throughout the past three years, Mr. Williams undeniably impacted the Peace Corps legacy. It is important that we recognize the importance of his contributions and the unique role the Peace Corps has played in our national and global community throughout his tenure.

Mr. Williams championed the ideals of the Peace Corps by bridging alliances with Minor Serving Institutions, enhancing the safety

and security for the nine thousand volunteers serving abroad, and as President Obama noted, was essential in reforming and modernizing the agency. Sharing core American values with some of the world's most impoverished populations, his leadership these past three years reflects his service to the underrepresented and underprivileged.

Despite a complex, changing global climate, Mr. Williams dedicated tireless efforts to ensure the safety of the Peace Corps volunteers. I was proud to work closely with the Director to pass the Kate Puzey Peace Corps Volunteer Protection Act. This act expanded the Peace Corps' safety precautions by providing further protection for female volunteers who are particularly vulnerable while living in foreign countries. It also increased government accountability in responding to sexual assault through a Sexual Assault Advisory Council and protects the anonymity of volunteers who report sexual assault.

Mr. Williams understood that a better Peace Corps is a bigger Peace Corps, and he therefore fought for the necessary increase in volunteers. He successfully expanded programs throughout Colombia, Indonesia, and Sierra Leone. And I was proud to work in the Appropriations Committee to help the agency obtain the largest funding in its history.

Whether it was collaborative efforts with RCPV/W or promoting fundamental principles that make the Peace Corps and our country exceptional, Mr. Williams never wavered from his commitment to enhancing Peace Corps' outreach and capacity to serve diverse communities. Having served in the Peace Corps, I know firsthand the positive impacts that result from our Peace Corps programs and volunteers. Due to Mr. Williams' vision and leadership, the Peace Corps continues to lead the cause for peace, prosperity, and progress, and it has been strengthened for future generations. Again, I thank Mr. Williams. I am immensely grateful for his service, and most of all, his friendship.

RECOGNIZING SAINT MARY'S COL-  
LEGE OF MORAGA, CALIFORNIA**HON. GEORGE MILLER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise with my colleague Congressman JOHN GARAMENDI to recognize and congratulate Saint Mary's College of Moraga, California, upon its 150th year of academic excellence in the San Francisco Bay Area.

Saint Mary's College was founded in 1863 in San Francisco as a liberal arts institution reflecting the life and work of the founder of the Christian Brothers, John Baptist de La Salle. The College was founded to serve some of

California's earliest denizens, many of whom were immigrants with few resources and the first in their families to attend college. In 1928, after establishing a brief presence in Oakland, the college moved to its current location in Moraga, California.

Saint Mary's is a Lasallian Catholic College with a strong history of service to our country. In the 1940s, Saint Mary's joined the war effort in becoming the West Coast naval aviation training center. Lieutenant Gerald R. Ford of Michigan, who would later become President of the United States, was stationed at Saint Mary's for three years as he trained young pilots for duty in the Pacific Theatre. After the Second World War, Saint Mary's welcomed returning veterans studying on the G.I. Bill and continues to support our Veterans today through the Yellow Ribbon program.

St. Mary's rightfully boasts of a faculty composed of scholars at the top of their field with a devotion to teaching students to be engaged global citizens. Nearly 45,000 alumni have earned degrees at Saint Mary's, leading to every imaginable career path. The Graduate Business programs have produced scores of corporate leaders in businesses around the world, while the School of Education has produced world-class teachers who are in turn educating millions of students around the globe.

Saint Mary's is also proud of its extra-curricular programs. The athletic department has brought national and international attention to Northern California through athletic excellence in basketball, baseball, softball, crew, soccer, golf, and rugby. Furthermore, world-renowned artists, authors, scholars, musicians and political leaders share their unique talents not only with the student community, but with all of Northern California.

I invite my colleagues to join me in recognizing Saint Mary's College of Moraga, the faculty, staff, alumni and students as they celebrate 150 years of extraordinary success as an educational leader in the State of California.

SUPPORTING THE EFFORTS OF  
THE GEORGIA AQUARIUM**HON. TOM PRICE**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. PRICE of Georgia. Mr. Speaker, today I rise to honor the wonderful work being done by the Georgia Aquarium, which is located in the heart of downtown Atlanta. With more than 10 million gallons of water, the Georgia Aquarium is the world's largest with more aquatic life than any other aquarium, and six distinct galleries that portray diverse aquatic habitats, ranging from arctic to tropical waters. Since opening its doors in 2005, Georgia Aquarium

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has established itself as a leader in aquatic animal conservation and research. The results of this research are shared with the global zoological community for the enhancement of animals everywhere, thus showcasing Georgia as a global center of animal study.

Currently, Georgia Aquarium is one of only six accredited facilities in North America that is capable of providing care for beluga whales, a species which is presently listed by the International Union for the Conservation of Nature as "near-threatened" in its indigenous Arctic and sub-Arctic environment. In June 2012, the aquarium applied for a permit to import 18 beluga whales to the United States with the purpose of conducting research which must be done in human care, for the continued edification of aquarium guests, and to secure the sustainability of the population in North American zoological parks and aquariums. Applying this important research can help the scientific community better understand the growing problems beluga whales face in their natural habitats. This application is corroborated by a five-year research study, authenticated by the International Union for the Conservation of Nature, validating that the acquisition of beluga whales will have no damaging impact to the beluga population of origin.

Mr. Speaker, the extraordinary work the Georgia Aquarium has done in pursuing research and educating citizens is highly commendable. The aquarium's recent efforts to study beluga whales will undoubtedly improve our scientific understanding of this threatened species. Therefore, I enthusiastically support Georgia Aquarium in its endeavor to increase the North American beluga population to help to maintain a sustainable population of whales in human care in certified facilities.

#### COMMEMORATING NORTHWESTERN COLLEGE'S 110TH ANNIVERSARY

#### HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mrs. BIGGERT. Mr. Speaker, I rise today to recognize Northwestern College, which is celebrating its 110th year of preparing America's students for success.

Since 1902, Northwestern College has honored the goals of its founder, J.F. Fish, to create employment opportunities by providing career-focused education. This distinguished institution is accredited by the Higher Learning Commission as well as several programmatic agencies, and it operates three outstanding campuses in the greater Chicago area, serving more than 2,100 students.

Offering Associate degrees in health sciences, legal studies, commerce and technology, and nursing—Northwestern College prepares students for a rewarding career in their chosen fields.

I am pleased to congratulate Northwestern College on its 110th Anniversary, and for its ongoing commitment to educating students in Chicago and around the country.

#### IN REMEMBRANCE OF VICTOR CASCIO

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. ALEXANDER. Mr. Speaker, I rise today to honor the life of Mr. Victor Cascio, Sr. His warmhearted connection with those who were fortunate to know him and his steadfast involvement in the Monroe, LA community will always be remembered.

Throughout his lifetime, Victor was a vibrant presence in the area. He won the hearts of many as a child star on KNOE-TV's "Happiness Exchange," and his family has graced Monroe with their superb ability as restaurateurs since World War II. The family venture began with his late mother Josephine's "Spaghetti Garden" and culminating with The Chateau, a Louisville Avenue institution, where Victor hosted such celebrities as Liberace, Elvis, Donna Douglas of *Elly May Clampett* fame, Danny Thomas, and every Louisiana Governor from Big John McKeithen to Bobby Jindal.

Much of Victor's life was spent in the public eye as a phenomenal host, friend, and role model for all, and when he finally closed the doors of The Chateau amid an outpouring of support in March of this year, it was with the goal of savoring a private life with his wife of 50 years, Marie.

Undeniably, the mark he made on our community will never fade. He had a gift for putting people at ease and creating an atmosphere that is not easily duplicated. In the letter of Saint Paul the Apostle to Timothy, (2 Timothy 2:8–13), Paul says "If we have died with him, we shall also live with him; if we persevere, we shall also reign with him." As we fondly remember the life and accomplishments of Victor, he lived in the faith in which he believed.

To say that he left his fingerprint on the world would be an understatement. Victor Cascio brought joy to so many, and he will live in our hearts forever.

#### TRIBUTE TO BARNEY UHART

#### HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. YOUNG of Alaska. Mr. Speaker, I rise today to pay tribute to a great American and a great Alaskan. Barney Uhart, a devoted father and President Emeritus of Chugach Alaska Corporation, passed away on Saturday, September 8th after a lengthy battle with cancer.

Barney's career with Chugach Alaska Corporation began in 1993, and in 2000, he became President and CEO. During his tenure, the company grew phenomenally, rising in revenue from \$19 million in 1993 to over \$1 billion in 2009. He was not only a charismatic leader and hard worker, but a close friend to many who worked with him over the years. His hard work and total commitment helped

provide real, tangible, and ongoing benefits to the Native Shareholders of Chugach as he strove tirelessly to help fulfill the promises of the Alaska Native Claims Settlement Act. His contributions to making the SBA 8(a) program a resounding success, not only for Chugach, but for all Alaska Natives, Native Hawaiians, and Native American Tribes, are truly outstanding, and we are all grateful to him for his achievements.

On July 6, 2012, Barney announced his retirement from Chugach to focus on his health and spend time with his family. The Board of Directors of Chugach Alaska Corporation appointed Barney "President Emeritus" in honor of his 19 years of service, dedication, and leadership.

Barney's career with Chugach began when he joined Chugach Development Corporation (CDC) as Operations Manager. With a background in Engineering and Business Administration, his project experience in managing Base Operation Services (BOS) contracts in extremely remote locations began 33 years ago when he went to work on his first BOS contract in 1979 on Wake Island.

Barney told of his Wake Island initiation by saying, "I was living in Hawaii and one day I was helping a friend deliver office furniture to a place called Kentron International. I had no idea what they did, but it sounded like an exotic and exciting place to work where you would get to travel. The next day I put together a resume and slid it under the door. Then I had an interview, and after about 45 minutes, I thought the interview was over and I got up to leave when the manager said, 'When can you leave?' The following Tuesday I was on a plane to Wake Island in the mid-Pacific and I still didn't know what Kentron International did." Clearly, Barney never shied away from a new opportunity.

Born in Fresno, California in 1952, Barney moved to Hawaii in 1970 after high school and his father's passing. During this time, the Vietnam War was still raging. Barney's brother had already done two tours in Vietnam, and he expected to be drafted at any time. Regardless, he enrolled in the University of Hawaii and played baseball. Barney then worked general construction until he decided it wasn't the area he wanted to pursue, and instead seized opportunity by the hand when he went to Wake on his first federal contract job.

In 1985 Barney spent a winter in Greenland on the Defense Early Warning (DEW) Line and was then offered a job as Superintendent of Administration for the DEW line, but declined because he didn't want to spend another year in the Arctic. As a result, he left to work for his first SBA 8(a) company in Hampton, Virginia where he helped grow the company in revenue from \$200,000 to \$6 million a year.

In early 1988, Barney was offered a job with an SBA 8(a) company in Louisville, Kentucky, and was promoted to Vice-President of Operations. He moved into the Company's new offices in Panama City, Florida. Later, he received a call from Mike Brown (Chugach's President and CEO from 1992 to 1999) who was working at that time for PMC, a subsidiary of Arctic Slope Regional Corporation.

Mr. Brown received Barney's name from someone who worked with him at Wake Island

years before. Based on that recommendation, Mike wanted Barney to become the BOS contract Project Manager at Amchitka Island, on the Aleutian Chain. Not wanting to move to Amchitka Island, Barney declined the offer and went back to Florida. Five months later, Mr. Brown called him again and offered him a job as Manager of Special Projects in Anchorage.

Years later, Barney recalled with a laugh, "This time the position was in Anchorage, so I accepted, and one of the first jobs as Manager of Special Projects in Anchorage was to go out to Amchitka Island and evaluate the contract. So he kinda suckered me in with that one."

While at PMC, the team he worked with received a Coast Guard contract, the Wake Island contract, and the contract to run Midway Island. By then he was Vice-President of Operations for PMC, when Mr. Brown, who had gone to work for Chugach, along with Dusty Kaser (Chugach's President and CEO from mid to late 1999), recruited him again. His early work with Chugach Development Corporation (CDC) took him to Valdez for six months, and then to King Salmon for a year, and then to Adak, Alaska.

Barney recently recalled, "During that time, the Chugach management team started marketing the Wake Island contract and we took it away from PMC in 1996. So you can see that Wake has been in my blood for a while, then we received a contract for the Army Housing and Maintenance at Fort Richardson/Fort Wainwright in 1995."

By 1996, Barney became the Ops Manager for CDC and would often travel to the contract locations and oversee the start-ups. When he left to oversee the start-up of Wake for CAC, he returned full circle to the site from where he started 16 years earlier.

Barney later explained, "By then I had become the BOS Ops Manager for CAC working for Dusty Kaser and the team started getting more and more contracts. Then I was promoted to Vice-President of Ops for CAC, and when I came back from starting up MacDill in late 1999, I was offered the job as president of CAC." In May 2000, the Board of Directors of Chugach promoted Barney to the position of President/CEO and he served as both until 2009 when the position was split to select a qualified Chugach shareholder to lead as CEO.

Mr. Speaker, Chugach has become a shining example of an Alaskan Native Corporation that has succeeded and thrived, and one that has provided tremendous benefits to its Native Shareholders and employees. Barney deserves his full share of credit for this success.

There can be no clearer expression of the excellence that Barney, and Chugach, have achieved over the years, than the words of Barney himself. And so Mr. Speaker, I close with an additional quote from Barney Uhart, a leader, a friend, and a champion of doing the right thing, and of doing things right. He will be deeply missed and his memory will stay with us forever.

"How have we gotten to where we are today? The reason is simple—the people. All the people associated with Chugach are responsible for this success. From the wisdom and direction of the Board of Directors; the patience of the shareholders; the vision and per-

severance of management; and the dedication and drive of all the employees, this is what has allowed us to succeed."

Mr. Speaker, May God bless and hold Barney Uhart and may He bless his family.

#### IN HONOR OF DIXON SAULS

#### HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. JONES. Mr. Speaker, in small towns across America, many special events are happening all the time, including high school football. On August 25, 2012, a special event happened in my small town of Farmville, North Carolina. The "R. Dixon Sauls Athletic Field" at Farmville Central High School was dedicated to Coach Dixon Sauls. Coach Sauls, a Farmville native, coached football at the school from 1984 to 2007. Honor, integrity and class are the three words Athletic Director Larry Williford used to describe Coach Sauls, and in his usual humble way he accepted the honor and then began talking about everyone else who meant something to the Jaguar program.

I have known Dixon Sauls since his youth. I have followed his journey of life and sports. He graduated Valedictorian from Farmville High School in 1966 where he was an outstanding Red Devil football player who played quarterback and safety under Coach Elbert Moye. He graduated from the University of North Carolina at Chapel Hill in 1970. He was the first of two sons, born in 1948 to Meta King Moore Sauls of Farmville, and Roland Dixon Sauls, a World War II veteran from Wayne County. His father died suddenly in 1956 when Dixon was just 8 years old and his brother, Fred, was just 5 years old. Dixon and Fred have been my close friends for many years, and I am grateful for their friendship. Today Coach Sauls is the devoted husband to Kathryn Finklea Sauls and father to beautiful daughters, Lindsay and Robyn.

In 1984, Coach Sauls came back home to coach. The Jaguars won 11 football conference championships during his tenure, and the 2003 squad was a state runner-up. He was the track coach for 19 years and the athletic director for eight years. He touched many lives during that time with his strong Christian faith, his stellar character and his faithfulness to his team and school. He instilled courage, compassion, respect and a hard work ethic in the young men he coached. Coach Sauls was a major father figure for many of the players. There is no question he left his mark on his players and his hometown for a lifetime.

It is teachers and coaches across our Nation like Dixon Sauls who are helping to build a better America because of their hard work and dedication. I remember one statement I read many years ago—"If you want to touch the past, touch a rock; if you want to touch the present, touch a flower; if you want to touch the future, touch a child." Dixon Sauls, because of your commitment to young people, you have earned this recognition. Your community, your family and friends join in celebration of a job well done. Congratulations.

#### HONORING TAIWAN NATIONAL DAY

#### HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. WESTMORELAND. Mr. Speaker, I rise today to honor the people of the Republic of China on Taiwan as their day of National Celebration, October 10, 2012, approaches. This special day recognizes the founding of the country.

I would also like to highlight the economic success of the Republic of China on Taiwan over the last century. Beginning with very little economic activity just a few decades ago, the Republic of China on Taiwan has seen a profound increase and now has a dynamic economy which is quickly becoming the envy of Asia.

Moreover, Taiwan has been a fair trading partner. Total trade with the United States reached an all-time high in 2011, and Taiwan is now our 10th largest goods-trading partner. Our relationship with Taiwan is a model for fair trade between countries which benefits both sides, a model we should highlight here today.

I urge my colleagues to join me in congratulating the people of the Republic of China on Taiwan on their economic success and thanking them for their continued efforts to work with the United States to foster economic growth in our country. On the day of National Celebration the people of both the United States and the Republic of China on Taiwan have much to celebrate. We look forward to our continued relationship with Taiwan, and wish them the very best.

#### NATIONAL OVARIAN CANCER AWARENESS MONTH

#### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of women's health and in recognition of September as National Ovarian Cancer Awareness Month. This year, it is estimated that 22,280 women will be diagnosed with ovarian cancer and that 15,500 women, including 620 from Illinois, will die from it. If ovarian cancer is diagnosed and treated before the cancer spreads outside of the ovary, the five-year survival rate is 93 percent. Unfortunately, only 15 percent of ovarian cancers are found at that stage.

Too many women are losing their lives to ovarian cancer, the deadliest of the gynecologic cancers. Because no screening or early detection tests exist today, many women are unaware that they are living with this disease until it is too late. We need to increase public education about the early warning signs because, as organizations such as the Ovarian Cancer National Alliance stress, "until there's a test, awareness is best." Treating this disease before it has spread beyond the ovary significantly increases the survival rate.



At the same time, we need more than awareness—we need to continue the medical research required to develop the screening tests that will save women's lives.

Ovarian Cancer Awareness Month helps increase awareness of ovarian cancer and focus attention on the continued need for innovative research efforts to identify screening and early detection tests for ovarian cancer.

I commend the Ovarian Cancer National Alliance, including their Partner Member groups CCare Lynch Syndrome, Bright Pink, and FORCE of Chicago, for their steadfast commitment to making women aware of the risk factors, signs, and symptoms of ovarian cancer and for their advocacy on behalf of women and families touched by this devastating disease. I urge my colleagues to help make women aware of the potential warning signs of this disease and to continue to support ovarian cancer research efforts.

IN HONOR OF THE HONORABLE  
JUDGE DONNA CONGENI FITZ-  
SIMMONS

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Honorable Judge Donna Congeni Fitzsimmons, who is the recipient of Recovery Resources' Community Challenge 2012 Exemplar Award.

Recovery Resources is a community-based nonprofit organization with a mission of helping people triumph over mental illness, alcoholism, drug and other addictions. The Exemplar Award, established in 2006, celebrates members of the local community who have demonstrated a long and distinguished record of exemplary service and support for Recovery Resources' Community Challenge program.

Judge Fitzsimmons graduated with a bachelor's degree from Boston College and earned her law degree from George Washington University in 1976. She began her career in public service in 1977 as an Assistant Cuyahoga County Prosecutor. In 1980, she became the first woman to be appointed as Special Attorney in the U.S. Department of Justice, Organized Crime Strike Force in Cleveland. During her tenure as Special Attorney, Judge Fitzsimmons served as the lead prosecutor in the U.S. v. Lonardo, Gallo, et al case, in which she successfully convicted the former Cleveland Mafia boss, Angelo Lonardo in 1983. In 1984, she was appointed Deputy Counsel to President Reagan's commission on Organized Crime in Washington, DC and served in this position until 1985 when she entered private practice at the law firm of Atter & Hadden.

On January 1, 1994, Judge Fitzsimmons assumed the role of Judge of the Rocky River Municipal Court and has been serving on the bench since. In 1997, she was appointed Chair of the Cuyahoga County Violence Against Women Act Committee and as the Municipal Court representative to the Cuyahoga County Criminal Justice Supervisory Services Board. As her career continued, Judge Fitzsimmons would be appointed to the

Ohio Supreme Court's Court Security Committee, Criminal Procedure Committee and Jury Service Committee.

In addition to her career, Judge Fitzsimmons is an active member of the Northeast Ohio community. She has served on Fairview Hospital's Community Advisory Board, as a trustee for Community Challenge, charter member of the Fairview High School Alumni Hall of Fame and an honorary chair for the Center for Prevention of Domestic Violence's Annual Break the Silence Luncheon. She also established the Stalking Victim Support Group and was a member of the Board of Trustees for the Leukemia and Lymphoma Society.

Throughout her career, Judge Fitzsimmons has been recognized numerous times. She has been named Cleveland's Italian Heritage Committee Public Service Honoree 2011, "Gem of Cleveland" by the Junior League of Cleveland, and has received the Columbian Award from the Federation of Italian-American Societies of Northern Ohio. She has also been recognized by the Women's Center of Greater Cleveland.

Mr. Speaker and colleagues, please join me in congratulating Recovery Resources' Community Challenge 2012 Exemplar Award winner, the Honorable Judge Donna Congeni Fitzsimmons.

RECOGNIZING MIKE FLYNN, RE-  
CIPIENT OF THE WASHING-  
TONIAN OF THE YEAR AWARD

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to congratulate Mike Flynn on being honored with the Washingtonian of the Year award from the Association of Washington Generals. This annual award is given to a citizen of Washington State for outstanding community service.

Mr. Flynn worked for 24 years as the editor and publisher of the Puget Sound Business Journal. In that position, he was widely recognized throughout the region's business community. He led the newspaper with a vision of not only reporting on the business sector, but using the print medium to foster valuable relationships throughout the community.

In 2006, Mr. Flynn retired from the Puget Sound Business Journal and turned his focus to community and non-profit causes. In that time, he has served on the boards of various community organizations. He continues to be dedicated to building relationships, helping start-up entrepreneurs, and expanding opportunities in rural areas.

Each year, the Association of Washington Generals awards the Washingtonian of the Year award to someone who has shown special dedication to serving Washington State. The Association is proud of the unique characteristics of Washington State—ranging from our State's outstanding physical beauty to the people who strive to make Washington a better place to call home. The Washingtonian of the Year embodies the Association's devotion to improving our State's communities.

Mr. Speaker, it is with great honor that I recognize Mike Flynn. His dedication to serving our community is an inspiration to others.

CONGRATULATING ANNETTE  
STASSI

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. ALEXANDER. Mr. Speaker, it is with great pride that I rise today to congratulate Annette Stassi for being selected Queen Evangeline of the International Acadian Festival in Iberville Parish. Annette is a 17-year-old senior at St. John High School in Plaquemine, LA.

The International Acadian Festival is sponsored by the Knights of Columbus, Council #970 of Plaquemine, which is the third oldest Council in Louisiana.

It is always outstanding to see the diligence with which the young students of Louisiana work to give back and better their communities. I have the highest confidence that Annette will succeed in whatever endeavors she pursues.

I ask my colleagues to join me in passing good wishes to Annette Stassi, her family, and the entire International Acadian Festival. Annette is truly deserving of this recognition.

PERSONAL EXPLANATION

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. BRADY of Texas. Mr. Speaker, on roll-call No. 585, I was unavoidably detained and could not be present for last night's rollcall vote on H.R. 5044, the Andrew P. Carpenter Tax Act. I am a cosponsor and strong supporter of this legislation, which would provide tax relief from any amounts of private educational loans forgiven for service members who lost their lives in the line of duty since the beginning of Operation Enduring Freedom in October of 2001. Had I been present, I would have voted "yes."

IN SUPPORT OF WORKERS AND  
THE SERVICES THEY PROVIDE  
TO MEDICARE PATIENTS

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise to commend America's home healthcare workers who provide services to millions of patients, including many Medicare beneficiaries, who are homebound and require skilled care. These skilled and dedicated workers are among the unsung heroes in the effort to contain the cost of healthcare without sacrificing the quality of service provided to patients. Today, there are

more than 40 million seniors in the United States, 12 percent of the population. In 20 years, that number will increase to 70 million, or 20 percent of the population. More than 27 million of these individuals are over age 70, and more than 1 million are over the age of 80. Further, more than 43 million people in the United States, 19 percent of the population, provide care for an elderly family member or friend.

Mr. Speaker, many healthcare treatments that were once offered only in a hospital or a physician's office can now be safely, effectively, and efficiently provided in patients' homes by skilled clinicians. Home healthcare is generally less expensive, more convenient, and as effective as care provided in a hospital or skilled nursing facility. Home healthcare can serve as an intermediate level of care for patients who have difficulty accessing outpatient care or who need intensive assistance with an acute or chronic health problem.

Skilled home healthcare services funded under Medicare Part A and B are safe, effective, affordable, clinically advanced, and patient preferred.

A case study conducted by the Veterans' Administration (VA) illustrates the benefits of home healthcare. The VA has provided comprehensive primary care services to veterans in their homes since 1972 in an effort to keep patients in their homes and reduce inpatient hospital days. The program was specifically designed to target patients with complex chronic diseases through an interdisciplinary team of health professionals. This program showed a reduction in inpatient hospital days by 62 percent, and a reduction in nursing home bed days by 88 percent. This translated into a reduction in the cost of care from \$38,000 to \$29,000 per patient per year for patients enrolled in the program (a 24 percent reduction).

The Medicare program continues to increase in importance in my home state of California, where our senior population is increasing dramatically. The percentage of Californians age 60 and older is expected to grow from 6.4 percent in 2010 to 11.5 percent by 2030, according to the California Department of Aging. In my district, there are currently 63,053 Medicare recipients. I am committed to preserving benefits for current recipients and those nearing retirement, while guaranteeing the program's solvency for future generations of Americans.

For these reasons, I urge my colleagues to join me in support of Medicare's Skilled Home Healthcare Services act.

A TRIBUTE TO LYNETTE M.  
BROWN-SOW

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Lynette M. Brown-Sow for her dedication in the field of healthcare and service to the city of Philadelphia. Lynette is a great example how one can use their expertise to achieve success while also contributing to the community.

As Vice President for Marketing and Government Relations at Community College of Philadelphia, a position she has held since 1995, Lynette has engaged communities, businesses, and governments in constructing frameworks that promote progress and prosperity. Her outstanding work was rewarded in 2009 when she was named Communicator of the Year. Lynette has done significant work in the behavioral healthcare field. She serves on the board of Directors of the Consortium, which named its newest service center the Lynette M. Brown center of hope.

In 1991, Philadelphia Mayor Edward G. Rendell appointed Lynette Deputy Mayor of Administration. In 2007, Lynette co-chaired Philadelphia Mayor Michael A. Nutter's transition team and was appointed as vice-chair of the Philadelphia Zoning Board of Adjustment.

Lynette is the founder and chairman of the Hardy Williams Education Fund, a nonprofit organization that provides support for educational endeavors and scholarships for people interested in careers in law, government, or social action; and founder of L.M. Brown Management Group, a certified minority/female-owned consultant firm.

Mr. Speaker, I encourage my colleagues to join me in honoring Lynette M. Brown-Sow for her successful endeavors and major contributions to the city of Philadelphia.

IN HONOR OF THE 75TH ANNIVERSARY  
OF THE NEW KENSINGTON  
AREA ROTARY CLUB

**HON. MARK S. CRITZ**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. CRITZ. Mr. Speaker, I rise to honor the New Kensington Area Rotary Club on the occasion of its 75th anniversary. Since its inception, this great international service organization has operated according to its motto of "service above self," providing support to our troops and to laudable philanthropic causes in southwestern Pennsylvania and throughout the world.

In addition to providing support to local chapters of Meals on Wheels, the Salvation Army, Habitat for Humanity and the YMCA, the New Kensington Area Rotary Club has sponsored efforts to promote literacy at local elementary schools, held Santa breakfasts for local needy children, sent clothing, shoes and other needed materials to needy communities in Appalachia and provided computers to St. Joseph's Indian School on the Cheyenne Indian Reservation in South Dakota. It has also worked to improve lives in disadvantaged and medically underserved communities abroad, performing water projects in Uganda, supporting the effort to eliminate the global Polio epidemic and participating in national immunization days in India, Venezuela and elsewhere.

To honor the selfless efforts its members have made to promote peace and prosperity throughout the world over the last 75 years, the New Kensington Area Rotary Club will hold an Anniversary Gala on October 23rd at the Oakmont Country Club in Oakmont, Penn-

sylvania. It is my most sincere hope that this event brings pride and fulfillment to all those who have had a hand in making the New Kensington Area Rotary club one of Southwestern Pennsylvania's most successful community service organizations.

Mr. Speaker, I am extremely proud to represent the members of the New Kensington Area Rotary Club in Congress; everyone should attempt to emulate their abiding generosity and kindness. I have every expectation that their great organization will continue to accomplish charitable feats of international significance for years to come.

IN SUPPORT OF FUNDING FOR  
THE ORAL HEALTH CARE PROVISIONS  
IN HEALTH CARE REFORM

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. QUIGLEY. Mr. Speaker, I rise today because we can no longer afford to treat oral health as separate from general health.

The mouth is a part of the body, and dental care must be part of comprehensive care. Oral diseases and disorders can cause severe pain, malnutrition, and even death if left untreated.

But because oral care has long been excluded from comprehensive care, thousands of families and children are left without dental care. Twenty-two percent of all out-of-pocket spending in the U.S. is spent on dental care, and dental decay is the most common chronic childhood disease.

Our workforce loses 164 million work hours each year due to dental problems, and close to half of military recruits in 2008 were ineligible for deployment due to dental issues.

This is unacceptable. We can, and must, do better than this.

We must preserve funding for the Maternal and Child Health Block Grant, and fully fund the many oral health care provisions in Health Care Reform. The mouth is part of the body, and must be treated as such.

RECOGNIZING UNION COUNTY VOCATIONAL-TECHNICAL HIGH SCHOOL OF UNION COUNTY, NEW JERSEY FOR BEING NAMED A BLUE RIBBON SCHOOL

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. LANCE. Mr. Speaker, I rise today to recognize Union County Vocational-Technical High School of Union County, New Jersey for being named a Blue Ribbon School by the United States Department of Education.

The Department of Education acknowledges schools where students attain and maintain high academic goals. Union County Vocational-Technical High School is proud example of academic excellence where students have high levels of performance, stellar student

achievement, and where educators facilitate a strong learning environment.

This is a prestigious award to receive and Union County Vocational-Technical High School is proud example of academic excellence and worthy of this national distinction.

#### PERSONAL EXPLANATION

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. THOMPSON of California. Mr. Speaker, on September 19, 2012, I missed rollcall vote No. 585. Had I been present, I would have voted in the following manner:

Rollcall No. 585, "aye."

#### FREE SPEECH, UNJUSTIFIED VIOLENCE AND HYPOCRISY

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. FRANK of Massachusetts. Mr. Speaker, the recent death of several American diplomats is an outrageous example of wholly unjustified violence that must be unconditionally condemned. The fact that some people were angry because of what other people put into a movie does not begin to be a justification for violence, even against those who made the movie, and it is certainly, not remotely in any logical world, an excuse for the murder of people wholly uninvolved in this.

The question of the judgment of the people who made that terrible movie must be kept entirely separate from the question of whether or not there was any justification for any of the violence that it caused. The answer is, without any doubt, that there was not.

It is bad enough when some leaders of the Muslim world suggest that there was some justification for killing people because someone felt that their religion was insulted. This error is compounded by the extraordinary hypocrisy involved when many of those who declaim what they found insulting are themselves guilty of equal vituperation of other religions and ethnic groups.

In an extraordinary, eloquent and thoughtful column in the New York Times for September 19th, Thomas L. Friedman, a balanced commentator on the Middle East who has often been very sympathetic to the legitimate concerns of Muslim people, wrote an excellent column on the essentiality of free speech, the absolutely unjustified nature of violence, and the hypocrisy to which I just alluded—and to which, to be honest, I was not paying enough attention until I read Mr. Friedman's column.

As Mr. Friedman says, "an insult—even one as stupid and ugly as the anti-Islam video on YouTube that started all of this—does not entitle people to go out and attack embassies and kill innocent diplomats. That is not how a proper self-governing people behave. There is no excuse for it. It is shameful." Mr. Friedman goes on to note, with regard to some in the

Muslim community who have been demanding that America apologize for this, said "they might want to look at the chauvinistic bile that is pumped out by some of their own media . . . insulting Shiites, Jews, Christians, Sufis and anyone else who is not a Sunni, or fundamentalist, Muslim."

Thomas Friedman's column should be very widely read, both because he has earned the right to be taken very seriously on the crisis in the Middle East, and because of its wisdom and eloquence.

[From the New York Times, Sept. 18, 2012]

LOOK IN YOUR MIRROR

(By Thomas Friedman)

On Monday, David D. Kirkpatrick, the Cairo bureau chief for The Times, quoted one of the Egyptian demonstrators outside the American Embassy, Khaled Ali, as justifying last week's violent protests by declaring: "We never insult any prophet—not Moses, not Jesus—so why can't we demand that Muhammad be respected?" Mr. Ali, a 39-year-old textile worker, was holding up a handwritten sign in English that read: "Shut Up America." "Obama is the president, so he should have to apologize!"

I read several such comments from the rioters in the press last week, and I have a big problem with them. I don't like to see anyone's faith insulted, but we need to make two things very clear—more clear than President Obama's team has made them. One is that an insult—even one as stupid and ugly as the anti-Islam video on YouTube that started all of this—does not entitle people to go out and attack embassies and kill innocent diplomats. That is not how a proper self-governing people behave. There is no excuse for it. It is shameful. And, second, before demanding an apology from our president, Mr. Ali and the young Egyptians, Tunisians, Libyans, Yemenis, Pakistanis, Afghans and Sudanese who have been taking to the streets might want to look in the mirror—or just turn on their own televisions. They might want to look at the chauvinistic bile that is pumped out by some of their own media on satellite television stations and Web sites or sold in sidewalk bookstores outside of mosques—insulting Shiites, Jews, Christians, Sufis and anyone else who is not a Sunni, or fundamentalist, Muslim. There are people in their countries for whom hating "the other" has become a source of identity and a collective excuse for failing to realize their own potential.

The Middle East Media Research Institute, or Memri, was founded in 1998 in Washington by Yigal Carmon, a former Israeli government adviser on counterterrorism, "to bridge the language gap between the Middle East and the West by monitoring, translating and studying Arab, Iranian, Urdu and Pashtu media, schoolbooks, and religious sermons." What I respect about Memri is that it translates not only the ugly stuff but the courageous liberal, reformist Arab commentators as well. I asked Memri for a sampler of the hate-filled videos that appear regularly on Arab/Muslim mass media. Here are some:

ON CHRISTIANS Hasan Rahimpur Azghadi of the Iranian Supreme Council for Cultural Revolution: Christianity is "a reeking corpse, on which you have to constantly pour eau de cologne and perfume, and wash it in order to keep it clean." <http://www.memritv.org/clip/en/1528.htm>—July 20, 2007.

Sheik Al-Khatib al-Baghdadi: It is permissible to spill the blood of the Iraqi Chris-

tians—and a duty to wage jihad against them. <http://www.memri.org/report/en/0/0/0/0/0/5200.htm>—April 14, 2011.

Abd al-Aziz Fawzan al-Fawzan, a Saudi professor of Islamic law, calls for "positive hatred" of Christians. Al-Majd TV (Saudi Arabia), <http://www.memritv.org/clip/en1992.htm>—Dec. 16, 2005.

ON SHIITES The Egyptian Cleric Muhammad Hussein Yaaqub: "Muslim Brotherhood Presidential Candidate Mohamed Morsi told me that the Shiites are more dangerous to Islam than the Jews." [www.memritv.org/clip/en13466.htm](http://www.memritv.org/clip/en13466.htm)—June 13, 2012.

The Egyptian Cleric Mazen al-Sirsawi: "If Allah had not created the Shiites as human beings, they would have been donkeys." <http://www.memritv.org/clip/en13101.htm>—Aug. 7, 2011.

The Sipah-e-Sahaba Pakistan video series: "The Shiite is a Nasl [Race/Offspring] of Jews." <http://www.memri.org/report/en/0/0/0/0/0/51/6208.htm>—March 21, 2012.

ON JEWS Article on the Muslim Brotherhood's Web site praises jihad against America and the Jews: "The Descendants of Apes and Pigs." <http://www.memri.org/report/en10/0/0/0/51/6656.htm>—Sept. 7, 2012.

The Pakistani cleric Muhammad Raza Saqib Mustafai: "When the Jews are wiped out, the world would be purified and the sun of peace would rise on the entire world." <http://www.menui.org/report/en/0/0/0/0/51/6557.htm>—Aug. 1, 2012.

Dr. Ismail Ali Muhammad, a senior Al-Azhar scholar: The Jews, "a source of evil and harm in all human societies." <http://www.memri.org/report/en10/0/0/0/51/6086.htm>—Feb. 14, 2012.

ON SUFIS A shrine venerating a Sufi Muslim saint in Libya has been partly destroyed, the latest in a series of attacks blamed on ultraconservative Salafi Islamists. <http://www.bbc.co.uk/news/world-africa-19380083>—Aug. 26, 2012.

As a Jew who has lived and worked in the Muslim world, I know that these expressions of intolerance are only one side of the story and that there are deeply tolerant views and strains of Islam espoused and practiced there as well. There are complex societies.

That's the point. America is a complex society, too. But let's cut the nonsense that this is just our problem and the only issue is how we clean up our act. That Cairo protester is right: We should respect the faiths and prophets of others. But that runs both ways. Our president and major newspapers consistently condemn hate speech against other religions. How about yours?

#### IN REMEMBRANCE OF SAUL MINTZ

### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. ALEXANDER. Mr. Speaker, I rise today to honor the life and memory of Mr. Saul Mintz, whose ardent presence as a family man, business man, and philanthropist in Monroe, LA, will be sorely missed.

Mr. Mintz was brilliant in business, opening the very successful Strauss Interests with his wife, Jean, many years ago, but he will be remembered more for his community philanthropy than his genius for the market. A family man and mentor by nature, many of his crowning philanthropic works bettered the lives of children in 12 parishes in our area.

The Children's Coalition for Northeast Louisiana received their first donation 15 years ago from the Mintz family, and Mr. Mintz was with the Coalition every step of the way thereafter, lending not only financial, but also social and philosophical support. Similarly, he and his wife were steadfast supporters of the Strauss Theatre and were integral to the establishment of a children's theatre, among many other institutions.

In reflecting on his life, Mr. Mintz said "I don't think too many people have been submitted to so many opportunities as I. So, it would be irresponsible if I didn't take advantage of what God [has] given me to try to leave a better future for others." His grateful spirit and humble generosity have won him a spot in the hearts of everyone who knew him, and he serves as a reminder of the responsibility that we all have to give what we can and take care of one another in our families and communities.

When we look back on Mr. Mintz's life, we see a life of giving. Not only did he personally do everything he could to better our community, he also preached about the joy of giving generously and helping others to anyone who would listen. For his three children, 10 grandchildren, one great grandchild, and for all of us, the way in which Mr. Mintz led his life should be emulated. We are all grateful to have known him and will never forget what a beautiful and civic-minded person he was.

To say Mr. Mintz left his fingerprint on the world would be an understatement. Countless lives have been changed for the better by his efforts, and he will stay in the hearts of Louisianians forever.

RECOGNIZING TERRE JONES ON  
THE OCCASION OF HIS RETIREMENT  
FROM THE WOLF TRAP  
FOUNDATION FOR THE PERFORMING ARTS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise along with my colleagues, Rep. FRANK WOLF and Rep. JIM MORAN, to recognize and commend Terrence D. "Terre" Jones on the occasion of his retirement after 17 years of distinguished service as President and CEO of the Wolf Trap Foundation for the Performing Arts. Terre's career in the performing arts spans more than 40 years, and he leaves a rich legacy both on and off the stage that will benefit the arts community and Northern Virginia for years to come.

During his tenure, Terre helped fulfill and then expand Wolf Trap's mission of providing a world-class platform for aspiring and accomplished artists alike at the majestic Filene Center and the 18th century Barns at Wolf Trap. Thanks to his innovative spirit, the Foundation continues to set new attendance and fundraising records. As the guiding force behind America's only National Park for the Performing Arts, Terre has positioned Wolf Trap as a leader not only in the arts, but also in connecting education, technology and environ-

mental stewardship through the arts and inspiring passion for those pursuits in a new generation. And though its artistic scope is on the national and global stages, Terre has made sure that Wolf Trap also is a resource for our local communities.

In 2003, Terre helped lead the fund-raising effort to establish a National Center for Education on the Wolf Trap campus. Wolf Trap's education programs focus on early childhood arts education and also serve as a resource for the entire community, particularly local school children. More recently, Wolf Trap received a competitively awarded grant from the U.S. Department of Education to demonstrate the effectiveness of the arts in advancing STEM (Science, Technology, Engineering and Math) learning for young children.

Terre also has strengthened Wolf Trap's connection to its environmental roots. In 2007, he launched the Foundation's "Go Green" program with the stretch goal of making Wolf Trap carbon neutral. To date, the program has decreased the park's carbon footprint by 20% and cut landfill waste in half. Wolf Trap has been designated as a Climate Friendly Park by the EPA and National Park service. Terre also led the effort to establish the National Council on the Arts and Environment and a partnership with the Aspen Institute on a nationwide Summit on the Arts and the Environment.

Prior to taking the helm at Wolf Trap, Terre served as CEO and artistic Director of the Krannert Center for the Performing Arts at the University of Illinois at Champaign-Urbana. He previously served as General Manager of Clowes Memorial Hall in Indianapolis, Assistant Dean of the College of Fine Arts at Butler University, and he also founded the Bradford Repertory Theater in Vermont.

Throughout his distinguished career, Terre has received local and national recognition. He received the Distinguished Alumni Achievement Award from his alma mater, the University of Kansas, was named Washingtonian of the Year in 2006 by Washingtonian Magazine, and was recognized by his peers with the Fan Taylor Distinguished Service Award from the Association of Performing Arts Presenters. During his tenure as Foundation president, Wolf Trap also has received numerous awards and accolades.

Beyond these accomplishments, we want to recognize Terre's exemplary role not just as an arts advocate and executive, but also as an individual. When asked in an interview what he loves most about his job, he said: "People—I don't think you could do this job if you didn't enjoy people and didn't like being around people." We can all recognize and appreciate Terre's unequivocal commitment to his craft and our community.

Mr. Speaker, Terre Jones has left a tangible, lasting imprint on the rich history of our National Park for the Performing Arts, and his legacy will continue to inspire a new generation of artists. We wish Terre, his wife, Polly, and their family the continued success as he enters this next act of his life, and we ask our colleagues to join us in expressing our appreciation for his tremendous contributions to the arts, our nation and the Northern Virginia community.

PERSONAL EXPLANATION

**HON. AL GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. AL GREEN of Texas. Mr. Speaker, yesterday I was unavoidably detained and missed the following votes:

1. H.R. 5044, the Andrew Carpenter Tax Act, as amended. Had I been present, I would have voted "yes" on this bill.

2. H.R. 5912, to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions, and to provide for the return of previously distributed funds for deficit reduction, as amended. Had I been present, I would have voted "no" on this bill.

IN HONOR OF ARMENIAN  
STATEHOOD DAY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Armenian Statehood Day. As the Armenian community in Greater Cleveland gathers to celebrate, I join them in appreciation of their rich history and culture.

September 21, 1991, marks the day that Armenia restored its independence by becoming the first republic proclaiming independence from the Soviet Union. Armenia was originally established by the Artashisian Dynasty in 189 BC. Following hundreds of years of invasions, the last Armenian kingdom fell at the onset of the 14th century. The first Armenian democratic republic was not established until 1918, which followed the Armenian Genocide in 1915. Unfortunately, just two years later, in 1920, the Armenians were occupied by the Soviet Union until they declared sovereignty in 1991.

Cleveland is home to a strong Armenian community which has succeeded in preserving their heritage while wholeheartedly supporting American society, thereby contributing to the unique richness and diversity of our national culture.

Mr. Speaker and colleagues, please join me in honor and celebration of Armenian Statehood Day. May every American of Armenian heritage hold memories of their past forever in their hearts, remembering the day that their forbears gained their freedom.

RECOGNIZING MASTER SERGEANT  
MICHAEL HUNTER

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Master Sergeant Michael S. Hunter of the 1st Special Forces Group from Joint Base Lewis-McChord, Washington, who has

received the Silver Star and the Bronze Star with Valor. These medals were awarded by Major General Jeffrey Buchanan, I Corps Deputy Commanding General on September 12, 2012.

Master Sergeant Hunter performed many heroic acts during his deployment to Afghanistan in support of Operation Enduring Freedom. He helped execute a joint raid with 28 Afghan commandos and three other American special operators. Master Sergeant Hunter put himself in danger to protect others and led the way for the U.S. and Afghan special operators. In June 2010, he delivered medical assistance to two injured soldiers during a long 16 hour firefight.

His courageous actions earned him the Silver Star and Bronze Star with Valor. The Silver Star is the Nation's third highest medal for combat valor and ranked fifth in military awards. Master Sergeant Hunter's award is also the highest for combat valor that is not unique to a specific service branch.

Mr. Speaker, it is with great honor that I recognize Master Sergeant Hunter for receiving the Silver Star and the Bronze Star. I ask my colleagues to join me in expressing our great appreciation for his dedication to protect and serve our country.

IN CELEBRATION OF THE UNVEILING OF A STATUE OF FREDERICK DOUGLASS IN THE UNITED STATES CAPITOL

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to honor an important milestone for our nation's Capitol. The statue of abolitionist leader, Frederick Douglass, will soon grace the halls of the United States Capitol. This effigy will serve as a reminder of the hard work of this great American and civil rights leader who was committed to the freedom and equal rights of all Americans.

Frederick Douglass is often called the father of the civil rights movement. Born a slave in Maryland around 1818, he taught himself how to read and write at a young age despite the ban forbidding slaves to be literate. It was by reading newspapers and political writings that Douglass developed his ideology on the opposition of slavery.

Douglass attempted to escape from slavery twice before he succeeded on his third attempt with the help of his future wife, Anna Murray. After they married in 1838 and settled in New Bedford, Massachusetts, Douglass became a regular lecturer in opposition of slavery. He also spoke out in support of women's rights. With the help of his bestselling autobiographies, Frederick Douglass quickly became one of the most famous African Americans in the country.

During the Civil War, Douglass gave counsel to President Abraham Lincoln and President Andrew Johnson on the treatment of black soldiers and the importance of black suffrage. After the war, he was appointed to several political positions and, as Victoria Woodhull's

running mate on the Equal Rights Party ticket in 1872, became the first African American nominated for the office of Vice President of the United States. Douglass continued to fight for the rights of African-Americans, women, and minority groups until his death in 1895.

To honor the life and accomplishments of this abolitionist, human rights and women's rights activist, orator, author, journalist, publisher, and social reformer, the United States Congress has approved a bill that would allow the District of Columbia to display his statue in our Capitol. The statue, designed and completed by architect Steven Weitzman, was commissioned by D.C. to present to the Capitol as a gift.

Frederick Douglass had said, "If there is no struggle, there is no progress." Despite his many struggles in the bonds of slavery, he rose to prominence through his determination and fervor. His vision for America was that all Americans would be equal and free of discrimination and he worked tirelessly to share this vision with others and to help it become a reality. The progress we have made as a nation would not have been possible without the leadership and influence of great leaders like Frederick Douglass.

Mr. Speaker, on behalf of the people of the Second Congressional District of Georgia, I ask my colleagues to join me today in paying tribute to a strong leader and inspiring visionary, Frederick Douglass. It is my hope that all the visitors to our Capitol will see his statue and remember all the valuable contributions made to our nation by this great human rights advocate.

CELEBRATING THE NEW JERSEY COUNCIL FOR THE HUMANITIES

**HON. RUSH D. HOLT**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. HOLT. Mr. Speaker, I rise today to recognize and honor the forty years of service that the New Jersey Council for the Humanities has provided for my constituents in the twelfth congressional district and for residents throughout New Jersey. It is only appropriate that I take time in advance of October, National Arts and Humanities Month, to honor the important work that the Council does to engage New Jerseyans in discussions of history, literature, and culture that help residents reflect on our past and think critically about our future.

When Congress and President Johnson created the National Endowment for the Humanities (NEH) in 1965, they laid the groundwork for improving the study of the diverse heritage, traditions, and history of our nation. Indeed, the NEH has opened many doors for scholars and cultural institutions such as museums, libraries, and archives to further their research and share their findings. Since its founding, the NEH has helped Americans better understand America.

Yet, upon signing the Arts and Humanities Act of 1965, President Johnson remarked wisely ". . . these actions, and others soon to follow, cannot alone achieve our goals. To

produce true and lasting results, our States and municipalities, our schools and our great private foundations, must join forces with us." In 1972, Congress heeded President Johnson's insight, and amended the Arts and Humanities Act to establish state Councils that would facilitate public programming unique to each state.

The New Jersey Council for the Humanities began its efforts in 1972 to provide an endless stream of programming that invites New Jerseyans to consider the past and think creatively about our future. By providing financial support for conferences, documentaries, publications, lectures, and forums, the Council offers the opportunity to learn more about our shared history and the traditions of others without cost to New Jersey residents. The New Jersey Council for the Humanities enables New Jerseyans to become consumers of history, informed commentators on our present, and architects of our future.

As a former educator, I am grateful for the New Jersey Council for the Humanities' dedication to enhancing history education in our schools. In an age of narrowing school curriculum across our country, arts, foreign language, history and other subjects have been pushed aside by the intense focus on tests and tested subjects. To help keep history alive in our classrooms, the Council offers an annual seminar known as the "Teacher Institute" for New Jersey primary and secondary school teachers to refresh and deepen their knowledge on key moments and themes of our past. The Teacher Institute has helped over 3,700 educators gain exposure to rich new content and benefit their students by bringing their knowledge back to the classroom. Thanks to the New Jersey Council for the Humanities, we are graduating more well-rounded and historically aware students.

In addition to enhancing the appreciation of humanities in the classroom, the Council promotes lifelong learning in public and private life. The New Jersey Council for the Humanities' extensive programming not only benefits school teachers and their students, but also writers, publishers, hospitals, libraries, civics groups, and colleges and universities in every corner of New Jersey.

I have heard from many of my constituents who inform me that the Council makes our community a better place to live. One resident in Monroe who works with senior citizens, for example, expressed to me that the state humanities councils advance "the mental and intellectual well-being of our seniors." A local middle school teacher shared with me that despite having served on the faculty of a major research university, her knowledge to share with students "was deepened" by the Council's Teacher Institute. Others have conveyed the depth and strength of the Council's Horizon Speaker's Bureau, which provides educational lectures on topics ranging from the legendary Jersey Devil to Shakespeare's Hamlet, and to the U.S. Constitution for thousands of New Jerseyans every year. Simply put by a constituent from Lawrence, "the state [C]ouncil is the neighborhood face of the humanities."

My own experiences with the New Jersey Council for the Humanities have paralleled the positive testimonials constituents have shared

with me. Each year, I eagerly await the Council's announcement of the Book, Teacher of the Year, and Lifetime Achievement in the Humanities Awards. By honoring the recipients of these distinctions, the New Jersey Council recognizes exemplary work in the public humanities that has made a significant and lasting difference in the lives of New Jerseyans. Previous award winners include Dr. Kwame Anthony Appiah in 2011 for his book *The Honor Code: How Moral Revolutions Happen*, Sylvia Nasar in 1999 for *A Beautiful Mind*, and Neil Baldwin in 1996 for *Edison: Inventing the Century*. I am proud to display in my Congressional office a collection of many of the past New Jersey Council for the Humanities Award winners, including works by twelfth congressional district constituents such as historian James McPherson, novelist Joyce Carol Oates, and the late poet and translator Robert Fagles.

The New Jersey Council has been dedicated for forty years to promoting public knowledge and love of New Jersey's rich history and culture. I look forward to the years to come when the New Jersey Council for the Humanities will continue to build upon its activities of the past forty years and continue to support and foster the exchange of ideas that creates a thoughtful and engaged society.

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HONORING CITY OF CORAL  
SPRINGS

**HON. THEODORE E. DEUTCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. DEUTCH. Mr. Speaker, I rise today to remember September 11 alongside the city of Coral Springs, Florida as they host a memorial service to honor the victims of September 11th. Though eleven years have passed since this horrific attack on our nation, the attack is no less devastating today.

Each year since the attacks, dedicated members of the Coral Springs community have worked to plan memorial services to remember those lost and honor their memory. It is truly an honor to recognize the community and this important initiative on this day. Seeing communities across the country come together to remember the victims is one of the few bright developments to rise out of this great tragedy.

In collaboration with generous donors and volunteers, members of the Coral Springs community built the September 11th Memorial at the Coral Springs NW Regional Library in 2001. This memorial was dedicated to those lost in New York, Pennsylvania and Virginia, and honors the residents who lost their immediate family members.

I applaud the efforts of the city of Coral Springs in commemorating the September 11th tragedy, and feel blessed to have been able to participate in the 5K Inaugural Walk to Remember in the city of Coral Springs this year. I thank the community for their dedication. My family and I join with the families in Coral Springs and throughout the country to remember those we lost on September 11, 2001.

IN HONOR OF MR. JOSEPH  
HAMMELL

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor Mr. Joseph Hammell, a retiring veteran who has served in three separate branches of the U.S. Military.

Mr. Hammell began his career with the United States Marine Corps in 1969 when he was 17 years old. After training, he was stationed at Camp Pendleton, California before being deployed to Okinawa, Japan, the Philippines, and Vietnam. After his service with the Marine Corps ended in 1974, Mr. Hammell joined the U.S. Army. During his time in the Army, Mr. Hammell was stationed at Fort Dix, New Jersey where he worked as an instructor at the base's truck driving school. In 1977, he left the Army, but came back after 14 years to join the New Jersey Air National Guard. In the Air National Guard he was a member of the 170th Air Refueling Wing. Within the Wing he served as an equipment operator for the 170th Civil Engineering Squadron. After the 170th Air Refueling Wing disbanded, he was absorbed into the 108th Air Refueling Wing where he continued his service as an equipment operator. He served within the 108th Air Refueling Wing as a member of the 108th Civil Engineering Squadron until 2007 as a work controller. He then moved to the 108th Safety Office where he finished out his career as the 108th Ground Safety Manager.

In addition to his service, Mr. Hammell is an active member of the American Legion and the Marine Corps League where he is a tireless advocate for homeless veterans. Specifically, he has worked with and supported the Stand Down for Homeless Veterans for 16 years, a nonprofit organization that assists male veterans who are struggling due to mental and/or physical ailments, addictions, homelessness and/or other personal issues. It helps veterans regain their lives through a multi-tiered program, transitional living, and collaborative efforts.

Mr. Speaker, the extraordinary commitment of this New Jersey veteran should not go unrecognized. I join all of South Jersey in expressing our profound gratitude and thanks for Mr. Hammell as he retires from his more than 42 years of remarkable service to our country.

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HONORING THE SERVICE OF  
ADMIRAL KIRKLAND DONALD

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. COURTNEY. Mr. Speaker, I rise today, along with my friend and fellow co-chair of the bipartisan House Shipbuilding Caucus, Representative ROB WITTMAN of Virginia, to honor Admiral Kirkland Donald, U.S. Navy, as he prepares to retire upon completion of more than 37 years of faithful service to our Nation.

Admiral Donald has held the position of Director, Naval Nuclear Propulsion Program

(Naval Reactors), for the last eight years. During his illustrious career, he played a pivotal role in ensuring that nuclear-powered warships continued to meet our global commitments in defense of our Nation's security.

Throughout his many years of service, Admiral Donald distinguished himself at the tip of the Navy's spear. He served as the Commanding Officer of the nuclear-powered attack submarine, USS *Key West*, Commander of the elite Submarine Development Squadron Twelve, and Commander of NATO's Submarine Forces in Europe. Other highlights include tours at the Bureau of Naval Personnel, the Joint Staff, and as Commander of all US Submarine Forces.

As his time in Washington has shown, Admiral Donald's accomplishments do not end with his excellence as an undersea commander. Nuclear-powered warships have safely steamed over 150 million miles, and operated for more than 6,400 reactor years without a reactor accident. The last 20 million miles and 800 reactor-years have been achieved under Admiral Donald's superb leadership overseeing more than 100 operational nuclear reactors.

Admiral Donald has been particularly passionate about our submarine force and the investment in our current and future undersea programs. At a time when submarines are playing an increasingly vital role in our national security, Admiral Donald has been at the forefront of making the case for the need for robust construction of new *Virginia* class submarines—and has kept a steady hand on this crucial program at a time when a cooperative effort between the Navy and our shipbuilding reduced the cost and construction schedule of each new submarine. At a time when every corner of our government is challenged to find savings to ensure the most efficient use of taxpayer dollars, Admiral Donald has helped to guide this shining example of acquisition excellence.

Today, these incredible submarines are deployed worldwide, from the arctic to the equator, protecting Americans and our values. Their missions would not be possible without the ships' nuclear propulsion plants, impeccably designed and built by Admiral Donald and his team. I can speak from personal experience about the passion that Admiral Donald brings to this incredible responsibility.

When I first came to Congress in 2007 as a new member of the House Armed Services Committee, Admiral Donald and his team were among the first in my office in those early days to help educate me on the importance of our nuclear powered submarines and the value they bring to our nation. In particular, he invited me to join an "Ice Expedition" on board the USS *Alexandria*—a two day voyage under the Arctic ice which was an opportunity to see firsthand the capability of the these extraordinary vessels.

Further, Admiral Donald oversaw the final design and construction of the nuclear propulsion plant for the Nation's next-generation aircraft carrier class—the first new aircraft carrier design in over 40 years. Owing much to his leadership, the USS *Gerald R. Ford* propulsion plant will triple the electrical power available for transformational technology, reduce reactor compartment manning by nearly 50 percent,

and increase ship operational availability by nearly 25 percent.

As Director, Naval Nuclear Propulsion Program, Admiral Donald's commitment to environmental stewardship and public health and safety helped foster the highest degree of public trust. He worked tirelessly to develop and implement a robust process of preparing the nation's spent naval nuclear fuel to be stored safely for centuries. His foresight and execution give the American people great confidence that the nuclear Navy will continue to be safe and environmentally responsible for generations to come.

Mr. Speaker, Admiral Donald has been a thoughtful, forward-looking and hands-on leader for our nation's Naval Nuclear Propulsion Program, and his stewardship of this highly effective, responsive and world-class organization has set an example for all our nation's civilian and military leaders. Along with Representative WITTMAN and my colleagues in the House of Representatives, I wish him "Fair Winds and Following Seas" as he completes his honorable and distinguished service in the U.S. Navy, and wish he and his wife Diane the best as they embark on the next chapter of their lives.

IN RECOGNITION OF THE BLACK  
SHIELD POLICE ASSOCIATION

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Black Shield Police Association, BSPA, an organization of dedicated minority police officers that are committed to serving our communities throughout the Greater Cleveland area.

The BSPA was originally founded in 1946 as the Shield Club, which was designed to assist black officers in maintaining and strengthening self-esteem within an atmosphere of indifference. The Shield Club was a social club for black officers who were, at the time, prohibited from joining organizations that were for white police officers. In 1969, the Shield Club was officially chartered as a non-profit organization and was the third oldest black police organization in the U.S. The Shield Club officially became the Black Shield Police Association in 1978. By 2000, the National Black Police Association expanded to an international organization with members in the United Kingdom, Canada and the Bahamas. The BSPA supports the philosophy of community policing, the calls for a true and cooperative partnership between the community and the police for safer communities.

The Black Shield Police Association's Annual Dinner and Dance Scholarship Awards Banquet is being held at Cleveland's Doubletree Hotel on October 13, 2012. The theme of this year's event is "Still moving FORWARD while celebrating 66 years of Unity." Special tributes will be made to retirees Lieutenant John Cole, Sergeant Hughleam Medlea, Sergeant Andre Douglas, Sergeant Randall Bergeon, Police Officer Eugene Preston, Police Officer Arthur Fantroy,

Police Officer Sandra Robertson, Police Officer Kevin Martin and Police Officer Paul Jones.

Mr. Speaker and colleagues, please join me in recognizing the Black Shield Police Association and its important role in the Greater Cleveland community.

RECOGNIZING THE SEATTLE CHAPTER  
OF THE NATIONAL ASSOCIATION  
OF ASIAN AMERICAN PROFESSIONALS

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the Seattle, Washington chapter of the National Association of Asian American Professionals (NAAAP—Seattle) for being named the Chapter of the Year. The NAAAP—Seattle chapter bested twenty-seven others from across the United States and Canada to receive the honor.

This is the first time NAAAP—Seattle has been named Chapter of the Year. The organization stood out among the other chapters and associate chapters for its exceptional organizational involvement, membership development, and programs.

The NAAAP was established in 1979 and is now the largest and fastest growing Asian American professional non-profit organization in North America. Members are not required to be pan-Asian and come from all parts of the professional community.

The NAAAP works to empower leaders and connect professionals in the same region. In addition, members volunteer in the community. NAAAP—Seattle has hosted many charitable events, including a dragonboat racing fundraiser to benefit the Northwest Lions Foundation for Sight & Hearing, an event at Seattle Symphony to raise money for children's literacy programs, volunteering with Habitat for Humanity, a Walk for Rice fundraiser for the Asian Counseling & Referral Service, and many others. NAAAP—Seattle also hosts career fairs and professional development seminars throughout the Puget Sound.

Mr. Speaker, it is with great honor that I recognize the Seattle chapter of the National Association of Asian American Professionals. The organization's work to make meaningful contributions to government, education, business and society inspires leaders throughout the business community.

HONORING CHAIRMAN STANLEY  
CROOKS, SHAKOPEE MDEWAKANTON  
SIOUX COMMUNITY

**HON. BETTY McCOLLUM**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Ms. McCOLLUM. Mr. Speaker, I would like to take this opportunity to honor the life of Chairman Stanley Crooks of the Shakopee Mdewakanton Sioux Community. With the

passing of Chairman Crooks on Saturday, August 25, the Shakopee Mdewakanton Sioux Community, Minnesota and America lost a transformative and highly respected leader.

Chairman Crooks lived his life serving our nation, the residents of Minnesota and the Shakopee Mdewakanton Sioux Community. A proud veteran of the United States Navy, Chairman Crooks was first elected chairman of the Shakopee Mdewakanton Sioux Community in 1992. During his decades of leadership, he earned national renown for his eloquent and effective defense of tribal sovereignty.

Chairman Crooks never missed an opportunity to reach out to less fortunate communities or to speak out on their behalf. He touched lives in a way that provided hope, opportunity, and dignity to Native American families and communities in need. He was a visionary and a proud leader, and his mentorship inspired a generation that will continue his work for Indian country. Those who knew him well share a tremendous appreciation, respect and fondness for him. I am grateful that he was always ready to lend a hand and to share with me his experience and wisdom regarding tribal issues.

Mr. Speaker, the entire Congressional delegation from Minnesota extends our deepest sympathies to Chairman Crooks' family, including Cheryl, his wife of 48 years, as well as the entire Shakopee Mdewakanton Sioux Community, and all who encountered his generosity and profound spirit. Please join us in honoring the life of this great leader.

HONORING CITY MANAGER MARIA  
DADIAN

**HON. LINDA T. SÁNCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today to recognize Maria Dadian and her 18 years of public service to the people of Southern California.

Maria's devotion to public service is longstanding. In 1975, Maria began her career in municipal government working for the City of South El Monte. She later accepted the position of Parks and Recreation Director with the City of Hawaiian Gardens, and after four years was promoted to Assistant to the City Administrator. Following her 11 years of continuous service to Hawaiian Gardens, she was named interim Executive Director of the Coalition for Youth Development, the city's newly established non-profit organization. During her municipal career she has been contracted by both public entities and private businesses to organize and implement public safety and recreation programs.

Since joining the City of Artesia management team in 1994, Maria has worked tirelessly to ensure Artesia remains safe for its residents and economically vibrant for its business community. During her time as Assistant City Manager, Maria oversaw the City's Public Safety programs, Capital Projects, Community Development projects, and grant program. On top of that, Maria also steered Artesia's Parks



and Recreation and Public Works departments. On November 20, 2000, she was appointed City Manager, and redoubled her efforts to serve the citizens and businesses of Artesia.

Over the years, Maria never stopped working to improve Artesia through redevelopment, encouraging private sector investment, and diversifying and expanding Artesia's economic base. As a result, Artesia flourished under Maria's tenure. This includes an historic district renovation and restoration project, as well as numerous projects devoted to public infrastructure and facilities, downtown revitalization, and developmental and housing assistance. In short, Artesia has seen a renaissance with Maria as City Manager.

I commend Maria Dadian for her many years of outstanding public service and dedication to the City of Artesia and the community. We need more public servants like Maria Dadian. Artesia would not be the community it is today without her.

ON THE 50TH ANNIVERSARY OF  
THE CREATION OF THE OFFICE  
OF THE U.S. TRADE REPRESENTATIVE

**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. CAMP. Mr. Speaker, fifty years ago this October, Congress directed the President to appoint a Special Representative for Trade Negotiations to lead the Administration's efforts to expand global trade. As a result, for the past 50 years, the U.S. Trade Representative has led the Executive Branch in aggressively opening markets to American-made goods and services and promoting economic growth and job creation through trade. USTR's leadership has contributed in significant ways to the tremendous economic growth that the United States enjoyed over the past 50 years and firmly established our global economic leadership.

Across Administrations, USTR has maintained an admirable bipartisan and close working relationship with Congress. I've always said that the very best people become the U.S. Trade Representative. The 50-year history of USTR demonstrates that the men and women who have served as the U.S. Trade Representative are strategic thinkers and tough negotiators—the kind of intelligent, can-do people who have demonstrated their ability to advance our trade agenda. And the dedicated USTR employees who serve with them also exhibit that intellectual rigor and high caliber. I'm proud of all that they have accomplished in opening markets and enforcing our rights under our trade agreements.

USTR is uniquely nimble, lean, and effective. In a world that has changed dramatically over the past 50 years, USTR's small size, independence, and direct access to the President have been critical to its success. With these attributes intact, I am confident that USTR will continue to fulfill its mission effectively and commendably for the next 50 years.

Today, I honor USTR on its 50th anniversary, the 16 men and women who have

served as the U.S. Trade Representative, and the thousands who have proudly served under them. I wish USTR the best for another 50 years.

CONGRATULATIONS TO JASON C.  
YUAN

**HON. RANDY HULTGREN**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. HULTGREN. Mr. Speaker, I rise to congratulate Taiwan's Ambassador to the United States, Jason C. Yuan, for his service in the United States and his recent appointment as Taiwan's National Security Advisor.

I also would like to wish Taiwan a happy anniversary for her upcoming anniversary on October 10th. Known as double ten day, this will mark Taiwan's 101st year.

With so much turmoil in the world today, the region along the Taiwan Strait is one of the important places where hostilities are decreasing. Taiwan has forged constructive partnerships with China, and there is a working peace between the two countries. Much of this can be credited to President Ma's leadership and the policies he has instilled.

Since President Ma became president, there have been numerous daily flights between the two countries, large increases in tourism between China and Taiwan, and a pooling of joint resources to reduce crime along the Taiwan Strait.

Happy anniversary to Taiwan, and thanks to President Ma for his part in maintaining peace and stability in Southeast Asia.

TRIBUTE TO HONOR FLIGHT  
OREGON

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. WALDEN. Mr. Speaker, I rise to recognize the 48 World War II veterans from Oregon who will be visiting their memorial tomorrow in Washington, DC through Honor Flight of Oregon. On behalf of a grateful state and country, we welcome these heroes to the nation's capital.

The veterans on this flight from Oregon are: Harry Barber, U.S. Army; Clarence Carnahan, U.S. Army; Elmer Hendricks, U.S. Army; Burl Jarrell, U.S. Army; Melvin McCoy, U.S. Army; Lowell Miller, U.S. Army; Walter Orum, U.S. Army; Wilburt Rathke, U.S. Army; Fred Riggs, U.S. Army; Willard Runion, U.S. Army; Dennison Thomas, U.S. Army; Frank Vaughan, U.S. Army; Harley Hess, U.S. Army Air Forces; Marion Kirkham, U.S. Army Air Forces; Urban Kluthe, U.S. Army Air Forces; Robert Mitchell, U.S. Army Air Forces; Roland Stewart, U.S. Army Air Forces; Francis Ellmers, U.S. Air Force; Jack Keeler, U.S. Air Force; Milton Kelm, U.S. Air Force; John O'Brien, U.S. Air Force; Robert Stubblefield, U.S. Air Force; Walter Lowblad, U.S. Coast Guard; Billie Tracy, U.S. Coast Guard; Har-

vard Lewis, U.S. Marine Corps; William Sexton, U.S. Marine Corps; Muriel Yandle, U.S. Marine Corps; Douglas Smith, U.S. Merchant Marine; Adam Bachmann, U.S. Navy; James Bratton, U.S. Navy; Richard Davis, U.S. Navy; Joseph Doyon, U.S. Navy; James Dunn, U.S. Navy; Teddy Freeman, U.S. Navy; Thomas Gibbons, U.S. Navy; William Jordan, U.S. Navy; James Kohl, U.S. Navy; James Lancaster, Sr., U.S. Navy; William Matthias, U.S. Navy; Warren McCoy, U.S. Navy; Jerald Muck, U.S. Navy; Franklin Nolan, U.S. Navy; Leonard Premelaar, U.S. Navy; Vance Strunk, U.S. Navy; Leonard Swanz, U.S. Navy; Walter Thompson, U.S. Navy; Frank Spiegel Jr., U.S. Navy; Richard Watson, U.S. Navy.

These 48 heroes join more than 100,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, DC, to reflect at the memorials built in their honor.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, airmen, and Marines who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Oregon for their exemplary dedication and service to this great country. I especially want to recognize and thank Dick and Erik Tobiason and Michael and Cindy Jensen for their tireless work with Honor Flight of Oregon.

IN REMEMBRANCE OF MRS. RUTH  
COYNE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mrs. Ruth Coyne, the former "first lady" of Brooklyn, Ohio.

Ruth was the wife of John M. Coyne, the former mayor of Brooklyn. She attended Rhodes High School and met John at a dance at Our Lady of Good Council. They were married at Old Pete's Wayside Inn on November 30, 1940. John went on to serve as mayor for an astounding 52 years, from 1947 to 1999. Ruth provided support for her husband throughout the years and came to be loved by the community. The couple was married for 72 years.

Ruth is remembered fondly by everyone she encountered. Councilwoman Kathleen Pucci has said that, "She exemplified grace, dignity and style. She genuinely cared about our community and its residents."

In addition to her role as "first lady", Ruth was a loving citizen and mother. She was the mother of four, grandmother of nine, and great-grandmother of fifteen. She always put her family first.

Mr. Speaker and colleagues, please join me in memory of Mrs. Ruth Coyne, a woman who spent her long life working for others, and who will be greatly missed by her family and the City of Brooklyn.

RECOGNIZING TALBOT HILL  
ELEMENTARY SCHOOL

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Talbot Hill Elementary School, located in Renton, Washington, for being named one of the "Coolest Schools in America" by Parent & Child magazine. The school was also named a Washington State Designated Innovative School.

Talbot Hill Elementary School is part of the national MicroSociety program. In this program, students participate in a fully-functioning society. Students apply for jobs, earn money, pay taxes, and participate in government.

Each fall, the Talbot Hill Elementary School community elects a Legislature, comprised of a president, vice president, at-large members and senators and representatives from each grade level. Students work on a newspaper, run a post office, start small businesses, and manage a recycling center.

This unique school is made possible by parent and community support. Parents get involved to invest in the school and in their children's education. This includes spreading the word to the community about the needs of the school. The community's involvement is essential to the success of Talbot Hill Elementary and helps to build a generation of successful and innovative students.

Mr. Speaker, it is with great honor that I recognize the students, teachers, administrators, parents, and staff of Talbot Hill Elementary School. The school's groundbreaking educational techniques prepare students to be life-long learners and engaged members of their communities.

NATIONAL DAY FOR THE  
REPUBLIC OF CHINA ON TAIWAN

**HON. DAN BURTON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. BURTON of Indiana. Mr. Speaker, on October 3, 2012, the Taipei Economic and Cultural Representative Office, located in Washington, DC, will be celebrating the 101st National Day of the Republic of China on Taiwan at the beautiful Twin Oaks Estate. I rise today in advance of this celebration to offer my continued praise and support of the U.S.-Taiwanese relationship and to acknowledge the good work of Jason Yuan, who after serving four years as Taiwan's Washington Representative is returning to Taiwan to continue his distinguished career by serving as Secretary General of the National Security Council. Mr. Yuan has worked tirelessly to further the mutually beneficial relationship between the United States and Taiwan.

As the people of the Republic of China on Taiwan celebrate the 101st anniversary of their nation's founding, I congratulate them on their National Day and would like to commend them for more than 100 years of progress. As

a good friend and ally of the United States, the Republic of China on Taiwan remains a peaceful and prosperous democracy, and is a model for nations around the world.

I would like to take a moment and recognize the 23 million citizens of Taiwan for their commitment to peace. As a symbol of this commitment, the Republic of China on Taiwan recently melted down artillery shells and used the metal to construct a "Peace Bell." President Ma Ying-jeou also proposed a peace initiative in the hope of easing the recent tensions in the East China Sea. The initiative calls on all parties concerned to show restraint, shelve controversies and settle disputes in a peaceful manner. It also urges all parties concerned to strive for a consensus on a code of conduct in the East China Sea, and to establish a mechanism for cooperation on exploring and developing resources in the region. We celebrate these efforts to maintain good relations with other countries, and the United States is proud to call the Republic of China on Taiwan a partner in peace.

In closing, I hope my colleagues will join me in thanking Ambassador Yuan for his service along with President Ma, Vice President Wu, and the people of the Republic of China on Taiwan for their continued commitment to peace and democracy on this anniversary of their National Day. Although I am retiring from the United States House of Representatives, please be assured that my support, commitment and friendship to Taiwan will remain strong, and will never die.

PERSONAL EXPLANATION

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Ms. DeLAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 585 regarding the "Andrew P. Carpenter Tax Act" (H.R. 5044). Had I been present, I would have voted "yes".

HONORING NANCY OSBORNE

**HON. DEVIN NUNES**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. NUNES. Mr. Speaker, I rise today to honor Nancy Osborne, an important public figure in the Central Valley news industry, on the occasion of her retirement.

Ms. Osborne graduated from Las Cruces High School in New Mexico and attended New Mexico State University for 3 years.

Following a five year break from her education, she returned to college in the valley at Fresno State University. She graduated in 1976 with a BA in Speech Communications and began work on a Master's degree.

After a year of graduate study, she accepted a reporting job at ABC30. As one of only a handful of women in the local broadcast industry, Nancy became a role model for many young women.

In the fall of 1977, Nancy joined the anchor team at KFSN-TV. In 1980, she produced and anchored the valley's first locally produced news magazine show while continuing to co-anchor Action News.

In 1996, Nancy joined the Action News Management Team. While continuing her coverage of the valley's political scene and issues involving children and families, she was named Executive Producer—Special Projects. With this new assignment, she helped shape Action News around the clock.

In January 2004, after a short hiatus, Nancy returned to reporting full time, once again adding her experience and expertise to the expanding daily Action News coverage while continuing to co-anchor Action News Live at Five. She also wrote a popular blog, "The Red, White, and True", which focused on stories about the Central Valley's military personnel and families.

In 2005, Nancy was inducted into the prestigious Silver Circle by the Northern California chapter of the National Academy of Television Arts and Sciences for her commitment of over 25 years to the Fresno television market and broadcast news industry.

Nancy has reported on countless stories and events important to the people of Central California and she has given her time and effort to numerous non-profits and charities over the decades. Please join me in congratulating Ms. Osborne on her "award-winning and trailblazing television career," as she retires from ABC30 Action News.

IN RECOGNITION OF FORTY YEARS  
OF LEADERSHIP FROM CLINTON  
RIVER WATERSHED COUNCIL

**HON. GARY C. PETERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. PETERS. Mr. Speaker, I rise today to recognize the Clinton River Watershed Council (CRWC) as it celebrates 40 years of service to Southeast Michigan. Situated within Macomb and Oakland Counties and located in the heart of the Great Lakes region, the Clinton River watershed covers over 760 square miles that begins at the headwaters of the Clinton River in Springfield Township and stretches to its outlet into Lake St. Clair.

Water has long been an important part of our lives in Michigan and throughout the Great Lakes region—it was the means through which Michigan became a center of industry and innovation during the Industrial Revolution and remains a critical part of our economy. However, as an unintended consequence of our success, the Clinton River and its watershed became polluted by industrial runoff and untreated sewage, which threatened this important natural resource in Southeast Michigan. As a response to growing public concern, in 1972 the CRWC was founded with a mission to protect, enhance and celebrate the Clinton River, its watershed and Lake St. Clair.

In execution of its mission, the CRWC has created programs that have engaged all the sectors of the community in efforts to restore

the watershed, while providing hands-on education which has instilled the value of good environmental stewardship. Among its programs is Adopt-a-Stream, which directly involves area residents in the water quality monitoring process. It promotes annual events like Clinton River Day, which brings the community together in dozens of sites around the watershed to participate in projects that educate, clean and promote the importance of the Clinton River to our region. Over its 40 years, the CRWC has created a clear track record of leveraging strong partnerships with area stakeholders to remove the impairments caused by pollution.

The work of the CRWC has left a tangible impact on the communities of Southeast Michigan—riparian habitat has been restored, children have been educated on the healthy and active lifestyle that the watershed supports and recreational fishermen once again enjoy premier fisheries. Beyond these benefits to area residents, the CRWC's outreach to its stakeholders has created important synergies between local governments, institutes of higher education, area businesses and advocacy groups, that have strengthened the vitality of the Southeast Michigan region. The results have been, not just a healthier ecosystem, but also increased economic activity and increased quality-of-life for our families.

Mr. Speaker, as a proud supporter of the Great Lakes and the federal commitment Congress has made through the Great Lakes Restoration Initiative, I ask my colleagues to join me in recognizing the CRWC for 40 years of leadership in protecting, enhancing and celebrating the Clinton River, its watershed and Lake St. Clair. While there is still a lot of work left to be done to fully restore and protect our important natural resources, we have seen great progress because of the work of the CRWC and its sister organizations across the Great Lakes region. I am confident that with the sustained dedication of the CRWC, its stakeholders and its supporters, that we will continue to see more progress made to fully restore the Clinton River Area of Concern.

#### RECOGNIZING THE 225TH ANNIVERSARY OF THE ADOPTION OF THE NORTHWEST ORDINANCE BY THE CONTINENTAL CONGRESS OF THE UNITED STATES

##### HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mrs. SCHMIDT. Mr. Speaker, I rise today to recognize that 225 years ago the Continental Congress of the United States enacted the Northwest Ordinance, which in 1787 established a system of government that made the territory north and west of the Ohio River the first commonwealth in the world whose organic law recognized every man as free and equal.

Encompassing 265,878 square miles, the Northwest Territory included the future states of Ohio, Indiana, Illinois, Wisconsin, Michigan, and part of Minnesota.

In addition to prohibiting slavery, the Northwest Ordinance guaranteed religious freedom

and civil rights throughout the territory. This federal mandate preceded by several years the Bill of Rights—the first 10 Amendments to the U.S. Constitution. The Northwest Ordinance was adopted by the Continental Congress on July 13, 1787.

The Continental Congress appointed Arthur St. Clair the first governor of the Northwest Territory on October 5, 1787. Governor St. Clair was based in Losantiville, a town he renamed Cincinnati on January 4, 1790.

The first delegate of the Northwest Territory to the U.S. House of Representatives was William Henry Harrison of Hamilton County, who served from March 4, 1799, to May 14, 1800. He successfully promoted the Harrison Land Act, which allowed people of modest means to buy land in the Northwest Territory directly from the federal government. This contributed to the rapid growth in Ohio's population.

The Northwest Ordinance established a process for new states to join the Union, and in 1803 Ohio became the first state formed out of the Northwest Territory.

The Northwest Ordinance also established the township form of government, which continues to be favored by many local communities in Ohio.

Mr. Speaker, Ohioans appreciate their state's history and their heritage of equality under the law.

Today, I want to recognize the 225th anniversary of the adoption of the Northwest Ordinance, which resulted in the great state of Ohio and ensured liberty for all its residents.

#### IN HONOR OF MR. GREGORY M. SADLEK

##### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor Mr. Gregory M. Sadlek who is being honored by the Polonia Foundation on October 7, 2012.

Born and raised in Northeast Ohio, Gregory is a graduate of Padua Franciscan High School in Parma, Ohio. In 1968, following his high school graduation, he moved to Quincy, Illinois to attend Quincy University and later attended the Catholic Theological Union in Chicago. Gregory holds several degrees including a bachelor's in philosophy and a master's and doctorate in English. He has pursued a career in academia, teaching at the University of Nantes, Hamilton College, Eastern Illinois University, Northern Illinois University and the University of Nebraska at Omaha in the English Department. Gregory is married to Francoise Rolland; together they have two sons, Jonathan and Benjamin.

In 2005, Gregory returned to his native Cleveland, Ohio and became the Dean of the College of Liberal Arts and Social Sciences at Cleveland State University (CSU). At CSU, he has worked tirelessly to establish a Polish Studies program and a partnership with the University of Warsaw.

Mr. Speaker and colleagues, please join me in honoring Mr. Gregory M. Sadlek and congratulating him as he is recognized by the Polonia Foundation.

#### RECOGNITION OF TAIWAN'S NATIONAL DAY

##### HON. ALBIO SIRE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. SIRE. Mr. Speaker, I would like to send my best wishes to President Ma Ying-jeou and the people of the Republic of China (Taiwan) on their National Day this October 10th.

In the last four and a half years President Ma, along with other national leaders, has helped Taiwan's economy thrive. President Ma took a number of helpful steps to take Taiwan out of an economic slump, including guaranteeing bank deposits, lowering interest rates, distributing shopping vouchers and investing in domestic infrastructure. As a result, Taiwan's economy has been rapidly improving, alleviating the problems of unemployment and poverty.

President Ma has also excelled on promoting foreign policy. Apart from the signing of the mutually beneficial Economic Cooperation Framework Agreement (ECFA) with mainland China in 2010, President Ma's government is currently negotiating economic cooperation agreements with the governments of Singapore and New Zealand and paving the way for Taiwan to become a member of the multilateral Trans-Pacific Partnership.

President Ma has also significantly reduced tensions in the Taiwan Strait by pursuing a policy of diplomatic truce with the mainland and has ended the dangerous cycle of diplomatic warfare between the two sides.

Taiwan is currently enjoying a robust relationship with the United States. U.S.-Taiwan ties have been the most amicable in 30 years. Communication between our two countries is smooth and friendly. Much of this is due to the capable stewardship of Taiwan's top diplomat in the United States: Representative Jason Yuan. Yuan is a seasoned diplomat and has been working very hard to promote an open discussion between Taiwan and Congress on Capitol Hill.

Again, congratulations to the Republic of China on its National Day.

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office; the national debt was \$10,626,877,048,913.08.

Today, it is \$16,012,971,761,294.54. We've added \$5,386,094,712,381.46 to our debt in 3.5 years. This is \$5.4 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

ON THE 20TH ANNIVERSARY OF  
THE ACHIEVABLE DREAM TEN-  
NIS BALL

**HON. ROBERT C. "BOBBY" SCOTT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to congratulate An Achievable Dream and the Rotary Club of the Virginia Peninsula, a longtime sponsor of the event, on the occasion of the 20th Annual Achievable Dream Tennis Ball. An Achievable Dream, with the generous help of the Rotary Club of the Virginia Peninsula and other sponsors, offers an extraordinary education program in my home district which provides tremendous promise to young at-risk students.

The motto of An Achievable Dream is "Teaching Kids Winning Ways." The Achievable Dream program is structured to give young people the skills needed to succeed in life. Those skills are taught at An Achievable Dream on the tennis court, in the classroom, on field trips, and in sharing experiences with successful and caring adults in the community.

Often, young people don't think too much about the future, and don't realize that choices made today may limit those in the future. The staff, supporters and sponsors at An Achievable Dream have worked to ensure that their students have every opportunity to be successful in the future, setting and achieving a goal of graduating 100% of students on time in the past, and hope to send all graduating seniors off to college.

As a public-private partnership with Newport News Public Schools, the city of Newport News, the Newport News Sheriff's Department, the U.S. Army, the Rotary Club, Riverside Health System, and the College of William and Mary, An Achievable Dream has received national recognition as one of the most effective urban school programs in the country and has provided a model for integrating support from the business community to support quality educational opportunities for at-risk students. The Achievable Dream Tennis Ball seeks to highlight the community's dedication to these students and to An Achievable Dream.

I am pleased that I have been involved with An Achievable Dream as a supporter since its beginnings. As An Achievable Dream and our community gathers to celebrate the 20th Anniversary of the An Achievable Dream Tennis Ball, the community can look forward to the continued success of An Achievable Dream and the programs that have been put in place at these schools. I would like to congratulate the staff, supporters and sponsors at An Achievable Dream on this monumental occasion, and hope to see continued success from An Achievable Dream in the future.

TRIBUTE TO SPECIALIST JOSHUA  
L. REED

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. JORDAN. Mr. Speaker, I rise today to honor the life of Army Specialist Joshua L. Reed, who died at Fort Sill, Oklahoma, on August 4.

Josh was born in Bellefontaine, Ohio, in 1990 to Lloyd and Tonja Reed. A 2009 graduate of Benjamin Logan High School, Josh participated in football and wrestling and also enjoyed skateboarding, snowboarding, and quad racing.

Enlisting in the Army in February 2010, Josh graduated from the Multiple Launch Rocket System Crewmember Advanced Individual Training Course at Fort Sill later that year. He was an ammunition specialist with Bravo Battery, 1st Battalion, 14th Field Artillery, and was awarded the Army Certificate of Achievement and the Army Achievement Medal.

Josh is survived by a loving family, including his wife, Teosha Reed of Lawton, Oklahoma; his parents; two brothers, Nicholas Thompson and Tristan Reed; and grandparents Elva Karns and Lewis "Butch" and Judy Lenhart.

Josh courageously volunteered to serve in defense of his family, his community, his state, and his nation. Every American lives under the blanket of safety he helped provide. For this, we owe him and his family a great debt of gratitude.

Josh will be deeply missed. But the strength of his character and the courage he demonstrated through his service will live on.

IN HONOR OF LARRY WALTON  
COLSON

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I rise today to pay tribute to a great man and close friend, Larry Walton Colson. Mr. Colson passed away on September 18, 2012. Visitation will be held at Carson McLane Funeral Home at 11 a.m. on Thursday, September 20, 2012, and funeral services will be held on Friday, September 21, 2012.

Mr. Colson graduated from Valdosta High School in 1966. He attended Valdosta State University and graduated with a degree in Business Administration. Mr. Colson was an entrepreneur at heart. He was the owner and founder of Colson Business Systems, Inc. as well as the co-owner of Splash Zone.

Mr. Colson loved his community and actively served in various capacities. He served on the Guardian Bank Board of Advisors, the South Georgia Medical Center Foundation Board and the Valdosta State University Board of Trustees. He was also a Blazer Booster as well as an avid Florida Gator Booster.

A favorite pastime of Mr. Colson's was playing golf. He played as an amateur in the AT&T

Pebble Beach National Pro-Am. He was also an active member of Park Avenue United Methodist Church where he served as an usher.

George Washington Carver once said, "How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these." Mr. Colson went far in life because of his kindness and compassion for others.

Mr. Colson is preceded in death by his father, George Wallace Colson; his brother, Gordon Wallace Colson; and uncles, Carlton Thomas Adams and Kenneth Carmen Colson.

He is survived by his wife, Patricia Louise Colson; children, Rachel (Steve) Blankenship, Allison (David) Gracey, and Hunter Colson; his mother Myrtice Adams Colson; brother Greg Colson (wife Cheryl); sister-in-law Valerie Colson; many loving nephews: Todd Hatcher, Brent Colson (wife Cara), Brad Colson, and Trace Colson; as well as many great nieces and nephews: Ellen, Cole, Julia and Tate Colson, Caroline and Davis Hatcher.

Mr. Speaker, my wife Vivian and I would like to extend our deepest sympathies to Mr. Colson's wife Pat, their children and other family members during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

IN HONOR OF MR. WALTER  
BORKOWSKI

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Walter Borkowski who is being honored by the Polonia Foundation on October 7, 2012.

Born September 11, 1969, Walter is a first generation American. He was raised in Parma, Ohio and attended Normandy High School before earning a degree in business administration from the University of Toledo. Following graduation, Walter began a career in financial services as a customer service representative with Transamerica Financial Services. Within two years, he was the Executive Branch Manager of the Canton, Ohio office. He briefly left Northeast Ohio for a job with Long Beach Mortgage Company, but returned when he launched Consumers Choice Mortgage Inc. Walter retired from Trust In Equity Mortgage Group, LLC in 2009, but continues to work as a part-time Mortgage Consultant.

Walter has been involved in the Polish-American community since he was a young child as a singer in the John Borkowski Orchestra. At the age of 24, he was elected to his first of two terms as the director of the Alliance of Poles of American. Currently, he is the Recording Secretary for the Cleveland Society of Poles and the Alternate National Director for the Polish American Congress.

Mr. Speaker and colleagues, please join me in honoring Mr. Walter Borkowski and congratulating him as he is recognized by the Polonia Foundation.

RECOGNIZING AND HONORING MS.  
GENEVIEVE FLOREZ

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to recognize and honor Miss Genevieve Florez, who organized a school-wide donation project to send care package to our troops.

At age 10, Genevieve is the youngest child of Susan and Steve Florez. She has attended Joshua Cowell Elementary School since kindergarten, where her mother is a teacher. The family lives in Twain Harte, and Genevieve and her mom commute to school daily—an hour and a half trip each way. While in the car she does her homework, reads, and talks with her mom about all of the things that fill the life of a 5th grader.

Despite all the time that Genevieve dedicates to her studies and long commute, she still finds the energy to help with a home garden, participate in summer drama productions, and take dance classes. She loves art and keeps a sketchbook of her own fashion designs. Not only is Genevieve bright, happy, thoughtful, and creative, but she is a highly motivated self-starter ready to make a difference in the world. In fact, her goal is to be the future President of the United States.

The care package project was inspired by Genevieve's admiration for her school principal, Ms. Bennett. Genevieve sent her the following letter: You inspired me. I want to help and stop world hunger, no more bullies, say thanks to police, fire-fighters, and ladies and men in the military. I also want to say thanks to the teachers. I don't know how to help. That's why I ask you. This is money to help with anything. Miss Florez had enclosed \$20.

After speaking with Principal Bennett about a variety of ways to reach out to people, Genevieve decided to pursue the idea of sending packages to soldiers overseas. Bennett put Genevieve in touch with the family of Corporal Charles O. Palmer—a United States Marine, who lost his life in Iraq on May 5, 2007. Corporal Palmer's family met with Genevieve to help her coordinate services as she prepared to send personal care packages to the troops. After organizing three school meetings to share her idea about the project, Genevieve had successfully earned the support of 70 students who wanted to participate.

On September 11, 2012, a school assembly was held to remember those who lost their lives during the attacks and to honor the heroes that emerged who protect us every day. The Palmer family spoke to the students about the collecting of items to send to the soldiers. They talked about the personal healing that the project brings to them, and they thanked the students for their efforts. They finished by letting the students know that they were all heroes for making a difference at that moment. After sorting through all of the donations, the Palmer family, students, staff, and volunteers were able to send out 65 boxes to our very deserving troops.

Mr. Speaker, please join me in praising Genevieve Florez for the significant contributions she has made to the people of the local

community and for her honorable and faithful dedication to our servicemen and women of the United States of America.

RECOGNIZING THE 90TH ANNIVERSARY OF BISHOP GUILFOYLE CATHOLIC HIGH SCHOOL IN ALTOONA, PENNSYLVANIA

**HON. BILL SHUSTER**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. SHUSTER. Mr. Speaker, I rise today to recognize the 90th anniversary of Bishop Guilfoyle Catholic High School in Altoona, Pennsylvania.

Bishop Guilfoyle has been dedicated to the education and development of Altoona's youth for nearly a century, and its commitment to excellence has helped the school to become a tremendously influential institution in our community. The school places a great emphasis on instilling a culture of goodness, discipline, and knowledge in its students, as evidenced by its valued presence in the Altoona area.

In 1922, the Roman Catholic Diocese of Altoona and Johnstown established Bishop Guilfoyle Catholic High School, under its original name of Altoona Catholic High School. After the sudden death of Bishop Richard T. Guilfoyle in 1957, the school was renamed to honor his compassion for the Altoona Catholic students, and his enthusiasm for sports.

Since its establishment, the school has seen nearly 11,000 of its students receive diplomas, many of them matriculating to higher education. With this outstanding production, the school has had a profound importance in its students' lives, and has helped each of them to thrive in our community and beyond.

Bishop Guilfoyle has achieved numerous accolades, and has developed a prestigious academic reputation across the 12 Catholic parishes that it serves. The school has continued to add state-of-the-art facilities, and has implemented a rigorous academic curriculum, which holds its students to the highest of standards, both within the classroom and in the community.

Mr. Speaker, Bishop Guilfoyle's commitment to the education of our district's youth has not gone unnoticed. Its faculty's passion for cultivating the necessary values to succeed as productive, compassionate citizens has earned the school an exemplary reputation in Pennsylvania's 9th district. The many proud alumni that are spread throughout the world are a testament to the school's celebrated achievements and storied tradition as a first-class instructional institution.

As Congressman of the 9th District, I wish Bishop Guilfoyle Catholic High School all the best on what is sure to be another productive, successful 90 years of education and development.

HONORING WASHINGTON COUNTY, COLORADO ON ITS 125TH ANNIVERSARY

**HON. CORY GARDNER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. GARDNER. Mr. Speaker, I rise today to honor Washington County, Colorado on its 125th Anniversary.

Washington County is distinctly different from the Washington I am standing in today. However, both did name their areas in honor of the first President of the United States, George Washington.

This past February marked their 125th anniversary of Washington County, and they have much to celebrate.

During the early 1880s, the Northeast section of Colorado experienced a boom in agricultural development and settlers flocked to the area for available and plentiful land to grow crops. In fact, my family sold farm equipment in Akron and Otis, something my family remains very proud of to this day.

The population expansion led the Colorado State Legislature to pass legislation that officially established Washington County in 1887, and declared Akron, Colorado as the county seat.

After some territorial disputes with the town of Yuma, the current boundaries were established in 1903.

Today, over 4,800 Coloradans call Washington County home, and the county continues to promote Colorado's rich agricultural legacy.

I had the honor and privilege to represent Washington County when I served in the Colorado State Legislature, and it is again my honor and privilege to represent this great county in the United States Congress.

I am proud to recognize Washington County on their 125th Anniversary.

PROVIDING QUALITY HOME CARE SERVICES

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to discuss the need for strategies to maintain and improve access to home-based medical and long-term care services.

As the Co-Chair of the Seniors Task Force, I am committed to ensuring seniors get the care that they need in the setting that they prefer. Today, three-and-a-half million Medicare beneficiaries get home health services, allowing them to live independently in their own homes while getting the medical care they need. Home healthcare provides skilled, safe and effective medical treatments that once were available only at a hospital or doctor's office, allowing seniors and people with disabilities to receive necessary medical care without needing transportation to a doctor's office or admission to a hospital. Home health care is good for individuals and their families, and it also is good for taxpayers. Home

healthcare services saved Medicare \$2.81 billion between 2006 and 2009.

As we head into this fall's debate on sequestration and alternative budget proposals, I urge my colleagues to remember the importance of home health care to seniors and people with disabilities on Medicare and to avoid cuts that will threaten the services upon which they rely.

Twelve million adults—seniors and adults with disabilities—need long-term care services but Medicaid is currently unable to meet all their needs. The problem will become even more serious in the future, since it is estimated that 27 million Americans will need long-term services by 2050. Yet, our nation still lacks a comprehensive approach to meet current and future long-term care needs.

I have introduced H. Res. 759 to express support for a comprehensive approach to provide the home care workforce and long-term care services we need in order to ensure that seniors and people with disabilities are able to live at home and enjoy a dignified quality of life. It is time not just for a national discussion, but for national solutions.

We know that we have to address the cost of health and long-term care, but there is a right way to deal with those costs and a wrong way. The wrong answer would be to target vulnerable seniors and people with disabilities—denying them home healthcare and long-term care options or shifting the financial burdens to family caregivers. Large Medicare and Medicaid cuts, vouchers and block grants would do real harm to real people. Higher cost-sharing requirements will price essential services out of reach.

Instead, we need to look for ways to lower health care costs across-the-board by eliminating fraud and abuse, giving Medicare authority to use its bargaining power to negotiate for lower drug prices as the VA does, encouraging greater efficiency in the delivery of care, and encouraging the use of cost-effective health care services, including home healthcare services.

As we undertake serious budget discussions this fall, we must carefully consider the real-life impacts of the choices before us. I will be working to make sure that we protect and improve our ability to meet the home healthcare and long-term care needs of seniors and people with disabilities.

#### HONORING THE LIFE OF JULIANNE ELIZABETH MARKS ALLEN

#### HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. HINCHEY. Mr. Speaker, I rise today to pay tribute to a dear friend of mine, Julianne Elizabeth Marks Allen, who passed away earlier this month. Julie, as she was called, had a heart of gold and was one of the most giving and loving people I've ever been fortunate enough to know. It was an honor and privilege for me to have her serve on my staff for nearly 19 years as a trusted advisor and liaison to the people of Sullivan County—the county she loved and called home for nearly her entire life.

Julie committed her life to her family and community. Through her volunteer efforts and public service, Julie touched countless lives in Roscoe and throughout Sullivan County, a beautiful, rural part of New York, where she was known by seemingly everyone. She was particularly interested in assisting young people and served as the Town of Rockland's Youth Committee Chairman for the Roscoe Central School District for several years. She was also a board member on the Sullivan County Community College Foundation Scholarship Committee. Julie worked diligently with me on a wide range of issues and was critical in helping me establish and steer the Sullivan-Wawarsing Rural Economic Area Partnership—an innovative regional community development initiative, for which Julie served on the Board of Directors for many years. Julie diligently advocated for those who sought assistance through our office and was widely respected for her tireless efforts to help others. Julie was also a distinguished and stalwart pillar of the Democratic Party, serving for the past 40 years as a member of the Sullivan County Democratic Committee and for the last 25 years as an elected member of the New York State Democratic Committee.

Julie had a profound impact on virtually everyone she met. To her, public and community service was a calling. Despite facing health challenges for the past 23 years, Julie's passion and determination to help others remained steadfast. In fact, Julie was recently honored with the Sullivan County Community College "2012 Women Who Make A Difference" award for her lifetime dedication of volunteerism to the county. She constantly put everyone else's needs before her own, and her reservoir of compassion and inner strength was an inspiration to me and others. Every conversation with Julie involved her asking how the other person was doing, how their family was doing, and asking for stories and updates to make sure everything was alright. She felt like a family member because she cared so much about everyone.

While she had many jobs and significant responsibilities, the roles that Julie cherished more than any others were that of loving wife, mother, grandmother, sister, and aunt. Julie loved her family with all of her heart—and it was one of the biggest hearts I've ever known. She spoke frequently and proudly about her family members' latest accomplishments. Nothing brought Julie more joy than spending time with her husband Don—her one and only true love and high school sweetheart to whom she was married for 47 years—and the rest of their family, including their children, Laurie and Michael, along with their spouses, Perry and Kori; and their grandchildren Elizabeth Julianne, Caden and Taylor. Despite all of the many great accomplishments throughout her life, there was no greater achievement in Julie's life than building this beautiful family.

Mr. Speaker, I add my voice to those honoring the life of Julianne Elizabeth Marks Allen. I offer my heartfelt condolences to her family and many friends. I am deeply grateful for the opportunity to have known and worked closely with Julie. The world is an emptier place without Julianne Elizabeth Marks Allen, but her legacy and impact on the lives of others will live on forever.

#### NATIONAL OVARIAN CANCER AWARENESS MONTH

#### HON. KATHLEEN C. HOCHUL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Ms. HOCHUL. Mr. Speaker, in recognition of the month of September being National Ovarian Cancer Awareness Month, I would like to express my deep support for the women and families who are affected by ovarian cancer. In 2012, over 22,000 women will be diagnosed with ovarian cancer in the United States, and we will lose more than 15,000 mothers, daughters, wives, sisters, and friends to this disease.

While great strides have been made in cancer research, education, and awareness, there is still much work to be done, especially on ovarian cancer. Though many other cancers have seen significant reductions in mortality rates due to improved prevention methods, screenings, and treatments, the mortality rate for ovarian cancer has remained nearly the same for the past 40 years.

I commend the many programs and organizations dedicated to ovarian cancer research, education, and awareness, including the National Cancer Institute, the Centers for Disease Control and Prevention's Ovarian Cancer Control Initiative, the Department of Defense Ovarian Cancer Research Program, and the many advocacy, education, and awareness organizations.

I urge my colleagues to join me in recognizing September as National Ovarian Cancer Awareness Month, remembering the women who have lost the battle with this disease, and supporting research, education, and awareness efforts so that eventually, future generations will no longer feel the effects of ovarian cancer.

#### IN HONOR OF MRS. ALINA CZERNEC

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor Mrs. Alina Czernek who is being honored by the Polonia Foundation on October 7, 2012.

Alina was born in pre-World War II Poland. During the war she was forced to spend five years of her life living in Polish refugee camps in Iran, India and Pakistan. Following the war, her family reunited in England in 1947 and immigrated to Cleveland, Ohio's Tremont neighborhood in 1952. After graduating from St. John Cantius High School, Alina was attending Fenn College and working for the Polish daily newspaper, *Wiadomosci Dodzienne*. In 1959, Alina married Steve Czernek and together they had three children, Lisa, Richard and Chris. Alina spent much of her time volunteering at local schools and nursing homes and eventually became the director of admissions at Broadview Nursing Home. She worked at Heights Drapery Company, which

she and her daughter own, until her retirement in 2004.

Alina has been involved in the Polish-American community since she settled in the U.S. She has belonged to a number of organizations including Gmina 6, PNA and the Alliance of Poles. She is also an active member of the Polish American Cultural Center and has spent countless hours volunteering at St. John Cantius Church.

Mr. Speaker and colleagues, please join me in honoring Mrs. Alina Czernek and congratulating her as she is recognized by the Polonia Foundation.

A TRIBUTE TO HIS HONOR JUDGE  
MICHAEL T. McSPADDEN—TEXAS  
JUDGE

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. POE of Texas. Mr. Speaker, there are thousands of individuals who make it their life's work to make communities safer while holding criminals accountable for their actions. One of the best is Judge Michael T. McSpadden. I have known Judge McSpadden for what seems like forever. We served in the district attorney's office as prosecutors together. Judge McSpadden prosecuted criminals for 8 years in the Harris County district attorney's office under the leadership of District Attorney Carol Vance.

In 1982, Judge McSpadden became a Criminal District Court Judge in Harris County, Texas. He tried felony cases. Judges in Texas are elected on a partisan ballot and Judge McSpadden has been elected 8 consecutive times to the bench of the 209th Criminal District Court. We served as judges together and I witnessed his remarkable dedication to the law and justice. As a community, we are truly privileged to have such an extraordinary man answer the call to public service and as an individual, I am grateful to call Judge McSpadden a friend.

Judge McSpadden has served the citizens of Harris County, Texas for over 35 years. A graduate from the University of Oklahoma (though we don't hold it against him), he has worked diligently to rise through the ranks in Texas courts. He started his legal career in the Harris County District Attorney's office as an Assistant District Attorney, and then he became the Chief Prosecutor of the 209th District Court.

In 1982, Judge McSpadden was elected as a judge for the same court and, for the last 30 years, he has continued to preside over the 209th. His extensive knowledge of the justice system and his incredible work ethic have gained the respect of many in the law profession. Over his career, he has earned the respect and admiration among lawyers and judges within the legal community: he is always among the highest rated judges by members of the Houston Bar Association and was the highest rated judge in Harris County in the 2011 Houston Bar Association Judicial Qualification Poll. Our community has benefited greatly from the many, many years of

service that he has dedicated. In addition, Judge McSpadden has been recognized by the Houston Police Officer's Association and Harris County Deputy Sheriffs Association. He has also been honored and named Champion of Crime Stoppers by the Bay Area Crime Stoppers. These organizations recognized that he has not only dedicated his professional time to helping others, but he has dedicated his personal time to helping the next generation as well. In 1994, Child Advocates honored him for his efforts to help children. He has been also honored by the Samaritan Center and the Assistance League of Houston for his work with inner city youth. Judge McSpadden is a positive mentor to young males at risk. In 2002, he was the first recipient of the Chuck Norris Team Spirit Award for his work with Kick Drugs Out of America. He continues to serve on the advisory boards of many non-profit organizations. By giving his time and lending his hands, Judge McSpadden has changed many lives, and I want you to know that our Nation is a better place because of his commitment to helping our communities become safer.

Prior to his three decades of public service in the courtroom, Judge McSpadden also served his country as a United States Marine. While enlisted, he even found time to win the Marine Corps Tennis Champion title. He is a 3-time Big 8 Conference Tennis Singles Champion and still enjoys playing at River Oaks Country Club.

The impact of Judge McSpadden's work is far reaching. He truly is an unsung hero whose efforts are felt in communities, neighborhoods and homes across Texas each and every day.

Judge McSpadden's achievements at the 209th and in the community far surpass these recognitions. His innovation, determination and compassion for serving others make him one of the best judges in the Nation. Judge McSpadden is a close personal friend, excellent lawyer, tremendous judge, and amazing public servant for Texas.

And that's just the way it is.

HONORING MONTANA'S WORLD  
WAR II VETERANS

**HON. DENNY REHBERG**

OF MONTANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. REHBERG. Mr. Speaker, today it is my distinct privilege to welcome a very special group of men and women to our Nation's capital. And while it is incumbent upon us to honor them, the truth is, they honor us with their presence here.

On September 23, 2012, nearly 100 veterans of the Second World War will arrive in Washington, D.C. through the Honor Flight program. Since 2005, Honor Flight has worked to bring WWII veterans to visit their war memorial at the foot of the Washington Monument, and a few feet from the White House. In that first year, 137 veterans participated in the program. By last year, that total annual participation had swelled to 18,055.

And while each of the veterans who has participated deserves our thanks and our

honor, this particular group is special because it marks the second time this year that Honor Flight has brought out a group of veterans from Montana.

You won't find a state that's more proud of our veterans than Montana. And we have a lot of them. In fact, you won't find many states that have more as a percentage of our population.

On December 7, 1941 the United States was pulled into the war and Montanans answered the call to service. Within the first year, 40,000 men and women from the Treasure State enlisted. By the end of the war, 57,000 had served—nearly 10 percent of the state's entire population at the time, one of the highest rates in the country.

They served in every branch and in every theater of the conflict. And too many of them never made it back to Montana, although I think that heaven must be a little something like a peaceful sunset over the Yellowstone River.

But Montana's veterans didn't sacrifice in vain. They bled and died to defeat the greatest threat to freedom the world has ever seen. They fought across the bloody islands of the Pacific and in the frozen forests of Europe. They fought in the air, land and sea. Some even fought below the waves. And they won.

Today, the men and women who fought and won that war are justifiably part of what is called the Greatest Generation. The sacrifices of men and women who arrive in Washington, D.C. are the reason for this honorable title. It is not something we gave to them, it's something they earned.

As they visit this city and reflect on what it stands for as a beacon of freedom to the world, I think the rest of us should remember that the reason liberty still exists is because good men stood up to tyranny. They are the greatest of the Greatest Generation, and on behalf of all Montanans, I want to thank them.

57,000 Montanans served during World War II. Just under 100 are here this week. Please join me in welcoming and honoring:

Lee Alderdice (Polson, MT); Milton Lyman Amsden (Broadus, MT); Harry A. Arvidson (Lincoln, MT); Peter N. "Bert" Bertram (Absarokee, MT); Leonard E. "Len" Bestrom (Laurel, MT); Warren Charles Bodecker (Plains, MT); Ralph Floyd Brewington (Broadview, MT); James C. "Jim" Brook (Lewistown, MT); William Boner "Bill" Brown (Billings, MT); Jackson Lamar "Jack" Burger (Lavina, MT); Filmore Burton Canon (Broadus, MT); John M. Clark (Butte, MT); Harold Lee "Hal" Conrad (Lewistown, MT); Hollis E. Coon (Butte, MT); Gool Counts (Livingston, MT); Carley Rhein Cromwell (Missoula, MT); Leo Eckhardt (Billings, MT); James E. "Jim" Elander (Missoula, MT); James "Jim" Ellison (Billings, MT); Charles T. "Bosco" Eskro (Billings, MT); Frank D. Evans (Billings, MT); Alvin Oscar Fisher (Billings, MT); Samuel W. Frank (Laurel, MT); Durl J. Gibbs (Buffalo, MT); Raymond P. "Ray" Gregori (Hungry Horse, MT); Robert Glover Hall (Potomac, MT); Charles E. "Chuck" Halstead (Columbus, MT); Thomas A. "Tom" Hanel (Billings, MT); Russell LeRoy Hartse (Missoula, MT); James "Jim" Hasterlik (Great Falls, MT); Milam V. Hearron (Billings, MT); McDonald Watkins "Don" Held (Billings, MT); Lewis William



"Louie" Holzheimer (Great Falls, MT); Bernard E. "Barney" Ilertson (Corvallis, MT); Earl T. Jackson (Deer Lodge, MT); Elwin M. Johnson (Laurel, MT); George L. Kimmert (Billings, MT); Vincent Leo "Vince" Koefeldt (Laurel, MT); Vernon Lee "Vern" Koelzer (Billings, MT); Frank J. Koncilya (Lewistown, MT); Andre Rioul "Andy" Kukay (Great Falls, MT); Willard E. "Bud" LaCounte (Billings, MT); Albert Raymond "Al" Lasater (Ryegate, MT); Harold J. Lasater (Forsyth, MT); Gorvan J. "Duke" LeDuc (Laurel, MT); Oscar Lawrence "Lawrence" Lee (Shepherd, MT); Norman D. Leonard (Billings, MT); Joseph Biggs "Joe" Little (Bozeman, MT); Max E. Long (Laurel, MT); Robert W. Lubbers (Billings, MT); Leonard John "Pat" Mager (Harlowton, MT); James J. Marshall (Missoula, MT); William R. "Bill" Matthew (Anaconda, MT); Paul Messer (Billings, MT); Elizabeth Steele "Betty" Meyer (Paradise, MT); Geraldine E. "Gerry" Mihalic (Missoula, MT); Gerald Kenneth "Jerry" Nelson (Billings, MT); John H. "O'bie" O'Bannon (Stevensville, MT); Clarence Allan "Ole" Olson (Billings, MT); Eddie C. Olson (Vida, MT); Ray A. "Ole" Olson (Billings, MT); Thomas F. "Pat" Patterson (Stevensville, MT); Roy Louis "Pete" Peters (Roy, MT); John W. Porter (Deer Lodge, MT); Carl "Corky" Redding (Billings, MT); Michael Gene Rhodes (Billings, MT); Robert V. "Bob" Ryan (E. Helena, MT); Charles Franklin "Frank" Sandford (Missoula, MT); Dave Schledewitz (Townsend, MT); Lawrence Norbert Shipp (Miles City, MT); William James "Jim" Sivelle (Poison, MT); Anthony William "Bill" Skorupa (Bridger, MT); Charles E. "Chuck" Smith (Billings, MT); Donald E. Smith (Melville, MT); Kenneth C. "K.C." Smith (St. Regis, MT); Robert M. "Bob" Standefer (Billings, MT); John R. "Jack" Stevenson (Missoula, MT); Frank Phillip Thatcher (Billings, MT); Clifford V. "Cliff" Thomsen (Billings, MT); Robert E. "Bob" Torgrimson (Billings, MT); Ronald Wilmar "Buck" Torstenson (KalisPELL, MT); James Arthur "Jim" Vick (Billings, MT); Albert "Al" Wade (Billings, MT); James Forest "Jim" Walker (Billings, MT); Bernard Edgar Wanderaas (Vida, MT); Joseph A. "Joe" Weber (Deer Lodge, MT); Allen L. "Buster" Whittington (Billings, MT); Bryce Wood Williams (Billings, MT); Andrew R. "Pete" Winter (Ronan, MT).

WISHING THE PEOPLE OF TAIWAN  
A JOYOUS NATIONAL DAY CELEBRATION

### HON. BLAKE FARENTHOLD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. FARENTHOLD. Mr. Speaker, I rise today to extend my congratulations and best wishes to President Ma Ying-jeou on the occasion of Republic of China (Taiwan)'s National Day. This national holiday commemorates the 1911 Wu-ch'ang uprising that ended centuries of monarchy and led to the birth of the Republic of China.

Taiwan and the United States enjoy a robust relationship that reflects our two countries' historical, cultural and economic ties over the last century. Despite lack of formal rela-

tions between the two countries, the United States and Taiwan continue to be strong partners in trade, cultural and educational exchanges as well as cooperation in many other areas. Taiwan's cooperation with the United States in combating global terrorism has earned the trust of the American people and boosted exchanges and friendship between our two nations. Such relations also extend to discussions over Taiwan's military needs. A strong Taipei-Washington relationship is in both governments' best interests for the stability of East Asia. This year, we celebrated the 33rd anniversary of the enactment of the Taiwan Relations Act, the cornerstone of U.S.-Taiwan relations.

My additional congratulations to the people of Taiwan for their continued participation in the World Health Assembly meetings this May in Geneva. I hope Taiwan will also soon join the International Civil Aviation Organization (ICAO).

I join my fellow colleagues in wishing the people of Taiwan a joyous National Day celebration and look forward to expanding our strong relationship.

### RECOGNIZING MR. ROBERT SMALL

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. DENHAM. Mr. Speaker, I rise today to recognize and thank Mr. Robert W. Small for the time and energy he has dedicated to the Military Academy Nomination process by serving the constituents of the 19th Congressional District as a member of our Academy Selection Board.

Robert W. Small was born in Lordsburg, New Mexico on February 11, 1935. Mr. Small served his country in both the United States Marine Corps and the United States Army. While in the Marine Corps, he was called to duty on combat missions in both Korea and Vietnam; yet, his service went beyond combat. Mr. Small completed duty as a Marine Corps Drill Instructor and Marine Corps Recruiter in addition to assignments with Inspector Instructor Staff, Hawk Missile System, and Infantry and Tanks.

Beyond his work with the United States Marine Corps, Mr. Small has a distinguished career with the United States Army. As an Army Recruiter, Mr. Small recruited for the Army National Guard. His hard work was recognized in 1981, when he was awarded as the Top Recruiter for the entire nation—having enlisted 139 soldiers in one fiscal year. This award is a testament to Mr. Small's impeccable work ethic.

Mr. Small's enthusiastic service to his country is demonstrated by his wide range of military work, including the California State Military Reserve. He served as Battalion Commander and Director of Recruiting State Wide and was assigned to the Commanding General's Staff as Staff Duty Officer. Mr. Small retired at the rank of Lt. Colonel. With forty years of military service, he serves as an example to all in his community.

Beyond the military, Mr. Small continues to exemplify true citizenship in his civilian life. He

attended California State University, Fresno and West Coast Bible College. Mr. Small was a founding Pastor of Wahiwa Church of God in Oahu, Hawaii and a Pastor of Pinole Church of God in Pinole, California. He currently serves as Senior Care Pastor at Northwest Church in Fresno, California. He is a member of the American Legion, VFW, and current Commandant of the Marine Corps League.

Robert served as Staff Assistant and Military Liaison to Congressman George Radanovich, former Representative of the 19th District of California. In addition, he served on the Academy Selection Board for both Congressman Radanovich and me.

Mr. Speaker, please join me in honoring Robert W. Small for his outstanding service to his country and community. His expertise as a member of the United States Armed Services and life experiences have made his time on the Academy Selection Board invaluable. He is a true public servant, and I wish him continued success in his future endeavors.

### A TRIBUTE TO CHAIRMAN PAUL F. OREFFICE

#### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 20, 2012

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Chairman Paul F. Oreffice of The Dow Chemical Company for his distinguished life and career as he nears his 85th birthday. Mr. Oreffice is a true American success story, having immigrated to the United States from Venice when he was 12 years old to later becoming the CEO of one of the world's largest and most recognized corporations.

Paul joined The Dow Chemical Company in 1953, after graduating from Purdue University and serving two years in the U.S. Army during the Korean War. He maintained a variety of international assignments early in his career before being named President and Chief Executive Officer in 1978. His adept business skills while head of the company helped him become the first person to receive both the Palladium medal and the Chemical Industry medal in the late 1980s. He was named Chairman of the Board in 1986, and served in that position until his retirement in 1992. Throughout his tenure, The Dow Chemical Company remained one of the largest and most well-respected manufacturing companies in the world.

It is because of the determination and success of individuals like Paul that America remains the land of opportunity for folks wishing to achieve great things through hard work and ingenuity. On behalf of the Fourth Congressional District, I congratulate Paul for his remarkable life and career.

CRANE HERITAGE DAY HONOREE—  
EVELYN STRODER

**HON. K. MICHAEL CONAWAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. CONAWAY. Mr. Speaker, I rise today to celebrate a stalwart of our community, Evelyn Stroder, who is being recognized as this year's Crane Heritage Day honoree.

When I think of what it takes to make a strong community, I think of someone like Evelyn. Communities can be united in many aspects, but one central component found in strong communities is service. And service to our community has been at the core of Evelyn's life.

Evelyn's journey began in Corpus Christi where she graduated from high school and attended Del Mar Junior College before she went on to earn a B.A. in English and Journalism from Baylor University. Later she earned an M.A. in American Literature and Mass Communications from UTPB.

In 1955, Evelyn and her husband, Charles, moved from Corpus Christi to Crane. Once in Crane, Evelyn would use her education to give back. She served others as an educator for 28 years and continues to serve on the Crane School Board. While Evelyn no longer teaches, she still remains active in the Permian Historical Society and the Crane County Historical Commission. Her journalistic accomplishments include her presented papers and published work in a variety of publications throughout Texas, and currently she serves as the assistant editor of the Permian Historical Society Annual.

One would think that with such a busy schedule, Evelyn would not have time for much else in life. However, in between all these accomplishments, she has managed to raise three children, seven grandchildren, and six great-grandchildren—a notable accomplishment in itself!

On behalf of the 11th District, it is an honor to recognize Evelyn because she is an example of those who have made our nation strong. Our nation did not become great from the top down, but from the bottom up—from the people in our neighborhoods willing to serve and make their community a better place for others and their children. Evelyn is one of these individuals. Through this award, she is rightly recognized for the time and sacrifice she has dedicated to others and it is an honor to represent her in the Halls of Congress.

CONGRATULATIONS TO COLONEL  
THEODORE C. "TC" WILLIAMS ON  
HIS RETIREMENT FROM THE  
UNITED STATES ARMY

**HON. HOWARD P. "BUCK" McKEON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. McKEON. Mr. Speaker, I rise today to pay tribute to an exceptional officer in the United States Army, Colonel Theodore C. "TC" Williams. Throughout his 27 years of dis-

tinguished service, COL Williams has personified the Army values of duty, integrity and selfless service across the many missions that the Army provides in defense of our Nation. As the Chief of Programs Division in the Office of the Secretary of the Army, many of us on Capitol Hill have enjoyed the opportunity to work with COL Williams on a wide variety of Army issues and programs. It's my privilege to recognize COL Williams and his many accomplishments.

COL Williams, the son of the late Theodore C. Williams, Jr and Phyllis Kane Williams of Potomac, Maryland, attended Winston Church Hill Senior High School in Potomac, Maryland, and was commissioned as a Second Lieutenant in the Infantry in 1985 after graduating from The Citadel in South Carolina.

He served from 1986 to 1989 as a rifle platoon leader, company executive officer, and reconnaissance platoon leader in 1st Battalion, 27th Infantry "Wolfhounds" at Schofield Barracks, Hawaii. From 1990 to 1993, he served as the battalion assistant operations officer then commander of Bravo Company in 3rd Battalion, 7th Infantry Cotton-Bailers during the Persian Gulf War and at Fort Stewart, Georgia. From 1993 to 1994, COL Williams served as a Senior Infantry Trainer in the 24th Infantry Division Resident Training Detachment assisting the 48th Brigade, Georgia National Guard. From 1995 to 1998, COL Williams was a small group instructor for the Infantry Officers Advanced Course and tactics team chief in the Tactics Department of the Infantry School at Fort Benning, Georgia. From 1999 to 2001, he served as operations officer and then executive officer in 1st Battalion, 23rd Infantry "Tomahawks" at Fort Lewis, Washington.

From 2001 to 2003, COL Williams was an Army Congressional liaison in the Office of the Chief of Legislative Liaison where he was principally responsible for overseeing the efficient operation of the division and managing the Army's legislative portfolio on the Chem-Bio Defense program.

In 2003, LTC Williams left OCLL to take command of the 2nd Battalion, 6th Infantry "Gators" during Operation Iraqi Freedom and at Smith Barracks in Germany from June 2003 to June 2005. For twelve months, Force Gator conducted combat and stability operations in southeast Baghdad. In April 2004, while conducting transfer of authority to the follow-on unit, the tactical situation in Iraq deteriorated and the battalion task force was alerted to conduct combat operations in Najaf and Al Kut. Following decisive combat operations in south-central Iraq, the task force was extended in Iraq for three months to conduct combat and stability operations in the infamous "Triangle of Death." For operations conducted April to July 2004, the battalion received the Presidential Unit Citation as part of the 2nd Brigade, 1st Armored Division. Upon redeploying to Germany after fifteen months in Iraq, the battalion conducted reset and full-spectrum operations training in preparation to deploy again in late 2005.

From 2005 to 2007, LTC Williams returned to the Office of the Chief of Legislative Liaison to serve as the Legislative Assistant to the Vice Chief of Staff, Army (VCSA). He stood out amongst his peers and made himself an

indispensable part of the VCSA's personal staff.

From 2007 to 2009, he was promoted to Colonel and led the division within OCLL that develops the congressional engagement strategy for the Secretary, Chief of Staff, Under Secretary, Vice Chief of Staff, and Sergeant Major of the Army. He performed exceptionally. He personally improved the Army's strategic communication with the Congress, and developed the engagement strategy and legislative objectives for the Army's Senior Leadership.

From 2009 to 2012, COL Williams performed duties as the Chief of Programs. He expertly led the planning of the Army's congressional engagement strategies between senior Army Staff leaders and Members of Congress, leading directly to a defense authorizations bill that enhanced the Army's ability to recruit, retain, and reset the world's premiere fighting force.

Through these varying assignments, COL Williams provided outstanding leadership, advice, and sound professional judgment on critical issues of enduring importance to both the Army and Congress. On behalf of Congress, I thank COL Williams, his wife Helen, and his entire family for the commitment, sacrifices, and contribution they have made throughout his honorable military career. Congratulations on completing an exceptional and successful career.

IN HONOR OF MS. SYLVIA  
RUCINSKI

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Ms. Sylvia Rucinski who is being honored by the Polonia Foundation on October 7, 2012.

Born and raised in Cleveland, Ohio, Sylvia attended Miles Elementary School and graduated from Holy Name High School. She later attended Cuyahoga Community College and John Carroll University. Before beginning her 22 year career at the Alliance of Poles of America, Sylvia held a number of different positions. She previously held jobs with Harris Seybold, Grabler Manufacturing and several school and public libraries.

Sylvia has been a long-time and active member of the Polish-American community. She has been the director for the Alliance of Poles Federal Credit Union and Ohio Division of the Polish American Congress. She also served as the recording secretary of Circle 9 of the Alliance of Poles. Because of her unwavering service, Sylvia has been acknowledged by the Alliance of Poles as the recipient of the 2004 Meritorious Service Medal and Award and named the 2003 Grand Lady of Pulaski by the Polonia Foundation.

Mr. Speaker and colleagues, please join me in honoring Mrs. Sylvia Rucinski and congratulating her as she is recognized by the Polonia Foundation.

HONORING MR. OLIVER SIEBERT  
OF CHESTERFIELD, MISSOURI

**HON. W. TODD AKIN**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. AKIN. Mr. Speaker, I rise today to honor Mr. Oliver Siebert of Chesterfield, Missouri. The French government recently awarded Mr. Siebert the Legion of Honor for his part in the liberation of Strasbourg, France. The medal and the accompanying title of Knight of the Legion of Honor is the highest military award given by the French government.

Mr. Siebert, just twenty years old, was an acting second lieutenant leading the 324th infantry battalion and the 220th field artillery in November 1944. American forces, operating jointly with elements of the French Second Armored Division under the command of Captain Jean Penet, fought across the Vosges Mountains in the French Alps throughout October and November 1944. On 23 November 1944 elements of the French Army entered Strasbourg and liberated the city.

Mr. Siebert's service did not end with the liberation of Strasbourg. While conducting operations in support of the assault of Hangviller on 27 November 1944, Mr. Siebert and a small group of American soldiers were captured by German SS soldiers disguised as U.S. troops. Three days later, after overpowering two SS officers and commandeering their car, he was able to escape and return to his duties as an artillery forward observer.

On Christmas Day 1944 a German shell landed not far from his forward observation post and caused severe damage to his right leg. German strafing of the ambulance that evacuated him that night caused further damage that would require extensive surgery and lengthy convalescence to repair. After treatment at several American military hospitals, Mr. Siebert was honorably discharged on 18 August 1945.

Mr. Siebert returned to St. Louis, earned a degree in mechanical engineering from Washington University and in 1948 married Virginia Turner, his wife now for more than 63 years.

I am truly honored to have the opportunity to share this heroic story. This son of a truck driver for Anheuser-Busch, despite initially being rejected for military service because he was "clinically blind", did not give up his quest to do his part to defeat Nazi Germany. And now, almost seventy years later, I join the French government in honoring his sacrifice and service to the French people and these United States.

Mr. Siebert, thank you. And may God Bless you and your family.

CONGRATULATING MR. DEREK  
CAVILLA FOR COMPLETING THE  
NATIONAL GALLERY OF ART'S  
SUMMER TEACHER INSTITUTE

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. WEBSTER. Mr. Speaker, it is my pleasure to recognize Mr. Derek Cavilla of Orlando,

Florida, a teacher at Workforce Advantage Academy, upon his completion of the National Gallery of Art's Annual Summer Teacher Institute. During the National Gallery's six-day seminar, Mr. Cavilla intensively studied the foundation of twentieth-century art by examining the pioneering artists of French impressionism and post-impressionism.

In order for participants to be accepted in to the Gallery's Teacher Institute seminar, they must first complete a rigorous application process. Mr. Cavilla was one of only forty-five teachers from across the nation chosen to participate in this year's National Gallery of Art's Teacher Institute. From this seminar, teachers are able to return to their schools and students with new tools and ideas that will enhance education curriculum of all grade levels and subjects. The students of Central Florida are blessed to have such a dedicated educator as Mr. Cavilla.

On behalf of the citizens of Central Florida, I am pleased to recognize and congratulate Mr. Derek Cavilla on his acceptance to and successful completion of the National Gallery of Art's Annual Summer Teacher Institute. May his dedication to our nation's educational institutions and students inspire others to follow in his footsteps.

FIRST ANNUAL AMERICA'S  
FAMILY DAY

**HON. JOE BARTON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. BARTON of Texas. Mr. Speaker, on October 6, there will be an event taking place in Santa Monica, CA that I would like to highlight. This event will be the First Annual America's Family Day. The purpose of this event will be to celebrate families and to stress the importance of protecting and investing in our children.

On March 7, 2012, the Bi-Partisan Privacy Caucus, in which I serve as the co-Chairman, held a briefing to directly highlight H.R. 1895, the Do Not Track Kids Act of 2011. On our panel, we were joined by Nick Cannon, Spokesperson for Safe Communications, who shared the same passion of ensuring that our children are protected across all platforms. He graciously publicly endorsed H.R. 1895 and has decided to champion the cause by holding the very first America's Family Day.

I believe that Republicans and Democrats alike can agree that family is a sacred institution that deserves our time, energy, and devotion. I am blessed to have a loving wife, four wonderful children, two stepchildren, and five grandchildren. I want nothing more than to do my part to make sure they are secure, safe, and well protected. In this sentiment, I am happy to offer my support for the First Annual America's Family Day.

HONORING STATE  
REPRESENTATIVE PAUL ROAN

**HON. DAN BOREN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. BOREN. Mr. Speaker, I rise today to recognize a man of determination, service, and integrity—State Representative Paul Roan of Tishomingo, Oklahoma.

Roan, a member of the Oklahoma House of Representatives, has served his district and state with distinction during the years of 2000 to 2012.

Paul's legislative work has been devoted to helping Oklahoma's brave veterans and emergency responders, protecting the state's natural resources and improving education for young people.

His personal career has been built on a foundation of public service. Roan proudly served our country as a member of the United States Air Force, he then spent time as an educator, a police officer and was elected Deputy Sheriff of Pontotoc County, followed by over 20 years of service as an Oklahoma Highway Patrol State Trooper.

Representative Roan has been a civic leader in the Oklahoma community for several years, serving as 1st Vice-President of the Oklahoma State Troopers Association, President of Tishomingo Masonic Lodge #91, and a member of Johnston County Chamber of Commerce and American Legion Post 164.

It is with great pleasure that I take this opportunity to acknowledge not only his successes in the Oklahoma legislature, but also as a devoted father and family man.

Paul Roan is the husband of Betty Roan and father of Chris, Brad, and Angela Roan. The 20th House District of Oklahoma is a better place because of the service of Paul Roan.

IN HONOR OF SEA OTTER  
AWARENESS WEEK

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. FARR. Mr. Speaker, I rise today to call attention to the 10th Annual Sea Otter Awareness Week, September 23–29, 2012 sponsored by Friends of the Sea Otter located in my congressional district. This week-long event highlights one of the most iconic species in California and the integral role they play in the near-shore marine ecosystem and draws public attention to sea otters and the conservation issues they face.

We all know that sea otter recovery has been met with challenges and sea otter populations remain threatened. Each day, research is uncovering additional causes of sea otter population declines. As a keystone species, sea otters hold the entire kelp forest ecosystem together, and as a bellwether species, they are an important indicator of the health of the marine environment. The decline of southern sea otters off of the California coast not

only impacts the species itself, but also affects other marine populations and the surrounding ecosystems. The demise of sea otters allows their prey, sea urchins, to proliferate unchecked—leading to the alarming overgrazing of kelp beds, which function as critical nursery grounds for many marine animals, and also help to sequester CO<sub>2</sub>. Recent research has shown that spreading kelp can absorb as much as 12 times the CO<sub>2</sub> from the atmosphere than would an urchin dominated system.

The U.S. Fish and Wildlife Service should be commended for their efforts in the recovery of the southern sea otter. Termination of the translocation program, allowing sea otters expansion into southern Californian waters, is a critical step along that path to recovery. I am concerned that language in the House version of the FY13 NDAA contains language that would impede the termination of this failed program and those flawed sections of the bill must be removed.

Mr. Speaker, I applaud the many accomplishments of Friends of the Sea Otter and other non-profit environmental organizations that work on southern sea otter recovery in the Monterey Bay region. The Monterey Bay Aquarium, researchers, fishermen, state and federal agencies, schools, and many other institutions and individuals devote tremendous time and resources to protect and recover the southern California sea otter. Sea Otter Awareness Week is just one of their many activities geared towards honoring and saving this species, and I am proud to be associated with this vital work.

#### IN RECOGNITION OF TAIWAN'S NATIONAL DAY

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to congratulate the people of the Republic of China (Taiwan) on its upcoming National Day.

During the last four and a half years, the Republic of China's President Ma has further strengthened the ties between Taiwan and the United States. One way Taiwan has accomplished this has been by reducing its trade surplus with the U.S. year after year. Additionally, Taiwan recently lifted its ban on U.S. beef imports. Taiwan's lifting will help our beef industry economically and Taiwan's example will encourage other countries to lift their bans against U.S. beef and beef products.

Taiwan is also known for being a champion of peace. In addition to reducing tensions across the Taiwan Strait, Taiwan has continued to assert itself as a proponent of peaceful solutions. For instance, in the most recent dispute over the Diaoyutai/Senkaku islands, Taiwan has urged all parties to exercise patience and to put aside their differences, instead of resorting to military threats.

Mr. Speaker, I urge my colleagues to join me today in congratulating Taiwan on its 101st National Day. I am confident that the friendship and close relationship that has been cultivated by the United States and Taiwan will continue for many years to come.

#### HONORING SENIOR MASTER SERGEANT EMILIO HERNANDEZ

#### HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. DIAZ-BALART. Mr. Speaker, I proudly rise today to honor Senior Master Sergeant Emilio Hernandez, an exceptional individual who has most recently been awarded the 2012 Outstanding Airman of the Year award by the United States Air Force. This prestigious award is given to only 12 members of the Air Force each year for their superior leadership, job performance, community involvement, and personal achievements.

SMSGt Hernandez was born in Havana, Cuba but grew up in Miami, FL. He graduated from Hialeah High School in 1990 and began his military career in 1992, serving at both Sheppard AFB in Texas and K.I. Sawyer Air Force Base in Michigan. He was deployed to Incirlik Air Base in Turkey later that year in support of Operation Provide Comfort where he garnered two achievement medals, and was selected as a holiday phone call recipient from then President Bill Clinton. His decorated service history includes deployments to Kuwait in support of Operation Southern Watch, and Baghdad in support of both Operations Iraqi Freedom and Enduring Freedom.

In 2008, SMSGt Hernandez was assigned to his current position in the 100th Civil Engineer Squadron as Superintendent Operations Flight at RAF Mildenhall in the United Kingdom. In 2009 he deployed to Ali Base Iraq, where he served as Electrical Superintendent of the 407th Expeditionary Civil Engineer Squadron and received the Meritorious Service Medal. Later, he was selected as the 100th Civil Engineer Squadron's 2009 Senior Noncommissioned Officer of the year. In 2011 SMSGt Hernandez was awarded the Bronze Star Medal for his service at Kandahar Airfield as the Operations Flight Chief of the 777th Expeditionary Prime BEEF Squadron.

In his current position, SMSGt Hernandez has led 52 people in 53 civil engineering projects at 163 forward operating bases in support of 85,000 warfighters. He orchestrated \$80,000 in repairs to nine Marine Corps aircraft hangers to safeguard \$300 million in assets in support of a vital ISR platform. He oversaw a project to upgrade an electrical grid on a dam which preserved water and power flow to 450,000 Afghans, and managed the construction of two tactical operations centers worth \$500,000, securing Afghanistan's key district of Panjwai.

Mr. Speaker, I am honored to pay tribute to Senior Master Sergeant Emilio Hernandez for his continued service to our nation, and I ask my colleagues to join me in recognizing this remarkable individual.

#### RECOGNITION OF TAIWAN'S NATIONAL DAY

#### HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. RYAN of Ohio. Mr. Speaker, in celebration of Taiwan's National Day on October 10th, I believe it fitting to call to mind one of the basic elements of the Taiwan Relations Act (TRA) that has long guided America's worldwide relationships.

The TRA states in SEC 2(b)(4)

“... to consider any effort to determine the future of Taiwan by other than peaceful means, including by boycotts or embargoes, a threat to the peace and security of the Western Pacific area and of grave concern to the United States;”

The Taiwan Relations Act is monumental in the unique impact it has had in maintaining the Peace in the Pacific and our relationship with the nations of the Region.

Congratulations to Taiwan during this exciting time in your country's history and for helping to maintain peace in Southeast Asia.

#### CONGRATULATING HEALTH CENTRAL HOSPITAL ON 60TH ANNIVERSARY

#### HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. WEBSTER. Mr. Speaker, it is my pleasure to recognize the 60th anniversary of Health Central Hospital of Ocoee, Florida. Since 1952, the dedicated physicians and staff of Health Central Hospital have compassionately provided excellent healthcare services to residents across Central Florida.

West Orange Memorial Hospital, as it was originally named, moved from Winter Garden, Florida to Ocoee, Florida in 1993. Today, Health Central Hospital is an 85-acre medical facility, housing a 171-bed acute care hospital, physician offices, and a newly renovated 34-bed emergency center. Health Central's dedication to their patients is evident not only in their healthcare service, but also through their involvement in the community.

On behalf of the citizens of Central Florida, I am pleased to congratulate and applaud Health Central Hospital, along with their physicians and staff, for their efforts to enrich the lives of their patients and the Central Florida community for the past 60 years. May their example of compassion and dedication inspire others to follow in their footsteps.

#### HONORING FAIR FAMILY FARMS OF MANN'S CHOICE, PENNSYLVANIA

#### HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. SHUSTER. Mr. Speaker, I rise today to honor Fair Family Farms of Mann's Choice,

Pennsylvania. On September 5, 2012, the farm marked its 200 years of continuous ownership and operation by the descendents of Lewis Turner.

In 1812, Lewis Turner of Loudon County, Virginia, purchased the 241-acres that would become the original farm from the Estate of George Woods and from Dr. John and Mary Anderson of Bedford County. Lewis and his wife, Anna Maria Beltz, raised their six children on the farm. Following Lewis' death, his eldest son Fredrick Turner purchased the farm on April 24, 1838. Frederick and his wife, Susannah Mahala Exline, raised their seven children on the farm and constructed a gristmill on the property, remnants of which are still visible today.

Upon Frederick Turner's death, the farm was divided between three of his sons. One of the three, Andrew Turner, purchased the 95-acre Parent Parcel, a portion of the original land that has remained in the family's possession since the original 1812 survey. In 1865, Andrew and his wife Anna Maria Hillegass constructed a barn and homestead in which they raised their eight children. The homestead remains in use to this day.

Following the death of Anna Maria, the farm passed to her daughter Mary M. Turner and her husband, John W. Fair, on December 20, 1912. On April 2, 1923, they transferred the property to one of their six children, Ralph A. Fair, and his wife, E. Mae Mowry. The farm changed hands again on February 12, 1959, when Ralph H. and Floyd A. Fair, two of Ralph and Mae's three sons, took possession of the property. Since 1979, Ralph and his wife, Geraldine V. Coughenour, have worked to acquire portions of the original land that had been subdivided and sold over the years, and now hold 226 of the original 241 acres. Throughout their 55 years of marriage, Ralph and Geraldine have always lived on the farm where Ralph was born and where they raised their six children, two of whom still live on the property.

After Floyd's death, full ownership of the farm passed to Ralph and Geraldine, on June 29, 2006. In 2008, Ralph and Geraldine created Fair Family Farms LLC to hold and preserve all the farm's land. They, as well as four of their children, are partners of the LLC, making them the 6th and 7th generation owners of the ancestral farm.

Since the farm's creation 200 years ago, it has remained an active dairy. Currently, Fair Family Farms is the only Pennsylvania Certified Organic dairy in Bedford County, producing milk, hay, corn and oats, as well as a significant poultry operation that produces million of eggs each year.

It is quite an accomplishment to keep a farm productive and in the same family for seven generations. Happy bicentennial, Fair Family Farms, and best wishes for many more!

#### RECOGNIZING AND THANKING CAPTAIN ROD W. STUBBLEFIELD

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to recognize and thank Captain Rod W.

Stubblefield for the time and energy he has dedicated to the Military Academy Nomination process by serving the constituents of the 19th Congressional District as a member of our Academy Selection Board.

Rod W. Stubblefield was born, raised, and schooled in Fresno, California. He graduated from California State University, Fresno (CSFU) with a Bachelor of the Arts and was a four-year letterman with the Fresno State Football Team. He returned to CSUF as a graduate student, where he earned his Master's in Business Administration. For 51 years, he has been a Trustee and Board Member of the Bulldog Foundation at Fresno State University and is a devoted fan and supporter of Bulldog Football.

He has been married to Carol Stubblefield for 52 years, and their family has traveled extensively. They have been blessed with two sons, Tim and Curtis, and two grandchildren, Tori and Nicholas.

Captain Stubblefield entered the United States Navy as a Seaman Recruit in January, 1951. He was a member of the 12-1 Surface Division while he completed his undergraduate education. In August of 1954, Mr. Stubblefield was commissioned as an Ensign in U.S. Navy.

His professional schooling includes Department of Defense Graduate Studies, Boeing Aircraft Management Studies, National Security Management School, and studies at the Naval War College. Captain Stubblefield holds Active Duty Certification specialties in Explosive Ordinance Disposal, Master Deep Sea Diver, Scuba Diver, and Extensive Training in Atomic, Biological, and Nuclear Warfare and Terrorist Insurgency. In addition, he is a surface-qualified officer. He has served numerous tours at sea, including U.S.S. Laws DD 558, U.S.S. Renville APA 227, U.S.S. Estes LCC 12, along with many more.

Captain Stubblefield's major shore duties include Commanding officer: Naval Ammunition Depot, Hawthorne, Nevada; Officer in Charge: Naval Riverine Operations and Special Forces, Mare Island, California; Officer in Charge: Counterinsurgency Training with EOD, Unit 1, Hawaii; and Officer in Charge: US Navy Elk Hills, California, Petroleum Facility. Captain Stubblefield retired from the active service with the U.S. Navy on July 1, 1985.

Captain Stubblefield continues to serve his country as a representative of the U.S. Naval Academy. In 1973, the Navy assigned Capt. Stubblefield as the Central California Blue and Gold Officer. He currently represents thirty schools in the Central Valley. He as served on five Congressional All Academy Nominating Committees and is currently assigned to the 19th Congressional District of California. Captain Stubblefield greatly helped me during my term in Congress and has served honorably for Congressmen Sisk, Krebs, Coehlo and Radanovich.

Beyond his significant military career, Captain Stubblefield has been employed by New York Life and NYLIFE Securities for 56 years as a Financial Planner and Agent. The Stubblefield Office specialized in Business, Personal and Estate Planning. Captain Stubblefield has been a Club Member for 45 years and also holds the Chartered Life Underwriter and Charter Financial Consultant designations. The Stubblefield Family has a

combined service to New York Life for over 200 years. Captain Stubblefield has also been Life Member of the Million Dollar Round Table for 37 years.

Mr. Speaker, please join me in honoring Captain Rod W. Stubblefield for his outstanding service to his country and community. He has served the U.S. Navy for a total of 61 years, including 39 years at the Blue and Gold Officer to the United States Naval Academy. This service, along with his dedicated work as part of the Academy Selection Board, makes him an invaluable asset to his community. He is a true public servant, and I wish him continued success in his future endeavors.

#### FIRST BAPTIST CHURCH DENBIGH 150TH ANNIVERSARY

**HON. ROBERT C. "BOBBY" SCOTT**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. SCOTT of Virginia. Mr. Speaker, I rise today to congratulate a legacy of faith in Virginia's Third Congressional District. This year, First Baptist Church Denbigh in Newport News is celebrating its 150th anniversary, and I would like to take a moment to reflect on the history of this esteemed institution and its contributions to the greater Hampton Roads community.

The story of First Baptist Church Denbigh begins in July 1862 as the Civil War raged. A Recognizing Council was called to meet at the old Denbigh Baptist Church. They chose Rev. Peter Banks to lead the congregation. Rev. T.G. Wright became the second pastor, serving from 1863 to 1869. During his administration, the white community returned to claim their church building. Rev. Wright and congregation moved to the current location, building a small house of worship.

During the tenure of Rev. T.G. Nettles (1870-1881), a larger house was built to accommodate increased membership and the church was renamed to "First Baptist Church of Warwick County." Other ministers were Reverends Watt Talton (1882-1883), J.B. Whiting (1883-1887), Robert H. Nazareth (1887-1912), T.C. Williams (1912-13), A.A. Hudgins (1913-26), Isaac Daniel (1926-32), J.D. Atkins (1933-40), and Joseph H. Brown (1941-48), all of whom added to the church in both physical form and spiritual leadership. During this period, the church was renamed "First Baptist Church Denbigh."

For the next ten years, the church received sermons from Reverends B.F. Burton and I.L. Buie along with other leaders. Later ministers were Reverends Samuel Fladger (1959-63), T.T. Brown (1963-67), and Albert L. Hill (1968-73), who initiated a bond sale to build a new air conditioned facility, with an indoor baptismal pool, which held its first services in 1972.

Rev. Herbert A. Hill, Jr. began his pastorate in 1974 and gave the church the strength to endure though a tragic fire in 1986 which destroyed the church edifice. For a time, services were held in schools and other places in the community. In 1987, Rev. Hill's tenure as

pastor ended and associate pastors provided guidance to the flock.

In 1987, Edward Talton, a deacon for more than 40 years, was called into the ministry. Rev. Talton preached only two sermons from the pulpit before his death, but his life was a sermon in itself. In 1988, Rev. Haywood Barnes was voted to serve as interim pastor. Since 1988, Rev. Ivan T. Harris has led services, assuming the full-time pastorate in October 1991. Through Pastor Harris' efforts, the church's 25 year mortgage was burned on October 9, 1994—after only 6½ years.

Over the years, the First Baptist community has continued to flourish. Successful fundraising has afforded the church handicap-accessible transportation, a new Church Bell, an Education Center, Child Development Center, Family Life Center, and modern technologies. In addition to Sunday prayers, the church offers Summer Bible School, The Bible Institute, and GED, Homebound and Short Term Suspension programs. It provides over 30 ministries and is home to several choirs. The Church leads charitable causes including the The Hunt Food Locker, Food Mobile, Summer Feeding Program, an Outreach Center for women's transitional housing, a Clothes Closet, and the adoption of a low-income neighborhood.

Perhaps the most notable activity of the church is their African Village Adoption Project, initiated in 2005. Members have selected a native from Benin, Africa for adoption. The Church as a whole has provided a water well, microbanking program, motorcycles, books, a Christian School, and medical and worship facilities.

As First Baptist Church Denbigh gathers to celebrate this historic milestone, the church can truly remember its past, celebrate its present, and focus on its future. I would like to congratulate Pastor Harris and all of the 2,500 members of First Baptist Church Denbigh on the occasion of their 150th Anniversary. I wish them many more years of dedicated service to the community.

GARTH PATTERSON—FRIEND OF  
THE FISHERMEN, FRIEND OF  
MASSACHUSETTS, AND MY  
GREAT FRIEND

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. FRANK of Massachusetts. Mr. Speaker, I have never had to learn more about an issue in my life than when I learned in 1992 that the City of New Bedford and its fishing industry was included in the new Congressional district that I have proudly represented. New Bedford is one of the most successful fishing ports in the county, and in fact for the 12th consecutive year New Bedford had the highest-valued catch of any port in the United States. Fishing is not only a vital part of the economy of the region, but an integral component of its culture and social makeup. I could not represent the needs of such a unique community without a talented staff, and I am honored that my long-time aide, Garth Patterson, is the recipient of

the 2012 Friend of the Fisherman Award recognizing his exemplary work.

He received this award from the fishing community of New Bedford because of the high quality of the work he has done to provide the kind of first-rate public service and advocacy that is so essential to the continued survival of the fishing industry. In some cases, our advocacy can be uncomplicated, but there are also cases where mastering a very complex body of data is essential if we are to do our job right. Garth provided me with an extraordinary degree of technical expertise, practical knowledge, political savvy, and an ability to understand all viewpoints and articulate his own. He has been an enormous asset not only to me, but also to those concerned with the survival of the fishing industry.

Mr. Speaker, I join the fishermen in thanking Garth. He is a tireless advocate for the community, and his nearly quarter century of public service is the quintessential model of how constituent relations should be conducted. I am proud that he is receiving this award, proud of his hard work for the people of Massachusetts, and proud to call him my friend.

### RECOGNIZING DR. PAT STROH

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, I rise with my colleagues Congressman JOHN GARAMENDI, Congresswoman BARBARA LEE, Congressman JERRY MCNERNEY, and Congressman PETE STARK to recognize Dr. Pat Stroh, the Director of the Family and Children's Services Program in Contra Costa County and congratulate her on her well-earned retirement.

Dr. Stroh earned her Master's Degree from Ball State University and her Doctorate in Education Early Childhood Focus from Walden University. Prior to coming to Contra Costa County in 1998, she served as Director of Head Start in Lexington, Kentucky and directed a U.S. Army Child Development Program in Europe.

Over the years, Dr. Stroh's outstanding work in public service has demonstrated her strong commitment to the children and families of Contra Costa County. Under her leadership, Contra Costa's Head Start Child Development Program's enrollment more than doubled and expanded from a part-day, part-year schedule to close to a full-day, full-year program. In addition, during very difficult economic times, Dr. Stroh was also able to more than double the program budget.

Dr. Stroh's interest and influence extends well beyond our county's borders. As a member of the Board of the National Head Start Association as well as the California Head Start Association, she has worked diligently to enhance and expand the collaborative efforts of these organizations. Pat has also served as Validator and Mentor with the National Association for the Education of Young Children. As a result, the United States Congress was quick to recognize Dr. Stroh as the 2008 California Head Start Association Administrator of

the Year for Invaluable Service to the Community.

Our community and Dr. Stroh's colleagues have honored her numerous times, recognizing her passion for children and her ability to develop programs that improve their chance of success in the world. As we well recognize, the success of our children bodes well for the success of our families and our entire community.

Today, we invite our colleagues to join us in honoring Dr. Pat Stroh once again for her dedicated service to the families and children of Contra Costa County. We are pleased to join her family, colleagues and friends in congratulating her on a long and highly successful career and wish her a happy and healthy retirement.

### HONORING JOHN LOWRY

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Ms. WOOLSEY. Mr. Speaker, I rise today with my colleague Rep. MIKE THOMPSON to recognize the outstanding career of John Lowry. John is retiring after 28 years of service with Burbank Housing. His inspirational leadership in providing affordable housing in Sonoma County, California has given thousands of disadvantaged and low-income Sonoma County residents a place they can call home.

Originally from New York City, John graduated from New York University and holds BA and MA degrees with majors in economics, politics and history. He later decided to obtain a general contractors license and build his own home. This sparked his interest in self-help housing, which he would later incorporate into Burbank Housing's Homeownership Program.

John began his career of providing affordable housing to Sonoma County California as a project manager on Burbank's first two projects. He was their second employee. Under John's leadership, the non-profit has grown to 140 employees who build, manage and maintain 2,700 affordable rental units as well as helping another 750 families own their homes.

John's work has been lauded by his peers, including being named an Inspirational Non-Profit Leader. The Sonoma County Housing Coalition has honored him with both their Lifetime Achievement Award and their Housing Hero Award.

John also serves our community by working with the California Coalition for Rural Housing and the Home Builders Association of Northern California. He has served on the board of Nonprofit Housing Association of Northern California as well.

In retirement, John plans to continue working to influence state and local housing policies. Mr. Speaker, it is appropriate at this time that we thank John Lowry for his many years of service on behalf of the people of Sonoma County. He has worked tirelessly to demonstrate his unwavering belief that low-income people of all ages, backgrounds and special

needs deserve to live in decent, affordable housing. For this, he deserves our appreciation.

CONGRATULATING MAJOR  
GENERAL PETER J. BOYLAN

**HON. PAUL C. BROWN**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 20, 2012*

Mr. BROWN of Georgia. Mr. Speaker, I rise today to honor and congratulate Major General Peter J. Boylan who is celebrating his twentieth year as President of Georgia Military College (GMC), and is the longest serving President of the college since its founding in 1879. General Boylan has worked wonders for GMC as he is responsible for restoring the reputation and financial stability of the school, which is now ranked one of the best community colleges in the nation. Through his unwavering determination, he planned and secured funding to rebuild and renovate every structure on the GMC-Milledgeville campus, made possible the addition of previously non-existent athletic fields and facilities, and renovated, relocated, or established-as-new every GMC distant learning and extension center in the state.

Not only is General Boylan a tireless leader and a staunch champion of the academics, he is also a distinguished military retiree himself. He served for more than thirty years in the United States Army which included two tours in the Republic of South Vietnam, and he also participated in the invasion of Grenada with the 82nd Airborne Division. General Boylan's devotion to his country led him to later work with the Joint Chiefs of Staff at the Pentagon and eventually as Deputy Inspector General of the Army. His list of achievements is monumental, which is a testament to how blessed the student body, staff, and faculty of GMC are to have him as President. Some of his most notable awards include the Distinguished Service Medal, the Silver Star, the Bronze Star, and the Purple Heart amongst many others.

General Boylan's academic accomplishments are equally as impressive. He has a Masters degree in engineering from the University of Michigan as well as a Doctor of Laws from Flagler College. For much of his tenure at GMC, General Boylan has stressed that character building is an integral part of a good education. Having also served, I understand the importance of teaching our youth these traits, and couldn't be more supportive of General Boylan in his efforts. Moreover, General Boylan still finds the time to be an active community servant and a faithful family man. He has been honored with the Floyd Harrington Community Leadership Award, he served on the Committee for the Selection of White House Fellows (New York Region) and was appointed by the Governor of Georgia to the Board of Directors for the Department of Juvenile Justice. Most importantly, he and his wife, Kathleen, have five children and thirteen grandchildren.

I know that GMC, the entire state of Georgia, and this nation are forever grateful to

General Boylan for his unwavering love for his country, his dutiful service within the military, and his constant willingness to give back to our nation's youth. I am honored to stand here today and congratulate him on twenty years as President of Georgia Military College.

IN TRIBUTE TO RUSSELL E. TRAIN

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. VAN HOLLEN. Mr. Speaker, I rise today to pay tribute to my friend, Russell E. Train, one of our country's most influential and accomplished environmentalists, who died on September 17, 2012 at age 92.

Russell Train was instrumental in developing our nation's environmental policies. He served under Presidents Nixon and Ford as the Administrator of the Environmental Protection Agency. Under his leadership, the nation made large strides in protecting our air, water, and wildlife, including the adoption of the Safe Drinking Water Act, the Toxic Substance Control Act, the Clean Air Act, coastal zone management, national land-use policy, environmental impact statements and the Endangered Species Act. During his tenure, EPA banned four extremely toxic farm chemicals—aldrin, dieldrin, heptachlor and chlordane—and instituted automobile emission limits.

Mr. Train developed the concept and promoted the establishment of UNESCO's (United Nations Educational, Scientific and Cultural Organization) World Heritage program, which provides vital protection to 730 cultural and natural sites around the world and builds on the American national park concept.

Mr. Train's passion and dedication for conservation and the environment were strengthened by travels with his wife Aileen to Africa. In 1961 he founded the African Wildlife Leadership Foundation and in 1965 he resigned as a United States Tax Court judge to become president of the Conservation Foundation. He served as the Foundation's president until 1969, when he was appointed Under Secretary of the Department of the Interior.

Mr. Train then served as the first chairman of the Council on Environmental Quality from 1970–73 before leading the EPA from 1973–77.

The World Wildlife Fund (WWF) was an important part of Mr. Train's life for over fifty years, from its founding in 1961 until his death. Mr. Train was the first vice-president of WWF-US and was Chairman of the Board of Directors of World Wildlife Fund and of the Conservation Foundation from 1985 until they merged as WWF in 1990. In 1994 Mr. Train was elected WWF Chairman Emeritus and served as Chairman of the WWF National Council from 1994–2001. Mr. Train led WWF-US through extraordinary growth from its inception to become the leading global conservation organization it is today. Mr. Train remained active on the WWF-US Board of Directors and was regularly seen at the WWF offices, encouraging staff and extolling the importance of the EPA. Carter S. Roberts, President & CEO of WWF-US, says of Mr. Train,

"Russ was a true national treasure and an inspiration to all of us who embrace conservation as their life's work. He will be well remembered, and forever missed."

Mr. Train received many awards and recognitions, including the Presidential Medal of Freedom, the Heinz Award and the Teddy Roosevelt International Conservation Award.

Russell E. Train was born in Jamestown, Rhode Island and grew up in Washington, DC. He graduated from Princeton University and Columbia University Law School. Mr. Train served in the U.S. Army during World War II.

Mr. Train believed that conservation and environmentalism weren't Democratic or Republican issues—they were national and international issues of importance to everyone who cared about the future of our planet. In 2003, Train published *Politics, Pollution and Pandas: An Environmental Memoir*, tracing his career and providing a history of the U.S. environmental movement. In his memoir, Mr. Train wrote, "I felt strongly that environmental issues needed a sharp, cutting edge in government, one that had high visibility to the public." Fortunately, he noted, "this view finally prevailed."

I hope we can return to a time when protecting our air, water, and the environment is a shared, bipartisan goal. I am proud to have counted Russell Train among my friends and am grateful for his support for our ongoing efforts to follow in former President Teddy Roosevelt's tradition of protecting and preserving our national heritage. At this time in our country's history, we need more Russell Trains. We will miss him dearly, but his legacy is all around us in the cleaner air we breathe, the safer water we drink, and the wildlife that he fought to preserve. When we think of Russell Train, we must block efforts to roll back the victories he won and fight to build upon his noble legacy.

I extend my deepest condolences to Russ Train's wife of 58 years, Aileen Bowdoin Train; to his four children, Emily Rowan, Nancy Smith Gustin, Charles B. Train and my grade-school classmate, Errol T. Giordano; and to his twelve grandchildren.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Russell E. Train for his extraordinary contributions to our country and our world.

HONORING ALZHEIMER'S PATIENTS AND CAREGIVERS OF NORTHERN MICHIGAN

**HON. DAN BENISHEK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BENISHEK. Mr. Speaker, on behalf of the citizens of the First District of Michigan, I wish to recognize September as World Alzheimer's Month, and specifically today, September 21, 2012, as Alzheimer's Action Day.

Alzheimer's is a type of dementia that destroys brain cells causing problems with memory, judgment, and behavior. Alzheimer's is a serious disease, and is not a normal part of aging. In fact, while most Alzheimer's patients are over age 65, for as many as 5% of its victims, the disease first appeared in their 40s or 50s.



In the United States, an estimated 5.4 million people are living with Alzheimer's disease. Alzheimer's disease is the sixth-leading cause of death in the US, and it is the only cause of death among the top 10 in the United States that cannot be prevented, cured, or even slowed. It has been projected that as many as 16 million Americans may have Alzheimer's by the year 2050.

As a doctor who has treated patients for nearly 30 years in Northern Michigan, I understand the devastating impact Alzheimer's disease can have on patients and their caregivers. In addition to the physical toll Alzheimer's takes on patients, the disease also takes a heavy toll on families serving as caregivers through very difficult times. More than 15 million Americans provide unpaid care to a loved one with Alzheimer's. I am reminded of the words which former President Ronald Reagan shared in announcing his diagnosis of Alzheimer's disease 18 years ago: "Unfortunately, as Alzheimer's disease progresses, the family often bears a heavy burden." Very poignantly, Nancy Reagan referred to Alzheimer's as "the long goodbye."

In sharing his diagnosis, President Reagan also hoped to promote greater awareness of the disease. Although awareness of Alzheimer's has grown, we need to continue educating others about the disease. While there is still no cure or prevention for Alzheimer's, with early detection one can get the maximum benefit from available treatments that may provide some relief and help maintain independence longer. I encourage everyone to know the early warning signs and how they differ from typical age-related changes. For example, suffering from memory loss that disrupts daily life may be an early sign of Alzheimer's, but occasionally forgetting names or appointments, then remembering them later, is normal as we age.

Today, on Alzheimer's Action Day, I stand with the residents of Northern Michigan who are fighting "the long goodbye." I also wish to acknowledge and honor their dedicated caregivers. Thank you for the courage and perseverance you display every day.

TRIBUTE TO KENNETH & SARAH  
RAMSEY

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to two natives of southeastern Kentucky, Kenneth and Sarah Ramsey for their inspiring success, spanning more than 40 years in the making. Starting as young entrepreneurs from Artemus, Kentucky, Ken and Sarah now own one of the premier thoroughbred farms in the nation, the Ramsey Farm in Nicholasville, Kentucky.

Ken had a rough start in the horse racing industry in 1969 when he discovered his \$1,500 thoroughbred was blind in one eye and never started. Ken held a trainer's license briefly before becoming an executive in the trucking business. The Ramseys later dabbled in real estate before investing in cellular telephone

franchises. It was the extra money from the cell phone business that enabled Ken and Sarah to return to their true love of horses.

The Ramseys bought the famed Almahurst Farm in 1994 after selling their cellular telephone business. Almahurst was the birthplace of the 1918 Kentucky Derby winner Exterminator and standardbred hero Greyhound. They changed the name of the farm, but continued its legendary success.

With their fierce competitive spirit and passion for horses, Ken and Sarah have become leading figures in the horse racing industry, earning Ramsey Farm the highest praise and most coveted awards. Their lofty honors include the 2011 and 2004 Eclipse Award for Outstanding Owners and the first recipients of the John Deere Outstanding Breeders of the 2011 Breeders' Cup Challenge series and the Breeders' Cup World Championships.

They have also won leading owner titles at Belmont, Keeneland, Saratoga, Gulfstream Park, Ellis Park, Turfway, and currently hold the record at Churchill Downs with the most owner titles won in the 135-year history of the track. The Ramseys also found success on the world stage when their thoroughbred, Roses in May won the Dubai World Cup in 2005.

The majority of their success came with homebreds by their 2004 champion turf mare, Kitten's Joy, a namesake of Ken's first love, Sarah whom he had nicknamed "Kitten" in 1954. Ken still enjoys sharing each win with his family and friends by inviting them to help him walk each horse into the winner's circle, whether it's a \$5,000 claimer or a Grade I stakes winner.

Mr. Speaker, I ask my colleagues to join me in honoring Kenneth and Sarah Ramsey, for their impressive careers and their continued support of projects in their rural hometown in southeastern Kentucky.

CELEBRATING BIENVENIDOS' 25TH  
ANNIVERSARY

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate Bievenidos, an organization dedicated to healing children, strengthening families and transforming communities in Los Angeles, on their 25th anniversary.

Bienvendidos opened its doors in June of 1987 to a young child, Miracle, to begin addressing the growing number of abused and neglected infants and toddlers in Los Angeles County. From the outset, they realized that children who do not have the care, guidance and support they need are less likely to grow into successful, self-sufficient and productive adolescents and adults.

Bienvendidos has spent the last 25 years developing comprehensive services for children and families and promoting long-term positive outcomes. The array of programs and services they provide are designed to heal children and families in crisis, as well as break generational cycles of abuse, neglect and other dysfunctional behaviors.

As a pillar in greater East Los Angeles and the San Gabriel Valley, Bienvendidos has made it a priority to develop roots within the community by leading collaborative initiatives, engaging community residents to develop services and resources in response to their needs, and bringing funding into the area. Today, Bienvendidos serves more than 19,000 children and their families through the dedicated work of 200 professional staff at 12 locations.

Ultimately, what sets Bienvendidos apart is their ability to give hope to those who have all but lost it. Bienvendidos gives people the tools and coping skills they need to become self-sufficient, and through the love and support of their staff, they give them someone who believes in them.

I once again congratulate Bienvendidos on the celebration of their 25th anniversary. I thank them for their continued service to the children and families of Los Angeles and their dedication to making our community a better place to live.

NATIONAL POW/MIA RECOGNITION  
DAY 2012

**HON. DAN BENISHEK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BENISHEK. Mr. Speaker, I rise today to observe that September 21, 2012, is National POW/MIA Recognition Day, and remember those who have suffered in captivity in foreign lands, and the many who have never returned home from combat.

This day affords us an opportunity to pay tribute to those who experienced unimaginable hardship under enemy imprisonment in service to this great country, but who, through their strength and determination, gained their freedom and returned home as heroes. For those still missing, we continue our commitment to never rest until all are accounted for and their families have peace from the knowledge of learning what happened to their loved ones.

We can never repay the debt we owe to those who have devoted their lives in service to this country; we can only continue to demonstrate our gratitude and admiration by honoring and calling attention to their sacrifices. The haunting black and white flag honoring America's prisoners of war and those missing in action, which hangs outside my office, today will fly over the United States Capitol, the White House, the World War II Memorial, the Vietnam Memorial, the Korean War Veterans Memorial, and many homes across the country. This flag reminds all Americans of our veterans' sacrifices, and that our mission is never complete until every man and woman who defended America in distant lands returns home.

On behalf of the constituents of Michigan's First District, I wish to thank all the veterans in Northern Michigan for their tremendous strength and bravery. And for the families of those who are still missing, we renew our promise to never rest until your loved ones arrive back under your care.

RECOGNIZING THE 75TH ANNIVERSARY OF WEST CHESTER FISH, GAME AND WILDLIFE ASSOCIATION

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate the West Chester Fish, Game and Wildlife Association of Chester County, Pennsylvania on its 75th anniversary.

Founded on September 21, 1937 by 107 local sportsmen, the West Chester Fish, Game and Wildlife Association has enjoyed a rich and storied history. Even prior to its date of founding, its members actively worked to address the problem of pollution in the Brandywine River caused by paper mills. These efforts led to, in some cases, the prosecution of the owners and operators of these mills.

Throughout its history, the Association has also operated a fish stocking program beginning in 1937 when 2,200 fingerling bass were released in the Brandywine. In 1941, these efforts expanded to purchasing and stocking trout in West Valley Creek. Later, in 1964, the Association began raising its own trout at a location that is today one of the oldest, continuously operating Cooperative Trout Nurseries of the Pennsylvania Fish and Boat Commission, raising and stocking over 3,000 trout annually.

Today, the West Chester Fish, Game and Wildlife Association is engaged in numerous enterprises, including conducting an annual Hunter and Trapper Safety Course, extensive stream restoration projects, fishing rodeos, establishing and maintaining a local nature center, and awarding the annual R. David Heller Scholarship to a local student. Through these efforts, the Association and its nearly 400 members, continues to be responsible stewards of the environment.

Mr. Speaker, I ask that my colleagues join me today in congratulating the West Chester Fish, Game and Wildlife Association and its remarkable history on the occasion of its 75th anniversary and to extend best wishes on its continued prosperity and longevity.

BISHOP GEORGE EDWARD BATTLE, JR.

**HON. G. K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BUTTERFIELD. Mr. Speaker, I rise to congratulate Bishop George Edward Battle, Jr. on his installment as Chair of the Board of Trustees for Livingstone College. Bishop Battle's lifelong leadership made to communities throughout North Carolina and to Livingstone College makes him uniquely qualified to serve in this capacity.

A native of Rocky Mount, NC, Bishop Battle is himself a graduate of Livingstone College, where he earned his bachelor's degree. He holds a Master of Divinity from Hood Theological Seminary, and earned a Doctor of Ministry from Howard University in Washington, DC.

By profession, Bishop Battle is a premier pastor within the African Methodist Episcopal Church. Presently, he serves as Senior Bishop of the A.M.E. Zion Church and as Presiding Prelate of the Piedmont Episcopal District, which includes several North Carolina jurisdictions. In addition, Bishop Battle is herald as a community advocate and leader in the fields of education, business, and public activism.

After more than 40 years of community service, Bishop Battle's accolades are too numerous to name. He has garnered dozens of awards for his tireless work with children, young people, and in grassroots political engagement. His management, educational leadership, and commitment to community will without question benefit the Livingstone College community.

Mr. Speaker, for these reasons and more, I ask my colleagues to join me in congratulating Bishop George Edward Battle, Jr. on his appointment as Chair of Livingstone Board of Trustees.

H.R. 3409

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BLUMENAUER. Mr. Speaker, today the House is voting on H.R. 3409, the so-called "Stop the War on Coal" bill. I am strongly opposed to this legislation and joined many of my colleagues in voting against it, because it endangers our environment, the public's health, and the stability of the American auto industry.

While this bill is about much more than just coal, I want to take a moment to be clear about my position on coal: it is an energy source from our past, not for our future. We must reduce our reliance on coal for generating electricity at home and abroad. I have long been fighting to protect and strengthen the Clean Air Act.

Predictable enforcement of the Clean Air Act and the Clean Water Act helps protect our health, keep our air and water clean, and provides regulatory certainty to American businesses. As countries around the world strengthen their environmental protections, it is concerning to watch the United States move backwards. Not only does this bill restrict the Environmental Protection Agency's power to protect public health, but it changes the regulatory process to blatantly prioritize profits over human health. It also rolls back an industry-negotiated agreement to strengthen tailpipe emission standards.

I supported many of the attempts to improve this bill, including an amendment to implement a renewable energy standard, an amendment to require a study on the public health impacts of coal dust, and an amendment to allow the Environmental Protection Agency to take action under the Clean Air Act when such action would reduce our reliance on oil. Unfortunately, the Republican majority defeated all of these commonsense amendments.

We find ourselves in this debate due to the lack of comprehensive national policies on energy and global warming. The actions we

should take now would help us move forward into the clean energy economy; instead of focusing on the past. We should lead by example and enforce the Clean Air Act against older, inefficient plants to make them clean up or shut down. We should enforce the Clean Water Act to restrict or shut down mountain top removal coal mining. When the economy strengthens, we should enact a carbon tax to discourage the production and export of our carbon pollution. And finally, we should fight for international action global greenhouse gas emissions so that emerging global economies do not destabilize the global climate.

While this bill is upsetting enough on its own, it is particularly frustrating given the work that Congress has failed to do this session. We have yet to address tax reform, the looming budget sequestration, or even the Farm Bill. Instead, Republican leadership has decided to spend this week to vote on policies that we have already voted on several times, and that have no chance of becoming law.

I offered an amendment to strike the language in H.R. 3409 and replace it with broadly supported, bipartisan language to extend the Production Tax Credit. This language would have helped protect tens of thousands of manufacturing jobs across the country, and helped move the United States into the clean energy economy. I am frustrated that we did not have a chance to vote on that important amendment, which would have created jobs in Oregon, strengthened United States manufacturers, and improved our public health and our environment.

**STOP THE WAR ON COAL ACT  
PRESS CONFERENCE**

**HON. FRED UPTON**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. UPTON. Mr. Speaker, "When the work underground stops, everything above pays the price."

That solemn observation was made by a TV reporter one week ago in Boone County, West Virginia.

News was breaking that two local coal mines were soon going to be laying off workers—one preparing to layoff 116 miners in a matter of weeks.

On Tuesday this week, we learned of Alpha Natural Resources will be closing 8 mines and laying off 1200 workers.

I met with the Alpha CEO shortly after the announcement, and he lamented the administration's regulatory assault on coal.

Sadly, the list of layoffs goes on because of the administration's "all of the above, but nothing from below" energy policy.

Coal is the cornerstone of our economy—estimates suggest that every mining job creates an additional 3.5 jobs.

We are electricity independent—and we want to stay that way.

Coal is Abundant. Coal is Affordable. Coal is Reliable. Coal is Jobs.

Today, the House will stand up for jobs, families, and affordable energy.

We must Stop the War on Coal.

COMMEMORATING TAIWAN'S  
COMMITMENT TO PEACE

**HON. DAVID RIVERA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. RIVERA. Mr. Speaker, as a member of the House Foreign Affairs Committee, I rise today to draw attention to the increasing conflict in the East China Sea and to reiterate the necessity to remain involved in the region given the growing security threats and challenges to U.S. interests.

In light of the latest controversies in the East China Sea and the Diaoyutai Islands, President Ma Ying-jeou of the Republic of China (Taiwan) proposed the East China Sea Peace Initiative in August 2012, which calls on the People's Republic of China, Japan, and Taiwan to resolve the Diaoyutai dispute peacefully.

With respect to the Diaoyutai issue, the government of Taiwan has consistently affirmed its position of "safeguarding sovereignty, shelving disputes, pursuing peace and reciprocity, and promoting joint exploration and development."

The Diaoyutai Islands are located in the East China Sea, which is an important air and sea transportation hub in the western Pacific, and therefore have clear significance for security and peace in the Asia-Pacific region.

In order to foster regional peace and stability, economic prosperity and the sustainable development of the marine environment, as well as to seek out a path to coexistence and mutual prosperity, the government of Taiwan proposes the East China Sea Peace Initiative and calls on all parties concerned to:

1. Refrain from taking any antagonistic actions;
2. Shelve controversies and not abandon dialogue;
3. Observe international law and resolve disputes through peaceful means;
4. Seek consensus on a code of conduct in the East China Sea;
5. Establish a mechanism for cooperation on exploring and developing resources in the East China Sea.

I believe we must stand with Taiwan, an ally that shares our values of freedom and democracy. I commend the peace initiative proposed by President Ma and recognize Taiwan government's efforts in promoting peace and stability in East Asia.

IN HONOR OF MICHAEL LEONE

**HON. STEPHEN F. LYNCH**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. LYNCH. Mr. Speaker, I rise today to recognize and pay tribute to Michael (Mike) Leone upon his retirement after nineteen years as the Port Director of Boston at the Massachusetts Port Authority. As Director of the Port of Boston, Mike oversaw the operation and management of the public marine facilities in the Port of Boston, including

Conley Container Terminal, Black Falcon Cruise Terminal, Boston Fish Pier, Boston Autoport, Foreign Trade Zones, and other supporting maritime infrastructure.

In addition, Mike lead the way in implementing business and marketing strategies that directly lead to the increase in the volume of cargo and passengers moving over all marine terminals, which generates an annual economic benefit of \$2.5 billion dollars and accounts for over 34,000 jobs. While managing an organization of 120 employees and over 200 members of the International Longshoremen's Association, Mike also directed the operations, maintenance, and security at Massport's commercial properties including nearly 30 acres of public parks, numerous roads, hotels, office buildings, apartments, and marinas.

Mr. Speaker, Mike Leone has also played an important role in the development and operation of Massport properties in and around the South Boston waterfront as that area evolves into a waterfront destination. As Director, Mike was instrumental in turning Boston into a major hub for cruise ship traffic, in part by expanding and modernizing the Black Falcon terminal. In 1998 approximately 106,000 passengers came through the Black Falcon terminal; today, the number of passengers is on track to set a new record of roughly 350,000 this year.

During the course of his time at Massport, Mike was a leader of the American Association of Port Authority (AAPA). AAPA is the principal advocate of 160 public port authorities in the United States, Canada, Latin America, and the Caribbean. Mike first served as Chairman of the Board for the AAPA in 2003 and was elected again as Chairman of the Board in 2009, becoming the first person in the Association's 97 year history to serve for a second term.

Mr. Speaker, Mike Leone also proudly served in the United States Coast Guard, leading a team of attorneys that provided legal advice and counsel to all Coast Guard commands in New England, New York, and New Jersey. Ultimately, Mike was appointed as the deputy regional counsel for the Coast Guard's Great Lakes operations and also served as Chief Operating Officer for all Coast Guard activities in the Port of New York, Hudson River, and Lake Champlain.

Mr. Leone is a graduate of The National Law Center at George Washington University, where he received his Juris Doctor with Honors. He attended the United States Coast Guard Academy in New London, Connecticut, graduating with a Bachelor of Science in Management with Honors.

Mr. Speaker, on behalf of my constituents and a grateful maritime association, I ask all my distinguished colleagues to join me in recognizing the accomplishments of a true public servant who selflessly dedicated his life to the service of our country and equally important as a key figure in maritime security and operations.

I cannot thank him enough for everything he has done to protect our Nation's waterways and the millions of Americans who live, work, and visit them every day. This Congress and our Nation owe Mike a debt of gratitude for his commitment to maritime security and his leadership at the Massachusetts Port Authority.

PERSONAL EXPLANATION

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. GERLACH. Mr. Speaker, on September 14, 2012, I unfortunately missed one recorded vote on the House floor. Had I been present, I would have voted "nay" on rollcall 582.

PRESIDENT PETER J. FOS

**HON. CEDRIC L. RICHMOND**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. RICHMOND. Mr. Speaker, I rise today to honor the continued achievements of President Peter J. Fos, a native of my hometown of New Orleans, Louisiana. Today, I wish to congratulate President Fos on his appointment as the sixth leader and the first President in the history of the University of New Orleans in January 2012. President Fos is a proud graduate of the University of New Orleans with experience as an administrator and faculty member. President Fos boasts a proven record of conducting research, fundraising, developing collaborative relationships with other academic institutions, and implementing institutional effectiveness and student success programs.

President Fos previously spent three years as the Provost and the Executive Vice President of the University of Texas at Tyler where he oversaw five academic colleges, the graduate school, the Robert R. Muntz Library, as well as the Palestine and Longview campuses. President Fos held the Sam A. Lindsey Endowed Chair, which is awarded to a recognized scholar in an academic discipline that is of strategic importance to the university. Prior to that, President Fos served as dean of the College of Health at The University of Southern Mississippi for four years. Before his tenure at Southern Miss, President Fos also held the position of chief science officer at the Mississippi State Department of Health.

President Fos has received numerous honors and awards since beginning his academic career. In addition, President Fos has published more than 50 peer-reviewed papers, technical reports, white papers and book chapters in the areas of healthcare decision analysis, environmental health, data mining, neural networks, health services research, and managerial epidemiology. He is an author and has presented more than 50 papers and abstracts at international, national, regional and local conferences.

President Fos received his undergraduate degree in biological sciences at the University of New Orleans, a doctor of dental surgery at the Louisiana State University Health Sciences Center, and a master of public health and doctor of philosophy in health care decision analysis at Tulane University. I hold President Fos in the highest regard for his dedication to family, friends, colleagues, and his community. President Fos represents the best of what New Orleans has to offer and is an example of the very best in our educational community.

His commitment to the city and its future brings hope and promise to ensuring that New Orleans remains one of the most empowered and unique places in the world.

I wish to congratulate President Peter J. Fos and his wife Lori on his recent Investiture as the sixth leader and first President of University of New Orleans.

RECOGNIZING CHILDHOOD  
OBESITY AWARENESS MONTH

**HON. PATRICK J. TIBERI**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. TIBERI. Mr. Speaker, I rise today to recognize September as Childhood Obesity Awareness Month. Childhood obesity is a growing epidemic and is a serious problem facing this country. According to the Centers for Disease Control, the rate of childhood obesity has more than tripled over the past 30 years. In 2011, 15 percent of high school students in my home state of Ohio were obese. Children and adolescents who are obese are more likely to continue this trend as adults, and obese adults are much more at risk for health problems such as heart disease, diabetes, stroke, and cancer.

Childhood obesity is an issue that affects the whole nation and needs to be addressed for the future of our children. Hundreds of billions of dollars are spent annually to treat obesity-related medical conditions, and as a growing number of adolescents are not able to pass a physical fitness test to serve in our nation's military, it has become a national security threat as well.

As a co-chair of the Congressional Task Force on Childhood Obesity, we are working to identify, discuss, and promote policy ideas to address this epidemic. Everyone has a role to play in finding a solution—parents, families, communities, schools, and local governments.

In Central Ohio, valiant efforts have been made to not only promote healthy eating and physical activity, which have been proven to lower the risk of becoming obese, but also to find other innovative ways to address this issue. The Ohio State University (OSU) is spearheading a number of research initiatives to explore how biological processes appear to play a large role in influencing the risk for obesity. This research is helping us to better understand the causes for obesity so that we can work towards a meaningful solution.

There are many programs at Nationwide Children's Hospital in my district to tackle the problem of obesity. I share their belief that an important approach to addressing adult obesity is beginning with children. One program, the Center for Healthy Weight and Nutrition, focuses on programs for the home, school, and community to ensure the development and promotion of healthy lifestyles. The hospital has also played a role in establishing the Ohio Healthy Weight Outcomes (OHWO) coalition, which is a public-private partnership that is currently implementing an obesity prevention and treatment project in a low-income neighborhood in Columbus. Their goal is to reduce the prevalence of childhood obesity in 5th graders by 10 percent in five years.

Across the country families, schools, communities, and organizations like OSU and Nationwide Children's Hospital have all made strides in addressing the obesity epidemic. However, much remains to be done, and I look forward to working with my colleagues in Congress as well as with my constituents in Central Ohio to find solutions to lower the rate of childhood obesity.

CRANE HERITAGE DAY HONOREE—  
EVELYN STRODER

**HON. K. MICHAEL CONAWAY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CONAWAY. Mr. Speaker, I rise today to celebrate a stalwart of our community, Evelyn Stroder, who is being recognized as this year's Crane Heritage Day honoree.

When I think of what it takes to make a strong community, I think of someone like Evelyn. Communities can be united in many aspects, but one central component found in strong communities is service. And service to our community has been at the core of Evelyn's life.

Evelyn's journey began in Corpus Christi where she graduated from high school and attended Del Mar Junior College before she went on to earn a B.A. in English and Journalism from Baylor University. Later she earned an M.A. in American Literature and Mass Communications from UTPB.

In 1955, Evelyn and her husband, Charles, moved from Corpus Christi to Crane. Once in Crane, Evelyn would use her education to give back. She served others as an educator for 28 years and continues to serve on the Crane School Board. While Evelyn no longer teaches, she still remains active in the Permian Historical Society and the Crane County Historical Commission. Her journalistic accomplishments include her presented papers and published work in a variety of publications throughout Texas, and currently she serves as the assistant editor of the Permian Historical Society Annual.

One would think that with such a busy schedule, Evelyn would not have time for much else in life. However, in between all these accomplishments, she has managed to raise three children, seven grandchildren, and six great-grandchildren—a notable accomplishment in itself!

On behalf of the 11th District, it is an honor to recognize Evelyn because she is an example of those who have made our nation strong. Our nation did not become great from the top down, but from the bottom up—from the people in our neighborhoods willing to serve and make their community a better place for others and their children. Evelyn is one of these individuals. Through this award, she is rightly recognized for the time and sacrifice she has dedicated to others and it is an honor to represent her in the Halls of Congress.

HONORING IRENE SAUCEDA FOR  
HER TIRELESS EFFORTS ADVOCATING FOR HOMELESS CHILDREN IN AMERICA

**HON. DONALD A. MANZULLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MANZULLO. Mr. Speaker, I rise today to recognize an exceptional young lady named Irene Saucedo. From a very young age, Irene and her family struggled to stay in one place. Irene went to seven different elementary schools. A variety of difficult circumstances made it impossible for Irene to stay in one school for more than a year, until high school. Irene graduated from Thomas Jefferson High School in San Antonio, Texas in 2011 with a 4.0 GPA. She was the President of Gamma Sigma Girls, a leadership organization within the Girl Scouts, and was also President of the National Technical Honor Society. Irene is now a sophomore at Texas State University, where she is studying Anthropology and Social Work.

The economic downturn has impacted children in very unique and troubling ways—none more so than the idea of a family losing their home and depriving a child of a much-needed and deserved stable home. I commend Irene for having the fortitude and determination to succeed so phenomenally amid such tumultuous circumstances. I am also including, for the RECORD, Irene's very moving personal testimony from the briefing:

"My mother had dropped out of high school in tenth grade which I feel contributed greatly to the reason why we were homeless. She raised my sister and I as a single mother and had to work all the time while my sister baby sat me.

We lived in Colorado for the first five years of my life, but I was born in San Antonio, Texas. My mother and I, along with my older sister moved to San Antonio because it's where the rest of our family was. It wasn't even my mom's idea to go to Colorado in the first place so the first chance we got to come back, we took. Growing up in San Antonio was quite difficult. As soon as we arrived, my mother asked a family member for a place to stay. She needed time to find a job for herself and an elementary school for me. My sister was old enough by this time to get her own job and begin living her own life, so that's exactly what she did. Eventually, the family of the family member we were staying with began to grow and my mother knew it was time to give them their own space back. We felt somewhat intrusive, as we did for most of the others we stayed with. The people we stayed with usually already had their own family, but still had the heart to offer a whole room to my mother and I.

My mother was great with keeping me in school, but not so great at staying put in one place, or keeping a job. This sounds really negative, but the reasons will explain why she couldn't keep a job. My mother found out that she was a diabetic when I was in the second grade. The next school year, we found out that I was also diabetic. She fell ill quite a bit, and so did I. We were both new to this disease, so we didn't quite know how to control

it like we do now. Most minimum wage jobs expect a doctor's excuse if a day is missed. For my mother, that was difficult. She never learned how to drive, so we stuck to public transportation, but for a woman who is ill, public transportation is just not safe. I remember feeling so helpless knowing that my mother, the woman who'd kept me healthy and up to date with shots and other records was sick and I could do nothing. By the fifth grade, I'd been to seven elementary schools, and my mother had worked a handful of jobs. The last person we stayed with lived in the courts. They got evicted because we weren't on their lease. We got someone kicked out of the courts. After that event, my mother felt so low and so bad about what we'd done. After that, she decided that it would be best if we were on our own instead of hurting others.

We moved into the Dwyer Avenue Shelter and I feel that was the best decision my mother made. The shelter provided so much information about the services that were available to us. They even offered my mom a job as receptionist in the front office of the shelter. They helped us get in contact with Transportation Services who provided school busses for me to attend which ever school I was last attending. Unfortunately, I had just moved up to junior high school so I attended yet another school, but I still felt more stable than I had before. The Shelter case workers helped all of the families who lived in the shelter find an apartment complex in a really nice part of town at an extremely discounted price. After the lease was up, my mother had worked enough as a receptionist that we could now afford our own apartment.

After two and a half years of successfully staying on our feet, my mother fell ill. Her liver had become inflamed and she was hospitalized for a month. She lost her job and we lost our apartment. For a whole month I lived with friends; friends who I was able to create bonds with because we were stable. After that month, we had to move back into the shelter. My mother was told that she wouldn't be able to work ever again. This news threw my mother into a depression because she knew that she could no longer support herself, much less her daughter. The shelter, once again, helped us move into an apartment complex that wanted only a fraction of our total income, and helped us with transportation. Luckily, my father had begun paying child support a few years earlier so we had an income. We lived there for two and a half years, until I graduated from Thomas Jefferson High School, ranked number 7 of my class.

That summer, I left to attend Texas State University. Moving from school to school made me slower than the other students because of all the different teaching techniques I'd been exposed to; some teachers even thought I was dyslexic. However, I made it all the way. I plan to go so much further, too, because I'm tired of being homeless. "Education is power" is my motto. Look at me now: "Only after two semesters of college, I'm influencing the decisions of congressmen!"

#### A TRIBUTE TO PETTY OFFICER GREGORY GAYLOR

### HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CAMP. Mr. Speaker, I rise today to pay tribute to Petty Officer Gregory Gaylor, an Explosive Ordnance Disposal (EOD) Technician with the United States Navy. Petty Officer Gaylor is being honored by the Navy at the USO annual gala this November as the 2012 USO Sailor of the Year. He is being recognized for the steadfast determination and unwavering courage he displayed in saving the lives of his fellow soldiers and furthering the U.S. mission in Afghanistan.

Perhaps the most notable aspect of Petty Officer Gaylor's service came when he expertly led a three man EOD team during combat operations in Afghanistan from December 2011 to June 2012, in which he was responsible for locating and dismantling Improvised Explosive Devices (IEDs), among other objectives. In April of 2012, Gaylor and his team were fired upon by four separate machine gun positions, but with little regard for his own safety he managed to clear a nearby compound of explosive hazards and help transport those wounded from the line of fire. Overall, he located and destroyed four IEDs, faced six direct fire engagements, and trained over 300 Afghan Commandos in Counter-IED tactics and basic demolition techniques, which aided in the autonomy of Afghan security forces.

The courageous and selfless actions of Petty Officer Gaylor are truly commendable and indicative of the skill, professionalism and fortitude of the men and women of the United States Navy. On behalf of the Fourth Congressional District, I congratulate Petty Officer Gaylor on achieving the USO Sailor of the Year honor and thank him for his remarkable service to this great nation.

#### RECOGNIZING DR. TRACY VALLIER

### HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MCCLINTOCK. Mr. Speaker, I rise today in recognition of Dr. Tracy Vallier.

Dr. Vallier's career as a Professor of Geology at Indiana State University, Whitman College, Lewis-Clark State College, and Iowa State University; as well as his experience with Scripps Institute of Oceanography, Moss Landing Marine Laboratories and the US Geological Survey are all worthy of note. He has doubtlessly passed his passion and hard-earned knowledge on to innumerable students and colleagues.

Dr. Vallier has spent the last 50 years working to explore, document and teach the geography and geology of the Hells Canyon. The canyon, which follows the route of the Snake River through Idaho and Oregon, is the deepest gorge in North America: at 7,993 feet deep, it dwarfs the Grand Canyon by nearly

2,000 feet. Hells Canyon is a breathtaking, nearly-inaccessible American treasure that has been over 300 million years in the making, during which numerous geological processes ranging from volcanic uprisings, to the slow carving of the Snake River to cataclysmic glacial floods have provided a landscape filled with some of the most complex and intertwined geology in North America.

Dr. Vallier has dedicated the last half-century to understanding this geologic masterpiece. His colleagues tell us that he has probably explored more geography of Hells Canyon than any person alive. In his 50 years working in the Canyon, Dr. Vallier has led to an understanding of not only the geologic history of the Canyon, but also of the regional tectonics of the Pacific Northwest. He has shared this knowledge of the Canyon's history, native sites, flora and fauna, and ecology to colleagues, students, and almost everyone he has met. Dr. Vallier is a born teacher and his love and knowledge of the Canyon is passed on to students and strangers alike.

John Wesley Powell, who is best known for his pioneering study of the Grand Canyon, said about his explorations: "We have an unknown distance yet to run, an unknown river to explore. What falls there are, we know not; what rocks beset the channel, we know not; what walls ride over the river, we know not. Ah, well! We may conjecture many things." Without Powell, indeed we would have been left for a long time with only conjecture as our guide to the Grand Canyon.

In the same way Mr. Speaker, without Dr. Tracy Vallier, we would remain in the dark about the wonders of Hells Canyon. As Dr. Vallier continues his work in the Canyon today, it is my privilege to rise in recognition of his many achievements and contributions to our nation.

#### COLORADO BIOBUSINESS ACCELERATOR

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud the grand opening of the Biobusiness Accelerator, the newest addition to the Fitzsimons Life Science District and the Anschutz Medical Campus of Aurora.

The 184-acre Fitzsimons Life Science District is adjacent to the Anschutz Medical Campus in Aurora, Colorado. This proximity encourages commercial bioscience companies and academia to collaborate and share amenities. The current business Incubator opened in 2000, and already its 50+ bioscience start-ups have created in excess of 600 jobs.

When these start-ups have demonstrated viability as a commercial entity and received funding to enhance their growth, they graduate to the Accelerator environment for continued growth. The work happening in these incubators and accelerators shows the innovation, risks and cooperation involved in building successful small, medium and large businesses.

The new Accelerator will be a valuable economic engine for Colorado's bioscience industry, and I'm excited to see the creativity and

innovative products developed right here in Colorado.

These are the kinds of businesses we need to encourage and to grow here in our state and country.

I extend my deepest congratulations and best wishes to the Colorado BioBusiness Accelerator, the Colorado Biosciences Association and all the startups and businesses involved in the opening of this new center.

#### OVARIAN CANCER

### HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mrs. ROBY. Mr. Speaker, I rise today in support of House Resolution 773—the Recalcitrant Cancer Research Act.

The incredible team at the National Cancer Institute has provided extraordinary research that has been vital to our ability to combat cancer in all its forms.

Still, research for the deadliest cancers—called recalcitrant cancers—remains only a small portion of the Institute's total funding.

Recalcitrant cancers are defined by those that average a less than fifty percent survival rate beyond five years.

It's these cancers, which hide in hard-to-detect places, that can be the most dangerous for victims and most painful for families.

I know this to be true, Mr. Speaker, because my dear friend from childhood, Mrs. Kathryn Elliot Williams, lost a grueling battle with ovarian cancer earlier this year at the young age of 36. Elliot wasn't just my friend. She was a loving wife, a nurturing mother, a daughter, a sister and a true servant of her Lord and her neighbor.

After Elliot passed away I came to this floor to memorialize her life. But I cannot think of a better way to honor her memory than for the Congress to do its part to ensure that more women faced with this terrible disease have hope for the future.

September, Ovarian Cancer Awareness Month, is the most appropriate time to remind women young and old of the risks and ensure that research for ovarian cancer and other recalcitrant cancers will remain a priority for this country.

#### HONORING THE DAKOTA JAZZ CLUB

### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ELLISON. Mr. Speaker, I rise today in honor of the Dakota Jazz Club for its contribution to the music industry and musical development of the great state of Minnesota.

The Dakota Jazz Club opened in 1985 at Bandana Square in St. Paul as a bar and restaurant for local jazz performers. Since then it has grown to a well-recognized institution featuring performances by a range of national artists. In 2003, the Club moved to its current

home in Nicollet Mall in Downtown Minneapolis. Its stage has hosted a multitude of nationally famous jazz musicians, including: Ray Brown, McCoy Tyner, Toots Thielemans, Joey DeFrancesco, Ahmad Jamal, Chucho Valdés, Benny Green, Joe Williams, Bobby Hutcherson, Roy Haynes, Arturo Sandoval, Wallace Roney, Charles Lloyd, Roy Hargrove, Nicholas Payton, Larry Coryell, Pat Martino, Jack McDuff, Jimmy McGriff, Sonny Fortune, Frank Morgan, Zakir Hussain, Kurt Elling, Joshua Redman, James Carter, Madeleine Peyroux, Regina Carter, Patricia Barber, Von Freeman, Billy Higgins and Charles Brown.

The Dakota Jazz Club also operates the Dakota Live Record Label, a label dedicated to capturing and distributing world class jazz from their legendary stage in Minnesota. Some of the noted artists that have recorded for the label are legendary jazz musicians Von Freeman, Nachito Herrera, and Barvara Morrison.

The Dakota Jazz Club's passion for jazz extends beyond hosting musical performances and contributing to the history of jazz at large. The Dakota Jazz Club has also taken it upon itself to ensure the future of jazz in Minnesota through their Dakota Foundation for Jazz Education. Started in 1997, the Foundation's purpose is: "Introducing young people to jazz and helping them understand—and care about—what they are hearing. We want to help young people use jazz for self-expression and communication, and to experience the sheer pleasure that comes from responding to its challenges." The Dakota Foundation for Jazz Education supports a variety of services including offering scholarships for a year of serious extra-curricular jazz study and performance in partnership with the MacPhail Center for Music, helping young musicians develop and hone their skills in jazz appreciation, promoting a wide variety of workshops, funding the Youth Stage at the Twin Cities Jazz Festival held each June in St. Paul, and recognizing outstanding educators in honor of Jane Matteson, the benefactor and cofounder of the Foundation.

I commend the Dakota Jazz Club for all it has done for the Twin Cities, and I thank them for their dedication and service to music and the community.

#### HONORING COL. ROBERT FORTNAM, USAF (RET.) OF NEW HAMPSHIRE

### HON. CHARLES F. BASS

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to honor retired Air Force Colonel Robert Fortnam of Pembroke, a New Hampshire hero whose service and sacrifice during World War II is to be commended and remembered. Mr. Fortnam is celebrating his 90th birthday this year, and in his 90 years, he has seen and experienced more than most Americans ever will in their lifetimes.

Mr. Fortnam served as a B-17 co-pilot in the 305th Bombardment Group during World War II. On October 8, 1943, his life changed

dramatically after his plane was shot down by a German F-190 fighter over the German border. Mr. Fortnam landed the plane safely and protected the lives of the 10 crew members on board, but their luck would change when German guards picked them up and sent them off to a POW camp in Poland, where Mr. Fortnam spent the next 19 months of his life.

After the war, Mr. Fortnam returned to the Granite State, where he graduated from the University of New Hampshire, became a mechanical engineer, and continued to serve in the Reserves as a colonel until his retirement. Mr. Fortnam still likes to fly once a week in a Cessna Skyhawk and travel all over New England.

Mr. Speaker, stories like Mr. Fortnam's reaffirm my commitment to those who have served and continue to serve our nation. We all owe Mr. Fortnam and the brave men and women of our armed forces a debt of gratitude that we can never truly repay, but we will continue fighting for them as they have fought for us.

New Hampshire citizens have long answered the call to service to our nation, and Mr. Fortnam represents the best of our state. It is an honor to represent him in the United States Congress, and I wish him all the best as he continues to share his incredible story of service and sacrifice with us all.

#### PAYING TRIBUTE TO THE PEOPLE OF TAIWAN

### HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CASSIDY. Mr. Speaker, today I rise to recognize October 10 as a very special day for the people of Taiwan. It is their National Day. I join them in celebrating their continued political freedom and democracy. Today the people of Taiwan determine their own destiny and government through free and fair elections. Mr. Ma Ying-jeou won re-election as the fifth freely elected president on January 14, 2012.

The United States and Taiwan value human rights, civil liberties, a free press and the rule of law. Our shared values have produced a strong and dependable friendship for the past century. Taiwan was one of the first countries to come to our aid after Hurricane Katrina ravaged my home state of Louisiana. They have shown generosity and compassion by donating to the reconstruction effort.

In honoring Taiwan's National Day, we need to continue to support their efforts under the framework of the Taiwan Relations Act, to ensure that our ally has the capability to defend herself. Moreover, as Taiwan is our 10th largest trading partner, I believe we should seek ways to further enhance the bilateral trade relationship.

To the people of Taiwan, I extend my congratulations on their National Day. Our mutual relations will continue to be strengthened in future years.

# HONORING OUR NATION'S HEROES ON NATIONAL POW/MIA RECOGNITION DAY

## HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. LIPINSKI. Mr. Speaker, I rise today in observance of National POW/MIA Recognition Day and to express my gratitude to the soldiers, sailors, airmen, and Marines who have suffered unimaginable hardships as prisoners of war and to those courageous service members who remain missing in action.

One of the great tragedies of war is the inability of a family to lay a beloved fallen service member in a final appropriate resting place at home here in the United States. Sadly, since World War II, the families of over 84,000 servicemen and women are left to wonder the fate of their family member who went missing in action. My thoughts and prayers go out to these service members and their families; that these Americans heroes may find peace, and that one day we can return them home.

During the same time period, more than 138,000 brave American service members have been detained as prisoners of war, with many suffering through barbaric treatment by their captors. POWs have seen and experienced some of the most horrific acts of which mankind is capable, and they certainly deserve our unending recognition and gratitude. The loyalty and bravery they demonstrate while at the hands of our enemies cannot be overstated.

While we pause to remember the sacrifice so many brave men and women have made for our country, we must also thank those who have worked tirelessly to find and return home those who went missing. The Defense Prisoner of War and Missing Personnel Office (DPMO) is responsible for the investigation and recovery process for missing service members. The DPMO also works closely with the Joint POW/MIA Accounting Command, or JPAC, which is responsible for worldwide investigations, recoveries, and identifications. Together, and with other dedicated private organizations, DPMO and JPAC do the difficult work of bringing our service members home to rest and bringing closure to their families.

I was honored to be a part of the effort of JPAC returning to the south Pacific island of Betio, where the historic battle of Tarawa took place in World War II. One of the first Marine beach assaults of the war, an entrenched Japanese force inflicted immense casualties on U.S. forces, yet after 76 hours of battle, our victorious troops raised the American flag above the battlefield. Unfortunately, among the 1,100 Marines, soldiers and sailors lost in this engagement, 564 remain unrecovered and lost in battle. Following language I was able to include in a defense authorization bill in 2010, JPAC has returned to Tarawa for one recovery mission in 2010, and plans another for next year. I will continue to promote the recovery of these servicemen until they are home.

Since 1979, our nation has observed National POW/MIA Recognition Day to remember those who were prisoners of war (POW) and those who are missing in action (MIA), as well

as their families. That year, Congress passed a resolution to mark the third Friday of September as a day to ensure Americans would never forget. I encourage my colleagues and all Americans to take a moment today to remember those who sacrificed for our freedom.

We are all forever indebted to these men and women, and on this somber day, we must reiterate our promise that "We will not forget."

## HONORING AARON RILEY BRADSHAW

## HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Aaron Riley Bradshaw. Aaron is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 271, and earning the most prestigious award of Eagle Scout.

Aaron has been very active with his troop, participating in many scout activities. Over the many years Aaron has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Aaron has refused to see his autism as a handicap, but rather as an opportunity to grow and thrive as an individual. His journey to the rank of Eagle Scout has been an inspiration for his friends, fellow scouts and especially his family, all of whom are extremely proud of what he has accomplished as an Eagle Scout.

Mr. Speaker, I proudly ask you to join me in commending Aaron Riley Bradshaw for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## CELEBRATING NATIONAL GEAR UP WEEK

## HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. FATTAH. Mr. Speaker, last week the nation celebrated National GEAR UP Week. Communities across the country committed themselves to a brighter future for their students and families and emphasized the important role college plays in future success. I would like to draw the attention of my colleagues to a few of these celebrations. Governors in Arizona, Hawaii, Kentucky, Oklahoma, Washington, Wisconsin and North Carolina received proclamations from their governors. In Santa Ana and Sacramento, California and Roswell, New Mexico, they received proclamations from their mayors.

Our colleagues, Mr. LUNGREN and Ms. MATSUI issued proclamations celebrating the GEAR UP work in their Districts. In San Marcos, California they hosted an inaugural GEAR UP partnership reception with their local Chamber of Commerce and presented

certificates of recognition to Congressman HUNTER and State Senator Mark Wyland. In Waterbury, Connecticut they held a middle school parent evening and were joined by special guest NBA star, Ryan Gomes. Congressman HANNA issued a proclamation and Congressman REYES presented a letter to the GEAR UP community in Deep South Texas. Congressman CUELLAR spoke to students in Laredo, Texas along with Debra Saunders-White from the U.S. Department of Education.

Many other GEAR UP partnership and state grantees conducted college scavenger hunts, created Dream Walls, discussed the college experience of school faculty and staff and engaged parents and partners.

I'm proud of the hard work of our students, their parents, and GEAR UP program staff and I know I speak for this body when I say congratulations on what you have accomplished so far and best of luck in the school year ahead!

## CONGRATULATING MS. DIANE SCHRIER FOR COMPLETING THE NATIONAL GALLERY OF ART'S SUMMER TEACHER INSTITUTE

## HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. WEBSTER. Mr. Speaker, it is my pleasure to recognize Ms. Diane Schrier of Ocala, Florida, a teacher at Fort King Middle School, upon her completion of the National Gallery of Art's Annual Summer Teacher Institute. During the National Gallery's six-day seminar, Ms. Schrier intensively studied the foundation of twentieth-century art by examining the pioneering artists of French impressionism and post-impressionism.

In order for participants to be accepted in to the Gallery's Teacher Institute seminar, they must first complete a rigorous application process. Ms. Schrier was one of only forty-five teachers from across the nation chosen to participate in this year's National Gallery of Art's Teacher Institute. From this seminar, teachers are able to return to their schools and students with new tools and ideas that will enhance education curriculum of all grade levels and subjects. The students of Central Florida are blessed to have such a dedicated educator as Ms. Schrier.

On behalf of the citizens of Central Florida, I am pleased to recognize and congratulate Ms. Diane Schrier on her acceptance to and successful completion of the National Gallery of Art's Annual Summer Teacher Institute. May her dedication to our nation's educational institutions and students inspire others to follow in her footsteps.



HONORING 1ST LT. NATHAN RIMPF

**HON. DAVID E. PRICE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. PRICE of North Carolina. Mr. Speaker, I rise today to honor a constituent from Raleigh, North Carolina, who was injured on patrol in Andar Province, Afghanistan, on July 8th of this year. Ranger 1st Lieutenant Nathan Rimpf, United States Army, was team leader of Demon Company 2-16 Rangers when he stepped on an improvised explosive device and was seriously injured. I had the honor of visiting Lieutenant Rimpf and his family last month at Walter Reed National Military Medical Center, where he is receiving treatment for his wounds. I was deeply moved by Lieutenant Rimpf's strength, optimism, and dedication to country and fellow servicemembers, and I know he, like his brother in the United States Capitol Police, will continue to serve his country honorably for years to come. I wish Lieutenant Rimpf and his family the very best, and respectfully submit this poem by Albert Caswell in his honor:

**THE FEW**

The . . .  
The Few!  
Only, The Few!  
Only, The Brave!  
Can but so wear that most heroic title and beret,  
of a United States Ranger as who!  
And so bathe, all in that most heroic hue!  
Ranger's like Jimmy Regan, Pat Tillman,  
and Kyle Comfort who our world have so graced!  
Who have all so worn courage's most courageous face!  
For Rangers Fight!  
And Rangers Lead!  
And Rangers do it all at such deadly speeds!  
And for us one all,  
Rangers will so die and bleed!  
As The United States Rangers so give to our nation what she needs!  
And Rangers hunt!  
And Rangers evil do so confront!  
To stand strong,  
to so right all of those wrongs!  
To so intercede,  
to so bring us peace!  
Bought and paid for,  
with but all of their fines lives indeed!  
As all in Strength In Honor they so believe!  
Beware, "THE DEMONS" are after you . . . time to run!  
Sorry but it's time for you to so confront your "DEMON'S" my son!  
As their strong arms and legs for all of us they so willingly concede!  
For all out there but in the darkest of all nights!  
As that's where you shall so find them Leading  
The Way . . . The Charge, The Fight!  
The United States Rangers,  
who but bring their most magnificent of all lights!  
Because, Rangers Lead!  
Men like Nathan Rimpf,  
whose hearts so shine upon us all on this very night!  
As it was on a July patrol,  
When this fine man's life almost went away . . .

With his two strong legs gone,  
as for him his men so knelt and prayed!  
And that's when this platoon leader got up and ran,  
ran with his heart that very day!  
Just one more hill to climb!  
Just one more mountain to so scale all in his time!  
As against all odds once again we would find!  
That this Ranger led the way!  
Like Superman, the only thing that can stop him is Kryptonite this day!

For such men are put upon this earth,  
to so show us what comes first!  
To So Teach Us!  
To So Beseech Us!  
To So Reach Us!  
Who out of such darkness but defeat the worst!  
And come shining through like a star burst!  
As have you Nate,  
The Carolina Kid who at light speed has so traversed the most!  
For there are but blue skies up ahead of you Nate to host!  
"Can't you just feel the sunshine?"  
And if ever I had a son, I wish he could shine as bright as this one!  
Who so teaches us how the game of life is won!  
Moment's are all that we so have!  
To fight the bad!  
To make a difference with it all!  
For something noble, it's better to lose your two fine legs . . .  
Then at the end of your life to so moan and beg,  
as so wished you a better world you had so made!  
But, Only The Few to our world such gifts can claim!  
As you Nathan, The Few . . . are but one and the same!  
And that's why the word Ranger is in front of your name!  
The Few can claim!

HONORING ANTHONY CURETON,  
PRESIDENT OF BERGEN COUNTY,  
NJ NAACP CHAPTER

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to recognize one of my constituents and dear friends, Mr. Anthony Cureton, who is the President of the Bergen County, New Jersey Branch of the National Association for the Advancement of Colored People (NAACP). I commend Anthony Cureton for receiving the 2012 Outstanding President Award by the New Jersey State Conference of the NAACP and for his continued community service to Northern New Jersey.

Anthony Cureton was born in Englewood, New Jersey and completed his early education in the Englewood Public School System, culminating with his graduation from Dwight Morrow High School in 1986. After high school, he was hired by the City of Englewood as a police officer. During his 23 years as an officer, Anthony has had the opportunity to not only "protect and serve" the community he grew up in, but to assist and encourage others to seek education and self-improvement. In 1991, Anthony became a mentor to Junior High School

students in Englewood, teaching the importance of education, as well as building socialization skills and being a role model for others.

Mr. Cureton graduated from New Jersey City University with a Bachelor of Science degree in Criminal Justice. He has also studied and received advance degrees from Fairleigh Dickinson University, University of Notre Dame, and the International City/Council Managers Association University. In 2004, Mr. Cureton graduated from the West Point Command and Leadership Program sponsored by the New Jersey State Association of Chiefs of Police.

As Bergen County NAACP President, Mr. Cureton has been active in addressing a police shooting in Garfield, a series of hate crimes against synagogues, and the layoffs of secretaries and teachers' aides in Englewood. He also helped revive a long-dormant NAACP chapter at Bergen Community College.

Mr. Cureton, currently a sergeant with the Englewood Police Department, received the 2012 Outstanding President Award on September 8 at the New Jersey State Conference of the NAACP during the annual convention in East Brunswick, New Jersey. Mr. Cureton was chosen from a field of 42 branches, 12 college chapters and 25 youth councils for his excellent stewardship of this local branch and his effective advocacy in the community.

Mr. Speaker, I know that my colleagues will join with me in honoring Mr. Anthony Cureton for his admirable service to the community of Bergen County, New Jersey and to his continued commitment to the NAACP.

RECOGNIZING DR. KAIGHAM J.  
GABRIEL

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize and pay tribute to Dr. Kaigham J. Gabriel on the occasion of his departure as Acting Director of the Department of Defense's (DoD) Defense Advanced Research Projects Agency (DARPA). I had the pleasure of working with Dr. Gabriel on several occasions during his tenure at DARPA and admire his dedication to supporting our men and women in uniform and his commitment to strengthening the technological advantage of our current and future combat forces.

The DARPA mission is clear and concise: to create and prevent strategic surprise for the Nation. In a little less than 3 years as the deputy director and acting director, Dr. Gabriel led the Agency in accomplishing numerous initiatives important to DoD and National Security.

He initiated an advanced manufacturing program designed to counter the increasing time, cost, and risk of producing complex defense systems by shortening the timeline from conception to fielding of weapons and defenses. He oversaw the development of a hypersonic test vehicle that flew at Mach 20, the fastest high lift-to-drag ratio aircraft ever built and one that will be instrumental in our Nation's capabilities in the future. We now have 3 minutes of fully aerodynamically controlled flight at

Mach 20, which yielded more aerodynamic and test measurement data than had been collected in ground tests during the previous 40 years.

Dr. Gabriel also directed DARPA's innovative talents to improve the welfare of our brave men and women in uniform who suffered severe injuries in theater before returning home. The Agency's prosthetics research has pioneered a new generation of artificial limbs. I witnessed, for example, a veteran using an artificial hand so adroitly that he was able to pluck a single grape from a large cluster. In addition, in less than a year's time, DARPA's team researched, developed, built, and deployed wristwatch-size blast gauges that detect and record overpressure blast exposure—data critical to the early diagnosis and treatment of traumatic brain injury for our troops deployed abroad.

Dr. Gabriel helped the Agency create a forward cell in Afghanistan to support technology deployment efforts. This included a 90-day "Skunk Works" activity that brought together some of the country's best computer and social scientists, counterinsurgency experts, economists and analysts. The team deployed to Afghanistan within a month of being tasked to aid the war effort. Dr. Gabriel also oversaw the fielding of a wide-area, high-definition, off-nadir light detection and ranging collection system to provide much-needed 3D map data and systems.

To ensure that our nation's resources are being directed in the most appropriate areas, Dr. Gabriel oversaw the development of several analytic frameworks that guided DARPA's investments toward areas revealed to be most divergent with existing threats to the country's security. The cyber analytic framework, in particular, highlighted the need to undertake some new and innovative approaches in defensive cybersecurity, and DARPA was the first DoD organization to address openly the need for an offensive cyber strategy.

In today's fiscally constrained environment, Dr. Gabriel insisted on financial accountability and solid business practices. During his tenure, DARPA's obligation rate was 21 points higher than the previous 5-year average, translating into more than \$600 million in the performer community, working for DoD and the Nation.

Dr. Gabriel would be the first to tell us that none of this would have been possible were it not for the incredible talent at DARPA. In our conversations, he has emphasized to me that the personnel are the lifeblood of the Agency, and he has helped to recruit the nation's best talent from academia, industry, nonprofits, the Services, and laboratories to serve our Nation.

On behalf of the House of Representatives and the United States of America, I thank Dr. Kaigham Gabriel for his service to our country, his significant contribution to the defense of our Nation, and his leadership in advancing what is necessary for America to prevent and create strategic surprise. I know my colleagues on both sides of the aisle, and in both houses of Congress, join me in sending our best wishes in his next endeavor.

CONGRATULATING THE HISPANIC CHAMBER OF COMMERCE OF METRO ORLANDO, RECIPIENT OF THE 2012 HISPANIC CHAMBER OF THE YEAR

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. WEBSTER. Mr. Speaker, it is my pleasure to recognize the Hispanic Chamber of Commerce of Metro Orlando for recently being named the 2012 Hispanic Chamber of the Year by the United States Hispanic Chamber of Commerce. Since 1993, the Hispanic Chamber of Commerce of Metro Orlando has been dedicated to their mission of providing leadership and support to the Hispanic business community in Central Florida.

The Hispanic Chamber of Commerce of Metro Orlando is a non-profit organization representing over 1,200 members and serving Hispanic business owners and enterprises across Central Florida. Among the 200 members of the United States Hispanic Chamber of Commerce that were eligible for nomination and honor, the national organization presented the award to the Metro Orlando Chamber on the basis of their outstanding leadership, accomplishments and quality of service to enhance the economic development of Central Florida's Hispanic business community. This national honor is awarded annually to one Hispanic Chamber of Commerce that has excelled at strengthening business excellence in their community.

This is not the first time that the Hispanic Chamber of Commerce of Metro Orlando has been recognized for their commitment to serving Hispanic enterprises across Central Florida. The Metro Orlando Chamber has been chosen and honored seven prior times by the National Chamber for their standards of excellence to support, promote and strengthen the Hispanic business community.

The excellence with which the Hispanic Chamber of Commerce of Metro Orlando serves Central Florida's Hispanic business community and enterprises is evident from their many recognitions. I am pleased to congratulate them on being named the 2012 Hispanic Chamber of the Year.

CUMBERLAND VALLEY ATHLETIC CLUB

**HON. ROSCOE G. BARTLETT**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BARTLETT. Mr. Speaker, in November of this year, the members of the Cumberland Valley Athletic Club will once again answer President John F. Kennedy's challenge to promote national physical fitness and hold the 50th annual JFK 50 Mile run.

This run also answered another President's challenge; Theodore Roosevelt issued an executive order to challenge the United States Marine Officers to run 50 miles in 20 hours; The JFK 50 Mile run, the nation's oldest ultra

marathon attracts 2,000 runners and thousands more to cheer on the participants to one of the most beautiful parts of the sixth district of Maryland, Washington County.

At the inception of the JFK 50 Mile, all members of the United States Armed Forces have always been welcome and have met this challenge by former Presidents Kennedy and Roosevelt over this historic course marked by the history of the Nation over the Appalachian Trail and the C&O Canal passing over hallowed ground near Crampton's Gap, Maryland, Weaverton Cliffs, Maryland, Harpers Ferry, West Virginia, and Antietam Battlefield.

On the 50th Anniversary of the JFK 50 Mile run, I would like to send our best wishes for another successful run to the Cumberland Valley Athletic Club and those members who make this event one of the premiere athletic events in the nation.

REPUBLIC OF CHINA (TAIWAN)  
NATIONAL DAY

**HON. LARRY BUCSHON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BUCSHON. Mr. Speaker, I rise today to congratulate the people of the Republic of China (Taiwan) on their upcoming National Day on October 10th. Taiwan has always been one of the most loyal friends and allies of the United States. Over the last few decades, the relationship between the United States and Taiwan has grown into a strong. Taiwan's cooperation with the United States in fighting global terrorism has earned the trust of the American people and boosted exchanges and friendship between our two nations. Such robust relations also extend to trade and Taiwan's military needs. A strong Taipei-Washington relationship is in the best interests of both and the stability of East Asia. This year, we celebrated the 33rd anniversary of the enactment of the Taiwan Relations Act, the cornerstone of our relations with Taiwan.

Furthermore, Taiwan has been an important trading partner of the U.S. Its imports of U.S. products and services have created thousands of job opportunities for our people. Many more thousands of Taiwanese students study at U.S. colleges and universities and Taiwanese tourists choose the United States as their number one overseas destination, outside of destinations in Asia. For all these and other reasons, we thank the Taiwanese people for their friendship and close ties to us.

Hoosier's of the 8th District also have an important, mutually benefiting relationship. Indiana exported products worth nearly \$220 million last year, making Taiwan the 21st largest importer of Hoosier-made goods. As of 2011, Taiwan intends to purchase \$4 billion worth of soybean and corn from Indiana; benefiting Hoosier farmers in one Indiana's most important industries, agriculture.

Additionally, Hoosier businesses such as Eli Lilly, the world's biggest producer of psychiatric medications, and Cummins Engine, the world's largest producer of diesel technology, both have operations in Taiwan. I am pleased to see discussions with Taiwan have

recently resumed in the hopes of producing a free trade agreement between our two countries.

On Republic of China (Taiwan)'s forthcoming National Day on October 10th, 2012, I hope our relations with Taiwan will continue to grow and flourish.

May U.S.-Taiwan relations remain strong forever. Congratulations.

RECOGNIZING SERGEANT PAUL ATKINSON OF MARBLEHEAD, MASSACHUSETTS

**HON. JOHN F. TIERNEY**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. TIERNEY. Mr. Speaker, I rise to recognize Sergeant Paul Atkinson of Marblehead, Massachusetts, for his efforts to assist hundreds of orphans in Afghanistan while serving with the Massachusetts National Guard.

It was brought to my attention by a fellow resident of Marblehead, Mark Brings, and highlighted in an article published in the Salem News, that while stationed as a sergeant in charge of maintenance at Camp Phoenix in Afghanistan, Sergeant Atkinson secured the delivery of hundreds of mattresses and bed frames to two orphanages in Afghanistan which care for more than 700 children.

The efforts of Sergeant Atkinson extended from Afghanistan to Marblehead where local residents, including Mark Brings and his family and Sergeant Atkinson's wife, Maria, worked to collect, clean and deliver hundreds of sheets and blankets to the orphanages.

I am pleased to recognize Sergeant Atkinson and the members of the community for volunteering their time providing these critical items to children in need, and I thank Sergeant Atkinson and all the members of our Nation's armed forces for their service to the country.

CONGRATULATING JENNIFER POTTER ON HER RETIREMENT

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor and congratulate Jennifer Potter, the President and CEO of the Initiative for Global Development (IGD), on her retirement.

Jennifer has been with IGD since its creation in 2003, helping the organization achieve its goal to reduce global poverty through advancing business growth and investment. During her tenure at IGD, the Seattle-based group grew from an idea to a widely recognized international organization.

Under Jennifer's leadership, IGD has successfully leveraged millions of dollars in investments for the developing world and changed the way governments and businesses engage for the better. Her commitment has opened up the door for employment opportunities and increased market access for developing communities around the world.

Her inspirational drive and vision will be difficult to replace, as her efforts to achieve large-scale poverty reduction will be remembered and appreciated.

Mr. Speaker, it is with great pleasure that I recognize and congratulate Jennifer Potter on her retirement.

RECOGNIZING THE EFFORTS OF NEMOURS CHILDREN'S HOSPITAL TO ADDRESS CHILDHOOD OBESITY

**HON. DANIEL WEBSTER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. WEBSTER. Mr. Speaker, I am pleased to recognize that September is National Childhood Obesity Awareness Month. Childhood obesity is increasingly becoming a national issue, affecting children ages 6 to 11. Recent studies indicate that more than one-third of America's children and adolescents are overweight. Childhood obesity has been linked to earlier and increased risks that the child will develop conditions such as diabetes, high blood pressure, heart disease, and even cancer. National Childhood Obesity Awareness Month is an important opportunity to highlight the progress that has been made thus far, as well as to inspire continued efforts toward building a better future for the next generation.

In order to address these growing issues, children's hospitals across the nation have made it a priority to educate families about the importance of a healthy diet and fitness routine, and highlight the consequences if proper nutrition is disregarded. I am pleased to acknowledge that in October 2012, Central Florida will welcome a new pediatric care hospital, Nemours Children's Hospital. Nemours is a non-profit children's medical hospital devoted to the advancement of pediatric healthcare and research. Nemours Children's Hospital has created the "Center for Integrative Pediatric Obesity Care" to help research and prevent childhood obesity. Not only does this Center conduct research and provide medical care to obese and overweight children, but they also plan to engage in community outreach programs to help parents and caregivers create healthier environments for children.

The community and families of Central Florida are blessed to have a committed pediatric medical center such as Nemours. I commend Nemours Children's Hospital and children's hospitals across the nation for the measures they are undertaking to combat obesity and strengthen the future of America's children.

RECOGNIZING THE SERVICE OF CALEB GOODWYN

**HON. SPENCER BACHUS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BACHUS. Mr. Speaker, as a United States Representative, I have a duty to effec-

tively serve the people in my constituency to the best of my ability. In this mission, it has always been my good fortune to be surrounded by a dedicated staff in both Washington and Alabama that has put service to the public as its first cause.

As the District Director in my Birmingham office, Caleb Goodwyn has provided outstanding service as my "eyes and ears" in the 6th District. As Caleb prepares to depart for an exciting new professional opportunity, I want to take this time to thank him for his work on my behalf and on behalf of the people of Alabama.

As I have often said, staff members are public servants every bit as much as those who have been elected. During the past five and a half years, Caleb Goodwyn has represented my office with consummate skill, professionalism, and loyalty. He has been a trusted liaison between my Federal office and mayors and local and State government officials, the business community, law enforcement and fire officials, the nonprofit sector, and the citizens who call my office every day in search of assistance. Caleb's approach has always been to listen and work towards thoughtful solutions to problems.

Caleb is at his best when the issues are the most challenging. He provided poised leadership in my Birmingham office during the response to the devastating tornadoes of April 27, 2011, and has worked with multiple stakeholders on important transportation improvements, economic development for our communities, and the construction of the Alabama National Cemetery in Montevallo, to name just a few.

Caleb has also generously given his time and support to many charitable endeavors, including the "Three Hots and a Cot" project for homeless veterans in Birmingham.

A native of Jasper, Caleb is a graduate of Sewanee: The University of the South and the University of Alabama. Prior to joining my office, Caleb gained valuable experience in the Office of Governor Bob Riley.

In his new responsibilities with the PowerSouth Energy Cooperative in Montgomery, Caleb will continue to be heavily involved with local and State economic development. The policy knowledge, experience and relationships that he will bring to his position will help promote economic opportunity for the people of Alabama.

It is my pleasure to wish Caleb and his lovely wife Elizabeth all the best as they begin this new adventure in their lives and to thank him for his diligent service to my congressional office and to the citizens of his home State of Alabama.

AFFORDABLE HOME HEALTH CARE

**HON. STEVE CHABOT**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CHABOT. Mr. Speaker, states across the Nation are reducing their health care costs by doing something that makes a lot of fiscal and common sense: they are making it easier for seniors to receive care where they most

want to be—in their homes. Washington should take notice. Instead of making it more difficult for home health care providers to operate, the Federal Government should strive to make these services more accessible to all seniors. After all, home health care is clinically advanced, cost effective, and, most importantly, patient preferred.

Take my home State of Ohio as an example. Under Governor John Kasich's leadership, Ohio has significantly increased seniors' access to home health care—and, according to analysis by Miami University's Scripps Gerontology Center, the State is saving half a billion dollars a year as a result.

I think Governor Kasich put it best when he said, that he could not, "think of anything more important to a senior than to be able to stay in their home with assistance, rather than being put in a facility that they are not comfortable with." The Governor is right.

Mr. Speaker, as is usually the case, States are leading the way with low-cost, high-quality home health care. They are forging ahead with policies that not only save money, but deliver a better quality of life for our seniors. Making at home health care more accessible for seniors is a win-win for my State, and Washington would be wise to follow.

#### RECOGNIZING HONOR FLIGHT CENTRAL FLORIDA

#### HON. DANIEL WEBSTER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. WEBSTER. Mr. Speaker, in honor of America's World War II veterans, the Honor Flight Network conducts several Honor Flights year round to Washington, D.C. in order to provide our nation's heroes a day to visit and reflect at their World War II Memorial. I am pleased to recognize that on October 7, 2012, an Honor Flight will take place to honor the World War II veterans of Central Florida.

Honor Flight Central Florida was established on August 27th, 2011, and held their first flight on June 9th, 2012. The philosophy of the Honor Flight Network is that America felt it was important to honor veterans with dedicated memorials, and it should be equally important that those veterans get to see and experience their memorial. As a way to express appreciation and thanks for their service to our country, the veterans are able to fly with Honor Flight at no personal expense. Honor Flight Central Florida has 27 World War II veterans that will be flown to Washington, D.C. this October to see their memorial on the National Mall.

We honor the brave men and women whose dedication to our great nation protected our freedom during perilous times. Among the courageous heroes of Honor Flight Central Florida in October are Chief Master Sergeant Melvin Jenner, USAAC-USAF; Private Joyce Geier, USAF-WAC; Corporal Eugene Hatley, USAF; Lieutenant Colonel James Krajicek, USAF; Private 1st Class Stanley Shader, Army; Sergeant George Focht, Army Air Corp; Sergeant Robert Thomson, Army Air Corp; Private 1st Class Arthur Lehmann, Army; Pri-

vate Nicholas Liverani, USMC; Petty Officer 2nd Class Julia Kelly, USN Waves; Petty Officer 2nd Class Gerald Langella, USN; Petty Officer 3rd Class Gene Gray, USN; Ranger Francis Coughlin, Army; Major Samuel Holland, Army; Ensign Donald Voorhees, USN; Corporal Kenneth Shappell, USAF; Staff Sergeant Thomas Sparks, Army; Staff Sergeant Charles Andresakes, Army; Lieutenant Colonel Frank Brown, USAF; Petty Officer 2nd Class John Franklin, USN; Private 1st Class Charles P. Hearn, Army; Petty Officer 2nd Class William Hancock, Jr., USN; Aviation Petty Officer 3rd Class John Nelson, Navy Air Corp; Petty Officer 1st Class Charles Berkmyer, USN; Corporal Andrew Kunkel, Army; Petty Officer 3rd Class Russell Smith, USN; and James Moore, USN. The selflessness by which they voluntarily served and put their lives on the line for our safety and security is inspiring.

It is my distinct pleasure, as a representative of the people of Central Florida, to recognize the honor, courage, and commitment of these heroes, along with all members of America's armed forces. I thank them for their dedication and service to this country.

#### IN HONOR OF THE BUCKS-MONT CHAPTER OF THE NATIONAL AS- SOCIATION OF THE REMODELING INDUSTRY

#### HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the Bucks-Mont Chapter of the National Association of the Remodeling Industry for their service to the local community.

For twenty years, this chapter of NAIR has worked tirelessly to educate and grow successful business while improving the homes of families who need it most.

Over the last decade the men and women of the Bucks-Mont NAIR have put in over 7,334 volunteer man hours. These volunteers have donated their time, as well as the necessary tools and materials for worthwhile causes such as Habitat for Humanity, the New Beginnings Community Church, and the Vietnam Veteran Project.

Throughout its twenty year history, this chapter has showed a continued commitment to serving others who are in need and I am confident that they will continue to do so for years to come.

#### RECOGNIZING WORLD ALZHEIMER'S MONTH

#### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my support for individuals and families affected by Alzheimer's Disease.

As we recognize September as World Alzheimer's Month, I want to thank the many advocates, caregivers, and health professionals

who provide support for those who suffer from Alzheimer's Disease, and the medical researchers who are working so hard to discover better treatments and cures. I especially want to recognize the work of the Alzheimer's Association, including the Greater Illinois Chapter, that is working to reduce stigma and eliminate Alzheimer's Disease.

Alzheimer's Disease is the sixth-leading cause of death in the United States, and it is the only cause of death among the top 10 that today cannot be prevented, cured, or even slowed. Every 68 seconds, an American develops Alzheimer's Disease. It is estimated that this year, 5.4 million Americans are living with Alzheimer's Disease, including 210,000 people aged 65 or older in Illinois. In addition to the physical and emotional toll of those afflicted with Alzheimer's and their families, there are immense costs associated with caring for those with Alzheimer's.

The Alzheimer's Association not only makes critical investments into Alzheimer's research but also provides support groups, education programs, and other resources to patients, caregivers, and families. More than 15 million Americans will provide unpaid care valued at \$210 billion to individuals who suffer from Alzheimer's and other dementias. As the co-chair of the House Democratic Caucus Seniors Task Force, I am committed to accelerating our efforts to help patients and caregivers.

Today, September 21, is "Go Purple" day to highlight the need to end Alzheimer's. I hope that we also remember today that Congress needs to act to help meet that goal, while also making sure that individuals living with Alzheimer's and those who care for them receive the assistance they need and deserve. Last May, the first ever National Alzheimer's Plan was released, laying out the needs and the opportunities before us—in public education, treatment, support services, and research. We need to adopt their positive recommendations, but we also need to make sure that we move forward, not backwards.

We cannot make short-sighted cuts to medical research, including the National Institutes of Health, that will delay the discovery of new treatments and cures. This year, it will cost \$200 billion, including \$140 billion from Medicare and Medicaid, to provide care for those living with Alzheimer's and other dementias. This cost is estimated to soar to \$1.1 trillion by 2050. Cuts to Medicare and Medicaid would be devastating to Alzheimer's patients and caregivers, and arbitrary cuts to Older Americans Act programs will leave individuals and caregivers without the supports they need.

I urge my colleagues and their staff to join me to recognize September as World Alzheimer's Month and commit to developing and implementing strategies to address Alzheimer's disease.

#### PERSONAL EXPLANATION

#### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. HEINRICH. Mr. Speaker, on September 20, 2012, I unfortunately missed one vote, rollcall No. 588. If I had been present, I would have voted "no" on rollcall vote 588.

HONORING THE MILITARY SERVICE OF CHARLES "CHARLIE" MICHAEL

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. QUIGLEY. Mr. Speaker, I rise today to honor the long and distinguished career of Charles "Charlie" Michael. For over 40 years, Charlie has served as a soldier in the United States Army, as a contractor at the Department of Defense, and as a civilian in the Department of the Army.

Charlie began his career in the United States Army as military policeman in 1968, serving in Okinawa, Vietnam, and Washington, DC. After separating from active duty in 1972, Charlie attended Lycoming College in Williamsport, PA, and earned a Bachelor's Degree in psychology. Following graduation from Lycoming, Charlie began working as a Family Court Hearing and Enforcement Officer. During that time, he also enlisted in the Army Reserve.

In 1981, Charlie entered the Army Active Guard Reserve Program as an executive officer, and held other posts throughout the 1980s. In 1998, Charlie retired from the Army Budget Office as the Army Reserve Liaison at the rank of Major.

After retiring from active duty, Charlie became a contractor and supported the Army Reserve Operations Division until 2003. Later, he became Deputy Division Chief for the Programming and Resource Division where he spearheaded significant improvements in readiness levels for Army units and individuals.

I first met Charlie when he arrived in my office in 2009 as an Army Fellow. During his time with us, Charlie worked on legislation important to veterans like H.R. 4279, which would allow veterans to receive educational assistance on an accelerated basis if they met certain criteria. Charlie's most important contribution to this office, though, may well be the delicious Coca-Cola Cake that he loved to make and that we all loved to enjoy.

As he retires from his long and distinguished career, I am certain that Charlie looks forward to moving to South Carolina with his wife Diane, and spending more time with his family including his son Brian, his daughter Christine, and his grandchildren Kaitlyn, Paige, and Samantha.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Charles "Charlie" Michael and his service to this country in so many different capacities. It was an honor to have him work in my office. His tireless commitment and dedication to public service and the Armed Forces will be missed, and I wish him the best of luck in his future endeavors.

PERSONAL EXPLANATION

**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BERMAN. Mr. Speaker, due to my attendance at the funeral of a dear friend, I was

unable to be present for votes in the House on Friday, September 21. Had I been present, I would have voted "yea" on the Markey Amendment No. 1, Waxman Amendment, Markey Amendment No. 5, Jackson Lee Amendment, Markey Amendment No. 10, and the DeFazio Amendment. I would have voted "nay" on the Kelly Amendment, the McKinley Amendment, the Berg Amendment, and the Gosar Amendment. I would have voted "yea" on the Democratic motion to recommit, and "nay" on final passage of H.R. 3409.

IN HONOR OF THE ACHIEVEMENTS OF LAUREN HAYNES

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the achievements of Lauren Haynes, one of my constituents in Pennsylvania's 8th District.

Thanks to Lauren's tireless efforts in pursuing excellence in education, she has been awarded the James. R. Hoffa Memorial Scholarship on behalf of the International Brotherhood of Teamsters.

Offered to the families of union members, the James R. Hoffa Memorial Scholarship is a highly competitive program which rewards applicants who have demonstrated a commitment to their education.

Thomas Jefferson deeply valued a good education, once declaring that "above all things I hope the education of the people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty."

Lauren has carried on this American tradition of academic excellence, and I wish her the best of luck as she continues her work at Drexel University this Fall.

PERSONAL EXPLANATION

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I inadvertently vote "no" on rollcall vote No. 114 (to prohibit the use of funds for the salaries and expenses of personnel of the Department of Agriculture to provide benefits described in section 1001D(b)(1)(C) of the Food Security Act of 1985 (7 U.S.C. 1308-3a(b)(1)(C)) to a person or legal entity in excess of \$250,000) when I meant to vote "yes."

I would like to correct for the record that I wanted to vote "yes" on rollcall vote 114.

THE INTRODUCTION OF THE R.I.C.E. ACT

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. DeLAURO. Mr. Speaker, I rise today to introduce the Reducing food-based Inorganic

and Organic Compounds Exposure Act, or the R.I.C.E. Act. This bill, which I am proud to introduce with my colleagues Congressman PALLONE of New Jersey and Congresswoman LOWEY of New York, seeks to require the Food and Drug Administration (FDA) to set maximum allowable levels of arsenic in foods that contain rice.

Last year, a Consumer Reports test found concerning levels of arsenic in some juices. Based on that report, I was glad to support Congressman PALLONE's legislation that would require the FDA to set a maximum allowable level of arsenic and lead in fruit juices. I look forward to our continued work on this issue to protect the public health, which is why we have again partnered on this issue with this legislation. And I am glad to be working with Congresswoman LOWEY, a champion of children's health.

Recently, Consumer Reports completed another test on arsenic in our food supply, this time focusing on rice and rice products. That report found concerning levels of inorganic arsenic in some rice samples—including infant rice cereals and beverages. For example, an adult consuming a single serving of some rice products had the possibility of getting nearly one and a half times the amount of inorganic arsenic that they would consume from an entire day's intake of water. The report also noted that individuals who consume rice have higher arsenic levels than those that did not consume rice.

Another report published in Environmental Health Perspectives earlier this year identified high levels of inorganic arsenic in products containing organic brown rice syrup. The published study noted that the sampled products "may introduce significant concentrations of [inorganic arsenic] to an individual's diet." And, The Proceedings of the National Academy of Sciences published an article in December 2011 entitled "Rice consumption contributes to arsenic exposure in US women" that highlighted the association between rice consumption and a biomarker of arsenic exposure in women.

Clearly, it is imperative that the FDA act and set standards for acceptable levels of arsenic and other dangerous heavy metals in food products. This bill requires them to set such a level for arsenic in rice and foods containing rice. I intend to continue to work on this issue, and I urge my colleagues to support this bill.

CONSUMERS UNION,  
*September 20, 2012.*

Congresswoman ROSA DeLAURO,  
*Rayburn House Office Building,*  
*Washington, DC.*

DEAR CONGRESSWOMAN DeLAURO: Consumers Union, the policy and advocacy arm of Consumer Reports, applauds your introduction of legislation to require the U.S. Food and Drug Administration (FDA) to set standards to help lower the levels of arsenic in rice and rice products.

As you know, yesterday Consumer Reports and the FDA each released important data showing troubling levels of arsenic in rice, which is a major food staple for millions of Americans. Inorganic arsenic—which both studies found in the various rice products examined—has been linked to bladder, lung and other cancers. The consumption of arsenic-containing rice is especially worrisome for infants and young children because of the

negative impact arsenic may have on the developing brain.

Rice is not the only food that contains worrisome levels of arsenic. Indeed, in a previous report released earlier this year, Consumer Reports found troubling levels of arsenic in apple and other juices. Yesterday's findings underscore the health risks of arsenic, particularly inorganic arsenic, and how rice is a particularly important source of arsenic exposure for Americans. That's because rice is a crop that is very effective in absorbing arsenic, in part because of the way it is grown in water-flooded conditions and also because it is often grown in areas where arsenical pesticides were once used.

Consumer Reports tested over 200 samples of rice and rice products for arsenic, and we found significant levels of arsenic across all product categories, everything from organic rice to rice cereal, brown rice, white rice, and rice cakes. FDA tests found similar levels in its examination of more than 200 samples of rice products. FDA Commissioner Hamburg announced her agency would continue to collect and analyze 1,000 more samples by year's end to make a thorough assessment and plan next steps.

We welcome and appreciate the FDA's efforts to prioritize its examination of arsenic in rice. We also believe that a federal standard limiting arsenic in rice and rice products is the best way to minimize consumers' exposure to unsafe levels of arsenic.

Thank you for your leadership on this critical safety issue. We look forward to working with you and other members of Congress to help reduce arsenic levels in food.

Sincerely,

ELLEN BLOOM,  
Senior Director, Federal Policy and  
Washington Office.  
AMI V. GADHIA,  
Senior Policy Counsel.

IN HONOR OF THE BOCHASANWASI  
SHREE AKSHAR PURUSHOTTAM  
MANDIR HOSTING SADGURU  
SANT PUJYA KOTHARI SWAMI

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2012

Mr. FITZPATRICK. Mr. Speaker, I rise today to recognize the Bochasanwasi Shree Akshar Purushottam Mandir in my home of Levittown, Pennsylvania for hosting Sadguru Sant Pujya Kothari Swami later this month for a spiritual evening event during his visit to the United States.

Pujya Kothari Swami, one of the seven most senior sadhus of BAPS, will be visiting the United States to perform the Opening Ceremony of the Satsang Activity Center in neighboring New Jersey. The work done by Pujya Kothari Swami in his missionary work across the country and around the globe is deeply respected and praised by the entire Swaminarayan community.

It is truly an honor for Bucks County to host this important spiritual figure in the Swaminarayan faith.

As my constituents gather together for a night of spiritual enlightenment and community, I join them in welcoming Pujya Kothari Swami and wish him all the best during his time in historic Bucks County, Pennsylvania.

THE EPITOME OF CHARITY—  
REGINA ROGERS

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2012

Mr. POE of Texas. Mr. Speaker, in this day and age when most people think of things in terms of me and mine, there are still a few rare individuals who put others first. Regina Rogers is one of those rare individuals. At an early age, a very important question was engrained into Ms. Rogers' memory, and that question has been the motivation for much of what she does. The question was, "What did you do for someone else today?"

I think it is safe to say that Regina has spent every day of her life doing extraordinary things for others. She is an active participant in community affairs and is the founder of several nonprofit organizations that provide assistance to the underserved communities of southeast Texas. In 1988, she founded and serves as Executive Director of the Ben Rogers/Lamar University/Beaumont Public Schools: "I Have A Dream" program. The organization has made available mentoring and guidance, along with \$4,000 scholarships to nearly 400 academically talented students who would not otherwise have the opportunity to attend college.

Ms. Rogers is a Member of the Board of the University of Texas M.D. Anderson Cancer Center, the Harris County Hospital District Foundation, the Pauline Sterne Wolff Memorial Foundation. She serves on the boards of the Children's Defense Fund Texas Advisory Board, the Babe Didrikson Zaharias Foundation, and the Holocaust Museum of Houston. She is also President of the Joe Louis International Sports Foundation, established in 1972 by her late father, Ben Rogers. She was the first female regent of Lamar University. For six years, she served as a member of the Texas College and University System Coordinating Board, where she was Chair of the Educational Opportunity Planning Committee for Minority Education in Texas, helping implement programs to increase admissions and retention of minority students and the hiring of minority faculty in colleges and universities throughout Texas.

Ms. Rogers established and serves as chair of the Julie Rogers "Gift of Life" program, which annually makes available more than 1,800 free mammograms (more than 18,000 since inception) and 500 prostate cancer screenings (more than 6,000 since 2000) for the medically underserved population of southeast Texas. In addition, the "Gift of Life" offers education that focuses on breast, ovarian, and other gynecological cancers, prostate, testicular, and lung cancer at 80 or more outreach programs a year, impacting nearly 17,000 people annually, as well as smoking prevention programming through its "Don't Smoke Your Life Away" campaign.

While Chair of the Southwest Regional Board of the Anti-Defamation League in 1994, Rogers helped found the Coalition for Mutual Respect, a group of religious and lay leaders whose annual programming includes pulpit exchanges that promote positive intergroup rela-

tions by encouraging understanding and respect among Houston's diverse population.

In 1997, Ms. Rogers established Inspire, Encourage, and Achieve, a program designed to perpetuate her father's legacy of helping young people achieve dignity and respect through knowledge, compassion, understanding, and love. IEA emphasizes rehabilitation for youth in detention and/or on probation, annually impacting more than four hundred juveniles in the Minnie Rogers Juvenile Justice Center and through its Ben's Kids outreach activities.

Following Hurricanes Katrina and Rita in 2005, Ms. Rogers co-founded the Southeast Texas Emergency Relief Fund (SETERF) that provided several million dollars in assistance to thousands of people after the storms, including gift cards to social service agencies, grants to faith-based organizations to assist with home repairs; and loans to small businesses affected by the storms. Regina also helped individuals who suffered losses from Hurricane Ike. She also served on the Bush-Clinton Coastal Recovery Fund and the Texas Governor's Disaster Recovery and Renewal Commission.

Ms. Rogers excellence has been recognized by others throughout the years. She was selected as a Distinguished Alumna of the University of Houston in 1994, and was named a Distinguished Woman of Northwood University. She was named a Child Advocate of the Year by CASA of southeast Texas; a Pacesetter of the Year by the Cancer League; a Woman of Distinction by KTRK/Channel 3 in Houston; and was a recipient of the Cherish our Children Award from the Child Abuse Prevention Network in Houston. She received the Press Club's 2002 Southeast Texas Newsmaker of the Year award; was a recipient of the 2003 Humanitarian Award from Catholic Charities of the Diocese of Beaumont, Inc.; named a 2005 Citizen of the Year by the Southeast Texas Regional Planning Commission; and was a recipient of the Cris Quinn Community Service Award in 2009 by the Jefferson County Bar Association.

Regina Rogers learned the importance of public service from her parents. She has carried on her parents' legacy by being a tireless advocate for those in need. She is an incredible woman with an abundance of energy, and a heart as big as Texas. Through her personal involvement in, and financial contributions to numerous organizations, she has left an indelible mark on southeast Texas. Our community is better because of her compassion and generosity. Regina Rogers is the epitome of charity, and a perfect example of what we should all aspire to. In the words of Ms. Rogers' late father, Ben Rogers, I ask you, "What have you done for someone else today?"

And that's just the way it is.

# HONORING THE 250TH ANNIVERSARY OF THE BOROUGH OF HUMMELSTOWN

## HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. HOLDEN. Mr. Speaker, I rise today on behalf of myself and my colleague, Representative CHARLIE DENT, to honor the 250th anniversary of the Borough of Hummelstown, Pennsylvania, and to recognize the many contributions its residents have made to our great Commonwealth.

The Borough of Hummelstown was originally founded as Frederickstown by Frederick and Rosina Hummel, who in 1762 purchased a plot of land in beautiful Dauphin County to call home. The Hummels divided the tract into numerous building lots and sold each to German settlers looking to start new lives in the region. Originally serviced by the Berks-Dauphin Turnpike, commerce through the borough was greatly enhanced by the opening of the Union Canal in 1827, which connected the Susquehanna River to the Schuylkill River outside Philadelphia. The Lebanon Valley Railroad later made the community even more attractive to businesses when it arrived in 1858. Hummelstown was soon booming with jobs in stone cutting and shipyard work. With the borough growing and the nation expanding, the Hummelstown Brownstone Company (HBC) quickly became the leading employer of local residents from the late 19th Century to the early 20th Century. HBC owned and operated several quarries that produced Hummelstown brownstone, which at the time was one of the most popular building materials in the United States.

Today, Hummelstown is the very picture of the quaint American suburb. With a lively downtown area and genuine small town atmosphere, Hummelstown is home to many Pennsylvanians who commute to jobs in nearby Harrisburg and Hershey.

To celebrate the 250th anniversary of its founding, Hummelstown's various civic groups, businesses, churches, and other organizations have worked together to organize a busy week of events. These festivities included a parade, community breakfast and picnic, fireworks display, movie night, and family friendly events for children. Heritage Day, walking tours, and other activities showcased the rich history of Frederick Hummel's town and illustrated its bright future as an ideal location for families and businesses.

Mr. Speaker, I am proud to stand alongside my friend, Representative CHARLIE DENT, to honor Hummelstown on the occasion of its 250th anniversary. I would also like to congratulate the borough's residents on a highly successful anniversary celebration.

# TRIBUTE TO ALPHA DELTA KAPPA INTERNATIONAL HONORARY ORGANIZATION FOR WOMEN EDUCATORS

## HON. MO BROOKS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BROOKS. Mr. Speaker, I rise today to commend the Alpha Delta Kappa International Honorary Organization for Women Educators on its sixty-five years of dedicated service and proclaim October 2012 as Alpha Delta Kappa Month. Established in 1947, Alpha Delta Kappa's goals have been to establish high standards of education, give recognition to outstanding educators, build a fraternal fellowship among educators and to promote educational and charitable projects and activities enriching the lives of individuals everywhere.

With a membership of over 33,000 educators representing all fifty U.S. states, Puerto Rico, Canada, Mexico, Jamaica and Australia, Alpha Delta Kappa is committed to educational excellence, personal and professional growth and for collectively channeling their energies toward the good of their schools, communities, the teaching profession and the world.

Women in education constitute a great portion of the nation's working force and are constantly striving to serve their communities and nation in educational, cultural, and charitable programs leading to harmony, happiness, and peace among all people.

Over the last few years, the members of Alpha Delta Kappa have given altruistically to the communities they serve by raising nearly \$14.5 million and volunteering over 2 million service hours.

I congratulate Alpha Delta Kappa International Honorary Organization for Women Educators on their 65 years of unparalleled success and wish them well and salute them as they embark on their next 65 years.

# WORLD ALZHEIMER'S ACTION DAY

## HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise today to talk about World Alzheimer's Action Day and am thrilled to see this disease receiving the attention it deserves.

I look forward to the day when a cure can become a reality for millions of Americans and their families who are living with Alzheimer's disease.

There is still much to be done to eradicate this disease, but today we can say we have the first ever National Alzheimer's Plan, which is a step in the right direction.

Throughout my time in Congress, a cure for Alzheimer's disease has been a top priority on my agenda.

As a member of the Alzheimer's Congressional Task Force, I will continue to work with my colleagues and advocate for research that will lead us to a cure.

As some of you may know, my father suffers from Alzheimer's so this fight is personal to me.

Thank you to all of you who are taking part in the fight against Alzheimer's. By working together, we can and will end this disease.

## TAIWAN

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. POE of Texas. Mr. Speaker, I rise to recognize an important upcoming date—October 10, 2012—which marks more than 100 years since the founding of the Republic of China (Taiwan). The United States and Taiwan share a common vision of democracy and liberty. It is important that we take a moment and recognize the successes of this great friend and ally. Often through struggle, Taiwan has used the last 101 years to bring peace and prosperity to its people. A beacon of democracy in the Asia-Pacific region, President Ma and the people of Taiwan should be commended for living in peace and for implementing pro-growth policies that have led to economic prosperity. They are a model for the region and the world. We are fortunate to call Taiwan a friend and ally.

I also would like to congratulate Ambassador Jason Yuan, Representative of the ROC (Taiwan) to the United States, on his new post as Secretary-General of the National Security Council of Taiwan. I cherish the friendship with Ambassador Yuan and wish Ambassador and Madame Yuan the very best.

# HONORING THE LIFE AND WORK OF HAL DAVID

## HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BERMAN. Mr. Speaker, I'm joined by my colleagues Representatives LAMAR SMITH, JOHN CONYERS, HENRY WAXMAN, MARSHA BLACKBURN, and JERRY NADLER. We rise today to honor the life and memory of one of America's greatest musical treasures, Hal David. As a lyricist who teamed up with composer Burt Bacharach beginning in the late 1950s, Hal created an extraordinary body of hit songs which continue to touch the lives of countless people around the world.

Hal emerged from a humble immigrant family in Brooklyn. After serving in the Army's Entertainment Section during World War II, he began his songwriting career. He came to be the lyrical mastermind behind some of the 20th Century's most recognized and beloved songs. He composed the lyrics to such classic hits as "Raindrops Keep Falling on My Head," "What the World Needs Now Is Love," "Always Something There to Remind Me," "Do You Know the Way to San Jose," "Don't Make Me Over," "Anyone Who Had a Heart," "The Look of Love," "Walk on By," "(They Long to Be) Close to You" and many, many more.



Hal said that a lyricist must learn "not to fall in love with his own lines." That may be true, but that hasn't stopped millions of music lovers like me, and others in every corner of the globe, from falling in love with them. Hal's lyrical genius earned him countless honors: four Academy Award nominations, with an Oscar for "Raindrops" in the movie *Butch Cassidy and the Sundance Kid*; a Grammy along with three songs in the Grammy Hall of Fame; and Gold and Platinum records. Additional accolades include induction into the Songwriters Hall of Fame and the Nashville Songwriters Hall of Fame, receipt of the Songwriters Hall of Fame Johnny Mercer and Visionary Leadership Awards, the Ivor Novello Award of the British Academy of Composers and Songwriters, and more. Just this past May, President Barack Obama presented the prestigious Library of Congress Gershwin Prize for Popular Song to David and Bacharach at a White House musical tribute.

Hal's work not only spans generations but also genres. He is the author of lyrics for the film scores of *Alfie*, *What's New Pussycat*, *Casino Royale*, *The April Fools* and *Moonraker*. His songs also appear in countless other movies, from *Forrest Gump* to *Runaway Bride*. Not limited to the screen, Hal's Broadway show, *Promises, Promises*, was nominated for a Tony Award and received a Grammy, and has enjoyed two successful runs on the Great White Way.

Hal's songs have been recorded by artists from across the musical spectrum, including Marty Robbins, Perry Como, Bobby Vinton, Gene Pitney, Dusty Springfield, Tom Jones, Herb Alpert, Jackie DeShannon, B.J. Thomas, Frank Sinatra, Sarah Vaughan, the Fifth Dimension, the Carpenters, Barbra Streisand, and, most unforgettably, Dionne Warwick.

Hal's notable achievements don't stop with his musical career. As ASCAP President and Chairman from 1980 to 1986 and as an ASCAP Board member for almost 40 years, Hal was a music industry leader and devoted much of his life to protecting the copyrights of music creators. He also led the Songwriters Hall of Fame as Chairman and CEO from 2001 to 2011, and was Chairman Emeritus at the time of his death.

Hal's philanthropic work in Los Angeles also made him a great asset to our community. He donated generously of his time and effort to charitable organizations. In addition, he and his wife, Eunice, were founders of the Los Angeles Music Center. In the fall of 2011, a fundraiser, *Love Sweet Love, A Musical Tribute to Hal David*, honored Hal's 90th birthday and benefited the Blue Ribbon Children's Festival and The ASCAP Foundation. It was the most successful ASCAP Foundation fundraiser to date, reflecting Hal's longstanding commitment to arts and music education.

Hal was a musical legend and one of the strongest advocates for music creators of the past century. He will be sorely missed, but thankfully, his songs live on.

## NATIONAL INFANT MORTALITY AWARENESS MONTH

### HON. DONNA F. EDWARDS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2012

Ms. EDWARDS. Mr. Speaker, September is National Infant Mortality Awareness Month, established to highlight the tragedy of infant deaths across the nation and to raise awareness about programs that help save young lives and ensure our children are healthy. Infant mortality, the rate at which babies die before their first birthday per 1,000 live births, continues to be a key measure of the nation's health and a worldwide indicator of health status and social well-being.

Although the overall infant mortality rate (IMR) in the United States steadily declined for several decades, it has leveled off in recent years. Preliminary data indicate that infant mortality rate in this nation declined very slightly to 6.14 in 2010.

Unfortunately, this rate continues to be higher than the Organization for Economic Cooperation and Development (OECD) average and that of most European countries. While modest improvements in the infant mortality rate, along with a national and local focus on preconception health for women of child-bearing age, provide welcome changes, much work remains to be done.

In Maryland, infant mortality continues to impact women and families at startling rates. For the second year in a row, the infant mortality rate in Maryland remained at 6.7. Though a drop from the 7.2 rate of 2009, the number of infant deaths in the state remains high. Of greater concern, is the disproportionate impact infant mortality has on some communities.

In 2011, the infant mortality rate for Prince George's County was 9.5, while in neighboring Montgomery County, the rate stood at 5.3. Though both counties have made significant progress in reducing infant mortality in recent years, our collective attention must continue to focus on making further gains. Of the state's five regions, the National Capital Area, comprising Prince George's and Montgomery counties, had the second-highest rate of infant deaths. Only the Eastern Shore Area experienced a higher rate at 8.9.

Across our nation, African American communities experience more than double the rate of infant mortality compared to other populations. In Maryland, the infant mortality rate among African Americans last year was 12.0, fully three times the rate among white infants. Despite efforts to address this disturbing gap, high rates of loss occur among African Americans of all income and education levels.

National Infant Mortality Month gives us an opportunity to raise public awareness and to educate women about ways they may reduce infant mortality. With good preconception health, as well as access to good health care during the mother's pregnancy and the early years of the child's life, women can work to lower the incidence of infant mortality. Research indicates that a number of federal programs may reduce the IMR. Programs such as the Maternal and Child Health Block Grant and Healthy Start are vital programs tasked

with bringing awareness to factors that contribute to the nation's high IMR, including low birth weight, congenital abnormalities, and sudden infant death syndrome.

With the support of local organizations and services offered in the 4th Congressional District of Maryland, including the Montgomery County Department of Health and Human Services and the Suitland Health and Wellness Center, we can advance a number of strategies to reduce infant mortality and help mothers and children live long and healthy lives.

I will continue to support and bring awareness to programs that increase access to health care and improve the quality of prenatal and newborn care to prevent the causes of infant mortality. As our nation recovers from these difficult economic times and families may experience gaps in health coverage due to job loss or financial instability, it is especially vital that we continue to support adequate funding for these programs. We need to ensure that our babies get a healthy start and are able to celebrate their first birthday and a lifetime of birthdays.

## HONORING DOUGLAS ELEMENTARY SCHOOL

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2012

Mr. REYES. Mr. Speaker, I rise today in recognition of the achievements of Douglas Elementary School. Douglas was recently honored with the 2012 National Blue Ribbon award from the United States Department of Education for excellence in education.

The National Blue Ribbon School award honors both public and private elementary, middle and high schools where students achieve at high levels and also schools where the achievement gap is narrowing. Since 1982, more than 6,700 of America's schools have received this coveted award.

I want to personally congratulate the teachers, administrators, and staff of Douglas Elementary School for their commitment and dedication to our young students in El Paso. This year only 269 schools nationwide received the award, and all will be honored in a ceremony in Washington, DC. The Blue Ribbon validates the efforts of these schools in creating a positive and effective learning environment. These schools and their communities have achieved a degree of excellence of which they can justifiably be proud.

Douglas is a fine example of what can be accomplished when parents, teachers and administrators collaborate to prepare our students for a prosperous future. By emphasizing the importance of literacy, math, and science, Douglas is enabling a new generation of community leaders.

In times of economic uncertainty, we cannot lose sight of the paramount importance of our children's education, and I am honored to represent Douglas Elementary School.

IN RECOGNITION OF THE OUT-  
STANDING WORK OF OUTLOOK  
NEBRASKA, INC.

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. TERRY. Mr. Speaker, today, I rise to recognize—Outlook Nebraska, Incorporated—an organization that I've had the pleasure of visiting and seeing firsthand the positive impact they have in the lives of so many. This organization is part of the AbilityOne Program, which enables more than 50,000 Americans and 3,300 wounded warriors nationwide, who are blinded or severely disabled, to work and provide products and services to federal and commercial customers.

Today in America, seventy percent of blind and visually impaired working-aged adults are not employed. Opportunities provided by Outlook Nebraska and the AbilityOne Program have played an important role in bringing people with disabilities into the workforce. As one of Outlook's employees said to me, "They looked at me for my abilities—not my disability."

The AbilityOne Program affords Americans who are blind or disabled the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and a better quality of life. I applaud Outlook Nebraska and the work it does each day to open doors of opportunity for Americans who are blind or disabled.

### TRIBUTE TO ANGI CORROTHERS

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mrs. MYRICK. Mr. Speaker, Angi Corrothers is retiring from public service after 32 years of dedication to the constituents of the 9th Congressional District of North Carolina.

She has been a valuable asset to my staff, and to the staffs of both Congressman Alex McMillan and Congressman Jim Martin before me. She truly exemplifies what it means to be a public servant.

She has spent many years patiently guiding constituents through the process of getting the benefits that they deserve. But it's through Angi's compassion and kindness that she helps anyone who needs it and gives of herself without a second thought.

Angi has truly been a delight to work with for these past several years. She has a great sense of humor, and we will miss hearing her stories and her wonderful, heartfelt laugh.

She will be greatly missed by myself, her colleagues, and the countless constituents that she helps, but we wish her well as she enjoys a well-deserved retirement.

### HONORING OPERATION HELPING HAND

### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BILIRAKIS. Mr. Speaker, I rise today to commend Operation Helping Hand. Operation Helping Hand was started in May 2004 as a project of the Tampa Chapter of the Military Officers Association of America, MOAA, with the primary mission to support and assist military patients being treated at the James A. Haley VA Hospital and their visiting families. It was noted that some of the families visiting their wounded, sick, and injured active duty military patients were unable to pay for motels, and were sleeping in their cars. That proved to be enough justification to offer necessary services.

Over the course of eight years, Operation Helping Hand has helped over 750 of our active duty military wounded and injured, and countless family members, assisting with their personal needs while in Tampa, helping with the family's mortgage and bills back home, or whatever the service member or family needed to allow their primary focus to remain on healing, whether it be in Tampa or back home where the family resides.

Aside from responding from their daily needs, Operation Helping Hand sponsors Bronze Star, Purple Heart and other medal or retirement ceremony receptions and hosts a monthly dinner for the patients that is attended by an average of 250–300 people. These monthly dinners honor our wounded and injured active duty military patients who are given proper recognition, and flowers and gifts at each monthly dinner.

In October 2012, the 100th consecutive monthly dinner will be held. By its stated mission, Operation Helping Hand will continue to do all possible to aid the Tampa patients and their families as long as their services are required.

Operation Helping Hand's efforts to improve the quality of life for severely injured services members is truly inspiring. It is with great honor that I rise today to recognize their tireless commitment to those who have served our country. I look forward to watching this organization grow and further its mission of assisting and supporting the families of injured service members.

### PERSONAL EXPLANATION

### HON. NIKI TSONGAS

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. TSONGAS. Mr. Speaker, I missed votes on the day of September 19, 2012 because I was unavoidably detained back in my District. Had I been present, I would have voted for H.R. 5044, the Andrew P. Carpenter Tax Act. As a member of the Armed Services Committee, I recognize the sacrifices made by our nation's servicemembers. It is appropriate and fair that when the student loan debt of a

fallen servicemember is forgiven, his or her family members should not be hit with an income tax bill on that debt forgiveness. H.R. 5044 is a small step toward honoring their service and ultimate sacrifice on behalf of our nation, and I support it.

### THE DOCUMENT

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. POE of Texas. Mr. Speaker, on a spring day, 55 men walked from a cobblestone street into the Pennsylvania state house. They had important business to discuss, and guards kept watch to keep any curious people at bay. The men, all respected, half university-educated, had an average age of 42 years old. The youngest was a mere 27. In their first order of business, they formally nominated one man to be their leader: General George Washington.

This was the scene 225 years ago when our Founding Fathers met in Philadelphia. The 13 colonies had declared and won independence from King George, and were operating under a "league of friendship" or the Articles of Confederation. They knew that the fledgling nation was tinkering on failure: it could not regulate commerce between the states, raise revenue, or support a national defense. A few months before, a man named Daniel Shays had led a group of farmers, who wore hats adorned with twigs, to rebel in Massachusetts. The new nation had some trouble spots of anarchy. Something had to be done.

Over the next few days, the men debated in secret. There was no transparency, no reporters and no visitors. Men from large states, like Edmund Randolph of Virginia, argued for a strong national government, while men from smaller states, like William Patterson of New Jersey, balked at this. Alexander Hamilton of New York tried to convince his colleagues to follow the British government—"the best in the world"—a mistake to a group of proud patriots who had just defeated King George III. Their differing ideas led to compromises and a new government. Largely influenced by James Madison, credited as the Father of the Constitution, a Constitution was written that established three separate branches of government on the federal level, a decentralized national government with enumerated powers and individual state governments empowered with those powers not outlined. It was built on a system of federalism, a system of separation of powers between the states and the federal union.

The fact that 55 men showed up was something of a feat in and of itself. Seventy-four were appointed to attend, but 19 chose to skip the meeting. They were wise in their suspicions that the goal was to give the national government more power, but missed a tremendous opportunity to shape the nation that they all loved.

Sixteen men refused to sign the Document. One of them was firebrand orator Patrick Henry (my favorite of all of the Founders). He refused to sign the Document because it contained no "Bill of Rights." Another, George

Mason, declared that he "would sooner chop off his right hand than put it to the Constitution as it now stands." Yet, the Document was signed by 39 men, and they left Philadelphia with the challenge of convincing the states to ratify it. Largely thanks to the efforts of James Madison, Alexander Hamilton and John Jay, through the Federalist Papers, the required nine states had ratified and the Constitution took effect.

Two years later, James Madison introduced the Bill of Rights in the U.S. House of Representatives, outlining specific rights that each American should be guaranteed and limiting what government could do to the people. Without the Bill of Rights, we would not be the America that we are today. It guarantees that we can live in a country where we can speak our opinions without fearing punishment; where you can practice the religion of your choice in peace; where you have the right to share your ideas or complaints with the government; where you have certain inalienable rights—the right to life, liberty, and the pursuit of happiness.

On September 17, we celebrated Constitution Day, a national holiday that celebrates the one document that has made America what it is today: the land of the free and the home of the brave. In the 225 years since the signing of this great document, this nation has grown, adding territories and states, including Texas in 1845 (by 1 vote, I must say). What was in 1787 a new nation trying to get on its feet and find its way, is today a robust beacon of freedom and democracy. May we never forget what this nation stands for. And that's just the way it is.

#### CONGRATULATING THE BATON ROUGE AREA FOUNDATION

#### HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CASSIDY. Mr. Speaker, today I rise to congratulate the Baton Rouge Area Foundation on obtaining their National Standards for U.S. Community Foundations accreditation from the Community Foundations National Standards Board.

Achieving confirmation and reconfirming compliance with Community Foundations National Standards Board is a rigorous process, guaranteeing that every community foundation that receives the designation has adhered to excellent philanthropic practice. This program requires community foundations to document their policies for governance, donor services, investments, grantmaking, community leadership, and administration.

The Baton Rouge Area Foundation has obtained its National Standards accreditation by demonstrating a commitment to operational quality, integrity, accountability, and adherence to the highest standards for grantmaking.

The Baton Rouge Area Foundation worked rigorously in the aftermath of Hurricane Katrina, and issued over \$600,000 in emergency grants to aid organizations and shelters within 10 days of the storm. This is but one case of the exemplary work that the foundation achieves day in and day out.

On behalf of the residents of Louisiana's Sixth District, I congratulate the Baton Rouge Area Foundation on receiving its National Standards accreditation and commend the foundation's dedicated service to Louisiana's communities.

#### PAYING TRIBUTE TO LANCE CORPORAL CLARK CAVALIER

#### HON. BILL CASSIDY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CASSIDY. Mr. Speaker, I rise today to honor one of Louisiana's most heroic sons, Lance Corporal Clark Cavalier, 2nd Battalion 8th Marines, from the city of Plaquemine in Louisiana's Sixth Congressional District.

While out on patrol in Afghanistan on April 24, 2011, Lance Corporal Cavalier nearly died in an IED explosion. Almost mortally wounded, and losing both of his legs, he is now on the road to recovery. Clark is known as a grunt, the boots on the ground who take the fight to the enemy every day. In honor of his courage and his selfless sacrifice, I hereby submit that the text of the poem "The Couragejun Cajun!", penned by Albert Caswell, be placed in the RECORD.

#### THE COURAGEJUN CAJUN!

The Couragejun Cajun!  
What is courage all about?  
In times of war,  
there are but all those who our peace is so  
insure no doubt!  
Who so go where angels so fear to tread!  
Who cheat death and when almost mortally  
wounded,  
while living by a thread through the darkness  
of death come out!  
Teaching us all what courage is all about!  
Who Dat?  
Dat's Lance Corporal Clark Cavalier!  
From Dat Bayou State, Dat's an American  
Hero so very clear!  
From that great State of Louisiana,  
where men come from without fear!  
Dat's, A United States Marine!  
One of the greatest things,  
Dat D'his country Dat ever seen!  
Dressed,  
all so heroically all in Dat D'hose Shades of  
Dat Green!  
Who upon a battlefield of honor,  
Dat Did so convene!  
For he's a grunt,  
ever on the hunt for an enemy to confront!  
While, out on patrol he almost lost his life  
so!  
When, and IED took his two strong legs,  
and death but lie just moments away!  
But could not take his heart that day!  
As this young hero from the south,  
So rose up and so showed us what Dat courage  
is Dat courage is Dat all about!  
As this Couragejun Cajun's courage would so  
Dat shout!  
And What Dat Honor and Duty, and Courage  
are all about!  
Dat's Da Truth no Dat Doubt!  
And his New Orleans Saints  
well he just can't live without!  
Yea, one day he wants to smoke a gar with  
Drew,  
and shoot the Breese and talk about!  
But, right now he got mountains to so climb  
no doubt!

All out on that road to recovery!  
As Dat's a place where we will discover we!  
What Dat Couragejun Cajun is all about you  
must believe!  
Because, not even a GATOR could slow this  
man down!  
And every day is Fat Tuesday in this man's  
heart, SO HOW!  
BECAUSE THIS DADDY, DON'T CRAWL!  
And there's nothing going to slow him down,  
not Dat ALL!  
As he so Dat Teaches,  
And so DAT Beseeches Us all in what's his  
heart so sounds!  
Because, arms and legs we all need,  
But it's Dat with his great heart Dat Clark  
gains Dat speed!  
and we can live without!  
but, without Dat Couragejun Heart,  
we will surely perish as no doubt!  
And Dat'd What Lance Corporal Cavalier is  
all about!  
And one day when Dat Da Saints Come  
Marching In,  
up in Heaven he will be up front with Dat all  
them no doubt!  
For Heroes come in all shapes and sizes,  
but it's really what's Dat Dere In Der Heart's  
which so comprises!  
Who they are!  
As why down on the Bayou,  
why you as a hero Clark are so seen!  
And yes Clark,  
Marine, with your Couragejun Cajun heart  
you so shine like a star!  
For you have people to so touch,  
and so many hearts to so heal as such!  
All in what Dat your fine Couragejun Cajun  
heart,  
has to so Dat reveal!  
Oooh . . . Rah . . . Dat Jar Head!

#### IN HONOR OF THE VILLAGE OF BROOKLYN HEIGHTS

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Village of Brooklyn Heights, Ohio. Since 1903, the Village of Brooklyn Heights has been an exemplary community within Northeast Ohio.

Originally a part of Brooklyn Township, which was established in 1818, Brooklyn Heights' residents seceded from the township to form their own village. On February 28, 1903, the Village of Brooklyn Heights was officially established.

What was once an area of predominately farmland is now full of residential homes and interstate highways. Despite only comprising 1.8 square miles of land, Brooklyn Heights is a desirable area for industry and for raising a family.

Today, the Village of Brooklyn Heights is home to approximately 1,600 residents who are led by Mayor Michael Procuk. There are six members on the Village Council: John Black, Bruce Cichocki, Michael D'Amico, Leslie Foote, Tom Lahiff, Jennifer Presot and Henry Stankiewicz.

Mr. Speaker and colleagues, please join me in honoring the Village of Brooklyn Heights and all of its residents.

RECOGNIZING THE GIRL SCOUTS  
COUNCIL OF TROPICAL FLORIDA

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ROS-LEHTINEN. Mr. Speaker, today I recognize the Girl Scouts Council of Tropical Florida, an organization dedicated to empowering girls so that they can become exemplary leaders of our community by building courage, confidence, and character.

On August 1, 1963 the Girl Scout Council of Dade County merged with the Florida Keys Girl Scout Council to develop into the Girl Scout Council of Tropical Florida, now enriching the lives of more than 20,000 girls and 3,600 adults from Miami-Dade and Monroe counties.

Girl Scouts Council of Florida has prepared numerous activities throughout South Florida to commemorate the centennial anniversary of the Girl Scouts of the United States of America, a movement that started in Georgia with only 18 girls and that has grown to more than 3.2 million members nationwide.

Mr. Speaker, I thank the Board of Directors: Irela Bague, Wanda Hewitt, Lilian A. Walby, Alice N. Bravo, Georgia McLean, Nancy Pastroff, Maria D. Tejera, Lilly Monzon Aguirre, Carolann Baldyga, Guillermo "Bill" Cruz, Elvira Dopico, Melissa A. Dunn, Frank Fernandez, Lourdes Fernandez, Maria I. Gonzalez, Johnette Hardiman, Althea Harris, Jenny Arias May, Joyce Ann Hanks Moorehead, Grace O'Donnell, Jack Plunkett, Jr., Lisa D. Sparks, Margarita Villoch, Margarita Weidener, Peggy Wingard, and Mary Young; the Council Nominating Committee: Grace O'Donnell, Sheryl Alonso, Carlos Arbolea, Sallie C. Byrd, Gail Ash Dotson, Ellen Siegel, and Margarita Villoch; and the Executive Management: Sally Boggess, Patsy Schmidt-Cozier, Pauline Russell, Lance Balding, Luisa Lander, Julia Onnie-Hay, Eva Berbrick, Ansley Ross, Maria Santos, and Ana Delgado, for being part of this national celebration, and I commend the hard work they put forth to make a long-lasting impact on our community and environment, while cultivating strong values in its members.

PERSONAL EXPLANATION

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. SIMPSON. Mr. Speaker, on rollcall No. 590, to suspend the rules and pass the bill H.R. 6429, the STEM Jobs Act of 2012, my vote didn't register. Had I been present, I would have voted "aye."

U.S. SERVICES SECTOR

**HON. GREGORY W. MEEKS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MEEKS. Mr. Speaker, I rise to bring to the attention of my colleagues an important matter for the U.S. economy: Services. I am pleased that there have been several important discussions this week on the topic of the U.S. services sector. This week the Coalition of Service Industries hosted the Global Services Summit, the Global Services Coalition met, and House Ways and Means held a hearing on the benefits of expanding U.S. services trade through an International Services Agreement.

As co-chair of the Congressional Services Caucus, I hope my colleagues will join me and the 63 members of the caucus as we continue to push for greater awareness of the importance of the services industry to our nation's economic wellbeing. Services make up the majority of the workforce in every congressional district.

Services jobs accounted for over 83 percent of U.S. private sector employment, and U.S. services exports in 2011 reached \$588 billion with a surplus of \$193.5 billion—a new annual record. We have a good story to tell.

Congress must be on the forefront in the effort to break down barriers and increase market access for the services sector. We cannot relent until this sector gets the respect it deserves at the WTO, in bilateral and multilateral agreements and beyond.

I know that in my hometown, New York City, services are the lifeblood of the economy. Services in our city account for the bulk of private sector employment, and financial services are particularly critical. The strength of New York's services industry isn't just a benefit to New York. There is a multiplier effect in the U.S., and globally. We know that other sectors like manufacturing and agriculture benefit when the services industry is strong. We also know that nations with whom we are interdependent benefit when the services industry is strong.

One of the best champions for U.S. services is Bob Vastine. Bob Vastine was president of the Coalition of Service Industries for 16 years. This week marked the passing of the torch from Bob to Peter Allgeier who has been a champion for U.S. trade in his own right. Peter and the team at CSI are great partners in the Congressional Services Caucus' mission to raise awareness about the critical issues that impact the services sector.

The work of CSI was on display this week during the Global Services Summit. The entire lineup was on the pulse of the issues we are considering in Congress. TPP, the EU-US high level working group, cross border trade, restrictions on services trade—India—China—all right on the pulse. I commend CSI, the Global Services Coalition, and my colleagues on Ways and Means for making this a great week for U.S. services.

I wish my friend Bob Vastine best of luck in his future endeavors. I'm confident that whatever they may be, they will encompass his passion and commitment to advancing the

U.S. services sector and in so doing advance us all. Godspeed.

IN HONOR OF THE CITY OF BROOK  
PARK

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the City of Brook Park, Ohio, an exemplary community within Northeast Ohio.

Brook Park first became a village in 1914 when residents of the area decided to separate themselves from the Berea school district and politics. The first school in Brook Park was built in 1917. Following World War II, a population boom occurred in the area, increasing the population from 2,600 to 13,000. Brook Park officially became a city in 1950.

Brook Park is the home to several important Cleveland landmarks including the Brook Park Ford Co. Plant, The NASA Glenn Research Center, and the International Exposition Center, which is home to auto shows, home and garden expos and the annual I-X Indoor Amusement Park.

Today, the City of Brook Park is home to nearly 20,000 residents who are led by Mayor Mark Elliot. Mayor Elliot who had previously served as a Councilman, and Athletic Director for the city, has been serving as mayor since 2002. There are eight members on the City Council: Mike Gammella, Michael Lane, Pattie Astorino, Barry Kirksey, Brian Higgins, Carl Burgio, Danny Colonna, Richard Salvatore.

Mr. Speaker and colleagues, please join me in honoring the City of Brook Park and all of its residents.

RECOGNITION OF THE SUTTER  
CLUB AND THEIR TRIBUTE TO  
RONALD REAGAN

**HON. DANIEL E. LUNGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I rise today to recognize the Sutter Club and their upcoming commemoration of Ronald Reagan.

To those unaware of the Sutter Club's history, it is located in the heart of Sacramento, California and is one of the State's oldest social clubs. The club was founded in 1889, roughly forty years after the historic California Gold Rush.

Located less than two blocks from the California State Capitol, nearly every Governor of California has been an honorary member of the club. In addition to California's Governors, many state legislators, mayors and dignitaries are among the Club's roster. This list also includes U.S. Senators Booth, Kuchel, Johnson and Downey as well as U.S. Supreme Court Justices Earl Warren and Anthony M. Kennedy from California.

As someone who had the privilege to know and serve with Ronald Reagan, I am appreciative of the dedication being performed by

the Sutter Club. Ronald Reagan served our State and Country with great distinction and he is a source of pride for every Californian. As a club member from 1967 to 1975, then Governor Reagan frequently used the venue for events. Ronald Reagan had a lasting impression on the Club's history and was honored by the Sutter Club each of the eight years of his administration. To this day, club members continue to have a deep and lasting connection to Ronald Reagan, many having served with him as Governor and President.

On November 9, 2012 the Sutter Club will name one of its historic dining rooms the official "Ronald Reagan Room" during a commemoration "State Dinner" at the Club.

It is my distinct pleasure to submit these few words in the CONGRESSIONAL RECORD to recognize the Sutter Club and their commemoration of a national hero.

HONORING JOHN E. GILLILAND

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. REYES. Mr. Speaker, I rise today in recognition of the meritorious service of Commander John E. Gilliland, who will retire after twenty-three years of dedication to our Nation.

Commander Gilliland had a long and distinguished career in the United States Navy. Upon graduation from Miami University at Oxford, Ohio, he received his commission in 1990 through the Naval ROTC program. A supply corps officer, he served with great distinction both at sea and ashore. At sea, he served as Disbursing, Material and Food Service Officer on the USS *Jason* (AR 8) and Supply Officer on the USS *Rushmore* (LSD 47). Ashore, he served as a Staff Instructor and Educational Counselor for the Basic Qualification Course at the Navy Supply Corps School and in the Defense Logistics Agency in the Logistics and Operations and Readiness Directorate, as well as the Chief of the Director of DLA's Staff Group.

Commander Gilliland is no stranger to the halls and offices of Capitol Hill, having spent 10 years in Legislative Affairs. His liaison career started in the Navy Legislative Affairs (OLA), office where he served the U.S. Senate and U.S. House of Representatives on Navy Acquisition and procurement policy matters. His service culminated with his position as the Director of House Affairs and Acting Deputy Assistant Secretary of Defense for House Affairs, Office of the Assistant Secretary of Defense for Legislative Affairs (OASD-LA).

His character, capabilities, and good humor enabled him to interact effectively with Members of Congress and their staffs and other Executive agencies under the most strenuous circumstances. Commander Gilliland's work ultimately led to successful legislative outcomes on a wide-range of issues critical to our National Defense to include the military drawdown in Iraq, the Afghanistan surge, the establishment of Cyber Command, and support for NATO missions in Libya.

Commander Gilliland represents the epitome of what our military seeks in a congres-

sional liaison and officer in uniform our country expects, and I am proud and honored to have known him. His dedication to service, commitment to excellence, and performance of duty have been extraordinary throughout his career. I am proud to share in the celebration of Commander Gilliland's career, and I join his colleagues in honoring his distinguished military service.

Commander Gilliland was supported, encouraged, and nurtured by a strong and loving family. I would also like to recognize his wife, Amy, and their son Patrick. As he goes on to pursue new endeavors and challenges, I wish Commander John Gilliland and his family well and ask God to bless them.

THE ETHNIC BALOCH PEOPLE

**HON. DANA ROHRBACHER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ROHRBACHER. Mr. Speaker, the Ethnic Baloch people live in an area of South Asia now claimed by Pakistan, Iran, and Afghanistan. In Pakistan in particular, they comprise an important segment of the population and live in the least developed province, despite an abundance of natural resources. Until the arrival of the British Empire, the Baloch people organized themselves in a confederation with local tribal chiefs holding power. When India and Pakistan were partitioned the Baloch people desired to return to their own sovereign state, but were prevented by the Pakistani military led government. Baloch aspirations for independence have been checked by force and their basic human rights have been denied by the Pakistani state. The Pakistan government and military is dominated by members of the Punjab ethnic group.

The first major Baloch uprising occurred in 1973 and was crushed two years later. The Baloch again resisted their Pakistani Punjabi occupiers by force beginning in 2005. A low-level insurgency continues to this day. Pakistan's elite refuses to release their grip on the strategic coastline or the natural riches of Balochistan which they and their ally, Communist Chinese exploit.

The Pakistani security services, which are overwhelmingly made up of Punjabis, use violence against civilians to intimidate the Baloch population. One particular grotesque method of intimidation is called "kill and dump." That is when the body of a man or woman who has disappeared is later dumped in a busy section of a town for all the people to see. Many of the bodies show extreme signs of torture and are badly mutilated.

I submit for the RECORD a document titled, "Some of the Souls in Traumata" which reputedly documents 2,251 Baluchis who have been "disappeared" by the Pakistani security services or who died while in custody.

This abysmal human rights record of the Pakistani government is shameful. It is even worse because American foreign and military aid money contributes to strengthening the security forces which kill innocent Baluchis. The Baluch people have a right to self-determination and not to live under the control of Islamabad, if they choose.

Mr. Speaker, a copy of this report can be viewed at: <http://gwank.org/Some%20of%20the%20souls%20in%20traumata.pdf>.

IN HONOR OF THE CITY OF  
INDEPENDENCE

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the City of Independence, Ohio, an exemplary community within Northeast Ohio.

Independence was first organized as a township in 1814. Its first resident, Ichabod Lord Skinner, settled in the area in 1818. Not until 1827, with the opening on the Ohio and Erie Canal, did the township become accessible to trade and more settlers. Independence grew quickly in the subsequent century, reaching the status of village in 1914. It became the City of Independence in 1960.

Known as the "Heart of Cuyahoga County," Independence is one of Northeast Ohio's most desirable cities for families to work and raise their families. It is also home to the Cleveland Cavalier's training facility.

Today, the City of Independence is home to approximately 7,000 residents who are led by Mayor Gregory Kurtz. There are seven members on the City Council: Anthony Togliatti, Patricia Wisniewski, Jim Crooks, Jim Riley, Carl Asseff, Tom Naduzzi and Peter Nelson.

Mr. Speaker and colleagues, please join me in honoring the City of Independence and all of its residents.

HONORING JOSEPH WILLIAM  
"COACH JOE" AVEZZANO

**HON. KEVIN BRADY**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BRADY of Texas. Mr. Speaker, I rise today to honor Coach Joe Avezzano.

As we kick off the 2012 football season, there are heavy hearts in Texas and throughout the country because of the passing of former Dallas Cowboys' special teams Coach Joe Avezzano.

For four decades, Coach Joe gave all his time and dedication to the sport we all love and today we take a minute to honor him.

Coach Avezzano was on the sidelines for three of the Dallas Cowboys Super Bowl wins (1993, 1994 and 1996). He was named the National Football League's special-teams coach of year in 1991, 1993 and 1998.

It's not just his colleagues and players who are mourning his loss, but the fans who loved how animated he was on the sidelines and how his indomitable spirit inspired his "special-teams demons" to play the game of football and the game of life at a whole new level.

Coach Joe was a young 68 when he collapsed on a treadmill while in Milan coaching the Milano Seamen of the Italian Football League.

His work in Milan, as an Ambassador to the world for American football, was just the latest

stop on Coach Joe's football world tour which started when he played offensive lineman for the Boston Patriots.

In the 1980's, Coach Avezzano served as the head coach at Oregon State University. And who could have predicted then that in a short four year span he would go on to be instrumental in three Super Bowl victories.

After leaving Dallas, Coach Joe led the Oakland Raiders special teams and coached in the Arena Football League.

While football was his life, music was his passion and even former Dallas Cowboys coach Barry Switzer said "Joe would rather have been a country western music star or on-stage performer than a football coach if he had a choice."

Mr. Speaker, Joseph William Avezzano is survived by his wife, Diann, son Tony, many friends and family members, his crews at Coach Joe's Bar and Grill in Frisco and Coach Joe's Hat Trick in Lewisville and millions of football fans who will always miss how his personality and spirit filled the sidelines of any game he ever coached.

U.S. POW DELEGATION TO JAPAN,  
OCTOBER 12-21, 2012

**HON. MICHAEL M. HONDA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. HONDA. Mr. Speaker, I rise today on National POW/MIA Recognition Day to honor prisoners of war from America's greatest generation and thank the Government of Japan for recognizing the sacrifices these men have made for peace. On October 12, seven former members of the U.S. Army, Army Air Corps, Air Force, Marines, and Navy who fought in the Pacific Theater of World War II will travel to Tokyo as guests of the Japanese government. This will be the third U.S. POW delegation to Japan.

These brave veterans all suffered as prisoners of war of Imperial Japan. The conditions in which they were held are unimaginable. For most, their first trip to Japan was on aging freighters called "Hellships," where the men were loaded into suffocating holds with little space, water, food, or sanitation. At the POW camps in the Philippines, Japan and China, they suffered unmerciful abuse aggravated by the lack of food, medicine, clothing, and shelter. Each POW also became a slave laborer at the mines, factories, and docks of some of Japan's largest companies, including Mitsubishi, Nippon Express, Ube Industries, Rinko Corporation, and Fushiki Kairiku Unso.

In September 2010, the Japanese government delivered to the first American POW delegation an official apology for the damage and suffering these men endured. Although the Japanese government had hosted POWs from U.S. wartime Allies, the 2010 trip was the first to Japan for American POWs. It was also the first official apology to any prisoners of war held by Japan.

This historic apology and continued support for the trips by the Japanese government has improved our relations with Japan and, more importantly, had a positive effect on the former

POWs. Japan's Foreign Minister, Koichiro Genba, said the trip promotes "reconciliation of minds" of U.S. POWs. Even more, James Colier, a delegate on the second trip to Japan in 2011, said, "After meeting the kind people at JMC [Japan Metals & Chemicals' Takaoka Works] and after observing the beautiful surroundings of the city, I realized that I had been robbed of the opportunity of truly knowing this place for the past 66 years. Takaoka had always remained as a dark and depressing place in my mind. Yet this visit has finally afforded me the opportunity to appreciate its beauty."

I know that the American POWs fought hard for this recognition. I appreciate the courage of the Japanese government for their historic and meaningful apology. I thank the POWs for their persistent pursuit of justice, and commend the U.S. State Department for helping them.

Still missing, however, from this significant act of atonement are the apologies from the myriad Japanese companies that used and abused POWs for slave labor to maintain war production. It is time now for these companies to break their silence and to follow the successful example of their government by offering an apology and supporting programs for lasting remembrance and reconciliation. Furthermore, I invite my colleagues on both sides of the aisle to join me in making a small, but significant, gesture to show these men that Congress has not forgotten their experience and sacrifice by cosponsoring House Resolution 333.

Significantly, this year marks the 70th Anniversary of the Defense of the Philippines, Bataan Death March and the Fall of Corregidor, and the third U.S. POW delegation to Japan includes three survivors of the infamous Bataan Death March, two who were captured at the surrender of Corregidor, one on Guam, and one shot down over Tokyo. One of the veterans believes that he was subject to medical experimentation. Their traveling companions include four wives, one daughter, one son, and one close friend. I wish these men and their companions a fulfilling trip to Japan, and I know that their journey will contribute to the historic peace and friendship between the peoples of the United States and our important ally Japan.

It gives me great gratitude to tell the vivid stories of the third U.S. POW Delegation to Japan.

Randall S. Edwards, 95, lives in Lakeland, Florida. Born in Wyoming, he grew up in Nebraska and enlisted in the U.S. Navy in 1935 after high school to see the world. He was sent to the Philippines in 1940 and assigned as a Radioman 1st Class to the submarine tender, the USS *Canopus*, which had been ordered to stay in Manila Bay after the bombing of Pearl Harbor in December 1941. By 1942 Edwards was a POW at Cabanatuan 3 and shipped to Mukden, China (today's Shenyang) in October 1942 in Mitsubishi's Hellship *Tottori Maru* via Formosa and Korea to Manchukuo (Manchuria). Edwards was a slave laborer at MKK (Manshu Kosaku Kikai, which some researchers believe was owned by Mitsubishi and known as Manchuria Mitsubishi Machine Tool Company, Ltd.). He worked on multiple machines from grinders to lathes, carefully

sabotaging each task. He believes that the multiple shots and blood tests that he received while at Mukden were part of human medical experiments conducted by the Imperial Army's 731st Biological Warfare Unit. After the war, Edwards remained in the Navy where he received over 40 medals during his service and retired in 1955 as a Warrant Officer. After the Navy, he received his BS degree in Electrical Engineering from the University of Florida, Gainesville. Edwards went on to become a National Service officer for American Defenders of Bataan and Corregidor and American Ex-Prisoners of War to help his fellow veterans with their Veterans Affairs claims. POW# 104

Robert W. Ehrhart, 89, lives in Carmichael, California. He grew up in Oakland, California and enlisted in the Marine Corps Reserve during high school. His unit was activated November 6, 1940 and sent to the Philippines in April 1941. On January 1, 1942 they were assigned to the Third Battalion, Fourth Marines and joined the Battle of Corregidor until the surrender on May 6, 1942. Ehrhart was sent to the Cabanatuan POW Camp where he was on a burial detail, burying as many as forty men a day. He remembers that "bodies were like skeletons and when you lifted them onto the window shutters, which were used for litters, their skin would peel back and stick to your hands." To bolster his morale and that of his fellow POWs, he started to draw cartoons, risking severe punishment if discovered. In September 1943, Ehrhart was transferred to Japan aboard the Hellship *Taga Maru* (aka *Coral Maru*). He was sent to Osaka 4-D Sakurajima where he was a slave laborer at Hitachi Zosen's Sakurajima Shipyard (today's Universal Shipping Corporation). He worked as a riveter helping build military ships and oil tankers. After the camp was bombed in May 1945, he was sent to Osaka 6-B, Akenobe, POW Camp where he was a slave laborer working at a copper mine for Mitsubishi Mining (today's Mitsubishi Materials Corporation). After the war, Ehrhart recuperated in military hospitals from vitamin deficiency, malnutrition, and various tropic diseases. He was discharged April 29 1946. He then studied Mechanical Engineering at the University of California, Berkeley. POW# 221

David G. Farquhar, Jr., 90, lives in Redlands, California where he has lived all his life. He joined the U.S. Army Air Force in 1942. He trained in Nebraska and was assigned as a Technical Sergeant to General Curtis LeMay's 20th Air Force, 24th Squadron, 313th Bomb Wing, 6th bomb group, Crew #2404. He was sent with the 6th Bomb Group to Tinian in the Northern Marianas in January 1945. On May 23, 1945, he was a turret gunner when his B-29 was shot down over Tokyo by flak and fighter planes. They were taken to the infamous horse stalls outside of the Kempeitai (military police of the Imperial Army) Headquarters in Tokyo near the Emperor's palace. They were not considered POWs but "special prisoners" who were war criminals. They were beaten, starved, tortured, and denied clothes, basic hygiene, and medical treatment. On August 15th, the day Japan surrendered, he was transferred to a cell at Tokyo Base Camp #1 Omori where he was liberated August 28, 1945. Omori was the first POW camp liberated. After a series of hospital stays, he was

discharged in 1946 and returned to San Diego State College (today's San Diego State University) to earn a BA degree in Engineering. He then obtained an MA degree in Education from the University of Redlands. POW# Not Known to "Special Prisoners"

Douglas Northam, 93, lives in Reno, Nevada. Born in Morris County, Texas, he grew up in nearby Naples, Texas. After graduating from high school in 1937, he enlisted in the Civilian Conservation Corps and in 1940 in the U.S. Navy. He was transferred to China in February of 1941 and assigned to the USS *Oahu* (PR-6), a Yangtze River Patrol boat ported in Shanghai. Afterwards, Northam was assigned to an artillery group on Corregidor, which was forced to surrender on May 7th when Corregidor fell. As a POW of Japan, he was sent to Bilibid POW Camp in Manila and then moved to Cabanatuan 1 and 2. In November 1942, he was sent to Japan aboard Mitsubishi's Hellship the *Nagata Maru*. He worked for Nippon Express as a slave stevedore in the freight yards in and around the city of Osaka at Umeda Bunsho Camp (Osaka 2-D UMEDA). In March 1945, after his POW camp was firebombed, he was transferred to Osaka POW Camp 5-B TSURUGA where he was a slave stevedore again for Nippon Express and Tsuruga Transportation Company. After the war, Northam utilized the GI Bill to study geology at the University of California, Berkeley. POW# 117

John Leroy Mims, 90, lives in Aberdeen, North Carolina. Born in Ashburn, Georgia, he grew up in Florida and enlisted in the Army at age 16 in 1938, but was discharged a year later after it was discovered that he was under-age. Still hungry and jobless, he re-enlisted February 15, 1941 and was assigned to Company B, 1st Battalion of the famous 31st Infantry Regiment. In April 1941, he was sent to the Philippines aboard the USAT *Republic* and stationed at Cuartel de España in Manila. He fought in the Battle of Bataan and as a POW forced on the Bataan Death March. During the war, his Filipino fiancée Juanita worked as a secretary for a Japanese general and bravely aided the resistance by sending shortwave radio messages to Allied forces in the Pacific. As a POW, the Japanese repeatedly beat and tortured Mims. Although they were able to break his body, they could never come close to breaking his spirit. During his captivity, the Japanese broke his back, neck and both of his legs and shattered many of the bones in his face. The beatings briefly left him a paraplegic on two separate occasions and he still retains a limp. Of the 1,600 soldiers in the 31st Infantry Regiment who surrendered, less than half survived Japanese captivity. In September 1944, he was sent to Japan on board Mitsubishi's Nippon Yusen Kaisha (NYK) Hellship *Sekiho Maru*. Mims became a slave laborer mining coal for Ube Kosan's Sanyo Muen Kogyo Sho (Ube Industries' Sanyo Smokeless Coal Work, which is still known today as Ube Industries Ltd.) at Hiroshima #6B—Omine (Sanyo) POW Camp in Omine-machi, Yamaguchi Prefecture. After the war, Mims remained in the Army for the next 27 years, attaining the rank of Sergeant First Class and retiring in 1963. POW# 429

John Real, 90, lives in Ventura, California. A California native, he enlisted in the U.S. Army

Air Corps after graduating from high school in 1940. He was sent to the Philippines in April 1941 and assigned to aerial reconnaissance at Clark Field with the 2nd Observation Squadron, 27th Bombardment Group, V Bomber Command, 20th Air Force. Real and his unit manned an observation tower on top of Mt. Mariveles, Bataan during Japan's invasion of the Philippines where he tracked Japanese ship movement around the Olongapo Navy Yard. He walked down the mountain to surrender on April 9, 1942 and was stripped of all his belongings before being forced on the Bataan Death March. At the start of the march, he and others were used as human shields by being forced to walk in front of seized American 155mm caliber field guns (Long Toms) that the Japanese were firing at Corregidor. He was a POW at both Camp O'Donnell and Cabanatuan 1. He avoided a certain death at O'Donnell by volunteering for a work detail on Bataan. In September 1943, he was sent to Moji, Japan aboard the Hellship *Taga Maru* (aka *Coral Maru*) via Formosa. At Tokyo 5-B POW Camp in Niigata, he was a slave laborer unloading coal ships for Niigata Kairiku Unso, now part of the Rinko Corporation. After the war, Real received a BA degree in Business Administration from the University of California, Santa Barbara and a MA degree from the Thunderbird School of Global Management in Arizona. POW# 514

George R. Summers, 90, lives in Riverside, California. Born in the Philippines, he grew up in California where he joined the Marine Corps Reserve in February 1941. Activated in June 1941, his unit was sent to Guam in September 1941. Japan invaded the island on December 8, 1941, and he was taken prisoner by the 10th of December. Summers was on the first transport of Allied POWs to Japan, the *Argentina Maru* with 420 American POWs from Guam to Tadotsu on the north coast of Shikoku. After arriving in Japan on January 16, 1942, the POWs were transported to Zentsuji (Hiroshima Branch #1), a POW camp about eight kilometers from Tadotsu. He spent six months there clearing a mountainside to plant apple trees. He was then transferred to Tanagawa Osaka Area POW Command #4B Camp, where he helped to manually tear down a mountainside to build a breakwater for a primitive dry-dock and submarine base. This camp was noted for its severe malnutrition and extremely high death rate of POWs. Six months later, he was sent to Umeda Bunsho Camp in Osaka (Osaka 2-D UMEDA), Japan, where he worked for Nippon Express as a slave stevedore. He was transferred to a total of six POW camps due to American bombings. His last camp was the Nagoya 10-B Fushiki Camp, where he worked as a stevedore slave unloading soybeans from Korea for Fushiki Kairiku Unso until Japan's surrender. After his release, he was hospitalized for six months at the Long Beach Naval Hospital. In retirement, he has focused on real estate investment and his hobbies of collecting Koi fish and exotic birds. POW# 347

IN HONOR OF THE CITY OF BERE A

## HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the City of Berea, Ohio. Since 1836, the City of Berea has been an exemplary community within Northeast Ohio.

Known as "The Grindstone Capital of the World," the town's symbol is a grindstone which serves as a tribute to the many grindstones that came out of its quarries. Every year, on Independence Day weekend, a festival named for the grindstones is celebrated by the City of Berea.

Berea is home to several of Northeast Ohio's most important fixtures such as Baldwin-Wallace College, the Cleveland Browns' training facility and the Cuyahoga County Fairgrounds. Over the years, Berea has produced a number of notable residents including John Baldwin, Lou Groza, Jim Tressel and former U.S. Secretary of Defense, Neil H. McElroy.

Today, the City of Berea is home to nearly 20,000 residents who are led by Mayor Cyril Kleem. Mayor Kleem was recently elected to his second term in office. There are eight members on the City Council: Mary Brown, Dean Can Dress, Dale Lange, Margarette Kay, Nick Haschka, Jim Maxwell, Cheryl Banaszak and Richard Malott.

Mr. Speaker and colleagues, please join me in honoring the City of Berea and all of its residents.

TRIBUTE TO DR. FRENCH B. HARMON

## HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to my good friend and role model, Dr. French B. Harmon, and to celebrate his fifth year serving at First Baptist Somerset on October 21st, 2012. Dr. Harmon has showed tremendous leadership and involvement in the Somerset community, substantially increasing the Church's membership within the last year, and strongly connecting with his congregation.

Throughout his life, Dr. Harmon has always pursued learning. After graduating from Paul Blazer high school in Ashland, KY, he attended Marshall University, from where he received his Bachelor's degree. Seeking to continue his education further, Dr. Harmon went on to receive degrees from University of Louisville (MA in Education), Southern Baptist Theological Seminary (MDtv and ThM), and Reformed Theological Seminary (DMin). Dr. Harmon has had a wealth of experience as a Christian leader, starting from his days in college as the Baptist Student Union President to becoming a Campus Minister to Pikeville College and Prestonsburg Community College.

Dr. Harmon has been a strong leader in our community, organizing various mission trips that have greatly benefited those around him.



This past June, Dr. Harmon led the First Baptist Somerset Church on a mission trip to Magoffin County after the town of West Liberty had been ravaged by multiple deadly tornadoes this past March. Harmon took a team of church members and a large load of building supplies to work on damaged homes, repair roofs, rebuild porches, and help get people back on their feet.

Harmon has also stood up to the prescription drug epidemic in eastern Kentucky and has done his best to shed light on the issue. This past May he helped organize and lead the first "Pulaski Cares March for Hope" to spotlight the drug problem in the region and bring hope to those who were struggling with drug abuse.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. French B. Harmon, for his outstanding leadership and dedicated service to the Somerset community.

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IN HONOR OF THE CITY OF  
BROOKLYN

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the City of Brooklyn, Ohio. Brooklyn Township was founded in 1818, became Brooklyn Village in 1927 and in 1950 the City of Brooklyn was established.

The City of Brooklyn is home to many firsts in the U.S. In 1966, it became the first city to establish a seatbelt law. In 1999, it enacted the country's first law to prevent cell phone usage while driving. Brooklyn High School's auditorium hosted Elvis Presley's first concert in the northern U.S. on October 20, 1955. Brooklyn is also home to a Hugo Boss Plant and the world headquarters of American Greetings and the popular Memphis Kiddie Park.

Today, the City of Brooklyn is home to approximately 11,000 residents who are led by Mayor Richard Balbier. Mayor Balbier who has been serving as mayor since 2009 had previously served as the president of the Brooklyn City Council. There are six members on the City Council: Colleen Coyne Gallagher, Anthony DeMarco, Tom Murphy, Ron Van Kirk, Kathleen Pucci and Kevin Tanski.

Mr. Speaker and colleagues, please join me in honoring the City of Brooklyn and all of its residents.

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CELEBRATING APAIT HEALTH  
CENTER'S 25TH ANNIVERSARY

**HON. LUCILLE ROYBAL-ALLARD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to congratulate APAIT Health Center, serving my 34th Congressional District, on their 25th anniversary.

Since 1987, APAIT Health Center (formerly known as Asian Pacific AIDS Intervention

Team) has worked to fulfill its mission of positively impacting the quality of life for medically underserved communities living with or at risk for HIV/AIDS and other health disparities through a seamless continuum of culturally competent and linguistically appropriate programs in Southern California.

APAIT Health Center is a distinctly critical service provider for those living with HIV/AIDS and members of the LGBTQ community in the greater Los Angeles area. The agency serves clientele from diverse communities, including Asian and Pacific Islanders (API), Latinos, and African Americans.

In its 25 year history, APAIT Health Center has become the largest provider of HIV/AIDS services to API communities in Southern California, having served tens of thousands of individuals.

APAIT continues to respond this year with the opening of a community health clinic in the vibrant Pico Union/Westlake area, a community with scarce health options for those who are low-income and uninsured.

Private sector partnerships are also part of APAIT Health Center's portfolio. APAIT Health Center has been the recipient of grants from Kaiser Permanente, John and Johnson, and the California endowment, to name a few. In addition, APAIT Health Center and its staff have received awards and commendations from local, state, and national entities, from the City of Los Angeles to the White House.

APAIT's proudest achievement, however, is consistently receiving high marks from their client satisfaction surveys. The most recent survey revealed 93 percent of clients feel their quality of life has improved since seeking services with APAIT Health Center.

I once again congratulate APAIT Health Center on the celebration of their 25th anniversary. I thank them for their continued service to the Los Angeles community, and for the help they provide to those in need.

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IN RECOGNITION OF DR. HOWARD  
MONROE FITTS, JR. ON THE OC-  
CASION OF THE 38TH ANNUAL  
DURHAM NAACP FREEDOM FUND  
AND AWARDS BANQUET

**HON. G. K. BUTTERFIELD**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BUTTERFIELD. Mr. Speaker, I rise today to honor Dr. Howard Monroe Fitts, Jr. on his recognition as a Freedom Fund Honoree by the Durham Branch of the National Association for the Advancement of Colored People, NAACP. Dr. Fitts will receive this recognition next month in appreciation of his advocacy for civil rights and his diligent public service to the Durham community.

Mr. Speaker, after completing a baccalaureate degree in biology at North Carolina Central University, NCCU, Dr. Fitts served as Teacher and Principal in Wilson County Public Schools. He was drafted into the U.S. Army in 1942 and served faithfully for three years before being honorably discharged in 1945 at the close of World War II. After the war, Dr. Fitts returned to academia where he earned a mas-

ter's degree in Public Health Education in 1946, and a doctorate degree in Health Education from Columbia University in 1961.

His involvement with the NAACP is deeply rooted, stemming back to his childhood when he worked alongside his father to sell the organization's official magazine, *Crisis*. During that time, the young Dr. Howard Fitts was exposed to movements led by the church, health agencies, and other civil rights organizations. This exposure made an indelible impression on him, leading to his active participation and advocacy within the Durham community. As a result, Dr. Fitts quickly rose to leadership positions in the NAACP and the influential Durham Committee on the Affairs of Black People, DCABP.

Among many of his most notable work include his key involvement in the desegregation of the Durham's public school system, where Dr. Fitts testified during court procedures, arranged transportation for Black students to desegregated schools, and enrolled his own son as one of the first African American students at Morehead Avenue Elementary School.

In addition to his civil rights leadership, Dr. Fitts has served as a public health educator for Chapel Hill, N.C.'s District Health Department, professor and Chair of the Department of Health Education at NCCU, and as a consultant to the World Health Organization. His résumé is filled with notable board positions, and his extensive work spans the tenure of every Executive Director of the NAACP from Walter White in the 1930s to Kwame Mfume in the 1990s.

Mr. Speaker, I ask my colleagues to join me in congratulating Dr. Howard Monroe Fitts, Jr. on this unique honor of being recognized as a Freedom Fund Honoree by the Durham Chapter of the NAACP. His lifelong contribution to his community and country cannot be overstated.

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H.R. 6429

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BLUMENAUER. Mr. Speaker, yesterday, with many of my colleagues, I voted to oppose H.R. 6429 introduced by Rep. LAMAR SMITH. While I strongly support creating a STEM Visa program, and cosponsor Rep. LOFGREN's H.R. 6412, the Attracting the Best and the Brightest Act of 2012, the bill brought to the floor yesterday was a partisan, unserious approach to a serious question. It was a last-minute suspension bill designed to fail. It unnecessarily raises questions about its application and divides Congress when it should bring us together.

We need serious comprehensive immigration reform. Legislation that creates a STEM Visa program should be low-hanging fruit that builds momentum toward this goal. H.R. 6429 however, creates unnecessary divisions. Not only will it never be enacted into law but it sets us back on both this issue and the larger goal of immigration reform.

IN HONOR OF THE CITY OF  
LAKEWOOD**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the City of Lakewood, Ohio. Also known as "The City of Beautiful Homes," Lakewood is an exemplary community within Northeast Ohio.

Lakewood is one of Ohio's most diverse and culturally rich cities. It is home to several art galleries, Winchester Music Hall and the Beck Center of the Arts. Additionally, both Malley's Chocolates and Aladdin's Eatery are based out of Lakewood, Ohio.

Lakewood has been named as one of the best cities to live in by This Old House Magazine and Scene Magazine. It was listed among the best suburbs in the U.S. by Travel & Leisure Magazine. It was named the "Best Place to Raise Your Kids 2010" by Business Week.

Today, the City of Lakewood is home to more than 52,000 residents who are led by Mayor Mike Summers. Mayor Summers, who had previously served as a Councilman, has been serving as mayor since 2010. There are seven members on the City Council: Tom Bullock, David Anderson, Shawn Juris, Mary Louise Madigan, Brian Powers, Monique Smith and Ryan Nowlin.

Mr. Speaker and colleagues, please join me in honoring the City of Lakewood and all of its residents.

IN HONOR OF THE IBEW LOCAL 481  
ON THIS 50TH ANNIVERSARY OF  
THE CIRCLE OF LIGHTS**HON. ANDRÉ CARSON**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CARSON of Indiana. Mr. Speaker, today I rise to honor International Brotherhood of Electrical Workers Local 481, whose generous contribution of time and talent has helped to make the Circle of Lights the premier holiday event for central Indiana for the past fifty years.

On the Friday after Thanksgiving, the remarkable transformation of Indianapolis's signature landmark, Monument Circle, into the world's largest Christmas tree symbolizes the beginning of the holiday season for Hoosiers. The extraordinary efforts of IBEW Local 481 have helped to make the Circle of Lights one of the largest public events in central Indiana.

Today, I ask my colleagues to join me in congratulating IBEW Local 481 for their outstanding contributions to this awe-inspiring holiday event. The Circle of Lights simply would not be possible without their expertise and generous support. My wife, Mariama, my daughter, Salimah, and I eagerly await the lighting of the world's largest Christmas tree in the company of Hoosiers from all across the Great State of Indiana.

SUPPORTING TEAM USA AND THE  
U.S. OLYMPIC COMMITTEE**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. LANGEVIN. Mr. Speaker, in the summer of 2012, we, as a nation, watched with pride as Team USA competed in the Olympic and Paralympic games in London, England. With over 200 nations competing in 300 events, the Olympic Games once again demonstrated the capacity of international sports to captivate and inspire us all through friendly competition, sportsmanship, solidarity, and fair play.

Team USA was well-represented, with 530 Olympians and over 245 Paralympians, each of whom served as an example to all of us with their unyielding commitment to excellence. Their years of dedication paid off handsomely, as Team USA finished first in the overall Olympic medal count with 46 gold, 29 silver, and 29 bronze medals, and fourth in the Paralympic medal count with 31 gold, 29 silver, and 38 bronze medals.

I would especially like to point out the courage and fortitude put forth by so many Paralympians. Although they might not get the same television coverage as the Olympics, the Paralympics showcases some of the finest talent this country has to offer. Some of these world-class athletes are also wounded warriors who served in our military and fought for our country with honor and distinction. I have been pleased to work with the U.S. Olympic Committee and my Congressional colleagues to provide adaptive sports programs to injured service members, helping to speed their recovery time, bolster their self-confidence, and vastly improve their quality of life.

Olympian or Paralympian, all members of Team USA put forth their best effort at the Summer Olympics. They have trained their entire lives for the honor and privilege of representing the United States in international competition. Their achievements are extraordinary, and we are proud of all they have accomplished.

To honor the hard work and unparalleled success of Team USA and the U.S. Olympic Committee, I have proudly joined my fellow co-chairs of the Congressional Olympic and Paralympic Caucus to introduce H. Res. 780, a resolution in support of the goals and ideals of the Olympic movement.

The Olympic movement is a testament to the power of international competition to unite us in common spirit and a reminder to all that we can achieve our dreams with courage and determination. I congratulate Team USA for their success and thank the U.S. Olympic Committee for their continued dedication to achieving a better world through athletics.

## HONORING ST. JOSEPH HOSPITAL

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate St. Joseph Hospital on being rec-

ognized as a Thomson Reuters Top 100 Hospital.

Founded in 1947 by the Felician Sisters, St. Joseph Hospital has proudly served community members from the Bangor area for three quarters of a century. St. Joseph is committed to wellness promotion and holistic healing by providing healthcare services which embody compassion, competence and community. It is this commitment that has helped them secure the Reuters Top 100 Hospital designation.

The Thompson Reuters 100 Hospital study evaluates performance in a variety of areas, including patient safety, average patient stay, expenses, medical complications and patient satisfaction. St. Joseph was chosen from nearly 3,000 U.S. hospitals for demonstrating high-quality patient care and overall organizational excellence.

St. Joseph Hospital, under the umbrella of St. Joseph Healthcare, is a 112-bed acute community hospital. They provide a comprehensive range of health care services, including primary care, specialty services, diagnostics imaging and screening, outpatient and inpatient surgery. The Hospital is consistently recognized for its quality of care and patient satisfaction scores. In addition to this praise, the St. Joseph's commitment to providing low cost care reinforces the organization as an indispensable piece of the greater Bangor community.

Mr. Speaker, please join me again in congratulating St. Joseph Hospital, and their parent organization St. Joseph Healthcare on their designation as Thomson Reuters Top 100 Hospital.

IN RECOGNITION OF THE DAVID  
WEBSTER GREENER WAY TO  
WORK DAY**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise to recognize September 25, 2012, as the Cleveland Metropolitan Bar Association's (CMBA) 4th Annual "David Webster Greener Way to Work Day," and to remember David Webster, legal scholar, litigator, entrepreneur, and environmentalist, who died at age 46 from cancer on March 13, 2009, but whose achievements were many in his short life.

David Webster overcame alcoholism at a young age and went on to sponsor others in recovery. He accomplished much and saw life as an adventure. At Case Western Reserve School of Law, he graduated magna cum laude and was an editor of Law Review, where he met his wife Beth.

Upon graduation from law school, David became a commercial lawyer with broad experience, in matters involving banking, commodity trading, securities, technology, real estate, intellectual property, and his passion, environmental law. Merging his knowledge of commodity trading and environmental law, he founded INHALE, which later became the Clean Air Conservancy, an organization which worked within the manufacturing economy and the commodities market to reduce air pollution

by acquiring and retiring pollution allowances. Outside Magazine dubbed the Clean Air Conservancy one of the 10 best small environmental non-profits.

David Webster was an aggressive litigator who took on music giant Sony and won a judgment of more than \$5 million for the late Cleveland music producer Steve Popovich over credit for Meatloaf's hottest album, "Bat out of Hell." He was a founding partner of the law firm Webster & Dubyak and was also actively involved in the Cuyahoga County Bar Association, the Federal Bar Association, and the American Bar Association. He was a driving force behind the merger of the Cuyahoga County and the Cleveland Bar Associations and was the President-elect of the merged CMBA at the time of his passing.

Mr. Speaker and colleagues, please join me in recognizing Tuesday September 25, 2012 as the 4th Annual David Webster Greener Way to Work Day. The CMBA encourages us to find a greener way to travel to and from work, whether through public transportation, biking, walking or carpooling. The CMBA will honor David's memory with a noon luncheon at the CMBA to recognize law firms and offices for their commitment to implement sustainable practices, reduce waste, and shrink their carbon footprints. Please join me in honoring the memory of David Webster by joining with the CMBA in taking action to protect our environment.

IN RECOGNITION OF JOAN  
RECHNITZ AND BOB RECHNITZ

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Joan Rechnitz and Bob Rechnitz for their work in preserving New Jersey's pristine natural habitats. Their work with the Monmouth Conservation Foundation has been instrumental in helping to ensure that all New Jerseyans are able to enjoy the picturesque beauty of our county and State for generations to come.

Over the past 35 years, the Monmouth Conservation Foundation has worked to protect over 6,500 acres of land in Monmouth County. Joan and Bob Rechnitz have long been strong advocates and supporters of the foundation and the environment, which includes Bob's tenure as a member of the foundation's advisory board, and Joan's time as a board member of Monmouth County's "Friends of the Parks" organization. In addition to Joan and Bob Rechnitz's work with the Monmouth Conservation Foundation and "Friends of the Parks," both have been actively involved in promoting the arts in Monmouth County. In 1994, Joan and Bob Rechnitz founded the Two River Theater Company in an effort to provide Monmouth County residents with educational and community programs aimed at promoting the appreciation and advancement of arts. Joan and Bob Rechnitz's work through the Two River Theater Company, the Monmouth Conservation Foundation, and Monmouth County "Friends of the Parks" has re-

sulted in a greater appreciation of the environment and the arts. It is my pleasure to join the Monmouth Conservation Foundation in honoring their work in showcasing and promoting the appreciation of art in nature and nature in art.

Mr. Speaker, please join me in leading this body in recognition of Joan and Bob Rechnitz for their work in artistic and environmental advocacy. I would like to extend my appreciation and gratitude for their work on behalf of Monmouth County, and I look forward to hearing of their future successes and endeavors.

COMMEMORATING THE 100TH YEAR  
OF THE LAKE COUNTY RAILROAD

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. WALDEN. Mr. Speaker, I rise today to recognize and commemorate the 100th year of the Lake County Railroad, a 55-mile stretch of track connecting the neighboring communities of Alturas, California and Lakeview, Oregon.

Since its completion in January 1912 as part of the Nevada-California-Oregon Railway, this rail line has been a vital economic lifeline to the region, transporting Lake County's abundant agricultural and natural resources to markets around this great nation and the world.

The arrival of the NCO Railway was heralded at the time as "the most important epoch in the history of Lakeview and Lake County." Despite the limitations of its narrow-gauged tracks, the railroad spurred the growth of the livestock, mineral, and timber industries, brought in scores of new settlers, and turned a dusty frontier town into a vibrant community. Along with a passenger depot which still stands today, the railroad ushered in a building boom that saw the construction of a new opera house, high school, and even a sewer system.

In 1927, the line was sold to Southern Pacific, which quickly converted it to standard-gauge operations. As a result, Lakeview changed from a commercial center to an industrial hub containing up to ten lumber mills and remanufacturing plants. For nearly 60 years, rail-related trade in the region thrived as millions of board feet of ponderosa pine were carried to market via railcar.

With the beginning of the demise of the timber industry in the Northwest in the early 1980s, Southern Pacific announced plans to abandon the line. Recognizing the economic impact abandonment of the line would have on communities served by the railroad and appreciating its historic significance, Lake County purchased the line in 1986. In 1996, the county took over direct operations and established the Lake County Railroad.

Today, timber shipments have largely been replaced by loads of perlite, but the importance of the line has never been more pronounced. Reliable transportation brings industry and jobs, especially in rural Oregon.

While it has not been an easy task, the business and government leaders of Lake County have maintained and strengthened the

Lake County Railroad with a tenacity and dedication that rivals those who first established the railroad. I am proud to have personally supported, advocated for, and been deeply involved in their many efforts to fuel this economic engine. And I will continue to do so.

On October 6, Lake County, Oregon, and the Town of Lakeview will celebrate the Centennial of the Lake County Railroad. Ten years ago, I had the pleasure of being on hand, with my son, to share in the community's previous celebration of the line. While unfortunately I cannot be there again to mark this momentous occasion, this record honors those efforts of my good friends in preserving the history of and building a future for railroads in America.

My fellow colleagues, please join me in congratulating the Lake County Railroad on 100 years of excellent service.

RECOGNIZING NATIONAL WORK  
AND FAMILY MONTH

**HON. DEBBIE WASSERMAN SCHULTZ**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today to recognize the month of October as National Work and Family Month.

As we strive to move our economy forward, we need to ensure that we are building an economy that works for everyone, including America's working families.

And as a mother of young kids in a household with two working parents, I know all too well the daily struggle facing today's American families: how can we be great parents and also be great at our jobs?

With an ever-increasing number of parents either working full time or looking for work, more and more families are fully engaged in the daily juggling act that comes with trying to do it all.

Fortunately, policy makers and business leaders can take concrete steps to promote and create a healthy work-life balance for employees, whether it's through offering flexible work hours, assisting with childcare, or creating a positive work culture for families with children.

This flexibility in the workplace benefits everyone, leading to more productive workers, healthier families, and a stronger economy.

In the spirit of National Work and Family Month, I encourage policy makers, employers, and employees to come together and help improve the work-life balance for America's workers and their families.

IN HONOR OF THE VILLAGE OF  
GLENWILLOW

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Village of Glenwillow, Ohio. Since 1893, the Village of Glenwillow has been an exemplary community within Northeast Ohio.

The Village of Glenwillow began as a company town by Austin Powder Company in 1893. Eventually, due to increased population, Austin Powder Company was unable to test its products in Glenwillow and relocated to Athens, Ohio in 1972. While the company had left, the residents of Glenwillow were thriving and began making investments and improvements to their 2.7 square mile home.

In 1999, under the leadership of former Mayor Don Payne, a new plan for the Village was designed. It included the rehabilitation and expansion of the Town Center and Village Center.

Today, the Village of Glenwillow is home to nearly 1,000 residents who are led by Mayor Mark Cegelka. Mayor Cegelka was elected to office in 2009 after serving as the treasurer for the Village on Glenwillow. There are six members on the Village Council: Jeffrey Adie, Larry Sylver, John Baca, Eric Johnson, Donald Banas and Joseph Barber, Jr.

Mr. Speaker and colleagues, please join me in honoring the Village of Glenwillow and all of its residents.

HONORING ROBERT BERNER

**HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Robert Berner, who will be retiring after 28 years as Executive Director of the Marin Agricultural Land Trust (MALT) in Marin County, CA. Bob's inspiring leadership has resulted in the protection of countless family farms and ranches and the preservation of thousands of acres of farmland in Marin County. Today, largely through his guidance, MALT is recognized as a national leader in agricultural land preservation.

Prior to MALT, Bob was Executive Director of The Foundation for San Francisco's Architectural Heritage and Vice-President of Finance at The Nature Conservancy. He is a founding member and current co-chair of the California Council of Land Trusts and a member of the steering committee of the Bay Area Open Space Council. He holds a law degree from Duke University and an MBA from the Wharton School at the University of Pennsylvania.

MALT was founded in the 1970s by a unique alliance of environmentalists and ranchers who realized that development proposals for Marin County would destroy cherished farmland and beautiful open space. Bob took the reins at a time when much of the economic focus in the region and the nation had been on non-agricultural development. He proved that it is possible to foster growth and economic opportunity in agriculture. Thanks to his efforts, Marin is and will continue to be, home to renowned dairy, meat, and organic produce which are served in the Bay Area and beyond.

Mr. Speaker, Robert Berner's diligent work has helped establish an effective national model for agricultural land preservation, enabled countless Marin County farms to thrive, and provided consumers with organic, local

produce, dairy, and meat. Please join me in honoring his distinguished career.

H.R. 3409

**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. VAN HOLLEN. Mr. Speaker, today the House votes again to dismantle what was once a bipartisan pledge to the American people—that everyone in this nation deserves clean air to breathe and clean water to drink. On this, the last day of session before the House leadership has chosen to adjourn, we could be passing a jobs bill, extending the middle class tax cuts, or working to prevent the sequester and reduce the deficit. Instead, we are voting on a package of bills—most of which we have voted on before—to strip basic environmental protections for our air and water.

Today's bill would systematically dismantle the Clean Water Act, undermine the Clean Air Act, prevent any action to ensure the safe disposal of coal ash, and eliminate the EPA's ability to reduce carbon pollution.

In an unprecedented move, it would repeal in statute a scientific finding by the Environmental Protection Agency that greenhouse gases endanger public health, confirming that the House of Representatives is an evidence-free zone. Mr. Speaker, I'm afraid some of my Tea Party colleagues would have lined up to put Galileo in jail.

The bill nullifies the new fuel efficiency pollution standards for vehicles—standards that would save consumers money at the pump and that are supported by 13 major auto manufacturers representing more than 90 percent of U.S. vehicle sales. It nullifies the Mercury and Air Toxics Standards, preventing the EPA from reducing emissions of mercury, a powerful neurotoxin that is particularly dangerous for young children and pregnant women.

Mr. Speaker, this broad, damaging legislation would roll back 40 years of progress for clean air and water. We cannot afford to return to a time when industrial polluters used lakes and streams as dumping grounds for dangerous chemicals and factories sent toxic fumes into the air. We must protect public health, defend our environment, and reject this bill.

INTRODUCING THE COMPUTERS  
FOR OUR COMMUNITIES ACT

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. STARK. Mr. Speaker, I rise today with my colleagues JOHN LEWIS (D-GA) and GARY PETERS (D-MI), to introduce the Computers for Our Communities Act. This legislation will extend a provision in the tax code that encourages companies to donate computer equipment to schools and libraries.

I have a long history with this tax provision. In the early 1980s I met a young Steve Jobs

who had the pioneering vision to put a computer into every classroom in America. However, when companies like Apple donated to schools, the deduction was limited to their cost of manufacturing the computer. Companies had no incentive to donate computers and software to our public schools. With bipartisan support in the House and Senate, we amended the tax code and created an enhanced tax deduction to encourage companies to donate computers to our schools.

Until 2012, Section 170 of the tax code enabled a corporation to take an enhanced deduction when they donated computer equipment to a public school, a library, or other educational institutions. We found a middle ground that allowed companies to deduct more than their cost of manufacturing a computer, but less than the fair market value when they provided this public service by donating computer equipment.

Nearly 30 years after this provision was first added to the tax code, a computer in classroom is no longer a revolutionary idea. Computer literacy is an even more important issue in a world with so much changing technology. Yet this tax deduction is once again on the chopping block. The section of the tax code that allows companies to take an enhanced tax deduction when computer equipment or software is donated to a school, library, or similar institutions, expired at the end of 2011. With this legislation, we can retroactively enact this tax provision and extend it through the end of next year so there is no lapse in coverage.

Without this legislation, I worry we won't see donations of computer equipment to our public schools. Even adults who learn computer skills through community programs and public libraries will have to use aging technology. Our schools and our cities are already stretched by budget cuts and we need to do whatever we can to make sure that everyone has the ability to become computer literate.

The Computers for Our Communities Act will restore this tax provision through December 2013 and ensure that America's students will continue to have access to the latest technological innovations. If we are serious about our commitment to having a computer in every classroom in America, we will pass this legislation.

IN HONOR OF THE CITY OF  
GARFIELD HEIGHTS

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the City of Garfield Heights, Ohio. Since 1919, the City of Garfield Heights has been an exemplary community within Northeast Ohio.

The City of Garfield Heights, also known as the "City of Homes," was founded in 1919 and named after Garfield Park. Before Garfield Heights was established, the land had been Newburgh Hamlet and the Village of South Newburgh. Garfield Heights officially reached the status of a city in 1930. It became home to Marymount Hospital in 1949.

Throughout the past couple of decades, Garfield Heights has undergone several major expansions and renovations. A new city hall building was opened in 1991, a new high school opened in 2004 and the Marymount Hospital Emergency Room addition opened in 2007.

Today, the City of Garfield Heights is home to nearly 30,000 residents who are led by Mayor Vic Collova. Mayor Collova was elected to office in 2009. He had previously served as President of Garfield Heights City Council. There are also eight members on the City Council: Nancy Marincic, Michael Nenadovich, Tracy Mahoney, Michael Dudley, Sr. Eugene Glenn, Joseph Suster, Thomas Vaughn and Barbara Molin.

Mr. Speaker and colleagues, please join me in honoring the City of Garfield Heights and all of its residents.

VOTE NO ON H.R. 3409, THE REPUBLICAN ANTI-HEALTH ANTI-ENVIRONMENT BILL

**HON. JIM McDERMOTT**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. McDERMOTT. Mr. Speaker, I've got to hand it to my Republican colleagues. When they commit to something, they really commit. This Republican House has the worst environmental record in Congress's history. We've taken over 300 votes against the environment. And here we are again. On our last day to get any real work done, Republicans are voting to kill the environment.

Instead of dealing with important issues like taxes or jobs, Republicans are actually trying to repeal auto emissions standards that will save Americans \$1 per gallon at the pump—standards the auto industry wants and that consumers are happy with.

Instead of helping Americans find jobs, or helping the millions of homeowners facing foreclosure, Republicans are gutting clean air and clean water standards.

Instead of doing something to actually help America be a healthier place to live and work, Republicans are doing everything in their power to spoil it.

My Republican colleagues are saying regulations are killing the coal industry. The truth is that coal isn't selling in America—it just can't compete with cleaner, cheaper natural gas. The free market that my Republican colleagues worship is working. And the coal industry knows it.

Since coal is being beat here in the U.S. market by cleaner, healthier forms for energy, the coal industry has put plans in motion to ship our American coal to China. The industry will make millions in profits selling our coal, mined from our public lands, to go overseas. Trains full of coal will obstruct commerce, especially in the northwest, and endanger public health, all at the expense of the American taxpayer.

Make no mistake, today's bill isn't about saving the coal industry. The coal industry is doing that already, they're finding other markets. This bill is nothing more than a political

ploy that puts industry and ideology over less expensive energy, public health, and our environment, and I urge my colleagues to vote no on this bill.

IN RECOGNITION OF THE 300TH ANNIVERSARY OF PEMBROKE, MASSACHUSETTS

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize the 300th anniversary of Pembroke, Massachusetts, a scenic and vibrant town in southeastern Massachusetts.

Native American tribes had wintered along the North River in modern day Pembroke and had called the region home for many generations by the time the area saw its first European settlers. These settlers, Englishmen Robert Barker and Dolor Davis, established their homes in the area of Herring Brook in 1650. The town of Pembroke was later incorporated in the year 1712.

This small town is known for its plentiful timber, water, and fish. In fact, the herring found in the town's ponds, streams and marshes were prized so much that in 1741 Pembroke began regulating the fishing of its waters. Herring are celebrated in Pembroke every year at the town's annual "Grande Old Fish Fry." It is also home to rich woodland, providing timber for both residential and industrial use, and is especially known for its shipbuilding.

The five shipyards off the shores of the North River produced over one thousand ships between 1678 and 1871, including the *Beaver*, one of the ships used in the Boston Tea Party. Other notable ships that came out of these historic shipyards were the *Columbia*, the *Bedford* and the *Maria*. The *Columbia*, for which Columbia River is named, was the first ship to sail around the Cape of Good Hope. The *Bedford* was the first ship to sail into British waters with the American flag proudly hoisted upon its jack staff, while the *Maria* is depicted on the Pembroke town seal.

Throughout its storied history, the town of Pembroke has also been home to other industries such as agriculture and manufacturing. In the early 1900s, cranberry growers and poultry farmers became well established in the town. There were also rubber works, shoe box manufacturing companies and crate constructing companies located in Pembroke throughout the early 20th century.

Today, however, this South Shore town has grown into to a bustling suburban community that still maintains its rural charm, continuing to attract vacationers to its picturesque landscape.

Mr. Speaker, please join me in congratulating the town of Pembroke and the entire Pembroke community on the celebration of their 300th anniversary. May this beautiful Massachusetts town flourish for many years to come.

CELEBRATING TAIWAN'S 101ST ANNIVERSARY

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ENGEL. Mr. Speaker, on October 10th, Taiwan will celebrate its 101st anniversary. This celebration, often referred to as Double 10 Day, is significant for, amidst all the challenges to its continued existence, Taiwan has become one of the world's most advanced and vibrant democracies, and a close ally of the United States.

This progress, coupled with its economic success, has made Taiwan, under the leadership of President Ma-Ying-jeou, a prime example of how the spirit, ingenuity, and diligence of a people can surmount almost any difficulty. Taiwan's high standard of living and its promise of freedom make Taiwan a natural friend and partner of the United States.

Mr. Speaker, additionally, I would like to recognize the service of Jason Yuan, Taiwan's chief diplomat in the U.S. He was recently recalled to Taipei to head up their National Security Council; a promotion in recognition of his outstanding work in building relationships with and understanding the American people. Because our future is so mutually tied, I applaud the Republic of China for its selection of Jason who I am confident will advance the ties between Taiwan and the U.S.

Again, on this October 10th, I would like to join with Taiwanese Americans and the people of Taiwan in commemoration of Taiwan's 101st anniversary and express my hope that the warm ties between our two countries will continue to flourish.

NATIONAL HISPANIC-SERVING INSTITUTIONS WEEK

**HON. SUSAN A. DAVIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mrs. DAVIS of California. Mr. Speaker, this week we celebrate National Hispanic-Serving Institutions Week.

Hispanic Serving Institutions are colleges and universities that are working to keep the dream of college education alive for Hispanic students.

I'm pleased that a college in my district, San Diego State University, was named a Hispanic Serving Institution this year, making it only the third public research university in California to receive that designation.

SDSU is number one in the nation for improvements in college graduation rates over the past 6 years.

Even more remarkable is that it has done this while dramatically increasing graduating rates for students of color, and virtually closing the achievement gap!

I commend SDSU and other Hispanic Serving Institutions that are bringing greater equity to higher education, preparing our young adults for the workforce of the future, and strengthening America's economic competitiveness.

**ALEXION BIOPHARMACEUTICAL  
MANUFACTURING FACILITY**

**HON. DAVID N. CICILLINE**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CICILLINE. Mr. Speaker, I rise today to honor the hardworking men and women at Alexion's biopharmaceutical manufacturing facility in Smithfield in my home state of Rhode Island.

Co-founded by Steven Squinto and Leonard Bell, Alexion was recognized earlier this month by Forbes Magazine as the second most innovative company in America for its work to develop life-saving treatments for ultra-rare genetic diseases.

One hundred hardworking men and women are employed at Alexion's Smithfield manufacturing facility, and they are helping to show the region and the country how to make it in America.

They provide a model to be followed as we work to strengthen research and development, and reinvigorate American manufacturing, particularly advanced manufacturing, and put our country back to work in well-paying positions.

I applaud their achievements and recognition, and I wish Alexion continued success.

**IN RECOGNITION OF THE FRANCIS  
X. BELLOTTI COURTHOUSE**

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize the dedication of the Quincy District Courthouse as the Francis X. Bellotti Courthouse.

Francis X. Bellotti is known for his more than sixty years of public service in the state of Massachusetts, and it is highly fitting that we dedicate the Quincy District Courthouse in his honor, as his long career began here. After graduating from Boston College Law School and passing the bar exam in 1952, Mr. Bellotti opened up his own law practice not too far from the courthouse that is now to be named for him. For the next ten years, Mr. Bellotti spent countless hours in that very courthouse, appearing hundreds of times for both civil and criminal cases.

In 1962, this career of public service brought Mr. Bellotti from the courthouse to the State House when he was elected lieutenant governor of the Commonwealth of Massachusetts. In his later role as Attorney General of Massachusetts, Mr. Bellotti was well-loved by his many employees, and he received national praise and recognition for the changes that he brought to his office. In particular, Mr. Bellotti implemented a new merit-based hiring system, which soon became the model for countless other prosecutors throughout the nation. This innovation led the National Association of Attorneys General to award Mr. Bellotti with the Louis C. Wyman Award, and for the association's Consumer Protection Committee to elect him as their chairman in 1984.

Throughout his career, Mr. Bellotti has continuously proven himself to be a skilled attorney and a dedicated public servant for the Commonwealth of Massachusetts. He remains a celebrated public figure in our state's recent history, and I can think of no better way to honor a man who has given so much to Massachusetts.

Mr. Speaker, please join me in recognizing the dedication of the Quincy District Courthouse in honor of Francis X. Bellotti. He is an extraordinary member of the Massachusetts community and his years of public service are an inspiration to us all. I ask that my colleagues join me in recognizing this dedication, and in congratulating Mr. Bellotti for his many years of service.

**HONORING NATIONAL HISPANIC  
HERITAGE MONTH—SGT. JOSE  
NOE DIAZ, JR.**

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. POE of Texas. Mr. Speaker, from September 15 to October 15 America celebrates National Hispanic Heritage month to recognize citizens whose ancestors came from Spain, Mexico, the Caribbean, and Central and South America. These individuals contribute to the amazing melting pot of unique identities that is the United States of America.

I would like to honor one particular Hispanic individual, a law enforcement officer from the Second Congressional District of Texas who lives his life under the lessons and values that his father and grandfathers instilled in him to serve our community.

Sgt. Jose Noe Diaz, Jr.—known as Noe—is a Texas Ranger in Houston. He is a fourth generation Mexican-American. Both of his grandfathers (still alive) proudly served in World War II as infantrymen. His father was a migrant worker who worked his way through college and later became a school teacher. They taught him respect for others, honesty and hard work as the formula for success. Sgt. Diaz is proud of his heritage and works tirelessly to ensure that his children understand the importance of public service and giving back to the country that they love.

It is evident that the values he inherited from his family have contributed to his success in his career and in life. Originally from South Texas, Sgt. Diaz has lived in the greater Houston area since 1987 when he began his career as a Texas Department of Criminal Justice Prison Guard. In 1996, he was accepted into the Department of Public Safety (DPS) Academy and assigned to the Texas Highway Patrol in Katy. In 2001, he was promoted into the Narcotic Division of DPS and assigned to the Harris County Organized Crime Task Force, DEA-Houston and the Houston Police Department's Targeted Narcotics Enforcement Team. In January 2008, he was appointed to the Texas Ranger Division and assigned to Company "G" Rio Grande City, Starr County. Later that same year, he transferred to Company "A" Houston where he is currently assigned. Sgt. Diaz's current duty assignment

with the Federal Bureau of Investigation-Houston targets Public and Police Corruption.

Sgt. Diaz is happily married to his wife, Sheila, with whom he has two adult children Justin (a Senior at the University of Texas—Austin) and Stephanie (a Sophomore at Our Lady of the Lake University—San Antonio). Sgt. Diaz holds a Bachelor of Science Degree in Criminal Justice from the University of Houston-Downtown and is pursuing a Masters in Criminology from Lamar University—Beaumont.

Sgt. Diaz is an admirable and dedicated leader to our community, and this Hispanic Heritage Month we recognize his accomplishments and his rich heritage that has contributed to his success. We value his role in our community and appreciate his hard work to make it a better place to live. Sgt. Diaz, thank you for your service and for being a role model to many.

And that's just the way it is.

**SEPTEMBER IS ALZHEIMER'S  
AWARENESS MONTH**

**HON. SHELLEY MOORE CAPITO**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mrs. CAPITO. Mr. Speaker I rise to highlight that September is Alzheimer's awareness month and that today is "Go Purple Day" to help raise awareness of the disease.

Alzheimer's is the most common form of dementia. The disease causes debilitating symptoms such as extreme memory loss as well as the ability to carry out day to day functions as simple as walking and even swallowing. Alzheimer's is ultimately fatal. It currently has no cure, and treatment options are very limited.

An estimated 5.4 million Americans are currently suffering from Alzheimer's, including over 200,000 who are under the age of 65 and is the 6th leading cause of death in the United States. Every 68 seconds another American develops Alzheimer's. Sadly this disease does not only affect the victim but has a profound effect on both family members and friends. In 2011 it was estimated that more than 15 million family members provided over 17.4 billion hours of unpaid caregiver service which would be estimated at over 210 billion dollars worth of care to patients with Alzheimer's. Almost everyone has a friend or family member who has been impacted by this terrible disease.

I am proud to go purple for Alzheimer's day and look forward to working with my colleagues in a bipartisan way to combat this disease which has harmed so many families in West Virginia and around the country.

**TRIBUTE TO THE LATE REVEREND  
ALFRED C. KRASS**

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life and memory of the late Reverend Alfred C. Krass, retired pastor of the

United Christian Church in Levittown, Pennsylvania, and former missionary to Ghana.

This weekend, the Interfaith Community of Lower Bucks County will posthumously present their inaugural Peace Prize to Reverend Krass, who passed away last year at the age of seventy-four.

Throughout his life, Reverend Krass was a symbol of unity and peace who called for open communication between those of different faiths and cultures.

Reverend Krass was also the founder and first president of the Interfaith Housing Development Corp. of Bucks County and the Lower Bucks Center for Church and Community.

Dedicating his life to the service of others, Reverend Krass was a selfless leader who left a lasting impression on his community, and serves as an example to us all.

#### IN RECOGNITION OF THE 100TH BIRTHDAY OF MARGARET BURNS

#### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. KEATING. Mr. Speaker, I rise today in recognition of Mrs. Margaret Burns, a resident of my district in Pocasset, Massachusetts, as she celebrates her 100th birthday.

Margaret was born on September 29, 1912 in Braintree, Massachusetts. After finishing high school she went on to work at Armstrong Cork Flooring, now World Industries, as a secretary.

In 1953, Margaret, met the love of her life, Garrett Burns. Together they have raised two children, Tom and Carol, who gave them six grandchildren and twelve great-grandchildren. Margaret considers herself lucky for having been "happily married for nearly sixty years." Some of her most memorable moments were with her husband at the Beacon Inn in New Hampshire where they would go for weekends.

In addition to spending time with her husband, Margaret was always involved with her children. She was a devoted attendee of Parent-Teacher Association meetings when her children were young. Today, she loves to cook for her many family gatherings, she enjoys weaving rugs, and she looks forward to the many bridge games she plays with her friends.

Margaret does not attribute her longevity to any one thing except her overall happiness. She makes sure to mention that her successful marriage has helped her to live a long and content life.

Mr. Speaker, I am proud to honor Margaret Burns on this joyous occasion. I ask that my colleagues join me in wishing her many more years of happiness and health.

#### RECOGNIZING THE ACCOMPLISHMENTS OF STAFF SERGEANT ANTONIO RIVERA

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Staff Sergeant Antonio Rivera of

the Pennsylvania National Guard and resident of Pottstown, Montgomery County on the occasion of being selected as the 2012 Liberty USO Service Member of the Year (Army).

SSG Rivera enlisted in the Pennsylvania National Guard on October 18, 2000 as a 14M stinger missile operator and joined the ranks of Charlie Company 213 ADA. In 2006, SSG Rivera was ordered to Iraq in support of Operation Iraqi Freedom. After six months of training, he was deployed as a 31B military police officer and served as a team leader providing convoy security. SSG Rivera earned a Combat Action Badge when an IED detonated beneath his vehicle in his first month in country.

In 2008, SSG Rivera transitioned into a 21B Combat Engineer Company and in 2009 achieved his current rank before being deployed for a second time in support of Operation Enduring Freedom. While serving on this deployment, SSG Rivera earned Battalion Soldier of the Quarter. On August 10, 2010, SSG Rivera earned the Purple Heart after his vehicle was struck by an IED during a routine clearance operation. Although he suffered shrapnel wounds to his neck, SSG Rivera stayed focused on taking care of his platoon and teammates.

Mr. Speaker, I ask that my colleagues join me today in recognizing Staff Sergeant Antonio Rivera of the Pennsylvania National Guard on the occasion of being selected as the 2012 Liberty USO Service Member of the Year (Army) and for his great service to the United States of America.

#### 75TH ANNIVERSARY OF CATHOLIC CHARITIES AND MONSIGNOR JOSEPH SEMANCIK

#### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and admiration that I recognize Catholic Charities, Diocese of Gary, as the organization celebrates its 75th anniversary. During the celebration, which will take place on Friday, October 5, 2012, at the Center for Visual and Performing Arts in Munster, Indiana, Catholic Charities will also take time to honor my dear friend, Monsignor Joseph Semancik, for his 38 years of dedicated service to the organization.

Catholic Charities, a part of the Diocese of Gary, has been helping to meet the needs of citizens throughout Northwest Indiana for the past 75 years. It is a private, not-for-profit social service agency that serves Lake, Porter, LaPorte, and Strake Counties in Northwest Indiana. Catholic Charities, established in 1937, was originally part of the Diocese of Fort Wayne until 1957, when it became part of the Diocese of Gary. Initially, its function was to serve the underprivileged and needy through programs that would meet the professional standards of social work. However, throughout the years, Catholic Charities has focused its attention on programs that meet the changing needs of the community. In recent years, counseling, volunteer programs, and programs for the elderly and family life ministry have

been added. Catholic Charities has been triumphant due to the unwavering dedication of its staff, board members, volunteers, and donors. Catholic Charities is a remarkable organization that is dedicated to serving those most in need and has been an extraordinary asset to the community. Northwest Indiana is not only grateful, but proud to have had the organization's support and help during the past 75 years.

Born in 1929, Joseph Semancik was ordained a Catholic priest in 1953 and in 1984 was named a Domestic Prelate with the title Monsignor. First and foremost, Monsignor Semancik is a man of God, who has tirelessly discharged his sacred duties with vigor, compassion, and an uncommon practicality. Generous to a fault with this time and commitment to help those most in need, Monsignor Joseph Semancik was deeply involved for most of his entire adult life with Catholic Charities, both locally and at the national level. A holder of a Ph.D. from the University of Chicago, Father Semancik is an author and teacher as well. In his "spare time," Monsignor was the local Diocesan Director of Catholic Relief Services, representing North America on a planning committee for Caritas Internationalis, a union of 145 Catholic Charities organizations worldwide. He also was a founder of Hospice of the Calumet Area and one of the originators of the Indiana Catholic Conference. Monsignor Semancik currently serves on the Board of Trustees of Calumet College of Saint Joseph, the Board of Directors for Saint Catherine Hospital, the Board of the Community Foundation of Northwest Indiana, and is a member of the Lake County Advancement Committee.

The recipient of numerous awards, I believe Joe Semancik is probably most gratified by the respect and affection shown by those innumerable individuals whose spirit, body, and mind were guided, made whole, and yes made to laugh, because this good man touched their lives. It is an honor to consider Monsignor Joseph Semancik a friend, and it has been a privilege for each of us in Northwest Indiana to have had our lives enriched by this good and holy man.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending Catholic Charities and Monsignor Semancik. For their remarkable commitment to serving those most in need, Catholic Charities and Monsignor Semancik are to be highly commended, and they serve as an inspiration to us all.

#### HONORING THE 250TH ANNIVERSARY OF THE CITY OF ALLENTOWN

#### HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. DENT. Mr. Speaker, I rise to honor the 250th anniversary of the founding of my hometown, Allentown, Pennsylvania, and to pay tribute to the many contributions its residents have made to the cultural fabric of Pennsylvania and our nation.

The area that is now Allentown was originally settled as Northampton town in 1762 by



William Allen. Allen was a wealthy shipping merchant and prominent Pennsylvanian. He was Chief Justice of Colonial Pennsylvania's Supreme Court and had previously served as mayor of Philadelphia. Given its location along the Lehigh River and proximity to Philadelphia, Allen believed land he acquired north of the City of Brotherly Love would make an ideal center of commerce. Soon, a small village of roughly a dozen wooden cabins was established and immediately began growing into a busy town.

The town's first taste of national acclaim came during the American Revolution, when numerous large bells from nearby Philadelphia, including the Liberty Bell, were hidden in Zion's United Church of Christ to prevent them from being melted into cannons by British soldiers. Without the brave efforts of Allentown's patriotic residents, one of our nation's most famous and inspiring icons may have been lost forever.

While the town was formally incorporated as the borough of Northampton in 1811, most residents referred to the bustling village as "Allen's town", a term initially used by founding father John Adams in a diary entry. The following year, Lehigh County was founded and Northampton was chosen as the county seat. After years of popular usage, the nickname "Allen's town", was adapted into the town's official name, "Allentown," in 1838.

For the first several decades of its existence, Allentown remained a small Pennsylvania German (Dutch) village, populated mostly by farmers and tradesmen. However, the industrial revolution of the early 19th Century dramatically transformed the economy of the entire eastern Pennsylvania region. Allentown's powerful iron industry fed the rapid growth of the nation's railroads in the mid-1800s. As more metal was required to lay tracks across the expanding nation, Allentown prospered. The growth of the Lehigh Valley Railroad and the Lehigh Canal allowed vast quantities of raw materials and finished goods to move through Allentown to markets far and wide. Through industrialization, the city finally achieved William Allen's dream of becoming a major commercial center.

After the financial crises of the late 1800s, the turn of the century gave rise to Allentown as a preeminent producer of silks and other beautiful textiles. The arrival of iconic Mack Trucks in 1905 also reinvigorated the city as a manufacturing center. In 1928, the completion of the PPL tower, the area's first skyscraper, displayed Allentown's industrial might to anyone traveling in the Lehigh Valley. The tower's signature gold and red lit peak still illuminates the Allentown sky at night, illustrating the city's rich industrial history and bright economic future.

Today, Allentown supports a diverse array of industries in manufacturing and services. It is home to superb institutions of higher learning, including Cedar Crest College, Muhlenberg College, and a satellite campus of Lehigh Carbon Community College, that prepare thousands of students each year for careers in the modern economy.

In addition to industry and education, Allentown provides the region with outstanding recreational opportunities. Throughout the year, local residents enjoy the city's beautiful and

expansive park system. From cross-country skiing through Lehigh Parkway in the winter months to riding a bicycle on the challenging loop at Trexler Park under the summer sun, Allentown's renowned parks offer a little something for everyone. And for those more interested in watching than participating, Allentown is a great location for sports fans. The city is home to the wildly popular Lehigh Valley IronPigs, the AAA affiliate of the nearby Philadelphia Phillies. Furthermore, upon the completion of a new arena downtown, the Philadelphia Flyers' minor league hockey team, the Phantoms, will also call Allentown home.

While Allentown is certainly the quintessential American city, it is also distinctively unique. Residents of the city's western neighborhoods understand better than anyone in the country how truly powerful a tiny Canary can be, and anyone living in the East Side knows where to find the best clams in Pennsylvania. And like the greatest cities in our nation, Allentown is comprised of residents from many unique cultures across the globe. In addition to descendants of the region's original German settlers, the city today features a diverse population of European, Hispanic, Caribbean, African, Asian and Middle Eastern origins. Embracing and celebrating their differences helps bring the people of Allentown together, but it is their shared love for this extraordinary city that truly unifies neighbors.

This year, Allentown is marking its quarter-millennial anniversary with a calendar full of activities celebrating arts, culture, history, and community. Celebration Weekend, which will be held from September 27th to the 29th, will include a community festival highlighting the diversity of the city, an ecumenical prayer service, a "red carpet restaurant night," and a parade organized around the theme "City Without Limits: Points of Pride." The year's activities will draw to a close with a spectacular New Year's Eve Finale.

Mr. Speaker, it is with great enthusiasm and pride that I honor the city in which I was privileged to be born and raised, and where I have been blessed to raise a family of my own. I would ask all my colleagues to join me in congratulating the City of Allentown on the 250th anniversary of its founding.

#### NATIONAL SURGICAL TECHNOLOGISTS WEEK

#### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2012

Mrs. BLACKBURN. Mr. Speaker, in operating rooms and in hospitals across the great state of Tennessee, there is a team of professional and dedicated workers who serve us in some of our most frail and vulnerable moments. As we celebrate National Surgical Technologists Week, I rise to honor those surgical technologists who have dedicated their life's work to the care, service, and work of our healing.

From processing surgical instruments to focusing on patient care and everything in between, Surgical Technologists are a crucial part of patient care. I ask my colleagues to

join with me in thanking them and the Tennessee Association of Surgical Technologists for their works of mercy, especially during National Surgical Technologists Week.

#### RECOGNIZING THE 101ST ANNIVERSARY OF THE REPUBLIC OF CHINA

#### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2012

Mr. REED. Mr. Speaker, October 10th of this year marks 101 years of the Republic of China (ROC). In those 101 years, the United States has had the support of few better friends or allies in any part of the world—let alone in the ever-increasingly strategically important Asia-Pacific region—than the ROC. Inspired by the American ideals of individual liberty and freedom, the ROC and the United States have stood beside each other in some of our two lands' darkest hours and most challenging times.

Our two governments have stood side by side during the most trying times of the 20th century. Armed international conflicts have tested our relations, but we have emerged as two thriving nations. Our democracies are a shining example for which emerging nations aspire to become just as the ROC was one hundred and one years ago.

On this monumental occasion, I urge all of my colleagues to join me in recognizing this milestone achievement in the history of the ROC. As one of our closest allies in the Asia-Pacific region, we must continuously strive to strengthen the relationship between our countries. Let us continue to promote the fine democratic examples which the ROC has set for the world to see. We look forward to maintaining our strong relationship with the ROC for years to come, and we wish their country continued prosperity throughout its second century.

#### SUICIDE PREVENTION MONTH

#### HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, September 21, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to recognize September as Suicide Prevention Month. With nearly 30,000 Americans losing their lives to suicide each year, far too many of our friends and family members are not receiving the support and assistance so desperately needed. Suicide touches all groups, young and old, and knows no religious or ethnic boundaries. Today, however, I wish to focus on two groups who are disproportionately impacted by suicide.

The first is our veterans—a growing number of suicides comes from within the ranks of those who have served or are serving in our armed forces. For many of our troops, repeated deployments and prolonged combat has exposed them to high amounts of stress creating invisible wounds that contribute to

suicide. These heroes put their lives on the line every day and upon returning, they deserve our support. We need to be there for our armed forces—veteran and active duty service members alike. This is a tragic problem that needs to be urgently addressed but the reality is that there are not any easy answers and this challenge does not offer any quick fixes.

I applaud Defense Secretary Leon E. Panetta and VA Secretary Eric K. Shinseki for marshaling the resources of the U.S. military and the Veterans Administration to attack this tragic epidemic. As we draw down after nearly a decade of war, Secretary Panetta and Secretary Shinseki have committed their departments to not only improve how wars are conducted, but how we address the after-effects of post-traumatic stress disorder and other disabling injuries.

In addition to veterans, we also see that a large portion of suicides are coming from within the LGBT community. LGBT youth are four times more likely to attempt suicide and when they are rejected by their families, eight times more likely. With statistics like these, it couldn't be clearer that there is a great need for assistance and support for LGBT youth, as many are often harassed, bullied and subjected to physical violence by their peers.

These stories of harassment are becoming far too familiar. Take Tyler Clementi, a college freshman attending Rutgers University and an accomplished violinist. At the young age of 18, Tyler's privacy was invaded by his dorm roommate. Deciding that the ridicule was too much to bear, Tyler tragically cut his own life short.

For many, solace has been found with the Trevor Project, a non-profit organization in Los Angeles dedicated to providing life-saving resources to young people in the LGBT community. I recently had the honor of meeting with Abbe Land, the Executive Director and CEO of the Trevor Project and witnessed first-hand how the organization handled phone calls from distressed youth from around the country on their around-the-clock suicide prevention lifeline. With over 30,000 calls each year to the Trevor project, their commitment to saving lives is unparalleled.

The problem of suicide has no prejudice or political affiliation. Suicide touches each one of us and forever changes our lives. I am proud to honor the Trevor Project and the National Suicide Prevention Lifeline during Suicide Prevention Month as they work tirelessly to prevent the loss of our loved ones who are most in need of support.

#### HONORING THE CENTENNIAL OF THE BOROUGH OF ROSETO

**HON. CHARLES W. DENT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. DENT. Mr. Speaker, I rise today to honor the centennial of the incorporation of the Borough of Roseto, Pennsylvania, and to recognize the many contributions its residents have made to the Commonwealth of Pennsylvania and the United States.

Roseto, nestled in the rolling hills of Northampton County, was founded by Italian immi-

grants, who came to America in the late 19th Century to work in Pennsylvania's busy slate quarries. In 1887, Nicola Rosato, Lorenzo Falcone, Giovanni Policelli, and Angelo Tedesco purchased tracts of land and built a thriving community, originally known simply as "Little Italy." In just ten years, the little town had grown large enough to earn its own post office.

Residents named their fledgling community Roseto, after the Italian village of Roseto Valfortore, which many of the borough's founders had called home before immigrating to the United States. Today, Roseto maintains a strong sister city relationship with its Italian namesake. On 2 January 1912, Roseto was formally incorporated as the Roseto Borough Hall and became America's first 100% Italian borough.

By the early 20th Century, civic organizations, such as the Sons of Italy, the Order of Red Men, and the Roseto Marconi Club flourished, as citizens sought to maintain their Italian identity while promoting their patriotism as Americans. Around the time of World War II, the gradual recession of the local slate industry led to fewer jobs for the quarrymen who called the borough home. However, around this time, sewing factories were simultaneously growing in large numbers in the area and began providing work for both young men and women.

In 1913, the Columbus Public School was built to provide education for the borough's children in grades 1 through 8, after which, students would continue their studies as a different kind of Slater at nearby Bangor High School. Columbus School served Roseto's children until 1978, when the school district moved classes to a newer facility. Briefly abandoned, the historic building was reopened just two years later and continues to house Faith Christian School.

Today, Roseto is a much more diverse borough than it was at the time of its founding, but the traditional Italian values of family and community remain strong in all residents. Family businesses and busy old churches still line the streets of Roseto, just as they did over one hundred years ago. The health effects of this lifestyle have not gone unnoticed and were documented in a medical study called "The Roseto Effect," an experiment which sought to determine why mortality rates in the borough were so much lower than other communities. The research concluded that the simple community lifestyle embraced by Roseto's inhabitants is the key to their remarkable longevity. The sense of togetherness and family that exists throughout the town does more than just make life more enjoyable, it actually promotes better health!

This year, Roseto celebrated its centennial, or "cent'anni" in Italian, with a weekend full of live music, delicious food, entertainment and even a parade. The borough also welcomed a visiting delegation from Italy's Roseto Valfortore, including the sister city's mayor.

Mr. Speaker, it is with great pride that I rise to honor the 100th anniversary of Roseto's incorporation. I would ask all my colleagues to join me in wishing its residents a very festive cent'anni!

#### REMEMBERING SGT. STROH

**HON. ERIK PAULSEN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. PAULSEN. Mr. Speaker, I rise today to honor the memory of Edina Police Sergeant Steven Stroh. Sgt. Stroh was a 25-year veteran of the Edina Police Department and recently lost his long and courageous battle with cancer.

Sgt. Stroh was a beloved member of the community, beginning his career as a community service officer after graduating from St. Thomas College. Stroh quickly worked his way to police officer and to sergeant, earning a place as a respected and trusted leader.

While a serious leader in the community, Sgt. Stroh also had a humorous side. Fellow officer Kevin Rofidel remarked, "If [anyone] pulled a prank around here, he'd be in on it."

Sgt. Stroh believed in learning as much as he could to help educate his fellow officers and even earned his masters of police administration while he was in the force. Fellow officers will certainly miss his years of experience and expertise.

Sgt. Stroh is survived by a loving family and a grateful community, which he dedicated his life to serving.

#### 101ST ANNIVERSARY OF THE REPUBLIC OF CHINA (TAIWAN)

**HON. ROBERT A. BRADY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BRADY of Pennsylvania. Mr. Speaker, October 10th heralds one century and one year of the Republic of China (ROC).

History—and, particularly Chinese history—is filled with many tales of heartbreak, despotism, suffering and despair. But more than a century ago, one man, Dr. Sun Yat-sen had a different vision for a new China. Having spent his formative adolescent years in the U.S. state of Hawaii, Dr. Sun returned to China inspired by the uniquely American ideals of U.S. Presidents Alexander Hamilton and Abraham Lincoln. When given the chance, Dr. Sun would tell anybody who would listen that the crux of President Lincoln's Gettysburg Address, "government of the people, by the people, for the people", had shaped his own political philosophy, the Three Principles of the People.

While implementation of Sun's three principles was often flawed and undermined while the ROC was on mainland China, they eventually took shape—long after his death following the ROC's move to Taiwan in 1949. In 1987, Taiwan lifted its Martial Law Emergency Decree. In 1991, free elections were held for the island's Legislative Yuan. And in 1996, amidst the attempted intimidation of mainland Chinese missiles being lobbed into the Taiwan Strait, Taiwan staged its first free presidential election. Taiwan has since had three more four presidential elections—most recently, this past January with power changing hands once in each direction.

Voter participation in Taiwan is among the highest in the world, and its people value and embrace its democracy. With so many government ministers having lived and studied in the United States, the ROC-U.S. connection and shared democratic ideals forged under Dr. Sun are alive and well in Taiwan.

I urge all my colleagues to join me in congratulating the Republic of China on its 101 years of principled existence, and on its living example of true democracy.

#### HONORING THE BICENTENNIAL OF LEHIGH COUNTY, PENNSYLVANIA

**HON. CHARLES W. DENT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. DENT. Mr. Speaker, I rise today to honor the bicentennial of Lehigh County, Pennsylvania.

Lehigh County was established on 6 March 1812, with my hometown of Allentown as its county seat. 1812 was a turbulent time for our nation, which was on the brink of war, but the young county persevered through its initial difficulties. The industrial revolution of the early 19th Century gave rise to the growth of the American railroad industry, creating a massive demand for iron to lay tracks that would eventually span the nation. Lehigh County answered the call and quickly established itself as a national manufacturing powerhouse. In addition to manufacturing, the county also flourished as an agricultural center, with crops and livestock supported by cool waters of the Lehigh River and its many tributaries. Farming has been a staple of the region's economy since its settling, and today remains an important way of life for many Lehigh County families.

Lehigh County is home to several prominent colleges and universities that provide quality education to thousands of students each year. These include Cedar Crest College, DeSales University, Lehigh Carbon Community College, Muhlenberg College and Penn State Lehigh Valley. The county's unique location between the major markets of Philadelphia and New York has also made it an ideal location for commuters looking for a better quality of life.

Much to the delight of its residents—new and old—Lehigh County boasts an abundance of cultural, recreational, and entertainment attractions that keep it bustling with activity. The county is home to Dorney Park & Wildwater Kingdom, a popular amusement park known nationally for its famous 1923 wooden roller coaster Thunderhawk. The Lehigh Valley Zoo, located within the scenic 1,100-acre Trexler Nature Preserve, is home to more than 275 animals representing 70 species, as well as one of the most impressive herds of American Bison in the eastern United States. Many residents fondly remember the thrill of fording the Jordan Creek after visiting the zoo as children.

Lehigh County is also home to beautiful Coca-Cola Park, home of the Philadelphia Phillies' AAA affiliate, the Lehigh Valley IronPigs. Residents of the county and neighboring communities are already getting excited for the start of the 2014–15 AHL season, when the Philadelphia Flyers' affiliate, the

Phantoms, will begin playing hockey in downtown Allentown. It is, indeed, an exciting time to be living in Lehigh County.

Known for its many traditional festivals that highlight the area's rich history, appreciation for the arts and love for the outdoors, including Das Awkscht Fescht, the Great Allentown Fair, Mayfair and SportsFest, countless Americans visit Lehigh County each year. Music is also an important component of Lehigh County's cultural identity, and while newcomers may wonder what sounds a boombox makes, thousands of visitors flock to Allentown's J. Birney Crum stadium each summer to hear the familiar tunes played by dozens of drum and bugle corps during their annual stop to the Lehigh Valley.

In recognition of its 200th anniversary, the Lehigh County Bicentennial Committee organized four months of activities celebrating the county's people, history, and culture. The festivities included the launch of the Lehigh County Hall of Fame to recognize residents who have achieved greatness in entertainment, sports, business, and other areas. The 24 inductees of the inaugural class included NFL Hall of Famer Chuck Bednarik of Upper Saucon Township, four-time Super Bowl champion Matt Millen of Whitehall Township, actress Amanda Seyfried of Allentown, actress Christine Taylor of Lower Macungie, famed Chrysler CEO Lee Iacocca of Allentown, Brigadier General Anna Mae Hays, the first female general in the U.S. military and an Allentown native, and Golf Channel analyst Rich Lerner of South Whitehall.

Mr. Speaker, I am proud to recognize the county that my family and I call home on the occasion of its bicentennial. I ask all my colleagues to join me in honoring Lehigh County's 200th anniversary.

#### RECOGNIZING VALLEY MEDICAL'S ALLIANCE WITH UW MEDICINE

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Valley Medical Center, located in Renton, Washington, for being named one of the Best Hospitals in the Puget Sound by U.S. News & World Report. The hospital is also celebrating the one-year anniversary of Valley Medical Center's alliance with University of Washington Medicine. The alliance has increased the availability and quality healthcare to the Puget Sound region.

Since partnering with UW Medicine, Valley Medical Center has increased services and clinical expertise for residents by expanding coverage in neurological and thoracic surgery. Valley Medical Center has also expanded education and training programs. These programs create better access to primary care and other forms of specialized care when needed. The Best Hospitals ranking also honored Valley Medical Center for high performance in orthopedics, diabetes, and endocrinology.

Valley Medical Center hopes to bring more expansion in clinical areas as their alliance with UW Medicine grows. The alliance most

importantly hopes to reduce the overall cost of healthcare and make access to care readily available. Since the recent enactment of healthcare reform, Valley Medical Center's clinics and UW Medicine's neighboring clinics have already improved their accessibility by having world class specialists readily available.

Mr. Speaker, it is with great honor that I recognize the accomplishments of Valley Medical Center and the one-year anniversary of Valley Medical Center's alliance with UW Medicine. I am confident that the alliance will strengthen and continue to provide remarkable care to the community for years to come.

#### ALZHEIMER'S ACTION DAY

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to recognize September 21, 2012, as Alzheimer's Action Day and to offer my support to the Alzheimer's Association for their work to provide care and support for individuals with Alzheimer's and their families.

The Alzheimer's Association, Houston and Southeast Texas Chapter has served Southwest Houston since 1980, when caregivers Harry Walker and Al Malyn created the chapter at a local church to care for their wives. The organization now includes over 300 volunteers who serve 37 countries. With chapters like this, the Alzheimer's Association is able to make a difference. I would like to congratulate this chapter's hard work and accomplishments and thank them for their leadership in our community.

Alzheimer's disease leaves millions of American families in emotional and financial ruin. It affects more than 4 million people nationwide and will affect as many as 14 million by 2050. Additionally, almost 15 million Americans are caring for a person with Alzheimer's disease or another dementia.

My mother-in-law battled this disease, so I appreciate how devastating it can be. During the last Congress, I was a cosponsor of the National Alzheimer's Project Act, introduced by our colleague Representative MARKEY. This important law created the Office of the National Alzheimer's Project and called for a National Alzheimer's Plan. During this Congress, I am pleased Representative MARKEY continues his efforts aimed at combating Alzheimer's by introducing the HOPE for Alzheimer's Act, which I have cosponsored and I believe it deserves consideration by the House.

Making advances in Alzheimer's is a goal in our national interest. We must continue funding programs aimed at education, support and research. This enjoys bipartisan support and I am proud to work with our colleagues to maintain our Nation's commitment to this effort.

HONORING THE 100TH  
ANNIVERSARY OF DEVEREUX

**HON. CHARLES W. DENT**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. DENT. Mr. Speaker, I rise today to honor the work of Devereux, a nonprofit behavioral health organization based in Pennsylvania, and congratulate the organization on its upcoming 100-year anniversary.

Devereux operates a comprehensive national network of clinical, therapeutic, educational and employment programs and services. Devereux also works on research based prevention initiatives that help to empower children and adolescents. Founded in 1912 Devereux has grown over the last hundred years from helping twelve students to tens of thousands, including students in the 15th District of Pennsylvania in Allentown, PA.

The Allentown School District partnered with Devereux in 2011 to implement the Promoting Alternative Thinking Strategies program (PATHS). The program teaches self-control, emotional understanding, self-esteem, relationships, and interpersonal problem solving. PATHS is designed to promote students' social and emotional health which is crucial for academic success. Programs like these can markedly increase academic achievement, address conduct problems, and decrease emotional distress in children. Devereux has provided reports to assist teachers and schools with implementation of the program, collected data, and worked to overcome any challenges the schools face.

Devereux's mission is to change lives and nurture human potential. By continually investing in the community, they have helped to improve outcomes in student's lives and academics. These types of changes can already be seen in Allentown classrooms.

Mr. Speaker, I ask that my colleagues join me today in congratulating Devereux on 100 years of service to countless children, adolescents, adults and their families, the Commonwealth of Pennsylvania and to the Nation.

A TRIBUTE TO CARMEN  
ARELLANO LEE 2012 SPIRIT OF  
MATER AWARD RECIPIENT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Carmen Arellano Lee, a 1954 graduate of the Convent of the Sacred Heart, Menlo Park, California. Carmen is being honored on October 20, 2012, with the coveted Spirit of Mater Alumni Award, which recognizes alumni who "radiate Mater's spark of divine spirit and who employ life in a manner representative of the Sacred Heart Schools, Atherton Goals and Criteria. Schools of the Sacred Heart commit themselves to educate to a personal and active faith in God, a deep respect for intellectual values, a social awareness which impels to action, the building of community as a Chris-

tian value, and personal growth in an atmosphere of wise freedom."

Carmen Lee founded the Peninsula Network of Mental Health Clients, an organization composed of clients receiving care provided by public mental health providers and serves as advocates for them. In 1990 Carmen secured funding and began the Stamp Out Stigma (SOS) program to put a human face on mental health patients and issues and dispel the myths and stereotypes surrounding patients and their illnesses. Since 1990 SOS has delivered more than 2,000 public presentations. Carmen is a committee member for the California State Mental Health Planning Council, People in Recovery for the United States Psychiatric Rehabilitation Association and the Federal Government's Task Force on Suicide Prevention.

Mr. Speaker, I ask my colleagues to join me in honoring this tireless, fearless woman who knows of what she speaks. She has felt the stigma and works to stamp it out. She has experienced the curse of mental illness and works as an advocate for others afflicted by it. If we could clone Carmen Lee, communities across our nation would be better places for those suffering from mental illness.

RECOGNIZING COOKIE HENREY ON  
THE OCCASION OF HER RETIREMENT

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to recognize Cookie Henrey, a doorkeeper for the Office of the Sergeant at Arms, who retired in August 2012. She worked there since 1987.

Cookie started to work on Capitol Hill during the summer of her 16th birthday, June 21, 1976. She worked as a counter girl in the House restaurant until she graduated from Fairmont Heights High School in June 1978. After graduation, Cookie married her childhood sweetheart, Michael Henrey. That union produced three sons, Michael, Jr. and twin boys Marcus and Marcell. In 1979, Cookie started to work for the Office of the Doorkeeper. She stayed there until 1986, and then moved on to work for the Capitol Police as a security aide.

So we will all miss that infectious smile. And, we will not have the sidebar and off-line chatter that so many of us shared with her. Cookie made a point of knowing every Member by name, kept us safe, and offered good tidings to all of us.

Mr. Speaker, for those of us who knew her, entering the Chambers of Congress will be less bright because we no longer have Cookie's sunny disposition. I am sure that I speak for all when I say, "thank you, Cookie." Your service is deeply appreciated.

A TRIBUTE TO SEAN COLE 2012 SACRED HEART PREPARATORY  
ATHLETIC HALL OF FAME  
AWARD RECIPIENT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Sean Cole, a 1992 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor him for his athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Sean Cole who are inducted into the Hall of Fame have made significant achievements in his sports of soccer and baseball and exemplified the principles of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Mr. Speaker, I ask my colleagues to join me in honoring Sean Cole, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his sport have strengthened our community and our country immeasurably.

VETERANS SUICIDE PREVENTION  
MONTH

**HON. DAN BENISHEK**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BENISHEK. Mr. Speaker, America has a veteran suicide epidemic. Bearing the stresses of wartime demands, today more of our nation's heroes are taking their own lives than are killed overseas. We must do more to be there for our servicemembers when they return home and help them transition to civilian life. I am pleased that the Department of Veterans Affairs has recognized September as Suicide Prevention Month and will undertake an outreach campaign to raise awareness of the VA mental health services available to veterans. This month and beyond the agency will educate communities, health care providers, friends and family members about recognizing suicide risk and the resources available to help our loved ones.

As a former VA doctor in Michigan's Upper Peninsula and a Member of the House Committee on Veterans' Affairs, I know that the challenges of military life do not end once our servicemembers retire from active duty. Physical and invisible wounds can last a lifetime, and the mental health and well-being of these brave men and women must remain the highest priority for this country. Community organizations, Veteran Service Organizations, family and friends must continue to familiarize themselves with the signs of a veteran in crisis and learn where to turn for support. Congress and the VA must redouble their efforts to ensure there is always someone on the other end of

the line to help a veteran or family member in need. Everyone can help fight this epidemic, and be there for those that were there for us. I encourage my colleagues to redouble their efforts to raise awareness of this very serious epidemic, and thank all those who have served our country for their immeasurable service and sacrifice.

HONORING AND REMEMBERING  
THE LIFE OF JAMES E. JACOBS  
OF HILLSBOROUGH, NEW JERSEY

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. LANCE. Mr. Speaker, I rise today to honor and remember the life of James E. Jacobs of Hillsborough, New Jersey. James was a loving husband, father, son, brother, uncle, soldier and friend. Born and raised in Verona, New Jersey, he graduated from Montclair State University and later served in the United States Army. He bravely served his country in Vietnam and was awarded the Bronze Star for his commendable service. Jim was honorably discharged as a Specialist.

Jim lived by the Latin phrase: "amor vincit omnia" or "love conquers all." This could not be truer for Jim and the love of his life, Kathleen Geiger, whom he married in 1990. Throughout their twenty two year marriage, nothing brought Jim more happiness than talking about their two greatest accomplishments, their children, Daniel and Katherine. This family will remember him for his everlasting love, support and encouragement.

Jim was a devout New York Giants fan, an expert solver of crossword puzzles, a self-taught guitarist and an aspiring poet. Among his fellow soldiers, friends and family, he was known for standing up for those less fortunate than he.

I join the Jacobs family and friends in remembering Jim for his public service to our Nation and his service to others.

IN RECOGNITION OF BARRY  
BROWN

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor Barry Brown. Barry served as my chief of staff when I was elected into the House of Representatives in 2002 and recently transitioned into his new role with the Alpine Group here in D.C. During the ten years Barry served as chief of staff in my office, I always appreciated his dedication and loyalty to the staff, constituents, and to me.

After receiving his Bachelor of Arts from Texas Tech University, Barry began his career as a legislative assistant for the House Agriculture Committee Chairman, Larry Combest. Barry later became the legislative director to Representative KEVIN BRADY and the chief of staff to Representative KAY GRANGER. While

on Capitol Hill, he also served Representative Dick Armey and Senator Phil Gramm. Before working for my office, Barry was also the Vice President with the Alpine Group.

As a fifth-generation Texan, Barry participates on the National Board of Directors for the Red Raider Club and is a third generation member of the Texas State Society. Barry is also the assistant treasurer of the Vestry of St. Patrick's Episcopal Church.

As you can see Barry is very active in the community and has a passion for Texas and for politics. While Barry can boast many legislative and political achievements, I know he will say his greatest success is being a husband and father. Barry is married to Jennifer Brown who is the chief of staff for Representative LAMAR SMITH. Together, they have a son, Leighton, and a daughter, Gipson.

I want to express my appreciation and best wishes to Barry as furthers his career with the Alpine Group. He will be dearly missed and always warmly welcomed in my office.

A TRIBUTE TO KEN WALSH 2012  
ST. JOSEPH'S SCHOOL HENRY  
SCHIMPF AWARD RECIPIENT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Ken Walsh, a member of the faculty of St. Joseph's School of the Sacred Heart in Atherton, California, who is being honored with the Henry Schimpf Award for his selfless service contributions, commitment and dedication within the St. Joseph's community. Like the man for whom the award is named, Ken Walsh has touched and improved the lives of so many while at St. Joseph's School of the Sacred Heart, and embodies the kind of patient, humble, selfless teaching methods we should all aspire to practice.

Mr. Speaker, I ask my colleagues to join me in honoring Ken Walsh, an educator who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his students have strengthened our community and our country immeasurably.

WORLD ALZHEIMER'S AWARENESS  
DAY

**HON. PETER J. ROSKAM**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ROSKAM. Mr. Speaker, I would like to express my support for the ongoing efforts of this body and the American people to conquer the devastating disease of Alzheimer's. Alzheimer's is one of the top 10 causes of death in America, and the only one without a way to prevent, cure, or even slow its progression. While death rates from diseases such as stroke, heart disease, and breast cancer have

fallen since the year 2000, deaths from Alzheimer's have increased by 66 percent.

Alzheimer's disease affects over 5 million Americans who are cared for by more than 15 million caregivers. These caregivers shoulder the heavy burden of caring for their loved ones and forgoing paid positions while watching the disease progress without the possibility of a cure.

I have several constituents who have been impacted by this disease but two stand out for me personally. Cathy and her daughter Grace have been tireless advocates for their cause. Cathy's husband was diagnosed with early onset Alzheimer's and she has seen the effects up close. Each year they have taken time out of their schedules to travel to DC and as well as my district office to update me on her husband's condition and express their hopes that we can get closer to curing this awful disease. Grace has even taken her advocacy to the Roll Call Forum to speak on her mother and father's behalf. This is why I support the National Alzheimer's Plan.

40TH ANNIVERSARY OF THE  
INTERNATIONAL STORYTELLING  
CENTER

**HON. DAVID P. ROE**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ROE of Tennessee. Mr. Speaker, I submit these remarks to recognize the 40th anniversary of the International Storytelling Center in Jonesborough, Tennessee.

On a warm October day in 1973, Jonesborough—a tiny Tennessee town in the heart of the Southern Appalachian Mountains—played host to the first National Storytelling Festival.

A Jonesborough journalism teacher and his neighbors rolled an old farm wagon into Courthouse Square and, around that wagon, told stories. The Festival was modest, but something happened that sunny October day that has forever changed our culture, the tradition of storytelling, and this Tennessee town.

Recognized as the world's first public event devoted exclusively to storytelling, the Festival ignited a renaissance of storytelling that has spread throughout America and the world and transformed Jonesborough into the Storytelling Capital of the World. In 1975, two years after the first Festival, the institution that would one day become the International Storytelling Center was founded—propelling this growing cultural movement for almost 40 years.

During the past four decades, the International Storytelling Center has advanced the power and possibilities of storytelling—in performance, preservation, and professional practice.

Storytelling can't directly feed the hungry, house the homeless, or cure the sick. But within each of us is the capacity to tap into our stories, our narrative assets, to communicate more effectively—to share knowledge, persuade, entertain, advance a cause, teach, lead change, and visualize the future.

Indeed, a well-told story can communicate truth, concept, or idea with immeasurable

power. So, based on this belief, ISC is dedicated to connecting the powerful tool of storytelling with the voices of individuals, organizations, and communities across the world to help them achieve their goals.

The vision of the ISC is a better life, a better world, through the power of storytelling. To achieve this worthy vision, the ISC is advocating for the power and possibilities of storytelling and providing people across the world with the knowledge, experiences, and tools to effectively tap into the contemporary applications of this longstanding tradition. The ISC is inspiring and empowering people across the world to discover, craft, and share their stories to: enliven and enrich performance—as teller and listener; celebrate our personal, community, and cultural heritage through the preservation of our stories and story traditions; and enhance health and wellness, education, and community services through the professional practice of storytelling.

On October 5–7 of 2012, the ISC and the Jonesborough community are celebrating their 40th anniversary of the National Storytelling Festival—the acclaimed event that launched the storytelling renaissance and transformed Jonesborough, the oldest town in Tennessee, into the Storytelling Capital of the World.

**A TRIBUTE TO DENISE SHELDON  
2012 SACRED HEART PRE-  
PARATORY ATHLETIC HALL OF  
FAME AWARD RECIPIENT**

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Denise Sheldon, a 1993 graduate of St. Joseph's School and a 1997 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor her for her athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Denise Sheldon who are inducted into the Hall of Fame have made significant achievements in her sport of volleyball and exemplified the principals of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Mr. Speaker, I ask my colleagues to join me in honoring Denise Sheldon, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. She lives the five commitments of faith, respect, social awareness, community building and personal growth, and her contributions to her sport have strengthened our community and our country immeasurably.

**RECOGNITION OF MR. ABU NASER  
KHALIQUZZAMAN**

**HON. YVETTE D. CLARKE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. CLARKE of New York. Mr. Speaker, I rise today to recognize the contributions of

Abu Naser Khaliquzzaman, President of World Trade Promotion Center, Inc. to the Brooklyn community and to furthering democracy in his native Bangladesh. The contributions of Mr. Khaliquzzaman have included strengthening ties between the U.S. and Bangladesh, improving the quality of Bangladeshi democracy, and improving the Brooklyn community.

World Trade Promotion Center, Inc. is a Brooklyn based producer and distributor of American food and agriculture commodities, which provides employment and prestige to the community. Mr. Khaliquzzaman's sense of community and vital support has greatly benefited the Brooklyn area.

Mr. Abu Naser Khaliquzzaman, known as Zaman, acts as a community leader in his Brooklyn neighborhood and serves as a Board member for the Dahil Neighborhood Association. Zaman also served as a member of the Board of Directors of the Mid-Atlantic Soybean Association.

Zaman has worked tirelessly to promote democracy in his native Bangladesh for many years, most notably acting as sponsor to a series of non-partisan community programs aimed at strengthening the future of Bangladesh by encouraging women to vote and become more active in politics, and calling attention to the foreign investment potential of Bangladesh. From an early age, Mr. Khaliquzzaman has understood the importance of democratic processes and has spread his understanding to his community following the Independence of Bangladesh from Pakistan.

In response to the tragic events of September 11, 2001, Mr. Khaliquzzaman organized a press conference to condemn the acts of terrorism and convey to the Bangladeshi people how acts of terrorism ruin relations among nations. In the following years, Zaman Khaliquzzaman has worked to create unity among people of all walks of life and has sponsored a series of religious and civic events to these ends.

Abu Naser Khaliquzzaman has also worked to improve relations between the US and Bangladesh by holding a series of events in Dhaka with the objective of finding common ground for peace and condemning international terrorism. Zaman Khaliquzzaman has dedicated efforts to facilitate cooperation and understanding between the United States and the Muslim world.

Today, I rise to honor Mr. Abu Naser Khaliquzzaman for his contributions to the Brooklyn community and the U.S. relationship with the Muslim world. It is my honor to recognize Mr. Abu Naser Khaliquzzaman as a promoter of democracy and community in Brooklyn and abroad.

**ROBERT E. LEE HIGH SCHOOL  
INTERACT CLUB**

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. POE of Texas. Mr. Speaker, today, I want to recognize the important contributions that the Robert E. Lee High School Interact

Club has made to the Baytown, Texas community. For over 50 years, the club has proudly served our community. This is quite an accomplishment in and of itself, but in the last year alone, the club has completed over 900 hours of community service.

Sponsored by the Baytown Rotary, the club's community service projects last year included the annual cancer fundraiser, Relay for Life; campus clean up events; hosting a Red Ribbon Week, and serving meals at the Baytown Thanksgiving community dinner. The club also held a Trick-or-Treat for Hunger event where it collected 1,587 canned goods to donate to our community.

With a motto of "service above self", the club's members are learning many important life lessons: how to be selfless; how to be a leader; how to be a person of integrity; how to respect others and how to help someone during a difficult time. The members may be young in age—only teenagers—but they are putting these life lessons into action and making important contributions to the Baytown community.

The Baytown community has been enriched by the members of the Robert E. Lee Interact Club and will continue to be as the students put service above self for the next 50 years. And that's just the way it is.

**A TRIBUTE TO NANCY SULLIVAN  
STRETCH 2012 SPIRIT OF MATER  
AWARD RECIPIENT**

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Nancy Sullivan Stretch, a 1957 graduate of the Convent of the Sacred Heart, Atherton, California. Nancy is being honored on October 20, 2012, with the coveted Spirit of Mater Alumni Award which recognizes alumni who "radiate Mater's spark of divine spirit and who employ life in a manner representative of the Sacred Heart Schools, Atherton, Goals and Criteria. Schools of the Sacred Heart commit themselves to educate to a personal and active faith in God; a deep respect for intellectual values; a social awareness which impels to action; the building of community as a Christian value; and personal growth in an atmosphere of wise freedom."

Nancy is being honored for spending her life working toward fulfilling the goals and criteria of a Sacred Heart education. She served for eight years as Board President of Creativity Explored, a San Francisco organization devoted to supporting people with developmental disabilities in their quests to become working artists. She serves her parish as a Eucharistic Minister and founded the "Peanut Butter Brigade" which prepares hundreds of brown bag lunches and distributes them to the homeless of San Francisco. Her volunteers include small children, teens, adults and seniors. Nancy also served her community as an Assistant District Attorney for the City and County of San Francisco.

Mr. Speaker, I ask my colleagues to join me in honoring Nancy Sullivan Stretch, a woman

who has lived a life which embodies the goals and criteria of Sacred Heart Schools. She lives the five commitments of faith, respect, social awareness, community building and personal growth, and her contributions have strengthened our community and our country immeasurably.

#### TRIBUTE TO KEN RIVERS

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to the community of Riverside County are exceptional. Southwest Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Ken Rivers is one of these individuals. On September 27, 2012, Ken will be honored as the "Citizen of the Year" at the Boy Scouts of America—Tahquitz District Distinguished Citizens Dinner.

Ken's background encompasses over 25 years of executive healthcare administration. While earning his master's degrees at the University of La Verne, he became a chief operating officer of a Southern California hospital at the young age of 23.

Prior to joining Southwest Healthcare hospitals, he served as the Chief Executive Officer and Managing Director at the Corona Regional Medical Center in my hometown of Corona. He joined Southwest Healthcare System in 2009, where he has served as the Chief Executive Officer/Managing Director. Southwest Healthcare System operates Inland Valley Medical Center in Wildomar and Rancho Springs Medical Center in Murrieta and Temecula Valley Day Surgery in Murrieta. Just recently, he joined CHA Health System in Los Angeles which will allow him to further his career at the international level of healthcare.

Ken's accomplishments at Southwest Healthcare System have reflected his attitude of treating patients like family. Along with a dedicated leadership team, physicians and the entire hospital staff, Ken directed the opening of the \$91 million expansions to both hospitals which include new emergency departments featuring more than 70 bays, expanded the Intensive Care Unit at Inland Valley by doubling bed capacity, and the largest Women's Center in the entire region located at Rancho Springs. His leadership was instrumental in passing one of the largest state and federal surveys. He is currently developing the region's first Neonatal Intensive Care Unit at Rancho Springs and Cardiac Services at Inland Valley.

It is hard to imagine that Ken would have any free time on his hands yet he always found time for his community. A Paul Harris Fellow and Rotarian, Ken serves with many philanthropic and healthcare organizations including Chairman for the Riverside County Chapter of the American Red Cross. He also enjoys spending time with his two children, traveling, and playing golf.

In light of all Ken has done for Southwest Riverside County, the Boy Scouts of Amer-

ica—Tahquitz District named Ken their Citizen of the Year. Ken's tireless passion for community service has contributed immensely to the betterment of the community of the Inland Empire. He has been the heart and soul of many community organizations and events and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he receives this prestigious award.

#### IN HONOR OF EILEEN DAILY

### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. COURTNEY. Mr. Speaker, this year residents of Connecticut's 33rd District will bid a fond farewell to a woman who has served them for nearly two decades. Her colleagues described Senator Eileen Daily as a woman who was concerned with the people she represented, rather than the politics of the day. While serving in Hartford for twenty years, she never stopped personally helping those living in her district near the Connecticut River and along the Long Island Sound.

Prior to being elected to the Senate, Eileen served on the Westbrook Board of Education until 1983 when she became the town's First Selectwoman. When Eileen Daily went to Hartford as a State Senator six years later, she quickly earned the respect of her peers. She became an influential member and was made Chair of the Finance, Revenue and Bonding Committee—a position she held for five terms.

Among her numerous accomplishments, Senator Daily co-authored the Small Town Economic Assistance Program which provided grants for major public works projects. The program was designed to fuel development in small towns that would otherwise be unable to afford funding. She played a crucial role in negotiating components of and funding for an innovative industrial wastewater treatment facility in Clinton.

I am proud of working with Senator Daily to secure funding for a dredging project in Westbrook. A host of destructive storms had caused silt build up and erosion, impacting the marinas along the Patchogue River. Local restaurants and shop owners, dependent on the boaters, no longer have to worry about keeping their businesses afloat. I also collaborated with Eileen to protect the scenic Eightmile River Watershed and designate it within the national Wild and Scenic River system.

In addition to her legislative work, Eileen also serves on the Board of Directors of the Valley Shore YMCA, the Middlesex County Substance Abuse Action Council, and on the Fiscal Chairs Committee of the National Conference of State Legislatures. In 2004, Senator Daily was part of a select trade delegation from the National Foundation of Women Legislators to visit the Kingdom of Bahrain. On her trip, Eileen assisted women who had recently gained the right to vote prepare to run in local elections.

As Senator Daily finishes up her final term, I wish her the best of luck. Although she is re-

tiring from public office, I have no doubt that she will remain an active and beloved member of her community. I ask my colleagues to join with me in congratulating Senator Eileen Daily on her retirement and recognizing her amazing career.

#### A TRIBUTE TO TREVOR SCHAFER 2012 SACRED HEART PRE- PARATORY ATHLETIC HALL OF FAME AWARD RECIPIENT

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Trevor Schaffer, a 1998 graduate of St. Joseph's School and a 1992 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor him for his athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Trevor Schaffer who are inducted into the Hall of Fame have made significant achievements in his sports of soccer, baseball and basketball and exemplified the principals of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Mr. Speaker, I ask my colleagues to join me in honoring Trevor Schaffer, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his sport have strengthened our community and our country immeasurably.

#### CONGRATULATING DR. ANTHONY ALLEN

### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating Dr. Anthony Allen as the 17th President of Hannibal-LaGrange University.

Dr. Allen, a native of North Carolina, attended Duke University where he played football for four years while studying history and religion. He earned both a Master of Divinity and Master of Theology at Southern Baptist Theological Seminary and then went on to earn his doctorate in higher education administration at North Carolina State University. Dr. Allen, his wife Stacy, and their five children currently reside in Kansas City, where he is Senior Vice President of Administration at Midwestern Baptist Theological Seminary. Dr. Allen's dedication to Christian higher education and the shared values of Hannibal-LaGrange University, or HLGU, make him an ideal candidate for the position.

I am proud to represent HLGU, a 4-year liberal arts school situated in "America's Hometown," Hannibal, Missouri. HLGU is known for



its Christian commitment that has been preserved since its founding in 1858. Dr. Allen shares this commitment and is dedicated to leading HLGU into the future while preserving its Christian heritage. I am confident he will be an outstanding leader both at HGLU and in the greater Hannibal area.

Please join me in congratulating Dr. Allen on his appointment as HLGU's new president and welcoming him and his family to the Hannibal community.

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HONORING KEVIN W. BRADLEY

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**HON. ANN MARIE BUERKLE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. BUERKLE. Mr. Speaker, I rise today in honor of Kevin W. Bradley. On August 24, 2012 I had the great honor of attending Kevin Bradley's pinning ceremony where he was promoted to the rank of Brigadier General.

General Bradley, a native of Binghamton, New York, received his Air Force commission through the Officer Training School program in 1984. After serving in the United States Air Force, General Bradley joined the New York Air National Guard in 1992 where he has commanded frontline combat units at the squadron, group and wing level. He has served at the National Guard Bureau and the Headquarters United States Air Force. General Bradley is a command pilot with over 3500 hours in the T-37, T-38, F-16 and MQ-9 aircraft. He has flown combat missions in support of Operation Provide Comfort, Operation Northern Watch, Operation Southern Watch, Operation Noble Eagle, Operation Iraqi Freedom and Operation Enduring Freedom.

In 2008, General Bradley began a four year tenure as Commander of the 174th Fighter Wing in Syracuse, New York. Under his command, the 174th saw a number of significant milestones including the conversion of the Wing from F-16 fighter jets to MQ-9 Reaper Drones, the standup of the MQ-9 Field Training Detachment, and the addition of numerous support mechanisms at Hancock field, especially the full-time Director of Psychological Health.

Brigadier General Kevin W. Bradley currently serves as Assistant Adjutant General—Air, New York Air National Guard. In this role, General Bradley is responsible for five flying wings and the Northeast Air Defense Sector. He is the primary advisor to the Adjutant General on all Air Guard matters.

General Bradley has answered the call to serve his country for more than 28 years. His service has made a great difference in the lives of so many. On behalf of the 25th Congressional District of New York, I thank General Bradley for his many years of service to our nation and community. America is grateful for his service and sacrifice, and that of his wife Karen.

A TRIBUTE IN HONOR OF THE  
LIFE OF DONALD HARVEY SEILER

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**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of an extraordinary man, Donald Harvey Seiler, who passed away on August 3, 2012. Don was a native San Franciscan and was educated at the University of California at Berkeley where he earned his BS and MBA degrees, and a member of Lambda Phi Fraternity. After graduation from Berkeley, he worked as an accountant before founding Seiler and Company in 1957. He served on the boards of Ross Stores, Inc., and Greater Bay Bancorp., and was active as a volunteer in the Jewish community. He served as President of the Board of Beth Am in Los Altos Hills and in other roles on the congregation's board, and as president and campaign chair on the board of the Peninsula Jewish Community Center. He served on the board of the Taube-Koret Campus for Jewish Life, the Council of Jewish Federations, the Jewish Home for the Aged, the Jewish Community Endowment Fund, Mount Zion Hospital and United Jewish Community Centers.

Don's philanthropy and leadership extended to education, medicine and environmental causes. He funded the Public Accounting Chair at UC Berkeley's Haas School of Business in 1995, and served on the boards of the Peninsula Community Foundation and the Stanford Medical Center. He and his wife Ruthie chaired the board of Stanford Hospital's Friends of Cardiovascular Medicine. He received the Public Service Award from the California Society of CPAs, the Robert Sinton Distinguished Leadership Award from the Jewish Community Federation, and the Professional of the Year Award by the Jewish Community Endowment Fund. He was also honored with the Avenidas Lifetime of Achievement Award.

Don met his wife Ruthie in college and they were married for 62 years. They traveled widely and shared a long and loving marriage. They moved to the mid-peninsula in 1960 where they raised their children, Carol and Matt. Don was the loving grandfather of Cory and Mark Roberts, Matt and Allie Seiler, and the brother of Stuart Seiler and his wife Gaye. He also leaves his daughter-in-law Susan.

Mr. Speaker, I ask my colleagues to join me in honoring the memory of Donald Harvey Seiler and in extending our most sincere sympathy to his wife and family. He was a great and good man, one who gave so generously of his considerable talents and extensive resources to benefit others. Don Seiler's life defined what a great citizen is and can be.

IN RECOGNITION OF THE 49TH  
GEORGIA STATE WORKSHOP OF  
OMEGA PSI PHI FRATERNITY

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**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to recognize the 49th Georgia State Workshop of Omega Psi Phi Fraternity, which will be held on October 4–7, 2012 in Columbus, Georgia. Around 1,500 members of Omega Psi Phi Fraternity, Inc. from across the State of Georgia will gather in Columbus with their families for this event. The 2012 State Workshop theme is "Friendship and Fraternity, Beyond 100 Years."

Since its founding in 1911 at Howard University in Washington, DC, Omega Psi Phi members have worked tirelessly to give back to their communities. The men of Omega Psi Phi have provided a consistent source of support and service to communities throughout the United States and the world. Upholding the organization's cardinal principles of manhood, scholarship, perseverance, and uplift, the men of Omega Psi Phi Fraternity, Inc. have maintained a commitment to the betterment of mankind, enhancement of the community, and the enrichment of collegiate men. Today, the fraternity boasts more than 700 chapters throughout the United States, Bermuda, the Virgin Islands, South Korea, Japan, Liberia, Germany, and Kuwait.

The local Men of Omega Psi Phi, including the Chapters of Lambda Iota and Nu Delta at Columbus State University, have contributed to the community by holding numerous voter registration drives and blood drives. They have also donated school supplies to elementary and high school students as well as more than \$350,000 to local high school seniors who plan to attend college.

Omega Psi Phi members have also mentored hundreds of at-risk youth and have hosted local Talent Hunt programs for gifted Performing Arts students. They have conducted hundreds of Adopt-A-Highway cleanups and donated Thanksgiving and Christmas baskets to the needy in the community. In addition, members have served on various civic boards in the Columbus community.

Continuing the tradition of giving back, Omega Psi Phi's 49th Georgia State Workshop will conduct a Health Fair and a State-wide Talent Hunt for students of the Performing Arts. They will also mentor young African-American male students at Marshall Middle School and make a collective donation to Feed the Valley, a local food bank.

Mr. Speaker, I ask my colleagues to join me today in recognizing the 49th Georgia State Workshop of Omega Psi Phi Fraternity. The Columbus community welcomes these outstanding men and their families and applauds their dedication and service to the community.

STOKOE FARMS 200TH  
ANNIVERSARY**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. SLAUGHTER. Mr. Speaker, today I rise to honor the Stokoe Family of Scottsville, New York. For 200 years, Stokoe Farms has thrived as a family farm, and grown to become an icon of Western New York.

Thomas Stokoe founded Stokoe Farms in 1812, after immigrating to the United States from Nafferton, England. Thomas originally purchased 100 acres on Bowerman Road in Scottsville. A year later, Thomas married Maria Romeyn and by 1859 Thomas and Maria had passed the growing family farm onto the next generation.

Today, the 7th generation of Stokoe family members continues to operate Stokoe Farms. It has continued to grow over the years thanks to the hard work, commitment and dedication of the Stokoe family, and is now home to crops, livestock and agri-entertainment that draw 60,000 visitors a year.

Today's farm is sustained by the hard work and dedication of Dick, Greg, Kim, Jeff, Scott, Debra, Larry, Martha and Suzanne. Over the years, these family members have maintained the farming practices pioneered by Thomas 200 years ago. In order to ensure the long-term sustainability of the farm, the Stokoe family uses practices such as conservation tillage, integrated crop management, and minimal use of pesticides to ensure the farm grows for generations to come.

Perhaps most notably, the Stokoe family brings the same dedication and devotion to their work in our Western New York community. When not on the farm, the Stokoe family has selflessly served on both school and town boards, and devoted themselves in service of their faith.

Mr. Speaker, like our families, our nation is the product of work that has spanned generations. As the Stokoe family celebrates 200 years of family farming, they show our nation that it is the time-honored values of hard work, integrity and dedication to community and family that will sustain our nation, and Stokoe Farms, for another 200 years to come.

A TRIBUTE TO THE LIFE OF  
CHARLES NEWEL "CHUCK" HUGGINS**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor the long and productive life of Chuck Huggins, who was born in Vancouver, British Columbia to American parents in 1925 and died peacefully on August 19, 2012, with his beloved wife and family members with him at his home in Larkspur, California.

Charles Newel Huggins, known to everyone as Chuck, served his nation during WWII as an Army Paratrooper with the 513th Parachute

Infantry Regiment and participated in battles throughout Europe. He graduated from Kenyon College, and with his wife Mime moved to Menlo Park, California, where he began working for See's Candies which would be his career for 55 years. He helped sell the company to Warren Buffett's Berkshire Hathaway Company in 1972, and was appointed President and CEO of the See's Division. He grew the company beyond all reasonable expectations, and estimated that he consumed over 300,000 pieces of candy in the process, before retiring in 2006 at the age of 81.

Chuck lived happily with his wife Mime for 48 years and adored their children and grandchildren. After Mime died, he married Donna Ewald, and they enjoyed 15 joyful years together. Chuck was an extraordinary man. He was known to everyone for his generosity. He loved music, travel, history, jazz, singing, drumming, the Bohemian Club, and he was quoted as saying he and Donna had "serious fun." Next to his family, generosity was his biggest love, and he was famous for it. Countless San Francisco Bay Area charitable events have occurred with a little gold box at each place . . . and diners rushed through dinner for the delicious See's chocolate treat.

Mr. Speaker, I ask my colleagues to join me in extending our most sincere sympathy to Donna Ewald Huggins, Chuck's beloved wife, and to his son Peter Huggins, his wife Sue and their four children, Evan, Ryan, Tye and Dia; his son Charles "Chip", his wife Pam and their children Anna Morris (Matt), Chuck and Mimi; daughter Anne Huggins Walton and her husband Bart; and daughter Shelley Huggins Dutton, her husband Peter and their children Ella Campbell (Alex) and Taylor, as well as Chuck's sister Ruth. Chuck's passing is a hardship for his family and for those of us fortunate enough to have known him and called him friend, as I did. An unknown author of his Los Angeles Times obituary wrote, "Following Chuck's example, be kind to someone every day and make it a 'Wonderful World' in his memory." Chuck Huggins served his country and loved it, and gave back so much to his community, strengthening it. His example of citizenship will stand tall through the ages as the highest standards of all.

THE 50TH ANNIVERSARY OF THE  
CREATION OF THE OFFICE OF  
THE U.S. TRADE REPRESENTATIVE**HON. DAVE CAMP**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. CAMP. Mr. Speaker, fifty years ago this October, Congress directed the President to appoint a Special Representative for Trade Negotiations to lead the Administration's efforts to expand global trade. As a result, for the past 50 years, the U.S. Trade Representative has led the Executive Branch in aggressively opening markets to American-made goods and services and promoting economic growth and job creation through trade. USTR's leadership has contributed in significant ways to the tremendous economic growth that the

United States enjoyed over the past 50 years and firmly established our global economic leadership.

Across Administrations, USTR has maintained an admirable bipartisan and close working relationship with Congress. I've always said that the very best people become the U.S. Trade Representative. The 50-year history of USTR demonstrates that the men and women who have served as the U.S. Trade Representative are strategic thinkers and tough negotiators—the kind of intelligent, can-do people who have demonstrated their ability to advance our trade agenda. And the dedicated USTR employees who serve with them also exhibit that intellectual rigor and high caliber. I'm proud of all that they have accomplished in opening markets and enforcing our rights under our trade agreements.

USTR is uniquely nimble, lean, and effective. In a world that has changed dramatically over the past 50 years, USTR's small size, independence, and direct access to the President have been critical to its success. With these attributes intact, I am confident that USTR will continue to fulfill its mission effectively and commendably for the next 50 years.

RECOGNIZING THE SERVICE OF  
NORTHWEST FLORIDA'S CODY  
TAYLOR**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize Cody Taylor, on the occasion of his retirement after thirty-six years of service as Clerk of Court for Holmes County, Florida. For more than three decades, Mr. Taylor served the citizens of Northwest Florida with distinction and unwavering commitment to public service.

A native of Northwest Florida, Mr. Taylor attended Poplar Spring High School in Graceville. There, he helped lead the basketball team to two state championships. He received a basketball scholarship to Chipola Junior College and to the University of West Florida, where he graduated with a bachelor's degree in Political Science and a master's degree in Public Administration. In 1976, Mr. Taylor was elected Holmes County Clerk. He has served in this capacity with the utmost respect and integrity. His tireless work ethic and dedication to the citizens of Holmes County for the last thirty-six years did not go unnoticed. In 2007, Mr. Taylor was named the "Clerk of the Year" by the Florida Association of Court Clerks and Comptrollers.

Mr. Taylor's commitment to the Northwest Florida community extends well beyond his role as Holmes County Clerk of Court. He is an active member of the Holmes County Chamber of Commerce and a devoted member of the First Baptist Church. Mr. Taylor served in the Florida Army National Guard and as a member of the Bonifay Kiwanis Club and West Florida Regional Planning Council. For twenty years, he served as a member of the Bonifay Little League Association and as a basketball official for the Florida High School

Athletic Association. He was also the President and Board Member of the Holmes County Fair Association, President and co-founder of Holmes Healthcare, and Vice President of the Florida Future Farmers of America.

In addition to his service to the community, Mr. Taylor is also a loving and committed husband, father and grandfather. He and his wife Brenda, also a Northwest Florida native, have four children, Zachary, Whit, Lucas, and Hilary; and eleven grandchildren, Jordan, Jacob, Jackson, Kodie, Campbell, Graham, Gwynneth, Eli, Taylor, Brighton, and Georgia. I know Mr. Taylor looks forward to spending more time with them following his retirement.

Mr. Speaker, on behalf of the United States Congress, I thank Cody Taylor for his dedication to our community, and I congratulate him on his retirement. My wife, Vicki and I wish him and his family all the best.

#### PERSONAL EXPLANATION

#### HON. RANDY HULTGREN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. HULTGREN. Mr. Speaker on rollcall vote No. 590 on September 20, 2012, the record shows that I did not cast a vote even though I was present for the vote. I intended to vote "yes."

#### SUMMARY OF RFK CENTER'S TRIP TO MOROCCAN-CONTROLLED WESTERN SAHARA AND SAHRAWI REFUGEE CAMPS IN ALGERIA

#### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. WOLF. Mr. Speaker, I submit for the RECORD the preliminary observations of a Robert F. Kennedy Center Delegation to Moroccan-controlled Western Sahara and the Sahrawi refugee camps in Algeria. The executive summary paints a bleak human rights picture.

Too often the government of Morocco is held up as a regional model for human rights and tolerance. But this report, among others, including a September 17 Reuters story which reported that, "Last week, a network of 18 Moroccan human rights organizations said rights have declined despite the adoption of a new charter proposed by the ruling monarchy last year at the height of street protests," once again call that reputation into question.

ROBERT F. KENNEDY CENTER DELEGATION TO MOROCCAN-CONTROLLED WESTERN SAHARA AND SAHRAWI REFUGEE CAMPS IN ALGERIA—SUMMARY OF PRELIMINARY OBSERVATIONS

On Friday, August 31, 2012 an international delegation of the Robert F. Kennedy Center for Justice and Human Rights (RFK Center) concluded a visit to evaluate the human rights situation in Moroccan-controlled Western Sahara and the Sahrawi refugee camps near Tindouf, Algeria. The RFK Center delegation met with victims of human

rights violations, a broad range of representatives of civil society, representatives of the international community, and government officials. The delegation also noticed that the conflict stalemate has a serious impact on the rights of the Sahrawi population in both Moroccan-controlled Western Sahara and refugee camps.

#### MOROCCAN-CONTROLLED WESTERN SAHARA

Though the Moroccan Constitution now incorporates advances that include the criminalization of torture, arbitrary detention, and forced disappearances, the delegation observed the need for increased implementation of these changes. In spite of these guarantees, these freedoms are often undermined by the King's authority as the "guarantor of the independence of the Nation and the territorial integrity." In conjunction with article 3 of the Moroccan Law of Associations, these provisions have led to the prohibition of associations of certain groups and individuals such as those Sahrawi advocating for the right to self-determination of Western Sahara.

Large Police and Military Presence in Capital City of El-Ayoun: Most Sahrawi interviewed expressed concern about the uniformed and plain-clothed police and military personnel posted on almost every corner. Sahrawi who were not pro-Moroccan reported that they were followed and verbally abused in the streets by police. The RFK Center delegation was under surveillance by security officers for the duration of their time in El-Ayoun.

Police and State Brutality: Characteristic of the situation, the RFK Center delegation witnessed firsthand a police attack on a peaceful demonstrator. One uniformed police officer and three State agents attacked the woman who subsequently needed medical attention. Moroccan government dismissed the delegation's report of the incident, and instead attempted to discredit it. Two of the State agents involved in the beating (Mohammed Al Hasouni and Mohamed Natichi) were described as human rights violators in reports by other victims interviewed. The delegation heard innumerable reports of non-violent protesters who were detained and tortured for participating in peaceful demonstrations. Other cases included: 1) police brutally beat a mentally disabled man who was involved in demonstrations in 2005, 2008, and 2012. 2) The emblematic case of Said Dambar, a 26 year-old man who was shot and killed by a Moroccan police officer after being beaten in 2010. His family still waits for an autopsy, a murder investigation, and to learn the whereabouts of this body.

Nearly absolute impunity for human rights violations: In spite of the numerous denunciations of cases of torture received by the delegation, the Prosecutor of First Instance in El-Ayoun informed the delegation that, over the past five years, only one state agent was successfully prosecuted for committing an act of torture.

Violation of the Sahrawi people's rights to freedom of expression, freedom of assembly, and freedom of association:

The delegation met with representatives of a group of seven people criminally prosecuted under spurious charges for expressing their opinions. The group was arrested and charged with treason upon their arrival in Morocco after criticizing the Moroccan government from Algeria. The group was imprisoned and is now on provisional release, pending a final decision.

Pro-independence Sahrawi human rights groups are barred from registering and are deemed illegal to register as civil society or-

ganizations. Registration is essential for allowing the organizations to effectively advocate in their communities. Notably, The Collective of Saluawi Human Rights Defenders (CODESA), Moroccan Association of Human Rights (AMDH) El-Ayoun Chapter, and the Sahrawi Association of Victims of Grave Human Rights Violations Committed by the Moroccan State El-Ayoun, Western Sahara (ASVDH).

Assaults, threats, illegal searches, surveillance, and criminal prosecutions by high-level authorities designed to discredit and stigmatize the work of human rights defenders and attorneys who represent victims of human rights abuses (e.g., RFK Human Rights Award laureate Aminatou Haidar).

Concerns of retaliation against those who met with the RFK Center delegation.

#### SAHRAWI REFUGEE CAMPS—THE SAHARA DESERT

The RFK Center delegation did not observe any restriction on the freedom of movement or association.

Basic Needs—There are concerns regarding: food ration quality, quantity, and variation; exposure to extreme heat (which can reach 115 degrees); limited electricity; need for permanent housing; and limited sanitation.

The camps house over 100,000 people and have been in existence for 37 years in harsh physical and psychological situation that put at risk their well-being.

#### PRELIMINARY RECOMMENDATIONS

1. The Moroccan government should:

Immediately stop the harassment, violence, persecution, and intimidation of pro-independence Sahrawi people;

Investigate, prosecute, and punish those involved in past and present human rights violations;

Immediately suspend government agents under investigation for human rights violations and establish an effective vetting program;

Ensure effective access to due process and judicial guarantee, without discrimination, and regardless of political positions;

Release prisoners falsely accused of committing a crime, while exercising their right to freedom of expression and association.

2. The U.S. government should support the inclusion of a permanent human rights monitoring and reporting mandate to the UN Mission for the Referendum in Western Sahara (MINURSO).

3. The international community should encourage further negotiations to guarantee the fulfillment of the right to self-determination of the Sahrawi people as established in several UN resolutions and in the decision of the International Court of Justice.

#### HONORING THE 75TH ANNIVERSARY OF SUMMIT ROAD AT THE SCOTTS BLUFF NATIONAL MONUMENT

#### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor the seventy-fifth anniversary of the Summit Road at the Scotts Bluff National Monument. The road opened on September 19, 1937 after four years of work. Efforts to

design and build the road continue to allow Nebraskans and Americans from across the country to enjoy one of the most spectacular views in our nation.

Today we celebrate not only the achievement of building the Summit Road, but also the beauty and historic significance of this National Monument.

Scotts Bluff served as an important landmark for Americans as they moved West during the Nineteenth Century. Pioneers often faced extreme hardship travelling to and settling new lands. They risked everything to give their families a better life, and laid the foundation for the Good Life Nebraskans cherish.

I hope all of my colleagues will join me in celebrating the Scotts Bluff National Monument on this important anniversary.

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OUR UNCONSCIONABLE NATIONAL  
DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office; the national debt was \$10,626,877,048,913.08.

Today, it is \$16,014,424,023,771.68. We've added \$5,387,546,974,858.60 dollars to our debt in 3.5 years. This is \$5.4 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

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RECOGNIZING THE GIRL SCOUT  
COUNCIL OF THE FLORIDA PAN-  
HANDLE AND THE GIRL SCOUTS  
OF THE USA ON THEIR 100TH AN-  
NIVERSARY

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the Girl Scout Council of the Florida Panhandle and the Girl Scouts of the USA on the occasion of their 100th anniversary.

Over the last century, the Girl Scouts of the USA has been committed to service and empowering America's youth. Today, this organization continues to bestow in young girls the courage, confidence, and character necessary for success in life. They afford young girls the opportunity to grow and develop physically, mentally, and spiritually. What began as only eighteen girls from Savannah, Georgia, on March 12, 1912, has grown over one hundred years later into a distinguished group with a membership of over 3.2 million girls and adults.

In my district alone, the Girl Scout Council of the Florida Panhandle comprises over two thousand girls and nearly one thousand adult volunteers from Escambia, Santa Rosa, Okaloosa, and Walton Counties. The members of the Panhandle's Girl Scout Council

have demonstrated their commitment to bettering the community by participating in a myriad of events, such as the Christmas and Veterans Day Parades and Earth Hour. Through these events and fundraisers, they have touched the lives of many. Northwest Florida is proud of their achievements and grateful for their dedication.

Mr. Speaker, on behalf of the United States Congress, I am privileged to recognize the Girl Scouts of the USA and especially the Girl Scout Council of the Florida Panhandle for their service to the Northwest Florida community. My wife, Vicki and I congratulate them and wish them all the best for continued success.

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RECOGNIZING ARTHUR BYRON  
"DEACON" BOWERS

**HON. DAVID P. ROE**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ROE of Tennessee. Mr. Speaker, I submit these remarks to recognize Mr. Arthur Byron "Deacon" Bowers of Carter County, Tennessee, for receiving the James H. Collier Service Award. The James H. Collier Service Award is given to veterans who continue to serve their country and fellow veterans through their retirement and into their civilian lives. Deacon Bowers is a veteran of the Korean War and has provided a perfect example of how one man can better the lives of veterans in his community.

For 36 years, Deacon dedicated his efforts to the Tennessee Department of Labor and Workforce Development. From 1974–2004, he served as Regional Veterans Employment Representative. By the time of his retirement, Deacon had assisted thousands of military veterans. In retirement, he continues to build on his volunteer legacy by visiting veterans and their families in the hospital. Deacon also helped create both the Veterans War Memorial and the Walk of Honor in Elizabethton, Tennessee.

Mr. Speaker, I commend Deacon for his selfless contributions to Cocke County's veterans and wish him the best as he continues to exemplify the Volunteer spirit.

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IN RECOGNITION OF THE DEDICATED SERVICE OF CHARLES W. CARPENTER

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor Charles W. Carpenter, the president of the Denton Chamber of Commerce for the past 30 years.

Mr. Carpenter graduated from Baylor University in 1975, with a Bachelor's of Arts in communications. His personal and professional background in communications and his exceptional administrative skills have benefited him as he continues in his dedicated service in leading the Chamber and its staff.

He has been recognized for his contributions and continuous leadership to the city of Denton through numerous awards. He was the 2011 recipient of the Boy Scouts Distinguished Citizens Award and was commemorated in front of 20 past chairs of the chamber board for his positive influence through the chamber to the Denton community. In June 2010, he received the Marvin Hurley Lifetime Achievement Award by the Texas Chamber of Commerce Executives Association.

Continually, Mr. Carpenter demonstrates his true passion to influence constructive change in the community of Denton. He is a founding member and supporter of the Denton Chamber 101 Club, which funds the Shop Denton Chamber First program. He is also an alumni member of Leadership Denton, as well as an appointed member of the board of directors of the Denton Economic Development Partnership.

Mr. Carpenter and the other members of the Denton Chamber of Commerce have made it a priority to connect local businesses with one another in order to help the business community of Denton flourish. Also, it is the only chamber in the DFW Metroplex and surrounding area that houses a full-service Small Business Development Center. Under his direction, the Denton Chamber remains a consistent and trustworthy organization for local business. For over 35 years, it has continued to be one of only 250 chambers in the nation to have accomplished and sustained accreditation through the U.S. Chamber of Commerce.

It is my pleasure to recognize the president of Denton Chamber of Commerce, Charles Carpenter, and his 30 years of service to the community. I am privileged to represent the City of Denton in the U.S. House of Representatives.

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RECOGNIZING SEPTEMBER AS HY-  
DROCEPHALUS AWARENESS  
MONTH

**HON. LEONARD LANCE**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. LANCE. Mr. Speaker, I rise today to recognize September as National Hydrocephalus Awareness Month. For too long, little attention has been paid to hydrocephalus.

This condition can occur at any age and affects an estimated one million Americans.

In fact, one out of every 500 babies in the United States is born with hydrocephalus, making the condition the leading cause of brain surgery in children. Additionally, an increasing number of our veterans are developing post-traumatic hydrocephalus as a result of brain injuries suffered on the battlefield.

Currently, there is no single known cause of hydrocephalus or ways to prevent or cure the condition.

The National Institute of Neurological Disorders and Stroke is currently conducting research related to hydrocephalus prevention and treatment. However, more must be done at the community level to educate the American people about this surprisingly prevalent disorder.

Recognizing the month of September as National Hydrocephalus Awareness Month will bring this disease to the public's attention and, I believe, will encourage the discussions necessary to address more effectively the devastating effects of this disease and provide support to families who live with it every day. Today I commend the hard work of the Michael and Kim Illions of Woodbridge, New Jersey for their advocacy on behalf of their son, Cole.

I am certain that with federal support for additional research we can develop a better treatment, and eventually a cure, for those suffering from hydrocephalus and help them live healthier, fuller lives.

#### NATIONAL PULMONARY FIBROSIS AWARENESS WEEK

#### HON. ERIK PAULSEN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. PAULSEN. Mr. Speaker, today, nearly 200,000 Americans suffer from Pulmonary Fibrosis, and an estimated 40,000 lose their battle to this disease each year. One death every 13 minutes.

Sadly, more than two-thirds of those living with Pulmonary Fibrosis will die within five years. And to top it all off there is no known cause and no known cure for this debilitating disease.

Next week is "World Pulmonary Fibrosis Awareness Week" and an opportunity to raise awareness for H.R. 2505 the "Pulmonary Fibrosis Research Enhancement Act." This legislation which I authored will establish a much needed national patient registry, encourage future research at the National Institute of Health, and create a national action plan to help us better understand this deadly disease.

This is an important first step forward in the fight to find a cure for pulmonary fibrosis and deliver hope to thousands of Americans living with this disease. I urge my colleagues to join me and co-sponsor H.R. 2505.

#### RECOGNIZING THE RAWSON FAMILY AS THE 2012 OKALOOSA COUNTY, FLORIDA OUTSTANDING FARM FAMILY

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MILLER of Florida. Mr. Speaker, I am proud to recognize the Rawson family for being selected as the Okaloosa County, Florida Outstanding Farm Family for 2012.

Ten years ago, the Rawson family was in search of acreage for hunting. This search subsequently evolved into a successful family run tree farm with a fruit orchard and over one hundred and fifty new oak trees planted each year. Over the past ten years, the Rawson family has managed the land to grow trees and attract wildlife. They use their one hundred fifty acres to plant myriad trees, including

loblolly and slash pine longleaf, sawtooth, bur, shumard, willow, swamp chestnut, cherry bark oak, and pecan trees. The family's fruit orchard with pears, muscadines, and many other fruits was a later addition to the pre-existing varieties of plants.

David and Pat Rawson have been married for thirty-six years, and they have three wonderful children, Paige, Suzanne, and Scott. They all assist in helping out with the farm, including tree planting, pruning, fertilizing, bush hogging, and weed management. It is David and Pat's plan to one day pass on the farm to their children to continue their farming legacy. The Rawson family truly embodies the cohesive nature and household unity that characterize our nation's family farmers.

Outside of their farm, David works part-time as an oral surgeon, and Pat is a devoted homemaker. In addition, both find the time to be active members of the Northwest Florida community. David is a member of the Southeastern Society of Oral and Maxillofacial Surgery, Florida Dental Association, Escambia and Santa Rosa Dental Society, and Escambia Sertoma. Pat is a member of the Junior League of Pensacola and Gulf Breeze Hospital Auxiliary. They both worship and volunteer at the Dorcas Baptist Church, and their continued commitment to agriculture and wildlife is further displayed through their involvement with the Certified Tree Farmers of America, National Wild Turkey Federation, Forest Landowners Association, National Rifle Association, and Florida Farm Bureau. The Rawson's commitment to farm, family, faith, and community is certainly commendable, and they serve as an example to all.

Mr. Speaker, our great nation was built by farmers and their families, and I take great pride in recognizing and paying tribute to the outstanding farm families located in Northwest Florida. This year we honor the Rawson family for their contributions to Okaloosa County and the farming community. On behalf of the United States Congress, I would like to offer my congratulations to the Rawson family for being awarded the title of Okaloosa County, Florida Outstanding Farm Family for 2012. My wife, Vicki and I extend our best wishes for their continued success.

#### VOICING THE CONCERNS OF UPSTATE NEW YORK FARMERS

#### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. REED. Mr. Speaker, I rise today to share with you the concerns of farmers from New York's 29th congressional district. On Monday, September 17th, 2012 I had the opportunity to host an open discussion with my Agricultural Advisory Council which is comprised of farmers ranging from dairy and specialty crop growers to wine makers and beef. The members of this Council represent all eight counties of the district and based on their extensive experience and contributions to New York Agriculture, I greatly value their opinions.

With Agriculture being the largest industry in New York State, any legislation which impacts

our farmers also has a direct impact on our local economy as well as our communities. While all members of this Council said that they would prefer a long term Farm Bill over any extension, I heard an additional sentiment from the audience. That sentiment is a need for stability. This year's setbacks have reminded us just how extremely volatile the agricultural industry is and without stability today, our farmers cannot accurately plan for tomorrow and years to come.

Western New York dairy farmers are currently dealing with the growing Greek yogurt industry in New York State. Without Congressional action, provisions critical to the dairy industry will expire, and dairy farmers across New York will be faced with skyrocketing feed prices. For many of the small family farms in New York this could mean the end of their livelihood. While many provisions in the current farm bill would remain intact through the end of the year, inaction by Congress before September 30th will leave dairy farmers in New York out in the cold.

Other farmers in my district are anxious about the Estate Tax, which is set to return to 55 percent in 2013. Mr. Speaker, with the value of equipment and property, even the smallest farms in New York can be appraised at over one million dollars, making them eligible to be taxed. Our farmers again need the stability of knowing they can build for their family's future and be able to pass down the fruits of their labor for their children and grandchildren. We cannot return to the days when family farms had to be sold off just to pay the estate taxes.

Mr. Speaker, our farmers are the backbone of our nation. We need to help them stabilize their production costs, stabilize their workforce and stabilize their confidence. With a stable agricultural sector we can create jobs, and continue to work to improve our economy and provide badly-needed career opportunities.

#### 60TH ANNIVERSARY OF THE NASHVILLE SYMPHONY ORCHESTRA LEAGUE

#### HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mrs. BLACKBURN. Mr. Speaker, I rise today to commemorate a Music City gem that is celebrating its Diamond Anniversary. This fall marks the 60th Anniversary of the Nashville Symphony Orchestra League. Helping to bring the lofty sounds of the soul to Middle Tennessee, the Orchestra League's good work adds more than just notes to our great State, it adds a glorious soundtrack to our story.

The Nashville Symphony Orchestra League works to support and promote the work of the Nashville Symphony. Since 1946, the Nashville Symphony has been enriching audiences and shaping cultural life through a diverse mix of concerts and performances. The Nashville Symphony Orchestra League, founded in 1952, engages the community by providing innovative programs and educational opportunities; a mission that has been at the heart of

the orchestra since its beginnings. For over 60 years the Orchestra League has touched countless lives, the young at heart and in age, as it continues to offer time, talents, and treasures to enrich the music.

Were it not for the Nashville Symphony Orchestra League, and its hard work throughout the years, Middle Tennessee might not have another beautiful note in her composition known the world over. I ask my colleagues to join with me in honor of those who dedicate their work to the ongoing preservation of the Nashville Symphony; ensuring Nashville's extraordinary and musical legacy rises and settles for another generation of Music City listeners.

HONORING SHELDON OHREN

**HON. ELIOT L. ENGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ENGEL. Mr. Speaker, I rise to congratulate Sheldon Ohren of Monsey in my district who was elected National Commander of the Jewish War Veterans of the U.S.A. at its 117th Annual National Convention this August. He has served as Commander of the Department of New York and is a life member of PFC Fred Hecht Post 425 in Rockland County.

Mr. Ohren served in the Air Force from April 1952 through January 1956. As an Airman First Class, he was assigned to the 6910th Security Group Headquarters in Landsberg am Lech, Germany, where he served as a cryptographic communications specialist.

After leaving the service, he enrolled at New York University and graduated with a Degree in Industrial and Labor Relations. Afterwards he finished his accounting credits at the City College of New York and in 1965 joined the Internal Revenue Service. Before retiring in 2000 as an Appeals Team Chief, he earned a Master of Science Degree from Pace University and taught at Long Island University.

Mr. Ohren was elected Jr. Vice Commander, Sr. Vice Commander, and ultimately Commander of the JWV Department of New York in 2008. He has worked as a member of the National Executive Committee, the National Court, the Convention Committee, as well as a Special Assistant to the President of the National Museum of American Jewish Military History.

He also serves as Vice-Chairman of the West Point Liaison Committee and attends Oneg Shabbats sponsored by JWV at the Academy, and presents Kiddush Cups and Shabbat Candlesticks to the Jewish graduates. In addition, he represents JWV at local Naturalization ceremonies and presents a copy of the Bill of Rights to the new citizens.

Mr. Ohren is a regular visitor at the VA Hospital in Montrose, NY, and has served as a Docent at the Camp Shanks Museum, the Port of Embarkation during World War II.

In addition to JWV, he has been President and Treasurer of his B'nai B'rith Lodge for 10 years and has been a member of Congregation Shaarey Israel for the past 19 years. He is also a Charter Member of the United States Holocaust Museum and a member of the Hol-

ocaust Museum and Study Center in Spring Valley, NY.

He is a Brooklyn native and he and his wife Judy, a Life Member of the Ladies Auxiliary of Post 425, have three children and five grandchildren.

I congratulate Sheldon Ohren on his election as National Commander and most especially for all of the good work he has done for his community, for our country's veterans, and for the members of our Armed Services.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF THE DISCOVERY OF THE VITAMIN

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. PALLONE. Mr. Speaker, as co-chair of the Congressional Dietary Supplement Caucus, I rise today to honor the 100th anniversary of the discovery of the vitamin and, as such, I would like to recognize Polish-American scientist, Casimir Funk.

Mr. Funk is credited with coining the term "vitamin" to describe a group of bioactive substances that are vital to human health. The term "vitamine" was first introduced in his landmark paper, The Etiology of Deficiency Diseases, published in the British Journal of State Medicine in July 1912, in which he identified the dietetic factors whose lack caused "deficiency disorders," including beriberi, rickets, scurvy, and other diseases caused by vitamin deficiency.

He developed the term from the Latin "vita" (life) and "amine" for chemical compounds containing nitrogen. In 1936, Funk published Vitamin and Mineral Therapy, where he called vitamin deficiencies insidious because they occur without warning and can cause irreparable damage. The accomplishments of Casimir Funk have advanced the understanding of nutrition and contributed to the innovation of dietary supplements, which more than 150 million American consume each year.

Because of his work, we know that vitamins are essential for good health through every stage of human life cycle and that our bodies require vitamins to grow, to function, to stay healthy and to prevent the onset of disease.

Therefore, Mr. Speaker, it is my pleasure today to honor the 100th anniversary of the discovery of the vitamin, as well as recognize the achievements of Casimir Funk, the "father of vitamin therapy," and his exceptional contribution to the scientific community and health arena.

HONORING MEMBERS OF THE JAMES W. WILLIAMS AMERICAN LEGION POST 12

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the members of the James W. Wil-

liams American Legion Post 12 for their commitment to the City of Bangor. I would also like to congratulate them as they celebrate their 92nd anniversary.

The James W. Williams Post No. 12 was founded in August of 1920, and they will celebrate their 92nd anniversary this year. The post is named for Cpl. James W. Williams of Bangor, who proudly served in the Maine National Guard during World War I. Cpl. Williams was killed in action on July 17th, 1918 at the battle of Champagne-Marne in Germany.

From its founding, members of the James W. Williams Post No. 12 have dedicated themselves to serving our veterans, members of the armed forces, and the Bangor community. Its members have long been known to offer financial support to the Boy Scouts, the American Cancer Society, and the Eastern Maine Medical Center. The Post also established a Bangor High School JROTC scholarship and Boys State scholarship. Post members were instrumental in supporting the construction of a fifth Veterans Home in Bangor, and they continue to regularly provide comfort to its residents.

Today, we celebrate the tremendous success of the James W. Williams American Legion Post 12 and 92 years of community support and engagement. They have truly made a difference to the city of Bangor and our veterans population.

Mr. Speaker, please join me in congratulating the members of the James W. Williams American Legion Post 12 on their 92nd anniversary.

RECOGNIZING THE 5TH ANNIVERSARY OF FRIENDS OF ST. JUDE MIAMI

**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ROS-LEHTINEN. Mr. Speaker, next Saturday, September 29th, the Miami chapter of the Friends of St. Jude will celebrate its fifth annual "It's All About the Kids" event in Miami. Friends of St. Jude is a group of young professionals dedicated to the mission of St. Jude Children's Research Hospital—advancing treatment and prevention in the fight against childhood cancer.

This year, St. Jude Children's Research Hospital marks its 50th anniversary. Since its opening, St. Jude has made many important discoveries on treatment for children with deadly diseases like cancer, and has saved countless lives worldwide. The doctors and researchers at St. Jude are some of the world's best, and have continued to work together to find better treatments all the time—sharing their discoveries with the global medical community. In 50 years, St. Jude has grown into one of the premier pediatric treatment and research facilities. And they have provided all of their services at no cost to their patients and their families. It is for this reason that the Friends of St. Jude is dedicated to helping St. Jude Children's Research Hospital continue its legacy, and why the Friends of St. Jude of Miami has been such a great resource.

The Miami chapter of Friends of St. Jude is the organization's largest chapter—with over 350 members—and has done tremendous work on behalf of St. Jude's. This year's "It's All About the Kids" event will be hosted by six-time Emmy award winning journalist and co-anchor of the news-magazine show *Primer Impacto*, Pamela Silva Conde and ABC Sports anchor Will Manso. The event will have a distinctive Miami flare, and will feature entertainment from local star, and official Miami Heat DJ, DJ Irie and the Culture Live Band.

Mr. Speaker, these bright and talented individuals gather in a common interest and devote their time, talents and energy volunteering for such a great cause, and they truly deserve praise and recognition for their efforts. On behalf of the entire South Florida community, and all of the patients and families of St. Jude Children's Research Hospital, I would like to thank the Friends of St. Jude Executive Committee: Jeb Bush Jr.-Chairman, Anibal Garcia, Carlos A. Musibay, Cristal Cole, Cristina Musibay Diaz, Javier Milian, Magda Rodriguez, Sofia Holtzman; and I would also like to recognize the host committee: Anna Del Rio Chong, Briana Guerra, Clara Pablo, Desiree Valls, Diana Delgado, Florencia Contesse, Gloria Ordaz, Laura Socorro-Santoni, Lourdes Milian, Luly Valls, Mayrelis Valle, Nicole Perez, Nicole Valls, Olga Garrido, Pamela Silva Conde, Silvia Camps, Suzanne Schmidt and, of course, Wendy Grant.

#### CONGRATULATING TAIWAN ON ITS NATIONAL DAY

#### HON. GUS M. BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BILIRAKIS. Mr. Speaker, I join my colleagues in extending my congratulations to the Republic of China (Taiwan) on its National Day this October 10.

The United States and Taiwan have always had a strong relationship, despite the lack of formal diplomatic ties. This relationship has led to many areas of cooperation such as matters of international security, trade and investment, cultural exchange and education, etc. Still, there are other areas that we can work with Taiwan. For instance, we need to support Taiwan's efforts to have its voice heard in international forums. I look forward to Taiwan's inclusion in international organizations as it will assist in strengthening ties between Taiwan and my home state of Florida and the United States.

We need to continue to give Taiwan all the support it needs. Taiwan is a democracy and deserves our friendship and best wishes.

I send my congratulations to the people of Taiwan.

#### RECOGNIZING THE 60TH ANNIVERSARY OF CHOCTAWHATCHEE HIGH SCHOOL

#### HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the 60th anniversary of Choctawhatchee High School in Fort Walton Beach, Florida. For 60 years, the students, teachers, and staff at Choctawhatchee High have exhibited the assiduous dedication to excellence that makes our nation great.

In 1952, Okaloosa County, Florida completed plans to open a high school in Shalimar, Florida. The county provided a state of the art building designed to hold 500 students; however, the school did not have an official name, so the local newspaper held a countywide naming contest. After the votes were counted, Choctawhatchee High School was declared the winner. Choctawhatchee—derived from a Creek Indian word meaning "coming together"—was a fitting moniker for a school that would unite students from all across Okaloosa County.

Choctawhatchee High School opened its doors on September 22, 1952 in Shalimar, Florida; however, after four years, the school had already exceeded its capacity, and the school relocated to its present location in Fort Walton Beach, Florida. From day one, Choctawhatchee established itself as an institution of academic excellence committed to educating each and every student. Nearly 20,000 students have graduated from the school since its opening, with many of them going on to achieve success in fields ranging from our military and space exploration to professional athletics and business.

Thanks to the dedicated support of teachers, staff, alumni and the entire community, Choctawhatchee has continued to excel and reach new heights. Today, the school offers the only International Baccalaureate program in Okaloosa County, Florida, more than a dozen Advanced Placement classes, an aviation program offered in partnership with Embry-Riddle Aeronautical University, dual enrollment college courses with Northwest Florida State College, computer and electrical engineering programs in conjunction with the University of West Florida, as well as a successful Air Force Junior ROTC program.

Choctawhatchee also has a long and successful athletics program. In fact, the school's tradition of having a student ride a horse onto the field prior to football games served as the inspiration for a similar tradition at Florida State University. Whether it is on the playing field or in the classroom, Choctawhatchee High School's commitment to excellence has served as an inspiration and point of pride for the entire Northwest Florida community.

Mr. Speaker, on behalf of the entire United States Congress, it is an honor for me to rise today to recognize the 60th anniversary of Choctawhatchee High School. The Mayor and City Council of Fort Walton Beach have declared Friday, September 21, 2012, as Choctawhatchee High School Day. My wife Vicki and I join the entire Northwest Florida

community in congratulating Choctawhatchee High School on their 60th anniversary and wishing them continued success.

#### HONORING MISSION EARLY COLLEGE HIGH SCHOOL

#### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. REYES. Mr. Speaker, I rise today in recognition of the achievements of Mission Early College High School. Mission Early College was recently honored with the 2012 National Blue Ribbon award from the United States Department of Education for excellence in education.

The National Blue Ribbon School award honors both public and private elementary, middle and high schools where students achieve at high levels and also schools where the achievement gap is narrowing. Since 1982, more than 6,700 of America's schools have received this coveted award.

I want to personally congratulate the teachers, administrators, and staff of Mission Early College High School for their commitment and dedication to our young students in El Paso. This year only 269 schools nationwide received the award, and a ceremony in Washington, D.C. will honor their achievement. The Blue Ribbon validates the efforts of these schools in creating a positive and effective learning environment. These schools and their communities have achieved a degree of excellence of which they can justifiably be proud.

Mission Early College is a fine example of what can be accomplished when parents, teachers and administrators collaborate to prepare our students for a prosperous future. By emphasizing the importance of leadership, hard work, and dedication, Mission Early College is enabling a new generation of community leaders. In fact, upon completion of their high school career at Mission Early College High School, students not only graduate with a high school diploma, but can also earn up to 60 hours of college credit and an associate's degree. This opportunity for excellence and achievement is giving many students an early and critical exposure to college academics.

In times of economic uncertainty, we cannot lose sight of the paramount importance of our children's education, and I am honored to represent Mission Early College High School.

#### PERSONAL EXPLANATION

#### HON. MARTIN HEINRICH

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. HEINRICH. Mr. Speaker, on September 14, 2012, I unfortunately missed four votes, which included rollcall Nos. 581, 582, 583 and 584.

If I had been present, I would have voted "yes" on rollcall vote 581.

If I had been present, I would have voted "yes" on rollcall vote 582.



If I had been present, I would have voted "yes" on rollcall vote 583.

If I had been present, I would have voted "no" on rollcall vote 584.

#### RECOGNIZING THE RENTON HOUSING AUTHORITY

**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the Renton Housing Authority and congratulate them on the successes of the Sunset Area Community Revitalization Program. The commitment of all who work with the Renton Housing Authority has been instrumental in providing quality, affordable, and safe housing options for low-income individuals and families.

The Renton Housing Authority was established in 1941 to provide middle and low-income workers affordable housing near the Boeing B-29 and PACAR Sherman Tank manufacturing lines. In 1959, the Renton Housing Authority constructed Sunset Terrace.

The Sunset Area Community Revitalization Program is focused on the redevelopment of the Sunset Terrace public housing project. This effort is an important community enhancement that will help all residents of Renton, Washington have a safe place to call home.

The Sunset Area Community Revitalization Program will also receive a 2012 VISION 2040 Award from the Puget Sound Regional Council. This award is given to projects that are finding solutions to the Puget Sound region's expected growth, specifically projects that promote the well-being of our communities and economic vitality.

Mr. Speaker, it is with great honor that I recognize the valuable contributions of the Renton Housing Authority. The organization's dedication to helping people in our communities is laudable.

#### CONCERNS FOR ECUADOR

**HON. DAVID RIVERA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. RIVERA. Mr. Speaker, I am gravely concerned about the deteriorating human rights situation, democratic shortcomings, and increased drug trafficking in Ecuador.

Corruption, inefficiency, and political influence have plagued the Ecuadorian judiciary for many years. In a referendum held in May 2011, President Rafael Correa obtained a mandate for constitutional reforms that could significantly increase government powers to constrain media and influence the appointment and dismissal of judges. President Correa continues to weaken the democratic electoral process by appointing government supporters as authorities in all branches of government.

Ecuador's Criminal Code has provisions that restrict freedom of expression and government

officials use these laws against the ruling party's critics. The "desacato" (lack of respect) clause enables the Ecuadorian government to imprison and prosecute anyone who offends the president or a government official.

President Correa has taken action to strengthen trade relations with Iran, a U.S.-designated State Sponsor of Terrorism. Iran has reduced tariffs for seven Ecuadorian products as well as signed an agreement to supply oil products during 2012 and 2013 to Ecuador. President Correa has expressed his desire to continue trading with Iran and bilateral visits between Correa and Iranian dictator Mahmoud Ahmadinejad occur frequently.

With its location between the two largest cocaine producing countries in the world, Peru and Colombia, Ecuador is a major transit country for narcotics. Ecuador's porous borders and increased participation in the drug trade makes the country very vulnerable to organized crime. Counternarcotics cooperation with the United States is and should remain a major focus of U.S. assistance to Ecuador.

Recently I met with Sociedad Ecuatoriana del Exterior (SEDE), an organization dedicated to fostering freedom and democracy in Ecuador and promoting the wellbeing of Ecuadorian-American citizens. I am asking for unanimous consent to submit for the RECORD the attached letter. This letter provides a detailed outline of the Ecuadorian government's failure to protect the fundamental human rights of its people.

It is critical that we pay close attention to the actions of the Ecuadorian government as they silence political opposition, rig elections, and strengthen ties with Iran.

SOCIEDAD ECUATORIANA DEL EXTERIOR,  
*Doral, FL, August 13, 2012.*

Hon. DAVID RIVERA,  
*U.S. Congressman.*

DEAR MR. RIVERA: Sociedad Ecuatoriana del Exterior (SEDE), in an effort to be faithful to our freedom and democracy principles, considered a must to let you know that there have been very serious fundamental human rights violations in Ecuador, which are listed right below.

1. Freedom of expression have been severely limited promoting absurd and unsubstantiated judgments against prestigious national newspapers such as—"El Universo" magazines private property confiscations, such as "Vanguard" Magazine, and the closure of radio and television stations opposed to the Ecuadorian Government, such as the closing of Radio Morena, a community managed, government opposed radio station.

The electoral process to choose, not only a new president but also Assembly Members, and new Ecuadorian authorities has been null and void from its very beginning when the government simulating knowledge contests, just to end up appointing government supporter as authorities in all branches of government. That, in addition to disqualifying the legally registered political parties due to mistakes made by the National Electoral Council in a clear attempt to have no political opponents in the coming presidential election.

3. The Ecuadorian government has declared Delaware, Nevada, Wyoming and Florida, as "tax havens", therefore seeking to be able force Ecuadorian-Americans in the U.S. to pay taxes in Ecuador for corporations registered in these states and in Ecuador.

4. As Ecuadorian-Americans committed to freedom and democracy, we are very con-

cerned about the Ecuadorian government's announcement on "strengthening" of trade relations with Iran, including the willingness to open a trade office in that country and start "commercial missions" when Iran is considered a country that promotes terrorism and money laundering.

5. All money remittances from Ecuadorians living abroad, sent to Ecuador will be channeled through the Central Bank of Ecuador and then "after making a few bucks" to the final destination, thus, restricting the speed of the process in order, or so they say, to record them and tax these transactions.

All points outlined above, highly affect the already low life quality and business of Ecuadorians living in Ecuador, and also the lives of those Ecuadorian-Americans and residents who live in this great country, who are a part of it and who have sworn to love, respect and defend it, with our lives if it is necessary, as we already have done in the past.

Now, and very respectfully, we would like to ask you to share this document with your colleagues, and for its formal presentation to the Congress of the United States of America.

Sincerely yours,

CARLOS R. LANGE,  
*SEDE President.*

#### IN MEMORY OF PAUL DUNNINGTON

**HON. HAROLD ROGERS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to one of my closest friends and trusted advisors, the late Paul Dunnington of Monticello, Kentucky.

Paul and I quickly became friends when my family moved to Monticello. We shared a lot of great memories together and remained close friends until his battle with cancer came to an untimely end on August 20, 2012.

Paul was a savvy entrepreneur and offered great wisdom and advice to several businesses, boards, and non-profit organizations, including the Monticello-Wayne County Industrial Foundation, the Chamber of Commerce, and my own public service in Kentucky's Fifth Congressional District. In 1986, I tapped Paul to be one of the founding directors of the Southern Kentucky Economic Development Corporation (SKED), where he dedicated 26 years to helping recruit new industry and more than 10,000 new jobs to our rural region.

In addition to his astute business skills, Paul had a heart of gold and an unmatched spirit of philanthropy. He dedicated his life to civic groups and organizations interested in helping the less fortunate, including the Kiwanis Club, Habitat for Humanity, the Kentucky Baptist Disaster Relief, and the Monticello Camp of Gideons International through which he dedicated 15 years to jail ministry, as well as 12 foreign mission trips. He believed everyone deserved a second chance and made it his mission to help the struggling succeed. He was a founding member of the HELP Pregnancy Center in Monticello and recently established the Oxford House in partnership with his church, the Monticello First Baptist Church,

to help men overcome drug addiction, giving them a place to live and helping them find work. One of his legacy projects and his most recent venture was the renovation of the Wayne County Museum, for which he diligently raised funds and dedicated a room in my honor.

Southern Kentucky lost a true humanitarian in Paul Dunnington. May his legacy forever live on through the programs he established to improve the lives of our neighbors and loved ones. He made a difference in our region.

Mr. Speaker, I ask my colleagues to join me in honoring a dear friend and a champion for the less fortunate, the late Paul Dunnington. My wife, Cynthia and I extend our deepest heartfelt sympathies to his wife Kathryn and the entire Dunnington family.

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#### PERSONAL EXPLANATION

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### HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Ms. ROYBAL-ALLARD. Mr. Speaker, I was unavoidably detained and missed rollcall vote No. 585 on the evening of September 19, 2012. Had I been present, I would have voted in this manner:

Rollcall vote No. 585—On Motion to Suspend the Rules and Pass, as Amended, H.R. 5044, the Andrew P. Carpenter Tax Act: “yes.”

### RECOGNIZING THE LIFE OF SPC JOSHUA N. NELSON

### HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BUTTERFIELD. Mr. Speaker, it is with mixed emotions that I rise today to honor the life of Specialist Joshua N. Nelson of the United States Army. Specialist Nelson was a native of Greenville, North Carolina, which is in my Congressional District. Specialist Nelson was one of four soldiers that tragically lost their lives in Zabul Province, Afghanistan on September 16, 2012.

Specialist Nelson graduated from North Pitt High School in 2008 and later enlisted in the Army where he became a signals intelligence analyst. Specialist Joshua Nelson was a source of great pride in his hometown of Greenville. He exemplified to the community what was possible with determination, and epitomized what it meant to serve with honor and distinction.

These facts were demonstrated in the various awards and decorations Specialist Nelson received during his career in the Army. Specialist Nelson received the National Defense Service Medal, the Overseas Service Ribbon, the Global War on Terrorism Service Medal, the NATO Medal, and the Army Service Ribbon. In only 22 short years, Specialist Nelson accomplished more than most people do in a full lifetime.

Unfortunately, earlier this month, Specialist Nelson perished while serving his country. He is survived by his wife, Quamisha Nelson; his mother, Kathy Glover; his father, Brian Nelson; and his stepmother, Valorie Nelson. I offer my

sincere appreciation to his loved ones for his service in the United States Army and his selfless efforts in the defense of our great nation.

Mr. Speaker, I ask my colleagues to join me in offering heartfelt condolences to Specialist Joshua Nelson's family. I pray that his life serves as a guiding force for the Greenville community and others around the country. We are forever indebted to his family for the ultimate sacrifice he paid on our behalf.

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H.R. 5987

### HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 21, 2012*

Mr. BLUMENAUER. Mr. Speaker, yesterday I voted against H.R. 5987, the Manhattan Project National Historical Park Act. I recognize that the Manhattan Project played an important role in the United States' energy history and has had a significant impact in the Pacific Northwest, and it makes sense for us to draw attention to places like Hanford, Washington. However, adding these responsibilities to the National Park Service's portfolio when the agency is already underfunded and overworked does not make sense.

It is frustrating to me that while we are told by the current House majority that there is not sufficient funding to clean up nuclear sites such as Hanford, there is apparently enough funding to turn the Manhattan Project into a national park. We should focus first on making sure these places are safe for the human and wildlife populations that live near them, before marketing them as a tourist destination.

**SENATE—Tuesday, September 25, 2012**

The Senate met at 9:30 and 5 seconds a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, September 25, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY,  
SEPTEMBER 28, 2012, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Friday, September 28, 2012, at 10 a.m.

Thereupon, the Senate, at 9:30 and 32 seconds a.m., adjourned until Friday, September 28, 2012, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, September 25, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 25, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Patrick Riffle, St. Peter's Catholic Church, Washington, D.C., offered the following prayer:

God, our Father, You guide everything in wisdom and love. "You are good and forgiving, full of love to all who call upon You."

We now praise You for that love and rejoice in Your abundant blessings. You call us today to grow in the knowledge of that love and invite us to receive Your blessing.

Accept the prayers we offer for our beloved Nation. Protect it and keep it ever in Your sight.

Fill this House of Representatives with Your holy wisdom. Strengthen these Representatives and their staffs as they labor for what is good and just.

May true harmony, lasting freedom, and justice be secured for all so that there may be lasting peace.

We ask this in Your most holy name.  
Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Maryland (Ms. EDWARDS) come forward and lead the House in the Pledge of Allegiance.

Ms. EDWARDS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bills and joint resolution were signed by Speaker pro tempore LEWIS on Monday, September 24, 2012:

H.R. 1272, to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes;

H.R. 1791, to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida as the "Alto Lee Adams, Sr., United States Courthouse";

H.R. 2139, to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International;

H.R. 2240, to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes;

H.R. 2706, to prohibit the sale of billfish;

H.R. 3556, to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse";

H.R. 4158, to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions;

H.R. 4223, to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes;

H.R. 4347, to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boachever United States Courthouse";

H.R. 5512, to amend title 28, United States Code, to realign divisions within two judicial districts;

H.R. 6189, to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs;

H.R. 6215, to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution;

H.R. 6375, to authorize certain Departments of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes;

H.R. 6431, to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes;

H.R. 6433, to make corrections with respect to Food and Drug Administration user fees;

H.J. Res. 117, making continuing appropriations for fiscal year 2013, and for other purposes;

S. 300, to prevent abuse of Government charge cards;

S. 710, to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 21, 2012.

Hon. JOHN A. BOEHNER,  
*Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 21, 2012 at 4:21 p.m.:

Appointments:  
Public Safety Officer Medal of Valor Review Board.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, September 24, 2012.

Hon. JOHN A. BOEHNER, *Speaker, U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2012 at 12:26 p.m.:

That the Senate concurs in the House amendment S. 300.

That the Senate concurs in the House amendment S. 710.

That the Senate passed S. 3311.

That the Senate passed S. 3193.  
 That the Senate passed S. 3341.  
 That the Senate passed S. 3486.  
 That the Senate passed S. 3625.  
 That the Senate passed S. 3624.  
 That the Senate passed S. 3315.  
 That the Senate passed S. 1956.  
 That the Senate agreed to S. Con. Res. 50.  
 With best wishes, I am

Sincerely,

KAREN L. HAAS,  
*Clerk.*

#### PARLIAMENTARY INQUIRIES

Ms. EDWARDS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. EDWARDS. Thank you, Mr. Speaker. I rise for the purpose of a parliamentary inquiry to inquire as to whether it is not the case that during these pro forma sessions legislation may be considered by unanimous consent.

The SPEAKER pro tempore. The gentlewoman has put forward a hypothetical upon which the Chair cannot opine.

Ms. EDWARDS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state her inquiry.

Ms. EDWARDS. Mr. Speaker, should it not be possible to consider legislation and to complete work on behalf of the American people including middle class tax cuts, which we all agree upon should be extended, jobs legislation, the Violence Against Women Act, the farm bill, and the fiscal cliff looming causing individuals and businesses uncertainty? For the purposes of a parliamentary inquiry, the list goes on and on.

Should it not be possible to consider legislation that the Republican leadership has decided instead to schedule only 8 days of votes between August 3 and November 13?

Should it not be possible to consider legislation given the fact that the Republican leadership has left town for 7 weeks, the earliest Congress has recessed for an election in over 50 years?

Mr. Speaker, for the purposes of a parliamentary inquiry, the American people deserve answers and they deserve action. They deserve more than simply a pro forma session and a do-nothing Congress and Republican obstructionism.

Mr. Speaker, for the purposes of a parliamentary inquiry, Democrats are committed to return to Washington to continue the work of the people, and I would ask my Republican colleagues to join us.

Mr. Speaker, is it possible for us to return to work and do the business of the people rather than this pro forma session?

The SPEAKER pro tempore. Sadly, the gentlewoman has not put forward a proper parliamentary inquiry.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess for not more than 15 minutes.

Accordingly (at 10 o'clock and 10 minutes a.m.), the House stood in recess.

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 10 o'clock and 11 minutes a.m.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

##### OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,  
 Washington, DC, September 24, 2012.

Hon. JOHN A. BOEHNER, *Speaker*,  
*U.S. Capitol, House of Representatives*,  
 Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2012 at 12:26 p.m.:

That the Senate passed without amendment H.R. 6433.

That the Senate passed without amendment H.R. 6431.

That the Senate passed without amendment H.R. 6375.

That the Senate passed without amendment H.R. 6215.

That the Senate passed without amendment H.R. 6189.

That the Senate passed without amendment H.R. 5512.

That the Senate passed without amendment H.R. 4347.

That the Senate passed without amendment H.R. 4223.

That the Senate passed without amendment H.R. 4158.

That the Senate passed without amendment H.R. 3556.

That the Senate passed without amendment H.R. 2706.

That the Senate passed without amendment H.R. 2240.

That the Senate passed without amendment H.R. 2139.

That the Senate passed without amendment H.R. 1791.

That the Senate passed without amendment H.R. 1272.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

SEPTEMBER 24, 2012.

Hon. JOHN A. BOEHNER,  
*Speaker, U.S. Capitol, House of Representatives*,  
 Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2012 at 12:26 p.m.:

That the Senate passed with an amendment H.R. 915.

That the Senate passed with amendments H.R. 2606.

That the Senate passed with an amendment H.R. 4850.

That the Senate passed with amendments H.R. 2453.

That the Senate passed with amendments H.R. 2838.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
*Clerk.*

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

##### OFFICE OF THE CLERK,

HOUSE OF REPRESENTATIVES,  
 Washington, DC, September 24, 2012.

Hon. JOHN A. BOEHNER, *Speaker*,  
*U.S. Capitol, House of Representatives*,  
 Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on September 24, 2012 at 9:13 a.m.:

That the Senate passed S.J. Res. 41.

That the Senate agreed to without amendment H.J. Res. 117.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
*Clerk.*

#### SENATE BILLS AND JOINT RESOLUTION REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 3193. An act to make technical corrections to the legal description of certain land to be held in trust for the Barona Band of Mission Indians, and for other purposes; to the Committee on Natural Resources.

S. 3311. An act to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse"; to the Committee on Transportation and Infrastructure.

S. 3341. An act to require a quadrennial diplomacy and development review, and for other purposes; to the Committee on Foreign Affairs.

S. 3486. An act to implement the provisions of the Hague Agreement and the Patent Law Treaty; to the Committee on the Judiciary.

S. 3624. An act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State; to the Committee on Transportation and Infrastructure.

S.J. Res. 41. Joint resolution expressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran; to the Committee on Foreign Affairs.

### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker pro tempore, Mr. LEWIS of California:

H.R. 1272. An act to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

H.R. 2139. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

H.R. 2240. An act to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

H.R. 2706. An act to prohibit the sale of billfish.

H.R. 3556. An act to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

H.R. 4158. An act to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

H.R. 4223. An act to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

H.R. 4347. An act to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Boochever United States Courthouse".

H.R. 5512. An act to amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 6189. An act to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

H.R. 6215. An act to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

H.R. 6375. An act to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 6431. An act to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

H.R. 6433. An act to make corrections with respect to Food and Drug Administration user fees.

H.J. Res. 117. Joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

### SENATE ENROLLED BILLS SIGNED

The Speaker pro tempore, Mr. LEWIS of California, announced his signature to enrolled bills of the Senate of the following titles:

S. 300. An act to prevent abuse of Government charge cards.

S. 710. An act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 11 a.m. on Friday, September 28, 2012.

Accordingly (at 10 o'clock and 14 minutes a.m.), the House adjourned until Friday, September 28, 2012, at 11 a.m.

### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third quarter of 2012 pursuant to Public Law 95-384 are as follows:

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER M. STEWART, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 13 AND AUG. 17, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Jennifer M. Stewart .....	8/14	8/15	United Arab Emirates .....		338.00		9,713.00				10,051.00
	8/15	8/16	Afghanistan .....		56.00						56.00
Committee total .....											10,107.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN A. BOEHNER, Sept. 7, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO HAITI, HOUSE OF REPRESENTATIVES, EXPENDED ON AUG. 14, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Eric Cantor .....	8/14	8/14	Haiti .....								
Kristi Way .....	8/14	8/14	Haiti .....								
Committee total .....											

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. ERIC CANTOR, Sept. 14, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN SEPT. 12 AND SEPT. 16, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Robert F. Reeves .....	9/12	9/16	Italy .....		592.00		1,942.50			462.96	2,534.50
Kirsten Gullickson .....	9/12	9/16	Italy .....		592.00		1,942.50			462.96	2,534.50
Committee total .....											5,069.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MR. ROBERT F. REEVES, Sept. 19, 2012.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8018. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period July 1, 2012 through September 30, 2012 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112-144); to the Committee on House Administration and ordered to be printed.

8019. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting proposal for the Biscayne Bay Coastal Wetlands Phase 1 project; (H. Doc. No. 112-145); to the Committee on Transportation and Infrastructure and ordered to be printed.

8020. A letter from the Chief, Trade and Commercial Rulings Branch, Office of International Trade, Regulations and Rulings, Department of Homeland Security, transmitting the Department's final rule — United States-Columbia Trade Promotion Agreement [USCBP-2012-0017] (RIN: 1515-AD88) received September 20, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON  
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLATTE: Committee on Ethics. In the Matter of Representative Maxine Waters (Rept. 112-690). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GERLACH (for himself and Mr. NEAL):

H.R. 6559. A bill to amend the Internal Revenue Code of 1986 to provide an exception from the passive loss rules for investments in high technology research small business pass-thru entities; to the Committee on Ways and Means.

By Mr. COFFMAN of Colorado:

H.R. 6560. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding for certain tax-exempt bonds; to the Committee on Ways and Means.

By Mr. CROWLEY:

H.R. 6561. A bill to direct the Secretary of Education to make grants to States to hire teachers and prevent layoffs, to direct the Secretary of Homeland Security to make grants to hire firefighters and prevent layoffs, and to direct the Attorney General to make grants to hire law enforcement officers and prevent layoffs, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on the Judiciary, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 6562. A bill to amend title XVIII of the Social Security Act to provide for the distribution of additional residency positions, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 6563. A bill to require the Secretary of Veterans Affairs to establish a veterans jobs corps, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committees on Ways and Means, the Budget, Armed Services, Foreign Affairs, the Judiciary, Science, Space, and Technology, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY  
STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GERLACH:

H.R. 6559.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. COFFMAN of Colorado:

H.R. 6560.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8, Clause 3, the Commerce Clause, of the United States Constitution

This states that "Congress shall have power to . . . regulate commerce with for-

eign nations, and among the several states, and with the Indian tribes." The power to regulate commerce among the several states is the power to define conditions and rules for commercial transactions, and the regulation of the prices and terms of sale. Amending regulations which govern the monetary policies municipalities may use for issuing bonds affects the ability of these municipalities to conduct business transactions with investors, and thus falls under the commerce clause.

By Mr. CROWLEY:

H.R. 6561.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. CROWLEY:

H.R. 6562.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. MARKEY:

H.R. 6563.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 860: Mr. ELLISON and Mr. RUNYAN.

H.R. 2052: Mr. BRALEY of Iowa.

H.R. 2088: Mr. CLAY.

H.R. 2304: Mr. CRENSHAW.

H.R. 2492: Mr. ROSS of Florida.

H.R. 2866: Mr. CICILLINE.

H.R. 3423: Ms. GRANGER.

H.R. 3831: Mr. BISHOP of New York.

H.R. 4643: Ms. HANABUSA.

H.R. 5978: Mr. WAXMAN.

H.R. 6043: Mr. PLATTS.

H.R. 6087: Mrs. DAVIS of California.

H.R. 6088: Mr. DUNCAN of Tennessee.

H.R. 6150: Mr. FILNER.

H.R. 6157: Ms. HIRONO, Mr. ROTHMAN of New Jersey, and Mr. FITZPATRICK.

H.R. 6357: Mr. JONES.

H.R. 6362: Mr. REICHERT.

H.R. 6385: Mr. DOYLE.

H.R. 6400: Mr. STARK.

H.R. 6416: Mr. BARLETTA.

H.R. 6439: Mr. OWENS and Mr. BISHOP of Georgia.

H.R. 6446: Mr. NEAL.

H.R. 6489: Mr. SMITH of Texas.

H.R. 6494: Mr. ISRAEL.

H.R. 6527: Ms. SLAUGHTER.

H.J. Res. 100: Mr. GUTIERREZ.

H. Res. 763: Mr. SCHOCK and Mr. RIVERA.

H. Res. 776: Mr. CHABOT.



## EXTENSIONS OF REMARKS

101 YEARS OF THE REPUBLIC OF  
CHINA (ROC)

HON. ANN MARIE BUERKLE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Ms. BUERKLE. Mr. Speaker, October 10 marks 101 years of the Republic of China, ROC, that now exists on Taiwan.

Taiwan President Ma Ying-jeou was inaugurated for a second and last time on Sunday, May 20. Taiwan limits its presidents to two terms, as do we. But in his already more than four years since first taking office, President Ma has fundamentally altered the dynamic of Taiwan's economic relations with mainland China and by extension, relations with the United States and the rest of the world.

Fresh off his first inauguration in 2008, President Ma launched the first regular non-stop flights across the Taiwan Strait since China's Civil War ended in 1949. These flights, now as many as 558 a week, have made life much easier for Taiwanese working and doing business on the mainland. It's in turn also made life much easier for Americans crossing the Taiwan Strait—be it for work or for pleasure.

But most significantly, in 2010, Taiwan entered into its Economic and Cooperation Framework Agreement, ECFA, with mainland China that eliminated tariffs on 16 percent of Taiwan exports to the mainland. Now that President Ma was reelected with a fresh mandate this past January, more tariff eliminations under ECFA will follow. There will also be further service sector openings in both directions. Most importantly, ECFA, as does President Ma's other cross-Strait trade and investment relaxations, reintegrates Taiwan into Asia's economic supply chain, allowing Taiwan producers to supply global customers in mainland China directly.

The spending power of the millions of mainland Chinese tourists who have visited Taiwan since 2008 has also boosted the island's economy, as well as exposed those same tourists to Taiwan's pluralistic, democratic system. Having now experienced Taiwan's elections firsthand, some mainlanders will demand accountability of their leaders back home as Taiwanese do theirs. Taiwan's elections can serve as an example and milestone for ethnic Chinese worldwide that these universal political freedoms are not somehow incongruous with culture as some mainland autocrats have alleged.

I thus urge my colleagues, on this 101st anniversary of the ROC, to congratulate Taiwan on this century-plus milestone and to applaud its recent trade, investment, and travel openings to neighboring mainland China. It suits Taiwan's economic interests as well as our own.

DAW AUNG SAN SUU KYI

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. CROWLEY. Mr. Speaker, I would like to submit this poem in honor of Daw Aung San Suu Kyi, who was presented with the Congressional Gold Medal, on September 19, 2012.

This is a poem written by Albert Carey Caswell.

## THE DAW OF FREEDOM

The. . .  
The Daw of Freedom. . .  
On this day. . .  
As from across the oceans,  
your courage so reaches out to all of us in so many ways!  
As a Freedom Fighter,  
whose fine heart so all ignites us in so many ways!  
All in your struggle for democracy and human rights this,  
all in what your peaceful fight has so conveyed!  
As over the years,  
as we have all so watched you all so here,  
and for you Daw Suu have all so prayed!  
As all in such awe,  
at what we so saw. . .  
all in what your courage against such oppression so had to say!  
Just like all of those great Freedom Fighters  
who have so come before,  
names like Gandhi and King who through non violence had so implored!  
Happiness, Democracy and Freedom for all the more!  
As now your gifts this,  
now stands etched in Woman and Mankind forevermore!  
and with that presentation of your Noble Peace Prize,  
you but brought such tears to our eyes!  
For Burma has but a bright future so ahead,  
as long as she so listens to what Champions of Freedom,  
like you Daw Suu have so said!  
So on this day,  
we kneel and pray. . . all in respect for that great battle you so wage!  
As upon you this Gold Medal we now so place. . .  
As your fine life has but brought such light to even the darkest of all days. . .  
As now we so march with you all in our hearts and souls,  
all in this your great battle and crusade that we behold!  
Of your life and your times,  
and your great quest for freedom and her rhymes,  
of this all of our children must be told!

HONORING THE LIFE OF  
SERGEANT BRADLEY W. ATWELL

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. DONNOLLY of Indiana. Mr. Speaker, I rise today to solemnly remember and honor the life and dedication to service of Sergeant Bradley W. Atwell, a native of Kokomo, Indiana, and a proud member of Marine Aviation Logistics Squadron 13, Marine Aircraft Group 13, 3rd Marine Aircraft Wing, 1st Marine Expeditionary Force (Forward). Sergeant Atwell died in support of Operation Enduring Freedom on September 15th, 2012, in Kabul, Afghanistan, as a result of a sustained insurgent attack on Coalition Forces at Camp Bastion. This attack also claimed the life of Lieutenant Colonel Christopher K. Raible of Huntington, Pennsylvania.

Bradley graduated from Taylor High School in 2003 where he played on the baseball team. Described as "a piece of American apple pie," he had an undeniable desire to serve his country and enlisted in the United States Marine Corps on October 17, 2005. A third generation Marine, Bradley deployed with Marine Aviation Logistics Squadron 13 in February 2012 and served as an aeronautic electrical systems technician. According to Bradley's mother, he was proud to wear his uniform.

Bradley's awards include the Marine Corps Good Conduct Medal (second award), Afghanistan Campaign Medal, Global War on Terrorism Service Medal, National Defense Service Medal, NATO Service Medal—International Security Assistance Force and the Purple Heart.

Bradley will be remembered by family, friends, and fellow soldiers as a dedicated, courageous, and talented young man and the consummate Marine. He is survived by his wife of only 10 months, Danielle Cross, mother, Cheryl Atwell and her fiancé Jimmy Coates, father, Victor Atwell and his wife Kimberlee, grandmother, Shirley Oody, brother, Dustin, sister, Erin and other loving extended family. Just days prior to his last deployment, Bradley was able to hold his newborn niece Aubrey who, according to family members, strongly resembles him.

It is my solemn duty and humble privilege to honor the life, service and memory of Sergeant Bradley W. Atwell. He is a testament to the great honor possessed and sacrifices made by our brave men and women in the Armed Forces. We mourn his passing and offer solemn gratitude for his service and sacrifice.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING POLICE CHIEF DAN  
MCCOLLUM

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize Police Chief Dan McCollum, who will celebrate his 40th year in law enforcement on September 25, 2012. To show their appreciation for his service, the Village of La Grange Park will host a reception in his honor.

Throughout his 40 years in law enforcement, including 16 years as Police Chief in La Grange Park, Chief McCollum has served residents around Illinois and in Corvallis, Oregon. In his work to protect his community he has gained a reputation as a professional and honest public servant, consistently demonstrating his strong character. For example, in 1979 when he was a young police chief, his squad car broke down on a rural road in central Illinois during a blizzard. Surrounded by the severe, rapidly approaching storm, he chose not to wait for a passing car, but sought shelter at the nearest house. Although he had made previous arrests at this residence prior to the storm, Chief McCollum took his chances. The storm was so severe, that he would end up staying with the residents for two days until the storm had finally passed. It is this ability to develop relationships even in the face of adversity that sets him apart, and allowed him to earn his position as the youngest police chief in the state at age 24 in Villa Grove, Illinois, and eventually his current post as chief in La Grange Park.

Chief McCollum now serves the 13,000 residents of the Village of La Grange Park, just as he has since 1996. He and the rest of the Police Department are committed to maintaining peace in La Grange Park by safeguarding the community and forming bonds of trust with those they protect. Chief McCollum believes that to be an officer in LaGrange Park, one must be oriented toward public service and should be a problem-solver in the community. His leadership drives this police force and is an important reason why the residents of La Grange Park have so much respect for their police.

As the La Grange Park Police Chief, Dan McCollum has been recognized on several occasions for his dedication to past and present police officers and public safety. Chief McCollum was appointed President for the Illinois Association of Law Enforcement Executives and has since served in this position for the past three years. Working within this non-profit organization, he has helped to provide more opportunities for professional training and advancement of current and retired law enforcement members. He has also received the 2008 Governor's Lifetime Achievement Award from the Illinois Law Enforcement Training and Standards Board in Springfield.

Away from the stress of the police station, Chief McCollum has also led a fulfilling personal life. He is a former rock and roll musician, an avid fisherman, and an exceptional cook. Dan's wife, Nancy, and his three children, Sarah, Matthew, and Patrick, will be very proud to see him honored for his longtime service.

Please join me in honoring Police Chief Dan McCollum for his dedicated service to the La Grange Park community on the occasion of his 40th year of service. May he continue to be a stalwart public servant in La Grange Park for years to come.

NATIONAL WORK AND FAMILY  
MONTH

**HON. TODD RUSSELL PLATTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. PLATTS. Mr. Speaker, I rise today in recognition of the month of October 2012 as National Work and Family Month. At this time each year, National Work and Family Month reminds us of the many ways that strong work-family policies continue to create and maintain healthier and more flexible work environments.

These programs and practices—from workplace flexibility such as flextime and telecommuting, to sick and family leave, dependent and day care resources, and even stress management and community involvement initiatives—are highly effective in attracting a loyal and talented workforce. Yet there is always room for improvement. As more of America's organizations incorporate work-family policies such as those mentioned above, the greater the competitive edge we will have in the recruitment and retention of our loyal and talented workforce.

Since a bipartisan resolution established National Work and Family Month in October 2003, Congress has consistently acknowledged the importance of good family-work policies and celebrated the progress made in expanding the availability and use of workplace flexibility. This October, I seek again to raise awareness of National Work and Family Month and encourage my colleagues to also acknowledge the overwhelmingly positive effect of a healthy balance between work and family life on workforce engagement, motivation and satisfaction.

CENTENNIAL ANNIVERSARY, CITY  
OF MULLENS, WEST VIRGINIA

**HON. NICK J. RAHALL II**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. RAHALL. Mr. Speaker, I am pleased to share with our colleagues a very significant anniversary being celebrated this year by the good people of Mullens, West Virginia. It was 100 years ago that the City of Mullens was incorporated. Throughout the year, families and local businesses have been celebrating this centennial milestone achievement.

Known as the Dogwood City, the city's Annual Dogwood Festival draws families and friends from all over to share in nature's beauty with the blooming of so many dogwood trees throughout the area. The refreshing little spring blooms bring forth new hope and the promise of a new season. This is a message

well received in this town that has truly known boom times as well as some bad times.

Like the strong dense wood of the little dogwood tree, the people of this American small town are resilient and find strength in tradition and the deep roots their families have established in this home among Appalachia's majestic mountains. And like the finely grained wood of the dogwood, when it is finished and polished, the beauty ingrained in these good neighbors shines through to all who are touched by their many kindnesses. For anyone who happens by their fair city will find hospitality, friendliness and lending a helping hand are the rule not the exception.

The roots of Mullens' contributions though extend well beyond its city limits. The citizens of Mullens are rightfully proud of their heritage as a rail and coal center to help fuel this Nation's energy needs. Hard work, determination and a boundless optimism that one's children will have a brighter future are the core values of the families that daily recognize the many blessings flowing from the benevolent hand of the Almighty.

As Mullens continues its centennial celebration this year, I am honored to be invited to participate in Mullens Centennial Parade this Saturday. It is a fine example of how successful this community is in bringing townspeople together to spread the word far and wide that Mullens, West Virginia is looking forward to its next 100 years.

PERSONAL EXPLANATION

**HON. MIKE ROSS**

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. ROSS of Arkansas. Mr. Speaker, on September 19–21, 2012, I was not present for the following votes.

Rollcall vote 585 on passage of H.R. 5044, the Andrew P. Carpenter Tax Act. Had I been present, I would have voted "yes."

Rollcall vote 586 on passage of H.R. 5912, to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions. Had I been present, I would have voted "yes."

Rollcall vote 587, on ordering the previous question providing for consideration of H.J. Res. 118 and H.R. 3409. Had I been present, I would have voted "no."

Rollcall vote 588, on agreeing to the resolution providing for consideration of H.J. Res. 118 and H.R. 3409. Had I been present, I would have voted "no."

Rollcall vote 589 on passage of H.J. Res. 118, Providing for congressional disapproval of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of HHS relating to waiver and expenditure authority under the Social Security Act with respect to the Temporary Assistance for Needy Families program. Had I been present, I would have voted "no."

Rollcall vote 590, on passage of HR 6429, To amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the

diversity immigrant program, and for other purposes. Had I been present, I would have voted "yes."

Rollcall vote 591, on passage of H.R. 5987, to establish the Manhattan Project National Historical Park in Oak Ridge, Tennessee, Los Alamos, New Mexico, and Hanford, Washington, and for other purposes. Had I been present, I would have voted "yes."

Rollcall vote 592, on Markey of Massachusetts Amendment No. 1. Had I been present, I would have voted "no."

Rollcall vote 593, on Waxman of California Amendment No. 3. Had I been present, I would have voted "yes."

Rollcall vote 594, on Kelly of Pennsylvania Amendment No. 4. Had I been present, I would have voted "yes."

Rollcall vote 595, on Markey of Massachusetts Amendment No. 5. Had I been present, I would have voted "no."

Rollcall vote 596, on Jackson Lee of Texas Amendment No. 8. Had I been present, I would have voted "no."

Rollcall vote 597, on McKinley of West Virginia Amendment No. 9. Had I been present, I would have voted "yes."

Rollcall vote 598, on Markey of Massachusetts Amendment No. 10. Had I been present, I would have voted "no."

Rollcall vote 599, on DeFazio of Oregon Amendment No. 11. Had I been present, I would have voted "no."

Rollcall vote 600, on Flake of Arizona Amendment No. 12. Had I been present, I would have voted "yes."

Rollcall vote 601, Gosar of Arizona Amendment No. 13. Had I been present, I would have voted "yes."

Rollcall vote 602, on motion to recommit, to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977. Had I been present, I would have voted "yes."

Rollcall vote 603, on passage of H.R. 3409, the Coal Miner Employment and Domestic Energy Infrastructure Protection Act. Had I been present, I would have voted "yes."

HONORING LIEUTENANT COLONEL  
EDWARD F. MALINOWSKI

**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Lieutenant Colonel Edward F. Malinowski, who is retiring from the United States Air Force Reserve after more than 31 years of dedicated service. His time in the Air Force exemplifies the commitment and sac-

rifice our nation's armed service members are willing to make to protect American freedom and values around the world.

Lt. Col. Malinowski has been a lifelong resident of the Chicago area. He and his wife, Sharon, and their three children, Christina, Edward Jr., and Matthew, currently reside in Burbank, Illinois, a city I proudly represent.

Edward Malinowski was promoted to his current rank of Lieutenant Colonel in the Air Force Reserve's 910th Aircraft Maintenance Squadron in October 2006. He exhibited an excellent aptitude throughout his career in overseeing the safety and maintenance of Air Force aircraft. Lt. Col. Malinowski has helped maintain the squadron with the longest flying safety record of any Air Force unit to date. And his service goes well beyond maintaining aircraft: in the Reserve he assisted with a critical sandbagging mission along the Mississippi River during the 1993 floods and his squad saved a man's life after he drove his car off a levy.

His record and experience in the Air Force Reserve led him to private sector work which included managing Chicago's Meigs Field Airport, where he oversaw the airport's safe closure. Aside from his numerous honors and accomplishments Lt. Col. Malinowski gave a great deal back to the community. He donated his time and knowledge by introducing intercity children to the joys of flight through the Young Eagles Program. He is also a Medinah Shriner life member and has provided aid to injured children by volunteering to fly victims to the organization's hospitals and burn centers.

Whether it was organizing a group of 2,000 citizens for the Presidential Inaugural Parade or being deployed in Southeast Asia to aid a logistics unit that supported combat aircraft in Iraq and Afghanistan, Lt. Col. Malinowski has continuously answered the call to serve our nation. Please join me in honoring this man who has done so much for his country and community. May he enjoy a long and well-deserved retirement.

#### PERSONAL EXPLANATION

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. SHERMAN. Mr. Speaker, as I have stated in the past, I am inclined to vote "no" on any suspension bill that seeks to enact complex and controversial legislation through a process designed for non-controversial legislation and relatively minor changes in law.

I have consistently opposed the diversity visa lottery program. However, there are substantial flaws in H.R. 6429. Congress should consider abolishing the diversity visa lottery

through the regular process with full debate and with the consideration of amendments.

For the same reason, I also voted against H.R. 5987 because I believe that bill deserves further analysis, debate and amendment.

There are times when I will vote for a complex or controversial suspension bill when the merits are overwhelming and the bill is, in my view, not in need of amendment. Both of the last two votes of Thursday, September 20, 2012, did not meet that standard.

H.R. 6429 failed to pass under suspension of the rules. I believe that the diversity visa lottery should be abolished, but that the approach taken by H.R. 6429 is not the best policy.

#### TRIBUTE TO HONOR FLIGHT OF OREGON

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, September 25, 2012*

Mr. WALDEN. Mr. Speaker, I rise to recognize the 10 World War II veterans from Oregon who will be visiting their memorial this Saturday in Washington, DC, through Honor Flight of Oregon. On behalf of a grateful state and country, we welcome these heroes to the nation's capital.

The veterans on this flight from Oregon are: Harold "Day" Elston, U.S. Army; Walter Mullen, U.S. Army; Ellis Hallman, U.S. Army Air Forces; Daniel Lawler, U.S. Army Air Forces; Robert Mahr, U.S. Army Air Forces; Garner Pool, U.S. Navy; Kenneth Purcell, U.S. Navy; Albert Randow, U.S. Navy; Theodore Tannich, U.S. Navy; Arthur Wallace, U.S. Navy.

These 10 heroes join more than 100,000 veterans from across the country who, since 2005, have journeyed from their home states to Washington, DC, to reflect at the memorials built in honor of our nation's veterans.

Mr. Speaker, each of us is humbled by the courage of these soldiers, sailors, and airmen who put themselves in harm's way for our country and way of life. As a nation, we can never fully repay the debt of gratitude owed to them for their honor, commitment, and sacrifice in defense of the freedoms we have today.

My colleagues, please join me in thanking these veterans and the volunteers of Honor Flight of Oregon for their exemplary dedication and service to this great country. I especially want to recognize and thank Gail Yakopatz for her tireless work as president of Honor Flight of Oregon.

**SENATE—*Friday, September 28, 2012***

The Senate met at 10:10 and 07 seconds a.m., and was called to order by the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia.

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 28, 2012.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK R. WARNER, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. WARNER thereupon assumed the chair as Acting President pro tempore.

**ADJOURNMENT UNTIL TUESDAY,  
OCTOBER 2, 2012, AT 11 A.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 11 a.m. on Tuesday, October 2, 2012.

Thereupon, the Senate, at 10:10 and 43 seconds a.m., adjourned until Tuesday, October 2, 2012, at 11 a.m.

## HOUSE OF REPRESENTATIVES—Friday, September 28, 2012

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 28, 2012.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
Speaker of the House of Representatives.

### PRAYER

Reverend Eugene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

In Psalm 133 we read:

How good and how pleasant it is when brothers live in unity.

It is like the dew of Hermon which falls on the heights of Zion. For there the Lord gives his blessing, life forever.

Lord, we pray that in a world filled with divisions and strife You will bless this Congress with the wisdom needed to generate the life-giving unity lauded by the psalmists.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. VAN HOLLEN) come forward and lead the House in the Pledge of Allegiance.

Mr. VAN HOLLEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MILITARY COMMERCIAL DRIVER'S LICENSE ACT OF 2012

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Transportation and Infrastructure be discharged from further consideration of the bill (S. 3624) to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to mem-

bers of the Armed Forces whose duty station is located in the State, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

S. 3624

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Commercial Driver's License Act of 2012".

#### SEC. 2. DOMICILE REQUIREMENT FOR COMMERCIAL DRIVER'S LICENSE.

Section 31311(a)(12) of title 49, United States Code, is amended to read as follows:

"(12)(A) Except as provided in subparagraphs (B) and (C), the State may issue a commercial driver's license only to an individual who operates or will operate a commercial motor vehicle and is domiciled in the State.

"(B) Under regulations prescribed by the Secretary, the State may issue a commercial driver's license to an individual who—

"(i) operates or will operate a commercial motor vehicle; and

"(ii) is not domiciled in a State that issues commercial driver's licenses.

"(C) The State may issue a commercial driver's license to an individual who—

"(i) operates or will operate a commercial motor vehicle;

"(ii) is a member of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary; and

"(iii) is not domiciled in the State, but whose temporary or permanent duty station is located in the State."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### CHANGING THE EFFECTIVE DATE FOR THE INTERNET PUBLICATION OF CERTAIN INFORMATION

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3625) to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

S. 3625

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CHANGED EFFECTIVE DATE FOR FINANCIAL DISCLOSURE FORMS OF CERTAIN OFFICERS AND EMPLOYEES.

(a) IN GENERAL.—Except with respect to financial disclosure forms filed by officers and employees referred to in subsection (b), section 8(a)(1) and section 11(a)(1) of the STOCK Act (5 U.S.C. App. 105 note) shall take effect on December 8, 2012.

(b) FINANCIAL DISCLOSURE FORMS NOT SUBJECT TO NEW EFFECTIVE DATE.—Financial disclosure forms filed by the following individuals shall not be subject to the effective date under this section:

- (1) The President.
- (2) The Vice President.
- (3) Any Member of Congress.
- (4) Any candidate for Congress.

(5) Any officer occupying a position listed in section 5312 or section 5313 of title 5, United States Code, having been nominated by the President and confirmed by the Senate to that position.

#### SEC. 2. STUDY AND REPORT.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall contract with the National Academy of Public Administration (referred to in this section as the "National Academy") to—

(1) conduct a study of issues raised by website publication of financial disclosure forms as is required under the STOCK Act (Public Law 112-105; 126 Stat. 291); and

(2) issue a report containing findings and recommendations.

(b) SCOPE OF STUDY.—The study conducted under subsection (a)(1) shall—

(1) examine the nature, scope, and degree of risk, including risk of harm to national security, law enforcement, or other Federal missions and risk of endangerment, including to personal safety and security, financial security (such as through identity theft), and privacy, of officers and employees and their family members, that may be posed by website and other publication of financial disclosure forms and associated personal information;

(2) examine any harm that may have arisen from the current online availability of financial disclosure forms and associated personal information of employees of the legislative branch, including any harm to national security, law enforcement, or other Federal missions and any endangerment that may have occurred, including to personal safety and security, financial security (such as through identity theft), and privacy, of such legislative branch officers and employees or their family members; and

(3) include any other analysis that the National Academy believes is necessary or desirable on the topic of the study.

(c) REPORT.—Not later than 6 months after the date of enactment of this Act, the National Academy shall submit to Congress and the President a report that contains—

(1) the findings of the study conducted under subsection (a)(1);

(2) recommendations for ways to avoid or mitigate the risks identified in the study conducted under subsection (a)(1), consistent with the goal of providing appropriate public disclosure of potential conflicts of interest or instances of insider trading by Federal officers or employees; and

(3) any other recommendations that the National Academy believes are necessary or desirable.

### SEC. 3. PERIODIC TRANSACTION REPORTS FOR TRANSACTIONS OF SPOUSES AND CHILDREN.

(a) IN GENERAL.—

(1) DATE REPORTING REQUIREMENT COMMENCES IN HOUSE OF REPRESENTATIVES AND EXECUTIVE BRANCH.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking “September 30, 2012” and inserting “January 1, 2013”.

(2) EXTENSION TO EXECUTIVE BRANCH.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking “for reporting individuals” and all that follows through “House of Representatives”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), is amended by striking “such section 101” and inserting “section 101 of such Act (5 U.S.C. App. 101)”.

(b) EFFECTIVE DATE; RULE OF CONSTRUCTION.—

(1) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2013.

(2) RULE OF CONSTRUCTION.—Before January 1, 2013, the amendments made by subsection (a) shall not affect the applicability of section 2 of the Act entitled “An Act to prevent harm to the national security or endangering the military officers and civilian employees to whom internet publication of certain information applies, and for other purposes”, approved August 16, 2012 (5 U.S.C. App. 103 note), as in effect on the day before the effective date under paragraph (1).

(c) SAVINGS CLAUSE.—Nothing in the amendments made by subsection (a) shall be construed as affecting any requirement with respect to the House of Representatives or the executive branch in effect before January 1, 2013, with respect to the inclusion of transaction information for a report under section 103(l) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(l)).

(d) NO CHANGE TO EXISTING SENATE REQUIREMENTS.—Nothing in this section or the amendments made this section shall be construed as affecting the requirement that took effect with respect to the Senate on July 3, 2012, which mandates the inclusion of transaction information for spouses and dependent children for a report under section

103(l) of the Ethics in Government Act of 1978 (5 U.S.C. App. 103(l)).

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012

Mr. LEWIS of California. Mr. Speaker, I ask unanimous consent that the Committee on Oversight and Government Reform, the Committee on Homeland Security, and the Permanent Select Committee on Intelligence be discharged from further consideration of the bill (S. 743) to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. VAN HOLLEN. Mr. Speaker, reserving the right to object—and I will not object—I think the bill’s good. We just passed by unanimous consent important measures, and I strongly support the whistleblower protection bill which will protect Federal employees against retaliation if they’re shining a little sunlight on violations, abuses in the Federal Government, and I do believe that we should adopt this measure.

I also believe that the House should reconvene to conduct the other business before the House, and with that, I yield to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you very much for yielding. I certainly won’t object to this unanimous consent request, but I do want to point out that we here in Washington ought to be doing our job. We have our Nation’s urgent priorities. We need to increase jobs, strengthen our economy, prevent the fiscal cliff, protect Medicare from cuts, address our long-term debt. We should be fighting for the middle class, not preserving tax breaks for oil companies and millionaires.

We are out of session for this campaign at the earliest time ever, and for that reason—but I will not object.

I thank the gentleman for yielding.

Mr. VAN HOLLEN. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the bill is as follows:

S. 743

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “Whistleblower Protection Enhancement Act of 2012”.

## TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES

### SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i), by striking “a violation” and inserting “any violation”; and

(2) in subparagraph (B)(i), by striking “a violation” and inserting “any violation (other than a violation of this section)”.

(b) PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).—

(1) TECHNICAL AND CONFORMING AMENDMENTS.—Title 5, United States Code, is amended in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214, in subsections (a), (e)(1), and (i) of section 1221, and in subsection (a)(2)(C)(i) of section 2302, by inserting “or section 2302(b)(9) (A)(i), (B), (C), or (D)” after “section 2302(b)(8)” or “(b)(8)” each place it appears.

(2) OTHER REFERENCES.—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221, by inserting “or protected activity” after “disclosure” each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A) and inserting the following:

“(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

“(i) with regard to remedying a violation of paragraph (8); or

“(ii) other than with regard to remedying a violation of paragraph (8);”; and

(ii) in subparagraph (B), by inserting “(i) or (ii)” after “subparagraph (A)”.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

“(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

“(A) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(ii);

“(B) the disclosure revealed information that had been previously disclosed;

“(C) of the employee’s or applicant’s motive for making the disclosure;

“(D) the disclosure was not made in writing;

“(E) the disclosure was made while the employee was off duty; or

“(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

“(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.”.

**SEC. 102. DEFINITIONAL AMENDMENTS.**

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking “and” at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting “; and”; and (3) by adding at the end the following:

“(D) ‘disclosure’ means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

“(i) any violation of any law, rule, or regulation; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”.

**SEC. 103. REBUTTABLE PRESUMPTION.**

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

“This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), (i) any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence, and (ii) a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.”.

**SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.**

(a) **PERSONNEL ACTION.**—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking “and” after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

“(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and”.

(b) **PROHIBITED PERSONNEL PRACTICE.**—

(1) **IN GENERAL.**—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking “or” at the end;

(B) in paragraph (12), by striking the period and inserting “; or”; and

(C) by inserting after paragraph (12) the following:

“(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: ‘These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law,

rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.’”.

(2) **AGENCY WEBSITES.**—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) **NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.**—With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code, (as added by this Act) for implementation or enforcement—

(A) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement with regard to a current employee if the agency gives such employee notice of the statement; and

(B) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2).

(c) **RETALIATORY INVESTIGATIONS.**—

(1) **AGENCY INVESTIGATION.**—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

“(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.”.

(2) **DAMAGES.**—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

“(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.”.

**SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.**

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

“(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(II) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or”.

**SEC. 106. DISCIPLINARY ACTION.**

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

“(3)(A) A final order of the Board may impose—

“(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

“(ii) an assessment of a civil penalty not to exceed \$1,000; or

“(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

“(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee's decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by preponderance of evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.”.

**SEC. 107. REMEDIES.**

(a) **ATTORNEY FEES.**—Section 1204(m)(1) of title 5, United States Code, is amended by striking “agency involved” and inserting “agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case”.

(b) **DAMAGES.**—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code, are amended by striking all after “travel expenses,” and inserting “any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs)” each place it appears.

**SEC. 108. JUDICIAL REVIEW.**

(a) **IN GENERAL.**—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

“(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

“(B) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, a petition to review a final order or final decision of the Board that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under paragraph (2).”.

(b) **REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.**—Section 7703(d) of title 5, United States Code, is amended to read as follows:

“(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals



for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

“(2) During the 5-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board's disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D). The Director of the Office of Personnel Management may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction as provided under subsection (b)(2) if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board's decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.”.

#### **SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

#### **“§ 2304. Prohibited personnel practices affecting the Transportation Security Administration**

“(a) IN GENERAL.—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

“(1) the provisions of section 2302(b) (1), (8), and (9);

“(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

“(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

“(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and by inserting the following:

“2304. Prohibited personnel practices affecting the Transportation Security Administration.

“2305. Responsibility of the Government Accountability Office.

“2306. Coordination with certain other provisions of law.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section.

#### **SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.**

(a) DEFINITIONS.—In this subsection—

(1) the term “agency” has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term “applicant” means an applicant for a covered position;

(3) the term “censorship related to research, analysis, or technical information” means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term “covered position” has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term “employee” means an employee in a covered position in an agency; and

(6) the term “disclosure” has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) PROTECTED DISCLOSURE.—

(1) IN GENERAL.—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation; or

(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial

and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) DISCLOSURES NOT EXCLUDED.—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

#### **SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.**

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: “For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.”.

#### **SEC. 112. ADVISING EMPLOYEES OF RIGHTS.**

Section 2302(c) of title 5, United States Code, is amended by inserting “, including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures” after “chapter 12 of this title”.

#### **SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.**

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section 2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

“(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).”.

#### **SEC. 114. SCOPE OF DUE PROCESS.**

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

#### **SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.**

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities

created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”.

(2) **AGENCY WEBSITES.**—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under paragraph (1) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) **ENFORCEABILITY.**—

(A) **IN GENERAL.**—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) **NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.**—With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under paragraph (1) for implementation or enforcement—

(i) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2).

(b) **PERSONS OTHER THAN GOVERNMENT EMPLOYEES.**—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

**SEC. 116. REPORTING REQUIREMENTS.**

(a) **GOVERNMENT ACCOUNTABILITY OFFICE.**—

(1) **REPORT.**—Not later than 48 months after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) **CONTENTS.**—The report under this paragraph shall include—

(A) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging

violations of section 2302(b) (8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious;

(C) an analysis of the outcome of cases described under subparagraph (A) that were decided by a United States District Court and the impact the process has on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) **MERIT SYSTEMS PROTECTION BOARD.**—

(1) **IN GENERAL.**—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b) (8) or (9) (A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(2) **FIRST REPORT.**—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on the effective date of this Act and ending at the end of the fiscal year in which such effective date occurs.

**SEC. 117. ALTERNATIVE REVIEW.**

(a) **IN GENERAL.**—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

“(k)(1) In this subsection, the term ‘appropriate United States district court’, as used with respect to an alleged prohibited personnel practice, means the United States district court for the judicial district in which—

“(A) the prohibited personnel practice is alleged to have been committed; or

“(B) the employee, former employee, or applicant for employment allegedly affected by such practice resides.

“(2)(A) An employee, former employee, or applicant for employment in any case to which paragraph (3) or (4) applies may file an action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

“(B) Upon initiation of any action under subparagraph (A), the Board shall stay any other claims of such employee, former employee, or applicant pending before the Board at that time which arise out of the same set of operative facts. Such claims shall be stayed pending completion of the action filed under subparagraph (A) before the appropriate United States district court and any associated appellate review.

“(3) This paragraph applies in any case in which—

“(A) an employee, former employee, or applicant for employment—

“(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

“(ii) files an appeal under section 7701(a) alleging as an affirmative defense the com-

mission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

“(B) no final order or decision is issued by the Board within 270 days after the date on which a request for that corrective action or appeal has been duly submitted, unless the Board determines that the employee, former employee, or applicant for employment engaged in conduct intended to delay the issuance of a final order or decision by the Board; and

“(C) such employee, former employee, or applicant provides written notice to the Board of filing an action under this subsection before the filing of that action.

“(4) This paragraph applies in any case in which—

“(A) an employee, former employee, or applicant for employment—

“(i) seeks corrective action from the Merit Systems Protection Board under section 1221(a) based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542; or

“(ii) files an appeal under section 7701(a) alleging as an affirmative defense the commission of a prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542;

“(B)(i) within 30 days after the date on which the request for corrective action or appeal was duly submitted, such employee, former employee, or applicant for employment files a motion requesting a certification consistent with subparagraph (C) to the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case; and

“(ii) such employee has not previously filed a motion under clause (i) related to that request for corrective action or that appeal; and

“(C) the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case certifies that—

“(i) under the standards applicable to the review of motions to dismiss under rule 12(b)(6) of the Federal Rules of Civil Procedure, including rule 12(d), the request for corrective action or the appeal (including any allegations made with the motion under subparagraph (B)) would not be subject to dismissal; and

“(ii)(I) the Board is not likely to dispose of the case within 270 days after the date on which the request for corrective action or the appeal has been duly submitted; or

“(II) the case—

“(aa) consists of multiple claims;

“(bb) requires complex or extensive discovery;

“(cc) arises out of the same set of operative facts as any civil action against the Government filed by the employee, former employee, or applicant pending in a Federal court; or

“(dd) involves a novel question of law.

“(5) The Board shall grant or deny any motion requesting a certification described under paragraph (4)(ii) within 90 days after the submission of such motion and the Board may not issue a decision on the merits of a

request for corrective action within 15 days after granting or denying a motion requesting certification.

“(6)(A) Any decision of the Board, any administrative law judge appointed by the Board under section 3105 of this title and assigned to the case, or any employee of the Board designated by the Board and assigned to the case to grant or deny a certification described under paragraph (4)(ii) shall be reviewed on appeal of a final order or decision of the Board under section 7703 only if—

“(i) a motion requesting a certification was denied; and

“(ii) the reviewing court vacates the decision of the Board on the merits of the claim under the standards set forth in section 7703(c).

“(B) The decision to deny the certification shall be overturned by the reviewing court, and an order granting certification shall be issued by the reviewing court, if such decision is found to be arbitrary, capricious, or an abuse of discretion.

“(C) The reviewing court’s decision shall not be considered evidence of any determination by the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board on the merits of the underlying allegations during the course of any action at law or equity for de novo review in the appropriate United States district court in accordance with this subsection.

“(7) In any action filed under this subsection—

“(A) the district court shall have jurisdiction without regard to the amount in controversy;

“(B) at the request of either party, such action shall be tried by the court with a jury;

“(C) the court—

“(i) subject to clause (iii), shall apply the standards set forth in subsection (e); and

“(ii) may award any relief which the court considers appropriate under subsection (g), except—

“(I) relief for compensatory damages may not exceed \$300,000; and

“(II) relief may not include punitive damages; and

“(iii) notwithstanding subsection (e)(2), may not order relief if the agency demonstrates by a preponderance of the evidence that the agency would have taken the same personnel action in the absence of such disclosure; and

“(D) the Special Counsel may not represent the employee, former employee, or applicant for employment.

“(8) An appeal from a final decision of a district court in an action under this subsection shall be taken to the Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction.

“(9) This subsection applies with respect to any appeal, petition, or other request for corrective action duly submitted to the Board, whether under section 1214(b)(2), the preceding provisions of this section, section 7513(d), section 7701, or any otherwise applicable provisions of law, rule, or regulation.”.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

#### SEC. 118. MERIT SYSTEMS PROTECTION BOARD SUMMARY JUDGMENT.

(a) IN GENERAL.—Section 1204(b) of title 5, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4);

(2) by inserting after paragraph (2) the following:

“(3) With respect to a request for corrective action based on an alleged prohibited personnel practice described in section 2302(b) (8) or (9) (A)(i), (B), (C), or (D) for which the associated personnel action is an action covered under section 7512 or 7542, the Board, any administrative law judge appointed by the Board under section 3105 of this title, or any employee of the Board designated by the Board may, with respect to any party, grant a motion for summary judgment when the Board or the administrative law judge determines that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.”.

(b) SUNSET.—

(1) IN GENERAL.—Except as provided under paragraph (2), the amendments made by this section shall cease to have effect 5 years after the effective date of this Act.

(2) PENDING CLAIMS.—The amendments made by this section shall continue to apply with respect to any claim pending before the Board on the last day of the 5-year period described under paragraph (1).

#### SEC. 119. DISCLOSURES OF CLASSIFIED INFORMATION.

(a) PROHIBITED PERSONNEL PRACTICES.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by adding “or” after the semicolon; and

(3) by adding at the end the following:

“(C) any communication that complies with subsection (a)(1), (d), and (h) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App.);”.

(b) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)(1), by adding at the end the following:

“(D) An employee of any agency, as that term is defined under section 2302(a)(2)(C) of title 5, United States Code, who intends to report to Congress a complaint or information with respect to an urgent concern may report the complaint or information to the Inspector General (or designee) of the agency at which that employee is employed.”;

(2) in subsection (c), by striking “intelligence committees” and inserting “appropriate committees”;

(3) in subsection (d)—

(A) in paragraph (1), by striking “either or both of the intelligence committees” and inserting “any of the appropriate committees”; and

(B) in paragraphs (2) and (3), by striking “intelligence committees” each place that term appears and inserting “appropriate committees”;

(4) in subsection (h)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “intelligence”; and

(ii) in subparagraph (B), by inserting “or an activity involving classified information” after “an intelligence activity”; and

(B) by striking paragraph (2), and inserting the following:

“(2) The term ‘appropriate committees’ means the Permanent Select Committee on

Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, except that with respect to disclosures made by employees described in subsection (a)(1)(D), the term ‘appropriate committees’ means the committees of appropriate jurisdiction.”.

#### SEC. 120. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

“(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

“(B) appoint an Assistant Inspector General for Investigations who shall have the responsibility for supervising the performance of investigative activities relating to such programs and operations; and

“(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

“(i) about prohibitions on retaliation for protected disclosures; and

“(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

“(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

“(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

“(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

“(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “section 3(d)(1)” and inserting “section 3(d)(1)(A)”; and

(2) by striking “section 3(d)(2)” and inserting “section 3(d)(1)(B)”.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

#### TITLE II—INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTIONS

##### SEC. 201. PROTECTION OF INTELLIGENCE COMMUNITY WHISTLEBLOWERS.

(a) IN GENERAL.—Chapter 23 of title 5, United States Code, is amended by inserting after section 2303 the following:

##### “§2303A. Prohibited personnel practices in the intelligence community

“(a) DEFINITIONS.—In this section—

“(1) the term ‘agency’ means an executive department or independent establishment, as defined under sections 101 and 104, that contains an intelligence community element, except the Federal Bureau of Investigation;

“(2) the term ‘intelligence community element’—

“(A) means—

“(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

“(B) does not include the Federal Bureau of Investigation; and

“(3) the term ‘personnel action’ means any action described in clauses (i) through (x) of section 2302(a)(2)(A) with respect to an employee in a position in an intelligence community element (other than a position of a confidential, policy-determining, policymaking, or policy-advocating character).

“(b) IN GENERAL.—Any employee of an agency who has authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of an intelligence community element as a reprisal for a disclosure of information by the employee to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose), or to the head of the employing agency (or an employee designated by the head of that agency for such purpose), which the employee reasonably believes evidences—

“(1) a violation of any law, rule, or regulation; or

“(2) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

“(c) ENFORCEMENT.—The President shall provide for the enforcement of this section in a manner consistent with applicable provisions of sections 1214 and 1221.

“(d) EXISTING RIGHTS PRESERVED.—Nothing in this section shall be construed to—

“(1) preempt or preclude any employee, or applicant for employment, at the Federal Bureau of Investigation from exercising rights currently provided under any other law, rule, or regulation, including section 2303;

“(2) repeal section 2303; or

“(3) provide the President or Director of National Intelligence the authority to revise regulations related to section 2303, codified in part 27 of the Code of Federal Regulations.”

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 23 of title 5, United States Code, is amended by inserting after the item relating to section 2303 the following:

“2303A. Prohibited personnel practices in the intelligence community.”

## SEC. 202. REVIEW OF SECURITY CLEARANCE OR ACCESS DETERMINATIONS.

(a) IN GENERAL.—Section 3001(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “Not” and inserting “Except as otherwise provided, not”;

(2) in paragraph (5), by striking “and” after the semicolon;

(3) in paragraph (6), by striking the period at the end and inserting “; and”; and

(4) by inserting after paragraph (6) the following:

“(7) not later than 180 days after the date of enactment of the Whistleblower Protection Enhancement Act of 2011—

“(A) developing policies and procedures that permit, to the extent practicable, individuals who in good faith appeal a determination to suspend or revoke a security clearance or access to classified information to retain their government employment status while such challenge is pending; and

“(B) developing and implementing uniform and consistent policies and procedures to ensure proper protections during the process for denying, suspending, or revoking a security clearance or access to classified information, including the provision of a right to appeal such a denial, suspension, or revocation, except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts no longer than 1 year or the head of the agency certifies that a longer suspension is needed before a final decision on denial or revocation to prevent imminent harm to the national security.

“Any limitation period applicable to an agency appeal under paragraph (7) shall be tolled until the head of the agency (or in the case of any component of the Department of Defense, the Secretary of Defense) determines, with the concurrence of the Director of National Intelligence, that the policies and procedures described in paragraph (7) have been established for the agency or the Director of National Intelligence promulgates the policies and procedures under paragraph (7). The policies and procedures for appeals developed under paragraph (7) shall be comparable to the policies and procedures pertaining to prohibited personnel practices defined under section 2302(b)(8) of title 5, United States Code, and provide—

“(A) for an independent and impartial fact-finder;

“(B) for notice and the opportunity to be heard, including the opportunity to present relevant evidence, including witness testimony;

“(C) that the employee or former employee may be represented by counsel;

“(D) that the employee or former employee has a right to a decision based on the record developed during the appeal;

“(E) that not more than 180 days shall pass from the filing of the appeal to the report of the impartial fact-finder to the agency head or the designee of the agency head, unless—

“(i) the employee and the agency concerned agree to an extension; or

“(ii) the impartial fact-finder determines in writing that a greater period of time is required in the interest of fairness or national security;

“(F) for the use of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs in a manner consistent with the interests of national security, including ex parte submissions if the agency determines that the interests of national security so warrant; and

“(G) that the employee or former employee shall have no right to compel the production of information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, except evidence necessary to establish that the employee made the disclosure or communication such employee alleges was protected by subparagraphs (A), (B), and (C) of subsection (j)(1).”

(b) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

Section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b) is amended by adding at the end the following:

“(j) RETALIATORY REVOCATION OF SECURITY CLEARANCES AND ACCESS DETERMINATIONS.—

“(1) IN GENERAL.—Agency personnel with authority over personnel security clearance or access determinations shall not take or fail to take, or threaten to take or fail to take, any action with respect to any employee’s security clearance or access determination because of—

“(A) any disclosure of information to the Director of National Intelligence (or an employee designated by the Director of National Intelligence for such purpose) or the head of the employing agency (or employee designated by the head of that agency for such purpose) by an employee that the employee reasonably believes evidences—

“(i) a violation of any law, rule, or regulation; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

“(B) any disclosure to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee reasonably believes evidences—

“(i) a violation of any law, rule, or regulation; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety;

“(C) any communication that complies with—

“(i) subsection (a)(1), (d), and (h) of section 8H of the Inspector General Act of 1978 (50 U.S.C. App.);

“(ii) subsection (d)(5)(A), (D), and (G) of section 17 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q); or

“(iii) subsection (k)(5)(A), (D), and (G), of section 103H of the National Security Act of 1947 (50 U.S.C. 403-3h);

“(D) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation;

“(E) testifying for or otherwise lawfully assisting any individual in the exercise of any right referred to in subparagraph (D); or

“(F) cooperating with or disclosing information to the Inspector General of an agency, in accordance with applicable provisions of law in connection with an audit, inspection, or investigation conducted by the Inspector General,

if the actions described under subparagraphs (D) through (F) do not result in the employee or applicant unlawfully disclosing information specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs.

“(2) RULE OF CONSTRUCTION.—Consistent with the protection of sources and methods, nothing in paragraph (1) shall be construed to authorize the withholding of information from the Congress or the taking of any personnel action against an employee who discloses information to the Congress.

“(3) DISCLOSURES.—

“(A) IN GENERAL.—A disclosure shall not be excluded from paragraph (1) because—

“(i) the disclosure was made to a person, including a supervisor, who participated in an activity that the employee reasonably believed to be covered by paragraph (1)(A)(ii);

“(ii) the disclosure revealed information that had been previously disclosed;

“(iii) of the employee’s motive for making the disclosure;

“(iv) the disclosure was not made in writing;

“(v) the disclosure was made while the employee was off duty; or

“(vi) of the amount of time which has passed since the occurrence of the events described in the disclosure.

“(B) REPRISALS.—If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from paragraph (1) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.

“(4) AGENCY ADJUDICATION.—

“(A) REMEDIAL PROCEDURE.—An employee or former employee who believes that he or she has been subjected to a reprisal prohibited by paragraph (1) of this subsection may, within 90 days after the issuance of notice of such decision, appeal that decision within the agency of that employee or former employee through proceedings authorized by paragraph (7) of subsection (a), except that there shall be no appeal of an agency’s suspension of a security clearance or access determination for purposes of conducting an investigation, if that suspension lasts not longer than 1 year (or a longer period in accordance with a certification made under subsection (b)(7)).

“(B) CORRECTIVE ACTION.—If, in the course of proceedings authorized under subparagraph (A), it is determined that the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed \$300,000.

“(C) CONTRIBUTING FACTOR.—In determining whether the adverse security clearance or access determination violated paragraph (1) of this subsection, the agency shall find that paragraph (1) of this subsection was violated if a disclosure described in paragraph (1) was a contributing factor in the adverse security clearance or access determination taken against the individual, unless the agency demonstrates by a preponderance of the evidence that it would have taken the same action in the absence of such disclosure, giving the utmost deference to the agency’s assessment of the particular threat to the national security interests of the United States in the instant matter.

“(5) APPELLATE REVIEW OF SECURITY CLEARANCE ACCESS DETERMINATIONS BY DIRECTOR OF NATIONAL INTELLIGENCE.—

“(A) DEFINITION.—In this paragraph, the term ‘Board’ means the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012.

“(B) APPEAL.—Within 60 days after receiving notice of an adverse final agency determination under a proceeding under paragraph (4), an employee or former employee may appeal that determination to the Board.

“(C) POLICIES AND PROCEDURES.—The Board, in consultation with the Attorney

General, Director of National Intelligence, and the Secretary of Defense, shall develop and implement policies and procedures for adjudicating the appeals authorized by subparagraph (B). The Director of National Intelligence and Secretary of Defense shall jointly approve any rules, regulations, or guidance issued by the Board concerning the procedures for the use or handling of classified information.

“(D) REVIEW.—The Board’s review shall be on the complete agency record, which shall be made available to the Board. The Board may not hear witnesses or admit additional evidence. Any portions of the record that were submitted ex parte during the agency proceedings shall be submitted ex parte to the Board.

“(E) FURTHER FACT-FINDING OR IMPROPER DENIAL.—If the Board concludes that further fact-finding is necessary or finds that the agency improperly denied the employee or former employee the opportunity to present evidence that, if admitted, would have a substantial likelihood of altering the outcome, the Board shall remand the matter to the agency from which it originated for additional proceedings in accordance with the rules of procedure issued by the Board.

“(F) DE NOVO DETERMINATION.—The Board shall make a de novo determination, based on the entire record and under the standards specified in paragraph (4), of whether the employee or former employee received an adverse security clearance or access determination in violation of paragraph (1). In considering the record, the Board may weigh the evidence, judge the credibility of witnesses, and determine controverted questions of fact. In doing so, the Board may consider the prior fact-finder’s opportunity to see and hear the witnesses.

“(G) ADVERSE SECURITY CLEARANCE OR ACCESS DETERMINATION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall then separately determine whether reinstating the security clearance or access determination is clearly consistent with the interests of national security, with any doubt resolved in favor of national security, under Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information) or any successor thereto (including any adjudicative guidelines promulgated under such orders) or any subsequent Executive order, regulation, or policy concerning access to classified information.

“(H) REMEDIES.—

“(i) CORRECTIVE ACTION.—If the Board finds that the adverse security clearance or access determination violated paragraph (1), it shall order the agency head to take specific corrective action to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the violation not occurred. Such corrective action shall include reasonable attorney’s fees and any other reasonable costs incurred, and may include back pay and related benefits, travel expenses, and compensatory damages not to exceed \$300,000. The Board may recommend, but may not order, reinstatement or hiring of a former employee. The Board may order that the former employee be treated as though the employee were transferring from the most recent position held when seeking other positions within the executive branch. Any corrective action shall not include the reinstating of any security clearance or access determination. The agency head shall take the actions so ordered within 90 days, unless the Director of

National Intelligence, the Secretary of Energy, or the Secretary of Defense, in the case of any component of the Department of Defense, determines that doing so would endanger national security.

“(ii) RECOMMENDED ACTION.—If the Board finds that reinstating the employee or former employee’s security clearance or access determination is clearly consistent with the interests of national security, it shall recommend such action to the head of the entity selected under subsection (b) and the head of the affected agency.

“(I) CONGRESSIONAL NOTIFICATION.—

“(i) ORDERS.—Consistent with the protection of sources and methods, at the time the Board issues an order, the Chairperson of the Board shall notify—

“(I) the Committee on Homeland Security and Government Affairs of the Senate;

“(II) the Select Committee on Intelligence of the Senate;

“(III) the Committee on Oversight and Government Reform of the House of Representatives;

“(IV) the Permanent Select Committee on Intelligence of the House of Representatives; and

“(V) the committees of the Senate and the House of Representatives that have jurisdiction over the employing agency, including in the case of a final order or decision of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, or the National Reconnaissance Office, the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.

“(ii) RECOMMENDATIONS.—If the agency head and the head of the entity selected under subsection (b) do not follow the Board’s recommendation to reinstate a clearance, the head of the entity selected under subsection (b) shall notify the committees described in subclauses (I) through (V) of clause (i).

“(6) JUDICIAL REVIEW.—Nothing in this section shall be construed to permit or require judicial review of any—

“(A) agency action under this section; or

“(B) action of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012.

“(7) PRIVATE CAUSE OF ACTION.—Nothing in this section shall be construed to permit, authorize, or require a private cause of action to challenge the merits of a security clearance determination.”

(c) ACCESS DETERMINATION DEFINED.—Section 3001(a) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b(a)) is amended by adding at the end the following:

“(9) The term ‘access determination’ means the determination regarding whether an employee—

“(A) is eligible for access to classified information in accordance with Executive Order 12968 (60 Fed. Reg. 40245; relating to access to classified information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry); and

“(B) possesses a need to know under that Order.”

(d) RULE OF CONSTRUCTION.—Nothing in section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall be construed to require the repeal or replacement of agency appeal procedures implementing

Executive Order 12968 (60 Fed. Reg. 40245; relating to classified national security information), or any successor thereto, and Executive Order 10865 (25 Fed. Reg. 1583; relating to safeguarding classified information with industry), or any successor thereto, that meet the requirements of section 3001(b)(7) of such Act, as so amended.

**SEC. 203. REVISIONS RELATING TO THE INTELLIGENCE COMMUNITY WHISTLEBLOWER PROTECTION ACT.**

(a) IN GENERAL.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b)—

(A) by inserting “(1)” after “(b)”; and

(B) by adding at the end the following:

“(2) If the head of an establishment determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the head of the establishment, the head of the establishment shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence and, if the establishment is within the Department of Defense, to the Secretary of Defense. In such a case, the requirements of this section for the head of the establishment apply to each recipient of the Inspector General’s transmission. Each recipient of the Inspector General’s transmission shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012 regarding all transmissions under this paragraph.”;

(2) by designating subsection (h) as subsection (i); and

(3) by inserting after subsection (g), the following:

“(h) An individual who has submitted a complaint or information to an Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to that particular Inspector General, and of the date on which such submission was made.”.

(b) CENTRAL INTELLIGENCE AGENCY.—Section 17(d)(5) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q) is amended—

(1) in subparagraph (B)—

(A) by inserting “(i)” after “(B)”; and

(B) by adding at the end the following:

“(ii) If the Director determines that a complaint or information transmitted under paragraph (1) would create a conflict of interest for the Director, the Director shall return the complaint or information to the Inspector General with that determination and the Inspector General shall make the transmission to the Director of National Intelligence. In such a case, the requirements of this subsection for the Director apply to the Director of National Intelligence. The Director of National Intelligence shall consult with the members of the appellate review board established under section 204 of the Whistleblower Protection Enhancement Act of 2012 regarding all transmissions under this clause.”; and

(2) by adding at the end the following:

“(H) An individual who has submitted a complaint or information to the Inspector General under this section may notify any member of Congress or congressional staff member of the fact that such individual has made a submission to the Inspector General, and of the date on which such submission was made.”.

**SEC. 204. REGULATIONS; REPORTING REQUIREMENTS; NONAPPLICABILITY TO CERTAIN TERMINATIONS.**

(a) DEFINITIONS.—In this section—

(1) the term “congressional oversight committees” means—

(A) the Committee on Homeland Security and Government Affairs of the Senate;

(B) the Select Committee on Intelligence of the Senate;

(C) the Committee on Oversight and Government Reform of the House of Representatives; and

(D) the Permanent Select Committee on Intelligence of the House of Representatives; and

(2) the term “intelligence community element”—

(A) means—

(i) the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

(ii) any executive agency or unit thereof determined by the President under section 2302(a)(2)(C)(ii) of title 5, United States Code, to have as its principal function the conduct of foreign intelligence or counterintelligence activities; and

(B) does not include the Federal Bureau of Investigation.

(b) REGULATIONS.—

(1) IN GENERAL.—In consultation with the Secretary of Defense, the Director of National Intelligence shall prescribe regulations to ensure that a personnel action shall not be taken against an employee of an intelligence community element as a reprisal for any disclosure of information described in section 2303A(b) of title 5, United States Code, as added by this Act.

(2) APPELLATE REVIEW BOARD.—Not later than 180 days after the date of enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of Defense, the Attorney General, and the heads of appropriate agencies, shall establish an appellate review board that is broadly representative of affected Departments and agencies and is made up of individuals with expertise in merit systems principles and national security issues—

(A) to hear whistleblower appeals related to security clearance access determinations described in section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as added by this Act; and

(B) that shall include a subpanel that reflects the composition of the intelligence community, which shall—

(i) be composed of intelligence community elements and inspectors general from intelligence community elements, for the purpose of hearing cases that arise in elements of the intelligence community; and

(ii) include the Inspector General of the Intelligence Community and the Inspector General of the Department of Defense.

(c) REPORT ON THE STATUS OF IMPLEMENTATION OF REGULATIONS.—Not later than 2 years after the date of enactment of this Act, the Director of National Intelligence shall submit a report on the status of the implementation of the regulations promulgated under subsection (b) to the congressional oversight committees.

(d) NONAPPLICABILITY TO CERTAIN TERMINATIONS.—Section 2303A of title 5, United States Code, as added by this Act, and section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 435b), as amended by this Act, shall not apply if the affected employee is concurrently terminated under—

(1) section 1609 of title 10, United States Code;

(2) the authority of the Director of National Intelligence under section 102A(m) of the National Security Act of 1947 (50 U.S.C. 403-1(m)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination;

(3) the authority of the Director of the Central Intelligence Agency under section 104A(e) of the National Security Act of 1947 (50 U.S.C. 403-4a(e)), if—

(A) the Director personally summarily terminates the individual; and

(B) the Director—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination; or

(4) section 7532 of title 5, United States Code, if—

(A) the agency head personally terminates the individual; and

(B) the agency head—

(i) determines the termination to be in the interest of the United States;

(ii) determines that the procedures prescribed in other provisions of law that authorize the termination of the employment of such employee cannot be invoked in a manner consistent with the national security; and

(iii) not later than 5 days after such termination, notifies the congressional oversight committees of the termination.

**TITLE III—SAVINGS CLAUSE; EFFECTIVE DATE**

**SEC. 301. SAVINGS CLAUSE.**

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

**SEC. 302. EFFECTIVE DATE.**

This Act shall take effect 30 days after the date of enactment of this Act.

AMENDMENT OFFERED BY MR. LEWIS OF CALIFORNIA

Mr. LEWIS of California. Mr. Speaker, I have an amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Strike all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

*This Act may be cited as the “Whistleblower Protection Enhancement Act of 2012”.*

**TITLE I—PROTECTION OF CERTAIN DISCLOSURES OF INFORMATION BY FEDERAL EMPLOYEES**

**SEC. 101. CLARIFICATION OF DISCLOSURES COVERED.**

(a) IN GENERAL.—Section 2302(b)(8) of title 5, United States Code, is amended—

(1) in subparagraph (A)(i), by striking “a violation” and inserting “any violation”; and



(2) in subparagraph (B)(i), by striking “a violation” and inserting “any violation (other than a violation of this section)”.

(b) **PROHIBITED PERSONNEL PRACTICES UNDER SECTION 2302(b)(9).**—

(1) **TECHNICAL AND CONFORMING AMENDMENTS.**—Title 5, United States Code, is amended—

(A) in subsections (a)(3), (b)(4)(A), and (b)(4)(B)(i) of section 1214 and in subsections (a), (e)(1), and (i) of section 1221, by inserting “or section 2302(b)(9) (A)(i), (B), (C), or (D)” after “section 2302(b)(8)” each place it appears; and

(B) in section 2302(a)(2)(C)(i), by inserting “or section 2302(b)(9) (A)(i), (B), (C), or (D)” after “(b)(8)”.

(2) **OTHER REFERENCES.**—(A) Title 5, United States Code, is amended in subsection (b)(4)(B)(i) of section 1214 and in subsection (e)(1) of section 1221 by inserting “or protected activity” after “disclosure” each place it appears.

(B) Section 2302(b)(9) of title 5, United States Code, is amended—

(i) by striking subparagraph (A) and inserting the following:

“(A) the exercise of any appeal, complaint, or grievance right granted by any law, rule, or regulation—

“(i) with regard to remedying a violation of paragraph (8); or

“(ii) other than with regard to remedying a violation of paragraph (8);”; and

(ii) in subparagraph (B), by inserting “(i) or (ii)” after “subparagraph (A)”.

(C) Section 2302 of title 5, United States Code, is amended by adding at the end the following:

“(f)(1) A disclosure shall not be excluded from subsection (b)(8) because—

“(A) the disclosure was made to a supervisor or to a person who participated in an activity that the employee or applicant reasonably believed to be covered by subsection (b)(8)(A)(i) and (ii);

“(B) the disclosure revealed information that had been previously disclosed;

“(C) of the employee’s or applicant’s motive for making the disclosure;

“(D) the disclosure was not made in writing;

“(E) the disclosure was made while the employee was off duty; or

“(F) of the amount of time which has passed since the occurrence of the events described in the disclosure.

“(2) If a disclosure is made during the normal course of duties of an employee, the disclosure shall not be excluded from subsection (b)(8) if any employee who has authority to take, direct others to take, recommend, or approve any personnel action with respect to the employee making the disclosure, took, failed to take, or threatened to take or fail to take a personnel action with respect to that employee in reprisal for the disclosure.”.

#### SEC. 102. DEFINITIONAL AMENDMENTS.

Section 2302(a)(2) of title 5, United States Code, is amended—

(1) in subparagraph (B)(ii), by striking “and” at the end;

(2) in subparagraph (C)(iii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(D) ‘disclosure’ means a formal or informal communication or transmission, but does not include a communication concerning policy decisions that lawfully exercise discretionary authority unless the employee or applicant providing the disclosure reasonably believes that the disclosure evidences—

“(i) any violation of any law, rule, or regulation; or

“(ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.”.

#### SEC. 103. REBUTTABLE PRESUMPTION.

Section 2302(b) of title 5, United States Code, is amended by amending the matter following paragraph (12) to read as follows:

“This subsection shall not be construed to authorize the withholding of information from Congress or the taking of any personnel action against an employee who discloses information to Congress. For purposes of paragraph (8), (i) any presumption relating to the performance of a duty by an employee whose conduct is the subject of a disclosure as defined under subsection (a)(2)(D) may be rebutted by substantial evidence, and (ii) a determination as to whether an employee or applicant reasonably believes that such employee or applicant has disclosed information that evidences any violation of law, rule, regulation, gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety shall be made by determining whether a disinterested observer with knowledge of the essential facts known to and readily ascertainable by the employee or applicant could reasonably conclude that the actions of the Government evidence such violations, mismanagement, waste, abuse, or danger.”.

#### SEC. 104. PERSONNEL ACTIONS AND PROHIBITED PERSONNEL PRACTICES.

(a) **PERSONNEL ACTION.**—Section 2302(a)(2)(A) of title 5, United States Code, is amended—

(1) in clause (x), by striking “and” after the semicolon; and

(2) by redesignating clause (xi) as clause (xii) and inserting after clause (x) the following:

“(xi) the implementation or enforcement of any nondisclosure policy, form, or agreement; and”.

(b) **PROHIBITED PERSONNEL PRACTICE.**—

(1) **IN GENERAL.**—Section 2302(b) of title 5, United States Code, is amended—

(A) in paragraph (11), by striking “or” at the end;

(B) in paragraph (12), by striking the period and inserting “; or”; and

(C) by inserting after paragraph (12) the following:

“(13) implement or enforce any nondisclosure policy, form, or agreement, if such policy, form, or agreement does not contain the following statement: ‘These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.’.”.

(2) **AGENCY WEBSITES.**—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under section 2302(b)(13) of title 5, United States Code (as added by this Act) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) **NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.**—With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under section 2302(b)(13) of title 5, United States Code (as added by this Act) for implementation or enforcement—

(A) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement with regard to a current employee if the agency gives such employee notice of the statement; and

(B) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2) of this subsection.

(c) **RETALIATORY INVESTIGATIONS.**—

(1) **AGENCY INVESTIGATION.**—Section 1214 of title 5, United States Code, is amended by adding at the end the following:

“(h) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.”.

(2) **DAMAGES.**—Section 1221(g) of title 5, United States Code, is amended by adding at the end the following:

“(4) Any corrective action ordered under this section to correct a prohibited personnel practice may include fees, costs, or damages reasonably incurred due to an agency investigation of the employee, if such investigation was commenced, expanded, or extended in retaliation for the disclosure or protected activity that formed the basis of the corrective action.”.

#### SEC. 105. EXCLUSION OF AGENCIES BY THE PRESIDENT.

Section 2302(a)(2)(C) of title 5, United States Code, is amended by striking clause (ii) and inserting the following:

“(ii)(I) the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Security Agency, the Office of the Director of National Intelligence, and the National Reconnaissance Office; and

“(II) as determined by the President, any Executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counterintelligence activities, provided that the determination be made prior to a personnel action; or”.

#### SEC. 106. DISCIPLINARY ACTION.

Section 1215(a)(3) of title 5, United States Code, is amended to read as follows:

“(3)(A) A final order of the Board may impose—

“(i) disciplinary action consisting of removal, reduction in grade, debarment from Federal employment for a period not to exceed 5 years, suspension, or reprimand;

“(ii) an assessment of a civil penalty not to exceed \$1,000; or

“(iii) any combination of disciplinary actions described under clause (i) and an assessment described under clause (ii).

“(B) In any case brought under paragraph (1) in which the Board finds that an employee has committed a prohibited personnel practice under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D), the Board may impose disciplinary action if the Board finds that the activity protected under section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) was a significant motivating factor, even if other factors also motivated the decision, for the employee’s decision to take, fail to take, or threaten to take or fail to take a personnel action, unless that employee demonstrates, by a preponderance of the evidence, that the employee would have taken, failed to take, or threatened to take or fail to take the same personnel action, in the absence of such protected activity.”.

#### SEC. 107. REMEDIES.

(a) **ATTORNEY FEES.**—Section 1204(m)(1) of title 5, United States Code, is amended by striking “agency involved” and inserting “agency where the prevailing party was employed or had applied for employment at the time of the events giving rise to the case”.



(b) **DAMAGES.**—Sections 1214(g)(2) and 1221(g)(1)(A)(ii) of title 5, United States Code, are amended by striking all after “travel expenses,” and inserting “any other reasonable and foreseeable consequential damages, and compensatory damages (including interest, reasonable expert witness fees, and costs).” each place it appears.

**SEC. 108. JUDICIAL REVIEW.**

(a) **IN GENERAL.**—Section 7703(b) of title 5, United States Code, is amended by striking the matter preceding paragraph (2) and inserting the following:

“(b)(1)(A) Except as provided in subparagraph (B) and paragraph (2) of this subsection, a petition to review a final order or final decision of the Board shall be filed in the United States Court of Appeals for the Federal Circuit. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.

“(B) During the 2-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, a petition to review a final order or final decision of the Board that raises no challenge to the Board’s disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D) shall be filed in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent jurisdiction. Notwithstanding any other provision of law, any petition for review shall be filed within 60 days after the Board issues notice of the final order or decision of the Board.”.

(b) **REVIEW OBTAINED BY OFFICE OF PERSONNEL MANAGEMENT.**—Section 7703(d) of title 5, United States Code, is amended to read as follows:

“(d)(1) Except as provided under paragraph (2), this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management. The Director may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board’s decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the Court of Appeals. The granting of the petition for judicial review shall be at the discretion of the Court of Appeals.

“(2) During the 2-year period beginning on the effective date of the Whistleblower Protection Enhancement Act of 2012, this paragraph shall apply to any review obtained by the Director of the Office of Personnel Management that raises no challenge to the Board’s disposition of allegations of a prohibited personnel practice described in section 2302(b) other than practices described in section 2302(b)(8), or 2302(b)(9) (A)(i), (B), (C), or (D). The Director may obtain review of any final order or decision of the Board by filing, within 60 days after the Board issues notice of the final order or decision of the Board, a petition for judicial review in the United States Court of Appeals for the Federal Circuit or any court of appeals of competent ju-

risdiction if the Director determines, in the discretion of the Director, that the Board erred in interpreting a civil service law, rule, or regulation affecting personnel management and that the Board’s decision will have a substantial impact on a civil service law, rule, regulation, or policy directive. If the Director did not intervene in a matter before the Board, the Director may not petition for review of a Board decision under this section unless the Director first petitions the Board for a reconsideration of its decision, and such petition is denied. In addition to the named respondent, the Board and all other parties to the proceedings before the Board shall have the right to appear in the proceeding before the court of appeals. The granting of the petition for judicial review shall be at the discretion of the court of appeals.”.

**SEC. 109. PROHIBITED PERSONNEL PRACTICES AFFECTING THE TRANSPORTATION SECURITY ADMINISTRATION.**

(a) **IN GENERAL.**—Chapter 23 of title 5, United States Code, is amended—

(1) by redesignating sections 2304 and 2305 as sections 2305 and 2306, respectively; and

(2) by inserting after section 2303 the following:

**“§2304. Prohibited personnel practices affecting the Transportation Security Administration**

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, any individual holding or applying for a position within the Transportation Security Administration shall be covered by—

“(1) the provisions of section 2302(b) (1), (8), and (9);

“(2) any provision of law implementing section 2302(b) (1), (8), or (9) by providing any right or remedy available to an employee or applicant for employment in the civil service; and

“(3) any rule or regulation prescribed under any provision of law referred to in paragraph (1) or (2).

“(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to affect any rights, apart from those described in subsection (a), to which an individual described in subsection (a) might otherwise be entitled under law.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The table of sections for chapter 23 of title 5, United States Code, is amended by striking the items relating to sections 2304 and 2305, respectively, and inserting the following:

“2304. Prohibited personnel practices affecting the Transportation Security Administration.

“2305. Responsibility of the Government Accountability Office.

“2306. Coordination with certain other provisions of law.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of enactment of this section.

**SEC. 110. DISCLOSURE OF CENSORSHIP RELATED TO RESEARCH, ANALYSIS, OR TECHNICAL INFORMATION.**

(a) **DEFINITIONS.**—In this subsection—

(1) the term “agency” has the meaning given under section 2302(a)(2)(C) of title 5, United States Code;

(2) the term “applicant” means an applicant for a covered position;

(3) the term “censorship related to research, analysis, or technical information” means any effort to distort, misrepresent, or suppress research, analysis, or technical information;

(4) the term “covered position” has the meaning given under section 2302(a)(2)(B) of title 5, United States Code;

(5) the term “employee” means an employee in a covered position in an agency; and

(6) the term “disclosure” has the meaning given under section 2302(a)(2)(D) of title 5, United States Code.

(b) **PROTECTED DISCLOSURE.**—

(1) **IN GENERAL.**—Any disclosure of information by an employee or applicant for employment that the employee or applicant reasonably believes is evidence of censorship related to research, analysis, or technical information—

(A) shall come within the protections of section 2302(b)(8)(A) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation; or  
(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) such disclosure is not specifically prohibited by law or such information is not specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs; and

(B) shall come within the protections of section 2302(b)(8)(B) of title 5, United States Code, if—

(i) the employee or applicant reasonably believes that the censorship related to research, analysis, or technical information is or will cause—

(I) any violation of law, rule, or regulation; or  
(II) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; and

(ii) the disclosure is made to the Special Counsel, or to the Inspector General of an agency or another person designated by the head of the agency to receive such disclosures, consistent with the protection of sources and methods.

(2) **DISCLOSURES NOT EXCLUDED.**—A disclosure shall not be excluded from paragraph (1) for any reason described under section 2302(f)(1) or (2) of title 5, United States Code.

(3) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to imply any limitation on the protections of employees and applicants afforded by any other provision of law, including protections with respect to any disclosure of information believed to be evidence of censorship related to research, analysis, or technical information.

**SEC. 111. CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.**

Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: “For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.”.

**SEC. 112. ADVISING EMPLOYEES OF RIGHTS.**

Section 2302(c) of title 5, United States Code, is amended by inserting “, including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures” after “chapter 12 of this title”.

**SEC. 113. SPECIAL COUNSEL AMICUS CURIAE APPEARANCE.**

Section 1212 of title 5, United States Code, is amended by adding at the end the following:

“(h)(1) The Special Counsel is authorized to appear as amicus curiae in any action brought in a court of the United States related to section 2302(b) (8) or (9), or as otherwise authorized by law. In any such action, the Special Counsel is authorized to present the views of the Special Counsel with respect to compliance with section

2302(b) (8) or (9) and the impact court decisions would have on the enforcement of such provisions of law.

“(2) A court of the United States shall grant the application of the Special Counsel to appear in any such action for the purposes described under subsection (a).”.

#### SEC. 114. SCOPE OF DUE PROCESS.

(a) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

(b) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

#### SEC. 115. NONDISCLOSURE POLICIES, FORMS, AND AGREEMENTS.

(a) IN GENERAL.—

(1) REQUIREMENT.—Each agreement in Standard Forms 312 and 4414 of the Government and any other nondisclosure policy, form, or agreement of the Government shall contain the following statement: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”.

(2) AGENCY WEBSITES.—Agencies making use of any nondisclosure policy, form, or agreement shall also post the statement required under paragraph (1) on the agency website, accompanied by the specific list of controlling Executive orders and statutory provisions.

(3) ENFORCEABILITY.—

(A) IN GENERAL.—Any nondisclosure policy, form, or agreement described under paragraph (1) that does not contain the statement required under paragraph (1) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(B) NONDISCLOSURE POLICY, FORM, OR AGREEMENT IN EFFECT BEFORE THE EFFECTIVE DATE.—With respect to a nondisclosure policy, form, or agreement that was in effect before the effective date of this Act, but that does not contain the statement required under paragraph (1) for implementation or enforcement—

(i) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement with regard to a current employee if the agency gives such employee notice of the statement; and

(ii) it shall not be a prohibited personnel practice to enforce that policy, form, or agreement after the effective date of this Act with regard to a former employee if the agency complies with paragraph (2).

(b) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding subsection (a), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such policy, form, or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure policy, form, or agreement shall also make it

clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law, consistent with the protection of sources and methods.

#### SEC. 116. REPORTING REQUIREMENTS.

(a) GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) REPORT.—Not later than 4 years after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this title.

(2) CONTENTS.—The report under this subsection shall include—

(A) an analysis of any changes in the number of cases filed with the Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of this Act;

(B) the outcome of the cases described under subparagraph (A), including whether or not the Merit Systems Protection Board, the United States Court of Appeals for the Federal Circuit, or any other court determined the allegations to be frivolous or malicious as well as a recommendation whether Congress should grant the Merit Systems Protection Board summary judgment authority for cases described under subparagraph (A);

(C) a recommendation regarding whether Congress should grant jurisdiction for some subset of cases described under subparagraph (A) to be decided by a district court of the United States and an evaluation of the impact that would have on the Merit Systems Protection Board and the Federal court system; and

(D) any other matter as determined by the Comptroller General.

(b) MERIT SYSTEMS PROTECTION BOARD.—

(1) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(A) Information relating to the outcome of cases decided by the Merit Systems Protection Board during the period covered by such report in which violations of section 2302(b)(8) or (9)(A)(i), (B)(i), (C), or (D) of title 5, United States Code, were alleged.

(B) The number of such cases filed in the regional and field offices, and the number of petitions for review filed in such cases, during the period covered by such report, and the outcomes of any such cases or petitions for review (irrespective of when filed) decided during such period.

(2) FIRST REPORT.—The first report described under paragraph (1) submitted after the date of enactment of this Act shall include an addendum required under that paragraph that covers the period beginning on the effective date of this Act and ending at the end of the fiscal year in which such effective date occurs.

#### SEC. 117. WHISTLEBLOWER PROTECTION OMBUDSMAN.

(a) IN GENERAL.—Section 3 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking subsection (d) and inserting the following:

“(d)(1) Each Inspector General shall, in accordance with applicable laws and regulations governing the civil service—

“(A) appoint an Assistant Inspector General for Auditing who shall have the responsibility for supervising the performance of auditing activities relating to programs and operations of the establishment;

“(B) appoint an Assistant Inspector General for Investigations who shall have the responsi-

bility for supervising the performance of investigative activities relating to such programs and operations; and

“(C) designate a Whistleblower Protection Ombudsman who shall educate agency employees—

“(i) about prohibitions on retaliation for protected disclosures; and

“(ii) who have made or are contemplating making a protected disclosure about the rights and remedies against retaliation for protected disclosures.

“(2) The Whistleblower Protection Ombudsman shall not act as a legal representative, agent, or advocate of the employee or former employee.

“(3) For the purposes of this section, the requirement of the designation of a Whistleblower Protection Ombudsman under paragraph (1)(C) shall not apply to—

“(A) any agency that is an element of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4))); or

“(B) as determined by the President, any executive agency or unit thereof the principal function of which is the conduct of foreign intelligence or counter intelligence activities.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking “section 3(d)(1)” and inserting “section 3(d)(1)(A)”; and

(2) by striking “section 3(d)(2)” and inserting “section 3(d)(1)(B)”.

(c) SUNSET.—

(1) IN GENERAL.—The amendments made by this section shall cease to have effect on the date that is 5 years after the date of enactment of this Act.

(2) RETURN TO PRIOR AUTHORITY.—Upon the date described in paragraph (1), section 3(d) and section 8D(j) of the Inspector General Act of 1978 (5 U.S.C. App.) shall read as such sections read on the day before the date of enactment of this Act.

## TITLE II—SAVINGS CLAUSE; EFFECTIVE DATE

### SEC. 201. SAVINGS CLAUSE.

Nothing in this Act shall be construed to imply any limitation on any protections afforded by any other provision of law to employees and applicants.

### SEC. 202. EFFECTIVE DATE.

Except as otherwise provided in section 109, this Act shall take effect 30 days after the date of enactment of this Act.

Mr. LEWIS of California (during the reading). Mr. Speaker, I ask unanimous consent to dispense with the reading of the amendment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Mr. VAN HOLLEN. Reserving the right to object, I just want to understand. Is this an amendment to the whistleblower bill or this is the whistleblower bill?

Mr. LEWIS of California. It is a very extensive amendment I had planned to have read, but I understand the gentleman is not going to object. So I am anxious to hear him.

Mr. VAN HOLLEN. This is the whistleblower amendment?

Mr. LEWIS of California. It is.

Mr. VAN HOLLEN. I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### PERMISSION TO ADDRESS THE HOUSE FOR 1 MINUTE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute on the national priorities we're neglecting, including middle class tax cuts, responsible deficit reduction, the Violence Against Women Act, veterans benefits, and protecting Medicare.

The SPEAKER pro tempore. Recognition of Members for such requests is within the discretion of the Chair. The Chair is limiting recognition today to consideration of legislative matters before the House, and such request for a 1-minute speech is not recognized.

#### PARLIAMENTARY INQUIRY

Mr. WAXMAN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. WAXMAN. During pro forma session, can the Chair entertain legislative business? Because I have a further parliamentary inquiry: If we can take up legislation to create jobs and avoid the fiscal cliff, since we're taking up other items, I would like to know whether we could do business in the House of Representatives to address the priorities in this Nation?

People want jobs. People want the deficit reduced.

The SPEAKER pro tempore. Does the gentleman have a specific parliamentary inquiry?

Mr. WAXMAN. My specific request is whether, during a pro forma session, can the Chair entertain legislative business?

The SPEAKER pro tempore. The gentleman is asking a question regarding a matter of scheduling. The House just considered the business brought before it by the gentleman from California (Mr. LEWIS).

#### BILLS AND A JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on September 14, 2012, she presented to the President of the United States, for his approval, the following bill:

H.R. 6336. To direct the Joint Committee on the Library to accept a statue depicting Frederick Douglass from the District of Columbia and to provide for the permanent display of the statue in Emancipation Hall of the United States Capitol.

Karen L. Haas, Clerk of the House, further reported that on September 25,

2012, she presented to the President of the United States, for his approval, the following bills and joint resolution:

H.J. Res. 117. Making continuing appropriations for fiscal year 2013, and for other purposes.

H.R. 1272. To provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

H.R. 1791. To designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

H.R. 2139. To require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

H.R. 2240. To authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

H.R. 2706. To prohibit the sale of billfish.

H.R. 3556. To designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

H.R. 4158. To confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

H.R. 4223. To amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

H.R. 4347. To designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Booechever United States Courthouse".

H.R. 5512. To amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 6189. To eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

H.R. 6215. To amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

H.R. 6375. To authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 6431. To provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

H.R. 6433. To make corrections with respect to Food and Drug Administration user fees.

#### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 10 a.m. on Tuesday, October 2, 2012.

Accordingly (at 11 o'clock and 11 minutes a.m.), the House adjourned until Tuesday, October 2, 2012, at 10 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8021. A letter from the Acting Congressional Review Coordinator, Department of

Agriculture, transmitting the Department's final rule — Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio and New York [Docket No.: APHIS-2012-0003] received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8022. A communication from the President of the United States, transmitting a letter regarding the designation of Overseas and Contingency Operations/Global War on Terrorism funding; (H. Doc. No. 112—146); to the Committee on Appropriations and ordered to be printed.

8023. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to United Arab Emirates pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8024. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Poland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8025. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

8026. A letter from the Chief, Trade and Commercial Regulations Branch, Homeland Security, transmitting the Department's final rule — Extension of Import Restrictions on Archaeological and Ethnological Materials from Guatemala [CBP Dec. 12-17] (RIN: 1515-AD92) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8027. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties [Notice 2012-62] received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

#### REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 511. A bill to amend title 18, United States Code, to prohibit the importation of various injurious species of constrictor snakes; with an amendment (Rept. 112-691, Pt. 1); Referred to the Committee on Natural Resources for a period ending not later than December 5, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(m), rule X.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. HALL (for himself, Mr. ROHR-ABACHER, Mr. HARRIS, and Mr. BENISHEK):

H.R. 6564. A bill to amend the Environmental Research, Development, and Demonstration Authorization Act of 1978 to provide for Scientific Advisory Board member qualifications, public participation, and for other purposes; to the Committee on Science, Space, and Technology.

By Ms. RICHARDSON:

H.R. 6565. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for certain expenses of applying to graduate school; to the Committee on Ways and Means.

By Ms. RICHARDSON:

H.R. 6566. A bill to amend the Homeland Security Act of 2002 to require the Administrator of the Federal Emergency Management Agency to provide guidance and coordination for mass fatality planning, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HALL:

H.R. 6564.

Congress has the power to enact this legislation pursuant to the following:  
Article I, Section 8, Clause 18

By Ms. RICHARDSON:

H.R. 6565.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 3 and 18 of the United States Constitution.

By Ms. RICHARDSON:

H.R. 6566.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clauses 1 and 18 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 458: Mr. LARSEN of Washington.

H.R. 905: Mr. THOMPSON of California and Ms. SUTTON.

H.R. 1084: Ms. ESHOO.

H.R. 1375: Ms. ESHOO.

H.R. 1792: Ms. BUERKLE.

H.R. 1842: Mr. SCOTT of Virginia.

H.R. 2052: Mr. GRIJALVA, Mr. HINCHEY, and Ms. NORTON.

H.R. 2104: Mr. THOMPSON of California.

H.R. 2159: Mr. HEINRICH.

H.R. 2313: Mr. YODER.

H.R. 2376: Ms. ESHOO.

H.R. 2479: Mr. CUMMINGS and Mr. BUTTERFIELD.

H.R. 2514: Mr. WALDEN.

H.R. 2524: Mr. BISHOP of Georgia.

H.R. 2597: Mr. SHERMAN.

H.R. 2721: Mr. SIRES, Mr. TONKO, and Ms. CASTOR of Florida.

H.R. 3032: Mr. WALZ of Minnesota.

H.R. 3098: Mr. WALBERG.

H.R. 3423: Mr. CLEAVER and Mr. WALZ of Minnesota.

H.R. 3634: Mrs. ROBY, Mr. BENISHEK and Mr. DUNCAN of Tennessee.

H.R. 3808: Mr. LIPINSKI.

H.R. 4030: Ms. JENKINS.

H.R. 4066: Ms. HAYWORTH, Mr. LATHAM, Mr. SHULER and Mr. BILBRAY.

H.R. 4120: Ms. ESHOO, Ms. SCHAKOWSKY and Mr. LATHAM.

H.R. 4165: Mr. WOLF.

H.R. 4256: Mr. AUSTIN SCOTT of Georgia.

H.R. 4336: Mr. GERLACH.

H.R. 4373: Mr. PETERS, Mr. FRANKS of Arizona, and Mr. MARCHANT.

H.R. 4378: Mr. YOUNG of Florida.

H.R. 5796: Mr. PETRI.

H.R. 5817: Mr. HASTINGS of Florida and Mr. PETERSON.

H.R. 5830: Mr. JONES.

H.R. 5839: Mr. ROSS of Arkansas.

H.R. 5942: Mr. LUETKEMEYER.

H.R. 5943: Mr. LATHAM.

H.R. 6035: Mr. KUCINICH.

H.R. 6141: Mr. WALDEN.

H.R. 6157: Mr. RANGEL.

H.R. 6385: Mr. WALZ of Minnesota.

H.R. 6416: Mr. WALDEN and Mr. LOBIONDO.

H.R. 6438: Mr. LANKFORD.

H.R. 6439: Mr. WALDEN.

H.R. 6452: Mr. GARRETT and Mr. CULBERSON.

H.R. 6490: Mr. LOEBSACK.

H.R. 6533: Mr. MCGOVERN and Mr. BASS of New Hampshire.

H. Res. 763: Ms. ESHOO.

H. Res. 774: Mr. TIBERI and Mr. CARSON of Indiana.

H. Res. 783: Mr. CULBERSON.

#### DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

*[Omitted from the Record of September 14, 2012]*

Petition 5, September 13, 2012, by Mr. BRUCE BRALEY on House Resolution 739, was signed by the following Members: Bruce L. Braley, Leonard L. Boswell, Kristi L. Noem, Kurt Schrader, Larry Kissell, Ed Perlmutter, Jim Cooper, Jim Costa, Rubén Hinojosa, Christopher P. Gibson, John Garamendi, Peter Welch, Joe Courtney, William L. Owens, Timothy J. Walz, Jean Schmidt, Timothy V. Johnson, Kathleen C. Hochul, Jo Ann Emerson, Jason Altmire, Eric A. "Rick" Crawford, Jeff Fortenberry, Ben Chandler, Mike McIntyre, Chellie Pingree, Denny Rehberg, David Loebsack, Charles A. Gonzalez, Danny K. Davis, Joe Donnelly, Rick Berg, Mark S. Critz, Michael F. Doyle, Tim Holden, Nick J. Rahall II, Heath Shuler, Timothy H. Bishop, Bob Filner, Tammy Baldwin, Scott R. Tipton, Marcy Kaptur, Renee L. Ellmers, James R. Langevin, Michael H. Michaud, John W. Olver, Louise McIntosh Slaughter, Betty McCollum, Lois Capps, John Barrow, Paul Tonko, Rick Larsen, Sheila Jackson Lee, and Ed Pastor.

## EXTENSIONS OF REMARKS

A TRIBUTE TO KEN WALSH, 2012  
ST. JOSEPH'S SCHOOL HENRY  
SCHIMPF AWARD RECIPIENT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Ken Walsh, a member of the faculty of St. Joseph's School of the Sacred Heart in Atherton, California, who is being honored with the Henry Schimpf Award for his selfless service contributions, commitment and dedication within the St. Joseph's community. Like the man for whom the award is named, Ken Walsh has touched and improved the lives of so many while at St. Joseph's School of the Sacred Heart, and embodies the kind of patient, humble, selfless teaching methods we should all aspire to practice.

Ken was behind the founding of the entire Athletic program for St. Joseph's School. He expanded the sports program from beyond basketball and baseball, and included other sports programs such as, tennis, track and soccer. Because of Ken's dedication, SJS has a strong sports presence along the Peninsula. His actions have provided more opportunities to more students, enabling many of them to participate in a variety of sports of their choosing. With the help and support of the community, along with SJS faculty, Ken raised money for a new field, which was named after Henry Schimpf. Ken is not only an outstanding educator, but he is also a great collaborator. He has been known to offer other schools in the region, like Sacred Heart Preparatory to utilize SJS tennis courts, and has taken the opportunity to organizing various tournaments between the two schools for both boys and girls. He is well respected by the community, his peers, his family, and his students as a teacher, an athletic director and as a friend.

Mr. Speaker, I ask my colleagues to join me in honoring Ken Walsh, an educator who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his students have strengthened our community and our country immeasurably.

EXCHANGE OF LETTERS ON S. 743

**HON. DARRELL E. ISSA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. ISSA. Mr. Speaker: I submit the exchange of letters on S. 743.

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
Washington, DC, September 19, 2012.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ISSA: I am writing regarding the jurisdictional interest of the Committee on Homeland Security over provisions in S. 743, the Whistleblower Protection Enhancement Act of 2012, which passed the Senate by unanimous consent with amendments on May 8, 2012.

I understand the importance of advancing this legislation to the House floor in an expeditious manner. Therefore, the Committee on Homeland Security will waive further consideration. This action is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Homeland Security over the subject matter included in this or similar legislation. I request that you urge the Speaker to appoint members of this Committee to any conference committee for consideration of any provisions that fall within the jurisdiction of the Committee on Homeland Security in the House-Senate conference on this or similar legislation.

I also request that this letter and your response be included in the CONGRESSIONAL RECORD during consideration of this measure on the House floor. Thank you for your consideration of this matter.

Sincerely,

PETER T. KING,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,  
Washington, DC, September 19, 2012.

Hon. PETER T. KING,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the Committee on the Homeland Security's jurisdictional interest in S. 743, the "Whistleblower Protection Enhancement Act of 2012," and your willingness to forego consideration of S. 743 by your committee.

I agree that the Committee on Homeland Security has a valid jurisdictional interest in certain provisions of S. 743 and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of S. 743. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a Copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,  
Chairman.

HOUSE OF REPRESENTATIVES, PER-  
MANENT SELECT COMMITTEE ON IN-  
TELLIGENCE,  
Washington, DC, September 18, 2012.

Hon. DARRELL ISSA,  
Chairman, Committee on Oversight and Govern-  
ment Reform, House of Representatives,  
Washington, DC.

DEAR MR. CHAIRMAN: In recognition of the importance of expediting the passage of S. 743, the "Whistleblower Protection Enhancement Act of 2012," the Permanent Select Committee on Intelligence will not object to consideration of a motion to suspend the rules and pass the bill. The Committee has jurisdictional interests in S. 743, including intelligence and intelligence-related authorizations and provisions contained in the bill.

We very much appreciate the efforts of you and your staff to address issues of jurisdictional interest to the Permanent Select Committee on Intelligence during consideration of this legislation.

The Committee takes this action only with the understanding that this procedural route should not be construed to prejudice the House Permanent Select Committee on Intelligence's jurisdictional interest over this bill or any similar bill and will not be considered as precedent for consideration of matters of jurisdictional interest to the Committee in the future, including in connection with any subsequent consideration of the bill by the House. In addition, the Permanent Select Committee on Intelligence will seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation.

Finally, I would ask that you include a copy of our exchange of letters on this matter in the Congressional Record during the House debate on S. 743. I appreciate the constructive work between our committees in this matter and thank you for your consideration.

Sincerely,

MIKE ROGERS,  
Chairman.

HOUSE OF REPRESENTATIVES, COM-  
MITTEE ON OVERSIGHT AND GOV-  
ERNMENT REFORM,  
Washington, DC, September 19, 2012.

Hon. MIKE ROGERS,  
Chairman, Permanent Select Committee on In-  
telligence, House of Representatives, Wash-  
ington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding the House Permanent Select Committee on Intelligence's jurisdictional interest in S. 743, the "Whistleblower Protection Enhancement Act of 2012," and your willingness to forego consideration of S. 743 by your committee.

I agree that the House Permanent Select Committee on Intelligence has a valid jurisdictional interest in certain provisions of S. 743 and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of S. 743. As you have requested, I will support your request for an appropriate appointment of outside conferees from your Committee in the event

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of a House-Senate conference on this or similar legislation should such a conference be convened.

Finally, I will include a copy of your letter and this response in the Congressional Record during the floor consideration of this bill. Thank you again for your cooperation.

Sincerely,

DARRELL ISSA,  
Chairman.

A TRIBUTE TO DENISE SHELDON,  
2012 SACRED HEART PRE-  
PARATORY ATHLETIC HALL OF  
FAME AWARD RECIPIENT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Denise Sheldon, a 1993 graduate of St. Joseph's School and a 1997 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor her for her athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Denise Sheldon who are inducted into the Hall of Fame have made significant achievements in her sport of volleyball and exemplified the principals of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Denise Sheldon was part of a two-time division five state championship team. Denise led Sacred Heart women's varsity volleyball team to back-to-back CIF State Championships during her junior and senior years and was honored as the 'Most Valuable Player' in the League, CCS Section, and State of California in Division V.

Mr. Speaker, I ask my colleagues to join me in honoring Denise Sheldon, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. She lives the five commitments of faith, respect, social awareness, community building and personal growth, and her contributions to her sport have strengthened our community and our country immeasurably.

CELEBRATING TAIWAN'S 101ST  
ANNIVERSARY

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. RANGEL. Mr. Speaker, I rise today to wish our good friends in Southeast Asia, Taiwan, a Happy Anniversary on October 10th. Known as Double Ten Day due to it being the tenth day of the tenth month, it marks the day that The Republic of China/Taiwan came into existence.

Taiwan will be 101 years old on this day. Young by comparison to other nations in the world, but they have done so much in these relatively few years.

Most impressively, Taiwan has become a thriving democracy during this time. In 1996

they held their first direct President elections. Since then, Taiwan has seen different political parties hold the office of President. A true mark of a democracy.

Taiwan's economy is strong and their unemployment is low compared to much of the world. A lot of this can be attributed to them being recognized as a powerhouse in the electronics field.

Taiwan is also an important world citizen—constantly giving aid and assistance where it is needed throughout the globe. If a natural disaster occurs in another country, Taiwan is often one of the first nations on the scene providing much needed help.

One last note, Taiwan's top diplomat in the U.S. and our longtime friend Jason Yuan is leaving his post here to assume the awesome responsibilities of Chief of the Republic of China's National Security Council. We wish him well in this new role and assure him of our continuing confidence in the special relationship between Taiwan and the U.S.

For these reasons and more I congratulate Taiwan and wish them a very happy celebration on their 101st year.

CARROLLTON, GA VA FACILITY  
OPENING

**HON. PHIL GINGREY**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. GINGREY of Georgia. Mr. Speaker, we are here today to honor and celebrate our veterans, American heroes, who have bravely served their country, to open a first class health facility to aid our wounded warriors in their recovery and treatment, and to honor the legacy of the woman who made it all possible—Katherine "Trinka" Davis.

With a war in Afghanistan, a recent one in Iraq, and unrest around the globe, the United States has more than 196,000 active duty servicemen and women that put their lives on the line, night and day, to protect our families and our freedoms. These men and women accepted the call of duty, leaving behind their loved ones and life as they know it to protect the lives of others.

When our soldiers return from battle, sometimes they do not get the support and assistance they deserve. Simply put, we owe them more. Just as they have answered the call to serve our country, we must answer the call to serve them. That is what Trinka Davis did and why we are gathered here today.

Trinka Davis was a businesswoman from Carroll County who founded The Trinka Davis Foundation in 2004 after realizing the struggles many servicemen and women faced upon returning from Iraq and Afghanistan. The Foundation exists to support veterans and their families. Though she is no longer with us, her memory lives on. Thanks to her generosity and the tireless dedication of her foundation, the Community Foundation of West Georgia, and the Georgia Department of Veterans Services, we are here today to open the Trinka Davis Veterans Village.

This facility will serve 3,000 veterans, and allow them to receive treatment closer to

home. Prior to construction, veterans were often forced to drive two hours or more for treatment.

The facility will offer primary health care, mental health services, physical and occupational therapy, health and wellness counseling, and social services. I am happy to report that veterans began receiving outpatient treatment at the Trinka Davis Veterans Village on Monday.

In the coming months, the facility will also include a 42-bed community living center for veterans needing inpatient rehab in a "home-like, family-oriented, atmosphere."

Like our veterans, Ms. Davis is a hero, who recognized the needs of veterans and worked tirelessly to meet them. The Trinka Davis Foundation ensured that Ms. Davis's commitment to the veterans and their families in our own community and beyond would be preserved through construction of this facility.

The USO has a motto, "Until everyone comes home." Trinka realized that our work did not end there. She is an example to us all.

CONGRATULATING WESTLAKE  
CHRISTIAN SCHOOL

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. BILIRAKIS. Mr. Speaker, I rise today to congratulate Westlake Christian School for receiving the Department of Education's esteemed designation of a 2012 National Blue Ribbon School.

Founded in 1995 as a ministry of Palm Harbor United Methodist Church, Westlake Christian School quickly ascended to academic excellence. From its humble beginnings in a church hall with just eight kindergarteners, the school now enrolls more than 300 kindergarten through eighth grade students on its 11-acre campus. The school focuses on their mission to guide and inspire students to develop their God-given potential, while fostering a lifelong love of learning, in a nurturing Christ-centered environment.

It is no small feat for a school to receive the distinguished honor of the Blue Ribbon Award. In fact, Westlake Christian School was one of just two private schools in Florida and 50 private schools throughout the entire Nation to receive this distinction. Their integrated spiritual and educational approach is providing students the building blocks of a successful education foundation.

As Westlake Christian School proudly raises the Blue Ribbon flag on its campus, may those in our community and across the Nation be reminded of the good work done there daily and look to this school as a model of exemplary educational practices.

A TRIBUTE TO HONOR THE LIFE  
OF MATTHEW PATRICK  
MANOUKIAN

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of the always faithful Captain Matthew Patrick Manoukian, United States Marine Corps. Captain Manoukian made the ultimate sacrifice on August 10, 2012, giving his life for his country during his service in Afghanistan. He was 29 years old.

Captain Manoukian was a lifelong resident of Los Altos Hills, California, and graduated from Saint Francis High School in 2001. Since the age of 10, it had been Matthew's goal to become a Marine. Shortly after graduating from the University of Arizona in 2005, he attended Officer Candidates School in Quantico, Virginia. After commissioning as a Second Lieutenant into the Marine Corps, he joined Camp Pendleton's 1st Marine Special Operations Battalion after enduring a grueling training program that only 40 of 100 men passed. Captain Manoukian was in the top five.

Captain Manoukian rose through the ranks and was deployed twice to Iraq and twice to Afghanistan, always at "the tip of the spear." He saw his role in Afghanistan as freeing the oppressed from the Taliban and bringing a fair legal system to a country that has never had one. He also had a deep respect for Middle Eastern cultures and history, learning to speak Arabic, and insisting on walking through villages, greeting children and their parents in person, instead of patrolling in a Humvee.

Captain Manoukian was completing his fourth tour of duty in Afghanistan and had plans to attend law school after completing his military obligation. He had already been accepted at Golden Gate University where he planned to begin his studies in 2014.

On a fateful early morning on August 10th during a predawn Ramadan meal that Captain Manoukian insisted his troops respectfully observe during the Muslim holy month, an insurgent dressed as an Afghanistan police officer opened fire and took his life, and the lives of two other fellow Marines.

Captain Manoukian is survived by his father, Santa Clara County Superior Court Judge Socrates "Pete" Manoukian; his mother, Patricia Bamattre-Manoukian, Associate Justice of the Sixth District California Court of Appeal; brothers Michael and Martin; and the extended Manoukian and Bamattre families.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Captain Manoukian's beloved family. We celebrate his life and his accomplishments, and we are proud to honor his memory in the U.S. House of Representatives. Our nation has lost a beloved citizen who made his community proud and his country stronger. His life enriched ours and may our tribute be a source of comfort to his beautiful family during their time of great grief.

IN RECOGNITION OF THE BOROUGH  
OF ATLANTIC HIGHLANDS, NEW  
JERSEY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize the borough of Atlantic Highlands, New Jersey on their 125th anniversary celebration. Atlantic Highlands and its citizens, with their hard work, dedication, and commitment to community, personify the quintessential American spirit.

Founded in 1887, the borough of Atlantic Highlands was originally part of Middletown Township. However, during the latter part of the 1800's, the area that is currently known as Atlantic Highlands was beginning to gain the attention of local businessmen and vacationers for its scenic landscape and proximity to Raritan Bay and the Atlantic Ocean. After its incorporation as a borough in 1897, Atlantic Highlands began to develop steadily. Steam ship and rail service were the source of major transportation in the area, with steam ships bringing vacationers to the borough from New York City and the surrounding area. In 1940, the municipal harbor was completed, which allowed the borough to accommodate significantly more travelers and vessels, which increased access to the borough.

Today, the borough remains a destination for travelers and vacationers, as well as home to more than 4,300 residents. The municipal harbor is the largest on the east coast, with the ability to accommodate upwards of 700 vessels. Offering high speed ferry service since 1992, the harbor and its ferry service serves as a scenic and convenient method of mass transportation for commuters traveling to New York City. The local businesses and business owners in the borough take great pride in their ability to provide great destinations for their local community and vacationers to enjoy. The citizens of Atlantic Highlands, along with the leadership of Mayor Fred Rast III and the borough council, make the Borough of Atlantic Highlands a truly great place to live, work, and visit.

Mr. Speaker, please join me in leading this body in congratulating the borough of Atlantic Highlands, New Jersey on their 125th anniversary. I take great pride in having the opportunity and responsibility of representing the borough and its citizen's interests here in Washington DC.

IN RECOGNITION OF THE UNIVERSITY  
OF TEXAS AT EL PASO

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. REYES. Mr. Speaker, I rise in recognition of the achievements and success of two programs at the University of Texas at El Paso (UTEP). The Master of Business Administration (MBA) Program and the Reverse Transfer Program are being recognized by Excelencia in Education.

Excelencia in Education focuses on accelerating success for Latino students at the associate, baccalaureate, and graduate levels. Since 2005, Excelencia has honored programs and departments at the cutting edge of increasing and improving academic achievement for Latinos.

UTEP's Reverse Transfer Program, honored by Excelencia as a finalist, allows transfer students to earn their final credits at UTEP, and then have those credits sent back to El Paso Community College to fulfill the balance of the associate degree requirement. This program increases the graduation rates at El Paso Community College, and increases UTEP's retention rate, which results in improving access to higher education for all students.

UTEP's Master of Business Administration Program, honored by Excelencia as an awardee, serves over 400 students from more than 20 countries from a variety of backgrounds. The MBA program was recognized for the third year in a row as the number one program for Hispanics in the Nation by the Hispanic Business Magazine. The program reflects Excelencia in Education by blending quality graduate education and affordability.

I want to personally congratulate UTEP's Master of Business Administration and Reverse Transfer programs for their recognition, which is a testament to the hard work and dedication of faculty, administration, and students. I look forward to the continued success of UTEP, and I am honored to represent this outstanding institution.

HONORING LEE MARIE ANDERSON

**HON. JANICE HAHN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. HAHN. Mr. Speaker, I rise to honor Lee Marie Anderson, who quietly passed away on Monday, September 24, 2012. Lee was born on October 4, 1924 to Bertha and John Dutton in her hometown of Linden, Michigan. She attended the University of Michigan, but left early to serve her country as a member of the U.S. Navy WAVES where she was trained as a nurse's aide during the greatest conflict of our time.

Following World War II, she married Jack Braude and moved to California to pursue a career in modeling and acting. She soon became involved with California politics and local civic activities in Westchester. In the early 1950s she was a driving force in the Democratic Party, serving in leadership roles with the League of Women Voters.

Lee Anderson then married former Lieutenant Governor and Congressman of California Glenn Anderson. Lee and Glenn were a political powerhouse duo in the California political arena. During Glenn's long political career, Lee worked closely with her husband and also oversaw his many business interests; some may even say that she was his "Chief of Staff."

After Glenn's passing, Lee Anderson remained active and energetic as a Los Angeles Harbor Commissioner, a board member of San Pedro Peninsula Hospital, which is now



Providence Little Company of Mary Medical Center, President of the Long Beach Civic Light Opera and numerous positions with civic and community organizations.

She created the Glenn and Lee Anderson Foundation, which provides thousands of dollars of college scholarship funds to the communities of San Pedro, Long Beach, Wilmington and Torrance. Among her many honors, she received the Torch of Liberty Award from the Anti-Defamation League, and the Youth Award from the Wilmington Boys & Girls Club.

Lee is remembered fondly by her friends and family, including her son Evan Braude Anderson, Glenn Anderson's children Melinda Keenan and Glenn Michael Anderson, six grandchildren and five great grandchildren, and her brother, Jack Dutton. She was loved by all and will be missed dearly.

UNIVERSITY MAILMAN SCHOOL OF  
PUBLIC HEALTH

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. RANGEL. Mr. Speaker, it is with great pleasure that I rise to recognize the Department of Sociomedical Sciences Doctoral Program/Initiative for Maximizing Student Diversity at Columbia University Mailman School of Public Health for its outstanding impact on the success of its Latino student population. The school is a groundbreaking and progressive institution that strives to promote academic excellence and a diversified student, faculty, and staff population.

Since its founding in 1968, the Sociomedical Sciences, SMS, program in Columbia's School of Public Health has evolved into a truly multidimensional institution. Its unique approach to teaching with its use of educators, engineers, and social scientists creates a robust learning model for addressing and ultimately solving today's prevalent health concerns. Columbia University has shown a dedication to maintaining its diverse community while also sustaining a high level of academic excellence. The Mailman School, in particular, has contributed to this mission exceptionally. From 2003 to 2010, 12.8 percent of students enrolled in the SMS doctoral program were Latinos, accurately representing the proportion of Latinos in the United States population.

In addition to the implementation of equal opportunity policies, the Initiative for Maximizing Student Diversity, IMSD, has provided funding for graduate research positions and tuition assistance that demolished financial barriers previously hindering enrollment and timely degree attainment. This has provided for an increase in minority student enrollment and further expanded the already vibrantly assorted ethnic community.

A culturally well-rounded student body enhances the world perspective of students both academically and personally. The Mailman School of Public Health has accomplished all that it has educationally, while remaining committed to diversity among its student population, creating an equitable academic environ-

ment fostering a more inclusive world perspective. Mr. Speaker, I am delighted to recognize this achievement as particularly outstanding and its focus on promoting academic advancement of Latino students.

A TRIBUTE TO SEAN COLE, 2012  
SACRED HEART PREPARATORY  
ATHLETIC HALL OF FAME  
AWARD RECIPIENT

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Sean Cole, a 1992 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor him for his athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Sean Cole who are inducted into the Hall of Fame have made significant achievements in his sports of soccer and baseball and exemplified the principals of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Before Sean Cole became an outstanding goalkeeper, he was varsity baseball starter for four years and was the first topline pitcher to attend SHP. While playing baseball he played third base and batted in middle of lineup, which is reserved for strong hitters. Sean is a tremendous athlete with unmatched effort and integrity. While attending college at Skyline College in San Bruno, California he played soccer and coached at Menlo College and SHP. Sean is a perfect representation of what it takes to excel at our passions and demonstrates a great level of determination.

Mr. Speaker, I ask my colleagues to join me in honoring Sean Cole, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his sport have strengthened our community and our country immeasurably.

HONORING THE LIFE OF MR. JOSÉ  
JIMÉNEZ GUTIÉRREZ

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of José Jiménez Gutiérrez, who passed away earlier this month. His lifelong work ethic and deep commitment to family truly exemplified the essence of the American Dream and exhibited the resilience of the human spirit. His contributions to California and our nation will live on through his long-lasting legacy.

After migrating to the United States, José and his wife made Los Angeles their home, where they worked hard to ensure that they

could provide the very best for their only daughter, Maria. José possessed a strong sense of responsibility and was a conscientious and trustworthy man.

His superior moral character was passed on to his daughter, Maria, who was perhaps José's greatest pride and joy. José always encouraged Maria to establish goals and go after them regardless of how impossible they seemed. Education was of great importance to the Gutierrez family. Maria was the first in her family to attend college, earning a Bachelor's Degree from Loyola Marymount University and her graduate degree from the University of Southern California. Maria went on to have a successful career with Univision and has become a staple in our community and California politics. It is clear that her father's encouragement, nurturing, and influence contributed greatly to Maria's success.

José's charisma, warm nature, and loyalty will undoubtedly be missed. His vibrant life filled with laughter and love was a genuine example of the attainment of the American Dream.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of José Jiménez Gutiérrez, a respected and honorable man. His selfless nature and strong work ethic truly made him a source of pride for all Californians and our country.

APPLAUDING PRESIDENT OBAMA'S  
ENHANCED EFFORTS TO COMBAT  
HUMAN TRAFFICKING

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to commend President Barack Obama's address at the Clinton Global Initiative in New York. During his address, President Obama announced that the Administration would redouble its efforts to combat human trafficking at home and abroad. The administration's new initiatives will strengthen the existing zero-tolerance policy on human trafficking in government contracting, will provide tools and training for federal officials to identify and assist trafficking victims, and will expand services and legal assistance to victims.

Human trafficking continues to be an urgent and dire concern. There are an estimated 20 million men, women and children who are subjected to sex trafficking, forced labor, bonded labor, domestic servitude, and child soldiering. These practices, besides being an unconscionable attack on the world's most vulnerable, affect all of us on a daily basis. It fuels organized crime, damages public health, and taints our businesses' supply chains. However, President Obama's efforts will undoubtedly improve American leadership on this issue and bring new opportunities to aid victims around the world.

As a member of the Congressional Human Trafficking Caucus, I have also worked hard to make this a congressional priority. My constituency includes approximately 50,000 Cambodians, most of whom resettled after fleeing their native land during the murderous reign of

Khmer Rouge. Cambodia, according to the United Nations Inter-Agency Project on Human Trafficking is one of the leading sources and destinations of trafficking in persons. Many of these victims are the friends and relatives of my constituents. They want very much to see their loved ones protected, and so do I.

I have strongly advocated each year for enhanced funding to combat human trafficking, and I have spoken on the subject to the European Union Inter-Parliamentary Assembly as a part of the House Helsinki Commission. In the 111th Congress, I also introduced House Resolution 929, which recognizes December 2 as "International Day for the Abolition of Slavery." This resolution encourages member states of the United Nations to intensify their efforts to eradicate modern-day slavery, and it urges Americans to help raise awareness of the prevalence of this human rights abuse. I introduced a similar resolution in the 112th Congress supporting the goals and ideals of the International Day for the Abolition of Slavery.

I am proud to report that House Resolution 929 was endorsed by the Frederick Douglass Family Foundation, the Coalition to Abolish Slavery & Trafficking, Safe Horizon, Freedom Network, Humanity United, Coalition to Abolish Modern-Day Slavery in Asia, Boat People SOS, and the Polaris Project blog. These modern day abolitionists are the true heroes, fighting on the frontlines to protect trafficking victims and serving as models of the compassion and leadership we should all strive to display every day.

Mr. Speaker, this month marked the 150th Anniversary of the Emancipation Proclamation. On September 22, 1862, President Abraham Lincoln issued a proclamation that all slaves residing in the states in rebellion against the Union would forever be free. President Lincoln's bold move changed our nation for the better and is a defining moment in American history when we fully committed ourselves to protecting the liberty of every man, woman, and child.

We must remain aware that the struggle continues and even hides within the borders of the United States. Human trafficking remains one of the gravest injustices of our time as it continues to rob millions of people of basic self-determination and dignity. Yet our government is making significant progress. I firmly believe that, through American leadership and global cooperation, we can bring the goal of eradication within reach.

Mr. Speaker, I thank President Obama and Secretary of State Clinton for their steadfast support for anti-human trafficking initiatives, and I reaffirm my own dedication to combating all forms of modern slavery and upholding the American promise of freedom.

#### HONORING MARTIN BRELAND

#### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. HOYER. Mr. Speaker, I rise today to congratulate Martin Breland on his recent selection to the Board of Directors at the Na-

tional Association of Federal Credit Unions (NAFCU).

Mr. Breland has been president and CEO of Tower Federal Credit Union in Laurel, Maryland, since 1994. Under his leadership, Tower has experienced significant and healthy asset growth. With over 16 branches spanning four counties, Tower is the largest federal credit union in the state of Maryland and provides a range of financial products to meet the needs of their 124,000 member-owners, a number of whom live in my district. Prior to becoming CEO in 1994, Mr. Breland served in other capacities at Tower including Vice President of Finance and Vice President of Member Services.

With over 30 years of experience in the financial industry and an M.B.A. from The Johns Hopkins University in Baltimore, Mr. Breland is a welcomed addition to the NAFCU board. In his new role he will have the opportunity to play an important role in public policy formation.

I wish Mr. Breland the best of luck in his new role on the NAFCU Board and look forward to working with him in this capacity. I ask that my colleagues join me today in congratulating Mr. Breland on this achievement.

#### A TRIBUTE TO TREVOR SCHAFER, 2012 SACRED HEART PREPARATORY ATHLETIC HALL OF FAME AWARD RECIPIENT

#### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Trevor Schaffer, a 1998 graduate of St. Joseph's School and a 1992 graduate of Sacred Heart Preparatory. The School is proud to offer the Athletic Hall of Fame to honor him for his athletic achievements. The award recognizes contributions of alumni athletes, teams, coaches, and administrators of Sacred Heart Preparatory. Individuals like Trevor Schaffer who are inducted into the Hall of Fame have made significant achievements in his sports of soccer, baseball and basketball and exemplified the principals of sportsmanship and Christianity as illustrated in the Goals and Criteria of Sacred Heart Schools.

Mr. Speaker, I ask my colleagues to join me in honoring Trevor Schaffer, an athlete who lives a life which embodies the goals and criteria of Sacred Heart Schools. He lives the five commitments of faith, respect, social awareness, community building and personal growth, and his contributions to his sport have strengthened our community and our country immeasurably.

#### HONORING JOAN WHEELER

#### HON. MICK MULVANEY

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. MULVANEY. Mr. Speaker, I rise today to honor the life and mark the passing of Mrs.

Joan Schlaudt Wheeler, one of my constituents and a matriarch of the Cherokee County, South Carolina Republican Party.

Mrs. Wheeler was born in Cleburn, Texas, in 1927 to Edo Schlaudt and Marjorie Nail Schlaudt. Mrs. Wheeler was a very intelligent woman who valued education as one of the most reliable assets a person can possess. She graduated from Montreat and Converse Colleges, and worked as a teacher in York County, South Carolina. She particularly loved history and government, so her life-long dedication to public service came as no surprise.

For more than 20 years, Mrs. Wheeler was active in community concerns and local politics, fighting for her convictions even if at times they were unpopular. She fought to stop the damming of Broad River, led a group to stop wasteful school spending and halt a public school building program, and worked to stop a landfill in the McKowns Mountain community. Most notably, she was an alternate delegate to the Republican Convention in 2000, and served as the chair of the local Republican Party for seven years. During her chairmanship, the party increased both its membership and visibility, and started a scholarship program for Gaffney and Blacksburg High School seniors. Mrs. Wheeler always had the best interests of her community at heart.

Mrs. Wheeler was often recognized for her public service. She received the Woman of the Year award for the South Carolina Federation of Republican Women. She was the first recipient of the Palmetto Elephant award for the S.C.G.O.P. In 2010, Governor Mark Sanford presented Mrs. Wheeler with The Order of the Palmetto, the highest civilian honor in my State, recognizing a person's lifetime achievements and contributions to South Carolina.

Mrs. Wheeler was also a woman dedicated to her family. She is survived by her husband of 63 years, George Wheeler, and four children—David, Tom, Mary Lois and Jan.

We will remember Mrs. Wheeler not only for her convictions and her work to improve the lives of others, but more importantly, as a dear friend. My thoughts and prayers are with Joan's family and for all those who knew her and share in her loss.

#### LAMAR COMMUNITY COLLEGE 75TH ANNIVERSARY

#### HON. CORY GARDNER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. GARDNER. Mr. Speaker, today I rise to honor the 75th anniversary of Lamar Community College.

Located in Prowers County, Colorado, Lamar Community College has grown to over 1,000 students, and fosters an environment that supports students and the surrounding community. The value of having an institution of higher education committed to enriching the lives of its students has proven to be invaluable for Southeastern Colorado.

Through a variety of partnerships, the college is able to offer students the opportunity to obtain admission and degrees from four-year universities. Properly representing the Eastern

Plains of Colorado, Lamar Community College has become known for its successful agriculture and equestrian programs.

The college hosts five National Junior College Athletic Association sports as well as a National Intercollegiate Rodeo Association team, and these programs have risen to prominence in the region. Lamar Community College's core values of Respect, Integrity, Open Communication, and Valuing People have allowed this institution to flourish over its history.

It is with great pride that I honor the 75th Anniversary of Lamar Community College.

#### WHISTLEBLOWER PROTECTION ENHANCEMENT ACT (S. 743)

**HON. TODD RUSSELL PLATTS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. PLATTS. Mr. Speaker, I rise today in support of the Whistleblower Protection Enhancement Act, S. 743, and, as a long-time sponsor and cosponsor of similar legislation this session and in past sessions, hope to clarify the intent of the application of the bill's provisions in two important ways.

By way of background, I first introduced a version of this legislation in 2003, H.R. 3281, to respond to a series of decisions by the Merit Systems Protection Board, MSPB, and the Federal Circuit Court. Those decisions undermined Congressional intent with respect to the original Whistleblower Protection Act of 1989.

Specifically, Congress intended that "any" protected disclosure of waste, fraud, and abuse by a federal employee be covered by the law. As interpreted by the MSPB and the Federal Circuit Court, however, loopholes began to develop. Congress strengthened the law in 1994, but decisions by the MSPB and Federal Circuit Court continued to undermine the intent of Congress.

A mark-up of my original legislation was held in 2004. A mark-up of a re-introduced version of the bill, H.R. 1317, was held in 2006. A version introduced by Representative HENRY WAXMAN and myself, H.R. 985, was passed by the House in 2007. At the core, all of these bills—and their Senate versions—restored the Congressional intent of the original Whistleblower Protection Act by plugging the loopholes that had developed.

The bill before us today makes the same attempt at restoring Congressional intent, but—if interpreted incorrectly—I fear the possibility of two more loopholes opening up.

First, agencies must not be allowed to circumvent whistleblower protections through so-called "secrecy" regulations, such as a new category of information (labeled "Sensitive Security Information") created by the Department of Homeland Security. Whistleblower law understandably already exempts from whistleblower protections information which is classified or "specifically prohibited by law" from release. Classified information is information that is kept secret by Executive Order, not a hybrid category of information created by agency regulation like "Sensitive Security Information." Moreover, "prohibited by law" has long been

understood to mean statutory law and court interpretations of those statutes, not to agency rules and regulations.

If the Federal Circuit Court broadens the "prohibited by law" exemption to include anything that an agency tries to keep secret under any of their regulations, a new loophole could be opened up that would substantially undermine Congressional intent in passing this bill. It is therefore important to once again make it clear: "Prohibited by law" has long been understood to mean statutory law and court interpretations of those statutes, not to agency rules and regulations. Any exceptions to these rights must be created by Congress, and Congress must act with specificity. That has been the law since 1978, and it continues to be the law.

Second, it must be understood that those whistleblowers who have been waiting for this bill to be enacted are protected by its provisions. As stated by the Senate Committee on Homeland Security and Governmental Affairs in its report accompanying this bill, S. Rpt. 112-155:

The Committee expects and intends that the Act's provisions shall be applied in OSC [Office of Special Counsel], MSPB, and judicial proceedings initiated by or on behalf of a whistleblower and pending on or after that effective date [30 days after the date of enactment of the bill]. Such application is expected and appropriate because the legislation generally corrects erroneous decisions by the MSPB and the courts; removes and compensates for burdens that were wrongfully imposed on individual whistleblowers exercising their rights in the public interest; and improves the rules of administrative and judicial procedure and jurisdiction applicable to the vindication of whistleblowers' rights.

Some in the whistleblower community have been waiting for more than a decade to see Congressional intent with respect to whistleblower law restored. The number who could actually take advantage of the protections in this bill is probably not large, but their cases are significant and justice requires protections for them.

In concluding, I would like to thank the many, many individuals and organizations that have championed this important "good government" issue over the years. There are more than I could possibly mention, but allow me to name just a few: Senator DANIEL AKAKA, who has pushed this issue for years in the Senate; former Representative Connie Morella, who introduced the first House version of the bill before her retirement; former Representatives Tom Davis and current Representative HENRY WAXMAN, who pushed the issue during their service on the Government Reform Committee; my colleagues DARRELL ISSA, ELIJAH CUMMINGS, CHRIS VAN HOLLEN and their staffs; and, finally, the Government Accountability Project (GAP), Project on Government Oversight (POGO), and National Taxpayers Union (NTU). Without all of their efforts, we would not be in a position to finally secure enactment of this important legislation that ensures whistleblowers with the courage to report waste, fraud, and abuse are applauded—not punished.

IN RECOGNITION OF FREDRICK R.  
"FRED" MEYER

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor the life of Fredrick R. "Fred" Meyer. Mr. Meyer was a successful businessman, the Texas GOP chairman for six years, and the chairman of the Republican Party in Dallas for 7 years. Last week he passed away at the age of 84. Mr. Meyer will always be remembered as the man who made the Texas GOP unstoppable.

Mr. Meyer graduated in 1949 from Purdue University with a Bachelor's Degree in Mechanical Engineering and received a Master of Business Administration degree from Harvard University in 1958, graduating from both with high distinction.

While working as senior vice president of the information services company, Tyler Corporation, in Dallas, Mr. Meyer was asked by Republican congressional candidate Alan Steelman to manage his campaign. After surprisingly winning the race against the former mayor of Dallas, Earle Cabell, Mr. Meyer couldn't help but become more involved. Beginning in 1972, he became a state delegate at that and every subsequent Republican convention.

Even though Texas was primarily a Democratic state, Mr. Meyer used his skills in fundraising and managing to convince potential candidates to run for Republican seats. About 10 percent of Dallas County elected officials were Republicans when he was elected as Dallas GOP Chairman in 1979, but towards the end of his last term, almost 80 percent of the county elected officials were Republican.

When he lost the race for Dallas mayor to Annette Strauss in 1987, he served three terms as the state GOP chairman, aiding Texan George H.W. Bush in winning the presidency.

His success for the party lasted for two full decades until the Democrats took Dallas County in 2006. His admirable reputation will not be forgotten. During the last few weeks of his life, Mr. Meyer was fundraising in his hospital room for the Cooper Institute. It seemed that he could never give up his passion.

Mr. Meyer is survived by his wife, Barbara Meyer, his son Brad Meyer, his two daughters, Amy and Cheryl, and his five grandchildren. I would like to extend my sincerest condolences to Fred Meyer's family and friends.

A TRIBUTE TO HONOR JOE WISE

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor an exceptional young man for his outstanding performance at the 2012 London Paralympics. Joe Wise is a tenacious athlete, a brilliant student and a dedicated son. Despite being diagnosed at age nine with

mitochondrial myopathy—a severe muscular disorder affecting his legs, hips, core muscles and lungs, and was told by his doctors that he may not reach his fifteenth birthday—Joe Wise has never given up on his dreams of living an extraordinary life. Joe is an enthusiastic and energetic nineteen year old from Menlo Park, California, who with a passion for swimming was selected to represent the U.S. Paralympics swim team at the 2012 London Paralympics.

Joe's dedication to swimming began the same year he was diagnosed, and although he suffered from allergies and asthma, his mother insisted he swim to improve his health. It wasn't until a fellow swimming mate, Kelly Crowley, introduced him to the Paralympic Games that Joe began to aspire to compete. In 2004, he competed in the trials for the Athens Paralympics in Minneapolis, but did not make the team. Instead of giving up, Joe tried again at age fifteen and was successful, competing in one event at the 2008 Beijing Paralympics. His goal after Beijing was to make it to London, but this time he wanted to compete in multiple events.

Joe's strength and perseverance was tested once again in February of 2012 when he was preparing for the 2012 London trials. His health forced him to take a medical withdrawal from college and pause from swimming. His "times" got slower, his heart continued to weaken, and he began spending more time on the ventilator. Joe's doctors and coaches refused to give in and vowed to get him to London. By early May, Joe's condition drastically improved and in June he tried out and earned a place on the team.

All of Joe's time, effort and hard work paid off as he competed in five Paralympic events: the 200-meter individual medley; the 100-meter butterfly; the 100- and 400-meter freestyle; and the 100-meter breaststroke. He finished fifth in the finals of the 400-meter freestyle race, with a personal best time of 4:15.66. Joe is extremely proud of his results and says the victory was in being selected for the team. Joe has now returned to Loyola University, Maryland, to pursue a degree in political science, with a minor in communications. He intends to continue swimming and will be preparing for Rio 2016.

Mr. Speaker, I ask that the entire House of Representatives join me in honoring this brave and gentle young man. Joe is determined to reach for gold. He's not only won us over with his smile and spirit, he has also won our hearts with his courage and can-do attitude. Joe is deeply loved and supported by his community of family and friends, and his secret weapon is his mother, Marie Wise. Joe is an inspiration to us all and it is a high privilege to represent him and his family, and pay tribute to him and his extraordinary accomplishments.

S. 743, THE WHISTLEBLOWER  
PROTECTION ENHANCEMENT ACT

**HON. ELIJAH E. CUMMINGS**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. CUMMINGS. Mr. Speaker, I rise in strong support of the Whistleblower Protection

Enhancement Act. This bill will significantly expand the protections available to government whistleblowers. Whistleblowers risk their careers to challenge abuses of power and the mismanagement of government resources. Protecting the rights of whistleblowers is critical for rooting out waste and fraud within the government.

I applaud the leadership and commitment of all of the Members of Congress and the advocates who have worked on this legislation. The bill we are considering today was introduced by Senator AKAKA. This bill should be a proud addition to his legacy as he closes out his long and distinguished career in Congress. Congressman TODD PLATTS and Congressman CHRIS VAN HOLLEN also deserve credit for getting us here today. They have both worked to find a bipartisan path forward on this bill. I also want to thank Chairman DARRELL ISSA for working with me and the other Members to get this bill to the House floor.

Here are just a few of the ways this bill strengthens current law. This bill will protect all lawful disclosures of waste, fraud, and abuse. Court decisions have narrowed the scope of protected disclosures in a way that the Office of Special Counsel says handcuffs it in its efforts to protect whistleblowers. For example, federal employees are currently not protected for blowing the whistle in the course of their job duties. This bill closes that loophole so that federal auditors and safety inspectors will be protected when they blow the whistle.

This bill provides whistleblower protections to Transportation Security Administration employees. Current law leaves TSA employees unprotected. Giving Transportation Security Officers the same protections as other federal employees will encourage the disclosure of issues that may threaten the safety of our airports.

Under this bill, whistleblowers can appeal a decision of the Merit Systems Protection Board to any federal court of appeals. Currently, all appeals go to the Federal Circuit Court of Appeals which has consistently misinterpreted the intent of Congress with regard to the Whistleblower Protection Act.

This bill also protects government scientists for disclosures about agency censorship or other problems with the integrity of the scientific process.

This bill does a lot of good things but I will be honest. The bill that we are considering today is not as strong as I hoped it would be. Even if this bill passes we will still have work to do. We need to provide meaningful rights to whistleblowers in the intelligence community and we need to amend the law to allow whistleblowers the ability to go to court and have their case heard by a jury. I know this bill represents a compromise based on the political realities of today. But the fight is not over. I will continue to fight for the protections that are not in this bill and hope that my colleagues on both sides of the aisle will join me in that fight.

The journey of this legislation has been a long and frustrating one for the advocates of whistleblower protections who have been trying for almost a decade to get a strong bill enacted. We have been so close so many times only to have another roadblock get in the way. Mr. Speaker, I hope that today is different. I

hope that this bill will have a clear path to the President's desk and become law. I urge every Member of Congress to stand up for whistleblowers, to stand up for good government, to pass this legislation, and then to join me tomorrow to continue the fight for whistleblower protections.

HONORING DEVEREUX'S 100TH  
ANNIVERSARY

**HON. PATRICK MEEHAN**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. MEEHAN. Mr. Speaker, I rise today to congratulate the Devereux Foundation on its upcoming 100-year anniversary.

The Devereux Foundation, founded in 1912, was the inspiration of Helena Devereux. During her years of service as a public school teacher, Helena developed an interest in students who exhibited learning difficulties. Ms. Devereux theorized that students who had previously failed to achieve academically would thrive if given an individualized approach to learning as well as lesson plans that included social skills. She firmly believed that all students have the ability to become "a contributing and valued member of their community".

Moving from the classroom to a rented home, where she could provide intensive instruction, Helena mastered individualized education plans for students with learning differences and emotional handicaps. Her philosophy of "every child is a program" empowered her to work day and night to help children overcome their challenges.

As the success of Helena's methods continued to spread, the reach of the foundation also expanded. In 1938, the Devereux Schools received a non-profit charter establishing the Devereux Foundation. Today the Devereux Foundation has locations in eleven states across the Nation.

The Devereux Foundation students have proven Helena's hypothesis correct. Students performed the National Anthem a cappella at Columbia University, which is a feat for even the most musically gifted singers. Annually 15,000 individuals receive professional and quality services from the Devereux Foundation to overcome their learning and behavioral differences.

Although Helena is no longer with us, the Devereux Foundation's staff continues her legacy. Recently Dr. Megan Russell, Corporate Director of Clinical and Professional Affairs, has been invited to present the research findings of a recently completed Devereux study at the American Academy of Child and Adolescent Psychiatry. This research benefits not only children and adults of the Devereux Foundation but all individuals facing behavioral health challenges. The Devereux Foundation's work has been highlighted in Microsoft Case Studies. The Devereux Foundation uses specialized software to serve students more effectively by collecting data on their behavior to analyze and modify progress and treatment plans.

The innovation of Helena Devereux continues in the Devereux Foundation as they

complete one hundred years of exemplary service throughout the Seventh Congressional District of Pennsylvania and beyond. I send them my sincere congratulations and wish them continued success.

**HONORING THE HEROIC SERVICE  
AND SACRIFICE OF THE FIRST  
SPECIAL SERVICE FORCE**

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the First Special Service Force for their unique service to the allied cause during World War Two. It is with a profound sense of gratitude that I honor the service and sacrifice of these forefathers of modern combined special operations forces. Their uniquely heroic contribution to the allied war effort in Europe played a crucial part in stemming the spread of tyranny and securing for future generations the blessings of freedom.

The First Special Service Force was the first official special operations unit in American history. It was formed in July 1942 as a result of a top secret plan conceived by the Chiefs of Staff of the United States and Great Britain to assemble a new type of fighting force capable of combining special warfare tactics and speed of movement to attack and destroy key military and industrial installations in Europe supporting the Nazi war effort.

It was initially composed of 1,800 American and Canadian volunteers who had been mountaineers, loggers, ranch hands and outdoorsmen before the war. They received extensive training at Fort William Henry Harrison, Montana, in parachuting, demolitions, mountain-climbing, winter warfare and amphibious landings.

From 1943 onward, the First Special Service Force took part in high risk missions in the Aleutian Islands in Alaska, in Italy and in the south of France; and they were the first Allied unit to enter liberated Rome. During combat operations at Anzio, Italy, captured Nazi documents indicated that, due to their ferocity and stealth in combat, the Germans had begun referring to the First Special Service Force as "the Black Devils." It was from this revelation that the unit received its nickname—the Devil's Brigade. By the end of the war, the First Special Service Force lost a total of 2,314 men, equating to 134 percent of the original combat force.

Mr. Speaker, on behalf of the United States Congress, it is my honor to recognize the service and sacrifice of those valiant American and Canadian volunteers who served the cause of freedom as members of the First Special Service Force. Their dedication to duty, their selfless service to their countries, and their enormous contribution toward halting the spread of Nazi tyranny bear testament to the shared heritage of freedom between the United States and Canada. My wife Vicki joins me in saluting the men of the First Special Service Force on the occasion of the 70th anniversary of the formation of the First Special Service Force.

IN HONOR OF PRESIDENT BUJAR  
NISHANI

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Bujar Nishani, the President of Albania, on the occasion of the dedication of the Albanian Cultural Garden, taking place on September 22, 2012.

President Nishani was born in Durrës on September 29, 1966. He obtained a law degree from the Justice Faculty of Tirana University in 2004 and a Masters Degree in European Studies from the same university a year later. President Nishani began a long career in public service in 1993 as the Director of Foreign Affairs at the Ministry of Defense. A year later, he began serving at the North Atlantic Treaty Organization (NATO) Relations Department of the Ministry of Affairs.

President Nishani's political career began in 1991, when he first became a member of the Democratic Party. In 2001, he was elected as the Secretary of the Tirana Democratic Party Branch. Two years later he was elected as a member of the Tirana Municipal Council. In 2005, President Nishani was elected as a parliamentary member of Tirana's 34th electoral district. He later went on to serve as Minister of Interior and the Minister of Justice. In July of this year, Mr. Nishani was sworn in as President of the Republic of Albania.

Mr. Nishani is married to Mrs. Odeta Nishani, and has two children: Ersi and Fjona. The dedication of the Albanian Cultural Garden will also commemorate the 100th year of Albanian Independence and the dedication of the Mother Teresa memorial statue.

Mr. Speaker and colleagues, please join me in honor of President Bujar Nishani and in recognition of his visit to Cleveland, Ohio on the occasion of the dedication of the Albanian Cultural Garden.

**CHRIST EVANGELICAL LUTHERAN  
CHURCH**

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. BARLETTA. Mr. Speaker, I rise to congratulate the parishioners of Christ Evangelical Lutheran Church in Hazleton, Pennsylvania, who are celebrating the church's 150th anniversary. In 1862, several members of the first German congregation in Hazleton established a separate church to identify themselves as distinctly Lutheran. On September 25, 1862, the cornerstone was dedicated, and the Christ Evangelical Lutheran Church began its mission of glorifying God.

The church faced many challenges throughout the years, from adjusting to our nation's customs and general society to growing its congregation. In the late 1800s, parishioners of Christ Evangelical Lutheran Church recognized the importance of helping parishioners assimilate into the community and culture, so

the English language was introduced at worship services. By 1903, parishioners formed their first English Sunday School and demonstrated a strong commitment to a Christian education for all ages. As the number of the church's devoted parishioners grew, the congregation built a new church and, most importantly, a new Sunday school. The buildings, which still stand today, were dedicated on November 2, 1930.

Today, the dedicated parishioners of Christ Evangelical Lutheran Church continue the virtuous work started by their forefathers 150 years ago. To help the people in their community, the church has partnered with Seeds of Hope, a nonprofit organization that assists families in crisis, and the Salvation Army. Through these organizations, this church's parishioners help maintain a food pantry, provide services such as property cleanup to promote a safe environment for children, and donate to the Salvation Army's food and clothing drives. The present church is the result of faithfulness to the teachings, customs, and traditions of the Lutheran church. With the guidance of their present pastor, Reverend Wayne Lupole, the church welcomes all families as they seek to explore the rich Christian faith.

Mr. Speaker, I offer my most sincere congratulations and deepest respect to the parishioners of Christ Evangelical Lutheran Church of Hazleton, Pennsylvania, and I wish them many years of successful, faithful future service.

**HONORING THE LIFE OF RAQUEL  
CREITOFF**

**HON. JOSÉ E. SERRANO**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. SERRANO. Mr. Speaker, today I would like to commemorate the life and work of Raquel Creitoff, who passed away on September 6 at the age of 90.

Raquel Creitoff was born in Cabo Rojo, Puerto Rico, on December 7, 1921, but left her native island in the mid-1940s to live in Manhattan. Raquel soon began working as a member of the staff of the old Migration Division of the Commonwealth of Puerto Rico office in New York City. The office's goal, and Raquel's work, was to help Puerto Ricans moving from the island to New York City, adjust to their new home. From housing to jobs to health services, the Migration Division helped Puerto Ricans establish new lives in unfamiliar surroundings. For close to half a century, Raquel worked in the Commonwealth of Puerto Rico's offices in New York City, and was a dedicated public servant who helped countless Puerto Ricans who had made the trip from the island to New York City in search of economic opportunity.

Raquel was a well-recognized leader of the Puerto Rican community in New York. She was active in numerous organizations, including the Puerto Rican Family Institute and the New York Chapter of the National Conference of Puerto Rican Women. Additionally, she served on the Board of Universidad Boricua, previously known as Boricua College.

Over the years, Raquel helped countless individuals in the Bronx and in New York City. She will be missed.

**HONORING THE VOLUSIA HONOR  
AIR VETERANS FROM CENTRAL  
FLORIDA**

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. MICA. Mr. Speaker, I rise today to honor the Central Florida Veterans who will be participating in the Volusia Honor Air flight to our Nation's capital on Saturday, September 29, 2012.

Over the past five years, the Volusia Honor Air program has provided an opportunity for our World War II Veterans from the Central Florida area to travel to Washington, DC to visit the memorial built in their honor. That one day event for these World War II heroes is one of the most special in their lives and is certainly well deserved.

Since the first flight in 2008 the program has accommodated more than 1,000 veterans in hosting a special visit to their memorial. This flight marks the 10th and final flight for the program.

I would like to take this opportunity to recognize each veteran of this final Volusia Honor Air flight. The veterans of Volusia Honor Air, Flight-Ten are:

Edward Achatz, Floyd Adams, Charles Anders, Edward Bachman, Raymond Banas, Frederick Baum, Angelo Bellanco, Robert Bernacchi, Daniel Bernstein, Frank Bonomo, Herschel Brohinsky, Herbert Brucker, Kenneth Burgess, Edd Byrd, George Carter, Vincent Cascioli, Patricia Chambliss, Henry Cleaveland, Irwin Cohen, Thomas Cook, Albert Covello, Robert Curboy, Thornwell Davenport, Virgil Davis, George Desotile, Walter Dickey, Anastasia Domaszewski, Charles Eamshaw, Chauncey Elkins, Howard Genser, Kenneth Gildersleeve, Douglas Hallahan, Charles Hargrove, George Hatzenbuehler, Arion Hinckley, Arthur Hobbs, Charles Hoeck, George Holm, Harold Johnson, Glenn Jones, Clayton Kaster, Earl Killian, Charles Kitching, James Kraker, Walter Lambert, Ernest Laquerre, Leslie Lee, Evelyn Leonard, James Long Jr, Louis Lorenzo, Delia Majure, Eugene Makowski, Harold Marine, John Marshall, Rene Mauboussin, Robert McAlpine, Francis Micara, George Murphy, Edward Obremski, Garlan Odor, George Ottendorf, Donald Palmiter, Loucious Pancoast Jr., Pandi Pani, Joseph Parise, Nathan Polinsky, Paul Pratt Jr, William Rhoads, Gerald Roberts, Charles Robison, Alexander Roskoski, Charles Rowell, Joseph Schmidt, Thomas Schultz, William Seitz, Samuel Shoup, Henry Slager, Stanley Sowinski, Levis Swallows, John Temple, Lonnie Terrell, Forrest Thomas, James Trott, Edward Vaissiere, Henry Vendryes, Anthony Visco, Harold Williams, Murray Zealor, Peter Zeiger, Theodore Zrinyi.

I would like to salute them, their chaprones, the Volusia Rotary Clubs and other sponsors who helped make these flights possible.

It has been my honor and pleasure to accompany our veterans during most of these trips to Washington, and I will always remember the satisfaction, joy and solace I have witnessed in these remarkable men and women and often their family members as they visited our most cherished memorials in our Nation's capital.

I ask my colleagues to join me in recognizing and congratulating the Volusia Honor Air program and the service of these World War II Veterans.

**RECOGNIZING THE WARD FAMILY  
AS THE 2012 WALTON COUNTY,  
FLORIDA, FARM FAMILY OF THE  
YEAR**

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. MILLER of Florida. Mr. Speaker, I am proud to recognize the Ward family for being selected as the 2012 Walton County, Florida, Outstanding Farm Family.

Bruce and Shirley Ward have been farming and raising livestock in the Liberty Community of Walton County for many years. They raise cattle and grow a variety of fresh produce, peanuts, cotton, and soybeans. The Wards' vegetable stand located off of Highway 331 affords local citizens and those traveling through the area an opportunity to enjoy their fresh produce. The Wards' farm also includes a portable sawmill, which Mr. Ward operates in his spare time to grind sugarcane.

Bruce and Shirley share their time on the farm with their loved ones and have always cherished the time they have spent with their children and grandchildren. They are also longtime members of the Florida Farm Bureau. It is appropriate to say that the Wards exemplify the perfect balance of farm, family, and community.

Mr. Speaker, our great nation was built by farmers and their families, and I take great pride in recognizing and paying tribute to the outstanding farm families located in Northwest Florida. On behalf of the United States Congress, I would like to offer my congratulations to the Ward family and thank them for their contributions to the Northwest Florida community. My wife Vicki and I extend our best wishes for their continued success.

**ABILITYONE PROGRAM**

**HON. KRISTI L. NOEM**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mrs. NOEM. Mr. Speaker, I rise to recognize the AbilityOne program, which is one of the largest providers for people who are blind or have severe disabilities. AbilityOne has helped over 40,000 people gain the necessary skills to enter and succeed in the workforce. In my home State of South Dakota, Black Hills Services Inc., helps to implement this critical program.

The AbilityOne program connects Federal Government agencies with community based non-profits that are dedicated to employing the blind and disabled. This program affords Americans with disabilities opportunities to acquire job skills and training, receive good wages and benefits, and gain greater independence and quality of life. This program provides essential assistance to a segment of the population that has one of the highest levels of unemployment in our country.

I am proud to acknowledge the important work of Services at Ellsworth Air Force Base. I recently had the pleasure of visiting with many team members and seeing first hand the great job they do. With the support of the AbilityOne Program, BH Services provides assistance and employment to more than 325 people with disabilities in the Rapid City area. The direct impact this program has on the lives of Americans with disabilities cannot be overstated. For an individual with a significant disability who has never had the opportunity to work, be independent, participate in community life, or contribute to their society; the AbilityOne Program and agencies like BH Services are invaluable.

The work AbilityOne and BH Services do everyday help people live fuller lives and become more active members of society. I applaud each AbilityOne employee who works every day to improve their lives and make South Dakota and our country, a better place to live.

**HONORING THE 100TH ANNIVERSARY OF THE COALINGA HURON  
LIBRARY DISTRICT**

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. COSTA. Mr. Speaker, I rise today to congratulate the Coalinga Huron Library District on its 100th anniversary. The Coalinga Huron Library District has served as a great asset to the community as well as a historical site for the citizens of Coalinga and Huron to enjoy every day.

On June 25, 1912, the vote passed by the County Supervisors to form the Coalinga Huron Library District. After gaining overwhelming support for the Library District, they successfully received a Carnegie grant of \$20,000. Today, the main library sits on 4th and Durian streets which is the site of the original purchase.

Libraries serve as the ideal place for people to read, study, and research; and beyond that libraries have turned into great venues for holding workshops, seminars, and events. The Coalinga Huron Library District is a place for people of all ages and backgrounds. Thanks to the renovations done in 1955, 1994, and today, the citizens in Coalinga and Huron have beautiful libraries to visit.

Research and technology are vital components to education today, and public libraries are great tools for students to get research done for free. The Coalinga Huron Library District understands the importance of technology in our world today, and they are staying up-to-

date with software programs. Members of the library have access to view books, e-books, periodicals, and historical documents.

Thanks to the public library system, citizens are provided access to books and computers that they normally would not have access to. Along with the access to books and reading materials comes literacy. The abilities to read and write can be overlooked by some people, but librarians and educators know that without the current availability of books, literacy rates have the potential to go down. The Coalinga Huron Library District is obviously aware of their importance and is committed to staying open. They should be commended for their hard work.

Mr. Speaker, I ask my colleagues to join me recognizing the Coalinga Huron Library District for its numerous contributions to the cities of Coalinga and Huron and central California. The libraries serve as a great source for members, and the services provided will hopefully be available for many more years to come.

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HONORING STEVE CHANEY FOR  
HIS SERVICE TO REDWOOD NATIONAL PARK

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**HON. MIKE THOMPSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Steve Chaney, Superintendent of Redwood National Park, honoring his 40-year dedication to our nation's national parks.

Mr. Chaney has dedicated his professional life to preserving our nation's abundant beauty. His career has included service in several different parks, from Arkansas to Colorado, Kentucky, Utah and Northern California.

Mr. Chaney has served in many roles, ranging from park aid, to ranger, technician and superintendent.

As superintendent of Redwood National Park, Mr. Chaney has worked to protect and preserve the health of the vast forests and watersheds of Del Norte and Humboldt counties.

In his role as superintendent, Mr. Chaney has worked to support California State Parks to prevent the closure of one of three area state parks; he has prioritized relations with the Yurok and other local tribes; has improved the culture of safety at Redwood National Park; has addressed illegal and ecologically harmful marijuana cultivation on park lands; and has overseen the effort to improve the park's second-growth Douglas fir and redwood stands.

Mr. Speaker, it is appropriate at this time that we recognize Steve Chaney for his dedication to our national parks and for his long record of service to our national parks' visitors.

HONORING RTR ELEMENTARY  
SCHOOL

**HON. TIMOTHY J. WALZ**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. WALZ. Mr. Speaker, I rise today to recognize the accomplishments of Russell-Tyler-Ruthton (RTR) Elementary School in Ruthton, Minnesota.

On September 7th, RTR Elementary School was named one of two schools from the First District of Minnesota to be designated as a 2012 National Blue Ribbon School.

This award recognizes exemplary schools like RTR Elementary School where students have consistently scored the top of assessment results. Recipients of this award truly exemplify the State of Minnesota's belief that every child has promise and must receive a high quality education.

As a teacher on leave from Mankato West, I know that achieving success for all students takes a commitment from the entire school, from the principal to the counselors to the teachers. When students see every adult in their school dedicated to their success and achieving a higher goal, they are motivated to do their best.

This is exactly what RTR Elementary has done for its students. Under the leadership of Principal Amy Christensen, they have focused on building relationships with every student, and executing the RTR Literacy Plan to ensure success in the English Language Arts. Their efforts have led to exceptional results.

This award recognizes what the RTR Elementary School community already knows—RTR Elementary is a place where every student, no matter their ability or background, can fulfill their potential. RTR Elementary is an outstanding model of achievement for schools across Minnesota and the country.

Mr. Speaker, please join me in honoring RTR Elementary School for its dedication to the students of Ruthton.

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RECOGNIZING THE BARTON FAMILY AS THE HOLMES COUNTY, FLORIDA, 2012 FARM FAMILY OF THE YEAR

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**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. MILLER of Florida. Mr. Speaker, it is with great pleasure that I rise to recognize the Barton family for being selected as the 2012 Holmes County, Florida, Farm Family of the Year.

Ken and Rhonda Barton are Northwest Florida natives with a deep connection to the local farming community. Farming became a part of their childhood and way of life. Thirty-three years ago, they were married, and it then became a love they have since shared as husband and wife and one that they now share with their children and grandchildren. Together, they successfully operate a 1,200 acre farm, where they raise livestock and grow

peanuts, cotton, oats, and hay. The success of the farm is largely due to the way in which the Barton family operates. Each plays a supporting role, while embracing the best management practices. It is through their tireless work and dedication that the Barton Family demonstrates a true love of agriculture and family.

Outside of the farm, the family plays an active role in the community. Ken and Rhonda are heavily involved in numerous state agriculture associations, including the Florida Peanut Producers Association, the Southern Peanut Farmers Federation, the Florida Cattle-men's Association, and the Florida Farm Bureau. In 2003, Ken became the Executive Director of the Florida Peanut Producers Association, where he proudly represents the peanut farmers of the state of Florida in both Tallahassee and Washington, D.C. He also dedicates his time to research, promotion, and education in Florida peanut production.

Their daughter Tonya is an elementary school teacher at Bethlehem School and is married to Kevin Amerson, who is a field representative with Dothan Livestock. They have instilled in their two young children, Kason and Kolton, a dedication and appreciation for farming, as they are always eager to assist with hay operations or working the cattle. And Ken and Rhonda's son, Chad, is an aircraft mechanic at Fort Rucker and is active with the row-crop operation of the farm. He is married to Ashley Miller who assists with the daily workings of the farm. One of the greatest joys of their two young children, Kenny and Kaylee, is spending time in the field or on a tractor with Ken and Rhonda.

In addition to their love for farming and love of family, as great stewards of the land, Ken and Rhonda are devoted Christians who are ever grateful to the Lord.

Mr. Speaker, our great nation was built by the hard work of farmers and their families. The Holmes County Farm Family of the Year Award is a true reflection of the Barton family's tireless work and dedication to country, faith, and family. On behalf of the United States Congress, I would like to offer my congratulations to the Barton family for this great accomplishment. My wife, Vicki, and I wish them the best for continued success.

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TAIWAN NATIONAL DAY

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**HON. HOWARD L. BERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. BERMAN. Mr. Speaker, I rise in order to celebrate with the people of Taiwan as their National Day, October 10, 2012, approaches.

Earlier this year during the presidential and legislative elections, the Taiwanese people once again demonstrated to the world with a clear, ringing voice of freedom that they are a beacon of democracy to Asia and the world.

The United States and Taiwan continue to share a close partnership and an abiding friendship, and I congratulate the people of Taiwan on the occasion of their National Day.

I also would like to take this opportunity to congratulate Taiwan's representative to the



United States, the honorable Jason Yuan, on being appointed to his new position as Secretary-General of Taiwan's National Security Council. He has served the interests of Taiwan with distinction during his time here in Washington, D.C., and I thank him for his service.

#### TRIBUTE TO EDNA KNUDSON

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Edna Knudson on the coming celebration of her 100th birthday. Edna will celebrate a century of life in less than one short month on October 21st, 2012.

Our world has changed a great deal during the course of Edna's life. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and witnessed the birth of new democracies. Edna has lived through eighteen United States Presidents and twenty-two Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

Edna was born on October 21st, 1912 in Evansville, Minnesota and spent her early years in Minneapolis working for Honeywell, Inc. In 1945, Edna moved to Parkersburg, Iowa with her husband Howard. As the successful small business owners of the local Coast to Coast hardware store, Edna and Howard raised their two children in the apartment above the store.

Edna's life has been defined by the hard work and commitment she has given to her family, community, and church. Edna has never lost her passion for fun and, when she's not on a golf course, you can find her at the card table playing games or telling stories with friends and family. Edna will celebrate this special birthday surrounded by friends and family, including her four grandchildren and ten great grandchildren.

Mr. Speaker, it is an honor to represent Edna in the United States Congress and it is my pleasure to wish her a very happy 100th birthday. I invite my colleagues in the House to join me in congratulating Ms. Knudson on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

#### IN RECOGNITION OF BARRY CONWAY'S RETIREMENT

### HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. GUINTA. Mr. Speaker, at the end of 2012 Barry Conway will retire as Commandant of the New Hampshire State Veterans Home after forty years of faithful service in health care administration. Mr. Conway began his ca-

reer as a Corpsman with the United States Air Force serving from 1960–1964. Soon after leaving the Air Force, he pursued his post secondary education in Rhode Island, before beginning his work in health care administration working in long-term care facilities, ambulatory care centers and hospitals.

For the last twenty-three years, Mr. Conway has worked at the New Hampshire State Veterans Home, providing quality care and services to our state's aging and disabled veterans. Under his leadership the Veterans Home has become a sought after long-term care facility, focusing on the special needs of our veterans. The care provided to our veterans not only meets their specific challenges and needs, but honors both them and their service to our country.

Mr. Conway has also shared his expertise and experience in caring for the elderly, frail, and disabled veterans as a member of many associations including the National Association of State Veterans Homes, American College of Health Care Administrators, New Hampshire Health Care Association, and the American Legion. He has served New Hampshire and its residents well, especially our veterans community, and he will be sorely missed when he leaves the Veterans Home.

I congratulate Barry Conway on his well earned retirement and thank him for his outstanding support of our veterans here in New Hampshire. I wish both Barry and his wife Barbara continued success in their life together.

#### TRIBUTE TO SARAH DEMAREE

### HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. WALDEN. Mr. Speaker, now that we have returned to our districts before the election, I'd like to highlight a valuable staff member of mine who recently left my office. I rise today to pay tribute and say thanks to Sarah Demaree, a member of my staff who dedicated herself to the people of Oregon's Second Congressional District for nearly three years in my Washington, DC, Office.

Sarah is a talented young woman who filled many different roles in my office, and was up to the challenge for each one. First joining the office as an intern after graduating from Colgate University, Sarah quickly stepped into the role of staff assistant and has continued to take on more responsibility as a legislative correspondent and legislative assistant handling education issues.

Whatever she was asked to do—even if she wasn't asked directly to do it—Sarah was up to the challenge. When she was staff assistant, she went above and beyond to make all Oregonians who visited feel welcome. Each and every one came a long way, and she gave them some of the best Capitol tours on the Hill. As legislative correspondent, she helped me keep in close touch with all corners of the Second District.

Sarah adeptly handled complex policy issues as my education advisor. In that role, Sarah kept in close touch with teachers throughout Oregon and maintained a close re-

lationship to teacher groups and education administrators.

Sarah also organized several visits from a group of special men and women, World War II veterans from Oregon as part of Honor Flight of Oregon and Honor Flight of Eastern Oregon. Each time a group travelled to Washington, Sarah would plan their visits for weeks to make sure each and every one of these heroes had a perfect trip to the nation's capital. She was known to rise early on Saturday mornings to go to the World War II Memorial to greet these veterans, and present them with flags flown over the Capitol. The organizers of these visits, Gail Yakopatz and Dick Tobiasson, always singled out Sarah for her help, praising her dedication and Tenacity.

While not a native Oregonian, Sarah has deep ties to the state, whether through her annual family camping trip to Howard Prairie Lake outside of Ashland or her extended family in Portland. These deep connections to the state allowed her to connect with Oregonians from around the Second District.

While Sarah has dedicated herself to public service here in our nation's capital, she has headed back to her native Washington State to enter a new and exciting phase of her life. Sarah has given up the "maroon and white" of her alma mater, Colgate University, for the "purple and gold" of her home state University of Washington where she began law school this fall.

I'm sure that law school has been keeping Sarah plenty busy, but with her industrious work ethic, and desire to make the world a better place, I can imagine Sarah will soon be putting her energy into public service in Washington State. She's also closer to her mom and dad, Walt and Liz, and to her beloved Seattle Seahawks. I speak for all members of Team Walden when I say Sarah's dedication and talent have been missed, but we wish her best of luck as she begins her new life in "the other" Washington.

I ask my colleagues to join me in wishing Sarah the best of luck as she returns West and pursues new personal and professional endeavors. Sarah, thanks for exemplary service to the Congress and citizens of Oregon.

#### TRIBUTE TO EAGLE SCOUT WILLIAM M. HITTLE IV

### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate William M. Hittle IV of Nora Springs, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5 percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. The work ethic William has

shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent William and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

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IN RECOGNITION OF FRIENDS OF  
LIGHT RAIL AND TRANSIT

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. MATSUI. Mr. Speaker, I rise today to recognize Friends of Light Rail and Transit as they celebrate their 25th anniversary. As supporters and members of this fine organization gather together to celebrate a quarter century of steadfast public transit advocacy, I ask all my colleagues to join me in recognizing them for their efforts to advocate for the improvement and expansion of bus and light rail service in Sacramento.

For the past 25 years, Friends of Light Rail and Transit has been a staunch supporter of public transportation in the Sacramento area. Since the inception of light rail in 1987, they have been instrumental in the growth and promotion of the public transportation system in the Sacramento region. With Friends of Light Rail and Transit's support, the Sacramento Regional Transit District has continued to expand light rail service in Sacramento and most recently add the new Green Line, which will eventually link Natomas and the Sacramento Airport to the rest of the light rail system. Friends of Light Rail and Transit has also fought for improved bus service for every neighborhood in the region.

Friends of Light Rail and Transit have hosted, sponsored and participated in countless community workshops for transit oriented planning projects across the region. They have pushed decision makers and policymakers to ensure public transit is at the forefront of their minds. Headed by Executive Director Seann Rooney and Board President Dain Domich, this great organization has been prominent in voicing their support for improved air quality, infill development, and congestion relief; consistently and tirelessly pushing for a better tomorrow.

Mr. Speaker, as members and supporters of Friends of Light Rail and Transit gather to celebrate this milestone, and their many achievements over the last 25 years, I ask my colleagues to join me in saluting these fine individuals for their excellent work and commitment to our community.

A TRIBUTE TO HONOR THE LIFE  
OF ROBERT "BAT" BATINOVICH

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor Robert "Bat" Batinovich, a special friend and extraordinary citizen who passed on September 11, 2012, on the Big Island of Hawaii surrounded by his loved ones. He is survived by his wife Garnet, son Andy (Debbie), daughter Angela, and grandchildren Kyle and Kelly Cotchett, Alexa Batinovich and Avery Bysouth, brother Ken (Annette), many wonderful cousins and scores of friends.

Robert Batinovich was born July 13, 1936, in Long Beach, California, to Matthew and Margaret Batinovich. He attended St. Anthony's High School and worked as a tuna fisherman in South America.

A resident of Hillsborough and a highly trusted and respected businessman, "Bat" was the founder of Glenborough Corporation based in San Mateo, California, and Chairman of the Board of Directors of Glenborough Realty Trust Inc. a Real Estate Investment Trust through his retirement. He spent seven years as an executive with Norris Industries, after which most of his business life was devoted to entrepreneurial and venture capital activities primarily through the start-up or acquisition, operation, and ultimate sale, of a variety of businesses.

Between 1976–1980, "Bat" served on the California Public Utilities Commission, and for the last two years of his service, he was President. He served on the California State Board of Transportation in 1977, and the Health Facilities Authority in 1981. He also served on the Board of Farr Company and the Advisory Board of Greater Bay Bank Corp., Palo Alto, California. His love of charities led him to support Community Gatepath, Georgetown University, The Samaritan House and Catholic Charities. He loved people and lived a full life, contributing significantly as a public servant and a businessman. He always led by example and integrity. He was universally respected for his compassion, his caring, his drive, and his generosity, and it was a privilege to call him my friend.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to "Bat's" beloved wife, Garnet, and their entire family. "Bat" was a strong leader, businessman, philanthropist and public servant who brought much joy to the lives he touched, strengthened his community and bettered the Nation he loved so much. His life and his contributions are worthy of this tribute we pay to him today.

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IN RECOGNITION OF DR. MARC  
LEVENSON'S RETIREMENT

**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. GUINTA. Mr. Speaker, on September 30, 2012 Dr. Marc Levenson will retire from

the VA Medical Center after 24 years of faithful service to our State's veterans. Dr. Levenson began his medical career practicing Internal Medicine at the University of North Carolina Medical Center in Chapel Hill and then went on to serve as Vice President and Senior Physician at Jackson River Internists in Virginia.

After his time in private practice, he joined the VA Health Care System in Pennsylvania before making a permanent place in the New England VA Health Care System. Dr. Levenson began his career in Manchester as the Chief of Staff and after 12 years in this position was promoted to Director of the Manchester VA Medical Center in 2000. Since that time he has led the VAMC with dedication and integrity, bringing the best care and services possible to our State's veterans.

He has helped to improve and initiate several clinics including Ophthalmology, Audiology, Dermatology and Podiatry Care. His efforts also focused on implementing Primary Care Mental Health Integration and expanding the Home Based Primary Care Program to the Community Based Outpatient Clinics throughout the State. He has also stepped in to help out at other Medical Centers in White River Junction, Vermont and Bedford, Massachusetts when these facilities were transitioning between directors.

Dr. Levenson has been a great leader for our veterans here in New Hampshire and provided all of our veterans with the services and care they need when transitioning back from active duty to civilian life, and into their later years. His work has been outstanding and is greatly appreciated. I congratulate Dr. Levenson on his well earned retirement and thank him for his outstanding support of our veterans in New Hampshire and New England.

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RECOGNIZING TAIWAN'S 101ST  
NATIONAL DAY

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to acknowledge Taiwan's 101st National Day on October 10, 2012. This event marks the anniversary of the 1911 uprising that led to the establishment of the Republic of China.

Under President Ma Ying-jeou's leadership, Taiwan has made great strides in improving relations with mainland China, which has contributed to reduced tensions in the region overall. Furthermore, through the Economic Cooperation Framework Agreement, millions of citizens in both nations have benefited. China and Taiwan are continuing to pursue productive and peaceful negotiations to ensure a better future for their citizens, and cross-strait relations are better now than they have ever been.

The United States should support and assist Taiwan in building on its recent successes and playing a greater role in international organizations, such as the World Health Assembly.

Taiwan is also on the road to gaining membership in the International Civil Aviation Organization. This important progress should be recognized and encouraged.

Mr. Speaker, Taiwan is an important ally to the United States, an outpost of democracy and freedom, and plays a critical economic role in the region. Millions of Americans buy Taiwanese products, and Taiwan is an export destination for a wide range of American products, from agriculture to raw materials to technology. The Taiwanese people are committed to hard work and democratic values, as well as productive and peaceful international relations. I offer my sincere congratulations on their 101st National Day, and look forward to celebrating Taiwan's future successes.

#### HONORING TEAM ACADEMY

### HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. WALZ. Mr. Speaker, I rise today to recognize the accomplishments of TEAM Academy in Waseca, Minnesota.

On September 7th, TEAM Academy was named one of two schools from the First District of Minnesota to be designated as a 2012 National Blue Ribbon School.

This award recognizes exemplary schools like TEAM Academy where students have made significant progress. Schools that receive this award truly exemplify the belief that every child has promise and must receive a high quality education.

As a teacher on leave from Mankato West, I know that achieving success for all students takes a commitment from the entire school, from the principal to the counselors to the teachers. Their dedication every day toward success and achieving a higher goal motivates students to do their best.

This is exactly what TEAM Academy has done for its students. Under the leadership of Director Jill Ladwig, the school practices individualized learning in small groups, and focuses on reading, mathematics and exposure to art, Spanish, physical education and music. Every day, students walk into an environment where they are encouraged to reach their full potential, become a productive member of society, and understand the importance of post-secondary education.

This award recognizes what the Waseca community already knows—TEAM Academy is a place where every student, no matter their background or ability, can fulfill their potential.

Mr. Speaker, please join me in honoring TEAM Academy for its dedication to the students of Waseca.

#### HONORING BETTE BOYD FOR HER SERVICE TO HUMBOLDT COUNTY

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Bette Boyd. Mrs.

Boyd has exercised the most important duty of citizenship, voting in every election since she registered to vote at the age of 21 in 1947. She has devoted her time and efforts to community endeavors and good citizenship since being first employed in war work in 1943.

When the demand for skilled workers was at a high in 1943, Mrs. Boyd went to work in the American Motors plant in Los Angeles. Shortly after, she was promoted to lead the work group of women engaged in essential war work. Bette embraced her responsibilities and welcomed the opportunity to contribute to the war effort.

Her first job after WWII exposed her to the need for a union voice and she began an organizing effort for the United Electrical Workers. She advocated for better wages and working conditions for men and women engaged in assembly line work. Bette took fellow workers out on strike and experienced for the first time the power of owners and management when the strike was broken. After the Vietnam War, Bette met refugees from southeast Asia who needed help adjusting to American life. She assisted refugees in securing employment and was responsible for integrating 1500 refugee families into American culture.

Through her work with Vietnamese refugees, Bette became aware of the onset of AIDS in Los Angeles and the Bay Area. She volunteered to work with AIDS patients at an early point in the epidemic that would become a global scourge. She met Mother Teresa and helped establish an AIDS clinic in India. Bette continues her work with AIDS patients today.

Bette became involved with the poor in India. She proposed to provide funds to improve educational opportunities in a rural South India village and insisted that girls be offered the same educational opportunities as boys. She contributed to the construction of a school that would touch hundreds of children. Today that school in Madahalli, Karnataka State enrolls 850 children.

Bette moved to Humboldt County in 1993 and has been involved in volunteer work ever since. Her work ranges from helping cancer patients get treatment to working with HIV patients, and helping the mentally ill. She is a stalwart at Democratic Headquarters and is regularly at booths and street fairs. She encourages all who are eligible to register and vote, thereby fulfilling the first duty of citizenship.

Mr. Speaker, it is appropriate at this time that we recognize Bette Boyd for her outstanding service to a global citizenry.

#### HONORING THE SERVICE OF SUSAN B. ANDERSON

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize and thank the Honorable Susan B. Anderson for her service, as she prepares to retire from the Fresno County Board of Supervisors. She was elected to the Board of Supervisors in 2000 and has been a reliable

champion for the people of Fresno County for over a decade. During her tenure on the Board of Supervisors, Susan has served as a collaborative, creative, and innovative leader. Her participation on the Board will be sorely missed.

Born in Kansas, Susan and her family moved to California's agriculturally rich San Joaquin Valley when Susan was three years old. By 1970, Susan and her family settled in Fresno, California. In 1987, Susan earned her law degree from San Joaquin College of Law, where she also served as president of the Student Association, and eventually the Alumni Association.

A long-time public servant, Susan began her career working as marketing director for the downtown Fresno YMCA for over ten years. With her leadership, the YMCA experienced an expansion in membership and community support—clearly exhibiting her role as an effective ambassador for the people of the San Joaquin Valley.

Susan has been an unwavering advocate for Central California's children during her entire career. Shortly after graduating from law school, Susan worked as a deputy district attorney in the Fresno County Juvenile Courts. She took it upon herself to ensure that abused, abandoned, and neglected children were represented fairly and passionately. Additionally, Susan has served on a number of Boards, including the Boy Scouts, Big Brothers & Big Sisters, Court Appointed Special Advocates (CASA), and the YMCA. She also was at the forefront of the effort to create Focus Forward, a non-profit organization aimed at providing educational and enrichment services to the County's children. Susan's dedication to helping some of our most vulnerable citizens serves as a testament to her superior moral character and compassionate heart.

When Susan was elected to be County Clerk in 1990, she made history by being the first woman elected to a county-wide post. Her time as County Clerk was ample with accomplishments. During her service, she increased the efficiency of her department, ensuring timely responses and successful service.

As a County Supervisor, Susan has often shown thoughtful leadership, effective policy development, and keen fiscal and administrative oversight. Her work has touched the lives of thousands of Valley residents, and will ensure that her legacy lives on for years to come.

Mr. Speaker, I ask my colleagues to join me in recognizing one of California's most principled leaders. Her loyalty to her constituents paired with her unmatched work ethic truly makes her a source of pride for our entire nation.

#### COMMEMORATING TAIWAN'S NATIONAL DAY OF CELEBRATION

### HON. DAVID RIVERA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. RIVERA. Mr. Speaker, I rise today to congratulate the Republic of China (Taiwan)

for more than a century of tremendous success as we approach their National Day of Celebration, October 10, 2012. This day marks 101 years since the founding of the country, and most importantly marks more than a century of progress towards democracy, freedom, and economic success for the people of Taiwan. I would like to commend the country for its continued commitment to a brighter future, despite numerous struggles over the years. I would also like to take this opportunity to thank Taiwan for its many years of friendship to the United States. It has been an ally in the region for decades, and this invaluable friendship deserves recognition.

I congratulate Ambassador Jason Yuan, Representative of Taiwan to the United States, on his new post as Secretary-General of the National Security Council of Taiwan. I cherish the friendship with Ambassador Yuan and wish the Ambassador and Madame Yuan the very best of luck in the future.

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TRIBUTE TO THE MATILDA  
JOSLYN GAGE FOUNDATION

**HON. ANN MARIE BUERKLE**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Ms. BUERKLE. Mr. Speaker, I rise today to honor and pay tribute to the Matilda Joslyn Gage Foundation of Fayetteville, New York, upon the occasion of receiving federal funding through the Department of State's Museums Connect Program—a highly selective program that aims to strengthen cultural understanding through collaborative and innovative projects facilitated by museums.

The Matilda Joslyn Gage Foundation dedicates its efforts to educating individuals about the life and work of Matilda Joslyn Gage and her significant contributions to the women's suffrage movement of the 19th century.

With respect to her commitment and dedication to women's rights and human liberation, the Matilda Joslyn Gage Foundation commits itself to celebrating her life and promoting the continuing significance of the works of Matilda Joslyn Gage for current and future generations.

Consistent with her values, the Matilda Joslyn Gage Foundation works to preserve the home of this great American figure, as well as preserve her writings, provide educational programs devoted to the abolitionist and suffrage movements, and promote the history of Central New York as a beacon during our nation's great civil rights movements.

It is with honor that I pause in my legislative deliberations to acknowledge the Matilda Joslyn Gage Foundation for its dedication to strengthening and developing cultural and historical understanding throughout Central New York and the United States.

Mr. Speaker, I ask that you and my colleagues join me in congratulating The Matilda Joslyn Gage Foundation, recipients of the Department of State's Museums Connect grant.

TRIBUTE TO ANDREW WHELAN

**HON. GREG WALDEN**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. WALDEN. Mr. Speaker, now that we have returned to our districts before the election, I'd like to highlight a valuable staff member of mine who recently left my office. I rise today to honor an outstanding golfer, a barbecue master, and an intensely devoted San Francisco 49ers fan who ably and professionally served for many years as my press secretary, Andrew Whelan. Andrew and his fantastic wife Paige recently moved back to their home state of California, and I've greatly missed his keen advice and genuine friendship.

Andrew started the Capitol Hill chapter of his career nearly seven years ago, working on the House Committee on Resources, eventually rising to deputy press secretary. In December 2006, I hired him as my press secretary, where he has successfully served the people of Oregon ever since.

Mr. Speaker, there may be no more challenging job on Capitol Hill than being a press secretary to a Member of Congress who was a press secretary to a Member of Congress. But Andrew went above and beyond by facing this demanding role with unflinching resolve and dedication—all while making it look nearly effortless and easy.

Before pursuing federal public service in Washington, Andrew worked for a state assemblyman in California, and edited his alma mater's campus newspaper, the California Aggie at University of California, Davis.

A Member of Congress relies on his or her staff to be his eyes and ears across the district—especially when the district covers 70,000 square miles, like Oregon's Second. Andrew has always been a highly effective representative of me whether it be when speaking to a national news outlet, the local hometown newspaper reporter, or an eager young student angling for an inside scoop for a school project on Congress.

Andrew made it a point to maintain a genuine connection to constituents he came into contact with in all corners of the district—those who agree with my policy positions and those who do not. He listened sincerely to their points of view and, even if they challenged him with extreme emotion, his responses were always civil and respectful and his demeanor was patient.

Andrew made it his highest goal to keep in touch with the citizens of the Second District. He believes, as do I, that we are here to do the people's business, and the people have the right to know what their government is doing. It was Andrew's job to help communicate what we as Members are doing back to the people we serve.

Andrew played a leading role in a number of public affairs efforts that made a real difference in our country. From helping to uncover negligence in federal agencies, to spotlighting an unfair and misleading National Guard bonus program for new recruits, to restoring housing rights for homeless veterans, to developing many other communications

strategies that forced the government to better help the people they are supposed to serve, Andrew accomplished much for his fellow citizens during his time in Washington.

As a press secretary, Andrew had to have a handle on a wide range of policy issues—and often had to know the issues as well as or better than the policy staff. He had to figure out how to explain complicated issues to people, often on a very tight deadline. To better keep in touch with people, he helped me expand the use of social media to more effectively reach Oregonians on Facebook, YouTube, and Twitter.

On a personal level, Andrew's love of golf is only overshadowed by his love for his wife, Paige. According to his mother, he was seen swinging a golf club even in diapers and won his first tournament at eight years old. He's even played in the qualifier for the U.S. Open twice. Also according to his mother, the only time he's looked happier than his time on the golf course was the day he married Paige.

While living in Washington, DC, Andrew became an uncle, and he enjoyed being able to visit his brothers Don and Rob and his four nieces and nephews who live here on the East Coast.

But now Andrew and Paige have moved back home to California. While Team Walden was very sorry to see him go, I know his parents Bill and Lindy are happy to be close to their son once again. I speak for all my current and former staff when I say we have missed Andrew very much. I should also add that I know the folks at Potbelly's around Washington have also been very sad to see him go, but delighted at the prospects of him opening the first Potbelly's franchise in the Bay Area which will be necessary to satisfy his cravings.

I ask my colleagues to join me in wishing Andrew and Paige the best of luck as they return West and pursue new personal and professional endeavors. Andrew, thanks for exemplary service to the Congress and citizens of Oregon.

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TRIBUTE TO RAMONA ESBECK

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Ramona Esbeck on the coming celebration of her 100th birthday. Ramona will celebrate a century of life on October 7th, 2012.

Our world has changed a great deal during the course of Ramona's life. Since her birth, we have revolutionized air travel and walked on the moon. We have invented the television, cellular phones and the internet. We have fought in wars overseas, seen the rise and fall of Soviet communism and witnessed the birth of new democracies. Ramona has lived through eighteen United States Presidents and twenty-two Governors of Iowa. In her lifetime, the population of the United States has more than tripled.

Mr. Speaker, it is an honor to represent Ramona in the United States Congress and it is my pleasure to wish her a very happy 100th

birthday. I invite my colleagues in the House to join me in congratulating Ms. Esbeck on reaching this incredible milestone, and wishing her even more health and happiness in the years to come.

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IN RECOGNITION OF THE GRAND  
OPENING OF CHRISTIAN FAITH  
WORLD MINISTRIES CHURCH

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**HON. PETE SESSIONS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 28, 2012*

Mr. SESSIONS. Mr. Speaker, I rise today to congratulate Reverend Dr. Ronald E. Hodges

and his congregation on the grand opening of the Christian Faith World Ministries Church (CFWMC) in Addison, Texas on September 30, 2012.

Through the prayer, hard work and leadership of Reverend Hodges, the vision of a new church facility is now a reality. Strategically located, CFWMC plans to reach out to the people of Addison as well as to the neighboring communities of Carrollton, Farmers Branch, and North Dallas. The church offers a variety of ministries, including counseling, fellowship groups, and education programs, designed to provide a wide range of opportunities for individuals to serve, connect, and establish community. Faith is of great importance and plays a vital role in our society. It strengthens fami-

lies and relationships, instills values and principles, and encourages participation for the betterment of our communities.

I am delighted to recognize Reverend Hodges and Christian Faith World Ministries Church as they celebrate this special occasion. Mr. Speaker, I ask my esteemed colleagues to join me in expressing our heartfelt congratulations on the grand opening of this new facility. May God bless Reverend Hodges and his congregation.

**SENATE—Tuesday, October 2, 2012**

The Senate met at 11 and 2 seconds a.m. and was called to order by the honorable MARK BEGICH, a Senator from the State of Alaska.

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**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 2, 2012.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. BEGICH thereupon assumed the Chair as Acting President pro tempore.

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**ADJOURNMENT UNTIL FRIDAY,  
OCTOBER 5, 2012, AT 1 P.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 1 p.m. on Friday October 5, 2012.

Thereupon, the Senate, at 11 and 31 seconds a.m., adjourned until Friday, October 5, 2012, at 1 p.m.

## HOUSE OF REPRESENTATIVES—Tuesday, October 2, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WOODALL).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 2, 2012.

I hereby appoint the Honorable ROB WOODALL to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

We thank You once again that we, Your creatures, can come before You and ask guidance for the men and women of this assembly. Send Your spirit of peace, honesty, and fairness during these weeks of political campaign. May their ears and hearts be open to listen to the hopes and needs of those whom they represent and those whom they seek to represent.

Bless the people of this great Nation with wisdom, knowledge, and understanding, that they might responsibly participate in our American democracy.

Please keep all who work for the people's House in good health, that they might faithfully fulfill the great responsibility given them in their service to the work of the Capitol.

Bless us this day and every day. May all that is done here be for Your great honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Georgia (Mr. JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. JOHNSON of Georgia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore LEWIS on Friday, September 28, 2012:

S. 3625, to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

### SENATE ENROLLED BILL SIGNED

The Speaker pro tempore, Mr. LEWIS of California, announced his signature to an enrolled bill of the Senate of the following title:

S. 3625. An act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 10 a.m. on Friday, October 5, 2012.

Accordingly (at 10 o'clock and 4 minutes a.m.), the House adjourned until Friday, October 5, 2012, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8028. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Plum Pox Compensation [Doc. No.: APHIS-2011-0004] (RIN: 0579-AD58) received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8029. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Glufosinate ammonium; Pesticide Tolerances [EPA-HQ-OPP-2009-0813; FRL-9363-6] received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8030. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act,

Army Case Number 11-04; to the Committee on Appropriations.

8031. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control Technique Guidelines for Plastic Parts, Metal Furniture, Large Appliances, and Miscellaneous Metal Parts [EPA-R03-OAR-2010-0847; FRL-9731-8] received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8032. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina: Approval of Rocky Mount Motor Vehicle Emissions Budget Update [EPA-R04-OAR-2012-0013(a); FRL-9732-7] received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8033. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Preoperational Testing of Instrument and Control Air Systems Regulatory Guide 1.68.3 received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8034. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-32, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8035. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-54, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8036. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-26, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8037. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia in Executive Order 12987 of October 21, 1995, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HUELSKAMP (for himself, Mr. BROWN of Georgia, Mr. CHABOT, Mr.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



JORDAN, Mr. KING of Iowa, Mr. BISHOP of Utah, and Mr. WESTMORELAND):

H.R. 6567. A bill to replace certain Federal nutrition programs with a block grant to the States, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT:

H. Res. 806. A resolution expressing the sense of the House of Representatives regarding the recognition of homelessness in the United States; to the Committee on Financial Services.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitu-

tion to enact the accompanying bill or joint resolution.

By Mr. HUELSKAMP:

H.R. 6567.

Congress has the power to enact this legislation pursuant to the following:

This legislation is introduced under the authority of Article I, Section 8, Clause 1 and the Tenth Amendment to the United States Constitution. This bill restores the proper balance of power between the federal and state governments as intended under the Tenth Amendment to the United States Constitution by devolving the responsibility of providing food assistance for low income citizens to the states. It reinforces the founding constitutional principle that state governments are properly situated with attending to their citizens' health, safety, and general welfare.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 451: Mr. BERMAN.

H.R. 501: Ms. ESHOO.

H.R. 1048: Ms. SCHAKOWSKY.

H.R. 1195: Mr. GONZALEZ and Ms. MCCOLLUM.

H.R. 1397: Ms. BASS of California.

H.R. 1479: Ms. ZOE LOFGREN of California.

H.R. 1675: Mr. SIMPSON.

H.R. 1810: Mr. SMITH of Washington.

H.R. 2052: Mr. OWENS and Mr. HUNTER.

H.R. 2696: Mr. ANDREWS.

H.R. 3053: Mr. HASTINGS of Florida and Mr. KUCINICH.

H.R. 3625: Ms. LEE of California and Mr. LYNCH.

H.R. 4173: Mr. TOWNS.

H.R. 4390: Mr. CONYERS.

H.R. 5840: Mr. MORAN, Mr. GERLACH, and Mr. CONNOLLY of Virginia.

H.R. 6157: Mr. SHERMAN and Mr. BRALEY of Iowa.

H.R. 6419: Mr. PIERLUISI, Ms. RICHARDSON, Ms. BROWN of Florida, Ms. HAHN, and Mr. BLUMENAUER.

H.R. 6527: Ms. LORETTA SANCHEZ of California, Ms. RICHARDSON, Mr. CONYERS, and Ms. FUDGE.

H. Res. 763: Mr. HULTGREN.

H. Res. 803: Mr. STARK and Ms. KAPTUR.

## EXTENSIONS OF REMARKS

### IN SUPPORT OF NATIONAL BULLYING PREVENTION MONTH

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of National Bullying Prevention Month because every American is entitled to live, work, and recreate in a safe environment, free of fear from threats to his or her physical safety and emotional security.

Unfortunately, in recent years we have witnessed a dramatic increase in the number of reported and unreported cases of bullying. In fact, thirteen million children will be bullied this year alone. It is estimated that 15 percent of American school children skip school to avoid being bullied by their schoolmates. This is tragic as school should be a safe environment conducive to learning.

Mr. Speaker, bullying does not end when our children move on from the playground. It exists on college campuses, in the workplace, online, and even in elderly care facilities. Nearly half of Americans have experienced some sort of violence either in their workplace, at home, or in their community. Hazing on college campuses has also been a problem for decades. Five percent of all college students admit to being hazed, with 40 percent admitting that a coach or advisor was aware of the hazing and did not intervene.

Mr. Speaker, this month, organizations from coast to coast are building awareness seeking to engage, educate, and inspire individuals nationwide to join the movement and prevent bullying. As a proud member of the Anti Bullying Caucus which advocates for policies to combat bullying of all kinds, from the playground to the elderly care facility I support all efforts aimed at preventing bullying and believe more must be done.

For these reasons, I urge my colleagues to join me in support of National Bullying Prevention Month.

### HONORING MARVIN MEYERS AS THE 2012 FRESNO STATE DISTINGUISHED ALUMNUS

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize Mr. Marvin Meyers for earning the distinction of being named the 2012 "Top Dog" Distinguished Alumnus by the Fresno State Alumni Association. The Distinguished Alumnus Award honors a former Fresno State student whose leadership, service, and work ethic embody the mission and vision of the

university. Marvin's role as a Successful almond farmer, water conservationist, and enthusiastic Fresno State Bulldog make him most deserving of this honor.

Marvin graduated from Fresno State in 1956 with a Bachelor of Science Degree. He has owned and operated Meyers Farming I-IV, Oxford Farms, Inc., and Meyers Farm Family Trust since 1982. He is a member of the Western Growers Association, the Farm Bureau Safe Harbor Committee, and the Drought Advisory Panel.

Illustrating his dedication to education and his beloved alma mater, Marvin has generously shared his success. His contributions have helped Fresno State construct the Meyers Family Sports Medicine Center to enhance the Bulldog student-athlete experience.

Marvin has also maintained a keen awareness of the importance of educating our future leaders when it comes to conservation and being responsible stewards of our resources. Marvin established a state-of-the-art water banking project near Mendota, California, that draws an array of wildlife and has become an important resource for student and teacher education on the environment and water conservation. More than 1,000 San Joaquin Valley children visit the Meyers Water Bank and Wildlife Project each year. In 2007, Governor Schwarzenegger gave the Meyers Water Bank and Wildlife Project California's top environmental leadership award for its approach to sustainable agricultural practices. Marvin's farming accomplishments and his commitment to our Valley speaks volumes about his superior moral character.

Mr. Speaker, I ask my colleagues to join me in congratulating Mr. Marvin Meyers and thanking him for his commitment to education, conservation, and agriculture. As a proud Fresno State alumnus, it gives me great pleasure to acknowledge my fellow Bulldog for his years of service and much deserved success.

### IN RECOGNITION OF THE BOROUGH OF ROOSEVELT, NEW JERSEY

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to congratulate the borough of Roosevelt, New Jersey on their 75th anniversary. A quiet, peaceful town in central New Jersey, the borough of Roosevelt has a rich heritage. Through the work of local citizens and organizations such as the Roosevelt Oral History Committee and the Jersey Homesteads Historic District Advisory Council, Rooseveltians continue to maintain their town's unique history and background.

Founded by Benjamin Brown with the support of Albert Einstein, Eleanor Roosevelt, and

Louis Kahn, the borough was incorporated in 1937 and was originally known as Jersey Homesteads. The borough was one of 99 communities established as part of President Roosevelt's New Deal Initiative, but was unique in that it was the only town established as an agro-industrial cooperative comprised of a factory, farms, and retail stores. Initially composed of Jewish factory workers from nearby New York City, the borough of Roosevelt over the years has become more diverse, while still maintaining its historical roots. Renamed Roosevelt for President Roosevelt in 1945 following his death, the citizens of Roosevelt truly personify the American spirit of determination and hard work. Through the difficult trials and tribulations of the Great Depression, the borough and its citizens persevered and succeeded in making Roosevelt a great place to live and work. Although the borough is no longer a cooperative, its historical significance is recognized with its listing on the National and State Registers of Historic Places.

Today, the borough still cherishes its unique history as the only town in the country to have been planned as a government subsidized agro-industrial cooperative. With a population just under 900, the borough remains a tightknit community where everyone works together for the benefit of the common good. With the hard work of Roosevelt's Mayor Beth Battel, City Council, citizens, and local organizations, the borough has been able to maintain much of its original architecture and historical sites.

Mr. Speaker, please join me in leading this body in recognition of Roosevelt, New Jersey's 75th anniversary. It is with great pleasure that I am able to join the citizens of Roosevelt in celebrating this historic occasion and I look forward to hearing of the borough's continued success in the future.

### IN SUPPORT OF SIDS AWARENESS MONTH

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise in support of Sudden Infant Death Syndrome (SIDS) Awareness Month.

Mr. Speaker, Sudden Infant Death Syndrome (SIDS) is one of the leading causes of death among infants one month through one year of age in the United States. The National Institute of Child Health and Human Development (NICHD) defines SIDS as the sudden death of an infant under one year of age which remains unexplained after a thorough case investigation.

Due to the efforts of the American SIDS Institute and other organizations, the sudden infant death rate is at an all time low. Since

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

1983, the rate of SIDS has fallen by over 50 percent. Tragically, however, there are still about 2,500 deaths per year in the United States and thousands more throughout the world.

Mr. Speaker, it is believed that SIDS can be eliminated as a cause of infant deaths within our lifetime. Achieving this goal requires the financial and personal support of corporations, foundations and concerned individuals.

As a proud member of the Congressional 21st Century Health Care Caucus and a strong supporter of legislation designed to promote healthy children and families, including the Affordable Care Act, SCHIP, and child nutrition programs I believe it is important to raise awareness about Sudden Infant Death Syndrome to save babies at risk and eventually eradicate SIDS.

For these reasons, I urge my colleagues to join me in support of Sudden Infant Death Syndrome (SIDS) Awareness Month.

**TRIBUTE TO CHAIRMAN ROBERT  
MARTIN, MORONGO BAND OF  
MISSION INDIANS**

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. BACA. Mr. Speaker, I stand here today to pay tribute to a great leader and role model, Chairman Robert Martin of the Morongo Band of Mission, which is a 1,000 member tribe located near Banning, California. The Banning Chamber of Commerce will honor Chairman Martin for his outstanding service to the local community on November 1, 2012 in Cabazon, California.

Before becoming Chairman of the Morongo Tribe, Robert worked across the Southwest United States as a building contractor. He brought new homes to families, new roads to communities, and worked on improving vital infrastructure throughout the Southwest.

Chairman Martin has consistently advocated for a better life and sovereignty for the tribal community in the United States. In 1987, Martin led Morongo in a Supreme Court case which confirmed the sovereignty of Indian Tribes' right to establish gaming operations. This monumental case gave the 550 Indian Tribes in the United States greater independence and ability for self governance. After this Supreme Court case, Chairman Martin managed the planning and construction of Casino Morongo, which is now one of the largest employers in all of Riverside County, California.

Chairman Martin is passionate about defending and continuing the rich cultural traditions of the Morongo Tribe. Under Martin's leadership, Morongo renewed its commitment to developing the next generation of tribal leaders by establishing a tuition-free preparatory academy on the reservation.

Chairman Martin continues to give back to his community by serving on the board for the California Indian Manpower Consortium, the California Indian Child Welfare Consortium, Riverside/San Bernardino County Indian Health, Inc., and the Southern California Tribal Chairmen's Association.

I applaud Chairman Martin's tireless work on behalf of the Indian community, which has made a lasting impact on the future and sustainability of Native American tribes across the United States. My deepest congratulations, along with those of my wife, Barbara, and my children, Rialto Councilman Joe Baca Jr., Jeremy, Natalie, and Jennifer are with Chairman Martin during this time of celebration. Mr. Speaker, I ask my colleagues to join me in honoring a beloved community member and tireless advocate for Native American rights, Morongo Chairman Robert Martin.

**PERSONAL EXPLANATION**

**HON. JOHN J. DUNCAN, JR.**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. DUNCAN of Tennessee. Mr. Speaker, on rollcall vote No. 593 (the Waxman of California Amendment No. 3 to H.R. 3409), I voted "yea" when I meant to vote "nay."

**HONORING MS. NANCY OSBORNE**

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize Ms. Nancy Osborne of Fresno, California, as she celebrates her retirement as reporter and news anchor on ABC 30 Action News, Central California's number one news station. For over 30 years, Nancy has served as a local icon for the Central San Joaquin Valley. Watching Nancy on the evening news is something that viewers from all over the Valley will truly miss.

As a child, Nancy lived in different military bases across the United States and in occupied Japan while her father served in the United States Army. Nancy graduated from Las Cruces High School in New Mexico and then went on to attend New Mexico State University for three years. After taking a short hiatus from school, Nancy and her daughter Rachel moved to Fresno. She completed her Bachelor of Arts degree at California State University, Fresno, and in 1977 Nancy was hired at KFSN.

Locally, Nancy was one of the very first women to work for a television station. She worked tirelessly in the early years of her career, proving herself in an industry dominated by men. Nancy's dedication to the news channel paid off, and she held different positions at the station. In the span of 33 years, Nancy was an anchor, producer, and reporter. She also wrote, produced and hosted the first ever female talk show in the Central Valley entitled 360. She pioneered the way for the many great reporters and anchors seen on our Valley stations today. She is truly a great role model.

Her career has been one full of firsts, making each story relevant to our region. Her career highlights include covering the first shuttle landing at Edwards Air Force Base, an inter-

view with astronaut Barbara Morgan, following paraplegic Mark Welman, Mike Corbet's historic climb of Half Dome in Yosemite National Park, flying with the Blue Angels, flying with the Thunder Birds, as well as a moment with Peter Jennings on a curb in New Orleans, Louisiana during the 1988 Republican National Convention where they swapped stories from the reporting trenches.

The commitment that Nancy has made to her career and the Central Valley has not gone unnoticed. She has received numerous honors for excellence in reporting including three Emmys and the Robert Morrow Award for Ace Reporting. She understands the citizens in the Valley, reporting news that is relevant and important to them.

Honoring our military and veterans has always been important to Nancy for personal reasons, but also because she wants to recognize the vital service they contribute to our Valley as well as our Nation.

Mr. Speaker, I ask my colleagues to join me in recognizing the outstanding contributions Nancy Osborne has made to the San Joaquin Valley, our State, and our Nation. Her career is a testament to her character, and an illustration of her work ethic and tenacity.

**IN RECOGNITION OF MR. HARRY D.  
EICHHORN**

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mr. Harry D. Eichhorn, director and founder of the Ocean Grove Summer Band, and former Manasquan High School Band Director. Mr. Eichhorn has dedicated his life to music, music education, and inspiring new generations of young musicians.

In 1953, Mr. Eichhorn created the Ocean Grove Summer Band. Originally created to give his high school band students the opportunity to practice their musical talents during the summer recess, the Ocean Grove Summer Band quickly gained recognition within the local community. By the following year, the Ocean Grove Summer Band was playing weekly concerts at the Ocean Grove Boardwalk Pavilion, where they continue to hold their concerts to this day. Under the tutelage of Mr. Eichhorn, the Ocean Grove Summer Band has played at numerous events outside Ocean Grove, including appearances at the New York World's Fair in 1964 and 1965.

In addition to his role as founder and director of the Ocean Grove Summer Band, Mr. Eichhorn was the director of the Manasquan High School Band for 36 years. Mr. Eichhorn has degrees in music education from Montclair State University, Rutgers University, and the College of New Jersey. It is Mr. Eichhorn's comprehensive knowledge of music as well as his dedication to serving the community which has helped him succeed in advancing a greater appreciation of music amongst his students. It was because of this work that in 1989 Mr. Eichhorn was named "Music Teacher of the Year" by the New Jersey Music Educators' Association, and inducted into the All Shore

Band Directors Association Hall of Fame in 2010. After retiring from his position as director for the Manasquan High School Band in 1989, Mr. Eichhorn founded the Atlantic Wind Ensemble, which provides local musicians the ability to practice their talents during the winter months.

Mr. Eichhorn's commitment to mentoring new generations of young aspiring musicians is unwavering, and well deserving of this body's recognition. Mr. Eichhorn has received numerous commendations and renowned recognition for his work, which includes being recognized by President Ronald Reagan, President George W. Bush, the New Jersey State Senate and Assembly, and former Governor Christine Todd Whitman.

Mr. Speaker, please join me in leading this body in honoring Harry D. Eichhorn. Mr. Eichhorn is a well respected and influential member of his community, and his dedication to sharing his knowledge and appreciation of music is truly remarkable.

IN SUPPORT OF DOMESTIC  
VIOLENCE AWARENESS MONTH

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise in support of Domestic Violence Awareness Month. Domestic Violence Awareness Month is a month-long project dedicated to addressing the victimization of men, women, and children in our nation and raising awareness of the devastating impact of domestic violence. This month, we honor the survivors of domestic violence, whose struggles and successes continue to inspire us all as we rededicate ourselves to ending domestic violence in our communities.

Mr. Speaker, domestic violence touches the lives of Americans of every background and circumstance and affects every sector of our society. It is defined as a pattern of behavior in any relationship that is used to gain or maintain power and control over an intimate partner. Abuse can be physical, emotional, sexual, or behavior used to coerce, threaten or humiliate another person.

Mr. Speaker, despite the progress and achievements we have made in the recent past, there is still so much more to do. It is time to put an end to this devastating crime. Far too many families in this nation are affected by domestic violence. It is a growing epidemic affecting local, national, and international communities alike.

In the United States, one in four women and one in thirteen men will be the victim of domestic violence at some point in his or her lifetime and over 3.3 million children witness domestic violence each year. Furthermore, domestic violence can also act as a precursor to more serious crimes. In 80 percent of intimate party homicides, regardless of which partner was killed, domestic violence was present during the relationship prior to the killing.

Mr. Speaker, victims of violence often suffer in silence, with limited options, not knowing where to turn for support and guidance. We

need to break this silence. Local domestic violence agencies, shelters, victim services providing legal, emotional, and medical support are vital to helping victims and their families heal. To effectively respond to domestic violence, we must support efforts to help expand these services and to continue to foster awareness.

This month, let us recommit ourselves to ending domestic violence in our communities. We have a responsibility to continue to broaden our efforts to end violence against men, women and children. But we cannot solve this crisis alone. We must work together to create support, expand resources and eliminate barriers for victims of domestic violence. Stopping domestic violence means saving lives.

For these reasons, I urge my colleagues to join me in support of Domestic Violence Awareness Month.

BACKLASH TO THE BACKLASH

**HON. BARNEY FRANK**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. FRANK of Massachusetts. Mr. Speaker, previously I submitted an extraordinary, eloquent and thoughtful column by Thomas Friedman of The New York Times on the essentiality of free speech, the absolutely unjustified nature of violence and the hypocrisy involved when many of those who declaim what they found insulting are themselves guilty of equal vituperation of other religions and ethnic groups. Mr. Friedman has subsequently written a follow up to that column, which I found equally compelling. I submit this excellent column as well as it deserves to be widely read.

[From the New York Times, Sept. 25, 2012]

BACKLASH TO THE BACKLASH

(By Thomas L. Friedman)

One of the iron laws of Middle East politics for the last half-century has been that extremists go all the way and moderates tend to just go away. That is what made the march in Benghazi, Libya, so unusual last Friday. This time, the moderates did not just go away. They got together and stormed the headquarters of the Islamist militia Ansar al-Sharia, whose members are suspected of carrying out the attack on the U.S. Consulate in Benghazi that resulted in the death of four Americans, including Ambassador Chris Stevens.

It is not clear whether this trend can spread or be sustained. But having decried the voices of intolerance that so often intimidate everyone in that region, I find it heartening to see Libyans carrying signs like "We want justice for Chris" and "No more Al Qaeda"—and demanding that armed militias disband. This coincides with some brutally honest articles in the Arab/Muslim press—in response to rioting triggered by the idiotic YouTube video insulting the Prophet Muhammad—that are not the usual "What is wrong with America?" but, rather, "What is wrong with us, and how do we fix it?"

On Monday, the Middle East Media Research Institute, or Memri, which tracks the Arab/Muslim press, translated a searing critique written by Imad al-Din Hussein, a columnist for Al Shorouk, Cairo's best daily

newspaper: "We curse the West day and night, and criticize its [moral] disintegration and shamelessness, while relying on it for everything. . . . We import, mostly from the West, cars, trains, planes . . . refrigerators, and washing machines. . . . We are a nation that contributes nothing to human civilization in the current era. . . . We have become a burden on [other] nations. . . . Had we truly implemented the essence of the directives of Islam and all [other] religions, we would have been at the forefront of the nations. The world will respect us when we return to being people who take part in human civilization, instead of [being] parasites who are spread out over the map of the advanced world, feeding off its production and later attacking it from morning until night. . . . The West is not an oasis of idealism. It also contains exploitation in many areas. But at least it is not sunk in delusions, trivialities and external appearances, as we are. . . . Therefore, supporting Islam and the prophet of the Muslims should be done through work, production, values, and culture, not by storming embassies and murdering diplomats."

Mohammad Taqi, a liberal Pakistani columnist, writing in the Lahore-based Daily Times on Sept. 20, argued that "there is absolutely no excuse for violence and indeed murder most foul, as committed in Benghazi. Fighting hate with hate is sure to beget more hate. The way out is drowning the odious voices with voices of sanity, not curbing free speech and calls for murder."

Khaled al-Hroub, a professor at Cambridge University, writing in Jordan's Al Dustour newspaper on Sept. 17, translated by Memri, argued that the most "frightening aspect of what we see today in the streets of Arab and Islamic cities is the disaster of extremism that is flooding our societies and cultures, as well as our behavior. . . . This [represents] a total atrophy of thought among wide sectors [of society], as a result of the culture of religious zealotry that was imposed on people for over 50 years, and which brought forth what we witness" today.

The Egyptian comedian Bassem Youssef wrote in Al Shorouk, translated by Memri, on Sept. 23: "We demand that the world respect our feelings, yet we do not respect the feelings of others. We scream blue murder when they outlaw the niqab in some European country or prevent [Muslims] from building minarets in another [European] country—even though these countries continue to allow freedom of religion, as manifest in the building of mosques and in the preaching [activity] that takes place in their courtyards. Yet, in our countries, we do not allow others to publicly preach their beliefs. Maybe we should examine ourselves before [criticizing] others."

Whenever I was asked during the Iraq war, "How will you know when we've won?" I gave the same answer: When Salman Rushdie can give a lecture in Baghdad; when there is real freedom of speech in the heart of the Arab Muslim world. There is no question that we need a respectful dialogue between Islam and the West, but, even more, we need a respectful dialogue between Muslims and Muslims. What matters is not what Arab Muslim political parties and groupings tell us they stand for. What matters is what they tell themselves, in their own languages, about what they stand for and what excesses they will not tolerate.

This internal debate had long been stifled by Arab autocrats whose regimes traditionally suppressed extremist Islamist parties, but never really permitted their ideas to be

countered with free speech—with independent, modernist, progressive interpretations of Islam or by truly legitimate, secular political parties and institutions. Are we seeing the start of that now with the emergence of free spaces and legitimate parties in the Arab world? Again, too early to say, but this moderate backlash to the extremist backlash is worth hailing—and watching.

A TRIBUTE TO THE LIFE OF  
WALTER V. CUCUK

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Walter Vladimir Cucuk, who passed away on September 22, 2012 at the age of 80. Walt will always be remembered for his faith, his devotion to family, and his strong affection to farming.

Walt was born on March 20, 1932 in Fresno, California, and spent his entire life in the Fresno Lone Star area. After graduating from Sanger High School and Reedley College, Walt served our country for two years in the United States Army at Fort Ord near Monterey, California. In 1960, he married the love of his life, Barbara Erickson, and together they raised four children: Chris, Sheryl, Lori and Karen.

Community service played an important role in Walt's life. As a Veteran, he served on the Fresno Chamber's Military Affairs Committee, Selective Service Board, National Guard Commission and the Association of the U.S. Army. Walt was also elected to the Sanger Unified School Board of Trustees, and served on the Fresno County Planning Commission, the Fresno Regional Foundation Board of Directors, and the Fresno Chamber Board, representing agriculture. In addition, Walt was an active member for the Sanger Lions Club and the Serbian Men's Club.

One of Walt's greatest passions was farming. A proud grape, plum and citrus farmer, he became active in the Fresno County Farm Bureau in the late 1970's. Walt was encouraged to join the FCFB by members of the Lone Star Center, specifically his brother, Bill. Walt was honored to serve as President of the Fresno County Farm Bureau from 1984–1986. His love of the Central Valley and agriculture made him an exemplary leader at the Farm Bureau and during his tenure, the organization grew to 7,900 members.

Mr. Speaker, I ask my colleagues to join me in honoring the life of Walter Vladimir Cucuk, one of Fresno's most distinguished farmers and a true champion for the people of the San Joaquin Valley. His leadership and community service made him a role model and a source of pride to our community. Walt's caring nature and vibrant spirit will be sorely missed.

IN RECOGNITION OF MR. JERRY  
MARKS AND MRS. WENDY MARKS

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mr. Jerry Marks and Mrs. Wendy Marks, for their work in furthering issues of importance to the Jewish community. Their work has been instrumental in helping to build a more united Jewish commonality.

Originally from Brooklyn, both Mr. and Mrs. Marks moved to New Jersey to pursue a life of advocacy and philanthropy. However, their commitment goes further than just philanthropy, as both Mr. and Mrs. Marks have been involved with multiple organizations in an effort to promote issues of vital importance to the Jewish community. Their involvement with the Jewish community is most evident through their work with the Jewish Federation of Monmouth County, where both Mr. and Mrs. Marks have dedicated much of their time and efforts volunteering in different capacities. This includes Wendy's tenure as President of the Jewish Federation of Monmouth County, as well as Jerry's tenure as Vice President of Endowments. Both Mr. and Mrs. Marks have served on the board of directors for many years, and both have traveled extensively around the world as representatives of both the Jewish community and the Jewish Federation of Monmouth County. Both Mr. and Mrs. Marks have received recognition for their work by the Sons of Israel Congregation, and in 2010 Mrs. Marks received the Kipnis-Wilson/Friedland Award at the International Lion of Judah Conference in New Orleans which was established to recognize "Woman of Valor". Mr. and Mrs. Marks are proud parents and grandparents of four adult children and seven grandchildren, as well as members of Temple Shalom in Aberdeen. It is with great pleasure that I join the Jewish Family and Children's Service in recognizing the efforts of Mr. and Mrs. Marks this evening.

Mr. Speaker, please join me in leading this body in recognizing Mr. and Mrs. Marks for their tremendous work on behalf of the Jewish community. Their dedication and commitment to Jewish philanthropy and advocacy is truly inspirational.

RECOGNIZING LGBT HISTORY  
MONTH

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Ms. RICHARDSON. Mr. Speaker, October is LGBT History Month, and I rise to pay tribute to the remarkable achievements of this vibrant community. LGBT History Month, which will last throughout the month of October, commemorates the history of lesbians, gays, bisexuals, and transgender persons in addition to the history of gay rights movement.

I am proud to have supported the repeal of "Don't Ask, Don't Tell," which was formally

abolished by the military on September 20, 2011, after an orderly transition program prepared troops for the change without affecting force readiness or morale. Our nation is now stronger and our people are safer thanks to the sacrifices made by these brave Americans, who no longer need to choose between service and silence.

There have been other changes for the better under the Obama administration. In July 2011, President Obama and his administration concluded that a critical section of the Defense of Marriage Act is no longer constitutionally defensible. And, on June 24, 2011, the State of New York passed a law with bipartisan support extending the right to marry to gay and lesbian couples.

History, and progress, is also being made at the local level. According to the 2010 U.S. Census, one of the largest LGBT communities in the nation is located in the Los Angeles-Long Beach metropolitan area, which I am privileged to represent. This dynamic community is culturally diverse and economically and artistically vibrant. I would like to take this opportunity to recognize two LGBT leaders who helped to make this possible.

Jean Harris was a lifelong human rights activist who employed her uncanny talent for community organizing to electing open-minded city officials and defeating discriminatory legislation. A true force in California's LGBT community, she served as chair of the California Democratic Party's Lesbian/Gay Caucus, president of San Francisco's Harvey Milk Lesbian/Gay Democratic Club, and vice president of the Long Beach Lambda Democratic Club. Indeed, many local leaders and public servants across California owe their careers to her tireless advocacy. Jean Harris passed away on June 15, 2011.

In August 2011, I rose to pay tribute to the late Paul Duncan, the Director of Outreach for the Long Beach Community Business Network, who spent the last ten years of his life working tirelessly to connect local Long Beach employers to business organizations from Hawaii to Washington, DC. An advocate for economic empowerment of LGBT business owners and entrepreneurs, Mr. Duncan was known around the nation and beloved by the Long Beach community. He died suddenly of an aneurysm at a national conference where he was one of 70 affiliate leaders working for job creation and expanded economic opportunity for LGBT-owned businesses.

Mr. Speaker, progress is made through the efforts of courageous leaders like Jean and Paul; people who actively engage their communities and face adversity to ensure that the rights of all are clearly defined and protected.

People like the legendary Bayard Rustin, a leading strategist of the Civil Rights Movement and trusted advisor to Martin Luther King, Jr. An early proponent of nonviolent resistance, Rustin organized the 1947 Journey of Reconciliation which inspired the Freedom Rides of the 1960s and helped Dr. King organize the Southern Christian Leadership Conference which became the nerve center of the American Civil Rights Movement.

Bayard Rustin was a driving force behind the iconic 1963 March on Washington for Jobs and Freedom which brought national attention to the civil rights struggle and spurred the passage of the 1964 Civil Rights Act and the

1965 Voting Rights Act. He arranged the transportation, trained the marshals and oversaw all of the logistical details involved in putting on one of the most effective political demonstrations in world history and setting the stage for Dr. King's timeless "I Have a Dream" speech.

Later, Bayard Rustin worked to integrate all-white unions and became heavily involved in international humanitarian development and peacemaking. Openly gay, he became a public advocate for LGBT causes in the 1970s and passed away on a mission to Haiti in 1987.

Many great writers of the Harlem Renaissance, such as Countée Cullen and Bruce Nugent, were homosexual, and the contributions they made to literature are forever ingrained in the cultural fabric of America. Langston Hughes was probably the most well known, though he was an intensely private man and never spoke openly on the subject.

Billy Strayhorn was a musician and gifted composer whose 30-year collaboration with Duke Ellington resulted in some of the most indispensable music of the jazz age. Openly gay, Strayhorn participated in many civil rights causes and arranged a musical score for his friend, Dr. Martin Luther King, Jr., in 1963.

James Baldwin is one of the great literary figures of the 20th century. The writings of this African-American explored issues of race and class and gender. He rose to prominence with the civil rights movement and worked to bridge the gap between the competing approaches of Dr. Martin Luther King, Jr., and Malcolm X, both of whom were his personal friends. His work and life had a profound impact on countless equality activists and writers.

Mr. Speaker, I am proud to acknowledge the achievements of just a few of the countless number of Americans who defied the odds and overcame prejudice and discrimination, and intolerance and worked to make everyone including America be a more welcoming place succeeding generations of LGBT community members.

#### RECOGNIZING MENTAL HEALTH AWARENESS WEEK

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. GRIJALVA. Mr. Speaker, I rise today to recognize Mental Illness Awareness Week. Every year the American Psychiatric Association, the National Alliance on Mental Illness and the National Mental Health Association designate one week in October to put the spotlight on mental illness and the associated policy issues. This year we recognize this important time on October 7th through 13th.

Mental illness doesn't discriminate. One in five Americans bear mental illness, ranging from mild depression to severe disorders such as schizophrenia and bipolar disorder. One in five children endures a diagnosable disorder and one in ten children suffers from a serious disorder which, if unaddressed, can lead to poor school performance, social anxiety and seclusion and even violence against them-

selves and other people. Unfortunately, less than one-third of adults and less than half of children receive treatment for diagnosed serious disorders, leading to an average lifespan 25 years less than the general population.

Organizations like the American Psychiatric Association, the National Alliance on Mental Illness and the National Mental Health Association and their field partners work with municipal and state governments to make sure those who need care have access to it. In my district and around the country, local governments such as the Pima County Board of Supervisors are working diligently to ensure high-quality, cost-efficient community mental healthcare is available.

However, there is still much work to be done. When there is a lack of mental healthcare in a community, we see more lost jobs, more people out on the streets and more broken families. Often these communities see more emergency room visits, larger prison populations and higher social services costs all around. We must stay diligent in addressing mental illness and always stay focused on the individual.

Again, I want to recognize these organizations for their important work, and I urge those who need help to ask for it.

#### RECOGNIZING SISTERS FRANCIS GERARD KRESS, EDWARD JOSEPH MURPHY AND ALICE FRANCIS YOUNG ON THE OCCA- SION OF THEIR 80TH JUBILEE

**HON. STEVE ISRAEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. ISRAEL. Mr. Speaker, I rise today to recognize three remarkable nuns who have dedicated their lives to helping the poor and sick, and educating the youth of Long Island. These nuns, and the organization they are part of, represent the absolute best of all of us.

Sister Francis Gerard Kress, Sister Edward Joseph Murphy and Sister Alice Francis Young, all nuns with the Sisters of St. Joseph of Brentwood, have served the communities in my district for the past 80 years.

The Sisters of St. Joseph of Brentwood's history in America began in Carondelet, Missouri in 1936, where the Bishop called on the Sisters to establish a school for the deaf. The Congregation soon spread from Missouri, and in 1856 the Sisters were called by the Bishop of Brooklyn to come tend to the needs of the city. Mother Austin Kean, along with Sister Baptista Hanson and Sister Theodosia Hegeman, came and established what is now the Sisters of St. Joseph of Brentwood, New York. Since the establishment of the Sisters of St. Joseph of Brentwood order, over 2,500 Sisters have served, with 588 of those Sisters currently serving or in retirement around the United States.

All three Sisters are 80th year Jubilarians this year, and in that time have done tremendous things for our communities. Sister Edward Joseph Murphy has devoted her life to educating children, instilling in them a lifelong

love of learning, as well as community service. As a part of the Order's English as a Second Language program, Sister Murphy helped some of the newest arrivals to our nation.

Sister Francis Gerard Kress has been an active proponent of the environment and health care for her 80 years in the Order, even coming here to Washington D.C. to testify before the United States House of Representatives about the environmental dangers surrounding Newton Creek in Williamsburg, Brooklyn, New York. Her work to protect our world's natural resources has helped to shed light on the importance of the Clean Water Act and other environmental protection legislation to all Americans.

Sister Alice Francis Young has dedicated her life to early childhood education, something we know is so important to the development of our young children. She helped start the first Head Start program in New York, worked as a professor of Child Study at St. Joseph's College of Brooklyn for over 40 years, and a Master Teacher there for 20 years. Sister Alice's work has impacted and bettered, both directly and indirectly, the lives of thousands of students in New York and around the country.

Mr. Speaker, I could go on and on about the accomplishments of these three amazing nuns. They have worked to protect our environment both locally and nationally, provide key support to the newest members of our communities, and educate our children. Their work has been tireless, and I sincerely appreciate it.

Mr. Speaker, these nuns have devoted their lives to bettering not just the communities in my district, but those around the nation. I would like the United States House of Representatives to recognize and honor Sisters Francis Gerard Kress, Edward Joseph Murphy and Alice Francis Young for their work, and to help me in congratulating them on their 80 year jubilees.

#### HONORING MS. NANCY HINDS, FOUNDER OF HINDS HOSPICE CARE

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize Ms. Nancy Hinds for her many years of service to our local community, our State and our Nation. As a young woman, Nancy resolved to become a nurse and spend her life caring for people. In 1981, Nancy brought her dream to fruition when she established Hinds Hospice, an organization often recognized as the premier provider of comprehensive end-of-life services in California's San Joaquin Valley. Her superior moral character and deep level of compassion truly make her a shining example of the best of what our Nation has to offer.

Nancy Hinds studied nursing at St. John's College in Cleveland, Ohio, where she developed an interest in missionary work. After working for a year in the intensive care unit at Cleveland Clinic Hospital, Nancy saved

enough money to go on her first mission to the West Indies. Nancy's time as a missionary nurse in the West Indies solidified her desire to do missionary work in other parts of the world.

Following her year in West Indies, Nancy signed up with the Catholic Medical Mission Board. She was assigned to Nigeria, West Africa, providing aid to malnourished and neglected children. In 1969, Nancy met her future husband, Godfrey Hinds, a missionary doctor who had been in Africa for 20 years. They shared a deep love and affection for each other and held a high regard for a life of service. After Nancy finished her tour in Nigeria, she reunited with Godfrey in Ireland and the two were married. Nancy and Godfrey spent the following years of their lives doing missionary work while starting a family at the same time. They had three sons: Sean, Conor, and Patrick.

The strength and courage that Nancy possesses has helped her during the extremely difficult struggles in her life. Godfrey passed away from an untreatable cancer in March 1977, and months later her mother lost her battle with breast cancer. As a widow with three small children, Nancy pushed through and thrived without two of the most important people in her life.

After three years of living on her own in Ireland, she moved to Fresno, California near her father and brother. Nancy worked as an oncology nurse at St. Agnes Medical Center, and then decided it would be best to work from home so she could be with her boys. Nancy opened her first hospice home on Simpson Avenue in Fresno in 1981. The Simpson home provided care for over 72 patients and their families during the next four years. Unfortunately, in 1985 the home was forced to close by the Department of Health due to lack of a license to operate. No license of that kind was in existence in California.

For the next two years, Nancy fought for the right legislation to be created and finally obtained a license to provide quality, in-home, end-of-life hospice care. In 1987, she opened the second Hinds Hospice home. Clearly, Nancy's tenacity and perseverance made her goal come about. Her persistent positive attitude coupled with her zest for life has been a blessing to our entire community.

Hinds Hospice has expanded to include outpatient care in Fresno, Madera, and Merced Counties. A Pediatric Hospice Program has been created to help families with terminally ill children. Other programs include an Angel Babies Program, Center for Grief and Loss, Multicultural Outreach, Physician Education, Prison Hospice, and Thrift Stores. For over 30 years, Hinds Hospice has touched thousands of lives by providing support, compassion, hope, and comfort during some of the most painful times for a family.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Nancy Hinds for her leadership, vision, and service. We thank Nancy today for her outstanding contributions to the San Joaquin Valley, and to the entire world.

# RECOGNITION OF JEROME AND KATHY HAMLIN

## HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Jerome and Kathy Hamlin on the occasion of their 50th wedding anniversary. Jerome and Kathy Hamlin are proud parents of two, Tyrone, age 49 and Ray, age 48, and grandparents of four, John, age 24, DJ, age 19, RL, age 15, and Asia, age 10.

Jerome and Kathy Hamlin were married on September 22nd, 1962 at Trinity AME Church in Long Branch, New Jersey. Jerome Hamlin was a graduate of Wilson High School in Florence, South Carolina before moving to Long Branch in 1960. He then went on to receive degrees from Brookdale Community College and Shaw University. Kathy Hamlin is a lifelong resident of Long Branch, and graduated from Long Branch High School in 1962. Mrs. Hamlin worked as an associate for A&S Clinique Cosmetics. Mr. Hamlin was a detective and sergeant in the Long Branch Police Department for twenty-five years, as well as a special projects coordinator for the Monmouth County Prosecutor's Office. Currently, Kathy Hamlin is actively involved in interior design, while Jerome Hamlin spends his time practicing photography. Despite raising two children and working full time jobs, Kathy and Jerome Hamlin, along with other members of the Hamlin family, have been actively involved in the local community in Long Branch for a number of years.

Mr. Speaker, please join me in leading this body in congratulating Jerome and Kathy Hamlin on their 50th wedding anniversary. I would like to take this opportunity to wish Kathy and Jerome continued health, happiness, and success.

# RECOGNIZING 3RD ANNIVERSARY OF MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES PREVENTION ACT

## HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize the 3rd anniversary of the passing of the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act. On October 28, 2009, President Barack Obama signed into law the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act, which I cosponsored and voted for when it was passed by a Democratic led Congress on October 8, 2009 as part of the 2010 Defense Authorization Act.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act greatly expands the 1969 United States Federal Hate-Crime Law to include crimes motivated by the victim's perceived or actual sexual orientation, gender, gender identity, or disability. The bill expands prosecution beyond instances of fed-

erally protected activities, enables the federal government greater freedom in prosecuting cases that local authorities do not pursue, and is the first federal law to extend protection to transgender persons.

The Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act is named for Matthew Shepard, a 19-year-old gay man from Wyoming who was beaten and left for dead, and James Byrd, Jr., a 49-year-old African American man from Texas who was beaten and dragged behind a truck until he was dead.

This legislation which was first introduced in Congress a decade ago marks a proud step forward for our nation in strengthening the dignity and personal rights of all Americans. It is a matter of simple justice, one that says violence against people based on individual variations like race, gender, sexual orientation, military status and religion will not be tolerated.

Mr. Speaker, I represent an exceptionally diverse district. The Hate Crimes Prevention Act is especially important to me in that it has, and will continue to, improve the safety of so many of the people I represent. From our LGBT community to our historic African American and Hispanic neighborhoods, this law improves the protection of all of us against senseless violence based on bias and hate.

# CONGRATULATING JOHN VOLPI FOR BEING NAMED TOP CTO OF THE YEAR

## HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. SAM JOHNSON of Texas. Mr. Speaker, I stand today to recognize and congratulate Chief Technology Officer (CTO) of Lone Star, John Volpi, for being named Corporate CTO of the Year at this year's Tech Titans awards ceremony. John received this distinguished award in recognition for his outstanding contributions in the technology development industry.

On Friday, August 24, 2012, the Metroplex Technology Business Council (MTBC), the largest technology trade association in Texas, hosted its 12th annual Tech Titans gala. This black-tie affair was launched in 2001 in order to recognize the accomplishments of outstanding tech companies and individuals throughout Texas. Each year leaders from more than 4,000 tech companies meet to celebrate the cutting edge achievements of the more than 10,000 corporations that are headquartered in North Texas, making the North Texas region the largest concentration of corporate headquarters in the U.S.

A co-founder of Lone Star, John Volpi is responsible for managing the company's technical innovation resources. John has played a significant role in shaping Lone Star as a leader in next generation technology development within the defense and telecommunications industries, and has helped the company gain international recognition for its decision analysis and business modeling services.

Throughout his career, John has spent over 40 years leading or providing critical support in



the development of groundbreaking technologies. "This acknowledges a lifetime of excellence," said Lone Star CEO, Steve Roemer. "Our firm is recognized in business and technology decision support because of John's innovations in TruNavigator, the only 4th generation decision analysis toolset."

Mr. Speaker, I would ask that my colleagues join me in congratulating John Volpi, Chief Technology Officer of Lone Star, for his lifetime achievements. I wish him continued success as he continues to pioneer technology development around the country.

#### RECOGNIZING ARPANA SATYU

#### HON. ROB WOODALL

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. WOODALL. Mr. Speaker, I rise today to recognize one of my constituents, Ms. Arpana Satyu. She is the owner of Dutch Monkey Doughnuts, a small business in Cumming, Georgia, that specializes in making fresh, hand-rolled gourmet doughnuts.

Dutch Monkey Doughnuts was recently named by American Express as one of the top five small businesses, among a group of nearly 12,000 businesses, in the country. This is a tremendous honor, and one that is well-deserved.

There is no doubt that times are tough economically everywhere we look, and yet Dutch Monkey Doughnuts stands as a ray of hope and achievement. When she set out to create Dutch Monkey Doughnuts, Ms. Satyu not only wanted to make the best doughnuts in the country, she wanted to create a business that would bring people together. She wanted to make a difference in her community, and she succeeded in doing that. I am proud to share her story with the nation.

I am especially impressed with Ms. Satyu's response to being named as a winner of the American Express small business competition. When American Express awarded Dutch Monkey Doughnuts a cash prize for its fifth place finish, Ms. Satyu expressed that she is very grateful for receiving the monetary award, but that she is most excited about the community events that are being organized by American Express in Cumming, Georgia, in honor of Dutch Monkey Doughnuts' success.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Arpana Satyu for her service to the Seventh District of Georgia and for her achievement with her small business. I am very proud of her efforts and accomplishments.

#### RECOGNIZING NATIONAL BREAST CANCER AWARENESS MONTH

#### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize October as National Breast Cancer Awareness Month. This month is dedicated to promoting breast cancer education and awareness, raising funds for breast cancer research and emphasizing the importance of early detection in fighting the disease.

Breast cancer is a harsh reality in our nation. It's a year-round battle, taking place every day, every hour for thousands of women across the country. Few people in this country have not been touched in some way by breast cancer, whether through personal experience or through the experience of a family member, friend or member of our community.

This month, we stand alongside our mothers, daughters, sisters and wives to recognize breast cancer awareness month. Though we mark October as National Breast Cancer Awareness Month, the fight goes beyond this month and we must stay vigilant in our support.

Breast cancer is still the most frequently diagnosed type of non-skin cancer and the second leading cause of cancer-related deaths among women in our nation. According to the American Cancer Association, this year 200,000 Americans will be diagnosed with the disease and nearly 40,000 will lose their lives. Despite the great strides that have been made in earlier detection and improved treatment, there remains much to be accomplished.

This month, Americans across the nation are encouraged to take the time to learn more about breast cancer awareness and understand risk factors, treatment and prevention. Learning about prevention can result in earlier detection of breast cancer in its early stages, and can significantly increase the chances of survival.

The National Breast Cancer Foundation recommends that women should have regular clinical breast exams and mammograms, which can help improve the chances of surviving breast cancer. I encourage all women to talk with their healthcare providers and promote the early detection of breast cancer by having regular mammograms and clinical breast exams.

Mr. Speaker, during this month, I urge all Americans to wear pink ribbons in recognition of breast cancer awareness and in honor of those who have lost their lives to this devastating disease as well as support those who are courageously fighting the battle against

breast cancer. By raising awareness and supporting innovative research, we can move closer to achieving a world free of breast cancer.

#### UNIVERSITY OF ILLINOIS DIVISION OF CAMPUS RECREATION CELEBRATES ITS FIFTIETH YEAR

#### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 2, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in recognition of the University of Illinois' Division of Campus Recreation as it celebrates its 50th anniversary.

The Division of Campus Recreation provides resources for all University of Illinois students and staff, as well as offering community members opportunities to utilize their vast resources. There are seven facilities under the control of Division of Campus Recreation, including the Activities and Recreation Center (ARC) which was renovated and reopened in 2008 as one of the nation's largest on-campus recreation centers. Campus Recreation provides recreation centers, an ice rink, outdoor recreation fields, a picnicking grove, and swimming pools. All of the Campus Recreation facilities provide opportunities for users to engage in an array of activities that can satisfy a wide spectrum of abilities. The inclusiveness to which Campus Recreation strives is a reflection of its quality and an expression of its mission within the University of Illinois.

Throughout its existence, the Division of Campus Recreation has also provided a place of employment for countless students as they pursue their degrees. While most students leave Campus Recreation upon their graduation, there are those who stick around and find it a place to make a successful career.

Personally, I have made much use of the facilities and opportunities provided by the Division of Campus Recreation. As a longtime member, I have used the swimming pools, workout facilities and exercise tracks to help maintain a healthy lifestyle. The facilities have seen great changes during my membership, but the superb assistance and innumerable friendly conversations with the staff at Campus Recreation have remained the same.

I would like to commend the Division of Campus Recreation on its 50th anniversary, and wish to see its continued excellence into the future.

**SENATE—Friday, October 5, 2012**

The Senate met at 1 and 5 seconds p.m., and was called to order by the Honorable JOHN D. ROCKEFELLER, IV, a Senator from West Virginia.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, October 5, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER, IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. ROCKEFELLER thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,  
OCTOBER 9, 2012

The ACTING PRESIDENT pro tempore. The Senate stands adjourned until Tuesday, October 9, 2012, at 11 a.m.

Thereupon, the Senate, at 1 and 36 seconds p.m., adjourned until Tuesday, October 9, 2012, at 11 a.m.

## HOUSE OF REPRESENTATIVES—Friday, October 5, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DESJARLAIS).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 5, 2012.

I hereby appoint the Honorable SCOTT DESJARLAIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

We pray, O Lord, for peace in our world, that righteousness will be done and freedom will flourish.

In Your wisdom, You created many peoples and have asked us to live and work together so that all might know and experience Your blessings.

Send Your spirit of peace upon our world, that people of goodwill might prevail upon their neighbors the benefits of working out differences and living in peace.

The Members of this people's House are now engaged in political races. Grant them good judgment, honest engagement, and a spirit of fairness.

Our form of government entrusts its existence to the knowledgeable participation of our citizens in the electoral process. Please give us all an extra measure of knowledge, wisdom, and understanding in the month to come.

Bless us this day and every day, and may all that is done be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Maryland (Mr. CUMMINGS) come forward and lead the House in the Pledge of Allegiance.

Mr. CUMMINGS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 11 a.m. on Tuesday, October 9, 2012.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House adjourned until Tuesday, October 9, 2012, at 11 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8038. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Non-attainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0151; FRL-9735-5] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8039. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Requirements for Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter (PM<sub>2.5</sub>) [EPA-R03-OAR-2012-0381; FRL-9735-7] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8040. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Tennessee; Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R04-RCRA-2012-0124; FRL-9735-2] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8041. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky; Approval of Revisions to the Jefferson County Portion of the Kentucky SIP; New Source Review; Prevention of Significant Deterioration [EPA-R04-OAR-2011-0227; FRL-9734-7] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8042. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Vermont: Preven-

tion of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule [EPA-R01-OAR-2011-0435; FRL-9736-5] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8043. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures [Docket No.: 110707371-2346-03] (RIN: 0648-BB28) received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8044. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Bigeye Tuna Catch Limit in Longline Fisheries for 2012 [Docket No.: 120418015-2015-01] (RIN: 0648-BC14) received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8045. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Framework Adjustment 6 [Docket No.: 120307159-2329-01] (RIN: 0648-BB99) received September 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8046. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Coastal Pelagic Species Fisheries; Closure [Docket No.: 120312182-2239-02] (RIN: 0648-XC166) September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8047. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #4 through #14 [Docket No.: 120424023-1023-01] (RIN: 0648-XC121) received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DOLD:

H.R. 6568. A bill to direct the Secretary of Labor to conduct a study and report back to Congress on the feasibility of creating pilot programs to evaluate reforming Federal job

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

training programs for long-term unemployed workers; to the Committee on Education and the Workforce.

By Mr. TIPTON:

H.R. 6569. A bill to prohibit the Federal Government from providing compensation with regard to surveys or mailings; to the Committee on Oversight and Government Reform.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DOLD:

H.R. 6568.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clause 1, which provides Congress the power to provide for the general welfare.

By Mr. TIPTON:

H.R. 6569.

Congress has the power to enact this legislation pursuant to the following:

Article I. Clause 8. Section 1. The power to lay and collect taxes, duties, imposts and excises.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. SCOTT of South Carolina.  
H.R. 965: Ms. ESHOO.  
H.R. 1195: Mr. DOGGETT.  
H.R. 1219: Mr. DOGGETT.  
H.R. 1300: Mr. BLUMENAUER.  
H.R. 1370: Mr. KLINE and Mr. WOLF.  
H.R. 1672: Mr. RUNYAN.  
H.R. 1845: Mr. GRIFFIN of Arkansas.  
H.R. 2239: Mr. CUMMINGS and Mrs. DAVIS of California.  
H.R. 2243: Mr. CONNOLLY of Virginia.  
H.R. 2267: Mr. GRIFFIN of Arkansas.  
H.R. 2797: Mr. FITZPATRICK.  
H.R. 2854: Mr. SMITH of Texas.  
H.R. 3423: Mr. RAHALL and Ms. MOORE.  
H.R. 3481: Mr. CONAWAY and Mr. PAUL.  
H.R. 3506: Mr. CALVERT.  
H.R. 3591: Mr. SCHIFF.

H.R. 3624: Ms. BORDALLO.

H.R. 4144: Ms. CHU and Ms. WOOLSEY.

H.R. 4227: Mr. BRADY of Pennsylvania.

H.R. 4259: Mr. HANNA.

H.R. 5647: Mr. WAXMAN and Mr. FATTAH.

H.R. 5708: Ms. CASTOR of Florida.

H.R. 5749: Mrs. NAPOLITANO.

H.R. 5817: Mrs. NAPOLITANO.

H.R. 5845: Mr. CONNOLLY of Virginia.

H.R. 5864: Mr. THOMPSON of California.

H.R. 5914: Mr. WALDEN and Mr.

BUTTERFIELD.

H.R. 5943: Mr. KING of Iowa.

H.R. 5969: Mr. PETRI.

H.R. 5970: Mr. PETRI.

H.R. 6119: Ms. CHU.

H.R. 6170: Mr. POE of Texas.

H.R. 6234: Mr. PAUL.

H.R. 6418: Mr. BOUSTANY.

H.R. 6426: Ms. WOOLSEY and Ms. NORTON.

H.R. 6439: Mr. PALAZZO and Mr. JONES.

H.R. 6464: Mr. AUSTRIA and Ms. BERKLEY.

H.R. 6480: Mr. GENE GREEN of Texas and

Mr. STARK.

H. Con. Res. 122: Mr. HULTGREN.

H. Res. 220: Mr. MCGOVERN and Ms.

BORDALLO.

H. Res. 652: Mr. PETERSON.

H. Res. 781: Mr. SIRE.

## EXTENSIONS OF REMARKS

RECOGNITION FOR BORDER  
PATROL AGENT NICHOLAS IVIE

**HON. RON BARBER**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. BARBER. Mr. Speaker, I am proud to acknowledge today the exceptional life and public service of Border Patrol Agent Nicholas Ivie, who tragically was killed in the line of duty in the early morning hours of October 2, 2012.

Agent Ivie loved to help other people and he always wanted to be in law enforcement. He was dedicated, loyal and brave. After high school, he trained to become a firefighter and later on, became an emergency medical technician. He tended to the sick and injured in his community, ready at a moment's notice to render aid. Having served a two-year mission with the Church of Jesus Christ of Latter Day Saints in Mexico City, Agent Ivie had learned Spanish and developed a love for the Mexican people.

Agent Ivie followed his older brother, Joel Ivie into the Border Patrol. He joined his brother as a Horse Patrol Agent. Agent Nicholas Ivie took a solemn oath to protect and serve not just the people of Southern Arizona, but those of the United States. He made the ultimate sacrifice in carrying out his oath.

Agent Ivie was just 30 years old at the time of his death. He is survived by his wife, two young daughters, parents, three brothers, a sister and countless friends and colleagues. He served his country with distinction and honor and for that we all owe him and his family a tremendous debt of gratitude.

Every day, thousands of men and women of the Border Patrol put their lives on the line in the name of something bigger than themselves. Many across our country have forgotten the dangers that Agent Ivie and other Border Patrol agents face as they selflessly work to secure our borders. They risk everything for an ideal—protecting Americans and our freedoms.

I ask the House of Representatives to join with me in extending our deepest condolences to the family and friends of Border Patrol Agent Nicholas Ivie and in thanking him for his great sacrifice as he courageously carried out his duty to protect and serve. His life is an inspiration to us all and he will never be forgotten. On behalf of a grateful nation, we thank him for his patriotism and dedication and his commitment to the Border Patrol motto—Honor First.

JOSEPH D. CERULLO

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. BARLETTA. Mr. Speaker, I rise today to honor Joseph D. Cerullo who received the Outstanding Italian American of 2012 award from the Hazleton Chapter of UNICO National. Founded on October 10, 1992, UNICO National is the largest Italian-American service organization in the United States.

As a native of Hazleton, I have known Joe and his family for many years. Joe graduated from Hazleton Senior High School in 1965 and started working at PPL Co. at the Hauto Steam Electric Station. Not long after, Joe decided to dedicate his life to the safety of our great Nation by enlisting in the U.S. Navy. His naval career took him many places including San Francisco, CA; Key West, FL; and even Cuba. In June of 1970, Joe was honorably discharged from the Navy and returned to Pennsylvania.

Joe knows what it takes to run a successful business. In 1978, along with three other individuals, he cofounded Micrographics International, Inc. In 2003, Joe's partners at IMF offered him an opportunity of a lifetime—a buyout. This allowed him to retire young and spend more time with his family and friends, most importantly, his grandchildren, Julian and Gianna.

In addition to his work as a small business owner, Joe has always been committed to community service for the betterment of Hazleton, the Commonwealth, and our country. Joe has served as the elected president and devoted his time to several local clubs such as Mountain City Lions, Kiwanis Club of Hazleton, Valley Country Club, and the Hazleton Chapter of UNICO. Currently, he serves as the District Director (PA-1) of UNICO National and is a member of the Board of Trustees for UNICO National.

Overall, it is an honor to recognize Joe and his involvement in an organization that has given so much back to the community. I have had the esteemed privilege of attending many UNICO events in my congressional district, including pig roasts and charity events. I look forward to seeing how Joe will make a positive mark on Italian-Americans across the Nation and, specifically, those of the 11th District of Pennsylvania.

Mr. Speaker, I commend Joseph D. Cerullo for his years of committed service to the Hazleton Chapter of UNICO National and his readiness to serve the needs of Italian-Americans across our Nation and in Northeastern Pennsylvania.

TO COMMEMORATE THE LIFE AND  
WORK OF CAPTAIN ANSIL SAUNDERS

**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Ms. BROWN of Florida. Mr. Speaker, I rise today to commemorate the life and work of Captain Ansil Saunders, a fifth generation native of Bimini, Bahamas, in recognition of his outstanding contributions in keeping Dr. Martin Luther King, Jr.'s legacy alive in the Bahamas.

Captain Saunders first met Dr. King in 1964 when he traveled to Bimini in search of a peaceful and serene writing environment. Captain Saunders knew the perfect place and took Dr. King deep into the mangroves to a spot called "Bonefish Hole" where Dr. King wrote portions of his famous Nobel Prize acceptance speech. Dr. King returned to Bimini in 1968 where he wrote portions of his Sanitation Workers speech while on Captain Saunders' boat. Dr. King was assassinated in Memphis, Tennessee on April 4, 1968, just days after his visit to the Bahamas.

Since Dr. King's death, Captain Saunders has shared his conversations with the civil rights leader with visitors to Bimini as well as with local and international media outlets, including National Public Radio. Plaques marking local sites visited by Dr. King are found throughout Alice Town, Bimini, including the location of a barbershop frequented by Dr. King and the cottage where he stayed during his visits. The local museum also has Dr. King's disembarkation card with his original signature proudly on display.

Captain Saunders' acclaim extends beyond his connection to Dr. King. He is also a bone-fishing world record holder, a 2003 Cacique Award (Minister's Award) recipient and an artistic boat builder, creating custom-crafted vessels out of fiberglass, bronze, and wood indigenous to the Bahamas. Each of his made-to-order boats take about six months to complete and are used by top sports fishermen to ply the flats in search of the elusive "gray ghost."

It is clear that although Captain Saunders' hard work has led to success, his time in the mangroves with the civil rights leader left an indelible mark, which is why Captain Saunders has made it his life's work to honor Dr. King's legacy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CELEBRATING THE 25TH ANNIVERSARY OF HELITECH, HEADQUARTERED IN CASEYVILLE, ILLINOIS

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2012

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 25th anniversary of the founding of Helitech, and in congratulating Mr. William J. (Bill) Courtney, Founder, President and CEO.

Helitech was founded by Bill Courtney and a partner in 1987 as a concrete leveling company. Bill bought out his partner in 1992 and embarked on the course of building the company in his vision. A critical step was the addition of basement and foundation waterproofing and repair. Helitech began using the A.B. Chance Helical Pier Foundation Systems and has exclusive rights to use the system in its market. Helitech has also expanded with a Civil Construction Division.

From the humble beginnings with an office in the basement of Bill Courtney's home, Helitech has experienced tremendous growth. They now have over 100 employees, operate in five States and had over \$12 million in revenue last year.

Throughout the years, Helitech has won numerous awards, particularly from the Better Business Bureau and the homebuilders associations in the areas where it does business.

In building his business, Bill has always been committed both to his customers and to his employees. He has also been committed to giving back to his community and to many charitable causes. Although Bill does not like to draw attention to his charitable endeavors, there are many organizations that owe a debt of gratitude to Bill Courtney and to Helitech. The Special Olympics, the Poshard Foundation and the Women's Crisis Center in Belleville are benefactors and St. Jude's Children's Research Hospital officially recognized Helitech for 10 years of continuous contributions.

Family is also very important to Bill Courtney and tangible evidence of this is the location of the company headquarters on land where his family owned a farm. Several structures from the farm, though significantly modernized, are still in existence today as a reminder to Bill of his roots.

Mr. Speaker, I ask my colleagues to join me in celebrating the 25th anniversary of Helitech, to congratulate Bill Courtney and all the employees and to wish them the very best for a bright and prosperous future.

### "THE REAL REFERENDUM"

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2012

Mr. FRANK of Massachusetts. Mr. Speaker, Paul Krugman is absolutely correct and every member of Congress should read his thoughtful column before voting on any economic matter.

[From the New York Times, Sept. 30, 2012]

### THE REAL REFERENDUM

(By Paul Krugman)

Republicans came into this campaign believing that it would be a referendum on President Obama, and that still-high unemployment would hand them victory on a silver platter. But given the usual caveats—a month can be a long time in politics, it's not over until the votes are actually counted, and so on—it doesn't seem to be turning out that way.

Yet there is a sense in which the election is indeed a referendum, but of a different kind. Voters are, in effect, being asked to deliver a verdict on the legacy of the New Deal and the Great Society, on Social Security, Medicare and, yes, Obamacare, which represents an extension of that legacy. Will they vote for politicians who want to replace Medicare with Vouchercare, who denounce Social Security as "collectivist" (as Paul Ryan once did), who dismiss those who turn to social insurance programs as people unwilling to take responsibility for their lives?

If the polls are any indication, the result of that referendum will be a clear reassertion of support for the safety net, and a clear rejection of politicians who want to return us to the Gilded Age. But here's the question: Will that election result be honored?

I ask that question because we already know what Mr. Obama will face if re-elected: a clamor from Beltway insiders demanding that he immediately return to his failed political strategy of 2011, in which he made a Grand Bargain over the budget deficit his overriding priority. Now is the time, he'll be told, to fix America's entitlement problem once and for all. There will be calls—as there were at the time of the Democratic National Convention—for him to officially endorse Simpson-Bowles, the budget proposal issued by the co-chairmen of his deficit commission (although never accepted by the commission as a whole).

And Mr. Obama should just say no, for three reasons.

First, despite years of dire warnings from people like, well, Alan Simpson and Erskine Bowles, we are not facing any kind of fiscal crisis. Indeed, U.S. borrowing costs are at historic lows, with investors actually willing to pay the government for the privilege of owning inflation-protected bonds. So reducing the budget deficit just isn't the top priority for America at the moment; creating jobs is. For now, the administration's political capital should be devoted to passing something like last year's American Jobs Act and providing effective mortgage debt relief.

Second, contrary to Beltway conventional wisdom, America does not have an "entitlements problem." Mainly, it has a health cost problem, private as well as public, which must be addressed (and which the Affordable Care Act at least starts to address). It's true that there's also, even aside from health care, a gap between the services we're promising and the taxes we're collecting—but to call that gap an "entitlements" issue is already to accept the very right-wing frame that voters appear to be in the process of rejecting.

Finally, despite the bizarre reverence it inspires in Beltway insiders—the same people, by the way, who assured us that Paul Ryan was a brave truth-teller—the fact is that Simpson-Bowles is a really bad plan, one that would undermine some key pieces of our safety net. And if a reelected president were to endorse it, he would be betraying the trust of the voters who returned him to office.

Consider, in particular, the proposal to raise the Social Security retirement age, supposedly to reflect rising life expectancy. This is an idea Washington loves—but it's also totally at odds with the reality of an America in which rising inequality is reflected not just in the quality of life but in its duration. For while average life expectancy has indeed risen, that increase is confined to the relatively well-off and well-educated—the very people who need Social Security least. Meanwhile, life expectancy is actually falling for a substantial part of the nation.

Now, there's no mystery about why Simpson-Bowles looks the way it does. It was put together in a political environment in which progressives, and even supporters of the safety net as we know it, were very much on the defensive—an environment in which conservatives were presumed to be in the ascendant, and in which bipartisanship was effectively defined as the effort to broker deals between the center-right and the hard right.

Barring an upset, however, that environment will come to an end on Nov. 6. This election is, as I said, shaping up as a referendum on our social insurance system, and it looks as if Mr. Obama will emerge with a clear mandate for preserving and extending that system. It would be a terrible mistake, both politically and for the nation's future, for him to let himself be talked into snatching defeat from the jaws of victory.

### IN RECOGNITION OF THE POCASSET COMMUNITY CLUB

### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 5, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize the Pocasset Community Club upon its centennial anniversary.

The Pocasset Community Club traces its roots to seventeen women who lived in the region over a century ago. Together, they formed a club to promote scholarly exchanges amongst themselves. These women had wanderlust for travel but had neither the economic means nor the opportunity to see the world. So, they decided to do the second best thing, and named their group "The Travelers Club." The members would take turns presenting a report of a travel experience they would like to have, and would then discuss these destinations and the journeys necessary to get there. Before long, the club became quite popular in Pocasset, and it was no longer possible to meet in members' homes. The Travelers Club created a fund to erect their own building, starting the fund with just \$25.90. By 1912, enough money had been saved, and the first Travelers Club meeting was held in the group's new building on October 3rd of that year.

In 1948, ownership of the building was transferred to a group of town residents who renamed it as the Pocasset Community Club. As more and more families moved to the area, the Club's popularity grew quickly. Saturday night dinners, dances for the local teenagers, and family movie nights ensured that the Club was a popular spot for the people of Pocasset. Travelers Club meetings continued to thrive, and other groups found their home in the

building as well. Today, the Pocasset Village Association ensures that the original mission of the Community Club remains in place. The building continues to be a beloved location for the town, hosting Boy Scouts and Girl Scouts meetings, 4H events, and countless other town proceedings.

The Pocasset community will celebrate the one hundredth anniversary of its Community Club building by honoring the original founders of the Travelers Club, a group of courageous women who were certainly ahead of their time in establishing their own organization when women's suffrage was over a decade away. The many groups who have since then kept the Community Club an active location in Pocasset will also be remembered during this celebration.

Mr. Speaker, I am proud to recognize the Pocasset Community Club upon its centennial anniversary, as well as the countless men and women whose work has made the Club a central fixture in the Pocasset community. I ask that my colleagues join me in honoring these outstanding organizations.

#### THE UNIVERSITY OF HOUSTON CENTER FOR MEXICAN AMERICAN STUDIES

#### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to celebrate the 40th anniversary of the Center for Mexican American Studies at the University of Houston and to honor the accomplishments of this program.

For the past 40 years, the Center for Mexican American Studies, CMAS, has served as a pioneer of intellectual thought regarding people of Mexican descent in the United States. Established in 1972, CMAS is an interdisciplinary academic program encompassing the liberal arts, education, and social sciences focusing on the Mexican American and broader Latino experience in the United States. Through its courses, publications, conferences, speakers and other programs and activities, CMAS has been at the forefront of bringing insight and understanding about the country's growing Mexican American community.

As the student population became more diverse in the 1970s, members of the U of H Mexican American Youth Organization, MAYO, saw a need for courses that would include the history, culture, folklore, political behavior and salient social issues of Mexican Americans. This student group encouraged the administration to establish such a program and in the fall of 1972, CMAS was created. The courses included in the program work to counter stereotypes and convey the many contributions that people of Mexican descent have made to our great nation.

CMAS has become an academic program focused on advancing knowledge, promoting critical thinking and fostering the value of service to the community, and has expanded beyond the classroom by providing mechanisms to increase the number of Mexican Americans

and other Latino students on the U of H campus and develop true leaders.

As a center for intellectual thought and leadership development, CMAS has advanced the Mexican American community on campus, enhanced understanding of the Mexican American experience, and built linkages to the broader Latino community in Houston and throughout the state of Texas. On the 40th anniversary of the Center for Mexican American Studies, I rise to honor the work and accomplishments of this program.

#### HONORING THE CLAREMONT HOTEL'S 2012 SUMMER LECTURE AND CONCERT SERIES

#### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to honor the historic Claremont Hotel in Southwest Harbor, Maine, for its continued commitment to showcasing world-renowned lecturers and talented performers each summer. Since 1884, the Claremont has provided a getaway for travelers across the world and a gateway to Bar Harbor, Mount Desert Island, and Acadia National Park.

Every summer, the Claremont brings knowledgeable and interesting lecturers and talented performers to the Maine Coast to share their insights and gifts with native Mainers and tourist alike.

Please join me in honoring each of the Claremont Hotel's 2012 summer lecturers for their contributions to this year's successful program: Nancy Wetzel, Landscape Gardener and Garden Historian for the Sarah Orne Jewett House, "Shoals & Tidewater: Thaxter's Island Garden to Tyson's River Garden"; William Bigelow, M. Div., Student of Jungian Psychoanalysis, C.G. Jung Institute of Boston, "Shadow and Light: Carl Jung, and the Opposites That Dwell Within Each of Us"; Susan Danly, Senior Curator, Portland Museum of Art, "Apogees: Mount Desert and Katahdin in the Art and Life of Frederic Edwin Church"; Tom Hayward, Humanities Reference Librarian at Bates College, "George Gershwin, 1898-1937: A Sampling of His Music from the Year of His Death"; Walter Butts, Poet Laureate of New Hampshire, "The Language of Cinema: Techniques of Image and Composition in Poetry & Film"; David Hanna, Author, "Knights of the Sea, "Knights of the Sea: The True Story of the Boxer and the Enterprise and the War of 1812"; Peter Der Manuelian, Phillip J. King Professor of Egyptology at Harvard University, "The Giza Pyramids in 3D: Ancient Egypt and the Harvard-MFA Expedition"; Dr. Ralph Nurnberger, Professor of International Relations at Georgetown University and Senior Fellow at the Center for Strategic and International Studies, "The Potential of a Nuclear Iran in the New Middle East"; and David Arnold, a freelance writer, photographer of coral reefs, and web video producer of travel/adventure stories targeted to newspapers, magazines, and websites, "Climate Change: Photographing the Reality Above and Below the Waterline."

The hotel also welcomed many talented performers this summer. Please join me in recognizing Anastasia Antonacos, classical pianist and founder of the Bayside Trio; the Hot Club of Portland; the Acadia Chamber Players; the Thomas Snow Trio; Jerks of Grass; and, Judith Gordon, classical pianist and assistant Professor of music at Smith College.

Mr. Speaker, please join me in congratulating the Claremont and its guests on a wonderful 2012 summer season.

#### RECOGNITION OF SAM F. HAMRA

#### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. LONG. Mr. Speaker, I rise today to recognize Sam F. Hamra.

On October 11, Legal Services of Southern Missouri (LSSM) will dedicate their new building, the "Sam F. Hamra Center for Justice." It is my hope that this building will help LSSM provide services to Missourians for many years to come.

Born in Steele, Missouri, Sam attended the Gulf Coast Military Academy in Mississippi and went on to receive both business and law degrees from the University of Missouri. After receiving his first degree, he served as an officer in the United States Army Field Artillery and Second Armored Cavalry Regiment. After his service he returned to the University of Missouri to pursue his law degree and began practicing law in Springfield, Missouri. He would later become the city attorney for Nixa and the governmental relations attorney for Branson and St. Robert.

As an alumnus of the University of Missouri he has been honored with the MU Law School Citation of Merit Award in 2003 and the Missouri University 2003 Distinguished Service Award which was named for the Outstanding Alumni of the Year. In 2012 he was the recipient of the Distinguished Tiger Award from the Greater Ozarks Chapter of the Missouri Alumni Association for his "dedication and continued support of the University of Missouri." He also received the "M" letter from Athletic Director, Mike Alden, and Assistant Athletic Director, John Kadlec, of the MU Athletic Department.

In 1976 Sam was elected as the first Chairman of the Board of the newly formed Legal Aid Association of Greene County, MO, known today as the Legal Services of Southern Missouri, LSSM. The Legal Aid Association was created to help low income citizens whose legal needs would otherwise be unmet. Under Sam's leadership, LSSM helped thousands of Missourians throughout 43 counties.

In addition to Sam's accomplishments in the legal field, he is the proprietor of 75 restaurants across the country, including 28 Wendy's restaurants in Missouri. In 2009 Wendy's International honored Sam with their highest honor, the R. David Thomas Founder's Award, for being named the outstanding Wendy's Franchisee of the Year.

Sam served on numerous boards among them the Foundation Board of Ozark Technical Community College, the Board of Cox



Health Systems, the Board of St. Jude's Children Research Hospital, and Chairman of the Highway Committee of the Springfield Area Chamber of Commerce in 1977 when he was instrumental in expanding Chestnut Expressway from two lanes to four lanes from Highway 65 to Kansas Avenue.

Mr. Speaker, Sam F. Hamra's contributions to the City of Springfield and the State of Missouri are far-reaching, and it is an honor to recognize him.

Thank you, Mr. Speaker, I yield back.

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IN RECOGNITION OF SIRVART HOVNANIAN

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**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Sirvart Hovnanian for her dedication and commitment to furthering issues of importance to the local community. A dedicated and loving wife and mother, Sirvart Hovnanian truly exemplifies what it is to live the American dream.

Sirvart Hovnanian was instrumental, along with her late husband, Kevork Hovnanian, in advocating for issues of importance to the Armenian community. Today we celebrate the 25th anniversary of St. Stepanos Church in Elberon, New Jersey. Sirvart played a critical role in the conception and construction of St. Stepanos Church. In addition, she was also heavily involved in charitable causes, including founding and overseeing the Fund for Armenian relief, an organization dedicated to the advancement of a market economy and providing education and financial assistance for children in post-Soviet Armenia.

Sirvart and her husband, Kevork, turned personal tragedy into hope and inspiration. Both Mrs. and Mr. Hovnanian were instrumental in the creation of the Alton A. Hovnanian Emergency Room at the Riverview Medical Center in Red Bank, New Jersey. Understanding the importance of giving back to the community, Sirvart was also heavily involved in the creation of the K. Hovnanian Children's Hospital at the Jersey Shore Medical Center, as well as funding the construction of the cardiac care wing of the New York Presbyterian Hospital/Columbia University Medical Center. All of her charitable work and giving back to the community was done without sacrificing her obligations to her family. Sirvart Hovnanian is the proud mother of five children, grandmother of thirteen, and great-grandmother of four.

Mr. Speaker, please join me in leading this body in recognition of Sirvart Hovnanian. Her humble disposition and commitment to her family and community truly make her deserving of this body's recognition.

HONORING JOHN RONALD "JACK" SCHUFREIDER

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to honor the contributions of a true American patriot, Mr. John Ronald "Jack" Schufreider, who is in Washington this week with other World War II veterans. Mr. Schufreider has already lived a full life: he is a husband, a father, a World War II veteran, and so much more. He is the epitome of the "greatest generation."

Born in Chicago and raised in Oak Park, Illinois, Jack Schufreider left home to serve his country shortly after turning eighteen years of age in 1944. He was sent to the Pacific theater, where he served in the Field Artillery as a radio operator. After spending time in the Philippines, Jack was assigned to a unit and spent time interviewing soldiers who had been interred as prisoners of war under the Japanese.

When Jack Schufreider returned home after the war, he resolved to live a good life. With the help of the G.I. Bill he enrolled at Northwestern University, earning a degree in Business Administration. After graduation, he spent time as a salesman before he contributed almost thirty years of his life to the Channer Corporation—rising up to an executive position before retiring.

Jack saw remarkable success in the business world, and has seen similar success in his private life. He married his wife, Marjorie, and they have been together for over fifty five years. Over the course of those decades, they raised seven children, and I know they are quite proud of their twenty four grandchildren, and first great grandchild.

Today, Jack and his wife remain active members of the community. They are parishioners at St. Joan of Arc Church, and Jack continues to sing in the church choir. They regularly travel abroad and are very involved in community activities.

On behalf of myself and a grateful nation, I want to thank Jack Schufreider for all that he has done for our nation: for his service, his sacrifices, and the fruits of many decades of hard work. I want to welcome him and all the other veterans participating in the "Honor Flights" to Washington D.C. to visit the World War II Memorial.

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IN HONOR OF LYNN BRAVEWOMON

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**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Lynn Bravewomon, a resident of Rayward, California. Lynn was recently honored for her outstanding efforts to eliminate homophobic behavior and bullying in Hayward schools. On September 29, 2012, Ms. Bravewomon received the annual Pryor Conrad Award from GLOBE (Gays and Lesbians

Organized for Betterment and Equality of Alameda County) for her exemplary efforts.

The Pryor Conrad Award is presented to an individual or group for outstanding service to the LGBT community. As the 2012 award recipient, Ms. Bravewomon exceeded all the qualifications.

Lynn Bravewomon has been actively supporting students, teachers and the Hayward community for over 20 years, working tirelessly for a safe school environment for LGBT students. She has made significant contributions to achieve this goal.

Her contributions include creating Safe Learning Environments for LGBT students; authoring a resolution for No Name-Calling Week and the use of inclusive curricula; facilitating the committee developing the current Hayward Unified School District's Safe and Inclusive School Program; establishing No-Name Calling Week, Ally Week and Day of Silence as annual district-wide events affecting more than 15,000 students each year; facilitating the development of a 9th grade health curriculum that addresses standards related to healthy relationships, inclusive of sexual orientation and all gender expression; producing the film "GSA Students Speak Out for School" in collaboration with the Middle School Film Club; providing support for Gay Straight Alliances for middle and high schools and developing a manual for Ally Clubs for elementary schools and participating in the creation of the Hayward Unified School District's Equity Action Plan.

I have listed a few of Ms. Bravewomon's many outstanding contributions. She has truly made a difference in the lives of others through her tireless commitment and exemplary efforts. Her service is a model to follow. I join Lynn Bravewomon's friends, colleagues and admirers in appreciation for her advocacy on behalf of students, teachers and the Hayward community for a safe school environment for LGBT students.

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BARRY E. CONWAY

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**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. GUINTA. Mr. Speaker, at the end of 2012 Barry Conway will retire as Commandant of the New Hampshire State Veterans Home after forty years of faithful service in health care administration. Mr. Conway began his career as a Corpsman with the United States Air Force serving from 1960–1964. Soon after leaving the Air Force, he pursued his post-secondary education in Rhode Island, before beginning his work in health care administration working in long-term care facilities, ambulatory care centers and hospitals.

For the last twenty-three years, Mr. Conway has worked at the New Hampshire State Veterans Home, providing quality care and services to our states aging and disabled veterans. Under his leadership the Veterans Home has become a sought after long-term care facility, focusing on the special needs of our veterans. The care provided to our veterans not only meets their specific challenges and needs, but

honors both them and their service to our country.

Mr. Conway has also shared his expertise and experience in caring for the elderly, frail, and disabled veterans as a member of many associations including the National Association of State Veterans Home, American College of Health Care Administrators, New Hampshire Health Care Association, and the American Legion. He has served New Hampshire and its residents well, especially our veterans community, and he will be sorely missed when he leaves the Veterans Home.

I congratulate Barry Conway on his well earned retirement and thank him for his outstanding support of our veterans here in New Hampshire. I wish both Barry and his wife Barbara continued success in their life together.

TRIBUTE TO THE WEST END  
CHURCH OF GOD IN CHRIST

**HON. CHARLES A. GONZALEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. GONZALEZ. Mr. Speaker, I urge my colleagues to join me in recognizing the West End Church of God in Christ in my district of San Antonio, Texas as they celebrate 95 years of service to the community.

Throughout the past 95 years, they have worked diligently to provide the local community with spiritual enrichment, guidance and support. For nearly a century, they have endured and succeeded in accomplishing their mission to generations of families.

The service of The West End Church of God in Christ is as important today as it was 95 years ago, and their impact on our community cannot be understated. I would again ask you to help me congratulate The West End Church of God in Christ on their 95th jubilee.

HONORING THE LIFE AND SERVICE  
OF THE HONORABLE WARREN  
BRIGGS

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. MILLER of Florida. Mr. Speaker, I am privileged to recognize the life and service of the Honorable Warren Briggs. Mayor Briggs was a dedicated public servant and a staple in the community. Northwest Florida mourns his passing.

Mayor Briggs, a Saint Paul, Minnesota native, led a distinguished life as a public servant, businessman, educator and soldier. He was a graduate of the United States Military Academy at West Point who answered the call of duty and served our nation with honor and distinction. Mayor Briggs served as a pilot in the United States Army Air Corps during World War II, and later returned to his alma mater to serve as an English Instructor at West Point. He served in the United States Air Force until 1957, achieving the rank of Major. Following his military service, Mayor Briggs

settled down in northwest Florida with his wife, Gloria, and joined his father-in-law in the Century, Florida sawmills at Alger-Sullivan Company.

It did not take long for Mayor Briggs to become active in Pensacola and Escambia County politics. In 1966 he was elected to the Florida House of Representatives. Mayor Briggs was widely respected by his colleagues in the Florida State Legislature, and was described as a gentle politician by his friends. In 1976, he continued his service to the northwest Florida community as Mayor of the City of Pensacola until 1978.

Mayor Briggs was involved in myriad civic organizations and charities such as Hospice of Northwest Florida, University of West Florida Foundation, USO Downtown Improvements, Junior Achievement of Pensacola, the Navy League of the United States, the Children's Home Society, United Cerebral Palsy, the Pensacola Area Chamber of Commerce, and the Pensacola Museum of Art. He was also president of Baptist Health Care Foundation. Mayor Briggs' work ethic, humility, and dedication to the citizens of northwest Florida did not go unnoticed. He had been honored as the Businessman of the Year by the Pensacola News Journal, BIP Community Leader of the Year, and Madison Fellow. Mayor Briggs was also bestowed with the United Way Distinguished Community Service Award and the Baptist Healthcare Foundation Fellowship Award.

Mayor Briggs had a deep passion and commitment to beautifying the City of Pensacola, and he wanted to establish the city as the Crape Myrtle Capital of the World. He encouraged community residents to color the area by planting crape myrtles in their yards and other public spaces. He also worked to highlight the beauty and history of the city by developing and restoring Pensacola's historic buildings through his company, Thompson-Briggs Developers. He was also the self-appointed Pensacola weed inspector, a role that friends and family claim he was most passionate about.

To some, Mayor Briggs will be remembered as a dedicated public servant and member of our armed forces. To others, he will be remembered as an amiable and caring neighbor always willing to lend a hand to improve the city's appearance. To his family, he will most fondly be remembered as a loving brother, father, and grandfather. His impact on northwest Florida was immense, and his legacy will never be forgotten.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to honor the life and service of Warren Briggs. My wife Vicki joins me in extending our most sincere condolences to his daughter, Sandi Briggs; granddaughter, Clancy Bambrick; brother and sister-in-law, Edward and Nan Briggs and the entire Briggs family.

IN RECOGNITION OF BOB MURRAY

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize and honor Bob Murray for his long

and distinguished career helping families on Cape Cod.

For the past twenty-five years, Bob has been one of the Cape's strongest advocates for those who are in need of a home. He first became involved with helping the homeless when he was a small business owner and town selectman in Arlington, Massachusetts. Upon his retirement, Bob, like many in Massachusetts, chose to relocate to the Cape. Unlike most, however, his work did not end there. Instead, Bob chose to dedicate himself to helping those who are struggling with homelessness. When he found out that several local families were living in hotels, and threatened with losing even that form of shelter, he went into action, visiting every local pastor in the town of Harwich and raising money to help these families establish new homes. This grassroots initiative quickly grew into the Harwich Ecumenical Council for Housing, or HECH, an organization that has helped countless families since it was officially founded in 1990. Today, HECH's many responsibilities include the management of a portfolio of fifty-eight of its own rental units, one-to-one assistance with homeownership opportunities, and individual counseling. In addition, HECH founded The Children's Center of Harwich, a year-round childcare program that has proven to be an important resource for the area's working families.

Bob's compassion for those struggling with homelessness has reached nearly every corner of Cape Cod. In addition to being the president and founder of HECH, Bob was also a founding board member of the Family Pantry of Cape Cod, an organization that has provided food and clothing to those in need for nearly twenty-three years. He also founded the Falmouth Service Center in Falmouth, Massachusetts, a one-stop organization that provides housing opportunities, clothing, and community resources to local families. Nonprofits nationwide now turn to Bob for consulting, as his story is seen as a model of what can be accomplished when one is truly dedicated to helping others.

Residents of Cape Cod's shoreline know Bob as the man who loves to raise awareness for a good cause. For the past twenty years, Bob has organized the annual Housing with Love Walk on Cape Cod, leading others as they walk along the coast from Provincetown to Sandwich in order to raise awareness for the issues faced by the homeless. This year, Bob's organizations joined forces with several other local nonprofits, and over a quarter of a million dollars was raised for those in need. Known as an "entrepreneur with a deep heart," Bob is well-loved by his friends and co-workers. He continues to work tirelessly with his wife, Judy, in ensuring that no family on Cape Cod faces the incredible hardship of homelessness.

Mr. Speaker, I am honored to recognize Bob Murray for his extraordinary career in helping others. I am proud to call him my friend and I ask that my colleagues join me in honoring all that he has done for the families of Cape Cod.

HONORING THE CROATIAN  
AMERICAN CIVIC CLUB**HON. JASON ALTMIRE**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. ALTMIRE. Mr. Speaker, I rise today to honor the Croatian American Civic Club of Farrell, Pennsylvania, as it celebrates the Centennial of the "Hrvatski Dom," the Croatian home. This architectural and cultural landmark, which still stands, serves as a reminder of the great impact the Croatian community has on our region's rich cultural history. Their commitment to the preservation of their culture is worthy of this body's recognition and admiration.

Croatian immigrants, who began construction on the Hrvatski Dom in September of 1912, would arrive immediately after their 12-hour shifts at the steel mills to work on the arduous task of laying bricks. On Thanksgiving, 1912, less than three months after the beginning of construction, the Hrvatski Dom was officially opened, serving as a testament to the dedication and perseverance of these immigrant laborers.

Starting as lodging for a collection of Croatian immigrants, the Hrvatski Dom quickly transformed into the central location for a community of like-minded Croatian Americans. As the hub for Croatian immigrants, the Hrvatski Dom became an educational, musical, and athletic haven for young and old alike—bridging the gap between the old country and their new culture as American citizens. I would also like to give special recognition to a celebrated member of the Croatian American Civic Club, who passed away earlier this year. Known as Aunt Polly, Mrs. Pauline Desput exemplified the love and care of the Croatian community in Pennsylvania.

I take great pride in celebrating and congratulating the Croatian American Civic Club of Farrell on its momentous day.

IN HONOR OF MEE MEMORIAL  
HOSPITAL**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor and celebrate the Fiftieth anniversary of Mee Memorial Hospital in King City, California. Founded in 1962 to replace an outmoded and inadequate facility, Mee Memorial has served its small town home and over 5,000 square miles of surrounding rural farms, ranches, and scattered residences with the highest quality medical care for the last half century. In that time it has grown into modern facility with a network of clinics serving the whole cross section of the local community, from farmworkers and local retirees to visiting U.S. Army Reserve soldiers training at nearby Fort Hunter Liggett.

In the late 1950s, South Monterey County leaders recognized the need to upgrade their community's medical care. Dr. L.M. Andrus

and his son, Dr. L.H. Andrus, donated land for a new hospital. Local leaders secured part of the construction funding through the federal Hill-Burton Act. A community campaign raised the balance needed, with local ranchers Myrtle Mee and her son Tom Mee donating the final \$150,000. They sold a valuable herd of cattle to complete the campaign. The campaign leadership named the hospital in memory of Myrtle's husband, George L. Mee, in recognition of this final critical effort.

Mee Memorial has kept up with the changing needs of the community and in 2001 built its present 199 bed facility adjacent to the original 1962 facility. This modern hospital is the core of the Mee Memorial Medical System in Southern Monterey County which also includes four outpatient health clinics in King City and one in the neighboring City of Greenfield.

In 1962, only 10,000 people called Southern Monterey County home. Today the population has grown to nearly 50,000, and Mee is still the only hospital within fifty miles. The hospital's on-site heliport, a project supported by the King City Lion's Club, transports critical patients to other facilities as needed. Today Mee Memorial employs more than 500 people. Over seventy-five volunteers are active in the Service League and Foundation, which sponsor many events and fund-raisers to provide valuable services and equipment to meet the needs of the patients. It is these people, the doctors, nurses, administrators, and the deep bench of community support, that make Mee such a vital part of Southern Monterey County's quality of life. Mee Memorial has seen some challenging times in recent years, but the skill, dedication, passion, and professionalism of these people ensure that Mee Memorial's future is a bright one.

Mr. Speaker, I know the whole House joins me in congratulating Mee Memorial Hospital on its anniversary, and wish them many more years of quality service to the public.

RECOGNIZING ALVARO URIBE AND  
RICARDO SALINAS, TWO KEY  
FIGURES IN LATIN AMERICA**HON. ILEANA ROS-LEHTINEN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Ms. ROS-LEHTINEN. Mr. Speaker, on Monday October 1st, the Congressional Hispanic Leadership Institute (CHLI) hosted their First Annual Trade and International Affairs Symposium, which highlighted the contributions of the U.S. Hispanic community to the global economy. To culminate the day of activities, CHLI honored two important figures from Latin America during the Global Leadership Salon Dinner: Alvaro Uribe, former President of Colombia, and Mexican businessman Ricardo Salinas, President and CEO of Grupo Salinas.

Alvaro Uribe started his career in public service as a Senator of Colombia, making great strides in increasing community participation in government decisions. Then, he became Governor of Antioquia, where he cut government spending and allocated more funding to the education system to improve

schools. During his tenure as Governor, 40,000 people received training in the peaceful negotiation of conflict; and, with community cooperation, the number of kidnapping cases fell dramatically. In 2002, Mr. Uribe became President of Colombia and our country's staunchest ally in Latin America. With his integrity and courage, Uribe fought the extremist forces within his country and led an aggressive campaign to root out drug traffickers. Colombia strengthened its democracy, improved its judicial system, protected human rights, and enhanced the way of life for all Colombians. Mr. Uribe reaffirmed his commitment to the U.S. by negotiating the U.S.-Colombia Free Trade Agreement, a critical alliance that benefits the security and economic interests of both nations. It is no wonder that in 2009, President George W. Bush honored Alvaro Uribe with the U.S. Presidential Medal of Freedom for his meritorious contributions to our country. To this day, Mr. Uribe remains a great friend of the causes of freedom, democracy, and human rights in Latin America; and a strong partner of the United States.

Ricardo Salinas has been a pioneer in breaking down walls of competition in key industries in both México and the rest of Latin America. While his business achievements are admirable, his philanthropic work is perhaps even more laudable. Ricardo has been an outspoken entrepreneur who has dedicated his business career to promoting education, health and human rights among the communities he serves. Through Fundación Azteca, Ricardo has raised millions of dollars for important charities in México. Following the steps of Fundación Azteca, Ricardo founded Fundación Azteca América, an organization that works to promote the well-being of the Hispanic community in the United States. As part of their work, Fundación Azteca América has developed a series of social campaigns such as establishing educational programs for young Hispanic students to access quality education; improving civic engagement; and learning about financial responsibility. The organization has also been a staunch supporter of comprehensive immigration reform.

Mr. Speaker, as we continue to celebrate Hispanic Heritage Month, I am honored to have these two significant leaders from the Western Hemisphere in our nation's capital. I would also like to thank CHLI for their vision of advancing the Hispanic community's diversity of thought in the United States and beyond.

SUPPORT AND CONGRATULATIONS  
FOR THE MARTIN LUTHER KING,  
JR. BIMINI PLAQUE PROJECT**HON. CORRINE BROWN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Ms. BROWN of Florida. Mr. Speaker, I rise today to express my support and congratulations for the Martin Luther King, Jr. Bimini Plaque Project.

The project is an effort to bring attention and awareness to the connection Dr. King had with The Bahamas, particularly Bimini. A special celebration and ceremony scheduled for

October 5–7, 2012 will include the unveiling and placement of a commemorative plaque and bust of Martin Luther King, Jr. in the mangroves where Dr. King is said to have spent peaceful moments with boat maker and bone fisherman Captain Ansil Saunders in 1964 and 1968. The bust, in the image of Dr. King will be designed and sculpted by renowned sculptor Erik Blome. The activities will also incorporate the launching of a scholarship award program for deserving Bahamian students to attend the historic Edward Waters College in Jacksonville, Florida.

Ansil Saunders, the bonefish man, tells the story of how he took Dr. King out into the mangroves of Bimini to think and meditate. Dr. King wrote his acceptance speech in the mangroves for the Nobel Peace Prize in 1964. He also wrote the notes for his speech to the Sanitation Workers in Memphis in those mangroves three days before his death.

The project is supported by the Frisch family of Jacksonville, Florida, one of whom Ben, runs Bahamas Food Services in Nassau. The project will be unveiled in Bimini in honor of the 50th anniversary of the "I Have A Dream" speech delivered at the monument in Washington, DC.

I want to personally thank members of the Martin Luther King Jr. Bimini Plaque Project

Committee, including Joyce Danford, Executive Director, Dr. Richard Danford, Esmin Shakespeare Master, Edward Waters College Scholarship Coordinator (who has Bahamian roots); and Nat Glover, President of Edward Waters College. I also want to thank Bahamian Prime Minister Perry G. Christie and Bahamian Minister of Tourism Leonard Stuart for their strong support of the project.

Bimini, about 40 miles east of Miami, Florida, was also a retreat for noted American author and journalist Ernest Hemingway, and American politician Adam Clayton Powell, Jr.

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IN RECOGNITION OF LULA BELLE  
WILSON

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 5, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Mrs. Lula Belle Wilson for her contributions to the local community. A resident of Long Branch, New Jersey, Mrs. Wilson has selflessly dedicated much of her life to others.

A dedicated mother, grandmother, and great grandmother, Lula Belle Wilson has been a

member of the Second Baptist Church in Long Branch for over 60 years. Mrs. Wilson has led a life inspired in many ways by her devotion to her faith. A native of Cordele, Georgia, Lula Belle Wilson moved to New Jersey where she became a member of the Second Baptist Church in 1950. Since that time, Mrs. Wilson has been actively involved with the church. This includes her tenure as president of the church's Carnation Club, president of the Seacoast Usher Union, vice-president of the Kitchen Circle, and president of the Senior Usher. For over 60 years, Lula Belle Wilson has been a devoted member of the Long Branch community and the Second Baptist Church. Her faith has led her through good times and bad, and Lula Belle Wilson continues to share her faith and positive demeanor with members of her church and community. It is with great joy that I am able to join with the Second Baptist Church in honoring Lula Belle Wilson's over 60 years of service.

Mr. Speaker, please join me in leading this body in recognition of Lula Belle Wilson. Her active role with the Second Baptist Church and the community of Long Branch make Mrs. Wilson truly deserving of this body's recognition.

**SENATE—Tuesday, October 9, 2012**

The Senate met at 11:01 and 3 seconds a.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 9, 2012.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY,  
OCTOBER 12, 2012, AT 10:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10:30 a.m. on Friday, October 12, 2012.

Thereupon, the Senate, at 11:01 and 28 seconds a.m., adjourned until Friday, October 12, 2012, at 10:30 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, October 9, 2012

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 9, 2012.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Steven Wishart, Redeemer Church, Annapolis, Maryland, offered the following prayer:

Almighty God, to whom all hearts are open and all desires known, we humbly ask that we may always prove ourselves a Nation mindful and deserving of Your favor.

Bless our land with honorable industry, sound learning, and civil conversation.

Save us from violence, discord, and confusion; from pride and arrogance; and from every evil way. Defend our liberties, and make into one united people the many.

Endow with wisdom those to whom You have entrusted the authority of government, that we may prosper at home, and that we, through obedience to You, may be a blessing to all the Earth.

Fill our hearts with gratitude when we are flourishing, and let us not lose our confidence in You when we are not.

Accept and fulfill our petitions, we pray, not as we ask in our ignorance, nor as we deserve, but in Your kindness and grace.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. BECERRA) come forward and lead the House in the Pledge of Allegiance.

Mr. BECERRA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 10 a.m. on Friday, October 12, 2012.

Accordingly (at 11 o'clock and 3 minutes a.m.), the House adjourned until Friday, October 12, 2012, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8048. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Irradiation Treatment; Location of Facilities in the Southern United States; Technical Amendment [Docket No.: APHIS-2009-0100] (RIN: 0579-AD35) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8049. A letter from the Administrator, Department of Agriculture, transmitting the Department's "Major" final rule — National Organic Program (NOP); Sunset Review (2012) for Nutrient Vitamins and Minerals [Document Number: AMS-NOP-10-0083; NOP-10-091R] (RIN: 0581-AD17) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8050. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Chlorantraniliprole; Pesticide Tolerances [EPA-HQ-OPP-2012-0029; FRL-9362-5] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8051. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Disclosure to Investors in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System; System Audit Committee (RIN: 3052-AC77) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8052. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8245] received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8053. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Extension of Temporary Registration of Municipal Advisors [Release No.: 34-67901; File No. S7-19-10] (RIN: 3235-AK69) received September 25, 2012,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8054. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Implementation Plans: Oregon [EPA-R10-OAR-2010-0912; FRL-9722-2] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8055. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program [EPA-R10-RCRA-2011-0973; FRL-9707-1] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8056. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard and Diesel Sulfur Programs [EPA-HQ-OAR-2012-0223; FRL 9733-3] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8057. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2012-0277; FRL-9364-5] (RIN: 2070-AB27) received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8058. A communication from the President of the United States, transmitting authorizing the implementation of certain sanctions set forth in the Iran Threat Reduction and Syria Human Rights Act of 2012 and additional sanctions with respect to Iran; (H. Doc. No. 112-147); to the Committee on Foreign Affairs and ordered to be printed.

8059. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Final Frameworks for Late-Season Migratory Bird Hunting Regulations [Docket No.: FWS-R9-MB-2012-0005] (RIN: 1018-AX97) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8060. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2012-13 Early Season [Docket No.: FWS-R9-MB-2012-0005] (RIN: 1018-AX97) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8061. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Early Seasons and Bag and Possession Limits for Certain Migratory Game

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Birds in the Contiguous United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands [Docket No.: FWS-R9-MB-2012-0005] (RIN: 1018-AX97) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8062. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Final Frameworks for Early-Season Migratory Bird Hunting Regulations [Docket No.: FWS-R9-MB-2012-0005] (RIN: 1018-AX97) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8063. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2012-13 Late Season [Docket No.: FWS-R9-MB-2012-0005] (RIN: 1018-AX97) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8064. A letter from the Wildlife Biologist, U.S. Fish and Wildlife Service, Department of the Interior, transmitting the Department's "Major" final rule — Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds [Docket No.: FWS-R9-MD-2012-0005] (RIN: 1018-AX97) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8065. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Carib-

bean, Gulf of Mexico, and South Atlantic; South Atlantic Snapper-Grouper Fishery; 2012-2013 Accountability Measure and Closure for Recreational Black Sea Bass in the South Atlantic [Docket No.: 120309176-2075-02] (RIN: 0648-XC133) received September 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8066. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Exempting In-Home Video Telehealth From Copayments (RIN: 2900-AO26) received September 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8067. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2012-28) received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8068. A letter from the Management and Program Analyst, Department of Agriculture, transmitting the Department's final rule — Prohibitions Governing Fire (RIN: 0596-AD08) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Agriculture and Natural Resources.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 860: Mr. GARRETT.  
H.R. 1394: Mr. SCHIFF, Ms. WOOLSEY, Mr. SIRES, Mr. BRALEY of Iowa, Mr. PASCRELL,

Ms. ZOE LOFGREN of California, Mr. KILDEE, and Ms. WATERS.

H.R. 1479: Ms. SLAUGHTER.

H.R. 1700: Mr. FLAKE.

H.R. 1833: Mr. GRIJALVA.

H.R. 2077: Mr. GRIFFIN of Arkansas.

H.R. 2094: Mr. DOLD and Mr. YOUNG of Alaska.

H.R. 2353: Mr. SCHRADER.

H.R. 2382: Mr. THOMPSON of California and Mr. PETERSON.

H.R. 2563: Mr. CAPUANO.

H.R. 2697: Mr. BARTLETT.

H.R. 2721: Mr. CARNEY.

H.R. 2828: Mr. BRADY of Pennsylvania.

H.R. 2914: Mr. AL GREEN of Texas.

H.R. 3425: Mr. BRADY of Pennsylvania.

H.R. 3461: Mr. RIBBLE.

H.R. 3481: Mr. NUGENT.

H.R. 3661: Ms. JENKINS.

H.R. 4066: Mr. FITZPATRICK, Mrs. MCCARTHY of New York, Mr. ROONEY, and Mr. WEST-MORELAND.

H.R. 5781: Ms. SLAUGHTER.

H.R. 5822: Mr. DUNCAN of South Carolina.

H.R. 5844: Mr. STARK.

H.R. 6150: Mr. JOHNSON of Georgia.

H.R. 6159: Mr. FILNER and Mr. CONNOLLY of Virginia.

H.R. 6312: Mr. LONG and Mr. MICHAUD.

H.R. 6419: Mr. SCOTT of Virginia and Mr. AL GREEN of Texas.

H.R. 6428: Mrs. DAVIS of California.

H.R. 6490: Mr. MURPHY of Pennsylvania and Mr. BARLETTA.

H.R. 6513: Mr. LANCE.

H.R. 6527: Ms. HANABUSA and Ms. NORTON.

H.J. Res. 13: Mr. DUFFY.

H. Res. 298: Ms. SLAUGHTER.

H. Res. 577: Mr. DEFazio.



## EXTENSIONS OF REMARKS

### HOWARD GREAGOR TRIBUTE

#### HON. SCOTT R. TIPTON

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2012*

Mr. TIPTON. Mr. Speaker, I rise today in honor of Howard Greagor. Mr. Greagor is a treasured local historian and has published six books on the Western way of life in southwestern Colorado.

Mr. Greagor was born in Colorado in 1924 and has lived here all his life. As a former cattle rancher, newspaper contributor, and published author, Mr. Greagor commands a deep understanding of the issues and lifestyle defining southwestern Colorado. In 1965, Mr. Greagor began writing short stories which were later compiled into his first book, *In the Company of Cowboys*, published in 1990. Since then, Mr. Greagor has put his extensive knowledge of Western life to good use in a collection of books that informs all who are interested in the origin of community traditions like Pioneer Day.

When he is not busy writing, researching, and marketing his books, Mr. Greagor enjoys time with his large family including his wife, Betty, with whom he has been happily married for more than 60 years, and his many children, grandchildren, and great-grandchildren.

Mr. Speaker, it is a privilege to recognize Howard Greagor. I rise today in honor of his contributions to the preservation of southwestern Colorado history and his accomplishments as a Western author.

### VICTORIA ARLEN

#### HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2012*

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate Victoria Arlen of Exeter, New Hampshire on winning a gold medal and three silver medals at the Paralympic Games in London, England. It is truly a prestigious distinction to be one of a few athletes from around the globe to represent their country, and Victoria's outstanding performance in the Games has brought pride to both New Hampshire and the United States.

At a young age, she was diagnosed with Transverse Myelitis, a neurological disorder that causes inflammation of the spinal cord. Awakening after two years in a coma, she fought back against this disease and used her strong spirit and determination to overcome the challenges she was presented with. With the support of her parents and twin brothers, Victoria excelled in her recovery and has emerged as a world class athlete.

Throughout her brief career, she has consistently exceeded expectations and did again

in London, beating several highly ranked competitors and setting a new world record in the 100-meter freestyle S6 where she took home the gold medal. She earned her silver medals in the 400-meter Freestyle, the 50-meter Freestyle, and the 4100m Women's Freestyle relay with her U.S. teammates. With her athletic talent and effort, and strong drive and will, she has quickly become one of the top swimmers in the world.

Her motto of "face it, embrace it, defy it, and conquer it" has guided her to success and I believe she has inspired young athletes across the country to strive for their dreams no matter the challenges they face. On behalf of the First District of New Hampshire, I commend Victoria on her outstanding accomplishments and wish her all the best in the future.

### A TRIBUTE TO THE LIFE OF AL WAGNER

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2012*

Mr. COSTA. Mr. Speaker, I rise today with a sad and heavy heart to honor the life of one of Central California's most treasured public servants, Mr. Al Wagner of Wasco, California. Al led an exemplary life filled with a strong faith in God and a reverence for service. His dedication and loyalty to the people of the San Joaquin Valley, coupled with his warm and caring nature made him a true source of pride for our Valley. We say goodbye to Al as a son, brother, friend, mentor, and dedicated public servant.

His many contributions to the San Joaquin Valley and California were exemplified through his work in the California State Legislature, which began in 1998 when he served as Chief of Staff for then Assembly Member Dean Florez, and subsequently as District Director for State Senator Michael J. Rubio. Upon retiring from public service with elected officials, Al went to work at Valley Baptist Church, where he also worshipped.

Al genuinely cared about people and it was reflected in his superior moral character and advocacy work. He was a dependable and effective champion for the people he most cared about and always maintained a commitment to fighting for what was right, meritorious, and fair. He was fluent in American Sign Language and Spanish—further indicating his true dedication to service. Al also managed to find time to do business-related work for Baptist missions in poor villages and orphanages in Central and South America, as well as Eastern Europe.

A valued political strategist and community activist, Al served as a friend and mentor to many up-and-coming politicians, including several members of my staff. Al willingly shared

his expertise and leadership in hopes of developing the next generation of leaders for our Valley, State, and Nation.

Al will be best remembered by those who knew him for his wit, love of people, and simple generosity. He gave of himself freely, and for that selflessness, we honor him.

Mr. Speaker, it is with great respect that I ask my colleagues in the House of Representatives to pay tribute to the life of Al Wagner—a faithful public servant, friend, and great American.

### RECOGNIZING AND CONGRATULATING TAIWAN'S 101ST ANNIVERSARY

#### HON. ANDY HARRIS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2012*

Mr. HARRIS. Mr. Speaker, on October 10, 2012, America's very good friends, The Republic of China (commonly known as Taiwan), will celebrate their 101st anniversary.

Both the United States and Taiwan share the fact that they are relatively new countries when compared to the rest of the world. Taiwan is 101 years old and the United States just celebrated its 236th birthday; both are much younger than those countries with roots dating back to some of the ancient civilizations.

But in the past 100 years, America has changed so much and, arguably, Taiwan has changed even more. In the last 16 years alone, Taiwan has become a full blown democracy with a President and Legislature being directly elected by its citizens. In 1996, Taiwan had their first Presidential election and during that time they have had three peaceful transfers of power from one party to another.

The people of Southeast Asia are fortunate to have a beacon of democracy like Taiwan to look up to, and we Americans are fortunate to call them friends and allies. Under President Ma's leadership, I am confident that Taiwan will continue to thrive and our relationship will prosper.

### TRIBUTE TO MR. CHRIS SARACINO

#### HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2012*

Mr. CARNAHAN. Mr. Speaker, I rise to recognize one of St. Louis' finest citizens and community leaders, Mr. Chris Saracino. Chris Saracino comes from a restaurant family that has been serving St. Louisians for over 50 years. His father Bartolino Saracino, Sr. opened his first restaurant in the 1960s. Chris

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

has been working in his family's business since he was a young boy.

Currently Chris and his brothers own three of the most profitable restaurants in St. Louis: Bartolino's Osteria, Bartolino's South and Chris' Pancakes and Dining. His service to the Italian American Community is exemplary. Chris has been President of the Hill Business Association for several years, an organization residing in one of America's most famous Italian-American neighborhoods. As President, Chris has promoted and helped grow businesses on the Hill, creating jobs for his fellow citizens. Chris has also led the Hill Business Association in numerous community improvement initiatives such as successfully organizing neighborhood parades and festivals, raising money for local park improvements, and securing funding for beautification projects.

Chris is very active with St. Ambrose Catholic Church where he volunteers helping the school prepare healthy lunches for the students. Imagine running a business, volunteering for community and business organizations, raising a family, and still having time to go to your church and make meals for school age children. Chris is a very special person.

This is the kind of citizen our founding fathers hoped our Nation would have—engaged citizens in the private sector and the public square. This October, The Italian Club of St. Louis, celebrating its 90th Anniversary, will recognize Chris Saracino for his outstanding contributions to St. Louis and the Italian-American community by presenting him with the Club's Italian Heritage Award. This award salutes Chris Saracino for demonstrating excellence in business, leadership in the community, and compassion for others. I congratulate my good friend Chris Saracino for this well deserved honor. St. Louis, Missouri, and America are fortunate to have such a committed and unselfish citizen. May he continue to lead and inspire others to do the same.

# IN RECOGNITION OF MICHAEL BRUNICARDI

## HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 9, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Lieutenant Michael Brunicardi, who has retired after devoting more than three decades to protecting the citizens of the San Francisco Bay Area.

Lieutenant Brunicardi graduated from San Jose City College Police Academy in 1978. After a brief period working for the San Mateo Police Department, Lieutenant Brunicardi went on to Colma, where he protected the public as a police officer and sergeant for 8 years. He returned to San Mateo in 1987 and served in the San Mateo Police Department for 25 years. He was promoted to Corporal in 1992, Sergeant in 1994 and Lieutenant in 2001.

Throughout his career Lieutenant Brunicardi has gone above and beyond the call of duty, and has dedicated himself to protecting victims and young people. He has put his own life on the line for the safety of others.

Lieutenant Brunicardi has received a multitude of awards and recognitions for his outstanding service. In 1985, he was awarded the Heroism Award from the Peninsula Council of Lion's Clubs for his apprehension of an armed and dangerous suspect. He has received numerous commendations from the District Attorney's Office for his investigative skills in a variety of crimes, including child molestation cases. The Downtown San Mateo Association presented him with an award for "Outstanding Dedication" to the development of the family-friendly safety program in a new downtown theater project. In Lieutenant Brunicardi's 25-year career with the City of San Mateo he amassed more than 100 letters of acknowledgement and thanks from the public and city

staff because of his integrity and professionalism.

Community policing involves building lasting relationships and lines of communication between police officers and the public. Lieutenant Brunicardi has dedicated his career to this type of important police work, particularly in areas facing gang violence and other criminal activities. He has implemented several neighborhood safety partnership programs in cooperation with neighborhood association groups.

At age 55, Lieutenant Brunicardi is a proud husband and father. He has been married to his wife, Valerie, for 20 years and has five children: Anthony, Steven, Andrew, Justin and Nicole, who range in age from 11 to 27.

Lieutenant Brunicardi loves working with young adults and children and has coached baseball for 25 years. For 10 years he contributed as a board member of the Burlingame Youth Baseball Association, and serves as that association's president.

Although Lieutenant Brunicardi is retiring from a long and meaningful career as a law enforcement officer, he will continue to play a vital role in our community as an associate professor at the College of San Mateo. In September, Lieutenant Brunicardi began teaching Criminal Justice, Juvenile Justice and Criminal Investigation in this role. While Lieutenant Brunicardi feels blessed to be able to work with young people in this capacity, his students will benefit most from his dynamic personality, his passion for the profession and his expertise in the field.

Mr. Speaker, Lieutenant Brunicardi has devoted his time, energy and passion to serving as a leader and a role model in our community. I ask that the House of Representatives join me in commending him for his extraordinary selflessness and service.

**SENATE—Friday, October 12, 2012**

The Senate met at 10:30 and 3 seconds a.m. and was called to order by the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, October 12, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOSEPH I. LIEBERMAN, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. LIEBERMAN thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,  
OCTOBER 16, 2012, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Tuesday, October 16, 2012, at 10 a.m.

Thereupon, the Senate, at 10:30 and 37 seconds a.m., adjourned until Tuesday, October 16, 2012, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Friday, October 12, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. DESJARLAIS).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 12, 2012.

I hereby appoint the Honorable SCOTT DESJARLAIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Dr. David R. Rowberry, Institute of Religion of the Church of Jesus Christ of Latter-day Saints, Washington, D.C., offered the following prayer:

Dear Father in Heaven, humbly we bow before Thee, recognizing our dependence upon Thee and seeking Thy guidance in the proceedings of this, the people's House.

Father, we express profound gratitude that Thou hast "established our Constitution by the hands of wise men whom Thou raised up for this very purpose." May the Members of this House, their staff, and we, as citizens, remember and follow the Constitution's principles carefully and faithfully.

Prayerfully, we ask that Members and their staffs be strengthened with righteous resolve, following Thy ways in action and intent, that they may be worthy of divine guidance in this critical time.

Father, may the House Members' families, who sacrifice so much that the work of this House may be accomplished, be strengthened and blessed and appreciated. Indeed, we pray for strength and blessings for all families in our great land.

There is a great diversity, Father, in the manner in which Thy children pray to Thee and call on Thee. And so with great respect, I now invite each in his or her own way to close this, our prayer, as I do in mine, in the name of Jesus Christ.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Massachusetts (Mr. MCGOVERN) come forward and lead the House in the Pledge of Allegiance.

Mr. MCGOVERN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 2 p.m. on Tuesday, October 16, 2012.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House adjourned until Tuesday, October 16, 2012, at 2 p.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8069. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Butylate, Clethodim, Dichlorvos, Dicofol, Isopropyl carbanilate, et al.; Tolerance Actions [EPA-EPA-HQ-OPP-2012-0171; FRL-9358-8] (RIN: 2070-ZA16) received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8070. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfoxaflo; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2012-0493; FRL-9361-4] received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8071. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Sulfentazone; Pesticide Tolerances [EPA-HQ-OPP-2011-0758; FRL-9363-3] received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8072. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; PBR and PTIO [EPA-R05-OAR-2007-1102; EPA-R05-OAR-2008-0782; FRL-9714-7] received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8073. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia; Control

Techniques Guidelines and Reasonably Available Control Technology [EPA-R04-OAR-2012-0448; FRL-9732-2] received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8074. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Florida 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2012-0382; FRL-9734-6] received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8075. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2012-0343; FRL-9734-5] received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8076. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation Plans; Kentucky 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2012-0114; FRL-9734-4] received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8077. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Swim Around Charleston, Charleston, SC [Docket No.: USCG-2012-0137] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8078. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Apache Pier Labor Day Fireworks; Myrtle Beach, South Carolina [Docket No.: USCG-2012-0727] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8079. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Certain Dangerous Cargo Vessels, Tampa, FL [Docket No.: USCG-2012-0712] (RIN: 1625-AA87) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8080. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Security Zones; 2012 RNC Bridge Security Zones, Captain of the Port St. Petersburg Zone, Tampa, FL [Docket No.: USCG-2012-0707] (RIN: 1625-AA87) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

8081. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GA200 (Pty) Ltd Airplanes [Docket No.: FAA-2012-0946; Directorate Identifier 2012-CE-037-AD; Amendment 39-17187; AD 2012-18-10] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8082. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Helicopters [Docket No.: FAA-2012-0927; Directorate Identifier 2012-SW-052-AD; Amendment 39-17178; AD 2012-18-02] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8083. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glasflugel Gliders [Docket No.: FAA-2012-0046; Directorate Identifier 2011-CE-040-AD; Amendment 39-17186; AD 2012-15-07 R1] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8084. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2012-0177; Directorate Identifier 2009-SW-59-AD; Amendment 39-17149; AD 2012-16-02] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8085. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1093; Directorate Identifier 2010-NM-149-AD; Amendment 39-17163; AD 2012-16-16] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8086. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0328; Directorate Identifier 2011-NM-259-AD; Amendment 39-17162; AD 2012-16-15] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8087. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30857; Amdt. No. 3492] received September 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following actions were taken by the Speaker:

*[The following actions occurred on October 1, 2012 and were omitted from the Record of October 2, 2012]*

The Committees on Rules and Energy and Commerce discharged from further consideration. H.R. 1280 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The Committee on House Administration discharged from further consideration. H.R. 1974 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The Committees on Intelligence (Permanent Select) and Homeland Security discharged from further consideration. H.R. 3289 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

The Committee on House Administration discharged from further consideration. H.R. 3609 referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GARRETT:

H.R. 6570. A bill to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements; referred to the Committee on Financial Services, and in addition to the Committees on Education and the Workforce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 6571. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 100th anniversary of the beginning of Korean immigration into the United States; to the Committee on Financial Services.

By Mr. MCGOVERN (for himself, Mr. LATOURETTE, Mr. DENT, and Mr. TONKO):

H.R. 6572. A bill to extend the authorizations of appropriations for certain national heritage areas, and for other purposes; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN:

H.R. 6573. A bill to combat trafficking in human organs, and for other purposes; to the Committee on Foreign Affairs.

By Mr. WALZ of Minnesota (for himself, Mr. ROONEY, Mr. DENHAM, and Ms. PINGREE of Maine):

H.R. 6574. A bill to amend title 10, United States Code, to require a review of the separation of members of the Armed Forces on the basis of a mental condition not amounting to disability, including separation on the basis of a personality or adjustment disorder; to the Committee on Armed Services.

#### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

288. THE SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to House Resolution memorializing the Congress to pass and send to the States for ratification a Constitutional Amendment to restore the First Amendment and Fair Elections to the People; to the Committee on the Judiciary.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-

tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GARRETT:

H.R. 6570.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 9, clause 7 of the United States Constitution

By Mr. ANDREWS:

H.R. 6571.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 5, which states "The Congress shall have power . . . to coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures."

By Mr. MCGOVERN:

H.R. 6572.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Ms. ROS-LEHTINEN:

H.R. 6573.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution.

By Mr. WALZ of Minnesota:

H.R. 6574.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 16

The Congress shall have Power to provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress.

#### ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1169: Mr. LOBIONDO.

H.R. 1897: Mr. POLIS.

H.R. 2088: Mr. SCOTT of Virginia and Ms. WATERS.

H.R. 2557: Mr. WALZ of Minnesota.

H.R. 3086: Mr. FORTENBERRY.

H.R. 3423: Mr. MCINTYRE, Ms. FUDGE, and Mr. GRIMM.

H.R. 3481: Mr. HUELSKAMP and Mr. MCCLINTOCK.

H.R. 4170: Mr. HONDA.

H.R. 5188: Mr. MCGOVERN.

H.R. 5796: Ms. JACKSON LEE of Texas.

H.R. 5914: Mr. DUNCAN of Tennessee and Mr. SESSIONS.

H.R. 5943: Mr. PERLMUTTER.

H.R. 6046: Ms. CHU.

H.R. 6174: Mr. GRIFFIN of Arkansas and Mr. GUTHRIE.

H.R. 6255: Mr. STARK.

H.R. 6440: Mr. NEAL.

H.R. 6467: Mr. HOLT.

H.R. 6567: Mr. ROSS of Florida and Mrs. MYRICK.

H. Res. 704: Mr. BARTLETT.

H. Res. 734: Mr. CONNOLLY of Virginia.

H. Res. 760: Ms. CHU.

H. Res. 789: Mr. HUELSKAMP and Mr. LANKFORD.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS	limited tax benefits, or limited tariff benefits were submitted as follows:	not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.
	OFFERED BY MR. RYAN OF WISCONSIN	
Under clause 9 of rule XXI, lists or statements on congressional earmarks,	The provisions that warranted a referral to the Committee on the Budget in H.R. 6570, do	

## EXTENSIONS OF REMARKS

### CONGRESSIONAL RECOGNITION FOR MACAIDAN GALLEGOS

#### HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. BARBER. Mr. Speaker, I am honored today to welcome back to Tucson a very special boy who is coming to visit his father's gravesite on the third anniversary of his burial.

MacAidan Gallegos is the son of United States Army Staff Sergeant Justin Gallegos, a brave soldier, who was tragically killed three years ago in Afghanistan. Born in Tucson, Arizona, Justin graduated from Tucson High School before joining the Army in 2002.

Staff Sergeant Gallegos deployed twice to Iraq, fighting insurgents and helping to secure freedom for Iraqi citizens who were yearning for an end to the repression they had experienced for generations. He then deployed to Afghanistan, in support of the American effort there to put down the Taliban, fight al-Qaida and help the Afghan people.

Justin often requested the hard assignments. Except for his wife Amanda and his son MacAidan, the Army was his life. He was a fearless man who worked as a scout in hostile terrain, a gunner on Humvees and as a security guard to high-ranking officers.

As a testament to his courage and dedication as a soldier, Justin earned more than a dozen medals including three Purple Hearts, two Army Commendation Medals and two Army Achievement Medals. He also earned the Silver Star for his actions that day defending his combat outpost with his comrades and fighting back the Taliban.

MacAidan is coming to Tucson to visit his father's grave at Evergreen Cemetery. While the visit will be sad, I am positive that MacAidan, and his mother Amanda Marr will relive the wonderful times they spent with Justin. My hope is that MacAidan will continue to learn about Justin—a fantastic dad, brave soldier and deeply loved husband.

I am honored to meet MacAidan, and share in the memories of his father and of his time in Tucson. It is in remembrance that we keep the faith of a father lost, missed and revered. Yet we also celebrate his shining achievements, his bravery as a soldier and his beautiful boy MacAidan.

### IN RECOGNITION OF THE ROTARY CLUB OF PACIFICA

#### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor the Rotary Club of Pacifica on the occasion of its 50th anniversary.

Rotary International brings together business and professional leaders to help build peace and goodwill in the world, and the Pacifica club fulfills Rotary's admirable mission of "Service above Self."

The Rotary Club of Pacifica equips students with the skills and resources to thrive and become contributing members of society. Scholarships and underwriting coaching for student loans help students and their families afford college. Other projects spark curiosity and motivation in young people including the Dictionary Project, which involves distributing dictionaries to every third grader in the Pacifica School District. Likewise, Rotary Club-sponsored career days teach middle school students about vocations and professions, sparking curiosity and motivation at a young age.

The newly built Rotary Plaza, a beautiful public space in Pacifica, represents the Rotary Club of Pacifica's commitment to service. Rotary Plaza was created in partnership with local arts organizations, businesses and public offices to celebrate the Club's 50th anniversary. This project provides an essential outdoor space for people to gather, talk and connect with others.

In addition, Pacifica's Rotary Club does whatever is needed to beautify and improve the community—from painting the public library, to landscaping the Boys and Girls Club. The club holds annual food drives, provides financial aid to single-parent families and assists in rescue operations from flooding in lower Linda Mar. The Rotary Club of Pacifica creates an essential social safety net for needy families.

The Club's reach even extends beyond the close perimeters of Pacifica—to Pakistan, where it provides vocational training for Afghan refugees. It makes microcredit loans to women with families in Ecuador, Guatemala and Colombia. Because of the Rotary International's persistence, polio will soon be eradicated from the world, and the Rotary Club of Pacifica has consistently participated in this important global mission.

Mr. Speaker, it is right to honor the Rotary Club of Pacifica on this day, October 12, 2012, for 50 years of outstanding service and to wish the members the best for the next 50 years.

### TRIBUTE TO TOM DUFFORD

#### HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. SCHILLING. Mr. Speaker, I would like to congratulate Tom Dufford on his recent retirement. For more than 40 years Tom has faithfully carried out the mission of the Social Security Administration, and I applaud and admire his dedication to those he serves.

From his start as an intern back in 1972 and to his rise to Operations Supervisor in 2009, Tom has been a leader with tremendous loyalty and a passion for service. Over the course of his career he has received many awards for his work at the Social Security Administration, including the 2009 Regional Commissioner's Citation for Area 2.

I join the many who have commended Tom's efforts in saying "thank you." It is stories like this that make me proud to serve the 171 District and all the hard-working individuals who reside there. I am honored to have Tom as my constituent.

### TRIBUTE TO WILLIAM (BILL) PUTNAM, JR.

#### HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. LONG. Mr. Speaker, I rise today to recognize William, Bill, Putnam Jr., a recent recipient of the National Eagle Scout Association's Outstanding Eagle Scout Award and the Distinguished Citizen Award.

The Outstanding Eagle Scout Award was first awarded in 2010 as part of the 100th Anniversary of the Boy Scouts of America. A local council can honor one recipient per year and Bill is the Ozark Trails Council's first recipient.

A Carthage native, Bill first became involved with scouting in Cub Scouts, where his mother served as a Den Mother. He received the Arrow of Light, earned his Eagle Scout Award in 1959, and is a brotherhood member of the Order of the Arrow. This latest addition to his scouting accolades, the Outstanding Eagle Scout Award, is awarded to Eagle Scouts who have demonstrated outstanding achievements at the local, state, or regional level. Bill has served as an inspiring example to his family and neighbors. This is evident in the fact that his son John, two brothers and three nephews are also Eagle Scouts.

Bill is a Rotarian who was named Carthage's Citizen of the Year in 1995 and received the Spirit of Giving Award from the Carthage Area United Way in 2009. He was named to the Prep School All-America Swim Team in 1961, was recognized as an Outstanding Alumnus at Beloit College, and is a member of the school's Athletic Hall of Honor.

Bill is the president of TAPJAC Company Inc. He has served on numerous boards including the board of the Ozark Trails Council-Boy Scouts of America, Carthage Area United Way, Carthage Republican City Committee, Carthage Community Foundation, Carthage City Council, Missouri Southern State University Board of Regents, Board of Public Works, and Hardware Wholesaler.

The Distinguished Citizen Award recognizes noteworthy and extraordinary leadership of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



citizens in communities across the United States. Bill's numerous achievements stand as testimony to his exemplary quality of character. I am proud of his achievements and honored to call him a neighbor in the 7th Congressional District of Missouri.

IN RECOGNITION OF LLOYD R.  
LACUESTA

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Lloyd R. LaCuesta, one of the best-known faces in the Bay Area. For 36 years, Lloyd's face and voice have been beamed into millions of living rooms every night during the award-winning Ten O'clock News on KTVU. His reporting is a chief reason why the newscast is rated as one of the best in the country.

With 43 years in journalism, Lloyd is often considered the dean of reporters in the Bay Area. He is the longest tenured reporter at KTVU and has run its South Bay Bureau for decades. I have had the pleasure to be interviewed by Lloyd many times and have witnessed his professionalism and attention to detail first hand; he is meticulous, fair and won't give any public official a pass.

Lloyd has covered some of the biggest stories of our region and time: The Loma Prieta earthquake, the Oakland Hills fire, the eruption of Mt. Saint Helens, the L.A. riots in 1992, the Columbine school shooting, Hurricane Mitch in Honduras, the Kobe earthquake, the Marcos vs. Aquino presidential campaign in the Philippines, and the list goes on. So many of us in the Bay Area experienced these events through his eyes.

Early in his career Lloyd covered a story that would affect the way he reported for decades. He was doing a live stand up from Stanford Hospital where the family of a Castro Valley man was holding a vigil because he needed a heart. Lloyd reached into his wallet, pulled out his driver's license with the pink donor dot and said, being an organ donor is a way to make a life-changing gift, even though you will never meet the recipient. A few days later, he received a call from a woman who told him that her daughter had died in an accident and she donated the daughter's heart because she had seen his story and remembered his words. This experience powerfully reminded Lloyd that his reporting affected lives and that he carried a responsibility to always be mindful of people.

Before coming to KTVU in August of 1976, Lloyd worked for the Los Angeles Herald Examiner, KMPC Radio, KNX-CBS Newsradio, American Forces Korea Network, KABC Radio, KABC TV and KGO TV.

He has won several of the most prestigious journalism awards, including six Emmys from the National Academy of Television Arts & Sciences, NATAS. His reporting was essential in the Ten O'clock News winning a national Edward R. Murrow Award for Newscast Excellence in 2004 from the Radio-Television News Directors Association, RTNDA.

One of his award-winning series took Lloyd to Vietnam in 1986. He followed three Vietnam

veterans who went back to find their Amerasian children they had fathered during the war. It was fathers like them that in 1982 led to the Amerasian Act which allowed children born in Cambodia, Korea, Laos, Thailand and Vietnam after December 31, 1950 and before October 22, 1982 to immigrate to the United States.

Lloyd was the first elected national president of the Asian American Journalists Association and the first president of Unity Journalists of Color. He is on AAJA's list of pioneer Asian American journalists and received the group's Lifetime Achievement Award. In 2004, he was inducted into the NATAS Silver Circle for his many years of outstanding Bay Area reporting.

Lloyd was born in Honolulu, Hawaii in 1947. He received his BA in journalism from Los Angeles and San Jose State Colleges and his Masters in Journalism from UCLA.

In his retirement, Lloyd is looking forward to spending more time with his family and friends and a slower pace of life with more time to read, play tennis and travel. He is married to Mona Lisa Yuchengco and has two daughters, Angelisa Marie LaCuesta-Russo and Elena Maria LaCuesta-Roberson.

Mr. Speaker, I ask the House of Representatives to rise with me to honor a broadcast icon who has been part of the fabric of the Bay Area for decades. Not long ago, a person saw the retired reporter in San Mateo, stopped him and said, "You used to be Lloyd LaCuesta!"—I'm sure that won't be the last time. Lloyd will be deeply missed by viewers, public officials and his co-workers alike.

CONGRESSIONAL RECOGNITION  
FOR UNITED STATES ARMY  
STAFF SERGEANT ORION NELSON SPARKS

**HON. RON BARBER**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. BARBER. Mr. Speaker, I rise today to honor United States Army Staff Sergeant Orion Nelson Sparks, who was killed in action with a fellow soldier on September 26, 2012 when an insurgent wearing a suicide vest detonated the device near their patrol in Pule-Alam, Afghanistan. He leaves behind his mother, father, two brothers and numerous friends.

Born in Tacoma, Washington, Staff Sergeant Sparks spent most of his childhood in Gig Harbor, Washington. He attended Peninsula High School before joining the Army in 2003. Staff Sergeant Sparks was assigned to the 1st Squadron, 91st Cavalry Regiment, 173rd Airborne Brigade Combat Team based in Germany.

Staff Sergeant Sparks was on his first deployment to Afghanistan, but he had already completed two previous deployments to Iraq, the first a 14-month deployment from May 2003 to July 2004 and the other a year-long deployment from November 2005 to 2006.

Since entering the Army, Staff Sergeant Sparks was considered a great soldier. Over his career he earned more than a dozen honors including two Army Commendation Med-

als, five Army Achievement Medals, three Army Good Conduct Medals, an Afghanistan Campaign Medal with Bronze Service Star and four Iraq Campaign Medals with Bronze Service Stars. For his bravery in action, Staff Sergeant Sparks was awarded a Purple Heart and a Bronze Star posthumously.

We remember Staff Sergeant Sparks and offer our deepest condolences and sincerest prayers to his family. I am heartsick for their loss and my words cannot offer adequate consolation.

Everyone in our great country owes Staff Sergeant Sparks and his family a debt of gratitude for his selfless sacrifice and courage. It is vital that we keep our men and women in uniform who are in harm's way in our thoughts and prayers. I call on my fellow colleagues and all Americans to remember Staff Sergeant Sparks and his fellow fallen comrades—those who have paid the ultimate price.

RECOGNIZING THE GILMORE FAMILY AS THE 2012 ESCAMBIA COUNTY, FLORIDA OUTSTANDING FARM FAMILY

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. MILLER of Florida. Mr. Speaker, I am proud to recognize the Gilmore family for being selected as the 2012 Escambia County, Florida Outstanding Farm Family.

Jacob and Carla Gilmore, along with their twin daughters Sydney and Ella, own and operate the Gizmo Angus Farm in Molino, Florida. Thanks to programs like 4-H and FFA, Jacob gained invaluable experience in agriculture at a young age, and this experience has helped the Gilmore family establish a successful cattle farm. From the ages of 8 to 19, Jacob consistently won accolades from 4-H, FFA and the Escambia County Interstate Fair. He also twice produced the Grand Champion Steer, while also raising Grand Champion Laying Hens, and becoming a state finalist in beef production entrepreneurship.

Seven years ago, the Gilmores were married, and Carla immediately embraced the hard work and dedication necessary to successfully operate a family farm. She supports her husband in every way possible, and together they are helping to instill a love of farming in their daughters. Today, Gizmo Angus Farm prides itself on integrating the latest technologies available to the industry, such as Artificial Insemination and embryo transfer, with traditional cattle farming activities.

In addition to their work on the family farm, the Gilmores are active in working with the youth of their community to spark interest in agriculture and family farming. By actively engaging young agriculture enthusiasts through the Young Farmers and Ranchers program, the Gilmores are a key influence in promoting agriculture throughout the state. The Gilmores have a true commitment to promoting agriculture in the Northwest Florida community, and their success is indicative of their dedication to farming and commitment to family.

Mr. Speaker, our great nation was built by farmers and their families. The Escambia

County Outstanding Farm Family of the Year Award is a reflection of the Gilmores' tireless work and their dedication to family and farming. On behalf of the United States Congress, I would like to offer my congratulations to the Gilmore family for this great accomplishment. My wife Vicki and I extend our best wishes for their continued success.

A TRIBUTE TO THE LIFE OF  
FRANCESCO VITUCCI

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Francesco "Frank" Vitucci, who passed away on September 26, 2012 at the age of 74. Frank will be remembered in the hearts of many as a generous and ambitious man whose drive gave him unprecedented achievement in business. His memory will live on through his family whom he loved deeply.

Frank was born on September 29, 1937 in Pacentro, Italy and his family lived there until the German invasion during World War II. When Frank was only five years old his father, Paolo passed away, so his mother, Maria was left with two young children, Frank and his younger brother Roberto. When the war ended, Maria met Pasquale DiCicco. He was a widower with four young children: Nick, Alberto, Giuseppina, and Lucia. Shortly after meeting, Maria and Pasquale married and conjoined their families.

In 1952, Frank and his younger brother Roberto made the journey to America to join the rest of their loved ones as well as three new additions to the family: Giulia, Paul, and Rosaria. After living in Detroit for a few years, the DiCicco's uprooted their lives again and moved to Fresno, California.

Frank and Alberto washed dishes at Maselli's Italian Restaurant. Money was tight, but with hard work and dedication, Frank, Roberto, Alberto, and Nick seized the opportunity to buy Maselli's Restaurant when the owner, Sam Maselli was looking to sell.

Subsequently, the four brothers became widely known as the Four Sons of Italy. Frank was in charge of the pizzas while his other brothers handled the other functions of the business. DiCicco's Italian Restaurant quickly became a family business requiring long hours of hard work. Successfully, Frank and his brothers were able to open various locations across California for a total of 15, twelve of which are in the San Joaquin Valley.

In 1972, Frank married Lindain, which resulted in a 40-year marriage with four children: Greg, Ron, Mario, and Joanna.

In his final years, Frank spent time most of his time with family, playing with his grandchildren, and catching up with close friends. One of Frank's greatest joys was traveling, and he did it very often. Going back to his hometown, Pacentro, Italy, was something Frank loved to do. His roots were there and even though he was a part of a successful restaurant business in America, he never forgot where he came from.

Frank exemplified the American Dream through his hard work, dedication and compassion. A lasting legacy has been built not only by his business achievements but because of the generosity and endearment created by all those who were blessed to enjoy his companionship. As the last of the DiCicco's founders passes on, we shall not forget the legacy and impact Frank has had on the community. A model to follow, Frank will be remembered for his kind gestures and enthusiasm for creating a better life for his family.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF THE SAN CARLOS ADULT COMMUNITY CENTER AND THE 20TH ANNIVERSARY OF THE FRIENDS OF THE SAN CARLOS ADULT COMMUNITY CENTER

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor the San Carlos Adult Community Center on the occasion of its 30th anniversary, and the Friends of the San Carlos Adult Community Center on the 20th anniversary of its founding as a nonprofit. The center is dedicated to providing programs and activities for persons age 50 and above while recognizing the importance of people of all ages.

Groundbreaking for the 17,000 square foot center took place in 1982 and at the time the building was the most completely equipped facility of its kind in the nation. It cost \$1.5 million to build and about \$550,000 of that funding came from federal and county sources. The remainder was contributed by San Carlos. The residents received quite a bargain, given all of the amenities of this facility.

The center has a modern kitchen and its meeting room, which I've been privileged to speak in, is first-rate. The center also has a paperback library and computer lab, regular health screenings and is available for community events. In short, the San Carlos Adult Community Center is a place where people come to refresh themselves after a hard day's work or to maintain their connections to others while in retirement.

Mr. Speaker, there are a handful of public services that connect people to their governments. One such service is recreation, including physical activity and continuing education classes. The San Carlos Adult Community Center draws people out of their homes and into recreational activities and thereby knits the community together. For example, the AARP offers driver safety classes. Adults can create lasting friendships by participating in health and wellness classes or by learning a new hobby such as painting, cooking or gardening. Adults can become better creative writers by taking a class and the current events sessions often feature local experts. Pedro tournaments draw persons from age 18 and up, while the moonlight and roses social dance draws people who remain young at heart.

There is another aspect to the San Carlos Adult Community Center that also merits spe-

cial mention because not everyone in San Carlos is self-sufficient. Some need additional assistance, and this is where the Caring Cupboard Food Program becomes important. Twice per month, the Caring Cupboard, operated in part by center volunteers, delivers canned food, boxed food or packages that are non-perishable to seniors whose budgets do not stretch through an entire month. The volunteers in the Caring Cupboard also check on the welfare of the seniors who are served, and provide companionship for those who might not see another face for many days in a row. The center also helps seniors understand their Medicare choices by supplying HICAP volunteers who can explain options during open enrollment, a vital way to ensure that seniors remain independent.

The Friends of the San Carlos Adult Community Center provide extensive fundraising support for the budget of the center. Anchored by a strong board of directors, the "Friends" are a group of volunteers who know that communities thrive when their volunteers build local institutions that provide great services. I'm sure that this mission of providing a place for adults to learn and to build bonds with the community makes the "Friends" one of the largest official matchmakers on the San Francisco Peninsula.

Mr. Speaker, there are quite a few strong community institutions in San Carlos. The city prides itself on being the City of Good Living. The San Carlos Adult Community Center is a concrete example of why people love this town. In his book "Democracy in America," the 19th Century French historian Alexis de Tocqueville remarked on the role of volunteerism in the young nation known as America. He contrasted it with the lack of a similar ethic of volunteerism in France at that time—a nation that he said required an official act to create even the smallest civic accomplishment. San Carlos is very much like America in its early years, filled with the warmth of volunteerism and the ethic that actions speak louder than words. We salute the San Carlos Adult Community Center on the occasion of its 30th anniversary, and the Friends of the San Carlos Adult Community Center on its 20th anniversary. During every single day, they make a difference for the better in the lives of countless persons in the special community on the San Francisco Peninsula known as San Carlos.

HONORING THE LIFE OF  
ANASTASE POMONIS

**HON. TIMOTHY V. JOHNSON**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today in recognition of the life of Mr. Anastase Pomonis, lifelong entrepreneur and community icon. He was born in Athens, Greece on May 3, 1941 and passed away on July 10, 2012. He was an inspiration to the local Greek community and the community at large. He came to the Champaign-Urbana area in the 1960s and soon developed many entrepreneurial ventures.

Anastase, or Stacy as he was commonly known, was an excellent example of what living the American dream is all about. He came from a far away land to become a life story of great American success. Stacy developed The Brown Jug club in Champaign, whose house bands included the now famous REO Speedwagon. He went on to establish several local restaurant and diner chains, as well as several other businesses that thrive to this day.

He was proclaimed a Patriarch of the Three Hierarchs Greek Orthodox Church upon his passing. It is important to also remember him as a good father and husband. He was a man who was a mentor to many people. Speaking five languages and capable of reciting philosophic doctrine from heart, he was known as an intelligent and insightful man. He offered himself to the community through his words, heart and charity. Thank you, Anastase, for your extraordinary life and contribution to our community. We will miss you tremendously.

HONORING THE LIFE AND SERVICE  
OF NORTHWEST FLORIDA'S BE-  
LOVED REVEREND WILLIE H.  
CARTER

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is my privilege to honor the life and service of Northwest Florida's beloved Reverend Willie H. Carter. All of Northwest Florida, and in particular the people of Century, Florida, mourn the loss of this extraordinary man.

Reverend Carter spent the majority of his adult life in service to his fellow man. He was a strong advocate of human dignity and a tireless proponent of the importance of living up to one's God-given potential. Whether it was early on, as a counselor in the schools of Century, Florida, or later as Pastor of Pilgrim Lodge Baptist Church, Reverend Carter's love of our Lord was matched only by his devotion to the betterment of the youth in his community.

Friends and neighbors warmly recall this humble man with a ready smile and firm handshake who made a deep impact on all who had the good fortune to know him. "Your life is in your hands," he was fond of telling young people. "You can make it anything you want it to be." But Reverend Carter also called upon them to improve themselves by turning off the television and picking up a book. He was famous for challenging young people to "watch TV for an hour, close your eyes and see what you got out of that. Then read a book, close your eyes and see what you learned."

Aside from his work in education and in the church, he was an advocate for schools in the community, was named one of the Grand Marshals of the Northview High School Homecoming Parade in 2010, took part in the 2010 Northview Baccalaureate service, and was previously named a NorthEscambia.com Person of the Year. Additionally, in 2011, I was

pleased to welcome Reverend Carter, a World War II veteran, to Washington D.C., when he took part in the ninth and final Emerald Coast Honor Flight.

To some, Reverend Carter will be remembered as a spiritual leader; to others, he will be remembered for his tireless work on behalf of the youth of the Northwest Florida Community; and to his family and friends he will always be remembered as a loving husband, father, and grandfather. He touched the lives of many with his self-giving devotion and tireless commitment to service.

On behalf of the United States Congress, I am honored to recognize the life, honorable service and accomplishments of Reverend Willie H. Carter. He will be missed by many, but his memory will live on through the timeless legacy he leaves behind. My wife Vicki joins me in extending our thoughts and prayers to Kraig, Audra, Paris, Lauren, Aerial, and the entire Carter family.

IN HONOR OF WILLIAM NEIS

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life of William E. Neis, a resident of Bucks County who passed away on September 22 at the age of 93. Mr. Neis served as the honorable Mayor of Doylestown, PA, retiring after 25 years of volunteer service. He retired at the age of 86 as the longest serving mayor in Doylestown history and was known as "The Doylestown Cupid" for the thousands of weddings he performed for local couples. Friends and colleagues remembered him as a soft-spoken, modest man who embodied the characteristics and contributions of the "greatest generation."

Mr. Neis enjoyed distinguished careers. First, he served as a master sergeant in chemical warfare for the U.S. Army in World War II. He was the owner and CEO of William Neis & Son, Doylestown's soft drink bottler and beverage distributorship. He also was the state director of the PA Bottlers Association before becoming Mayor of Doylestown.

William Neis represented the best of Bucks County. A lifelong resident of Doylestown, he served his community for a majority of his life, maintained a loving family and was respected by all in Doylestown for his humble and selfless nature. His contributions will be missed.

IN RECOGNITION OF RUTH WISNOM

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Ruth Wisnom, the most committed and altruistic volunteer I know. Ruth has dedicated her life to helping others and creating a better future for all of us.

Ruth started volunteering with Peninsula Family Services 48 years ago, a testament to

her perseverance and commitment. She and her husband David Wisnom have also passed on their passion for volunteering to their children and grandchildren.

I commend Peninsula Family Service for honoring her with the Wisnom Family Award. The organization could not have chosen a more deserving family which exemplifies its mission to empower children, families and older adults to achieve and maintain self-sufficiency.

Ruth grew up in Ontario, Oregon. She went to Ontario High School and received her B.A. in Speech and Hearing Therapy from the University of Oregon.

From 1955 to 1957 she was the Assistant Director of the speech clinic at the May T. Morrison Rehabilitation Center in San Francisco. The following year she was a speech and reading consultant and English teacher at the Taipei American Schools in Taiwan.

She used her speech therapy expertise to set up speech clinics at the Crippled Children's Society in Monterey County and at UCSF Medical Center.

Since Ruth started volunteering for Peninsula Family Services—formerly Family Service Agency—in 1964, she has served on many boards of directors and committees, including Family Service Agency 75th Anniversary, Biennial Family Service Agency International Conference in Detroit, Family Service America, Family Service Agency of San Mateo County and as president of San Mateo County's Hillsborough Auxiliary. She is still an active member of the auxiliary and established its popular annual travel auction in 1970. Ruth is an honorary lifetime board member of Peninsula Family Service.

Ruth's service to the community includes other non profits—Peninsula Community Foundation, the Monterey County Symphony, and the San Francisco Opera Guild Board where she has been a tireless advocate for children's education and served as vice-president of fundraising. Her love for children is also evident in her work for the Avery Fuller Children's Center Foundation, the Episcopal Church of St. Matthew's and the Junior League of San Francisco and of the Monterey Peninsula, the Children's Home Society and the Crippled Children's Society.

Ruth's love of flowers, especially roses, has driven her to support the Hillsborough Garden Club where she was president from 1995 to 1997 and served on the Bay Area Steering Committee planning a weeklong flower, horticulture and ecology show.

Her unwavering commitment and service to our community have been recognized with several volunteer of the year awards from different groups.

Ruth and David are the parents of two children, David Wisnom, III and their late daughter Carol Wisnom Kastner who passed away in 2008. The garden at the Peninsula Service's Child Development Learning Center is named in her memory, "Carol's Kinder Garden."

Mr. Speaker, I ask the House of Representatives to rise with me to honor an extraordinary human being who epitomizes inexhaustible generosity and kindness. Our community and the world is a better place because of Ruth Wisnom.

## TRIBUTE TO MALALA YOUSAFZAI

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. MORAN. Mr. Speaker, I would like to call my colleagues' attention to an eloquent op-ed article by First Lady Laura Bush, published in the Washington Post this week following the horrific attack by Taliban gunmen on a 14-year-old girl, Malala Yousafzai. Mrs. Bush writes: "Malala inspires us because she had the courage to defy the totalitarian mind-set others would have imposed on her. . . [she] refused to look the other way. We owe it to her courage and sacrifice to do the same."

We are all horrified by the news of the savage attack on Malala. Taliban gunmen hunted her down as she returned home from school in the Swat Valley town of Mingora, Pakistan. The Taliban attackers also wounded two other schoolgirls riding on the bus with her.

This was a tragedy that could easily have been foretold. Malala was perhaps the most famous 14-year-old girl in the world, and for good reason. An activist since age 11, she had forcefully advocated for the cause of girls' education through a BBC blog, and she is a nominee for the International Children's Peace Prize. All she wanted to do was attend school like her brothers, in the hopes of becoming a doctor. But the Taliban announced their intention to kill her for her beliefs.

We can honor Malala by recommitting ourselves to invest in the development of girls all over the world. It is painfully ironic that, as Malala fights for her life this week, the world marks the first ever International Day of the Girl Child, designated by resolution of the United Nations General Assembly in 2011. Today, as we pray for Malala's survival and full recovery, our hopes must go beyond the Swat Valley and beyond the tribal totalitarianism of the Taliban.

The U.S. Agency for International Development points out that of the 850 million girls in the world, some 62 million do not attend school. This has devastating effects, not only on these girls and their families but on the generations that succeed them.

One in seven girls in the developing world marries before the age of 15. This leads to early pregnancy, and a host of risks to her life and health. But, with at least 7 years of basic education, young women tend to marry up to 4 years later, and they have 2.2 fewer children. USAID points out that with each extra year of basic education, a young woman earns 10 to 20 percent more in income. And women tend to spend a greater proportion of the finances under their control for the benefit of their family than men.

The Pakistani people value education, as we well know from our own admiration for the Pakistani Americans who so enrich our society. It is encouraging that the Pakistani people and government have rallied in support of Malala. The government has committed itself to bringing her attackers to justice, and spontaneous demonstrations of support for her and for the cause of basic education for girls have sprung up throughout the country.

Malala's hope was to become a doctor. But in the New York Times video posted this week after the attack, we learn from Malala's family that she was also thinking of becoming a politician, so that—in the words of her father Ziauddin Yousafzai—she could help create a society where a girl could easily achieve a doctoral degree, or any other academic goal.

That should be our focus as we work with the Pakistani people to create that society, and destroy the mind-set that says women and girls must remain subjected to domination by men.

[From the Washington Post, Oct. 11, 2012]

## WHY MALALA INSPIRES US

(By Laura Bush)

On Tuesday afternoon, Malala Yousafzai was a 14-year-old girl riding home on a school bus. Now, after a masked gunman apparently boarded her bus, asked for her by name and shot her in the head and neck, she is fighting for her life. Malala was targeted by the Pakistani Taliban because for the past three years she has spoken out for the rights of all girls to become educated. After this despicable shooting, a Taliban spokesman said that his organization considers Malala's crusade for education rights an "obscenity" and accused her of "propagating" Western culture. If she survives, the group promises to try again to kill her.

Eleven years ago, America awoke to the barbaric mind-set of the Taliban. Its regime in Afghanistan was dedicated in part to the brutal repression and abject subjugation of women. Women were not allowed to work or attend school. Taliban religious police patrolled the streets, beating women who might venture out alone, who were not dressed "properly" or who dared to laugh out loud. Women could not wear shoes that made too much noise, and their fingernails were ripped out for the "crime" of wearing nail polish.

Today, the Taliban has been pushed back, but it still operates in parts of Afghanistan and in the northern and western regions of Pakistan along the Afghan border. The city where Malala was shot, Mingora, is in Pakistan's Swat province, which has been on the front lines of the battle against Taliban extremists. In 2007, the Taliban gained control of Swat, only to be largely pushed out in the summer of 2009 by a Pakistani military offensive. During its time in power, the Taliban closed and destroyed girls' schools, leaving behind little more than piles of rubble; enforced its own interpretation of sharia law; and banned the playing of music in cars.

At age 11, to protest what was happening in her homeland, Malala began to write about her experiences, producing a blog for the BBC's Urdu-language service. She described wearing plain clothes, not uniforms, so that no one would know she was attending school and wrote about how she and other girls "hid our books under our shawls." Nonetheless, after the Taliban forced the closure of her school, Malala had no choice but to stay home and suspend her education. In another blog entry, she wrote: "Five more schools have been destroyed, one of them was near my house. I am quite surprised, because these schools were closed so why did they also need to be destroyed?" A few weeks later she wrote, "I am sad watching my uniform, school bag and geometry box" and "hurt" because her brothers could go to school while she could not.

Malala had dreamed of becoming a doctor, but recently she became interested in politics and speaking out for the rights of chil-

dren. In 2011, Malala was a nominee for the International Children's Peace Prize, which lauded her bravery in standing up for girls' educational rights amid rising fundamentalism at a time when few adults would do the same. Last year, she was awarded Pakistan's first National Youth Peace Prize. These are the accomplishments of the young girl who so terrified the Taliban.

Condemnations of the attempt on Malala's life have been swift and powerful. The U.S. government called it "barbaric" and "cowardly." Pakistan's prime minister said, "Malala is like my daughter, and yours too. If that mind-set prevails, then whose daughter would be safe?" And the Pakistani army's chief general said that the Taliban has "failed to grasp that she is not only an individual, but an icon of courage."

Speaking out after an atrocious act, however, isn't enough. Malala inspires us because she had the courage to defy the totalitarian mind-set others would have imposed on her. Her life represents a brighter future for Pakistan and the region. We must speak up before these acts occur, work to ensure that they do not happen again, and keep our courage to continue to resist the ongoing cruelty and barbarism of the Taliban. Malala Yousafzai refused to look the other way. We owe it to her courage and sacrifice to do the same.

Malala is the same age as another writer, a diarist, who inspired many around the world. From her hiding place in Amsterdam, Anne Frank wrote, "How wonderful it is that nobody need wait a single moment before starting to improve the world." Today, for Malala and the many girls like her, we need not and cannot wait. We must improve their world.

HONORING THE LIFE AND SERVICE  
OF U.S. BORDER AGENT NICHOLAS J. IVIE

**HON. JASON CHAFFETZ**

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. CHAFFETZ. Mr. Speaker, I rise today to honor a dedicated Border Patrol Agent and American hero who died tragically while working to keep America's southern border secure. In the early morning hours of October 2, 2012, 30-year-old Border Patrol Agent Nicholas J. Ivie died near Bisbee, Arizona, while responding to a sensor in a remote border region. He died in the line of duty of injuries sustained from a gunshot wound. We honor his service and sacrifice to the security and safety of the American people.

Born in Charleston, South Carolina on October 31, 1981, Agent Ivie later moved to Provo, Utah, where he graduated from Timpview High School. He subsequently spent two years in Mexico serving as a full-time missionary for The Church of Jesus Christ of Latter-day Saints. In Mexico, he not only developed a fluency in Spanish, but a great love of the people of Mexico. He eventually became certified as a firefighter and EMT because he felt it was the right thing to do. At the time of his death, Agent Ivie was living and serving near Naco, Arizona with his brother Joel, who was also a Border Patrol Agent. He died in a beautiful place among rugged terrain which he had frequently patrolled on his beloved horse and companion, Mouse.

After joining the Border Patrol's horse patrol, Agent Ivie was assigned a new mustang that had been captured in the wild, according to his brother Joel. The horse's ears were rounded because the tips had frozen off in the cold, so he named it Mouse. Nick loved horses and had a special relationship with Mouse, the horse who rode riderless in Ivie's 5-mile funeral procession ahead of dozens of agents on horseback.

Agent Ivie was an outstanding agent and, according to his family, a compassionate man. He once carried a pregnant woman with bare, badly-blistered feet for a mile and a half after she and her group of illegal border crossers became lost in the desert. He took his obligations to his family, friends and to his church, very seriously. He is remembered for his selflessness and his absolute commitment to family, country and faith. He also distinguished himself as a dedicated and accomplished agent who loved his job, his coworkers and his service to his fellow man.

We honor the tremendous personal sacrifice of Agent Ivie's family. He leaves behind his wife, Christy Lyn and two daughters, 3-year-old Raigan and 22-month-old Presley. Those around him knew he had a deep love for his wife and called his daughters his pride and joy. We also recognize his mother, Cheryl, father, Doug, four siblings: Chris, Andrea, Rick and Joel, and his stepmother Donetta. Agent Ivie was the youngest of his five siblings.

The United States of America is a beacon for freedom and liberty around the world because of the honorable and dedicated service of agents like Nicholas Ivie and his brother, Joel. The Ivie family has endured a terrible tragedy and made an extraordinary sacrifice on behalf of all Americans and we are forever thankful.

Today, I ask all Members of Congress to join me as we honor the life and legacy of Border Patrol Agent Nicholas J. Ivie, as well as each man and woman in our Border Patrol, and all of those in harm's way supporting their efforts, who toil daily to secure our borders and maintain our safety. I also ask that we recognize the sacrifice and burdens these families endure in support of this great country. We owe them all our eternal gratitude.

IN RECOGNITION OF MICHAEL  
GARB

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Michael Garb for his 20 years of service as the CEO and board member of StarVista, an outstanding non-profit organization in San Mateo County that transforms the lives of children, youths, adults and families. Michael embraces StarVista's philosophy that building strong and healthy communities begins with helping each individual to develop his or her own path to personal growth. The organization serves over 34,000 residents of San Mateo County every year, providing counseling, prevention, early intervention and education resources.

Michael was named Chief Executive Officer of StarVista in May 2008. He served on the board of directors for two decades, long before Youth and Family Assistance and Family and Community Enrichment Services merged in 2003 to become StarVista—a process he oversaw. The merger revitalized the organization, broadened its services, increased awareness of its programs, strengthened its branding, and increased both collaboration with other agencies and revenue. In short, more people now benefit from better services.

Under Michael's leadership the Bridge to Success Initiative was launched to expand programs for early childhood, family and youth. StarVista and the Silicon Valley Community Foundation brought together 20 partners, including school districts, preschools, non-profits, agencies, and the San Mateo County Office of Education, to help children in eight school districts.

The Youth Development Initiative, launched in 2011, has attracted diverse groups of youth and adults who learn to make their voices heard and become strong and contributing members of the community.

Jewish Family and Children's Services incorporated their Early Childhood Mental Health Programs into StarVista's array of services in 2012 to improve childcare and healthy childhood development.

StarVista's Women's Enrichment Center program was the first outside program to be selected to work with the County AOD and Mental Health departments to implement electronic medical records software that will eventually be used throughout the county.

Michael was born in Newark, New Jersey. He earned his BA in accounting from Bloomfield College.

He was on the school board of the Belmont-Redwood Shores School for eight years, two of them as president, on the 2-1-1 Steering Committee, the Community Health Reform Advocacy Committee, the Peninsula Partnership Leadership Council, and the Belle Haven Community School Executive Team.

In his well deserved retirement, Michael is looking forward to spending more time with wife of 44 years, Judy, their daughter Mindy Shelton and son Dave Garb and their four grandchildren.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Michael Garb who has turned StarVista into a smooth-running and highly respected agency that touches young and old lives every day.

San Mateo County is a better place for all of us because of Michael's vision, work and commitment to our community.

IN HONOR OF THE 80TH BIRTHDAY  
OF MARY ANNA MEYER

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. SCHOCK. Mr. Speaker, I rise today to recognize and honor Mary Anna Meyer, of Peoria, Illinois on her 80th birthday, which she celebrated on October 4, 2012. Throughout her life, Mary Anna has exemplified the Amer-

ican values of civic duty, service above self, and love of family, which includes her 7 children, 30 grandchildren, and 5 great-grandchildren.

Mary Anna has been an outstanding Peoria citizen for the past 40 years, deeply involved in civic, church, and social causes far too numerous to list. She has been a leader in the Republican Party, serving as a delegate in the 1980 National Convention, as a precinct committee person for over two decades, and as a member of the Peoria County Republican Women. Because of her years of experience and valued insights, she has served as a mentor and guide to many in political office, promoting legislation to build strong families and protect the right to life, liberty and the pursuit of happiness. Her service has crossed party and political lines, reaching the impoverished in Peoria by volunteering with the Missionaries of Charity and Sacred Heart Church programs. On a broader level, she has served many roles for the Catholic Diocese of Peoria—as a member and officer of the Respect Life Board and Council of Catholic Women, as a Director of Religious Education for over 30 years, and as a leader in the Catholic Women's Apostolate.

But her impact cannot be measured merely in terms of public leadership positions. Mary Anna has served as a role model and mentor to countless area citizens, working tirelessly to provide help for unwed mothers, counsel for troubled marriages, advice to confused youth, and recommendations to the Peoria City Council on many social issues. She takes Pride in Peoria to heart, and in turn, Peoria has much to be proud of in celebrating the achievements of her generous and selfless life. It is my honor to recognize her today, and to thank her for her decades of service to Central Illinois.

IN HONOR OF GENE DOVIDIO

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life of Gene Dovidio, a U.S. Navy Veteran of World War II and last Bucks County survivor of the attacks on Pearl Harbor. Mr. Dovidio passed away at the age of 87 on September 22, 2012.

He represented the best of Bucks County. A family man, he was the widower of Shirley Thompson Dovidio, father of Sandy Norris, David, Philip, Steven and the late Gerald and Sharon. He was the brother of Margaret De Luca, grandfather of seven, great-grandfather of nine; and also survived by many nieces and nephews. Mr. Dovidio was an Eagle Scout and served honorably as a Boy Scout leader in the community for many years.

Mr. Speaker, with the passing of Gene Dovidio, we mourn not just the man, who served his country honorably, but we also mourn the passing of an era. His death reminds of those who have served and those who continue to serve their country in the armed forces and we honor their sacrifices.

A TRIBUTE TO BRIGADIER  
GENERAL JENNIFER WALTER

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Jennifer Walter for attaining the rank of Brigadier General as she becomes the next Chief of Staff of the Iowa Air National Guard. This is a truly momentous occasion for the State of Iowa as Jennifer is the first female General Officer in the history of the Iowa Air National Guard.

Jennifer Walter began her historic career as a technician in 1975 as a temporary Clerk in Operations. Airman Walter would serve the next 11 years of her career as an enlisted person in various roles before receiving her commission for the Academy of Military Science as a Second Lieutenant in 1986. Three short years later, Lieutenant Walter had received a Bachelor of Science degree from Upper Iowa University, and would go on to successfully complete Squadron Officer School in 1994, Air Command and Staff College in 2000, and Air War College in 2004. Throughout her career, she has won numerous awards and decorations including the Bronze Star, Meritorious Service Medal, Air Force Achievement Medal, NATO Medal, and the State of Iowa Commendation Medal, just to name a few.

Since January of last year, Colonel Walter had held the position of Vice Wing Commander of the 132nd Fighter Wing in Des Moines where she was uniquely responsible for exercising command responsibilities and providing a combat ready force for mobilization. This position included ensuring mission ready personnel, equipment, and F-16C aircraft for worldwide tasking by commanding over 970 personnel and 21 aircraft. On Sunday, the Iowa Air National Guard will formally bestow Brigadier General Walter with her new role as she assumes the prestigious role as Chief of Staff of the Iowa Air National Guard where she will directly assist Iowa's Adjutant General.

Mr. Speaker, I have been a long-time, outspoken supporter of Iowa's 132nd Fighter Wing in Des Moines because of the remarkable men and women who are the best in the Nation at what they do. Jennifer Walter's career is a testament to the 132nd Fighter Wing and what Iowans are capable of through hard work and unwavering commitment to a cause greater than themselves. I applaud Brigadier General Walter on her most recent promotion in her remarkably storied career. I invite my colleagues in the House to join me in congratulating Jennifer, and all of the Iowa Air National Guard, on the continued excellence they provide to Des Moines, the State of Iowa, and our Nation as a whole.

IN RECOGNITION OF REVEREND  
DR. LARRY WAYNE ELLIS

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Reverend Dr. Larry Wayne Ellis for his 25 years of service and inspiration as senior pastor of Pilgrim Baptist Church in San Mateo.

Dr. Ellis understands the power of the written and spoken word. He has authored six books, including *Trust*, *The Congregation Driven Ministry* and *The Uncommon Book of Prayers*. He was also selected to contribute to the *Oxford Sermons Volume II*. His soothing voice fills his parish and the airwaves of KFX-AM and KMEL-FM radio on a regular basis. His radio ministry "Teach the Word" is broadcast daily on KFX and the "Dr. Larry Show" is broadcast monthly on KMEL.

Dr. Ellis started as the pastor of Pilgrim Baptist Church in September 1987 and has grown and revitalized his congregation ever since. Originally from Clarksville, Tennessee, he earned his bachelor's degree from Austin Peay State University in Tennessee. He moved to California and received his Master of Divinity degree from Golden Gate Theological Seminary and his Masters Degree in Counseling from the College of Notre Dame. In 1995, he topped off his education with a Doctorate of Ministry from the Northern Baptists Theological Seminary in Illinois.

Dr. Ellis continues his lifelong commitment to religious education. He currently serves as vice president and professor at Southern Marin Bible Institute and an adjunct professor at Golden Gate Seminary in Mill Valley. In 1999, he was selected as president of Bay Area Baptist Congress Christian Education and in 2002 served as vice president of the California State Congress of Christian Education. He was president of California State Baptist Congress of Christian Education from 2005 until 2010. He is on the board of directors of The National Baptist Congress of Christian Education.

Members of Dr. Ellis' congregation describe him as a teacher and encourager who lives by example—or as he puts it, "I am my message. I have to model my ministry." A few years ago, a veteran joined the church after some 10 years in the military. She had drifted into a life of drugs and hopelessness. Dr. Ellis encouraged and mentored her to turn her life around. She cleaned up, moved into transitional housing the church had purchased and went to school to earn her BA and Masters degrees. Today she is a double homeowner and mentors children and members of the Pilgrim Baptist congregation.

In addition to preaching, teaching and encouraging, Dr. Ellis is always looking for ways to stay engaged with our community outside the church. He founded C.H.O.I.C.E.S., a drug information and referral nonprofit agency and became president and CEO of the Pilgrim Organization, Inc., a youth through senior nonprofit organization.

Our community has recognized his invaluable contributions. He received the Hero of Health Award from the African American Com-

munity Advisory Board, the Pastoral Excellence Award from Samford University, and he was inducted into the San Mateo Library Wall of Fame.

Dr. Ellis is married to Vanderler Hines-Ellis and is the proud father of Tawana, Justin and Austin.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Reverend Dr. Larry W. Ellis who has touched thousands of lives and lifted the spirits of the residents of San Mateo, California and throughout the world.

HONORING ELIZABETH "LIBBY"  
CURRAN, PEOPLE MAGAZINE'S  
TEACHER OF THE YEAR

**HON. CHARLES F. BASS**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. BASS of New Hampshire. Mr. Speaker, I rise today to honor Elizabeth "Libby" Curran, who was recently named Teacher of the Year by People Magazine, one of only five educators across the country to receive this award for her efforts to change the lives of her students.

Libby is a special education teacher at Richards Elementary School in Newport, New Hampshire. She also serves as a district trainer for Newport School District's Alternative Assessment Program, mentoring her colleagues and serving as a role model for new educators.

Libby's dedication to her students goes beyond the classroom and normal school hours. She created a successful afterschool reading buddies program for students to improve their reading skills by reading to each other, and Libby has encouraged 500 children and their families to become regular library users. Libby even writes and illustrates small hand-made books that she distributes to her students. As Libby says in the magazine, "Reading is the key to success, not just in school, but also in life."

Our children's success in the classroom starts with great teachers, and Libby is a terrific example of the caliber of teachers we are proud to have in the Granite State. It is an honor to represent Libby in the United States Congress, and I wish her all the best as she continues to touch the lives of so many students in New Hampshire and beyond.

IN HONOR OF HARRY CROHE

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Harry Crohe, a member of the Bucks County Rescue Squad. Mr. Crohe joined the Rescue Squad in 1963 as a volunteer and is presently an Emergency Medical Technician. He has held the following positions, Director of First Aid, Chief, and President of the Board of Directors. He was Chairman of the employee

relations, fundraising, ambulance and building committees.

During his tenure with the Bucks County Rescue Squad, Mr. Crohe also served as a volunteer fireman and on the Bristol Borough Town Council. Presently, he serves on the Bristol Borough Planning Commission. His wife Cathy also volunteers with the Rescue Squad.

Mr. Speaker, Harry Crohe exemplifies all of the best qualities in a Bucks County resident. He has worked tirelessly for 50 years to help members of his community and improve the local quality of life. His efforts should be commended.

#### HAZLETON LIONS CLUB'S MELVIN JONES FELLOWSHIP AWARD RECIPIENTS

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. BARLETTA. Mr. Speaker, I rise today to honor Mr. Frank Molinaro IV, Mr. James Warnagiris, Dr. Joseph Bafile, Mr. Richard Hudak, and Mr. Richard Piskel, recipients of the Melvin Jones Fellowship Award. This award is presented by the Hazleton Lions Club and given for a person's outstanding service to the club and the community. It is the highest award given in Lionism.

Since 1917, Lions Clubs have offered people the opportunity to give something back to their communities. On October 23, 1923, the Hazleton Lions Club was formed, and this year, the club will celebrate its 89th anniversary. Since its founding, the Hazleton Lions Club has been extremely active within the community, completing numerous projects and making donations in support of many other organizations.

Mr. Molinaro, Mr. Warnagiris, Dr. Bafile, and Mr. Piskel have all served as president of the Hazleton Lions Club. Mr. Hudak currently serves as first vice president and will begin a term as president in July 2013. All five men are being honored for raising \$5,000 over a five-year period for the Lions Clubs International Sight First II Project. Sight First is a Lions initiative to restore sight and prevent blindness around the world. Each of these men also took part in the construction of the Hazleton Lions Pavilion in the Hazle Township Community Park. They have each served our community loyally.

Mr. Speaker, today Mr. Frank Molinaro IV, Mr. James Warnagiris, Dr. Joseph Bafile, Mr.

Richard Hudak, and Mr. Richard Piskel stand as civic leaders in Northeastern Pennsylvania. I commend them for their years of admirable service to the Hazleton Lions Club, our community and country, and I wish them continued success in the future.

#### IN RECOGNITION OF EDWARD SONNY NAKISO

### HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Police Sergeant Edward Sonny Nakiso for his 29 years of service at the Burlingame Police Department.

Sergeant Nakiso has worked in multiple positions during his long career in law enforcement. He started out as an officer in 1983 and quickly rose through the ranks of the department. He was appointed inspector and responsible for the investigation of juvenile crime. Other duties included patrol, investigations, traffic enforcement and tactical training. From 1989 to 1997 he was an operator with the SWAT team. As the department's first school resource officer, Officer Nakiso taught 3rd-graders about the dangers of gangs and drugs. He was promoted to sergeant in 1997.

Sergeant Nakiso has demonstrated exemplary dedication, loyalty, integrity and work ethic. He is well-liked by citizens from whom he has received hundreds of letters of appreciation for his service. His colleagues describe him as heroic, compassionate, professional, efficient and a problem solver. For example, Sergeant Nakiso was part of a law enforcement contingent that traveled to Tonga to learn about the relationship between the Tongan police and the local residents. He used that experience back here at home to improve the relationship between police and our Tongan community.

Edward Nakiso was born in San Francisco in 1957 and graduated from Crestmoor High School in San Bruno in 1975.

In his well-deserved retirement, he is looking forward to spending more time with his wife Kim and their two sons, Chris and Kevin. He will also enjoy having extra time to play basketball, bowl and ride his motorcycle.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Sergeant Edward Sonny Nakiso—or "Eddie"—for keeping the residents of Burlingame safe for almost three decades and for making our community a better place.

#### A TRIBUTE TO THE LIFE OF BETTY PIA

### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 12, 2012*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Betty Pia, who passed away on September 24, 2012 at the age of 95. Betty will always be remembered for her kind heart, intelligent mind, and go-getter attitude.

Betty was born on May 29, 1917 in the beautiful state of Georgia. She moved to Southern California for a period of time, and in 1965, Betty and her husband Joe settled in Madera, California. Together they raised their daughter, Nancy.

To say Betty led an exciting and fulfilling life is an understatement. She served as President Franklin D. Roosevelt's nurse, was close friends with President Jimmy Carter, served on Congressman George Radanovich's Education Committee, and owned and operated Magic Heart Guest Home for almost 40 years. It is evident that serving others was a key focus of Betty's life.

Betty Pia paved the way and opened doors for thousands of women in America, and it was easy for her to do so because her morals and principles always led her in the right direction. She was a lifelong Democrat, but her party affiliation never interfered with her respect for people. Compromise and hard work were values that she taught by example to those that had the privilege of working with her.

Betty's efforts in politics were complemented by her deep commitment to community organizations. A natural leader, she was involved in the Local Women's Improvement Club, Kiwanis Club, and the Madera Chamber of Commerce. As a resident of Madera for over 49 years, she was always a strong advocate for the Central Valley. Up until the day she passed, Betty never slowed down, and the citizens of Madera and the Central Valley will be forever thankful for her work ethic and her contributions to her community.

Mr. Speaker, I ask my colleagues to join me in honoring the life of Betty Pia, one of Madera's most distinguished public servants and a true champion for the people of the San Joaquin Valley. Her leadership and community service made her a role model and a source of pride for our community. Betty's caring nature and vibrant spirit will be sorely missed.



**SENATE—Tuesday, October 16, 2012**

The Senate met at 10 and 5 seconds a.m., and was called to order by the Honorable CHRISTOPHER COONS, a Senator from the State of Delaware.

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APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant bill clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 16, 2012.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

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ADJOURNMENT UNTIL 11 A.M.,  
FRIDAY, OCTOBER 19, 2012

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 11 a.m. on Friday, October 19, 2012.

Thereupon, the Senate, at 10 and 35 seconds a.m., adjourned until Friday, October 19, 2012, at 11 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, October 16, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Ms. HERRERA BEUTLER).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 16, 2012.

I hereby appoint the Honorable JAIME HERRERA BEUTLER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Michael Wilker, Lutheran Church of the Reformation, Washington, D.C., offered the following prayer:

Gracious and merciful God, as the Members and staff of the House of Representatives continue their work to care for our Nation, we praise You and trust You hear our prayers.

It's harvest time in much of our Nation. Thank You for the farm workers and owners, ranchers, fishermen and women, and gardeners who are managing and harvesting the bounty of Your creation. Bless their labor and protect them from danger and adversity.

Election Day is approaching. Thank You for all who volunteer and work toward a fair, inclusive, and productive Election Day: Federal and local election officials, the secretaries of states and their staff members, campaign workers, and candidates. Inspire our diligence, help us correct our errors, and open our hearts and minds to each other.

Finally, we pray for our friends and family members who need Your care. You are gracious and merciful. Hear our prayers. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. CONNOLLY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONNOLLY of Virginia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 10 a.m. on Friday, October 19, 2012.

Accordingly (at 2 o'clock and 4 minutes p.m.), the House adjourned until Friday, October 19, 2012, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8088. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — National Organic Program (NPO); Amendment to the National List of Allowed and Prohibited Substances (Livestock) [Document Number: AMS-NOP-11-0063; NOP-11-11FR] (RIN: 0581-AD018) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8089. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service [AMS-DA-10-0055] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8090. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations [Docket No.: APHIS-2008-0015] (RIN: 0579-AC85) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8091. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's report on the Availability of Credit to Small Businesses, pursuant to 12 U.S.C. 252; to the Committee on Financial Services.

8092. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8093. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a Determination Pursuant to Section 451 of the Foreign Assistance Act for the use of funds to assist civilian-led unarmed opposition groups in Syria; to the Committee on Foreign Affairs.

8094. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo that was declared in Executive Order 13413 of October 27, 2006; to the Committee on Foreign Affairs.

8095. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "District of Columbia Public Schools Local Schools and Central Office Budget Process Report (Report #2) Fiscal Years 2007-2010", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

8096. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting the Commission's Fiscal Year 2012 Commercial and Inherently Governmental Activities; to the Committee on Oversight and Government Reform.

8097. A letter from the General Counsel, Peace Corps, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8098. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at the Clarksville Modification Center, Ft. Campbell, in Clarksville, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8099. A letter from the Controller, National Society Daughters of the American Revolution, transmitting the Audited Financial Statements of NSDAR for the Fiscal Year ended February 28, 2011, pursuant to 36 U.S.C. 1101(20) and 1103; to the Committee on the Judiciary.

8100. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment to Class B Airspace; Salt Lake City, UT [Docket No.: FAA-2011-0438; Airspace Docket No. 11-AWA-4] (RIN: 2120-AA66) received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8101. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Sweetwater, TX [Docket No.: FAA-2011-0829; Airspace Docket No. 11-ASW-9] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8102. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Battle Creek, MI [Docket No.: FAA-2011-1110; Airspace Docket No. 11-AGL-21] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8103. A letter from the Program Analyst, Department of Transportation, transmitting

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Department's final rule — Amendment of Class E Airspace; Lemmon, SD [Docket No.: FAA-2012-0391; Airspace Docket No. 12-AGL-2] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8104. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Tullahoma, TN [Docket No.: FAA-2011-1367; Airspace Docket No. 11-ASO-41] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8105. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Montgomery, AL [Docket No.: FAA-2012-0411; Airspace Docket No. 12-ASO-26] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8106. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Colorado Springs, CO [Docket No.: FAA-2011-1191; Airspace Docket No. 11-ANM-21] received September 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8107. A letter from the Secretary, Department of Energy, transmitting the Department of Energy's Nuclear Waste Fund's Fiscal Year 2011 Financial Statements, pursuant to 42 U.S.C. 10224(c); to the Committee on Energy and Commerce.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GRAVES of Missouri (for himself, Mr. SCHIFF, Mr. LONG, and Mr. AKIN):

H.R. 6575. A bill to amend title XVIII of the Social Security Act to improve operations of recovery auditors under the Medicare integrity program, to increase transparency and accuracy in audits conducted by contractors, and for other purposes; to the Committee on Ways and Means, and in addition to the Com-

mittee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILIRAKIS:

H.R. 6576. A bill to amend title 10, United States Code, to permit veterans who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to such travel; to the Committee on Armed Services.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GRAVES of Missouri:

H.R. 6575.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1 (General Welfare) and Clause 3 (Commerce)

'Congress shall have the power to . . . provide for the . . . general welfare'

'Congress shall have the power . . . to regulate Commerce'

The Medicare Audit Improvement Act makes several changes to the way hospital audits are conducted which involves at least three parties: a hospital, a private Medicare contractor who conducts audits and the Center for Medicare and Medicaid Services. During the auditing process, transactions take place between these parties which is what constitutes this bill as regulating commerce. Further, Medicare is considered to be constitutional as part of providing for the general welfare and therefore any changes to Medicare would fall under this provision as well.

By Mr. BILIRAKIS:

H.R. 6576.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which

grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 546: Mr. GOHMERT.

H.R. 750: Mr. ROKITA.

H.R. 904: Mrs. BIGGERT.

H.R. 1054: Mrs. DAVIS of California.

H.R. 1876: Ms. JACKSON LEE of Texas.

H.R. 2052: Mr. RANGEL and Mr. McGOVERN.

H.R. 2103: Mr. LANGEVIN.

H.R. 2168: Mr. BISHOP of Utah.

H.R. 2479: Mr. CLEAVER.

H.R. 2514: Mr. ROKITA.

H.R. 2563: Mr. KING of Iowa.

H.R. 3032: Mr. DEFazio.

H.R. 3053: Mr. LEWIS of Georgia.

H.R. 3300: Ms. PINGREE of Maine.

H.R. 3444: Mr. BARLETTA.

H.R. 3481: Mr. BOUSTANY.

H.R. 3591: Ms. ESHOO and Mr. ISRAEL.

H.R. 3625: Mr. NADLER.

H.R. 4024: Mr. STARK.

H.R. 4025: Mr. STARK.

H.R. 5969: Mr. FORTENBERRY.

H.R. 5970: Mr. FORTENBERRY.

H.R. 6138: Mr. STARK and Mr. CAPUANO.

H.R. 6291: Mr. MILLER of Florida, Mr. WOLF, Mr. FALOMAVEGA, and Mr. DIAZ-BALART.

H.R. 6388: Ms. BORDALLO, Mr. LARSEN of Washington, Ms. NORTON, Mr. TONKO, Mr. TIERNEY, Mr. BUTTERFIELD, Mr. SHERMAN, Ms. VELÁZQUEZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ROTHMAN of New Jersey, Mr. LOBIONDO, Ms. ESHOO, Mr. LANGEVIN, Mr. CLARKE of Michigan, Ms. WOOLSEY, Mr. LEWIS of Georgia, Mr. STARK, Mrs. BIGGERT, Mr. McGOVERN, Mr. HONDA, and Mr. CUMMINGS.

H.R. 6428: Mr. MICHAUD.

H.R. 6527: Ms. JACKSON LEE of Texas.

H.R. 6528: Mr. CONYERS, Mr. LEWIS of Georgia, and Mr. HONDA.

## EXTENSIONS OF REMARKS

100TH ANNIVERSARY OF BOY  
SCOUT TROOP 21, ROCHESTER, MN

### HON. TIMOTHY J. WALZ

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. WALZ of Minnesota. Mr. Speaker, I ask the House to join me today in honoring the 100th anniversary of Boy Scout Troop 21 in Rochester, Minnesota. Troop 21 is one of the oldest and hardest working Boy Scout troops in Minnesota.

Over the years, thousands of young men have passed through their program, learning valuable leadership and life skills while also enjoying outdoor activities and performing service projects. Over 160 of Troop 21's scouts have reached Eagle Scout—the highest achievement level possible in Boy Scouts.

The Boy Scouts of America reached its centennial in 1910 with a renewed call for greater community service. In 2010, Troop 21 answered this call and performed 494 hours of community service ranging from trash collection, food drives, and projects to improve local churches and parks.

With the people of Minnesota, I ask this Chamber to join in celebrating Boy Scout Troop 21's 100-year anniversary.

IN RECOGNITION OF THE YAR-  
MOUTH CHAMBER OF COMMERCE

### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize the Yarmouth Chamber of Commerce upon its fiftieth anniversary. The Chamber of Commerce plays an essential role in the Yarmouth community, connecting local businesses and offering visitors an insider's perspective on much of what this beautiful coastal town has to offer.

Founded in 1962, the Chamber of Commerce has grown to be comprised of nearly 400 members. From museums and charities to banks, churches, and seaside restaurants, the Chamber represents a diverse array of the organizations that help to give Yarmouth its unique character. Every day, these businesses provide vital services to Yarmouth's year-round residents and to its countless visitors. The many years of hard work by the Yarmouth Chamber of Commerce have been essential in developing Yarmouth's vitality, a characteristic that draws so many to this beachside town every year.

Mr. Speaker, please join me in thanking the Yarmouth Chamber of Commerce, its leaders, and the hundreds of businesses and organizations for their years of service to the town of

Yarmouth. I am certain that the Chamber's and its member organizations' futures will be bright.

HONORING THE FAYETTE  
SPIRITUAL AIRES

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a Gospel Singers' Group, The Fayette Spiritual Aires.

In 1975, God gave Jimmy Jackson a vision to organize a gospel quartet group, which he named "The Fayette Spiritual Aires". Throughout the years, this group has touched many lives and led many to Christ through its singing ministry.

The Fayette Spiritual Aires has been blessed to do three professional recordings: In 1986, 1992 and their latest album in 2009. Jimmy Jackson, the founder of this group, served as manager and lead singer until his sudden death in 2002.

The group is currently managed by James E. Oliver and the supporting members are: Erma Clark, Carlton Brown, Ellison Brown, Freddie Blanton, Adrick Hunter, Kendrick Hunter, Derrick Varnado, Dwayne Thompson and James Jones. Fred Hunter is a former member of this group and one of the first promoters of professional gospel quartet groups in Southwest Mississippi.

Other members of the group that have departed life and left us with their memories are: the late Rev. David White, Moses Turner and Roosevelt Buie who were all dedicated to the Fayette Spiritual Aires.

This group has been inspired by personal performances with other professional gospel groups and has traveled to many cities throughout the United States performing their ministry through gospel singing.

Mr. Speaker, I ask my colleagues to join me in honoring The Fayette Spiritual Aires, a Mississippi Gospel Singing Group.

THE PASSING OF SENATOR ARLEN  
SPECTER

### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise to commemorate the life and achievements of Senator Arlen Specter. On October 14, 2012, Senator Arlen Specter passed on due to complications of non-Hodgkins lymphoma; he was 82.

Mr. Speaker, Senator Arlen Specter was a dedicated public servant who served as a sen-

ator for the state of Pennsylvania. He made tremendous and long-lived contributions to Pennsylvania and to our nation.

Senator Arlen Specter was a leader on criminal justice issues and foreign affairs. He also worked on stem cell research legislation with Democrats as part of his fight to advance health care research.

Mr. Speaker, Senator Arlen Specter will be remembered for the important bipartisan role he played.

I urge my colleagues to join me in the mourning and remembering Senator Arlen Specter.

IN RECOGNITION OF THOMAS  
TIGHE

### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mr. Thomas Tighe as he is recognized by the Kiddie Keep Well Camp on the occasion of their 10th Annual Fall Gala. Mr. Tighe is truly deserving of the Camp's 2012 Civic Leader of Distinction honor.

Currently serving as President of the Central Labor Council of Middlesex and Somerset Counties, Mr. Tighe touts an impressive resume of experience with organized labor. Since his 5 year apprenticeship in the United Association of Plumbers and Pipefitters in 1971, Mr. Tighe has steadily become a vital leader of the labor organization, having served as President of Local 9 of Central New Jersey; an Executive Board Member and Trustee of the Pension, Welfare and Surety Fund; and head of the Mega Base Organizing Committee, among others. In addition to his roles within the union, Mr. Tighe is an active member in his community and throughout Middlesex County. He serves as a member of the Boy Scouts of America Executive Board of Central New Jersey Council; as Vice Chair of Middlesex County College Board of Trustees; and as a member of the Board of the Middlesex County Board of Social Services.

Additionally, Mr. Tighe has served as a Board Member of Kiddie Keep Well Camp for 13 years. Kiddie Keep Well Camp has served underprivileged children in Middlesex County for over 80 years. It is a place where children, who may not otherwise have been able to attend summer camp, can participate in activities and learn valuable life skills and lessons. Mr. Tighe's commitment to his community is evident in his service to the Kiddie Keep Well Camp.

Mr. Speaker, once again, please join me in congratulating Thomas Tighe on his 2012 Civic Leader of Distinction honor. Mr. Tighe's leadership roles and dedication to Middlesex County is truly deserving of this body's recognition.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## HONORING THE KAISER SINGERS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable group, The Kaiser Singers. The Kaiser Singers have become a household name for many. Their music has stirred the spirits and hearts of music lovers both young and old.

The group was formed in 1968 by Mrs. Beatrice Kaiser and her daughters, Annie, Hattie and Estella. They had no idea that this would be the beginning of a lifelong inspiration. The group's early years of singing was done mostly in churches around their hometown of Yazoo City, Mississippi. During those years they sang a cappella, learning to make sweet harmony with their voices.

After their first year of singing, the group was joined by Mrs. Kaiser's sister, Francine, and then later by her youngest daughter, Linda. In the early 70's, Ms. Diane Jones and Ms. Christine Burns joined the Kaiser Singers for a short while and Ms. Jones became the group's first musician. Several years later Mrs. Kaiser's son, Mr. Walter Ross, and a friend, Mr. Jamel Barley, joined the group as their musicians for a few months.

Mr. Speaker, I ask my colleagues to join me in recognizing the Kaiser Singers.

IN HONOR OF THE RETIREMENT  
OF LINDA SCHIMMEL**HON. CHRIS VAN HOLLEN**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. VAN HOLLEN. Mr. Speaker, on the occasion of her retirement after nearly 36 years of federal service, I would like to recognize a member of the staff of the Congressional Budget Office: Linda Schimmel. Her last day with the agency will be this Friday, October 19. Linda Schimmel has spent almost all of her federal career as the Publications Coordinator at CBO, working for all eight of its directors as well as the several acting directors in between. In that role, she has provided exemplary and faithful service in distributing CBO analyses, making certain to get them into the hands of Members of Congress, Congressional and agency staff, and members of the public in a timely way. Her knowledge and hard work have meant that CBO's publications office has provided customer service to an extraordinary degree over the years, service that goes well beyond what is necessary and expected—to show real devotion to helping customers. For all that she has done, she has earned the admiration and affection of her colleagues at CBO and the gratitude of the U.S. Congress. I am wishing her well in her retirement.

THE DEATH OF MERVYN  
DYMALLY**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Ms. RICHARDSON. Mr. Speaker, it is my regrettable duty to report the death of a personal hero and a great American, former Congressman Mervyn Dymally. Mr. Dymally died Sunday, October 7, 2012. He was 86. I was deeply saddened to learn about the passing of my dear friend Mervyn, known to his friends as Merv. I will remember him most for his tremendous work helping African Americans in California succeed in politics at all levels of government.

Merv served as a California assemblyman, state senator, and lieutenant governor and as a Member of Congress for over a decade. However, I will remember him for the role he played in providing leadership, political representation, and for his efforts to increase accessibility to health care in African American communities. He also was a champion for education, social justice, economic opportunity, and an enlightened U.S. policy toward Africa and the Caribbean. He was instrumental in establishing the nursing school at Charles Drew University, which is named after him.

In 2006, I had the great honor of serving with Merv in the California State Assembly. He was a trailblazer who opened doors and mentored the next generation of political leaders, myself included. Merv had the foresight to see the possibility of increasing African American representation in elective offices all around the country. Merv legitimized our efforts and succeeded by establishing the largest Legislative Black Caucus in California history, coined the "Divine Nine."

Just five short months into my first term as a state assemblywoman, Merv was one of the mentors who encouraged me to run for the seat vacated by the untimely passing of the late Congresswoman Juanita Millender McDonald. Merv and I often shared many conversations about how to best serve the people of the 37th Congressional District.

Merv was by my side again this year, working to educate the community on the importance of voting and preserving African American representation. Merv has been a steady guide throughout my political career and for that I am blessed for having known him and learned from him.

Merv was a great leader, mentor and friend and he will be sorely missed. I extend my prayers to his family, offer my willingness to assist, and say thank you for sharing life's most precious treasures: time, life and love of a political father to us all.

Mr. Speaker, I ask for a moment of silence in memory of Mervyn Dymally.

## HONORING MS. KAREN DAVIS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable gospel

singer, Karen Davis. Ms. Davis was raised in a musical home in Mound Bayou, Mississippi by her parents Ms. Betsy Jackson and the late Joseph Jackson. Her mother a pianist has a gospel group called the Jackson Starlets formerly known as the Jackson Starters. At the age of 3 years old, Ms. Davis began singing in Jerusalem Missionary Baptist Church choir and also at rehearsals with her mother's group. Ms. Davis was active in music classes in junior high and high school where she played the piano and sang with the school choir.

After marrying Mr. Terry Davis and moving to Shelby, Mississippi, she expanded her gospel singing and piano expertise by becoming Choir Director at Mount Layton Missionary Baptist Church in Ruleville, Mississippi, and Mount Moriah Christian Methodist Episcopal Church in Clarksdale, Mississippi. Ms. Davis has been a pianist for various churches and receives many invitations to sing at numerous Christian and civic events.

Ms. Davis' family lineage includes renowned blues legend Nellie "Tiger" Travis. Her ten siblings, Jorgen, Clinton, Patricia, Audrey, Debra, Metra, Glynis, Almata, Sonya and Bethina all sing and play the piano.

Ms. Davis believes gospel music is a ministry because it ministers to the soul of people. She has received many accolades from congregations and people who are fortunate to hear her sing. Her daughters, Sharita, Sharlette and Simone have developed a love for gospel music. Sharita sings alongside her mother at events and sings as a soloist.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Karen Davis as an inspirational gospel singer.

CONGRATULATING VETERINARY  
SERVICE INC. (VSI)**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to recognize and congratulate Veterinary Service Inc., VSI, which will be inducted as a member of the Stanislaus County Ag Hall of Fame "Legends in Agriculture" during a ceremony in Modesto, California, on November 8, 2012.

VSI is a success story some fifty-two years in the making. Headquartered in Modesto, VSI provides a diverse supply of animal health products. The company was founded in the late 1950's when Frank Sweetman, a local sales representative for a chemical supply company, invited two veterinarians, Dr. Willis Woodward and Dr. Donald Rosenberg, to join him in establishing an animal health and nutrition distributorship. John Pugliese then teamed up with Sweetman to form the new company's sales team. These four leaders' decision to band together would forever change their lives.

Poultry was a major focus for the company during its first 20 years. Dr. Woodward became a renowned poultry pathologist, spending much of his time developing innovative products for the poultry industry. The company gradually expanded its offerings from poultry

nutrition, to feed additives, to sanitation products and more. As the company continued to succeed, it explored ways to expand the business to meet the needs of more agricultural industries. In 1979, John Scheuber was hired to be the General Manager for the company—which by this point, included locations in Modesto, Fresno, Perris and Petaluma. Soon thereafter, VSI expanded to the retail feed store business.

In the 1990's, the company set out on an ambitious expansion plan that included establishing a distribution center in Oregon. In 1995, VSI ventured in to dairy sales in the southern San Joaquin Valley; and four years later, it purchased Merced Dairy Supply to improve sales to dairies throughout Central California. Over the years, the dairy market has provided the company with great growth and continues to be a major share of the company's sales.

As part of the company's expansion efforts, it diversified its product offerings to include pet products. Seeing increased opportunity in the pet segment, VSI purchased LA Pet, a primary pet food distributor, in 2001. With the acquisition, VSI became a one-stop supply option for all pet items needed by any retailer. VSI also expanded its efforts internationally when it teamed with a Chinese customer, Alix Co., to establish ASI, Animal Supplies International, which imported products into the U.S. VSI then became the owner of ASI and its sister company, JC Logistics, JCL—a freight forwarding company which moves containers for importing and exporting. With involvement in ASI and JCL, VSI became internationally connected.

In 2004, Dr. Woodward passed away, and John Scheuber succeeded him as the President and CEO.

The focus on innovation by VSI's founders established a solid foundation for the company, as well as a culture for success that remains today. The company not only supports the growing agricultural industry, but it has established a standard of employee relations which has greatly contributed to the company's success and positioned it for strong growth in the future. The four original stockholders established a company that thrives because of its successful strategy to retain talented employees. It introduced an innovative and motivational Profit Sharing Plan in 1972; and in 1991, it developed an Employee Stock Ownership Program, which enables each employee to own corporate stock.

Today, at 52 years strong, VSI and its 220 employee-owners continue to provide quality products and customer-driven service for all segments of the animal health industry. VSI continues to be a strong supporter of the community, as well as a leader in the agricultural industry.

Mr. Speaker, please join me in praising VSI, Veterinary Services Inc., for their significant contributions to agriculture and to the people of our local community.

HONORING MS. SYLVIA JONES

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable young woman, Ms. Sylvia Jones. Sylvia was raised in Belzoni, Mississippi, by her parents, Marvin and Timaka Jones.

Sylvia has always strived for excellence. Her committed determination has earned her the Principal Scholar awards. Her high school grade point average is 3.70, putting her at the top of Humphreys County High School Class of 2012, and earning her the title of Valedictorian.

Sylvia has worked hard and has been active in different sports and organizations since she was in elementary school. During her high school years, she played basketball and served as a leader among her peers. She also played softball, tennis, and ran track, which led to many athletic awards including the Coach's Award, Best Offensive Player, member of the All-District team throughout the Delta, and named the #2 player in the Delta. Sylvia is a member of the Senior Beta Club, Student Council Association, and Students Making a Change (SMAC). In August 2012, Sylvia plans to attend Jackson State University and major in Mathematics.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Sylvia Jones for her determination and strive for excellence in education and leadership.

IN RECOGNITION OF THE TWIN  
LIGHTS 150TH ANNIVERSARY

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize The Twin Lights Historical Site in Highlands, New Jersey on the occasion of their 150th anniversary celebration. The current structure, built in 1862, was commissioned by the United States Light House Board in the 1850s to provide the waters surrounding New York Harbor with a more permanent structure and to replace the existing structures which had fallen into disrepair.

Prior to the 1820s, the only lighthouse in the area surrounding New York Harbor was the Sandy Hook Lighthouse. However, with the completion of the Erie Canal in 1825, Congress realized the need for an additional structure in the area of New York Harbor to ensure ships had an additional tool they could use to safely navigate the treacherous waters off Northern New Jersey. In 1828, two structures were constructed on the current site of the Twin Lights, but in the 1850s, the U.S. Light House Board realized there was a need for a more permanent structure in the location of Highlands, New Jersey. In 1862, the permanent structure as it stands was completed. The Twin Lights, named for the dual Fresnel lenses which were placed in two adjacent tow-

ers, began to emanate light from the hillside of Highlands, New Jersey.

In addition to its significance as a navigation tool for ships in the New York Harbor, the site was also home to several important and historical moments in U.S. history. In 1893, the site was chosen for the first reading of the pledge of allegiance. In 1898, the south tower of Twin Lights was electrified, and became the only on-shore lighthouse in the U.S. to have its own generator. Guglielmo Marconi in 1899 tested his telegraph technology at the site, where it became evident that this new form of communication would revolutionize the way people communicated. By the 1930s and 1940s, the role of Twin Lights began to diminish, as new technologies began to emerge. However, during the 1940s, Twin Lights was chosen by the U.S. government as the primary location to test radar technology, something which played a pivotal role in helping the U.S. and its allies obtain victory in World War II. In 1962, the Twin Lights Historic Site was transferred to the authority of the State of New Jersey, and is currently on the State and National Registry of Historic Places. Although the towers of Twin Lights were decommissioned in 1952, the light of the south tower still shines today as a navigational tool for private navigators.

Mr. Speaker, please join me in leading this body in celebration of the Twin Lights Historic Site's 150th anniversary celebration. The Twin Lights Historic Site has played a pivotal role in American and New Jersey history, and it is with great pleasure that I am able to join them in their celebration.

HONORING THE PUBLIC SERVICE  
WORKS OF MRS. NORMA SIAS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a resourceful and ambitious woman, Mrs. Norma Sias. Mrs. Sias is a living testament to what can be done through hard work, perseverance and dedication.

Born July 24, 1943 to parents Leodis and Ukele York in Leona, Mississippi, Mrs. Sias is a graduate of Jordan High School in Carthage, Mississippi and current resident of Rolling Fork, Mississippi.

Norma obtained her Bachelor's Degree in Literature in 1966 from Jackson State University after which she began teaching at Henry Weathers High School in Rolling Fork. After four years of teaching English, Mrs. Sias became Librarian at Henry Weathers in 1970 and then later returned to Jackson State University to continue her studies in Library Science.

After completing her work at Jackson State University, Norma then ventured on to receive her Masters in Library Science from Delta State University, to shortly thereafter become Librarian of Anguilla High School, until she retired after 34 years of service in 2004.

In addition to her work as Librarian, Mrs. Sias serves as the president of the South

Delta Retired Education Personnel office, secretary of the Issaquena Credit Union and secretary of St. Peter Missionary Baptist Church.

She is also an active member of Vicksburg Alumnae Chapter of Delta Sigma Theta Sorority, Inc. where she continues to work as a civil servant, participating in countless public service activities.

Mrs. Norma Sias has been married to Mr. Melvin Sias for 41 years to their union they have one daughter, Melanie.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Norma Sias for her dedication to serving our great her community and Sharkey County Schools.

IN RECOGNITION OF DR. BRIAN  
ROTHSCHILD

**HON. WILLIAM R. KEATING**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize Dr. Brian Rothschild on his receipt of the 2012 Prince Henry Society Award. On October 20, he will be recognized for his contributions to the maritime and fishing industries.

Dr. Rothschild has long dedicated his life in pursuit of better science and instruction. He currently serves as Co-Director of the Massachusetts Marine Fisheries Institute at the School for Marine Science and Technology at the University of Massachusetts, Dartmouth.

His contributions to the marine fisheries industry extend from studies of population dynamics and biological oceanography to fisheries management and natural resources policy. This is not the first time his expertise has been recognized. In 2004, he received an Outstanding Achievement Award from the American Institute of Fishery Research Biologists and in 2008 he was recognized by The Standard-Times as the "South Coast Man of the Year."

Mr. Speaker, I ask that my colleagues join me in congratulating Dr. Rothschild on his receipt of the 2012 Prince Henry Society Award. We thank him for his role in marine sciences and eagerly anticipate his continued contributions to the field.

TRIBUTE TO REVEREND MICHAEL  
SNIFFEN

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to the Reverend Michael Sniffen, a man dedicated to serving God, his family, and the community.

Rev. Michael Sniffen was ordained in 2007 and went to The Church of St. Luke and St. Matthew in 2010 after serving as Assistant Rector of St. John's, Lattingtown, NY. Since arriving at The Church of St. Luke and St. Matthew, Fr. Michael has created a full time Artist-in-Residence program, opened the

church to the community more than ever, expanded programs for children, built relationships with youth in detention and attracted a growing and diverse congregation.

As part of linking the church and the neighborhood, Fr. Michael won a grant of \$287,000 from the New York City Department of Environmental Protection to undertake a major green infrastructure project in the churchyard that will help the environment as well as create a new public greenspace on the block. In 2011 NYC chose The Church of St. Luke and St. Matthew to launch ChangeByUs—a program linking neighbors together to build a better city.

Fr. Michael holds a B.A. from W.V. Wesleyan College and a Master of Divinity degree from Drew University. He is a candidate for a Ph.D. in Homiletics and Liturgical Studies. A member of the American Academy of Religion, a visiting member of the Academy of Homiletics and the North American Academy of Liturgy, Fr. Michael has won awards in Pulpit Oratory and Manner, as well as pastoral leadership and innovative ministry. For the 2011/12 academic year he was a Luce Fellow of the Center for Christianity in Global Contexts. He is currently Secretary of the board of Episcopal Response to AIDS.

Mr. Speaker, I would like to recognize the Reverend Michael Sniffen for his commitment to economic and social justice in Brooklyn and beyond.

Mr. Speaker, I urge my colleagues to join me in recognizing the Reverend Michael Sniffen.

HONORING MR. TYRONE DAVIS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable blues artist, Mr. Tyrone Davis.

Tyrone Davis was born as Tyrone Fettson on May 4, 1938, in Greenville, Mississippi. Through his blues career, he was first known as Tyrone the Wonder Boy, then later as Tyrone Davis.

Tyrone moved with his father to Saginaw, Michigan, before relocating to Chicago, Illinois in 1959. He then became a valet/chauffeur for blues singer Freddie King. He befriended the likes of Bobby "Blue" Bland, Little Milton, and Otis Clay, among others, and began to pursue his own singing career in the clubs on the city's West and South Sides. While working for King, he started singing in local clubs where he was discovered by record executive/musician Harold Burrage. This became the start of his career as a blues singer called "Tyrone the Wonder Boy".

His records for small labels under "Tyrone the Wonder Boy" did not bring him much success. In 1968, a successful Chicago record producer Carl Davis signed him to a new label, Dakar Records, that he was starting as part of a distribution deal with Atlantic, and suggested that he use the stage name Tyrone Davis. A Texas DJ flipped his first release over and started playing the B-side, "Can I Change My Mind."

Teamed with producer/arranger Willie Henderson, who masterminded "Can I Change My Mind", Tyrone Davis capitalized on his breakthrough with a string of orchestrated hits that emphasized his new, smoother style, and helped point the way for Chicago soul into a new decade. "Is It Something You've Got" reached the R&B Top Five in 1969, and it was followed in 1970 by the sublime "Turn Back the Hands of Time." It was his second R&B number one, and also his biggest hit on the pop charts with a peak at number three.

Tyrone Davis hit the R&B Top 40 with steady regularity over the next few years, including the Top Tens "Could I Forget You," "I Had It All the Time," "Without You in My Life," and "There It Is." In 1975, he scored his third number one R&B hit with "Turning Point," but left Dakar for Columbia the following year.

Tyrone Davis' ballad mastery was a main selling point for Columbia, which made his backing orchestrations even lush than before, but he also made the occasional concession to contemporary dance trends, which informed his debut Columbia hit "Give It Up" a number two R&B single from 1976. Further successes followed in "This I Swear" (1977), "Get On Up" (1978), and the slinky ballad "In the Mood" (1979). Tyrone Davis recorded his final album for Columbia in 1981, then switched to Highrise, where he promptly landed a Top Five R&B hit—his last, as it turned out—with "Are You Serious" in 1982. Short stints with Ocean-Front and Prelude followed before Tyrone Davis settled in with Future for the latter half of the 1980s. He spent the first half of the 1990s on retro-soul label Ichiban, recording several albums, and then moved to Southern soul imprint Malaco in 1996 for an equally productive stay that lasted into the new millennium. Tyrone Davis continued to release new albums every year or two, and toured the soul/blues circuit as restlessly as ever. Tyrone Davis suffered a stroke in October of 2004 and remained hospitalized until his death in February of 2005.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Tyrone Davis, a great blues legend from Mississippi's Second Congressional District.

HONORING MR. LEONARD JAMES  
CANTY, JR.

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Ms. LEE of California. Mr. Speaker, I rise today to honor the exceptional life of Mr. Leonard James Canty, Jr., community stalwart and entrepreneur, co-founder of the 100 Black Men of the Bay Area, Inc. and founder of the Black Economic Council, BEC. "Len," as he was known, was a trailblazing businessman committed to supporting and promoting minority- and women-owned businesses. Known as a hard-working and talented visionary, a passionate advocate and a man of great faith, Mr. Canty has left an indelible mark on Bay Area communities. With his passing on September 22, 2012, we look to Len Canty's legacy and the outstanding quality of his life's work.



Born on April 26, 1945, to Leonard James and Elisabeth Canty, Len was part of a large family growing up in Atlanta, Georgia. A U.S. Air Force veteran during the Vietnam War, Mr. Canty moved to Oakland, CA, upon his honorable discharge in 1968. There he met his loving wife and lifelong partner of 42 years, Kyra. Mr. Canty worked for United Airlines and in real estate, until launching his own mortgage brokerage firm, Canty & Associates, in 1984.

Throughout his entrepreneurial success, Mr. Canty never lost sight of the needs of his community. Among his many career milestones, he was a founding member in 1988 and an eventual President of the 100 Black Men of the Bay Area, Inc. A tireless champion for African American equality and opportunity, he was Chairman of the 1993 African American Economic Empowerment Conference and a lecturer in the African American Entrepreneurship program at California State University, East Bay. In the early 1990s, he founded a private equity venture capital fund for small, minority- and women-owned businesses. And, in 2005, after a decade of investment banking, he founded the Black Economic Council, a national 501(c)(3) headquartered in Northern California.

Today, the BEC celebrates its Second Annual Game Changers and Bridge Builders Awards in tribute to its founder, Len Canty, who epitomized the qualities of positive change and collaboration. As an organization facilitating local business development, economic sustainability and job creation to advance the economic platform of Black Americans and underserved communities, BEC is a leading advocate in promoting the equity and self-sufficiency of Black communities through stronger economic infrastructure.

Len Canty's tireless work to open access to intellectual and economic capital for communities of color stretched to many fields. He frequently traveled to Washington, DC, to fight for initiatives and spoke extensively about financial fitness, health disparities, supply diversity issues, regulatory bodies and equal access to federal and corporate contracts. His numerous accolades included, most recently, the 2012 "Spotlight Award" from the Bay Area Business Roundtable.

On a personal note, Len was a longtime friend and supporter. His "tough love" was a constant source of inspiration. Our conversations were deep and authentic. He was truly a visionary and a magnificent leader who always kept his "eyes on the prize." Moreover, Mr. Canty was a church Deacon and a man of deep compassion. He demonstrated a strength and commitment to both his immediate family and the extended family that he created within our community.

Today, California's 9th Congressional District salutes and honors an outstanding individual and inspiring community leader, Mr. Leonard James Canty, Jr. He was a dear friend, a respected colleague and mentor, and a beloved husband, father, son, grandfather, brother and uncle who will be deeply missed by an extended group of loved ones. I offer my sincerest condolences to Len's surviving family and to the many friends and associates whose lives he touched over the course of his incredible life. The Bay Area and the nation has lost one of its greatest advocates for economic justice. May his soul rest in peace.

## SUPPORT FOR VOTER EDUCATION EFFORTS BY NORTHWESTERN UNIVERSITY

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 16, 2012

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to express my thanks and support for recent actions by Northwestern University to help students register to vote and navigate increasingly complex and strict voter registration procedures nationwide. Their efforts were chronicled in an article by the New York Times this past Sunday, and I hope that my colleagues will pay attention to the story and its lessons.

Today, roughly 11 million college students are eligible to vote. Unfortunately, states across the country have considered or passed legislative initiatives that erect barriers to student voting. Northwestern University, which I am proud to represent, rose to the challenge and adopted a series of policies to ensure that its student body could go to the polls. When incoming freshman picked up their student IDs, they were given the opportunity to register to vote. Volunteers took time out of their day to make sure that out-of-state students were given absentee request forms, and any assistance they required so that their vote would count when they engaged in their civic duty.

As last weekend's article noted, Northwestern University's initiatives were wildly successful. Last year, 89% of incoming Northwestern freshmen were registered to vote in 37 states by the first day of class. This year, the university again saw dramatic success—almost 95% of their eligible freshman were registered as of the first day of classes, and out-of-state students had the tools to make sure their vote was not denied due to new state regulations.

After the enormous success seen on its campus, Northwestern University expanded its project and created the UVote Project. The UVote Project shares these proven registration techniques to campuses across the nation—providing consistent and streamlined registration efforts so that students get the support they need to participate in the democratic process. According to the project's web page, schools who adopt these methods typically see their student voter registration rates double or triple.

These recent efforts by Northwestern University and their UVote Project are the type of collaboration between students and institutions of higher learning that I envisioned when I introduced the Student VOTER Act, a bill that would make institutions of higher learning play a key role in voter registration efforts. The contents of this bill have been incorporated into H.R. 5799, the Voter Empowerment Act of 2012. The Voter Empowerment Act modernizes and overhauls our voter registration system to assure that as many people are involved in our democratic process as possible, and I urge my colleagues to support it.

I congratulate Northwestern President Morty Shapiro and hope other universities will follow his lead. Together, through policies like those

created by Northwestern University and through legislation such as the Voter Empowerment Act of 2012, we can encourage increased engagement and participation, including among student voters.

[From the New York Times, Oct. 13, 2012]

## COLLEGES TAKE A LEAP INTO VOTER REGISTRATION

(By Steven Yaccino)

EVANSTON, IL.—Every four years, volunteers swarm university campuses, clipboards in hand, to register newly eligible voters for what is generally the only presidential election of their undergraduate careers. This year they found large numbers were already registered.

Dozens of colleges have begun their own voting registration drives in orientation programs, class registration, intranet Web sites and other interactions crucial to campus life, institutionalizing services that had often been left to outside efforts. As a result, thousands of students registered to vote, updated their addresses or requested absentee ballots from their home states within days of arriving to campus this fall, officials at several universities said.

University-sponsored attempts to make voting easier for students are being tested in at least 60 colleges across the country amid the outbreak of battles over new voting laws.

"The voter registration process has become more cumbersome and difficult as there's been a competition to define who is eligible to vote," said Dan A. Lewis, director of Northwestern University's Center for Civic Engagement, which started incorporating voter registration into its freshman orientation last year. "You almost have to have a Ph.D. now to figure out how to do it if you're not sitting in the same house for the past 20 years."

Northwestern officials who developed the new program, UVote Project, said their intent was not to critique voting rules across the country, but to help students navigate them more easily.

"We're not always going to have the incredible excitement among 18- to 22-year-olds that you did in 2008, so I think it's an obligation," said Morton Schapiro, the president of Northwestern. "We're supposed to teach citizenship."

Northwestern, just north of Chicago, began a drive to register voters last year, with incoming students signing up when they picked up their campus IDs. University-trained staff and volunteers provided absentee ballot request forms from all 50 states, scanned students' driver's licenses or other identification, and offered to mail in the paperwork.

By the first day of class, 89 percent of the university's freshmen had been registered to vote, in 37 states. Northwestern repeated the effort this year, registering almost 95 percent of eligible freshmen, and expanded the model to eight other colleges. Stanford University used the method around campus, including on its bicycle registration line, netting more than 700 new voters in two weeks.

Roughly 11 million eligible voters ages 18 to 24 are in college, about a quarter of all eligible young voters, according to the Center for Information and Research on Civic Learning and Engagement at Tufts University.

The federal Higher Education Amendments of 1998 require colleges to make a "good faith effort" to distribute registration materials to transient students, who have the option to establish residency in their home community or where they go to school.

Students who prefer to vote absentee must first traverse an array of varied rules. Some states, like Michigan and Tennessee, make voters who register by mail cast a ballot in person for their first election. North Carolina requires that ballot requests be handwritten. Other states, like Delaware and Wyoming, require a notary.

Complicating matters more this election have been partisan fights over restrictions on registration drives and new laws requiring state-issued IDs for voting, though many have been overturned or blocked this year.

Harvard University, which holds a competition among dormitories to register the most voters, is one of a growing number of schools expanding efforts by purchasing access to the Web site of TurboVote, a non-profit effort that provides complete online registration and automated vote-by-mail services.

Founded in 2010, TurboVote is working with 58 colleges this year. It now helps more than 100,000 individuals get absentee ballots, find voting locations and track coming elections, sending out text reminders for important deadlines.

"We single-handedly registered more people in a couple of hours than several organizations that have been doing this for months," said Shelby Taylor, a spokeswoman for the University of Florida, which promoted TurboVote on the college's intranet home page and in an e-mail from the university's president. The school, which registered more than 3,000 students this year, also flashed ads for TurboVote on the football stadium's GatorVision screen during the opening home game last month.

"We alone cannot do this," said Heather Smith, president of Rock the Vote, which has been registering voters on campuses for two decades. "If we could get every university engaged and invested in the work of asking every one of their students to register to vote, we'd have a very different democracy."

#### RECOGNIZING MRS. DORIS STEEN IVY FOR HER COMMITMENT TO EDUCATION

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Mrs. Doris Steen Ivy. Mrs. Ivy has proven to be a woman of tenacity, dedication, and compassion.

She is a resident of Rolling Fork, Mississippi, but was raised in the town of Anguilla. In 1972, Mrs. Ivy obtained her Bachelors of English degree from Mississippi Valley State University and later received her Master's of Science from Jackson State University in 1979.

After graduating from Jackson State University, Doris began teaching English for the South Delta School District in Rolling Fork, Mississippi, where she served as a Department Chair.

From 1992–1993, Mrs. Ivy taught English Composition I and II as an adjunct professor at Mary Holmes Junior College in West Point, Mississippi, and served as a Mississippi Teacher's Accountability Instrument Evaluator. Doris served as an ACT protector for twenty-two years and Drug-Free and Safety facilitator

for South Delta High School for fourteen years as well as advisor for the South Delta High School peer counseling program. This program was able to provide food and inspirational services to members of the elderly community in Rolling Fork. In 2011, Mrs. Ivy furthered her commitment to literacy by becoming certified as a Library Media Specialist.

She is the wife of Mr. Sammie Ivy; to their union they have two children, Stephanie and Steven. Mrs. Ivy is a faithful member of Chapel of the Cross Church, where she has served as secretary for over thirty years.

Mr. Speaker, I ask my colleagues to join us in recognizing Mrs. Doris Steen Ivy for her unwavering commitment to serving as a role model and educator for the children of the South Delta School District.

#### HONORING ELIZABETH "BETH" BARNES

##### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor Elizabeth "Beth" Barnes, Tuolumne County Senior Veterans Services Representative, who will retire in December 2012, after 35 years of outstanding service to our veterans.

Elizabeth "Beth" Barnes was born October 2, 1945, in San Andreas, California. Beth moved to Tuolumne County in 1967 and went to work at Brown's Drive Inn in 1972. On June 1, 1977, she was hired on as a Housekeeper at Tuolumne General Hospital. On June 5, 1982, she was promoted to a clerk typist in the Veterans Office. Beth was then promoted to Senior Veterans Services Representative on November 5, 2000.

Beth married Harold "Barney" Barnes on March 26, 1965. Barney went to work for Rasmussen Lumber Company, now known as the Sierra Pacific Industries, in Chinese Camp on September 12, 1965, and retired on June 28, 2012. Beth and Barney have three sons: Stephen, Harold Jr. (Chip) and wife Debbie, and Rick and wife Sheila. Stephen and Rick both enlisted in the Marines and each served eight years.

Beth's first passion is her family and home, then her family of veterans. She served as the Secretary of the California Association of County Veterans Service Officers from 1992 until 2012. She also served as the Secretary of the National Association of County Veterans Service Officers from 2006 to 2012.

Over the years, Beth's name has become synonymous with Veterans Services. Before most of us had even entered public service, Beth had gained a reputation for her vast experience helping veterans and their families apply for and obtain their benefits. Her devotion to veterans is not only professional, but personal. Many of her family members have served in the military, so it is not surprising that working with veterans has become her life's work.

The work that Beth has chosen to do makes significant differences for our veterans—from applying for financial compensation, to ensur-

ing veterans receive appropriate medical care, to helping their dependents with health insurance and college tuition. She has filed claims and advised veterans from the Spanish-American War, WWI, WWII, Korea, Vietnam, Desert Storm, Beirut, Grenada, Panama, Iraq and Afghanistan. These benefits also help our community. Between 2009 and 2010, over one million dollars in new one-time benefits were obtained.

Beth has numerous accreditations and affiliations with the following agencies: Accreditations with American Legion; California Department of Veteran Affairs; Disabled American Veterans; National Association of County Veteran Service Officers; California Association of County Veteran Service Officers; Veterans of Foreign Wars; American Veterans; Military Order of the Purple Heart; Retired Enlisted Association; World War I of USA; Vietnam Veterans of America; Jewish War Veterans; and Catholic War Veterans.

To quote Beth: "This is more than a job; it's a life."

Mr. Speaker, please join me in honoring and commending Beth Barnes, Tuolumne County Senior Veterans Representative, for her many years of selfless service to our veterans and the betterment of our community.

#### IN MEMORY OF UNITED STATES AMBASSADOR TO LIBYA JOHN CHRISTOPHER STEVENS

##### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Ms. LEE of California. Mr. Speaker, I rise today with my Northern California colleagues GEORGE MILLER, JACKIE SPEIER, ZOE LOFGREN, MIKE THOMPSON, LYNN WOOLSEY, ANNA ESHOO, DORIS MATSUI, PETE STARK, JOHN GARAMENDI, JERRY MCNERNEY, MIKE HONDA, and SAM FARR of California, to honor, celebrate, and remember Ambassador John Christopher "Chris" Stevens. A son of Northern California and the Bay Area, Ambassador Stevens tragically lost his life in the greatest service to this country—selflessly and courageously representing American values in a foreign nation he knew intimately and cared for deeply.

Born in 1960 in Grass Valley, California, Ambassador Stevens made a mark early in life as a student at Piedmont High School, where he participated with enthusiasm in academics, the performing arts, and tennis. His education in the 9th Congressional District continued upon his admission to the University of California, Berkeley. As a History major, he delved into studies of the Near East and became a member of the Alpha Tau Omega Fraternity. Later, he earned a law degree from another Bay Area institution, UC Hastings College of the Law in San Francisco. His subsequent work in international trade law preceded the takeoff of his diplomatic career in 1991.

Ambassador Stevens' passion for foreign service began early, starting with his high school participation in an AFS Intercultural Program in Spain and blossoming during his years as a Peace Corps volunteer in Morocco.

The diverse and instrumental positions he held as a member of the U.S. Foreign Service in Israel, Syria, Egypt, Saudi Arabia, Libya and Washington, D.C., among others, helped to build his deep and personal understanding of the Middle and Near East.

A fluent Arabic speaker, Stevens was selected by President Obama to be the U.S. Special Representative to the National Transitional Council in Libya, undertaking the complicated task of creating connections with insurgents and tribal groups on behalf of the United States. As the Qaddafi regime crumbled, Ambassador Stevens worked passionately towards establishing a nascent Libyan democracy. In the process, he created innumerable personal friendships and professional relationships with Libyans—not only with officials and diplomats, but with everyday people.

In his diplomatic capacity, Ambassador Stevens brought a profound and prolific knowledge of the Arab world to his assignment. His exemplary gift for making personal connections was invaluable in his role as Special Representative and, later, Ambassador, to one of the most complex and challenging regions of the world. Therefore, as we join in recognizing Ambassador Stevens amidst a sober outpouring of praise from his family, colleagues, fellow Americans, and the leaders of this nation, we remember that Chris Stevens was beloved by many Libyans, as well.

In remembering Ambassador Stevens, we also honor the three other Americans who bravely sacrificed their lives alongside him: Sean Smith, Tyrone Woods, and Glen Doherty. The mournful loss of these members of the Foreign Service will not be forgotten. We pay tribute to all of them today and keep their families in our thoughts. We also express our deepest sympathy and condolences to Ambassador Stevens' family, to whom he was a devoted son, brother and stepson who always made time for visits home despite the incredible demands of his diplomatic missions.

Therefore, on behalf of the residents of California's 1st, 5th, 6th, 7th, 9th, 10th, 11th, 12th, 13th, 14th, 15th, 16th, and 17th Congressional Districts, we join President Barack Obama, Secretary of State Hillary Rodham Clinton, Democratic Leader NANCY PELOSI and an expansive global network of supporters in saluting Ambassador John Christopher Stevens. Ambassador Chris Stevens will be remembered for his strong sense of dignity, his humility, and his generous service to others. He will be truly missed by all who loved him and by all he served through the magnitude of his life's work.

HONORING MR. JOE WILLIE  
"PINETOP" PERKINS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor one of the best blues pianists known, Mr. Joe Willie "Pinetop" Perkins.

Pinetop was born Joe Willie Perkins in Belzoni, Mississippi, on July 7, 1913. Pinetop

dropped out of school after the third grade. He taught himself the rudiments of blues guitar on a homemade instrument called a diddley bow: a length of wire stretched between nails driven into a wall. He began entertaining at dances and house parties at age 10 and soon learned to play the piano as well. While still in his teens he left Mississippi and traveled to Chicago. But he came back to Mississippi and didn't decide to make Chicago his home until the 1950s.

He worked primarily in the Mississippi Delta throughout the 1930s and '40s, spending three years with Sonny Boy Williamson on the King Biscuit Time radio show on KFFA in Helena, Arkansas. Pinetop also toured extensively with slide guitar player Robert Nighthawk. After briefly working with B.B. King in Memphis, Pinetop "barnstormed" the South with Earl Hooker during the early '50s. The pair completed a session for Sam Phillips' famous Sun Records in 1953. It was at this session that he recorded his version of "Pinetop's Boogie Woogie," a song originally written and recorded by pianist Clarence "Pinetop" Smith—the influential blues pianist who died from a gunshot wound at age 24 in 1929. Willie Perkins was already being referred to as "Pinetop" when he played on King Biscuit in the '40s, but it was his sensational version of this song that secured him the lifelong nickname of "Pinetop."

Pinetop Perkins started out playing guitar and piano at house parties and honky-tonks. In the 1940s, he had to drop the guitar due to an encounter with an outraged chorus girl in a Helena, Arkansas, nightclub when she knifed him, leaving him with severed tendons in his left arm. That dashed his guitar aspirations, but Pinetop came back strong from the injury, concentrating solely on piano from that point on.

Pinetop is known for holding down the piano chair in the great Muddy Waters Band for twelve years during the pinnacle of Muddy's career. Replacing Otis Spann in 1969, Pinetop helped shape the Waters sound and anchored Muddy's memorable combo throughout the '70s with his brilliant piano solos. In 1980, Pinetop and other members of Muddy's crew struck out on their own and formed the Legendary Blues Band—a group that recorded two records for Rounder and toured extensively, culling several Grammy nominations.

After being labeled a sideman for most of his career, Pinetop eventually left the Legendary Blues Band to concentrate on solo work. Within two years, he had cut his first domestic record as a frontman and pursued an ambitious tour schedule. He was featured on several nationally syndicated news and music programs, and appeared in numerous movie productions and TV and radio ads.

The great irony of Pinetop's career is that he didn't blossom as a headliner until his eighth decade on the blues scene—a phenomenon that resulted in the release of 15 solo records in 15 years, beginning in 1992. On his 1998 release, "Legends," Pinetop collaborated with master blues guitarist Hubert Sumlin. Together, they blended the traditional Delta blues sound with modern electric blues rock, showcasing the spirit and energy of the music. "Born in the Delta" and "Legends" were both nominated for Grammy Awards—in

1997 and 2000 respectively. This was followed by a 2005 Grammy nomination for "Ladies Man," released by MC Records. That same year, he was also presented with a lifetime achievement award at the Grammys.

Aside from his well-deserved Grammy recognition, Pinetop also received a National Heritage Fellowship in 2000 from the National Endowment for the Arts. He has been featured in the documentary "Piano Blues," directed by Clint Eastwood for the Martin Scorsese PBS series, "The Blues." In addition, he continued to win the Blues Music Award for best blues piano every year until 2003, when he was retired from the running and the award was renamed the Pinetop Perkins Piano Player of the Year.

In 2007, he was still on the road at 94 years old; Pinetop Perkins' unique life was chronicled in Peter Carlson's biographical documentary DVD, "Born in the Honey," which includes a live CD with a rare studio outtake track.

"Pinetop Perkins and Friends" released on Telarc, an independent classical recording company that crosses over to include blues and even jazz music. In that release by Telarc in the summer of 2008, Pinetop was positioned in the midst of several high-profile guests—all of whom have been influenced by his music in some way or another over the past several decades. Included on Pinetop's list of Friends were such luminaries as Eric Clapton, B.B. King and Jimmy Vaughan.

His latest recording is "Joined at the Hip," a collaborative project with Willie "Big Eyes" Smith, released in June 2010. Pinetop also received a Grammy in 2010 for this collaborative project with Willie "Big Eyes" Smith for Best Traditional Blues CD.

Pinetop passed away on March 21, 2011, at the age of 97. When he passed away, he still had performances lined up for the year.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Joseph Willie "Pinetop" Perkins, a great blues legend from Mississippi's Second Congressional District.

IN RECOGNITION OF ANGEL  
GOMEZ

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. REYES. Mr. Speaker, I rise today to recognize Angel Gomez for selfless service to our community. He has helped thousands of people through his non-profit, Operation HOPE Helping Other People Endure.

Selfless doesn't even begin to describe Angel Gomez.

Many lives have been touched by Angel, an appropriate name for a man with a heart the size of Texas.

A native of El Paso, Texas, he attended Bowie High School and later joined the United States Navy. He is a proud Bowie Bear Alumni and Veteran.

His real passion, other than serving his county in uniform, has always been helping others in need.

In 1995 he began volunteering his time to the community, with the support of his wife

Patricia, daughter Rubi and other family members.

Seeing the growing need around him he co-founded Operation HOPE in 2009, and he has invested even more time and resources to help the El Paso Community he loves so much.

Operation HOPE has allowed Angel to share his vision of community outreach with thousands of people in need. He works with community partners and volunteers who share the same values and passion for giving, and these relationships have made it possible to multiply his efforts to improve our community.

Over the past seventeen years, El Paso residents have received food baskets during the holidays, along with blankets, clothing, and medical supplies. Hospitalized children that were hospitalized have received toys and gift baskets to lift their spirits. Hundreds of persons with disabilities have received assistance with medical supplies, medications, durable medical equipment, and accessible ramps. And families have received assistance with funeral expenses and spiritual support during their time of need.

To others, the donated items and arrangements made may not seem like much, but behind each action is something intangible, something money can't buy: hope.

On behalf of the El Paso community, I would like to thank Angel Gomez for all he has done for those in need and for the positive impact he continues to have in our community.

A TRIBUTE TO MR. AND MRS.  
TONY AND MARY CARDOSO

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. COSTA. Mr. Speaker, I rise today to celebrate the 90th birthdays and 60th wedding anniversary of Mr. and Mrs. Tony and Mary Cardoso. The life that Tony and Mary have built together over the past sixty years is an inspiration to all of us. Their story is reflective of the American Dream, working hard to create better lives for themselves and their children.

Anthony Bernard Cardoso was born in Lemoore, California, on October 16, 1922. When Tony was 20 years old, he enlisted in the United States Marine Corps during the height of World War II. He proudly served our country for six years, spending time overseas on the Marshall Islands and Hawaiian Islands as an aviation mechanic. Tony was honorably discharged from the Marines in 1948 as a Staff Sergeant. Upon his return home, he went into the dairy business with his brothers.

Mary Dorothy Couto was born in Kerman, California, on October 18, 1922. In the 7th grade, Mary was pulled out of school, so she could contribute all of her time and energy into the family farm. In 1944, Mary bravely joined the Navy where she served our country for two years. In 1946 she returned home; a few years later, she met Tony at a local dairy.

Tony and Mary were married on October 18, 1952. In the early years of their marriage,

Tony and Mary owned a dairy farm. The farm was sold in 1959, and they opened a liquor store in Biola, California. Over the years, they experienced great success and had the opportunity to expand their store, which was aptly named the Biola Variety Liquor Store. Tony and Mary were proud owners of the store for over 20 years. They worked long hours and were open seven days a week.

In the past six decades they owned and operated three businesses, raised their children, Antoinette and Charles, remained active in the community, and have acted as loving and caring grandparents and great grandparents. Clearly, their marriage not only reflects a partnership filled with deep affection and love, but also one that enjoys the intelligence of two business savvy people.

Tony joined the Biola Chamber of Commerce in 1959, and was a past president in 1963. He was a past commander of the Biola VFW Post. Tony is extremely proud of a veterans' memorial that was put up near an elementary school in Biola. He believes it is a perfect location because children can walk by and better understand the sacrifices men and women make to serve our country. Tony is also a member of the Biola American Legion Post and the Kerman American Legion Post. He has proudly served as Grand Marshal at the Biola Raisin Day Parade.

The Cardosos retired in 1979. They stay busy by working in their vegetable garden, being involved in the community, and spending time with family. Having a cohesive and close-knit family is very important to Tony and Mary. As a grandmother, Mary made it a point to bring all of her grandchildren together whenever possible, so all the cousins would have close relationships. Mary and Tony truly understand what is important in life. On a personal note, Mary and Tony have served as exceptional role models for me—their nephew. Their work ethic and commitment to service allowed me to witness first-hand the best of what our nation has to offer and encouraged me to do the same.

Mr. Speaker, I ask my colleagues to join me congratulating Mr. and Mrs. Tony and Mary Cardoso for their 60 years of commitment to one another and for their long lives that exemplify the genuine meaning of hard work and dedication.

HONORING EDDIE McCORD

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, Ms. EDDIE M. (Thompson) McCord was born in Lake Providence, Louisiana. She graduated from Monticello High School in 1989. She then attended and graduated Magna Cum Laude from Alcorn State University with a Bachelor of Science Degree in Elementary Education. While at Alcorn, she also joined Zeta Phi Beta Sorority, Inc. She later graduated from the University of Mississippi with a Master of Education Degree in K-12 Educational leadership.

Ms. McCord began her career as an educator in the Vicksburg-Warren School District,

teaching fifth grade. She later relocated to East Tallahatchie School District and served as a teacher of first and second grade students and eventually the assistant principal. The desire for professional growth then led her to West Tallahatchie School District where she served as Assistant Principal of R.H. Bearden Elementary School for three years and later became the Principal. After serving as the Principal at R.H. Bearden, she became the Principal at West Tallahatchie High School for two years. Currently, she is the Director of Curriculum, Instruction and Assessment for the West Tallahatchie School District.

Ms. McCord has been an asset to the West Tallahatchie School District because of the relationships she has developed with local stakeholders and throughout Tallahatchie County serving in various capacities in both West Tallahatchie School District and East Tallahatchie School District. She has been involved in initiatives and partnerships that have been critical to meeting the educational needs of school-age children in surrounding communities. These partnerships include collaborative professional development sessions between elementary school teachers and Head Start teachers. As a result of this collaboration, more students are entering kindergarten ready to learn at the necessary academic level. Additionally, she was instrumental in securing the district in-house GED Option Program which assists students who have academic deficiencies in meeting the requirements necessary for obtaining their general education diploma.

IN RECOGNITION OF NANCY LYNN  
ANN D'AVERSO

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Nancy Lynn Ann D'Averso on her retirement from Brookdale Community College at Long Branch, New Jersey. Ms. D'Averso dedicated over 31 years to Brookdale Community College, and her many achievements should be celebrated.

Nancy Lynn D'Averso's commitment to education is not only evident in her years as a teacher, but also in her many personal academic achievements. A graduate of Long Branch High School, Ms. D'Averso went on to earn a "Certificate of Culture" from the University of Madrid, Spain as well as a Bachelor's of Arts Degree in Spanish and a Grade 7-12 Teaching Certificate from Montclair State College. After 6 years of teaching at Memorial School in Eatontown, New Jersey, Ms. D'Averso continued her studies at Montclair State College, graduating with a Master's of Arts Degree in Spanish Literature. She later also received an Associate Degree in Human Services from Brookdale Community College, which helped her to excel at her work at Checkmate Fort Monmouth Homeless Shelter in Oceanport, New Jersey.

After teaching briefly at the primary education level, Ms. D'Averso went on to teach at Brookdale Community College at Long Branch

in 1981. Combining her educational studies in Spanish and teaching, Ms. D'Averso taught English as a Second Language, GED studies in Spanish and Citizenship Studies. Her commitment to helping others through her various positions is admirable, and the impact she has had on the Brookdale Community College community is immeasurable.

Mr. Speaker, please join me in congratulating Nancy Lynn Ann D'Averso on her retirement. Her commitment to the Brookdale Community College at Long Branch community is truly deserving of this body's recognition.

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HONORING THE CHRISTIAN  
HARMONIZERS

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**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a gospel singing

group, The Christian Harmonizers. They were organized in the late 1980s by Jerome Williams along with Bobby Bailey and Ellison Brown.

The group began to grow over the years, adding such singers as Thomas Murray, Larry Thompson, Jerry Davis, Ronnie Polk, Calvin Harris, Frank McGriggs, Jr., Xavier Hampton, Frank Curtis, Maurice Buck, and the late Sherman King, Sr., who sang with the group for over 22 years, and Antoine Eakins, who sang with them for over 17 years. The current members of the group are Elder Frank Curtis, Elder Antoine Eakins, Bobby Bailey, and of course, the founder and organizer, Jerome Williams. In the earlier years, the late Walter Griffin and the late Robert Moore served as the group's teachers and advisors.

In 1988, the Christian Harmonizers recorded popular songs such as "Consideration" and "Don't Doubt the Lord" which were penned by Jerome Williams. Their current album is "30 Years Live" which is comprised of 10 songs and features two of Williams' originals: "Some-

day" and "Grateful." The remaining tracks of the album were rearranged by Jerome Williams.

The Harmonizers are known worldwide for their performances and have shared the stage with such great gospel artists as: Lucille Polk & Pearly Gates, the Jackson Southernaires, The Angelic Gospel Singers, The Swanee Quintet, the Sensational Nightingales, Debra Snipes, Ronica & The Blazing Stars, The Mighty Clouds of Joy, Willie Banks & The Messengers, the Canton Spirituals, and Gold City.

Mr. Speaker, I ask my colleagues to join me in honoring The Christian Harmonizers, a Mississippi gospel singing group.

**SENATE—Friday, October 19, 2012**

The Senate met at 11 and 3 seconds a.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 19, 2012.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,  
OCTOBER 23, 2012, AT 1 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Tuesday, October 23, 2012, at 1 p.m.

Thereupon, the Senate, at 11 and 31 seconds a.m., adjourned until Tuesday, October 23, 2012, at 1 p.m.

## HOUSE OF REPRESENTATIVES—Friday, October 19, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WOMACK).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

October 19, 2012.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend William Federici, The United Church, Washington, D.C., offered the following prayer:

Most loving and most gracious God, You hold each of us in your covenant of steadfast love, knowing that we are sacred, precious, and beloved. You are with us today in this House of promise and possibility.

Bless each Member and their staff with the gifts of wisdom and discernment. Bless each Member and their staff with the power to use these gifts with care and compassion.

May this Nation be knit together as one, honoring our diversity, respecting our differences, and holding one another true to the covenant of freedom and justice for all. May we be peaceful. May we be safe. May we be grateful.

All this we ask in the presence of, and with the power of, divine love which sustains and transforms all. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Minnesota (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution

788, the House stands adjourned until 10 a.m. on Tuesday, October 23, 2012.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House adjourned until Tuesday, October 23, 2012, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8108. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Combining Modal Responses and Spatial Components in Seismic Response Analysis (Regulatory Guide 1.92, Revision 3) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8109. A communication from the President of the United States, transmitting notification that the National Emergency with respect to significant narcotics traffickers centered in Colombia is to continue in effect beyond October 21, 2012, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112-148); to the Committee on Foreign Affairs and ordered to be printed.

8110. A letter from the Senior Procurement Executive, General Services Administration, transmitting the Administration's final rule — General Services Administration Acquisition Regulation (GSAR); Rewrite of Part 504, Administrative Matters [GSAR Change 55; GSAR Case 2006-G510; Docket 2008-0007; Sequence 13] (RIN: 3090-AI72) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

8111. A letter from the Secretary, Department of Transportation, transmitting the National Plan of Integrated Airport Systems (NPIAS), 2013-2017, pursuant to 49 U.S.C. app. 2203(b)(1); to the Committee on Transportation and Infrastructure.

8112. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation and Safety Zone; America's Cup World Series Regattas, San Francisco Bay; San Francisco, CA [Docket No.: USCG-2011-0551] (RIN: 1625-AA00; 1625-AA08) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8113. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf Intracoastal Waterway, Mile Marker 35.2 to Mile Marker 35.5, west of Harvey Locks, bank to bank, Lafourche Parish, Larose, LA [Docket No.: USCG-2012-0634] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8114. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Fireworks Display, Pamlico and Tar Rivers; Washington, NC [Docket Number:

USCG-2012-0494] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8115. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA [Docket No.: USCG-2012-0767] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8116. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Superior Bay, Duluth, MN [Docket Number: USCG-2012-0729] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8117. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago Air and Water Show, Lake Michigan, Chicago, IL [Docket No.: USCG-2012-0773] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8118. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Port Huron Float-Down, St. Clair River, Port Huron, MI [Docket No.: USCG-2012-0771] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8119. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Mississippi River, Mile Marker 291 to 295 [Docket Number: USCG-2012-0662] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8120. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC [Docket No.: USCG-2012-0482] (RIN: 1625-AA08) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8121. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Blue Angels at Kaneohe Bay Air Show, Oahu, Hawaii [Docket Number: USCG-2012-0739] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8122. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone for Fireworks Display, Potomac River, National Harbor Access Channel; Oxon Hill, MD [Docket Number: USCG-2012-0818] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



8123. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Tom Lyons Productions Fireworks, Long Island Sound, Sands Point, NY [Docket Number: USCG-2012-0618] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8124. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Special Local Regulation; Port Huron Offshore Gran Prix, St. Clair River; Port Huron, MI [Docket No.: USCG-2012-0700] (RIN: 1625-AA08) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8125. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "2011 Findings on the Worst Forms of Child Labor"; to the Committee on Ways and Means.

8126. A letter from the Acting Chief Privacy Officer, Department of Homeland Security, transmitting a report entitled, "DHS Privacy Office 2012 Annual Report to Congress"; to the Committee on Homeland Security.

8127. A letter from the Commander, Civil Air Patrol, transmitting the Civil Air Patrol's 2011 annual report, pursuant to Public Law 105-225 section 403 112 stat. 1332; jointly to the Committees on Armed Services and Transportation and Infrastructure.

8128. A letter from the Secretary, Department of Labor, transmitting the Department's report entitled, "The Department of Labor's List of Goods Produced by Child Labor or Forced Labor"; jointly to the Committees on Education and the Workforce,

Oversight and Government Reform, and Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. JOHNSON of Ohio introduced a bill (H.R. 6577) to amend the VOW to Hire Heroes Act of 2011 to improve the Veterans Retraining Assistance Program by providing assistance under such program for certain training programs that are considered less than full-time; which was referred to the Committee on Veterans' Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. JOHNSON of Ohio:

H.R. 6577.

Congress has the power to enact this legislation pursuant to the following:

Clauses 14 and 18 of Section 8 of Article 1 of the United States Constitution

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 186: Mr. GRIFFIN of Arkansas.  
H.R. 333: Mr. GRIFFIN of Arkansas.  
H.R. 1195: Mr. COHEN.  
H.R. 1488: Ms. JACKSON LEE of Texas.  
H.R. 1675: Mr. LOBIONDO and Mr. THOMPSON of California.  
H.R. 1971: Mr. WALZ of Minnesota.  
H.R. 2468: Mr. PRICE of North Carolina.  
H.R. 3395: Mr. COBLE and Mr. DOLD.  
H.R. 3485: Ms. JACKSON LEE of Texas, Mr. SCOTT of Virginia, and Ms. WATERS.  
H.R. 3627: Mr. SMITH of Texas.  
H.R. 3849: Mr. MICHAUD.  
H.R. 3981: Ms. BORDALLO.  
H.R. 4066: Mr. GUTHRIE and Mr. MCINTYRE.  
H.R. 4202: Mr. FATTAH.  
H.R. 5943: Mr. BONNER.  
H.R. 6101: Mr. STARK.  
H.R. 6107: Mr. GARAMENDI and Mr. CONYERS.  
H.R. 6174: Mr. GIBBS and Mr. MCINTYRE.  
H.R. 6411: Ms. NORTON, Mr. OLVER, Ms. EDWARDS, Mr. DAVIS of Illinois, and Mr. CAPUANO.  
H.R. 6439: Mr. WELCH.  
H.R. 6490: Mr. THOMPSON of Pennsylvania, Mrs. MCCARTHY of New York, and Mrs. BACHMANN.  
H.R. 6511: Mr. LANCE.  
H.R. 6527: Ms. WASSERMAN SCHULTZ.  
H.R. 6564: Mr. SMITH of Texas.  
H.J. Res. 47: Ms. SEWELL, Ms. RICHARDSON, Mr. MCGOVERN, Mr. CLAY, and Mr. FRANK of Massachusetts.  
H. Res. 134: Mr. GERLACH and Mr. ENGEL.  
H. Res. 220: Mr. HONDA.  
H. Res. 577: Mr. DUNCAN of Tennessee.  
H. Res. 781: Mr. PLATTS.

## EXTENSIONS OF REMARKS

HONORING MR. WILLIE "SONNY  
BOY" WILLIAMSON

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a blues musician and legend of the Mississippi Delta, Mr. Willie "Sonny Boy" Williamson.

Mr. Speaker, the "Blues" is not just a song, it's a story about hard times and frustration put to musical rhymes and rhythms; it's a means to an end. The Blues was influenced by field hollers, religious hymns of hope, and even dance. So let me share a blues story with you through the life of Mr. Willie "Sonny Boy" Williamson.

If you happen to hear the names, Alex "Rice" Miller, Sonny Boy Williamson number 2, Sonny Boy Williamson the second, Willie Miller, Sonny Boy Miller, or Little Boy Blue, just know that it's the same Willie "Sonny Boy" Williamson of Tallahatchie County, Mississippi. His birth given name however, is Alex Miller. There are different reports circulating about when Sonny Boy was born. The dates in question are 1897, December 5, 1899, March 11, 1908, and December 5, 1912. He was born on the Sara Jones Plantation near Glendora, Mississippi. Nevertheless, it was not until 1941 that he began to assume the name of "Sonny Boy" Williamson when Max Moore, owner of Interstate Grocer Company's King Biscuit Flour business, started calling him by that name in order to promote the show.

Although researchers and historians alike have debated important dates and events surrounding his life, one thing they all agree upon is that he is a son of the Mississippi Delta blues, a self taught harmonica player, and a legendary blues singer and song writer. He began playing the guitar and harmonica at the early age of five. Sonny Boy's stepfather and mother, Jim and Millie Miller, never discouraged him from playing his blues music or his instruments.

Mississippi was a very implacable place for blacks in the 1900s with the Great Depression, the Civil Rights Movement, efforts to pass life changing legislation, and when cotton pickers were paid about forty cents a day per one hundred pounds of cotton picked. The blues music was filled with lyrics about those times, bad luck, hope, and memories experienced or seen by the blues artist. Unrelenting beats accompanied the lyrics of the songs as the artist told their story.

In the early 1920's, Sonny Boy was a young man struggling to make a living, so he started performing in juke joints and night clubs throughout Mississippi and Arkansas under the name of Little Boy Blue. The pay was very meager or sometimes there was no pay at all. By the 1930s he left a life of sharecropping

and cotton picking in Tallahatchie County and started becoming a familiar voice and blues artist on the local circuits. He played on the street corners, at church socials, fish fry's, and anywhere he could attract a crowd, sometimes getting paid. Sonny Boy made friends with other blues artists like Big Joe Williams, Elmore James, Joe Willie "Pinetop" Perkins, Robert Lockwood, Jr., and Robert Johnson. He was always looking for ways to entertain besides just singing, so he started doing what some might call impossible until they saw him do it—he would put his entire harmonica in his mouth and play it with no hands, wow, what a talent.

The 1940s was just as entertaining and by now, Sonny Boy's blues future was beginning to take shape. In 1941 he was hired to play on the King Biscuit Time show where he did advertisement for King Biscuit Flour on a radio station (KFFA) in Helena, Arkansas. The sponsors thought he would be perfect to advertise King Biscuit Flour to the black audience King Biscuit wanted to reach. He partnered with fellow blues artist Robert Lockwood for this gig and they became known as the King Biscuit Boys. The show was limited in range, only reaching an audience within about a 50 miles radius. As a result, he quietly started doing radio shows in Little Rock, Arkansas, and Belzoni, Mississippi, outside of the range of KFFA. Then in the late 1940s KFFA extended its listening audience through WROX in Clarksdale, Mississippi in the late 1940s, which was far enough for Sonny Boy to reach the ears of young Riley King, known as B.B. King, over in Indianola, Mississippi. On Saturdays, the KFFA King Biscuit Entertainers would visit grocery stores performing on King Biscuit's flatbed truck throughout Northern Mississippi delta towns like Sardis and Clarksdale. In 1944, his picture appeared on Sonny Boy Corn Meal and he became a household name.

Sonny Boy figured out he had a knack for the radio and he could make money doing it. So, he started his own KWEM radio show in 1948 until 1950. He moved to West Memphis, Arkansas in 1949 to live with his sister and her husband, Howlin' Wolf, another blues legend from White Station, Mississippi. This was his golden opportunity where he brought along other struggling great blues artists before they were greats. These were friends like James Cotton, Houston Stackhouse, Elmore James, B.B. King, Arthur "Big Boy" Crudup, Robert Nighthawk and others to perform on the show.

Sonny Boy finally got to record one of his many stories about the blues; it came in 1951 with his first single on Trumpet Records titled "Eyesight to the Blind," where he was singing about a woman. Using the word "good" to describe him was not good enough; people often said that with this song he could make a blind man think he could see her. He was the primary artist for Trumpet Records. Henry and Lillian McMurry in Jackson, Mississippi were

the owners. In 1955, he began recording for Chess Records in Chicago, Illinois after Trumpet Records went bankrupt. His years at Chess Records were his most successful in his career as a blues artist. In fact, he recorded about 70 songs from 1955 to 1964 for Checker Records, a subsidiary of Chess Records. In 1959 he finally got the opportunity to record a compilation of stories about the blues with his first LP record titled Down and Out Blues. It featured such hits as Dissatisfied, Your Funeral and My Trial, Don't Start Me to Talkin, and All My Love in Vain.

In the 1960s, he toured Europe several times during the height of the British blues excitement; having much influence on the Blues music he recorded with The Yardbirds, Eric Clapton, guitarist Jimmy Page, The Animals, and even Mississippi Slim of Greenville. In the summer of 1964, he did a BBC TV show with jazz musician Chris Barber. He also recorded with Roland Kirk, another jazz musician, who could play three horns at the same time. It was reported in the Led Zeppelin biography that while in England, Sonny Boy accidentally set his hotel room on fire while trying to cook a rabbit in a coffee percolator.

Homesick for the Mississippi Delta area, the local blues circuit he started on, to see old friends, down home cooking and living, to hang out with newcomers to the blues scene, and to play on KFFA again—all beginnings he wanted to cash in for better endings, Willie "Sonny Boy" Williamson returned to Helena, Arkansas to live until his death in June 1965 from a heart attack. Sonny Boy Williamson was born on the Sara Jones Plantation near Glendora, Mississippi and buried on New Africa Road just outside of Tutwiler, Mississippi at the site of the former Whitman Chapel Cemetery. These towns are approximately 15 miles apart. His headstone was paid for and donated by Mrs. Lillian McMurry, owner of Trumpet Records, another one of his beginnings.

Over the course of Sonny Boy Williamson's career, he recorded over 150 songs, from 1951 to 1965. He wrote and composed most of his own songs, many of which were recorded more than once. A musical prodigy in his own right and style, he was able to make each performance unique and different through impromptu styles of arrangements, tempos and lyrics.

Sonny Boy Williamson may have been characterized by a hip flask, British bowler sittin' high on his head cocked to the side, tailor made two-tone suits, a foul mouth, fast women, short tempered, and a grey goateed image, but don't forget about the characterization of his musical ability. He was highly original with his own signature harmonica style and vocal gift for moaning out a rich blues saga. Just as I stated earlier, there is no doubt about it, he had the blues.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Willie "Sonny Boy" Williamson, a world renowned blues legend

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and artist from the Mississippi Delta. He is truly worthy to be recognized.

MR. MARSHALL S. JACOBSON, ESQ.  
AND MRS. APRIL JACOBSON

### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. BARLETTA. Mr. Speaker, I rise to honor Mr. Marshall S. Jacobson, Esq. and Mrs. April Jacobson, who are being honored by Temple B'nai B'rith for their service to the temple and the community.

Mr. and Mrs. Jacobson have served as exemplary community leaders. Mr. Jacobson has been affiliated with the Wilkes-Barre law firm of Rosenn, Jenkins, and Greenwald since 1968 and became a partner in 1973. They have three sons and four grandchildren.

Mr. Jacobson earned his bachelor's degree in 1959 from the Pennsylvania State University and his law degree from the Dickinson School of Law in 1962. Mr. and Mrs. Jacobson first met while they were employed by the Internal Revenue Service in Washington, DC. They married in 1966 and relocated to the Wilkes-Barre area in 1968.

Mr. Jacobson has had a distinguished career serving individual, corporate, charitable, and non-profit clients for over 40 years. He is dedicated to his community and has served as a member, officer, and director of numerous organizations including Temple B'nai B'rith, Temple Apartments, United Cerebral Palsy, Salvation Army, St. Vincent de Paul Kitchen, and Kiwanis Club of Mountain Top.

Furthermore, Mr. and Mrs. Jacobson are both deeply admired for their strong faith and continual devotion to family. Together, they have served our community loyally.

Mr. Speaker, today, Mr. Marshall S. Jacobson, Esq. and Mrs. April Jacobson stand as leaders in Northeastern Pennsylvania. I commend them for their years of admirable service to our community and country, and I wish them continued success in the future.

### CELEBRATING THE 50TH ANNIVERSARY OF SOLOMON SCHECHTER DAY SCHOOL OF METROPOLITAN CHICAGO

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today to recognize Solomon Schechter Day School of Metropolitan Chicago, on the occasion of the school's 50th anniversary.

For five decades, Solomon Schechter Day School has served Jewish children and families in the Chicago area, integrating Judaic studies with general education. Founded in 1962, the school was founded with the vision of helping students understand their Jewish and American lives as an integrated whole. Solomon Schechter Day School continues to provide an extended community where stu-

dents and families are encouraged to explore their Jewish identity in a positive environment.

From the first 27 students who enrolled in 1962, more than 2,500 graduates of Solomon Schechter have gone on to play leading roles throughout the Chicago area and across the world. The school currently serves 550 children from 30 communities in the Chicago area. Today, Solomon Schechter Day School of Metropolitan Chicago is a pre-kindergarten through eighth grade Jewish day school, with an Early Childhood Center located in Skokie, and a K-8 school in Northbrook. Students at Solomon Schechter Day School attend over 40 synagogues, and come from families with roots in the United States, Israel, Chile, Argentina, Russia, Ethiopia, and more.

As a member of Congress, it has been my privilege to welcome Solomon Schechter students to Washington for many years. I have been consistently impressed by the maturity, knowledge, and inquisitive spirit of the students I have met. They are students who want to make a difference in their community, their country and the world. Solomon Schechter Day School gives them the education, support, and resources to do so.

For fifty years, Solomon Schechter Day School has empowered students to think critically, while also teaching them to live Jewish values and honor timeless traditions. It is my great privilege to join the Solomon Schechter Day School community in celebrating the fifty years of serving Jewish students and families in the Chicago area, and I look forward to many exciting years to come.

### HONORING MRS. BERNITA "BERT" DIXON

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a woman with an angelic voice, Bernita "Bert" Dixon.

Bernita Dixon is a lifelong resident of Copiah County, Mississippi. She was born on October 14, 1952 in Georgetown, Mississippi to the late Rev. Earl Carver Dixon and Lena Mae Cathchings Dixon. She graduated from Holtzclaw Memorial High School in Crystal Springs, Mississippi. Bernita attended Utica Junior College in Utica, Mississippi where she majored in Pre-Nursing.

She began singing at the early age of five. She would often sing at church, in the cotton field and any other place people would listen. She quickly became known for her strong voice. However, her stardom came with a price. She started to get tired of everyone wanting her to sing, so she blurted out; "I'm tired of always having to sing". Shortly thereafter Bernita was diagnosed with laryngitis and couldn't talk. She then prayed "Lord, please give me back my voice, I will sing for you for the rest of my life". Her voice returned more powerful and deeper than before. Later her brother decided to form a singing group with her and the rest of their siblings, "The Dixon Singers". The Dixon Singers have performed with several nationally known artists. Also, the

Dixon Singers were the first group to ever record a double volume live album in the state of Mississippi.

Bernita is married to Gene Robinson. She is the mother of three, Derrick, Kenmantel and the late Ronrico. Bernita has worked as the Office Manager at Dixon Body & Auto Sales, Inc. in Hazlehurst, Mississippi since 1993. She is a member of New Hope M. B. Church in Georgetown, Mississippi.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Bernita "Bert" Dixon for her dedication and desire to share her voice with us.

### HONORING JOHN GREENWOOD

### HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of John Greenwood who died on October 11, 2012 at the age of 67. Born on January 9, 1945, John earned a bachelor's degree in Mathematics and Political Science from the University of California, Riverside, and a master's degree in Political Science from the University of Michigan. John had a 45-year career as an educator and civic leader in the South Bay and Harbor Area. John was first elected to the Los Angeles Unified School District (LAUSD) Board of Education in 1979, where he served for eight years as both a member and its president advocating for quality education.

Long active in community affairs, John served as Chair of the City of Los Angeles Citizens' Oversight Commission for Proposition Q managing a \$650 million Fire and Police renovation program and was the founding President and a board member of the Northwest San Pedro Neighborhood Council. Several years ago, while on the Los Angeles City Council, I had the pleasure to appoint John to head up a task force charged with studying the Ponte Vista housing development. He was the founder and later served as President of the Gang Alternatives Program that strives to enhance the lives of the young people in our community. John served on the boards of numerous community organizations including the San Pedro Boys and Girls Club, the San Pedro Rotary Club, and as Vice President of the Board of Directors of Angels Gate Cultural Center.

At the time of his death, John was President of Coro Southern California. His involvement in Coro spanned more than 40 years. Through the years, John received many awards. He was particularly pleased to be honored as Community Builder by Habitat for Humanity and to receive the Founders Award from the Southern California Leadership Network.

John is survived by his wife, Caren and daughter, Liz, and his brother Roger (Peggy) Greenwood, sister Marilyn (Savin) Ungaro, sister Kathy (Tom) Jefferies, mother-in-law Martha Matthews, sister-in-law Darlene Allenthrop. I consider myself incredibly lucky to have known John and to have considered him a close friend.

IN RECOGNITION OF THE LONG  
BRANCH FREE PUBLIC LIBRARY  
CHAMPIONS

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize the five individuals being honored by the Long Branch Free Public Library on the occasion of its Champions Dinner. A Library Champion is committed to the success of the library. They frequent programs held by the library, encourage others to visit and use the library, and are concerned about issues that may affect the library. Mr. John Pallone, Mr. John (Jack) Kearns, Ms. Marsha Cohen, Mr. Emmanuel Itzol and Miss Ashley Pape are truly deserving of the Library's Champion distinction.

Born and raised in Long Branch, New Jersey, John Pallone is an active member of the Long Branch community. In addition to serving as a Trustee of the Long Branch Free Public Library, John is a member of the Amerigo Vespucci Society and is involved with the Holy Name Society at Christ the King Parish. He is also a Long Branch City Councilman and a board member of the Long Branch Urban Enterprise Zone.

Jack Kearns worked in the telecommunications industry for over 30 years, serving as a Division Manager at AT&T before his retirement. Following his career with AT&T, Mr. Kearns pursued teaching, working as an adjunct professor with Boston University, the University of Colorado at Denver and Georgia Institute of Technology. Mr. Kearns also taught project management programs to manager-level individuals in government and the private sector. Most recently, Mr. Kearns is working as a local news journalist. He is also active in his community, serving as a member of the Long Branch Rotary Club and President of the Board of Trustees of the Long Branch Concordance.

Marsha Cohen and her family have been residents of Elberon, New Jersey for 15 years. In addition to raising her family and working in sales, Ms. Cohen is devoted to the arts. She recently exhibited her paintings at the Elberon Branch of the Long Branch Free Public Library and also offered art classes at the library. In addition to sharing her work with the library patrons, Ms. Cohen frequents the library weekly with her 6 children and 3 grandchildren, passing along her passion for reading.

A lifelong resident of Long Branch, New Jersey and a 2009 graduate of Long Branch High School, Emmanuel Itzol currently attends Brookdale Community College. His love for education is evident in the volunteer opportunities he undertakes with the Long Branch Public Schools and he has carried this passion into college, majoring in Elementary Education. Not only does Mr. Itzol like helping the community through volunteer projects, he also enjoys entertaining them and performs as a DJ at events.

The youngest of the Champions, Ashley Pape is a 7 year old 2nd grader with a love of stories. She is an avid reader and enjoys

visiting museums to learn more about the subjects that interest her, including spiders, mummies and Egypt. Ashley also enjoys spending time at the beach and the pool, riding her bicycle, and drawing, among others. She is currently working toward becoming a Brownie within the Girl Scouts organization. Ashley hopes to one day be a scientist and President of the United States.

Mr. Speaker, once again please join me in congratulating John Pallone, Jack Kearns, Marsha Cohen, Emmanuel Itzol and Ashley Pape for their contributions to the Long Branch Free Public Library.

HONORING MR. BOBBY RUSH

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a philanthropist and blues musician in his own right, Mr. Bobby Rush, born Emmitt Ellis, Jr.; however, he prefers to be called "Bobby Rush" in a one syllable pronunciation. The decision to change his name came simply out of respect for his father, Pastor Emmitt Ellis, Sr.; because Emmitt Ellis, Jr. wanted to be a Blues entertainer.

I could talk only about his career as a Blues artist and leave out the humanitarian side of Bobby Rush but I would be, as my mother used to say "short changing," him. Blues is his "love", but his compassion is people.

Bobby Rush started singing at an early age, around six, when he made his first instrument, a guitar, out of a broom. He started entertaining around ten years old, and formed his first band around age thirteen. Here are three eyebrow raising interesting facts about Bobby Rush. One, with his father being the pastor of perhaps at least two churches, he never sang in the choir but he certainly sang from his seat. Second, although his parents were devout church goers and gospel listeners, they never discouraged Bobby Rush from singing and performing the Blues. And, they never saw him perform but he said, "Every time I went home they had all my music already so I'm sure they kept up with me." And third, in getting started he often would role play himself performing and entertaining. Trying to mimic after other entertainers, he would ask his uncle about who was old enough to visit the clubs and watch them perform. He said he would add his own personal touch, of course.

Many people may not be aware of this but in 1951 he recorded his first song with Chess Records. Not only was he making history at Chess Records with other artists like Bo Diddley, Buddy Guy, Jimmy Rogers, Lowell Fulson, Memphis Slim, and others but he actually broke the color barrier around 1951 or 1952 when he became the first black entertainer to play on Bourbon Street on Chicago's Southside.

As a teenager, in 1953, he moved to Chicago with his family and began performing on the local blues scene. He also formed his own band. But it was in the 1970s when his career really started to take off with his first hit "Chicken Heads" on the Galaxy Record label.

Bobby Rush has sold over 259 records on the Southern "Chitlin' Circuit."

Bobby Rush, like all other southern blues artists, could take a life-time telling stories about the highs and lows of his career. I'm sure he can tell you about how he faced racial issues, menial pay, his efforts to break the color barriers while out on tour in order to make a living so he could provide for his family, and even the disparaging work conditions he endured, to say the least.

Nevertheless, this veteran of the Blues has definitely established a name for himself among such great entertainers as BB King, Howlin' Wolf, Solomon Burke, Ike and Tina Turner, Muddy Waters, Bobby Blue Bland, Etta James, Redd Foxx, Otis Rush, Little Milton, Dick Gregory, and Sammy Davis, Jr. And by the way, many of these he performed with and apprenticed under as well. He has sung in night clubs, at festivals, at charity events, and in concert halls all over the world—Chicago, Cleveland and Clarksdale, Mississippi, Detroit, the Kennedy Center, Carnegie Hall, Poland, Japan, China, Arkansas, Louisiana, and Canada just to name a few places—and he is still traveling the world and performing.

In an interview back in the 90s with Stanley Booth, he said, "Until a few years ago, nobody knew I exist. Not really. I'm probably the only one livin' who have did as well as I've done, and nobody know nothin' about me." One of the reasons is because Bobby Rush has always been his own manager, never taking on anyone to manage him, answering his own phone calls, and booking his own shows and then showing up to perform—no imposter there! When I asked him about that comment, he said, "I'm just a Blues singer, I am just, I am the people's Blues singer. I never wanted to get too high where they couldn't reach me but I wanted to be high enough to be able to help them."

After a lifetime of achievement, in April 2000, the Mississippi Senate passed Resolution 43 honoring Bobby Rush for his musical career. Then in 2003, he started his own record label, Deep Rush, on which he cut his CD "Undercover Lover" while performing live at club Ground Zero in Clarksdale, Mississippi. He is also the owner of Rush Productions, Inc. Also in 2003, he was featured in Richard Pearce's documentary film "The Road to Memphis," which was part of Martin Scorsese's film series "The Blues." His awards and recognitions include but are not limited to: Best Live Performer of the Year, Best Blues Entertainer of the Year, Best Soul/Blues Album of the Year, and the James Brown Heritage Award.

Mr. Bobby Rush is still breaking barriers in the last decade because he has finally crossed over to white audiences; race is not the face of entertaining any longer but rather—whether or not the artist is good at what he does, and that he is.

Like he said back in the 90s, nobody knew he existed a few years earlier. But, I want to help make sure people know there is more to Bobby Rush than a Blues song. I stated earlier, "Blues is his 'love', but his compassion is people."

Throughout his career, he has met people with circumstances that have reminded him of himself. For example, at one time in his Blues

career he was too poor to afford health insurance, so as a result, his wife and three children died of sickle cell anemia. So, because of that he is always giving to support sickle cell anemia research. Blues in the Schools Program is a program he started because he wanted to help the Blues stay alive through our children! You can certainly make a living singing the Blues and be able to help someone in the process. Computers in Schools is another program he supports; once, he donated all the proceeds from an event to buy thousands of dollars worth of computers for West Tallahatchie County School District in Tallahatchie County, MS.

And his humanitarian journey continues. Bobby Rush travels the country putting on a pulse racing—finger popping Annual Red, White, and Blues Jam for Veterans. He mentors other artists, just like Albert King, Muddy Waters, Howlin' Wolf, and Little Milton took him under their wings and mentored him as a teenager. And if that's not enough, he is always offering to perform at charity events to help small communities raise money throughout the Delta.

So, after migrating from his birthplace in Homer, Louisiana, after getting an early start on his Blues career when he moved to Chicago in 1953, and recording his first number one hit eighteen years later in 1971, with six decades of singing the Blues, Bobby Rush has settled on his Mississippi roots in Jackson, Mississippi in 1983. His great-grandmother and grandfather were from Jackson, Mississippi. And I am glad to be working on his behalf as well.

When Bobby Rush is not out of state touring or participating in a charity event, you just might catch him performing for fun and entertainment at a local night club somewhere in Mississippi.

Mr. Speaker, I ask my colleagues to join me in recognizing a humanitarian and blues musician from the Second Congressional District of Mississippi, Mr. Bobby Rush.

RECOGNIZING BROOKS ELEMENTARY SCHOOL'S 12TH ANNUAL VETERAN'S DAY PROGRAM

**HON. LYNN A. WESTMORELAND**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. WESTMORELAND. Mr. Speaker, I come to the floor today to recognize Brooks Elementary School's 12th annual Veteran's Day Program in Fayette County, Georgia, on November 9, 2012. This is a momentous event for the 3rd district, and I am proud to help honor the service and sacrifice of our nation's brave veterans so that we may live free.

This is the 12th consecutive year that the Brooks Community has invited Veterans to their school to honor their service to our country. The annual program includes a breakfast for these brave men and women and the school uses the occasion to express their gratitude and appreciation. The breakfast is followed by a program presented by the elementary students and the Sandy Creek Color Guard. Lastly, there is a parade with the Vet-

erans and their families around the town of Brooks featuring the Whitewater High School Marching Band.

In the past, more than 120 veterans have attended the program and this year they are expecting even more. This program is a testament of Brooks Elementary School's mission to strive for excellence by creating an environment that is focused on improving academic performance, and providing opportunities that develop responsible citizens and lifelong achievers. I know that this program has taught the students of Brooks Elementary the value of patriotism, which is an essential part of each American's education.

I would like to thank all of our Veterans and the Brooks community that have continually made the Veteran's Day Program a success. It is vital that students everywhere are taught the importance of our history and national service firsthand, like the students of Brooks Elementary in Fayette County, Georgia.

PLAINS SPORTS HALL OF FAME INDUCTEES

**HON. LOU BARLETTA**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. BARLETTA. Mr. Speaker, I rise to honor Paul Gosiewski, James Jesikiewicz, Stephen Krushnowski, Heather Susek, and Alfonso Zangardi for their induction into the Plains Sports Hall of Fame in Northeastern Pennsylvania. The Plains Sports Hall of Fame recognizes local athletes who demonstrate a lifelong commitment to athletics and have excelled in sports both during and after high school and college.

Mr. Gosiewski graduated from Plains Memorial High School in 1957 where he served as a starting guard for the Red Raiders. After graduation, Mr. Gosiewski served in the United States Marine Corps for 12 years and competed as a member of the Marine Corps wrestling team.

Mr. Jesikiewicz graduated from Coughlin High School in 1983 where he was a member of the golf and basketball teams. During his time on the basketball team, James scored 1,069 points and recorded 624 assists for the Crusaders. He was named a Wyoming Valley Conference All Star in 1982 and 1983.

Mr. Krushnowski graduated from Coughlin High School in 1990 where he was a varsity letter-winning member of the football, wrestling, and basketball teams. Mr. Krushnowski continued his wrestling career at Mansfield University and was a three-time place finisher in the NCAA Division II national qualifier.

Ms. Susek graduated from Coughlin High School in 2007 where she was a member of the soccer, track and field, and field hockey teams. As a member of the Syracuse University field hockey team, Heather was selected to the Big East All Conference Team in 2010 and was named Co-Offensive Player of the Year in 2011.

Mr. Zangardi is a graduate of Seton Catholic High School where he participated in golf, basketball, and baseball. As a member of the Plains American Legion baseball team, he re-

ceived the Rookie of the Year Award in 1995 and the Coach's Award in 1996.

Mr. Speaker, today it is with great pleasure that I commend Paul Gosiewski, James Jesikiewicz, Stephen Krushnowski, Heather Susek, and Alfonso Zangardi as they are inducted into the Plains Sports Hall of Fame.

HONORING MR. FRED FLOWERS

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable gospel singer, Fred Flowers. Mr. Flowers was raised in Shelby, Mississippi by his parents Mr. Nathaniel Flowers and Mary Pippins.

Mr. Flowers attended church regularly and sang gospel songs at the request of his grandmother Ms. Mary Hall. Upon graduating from Shelby High School he attended Rust College in Holly Springs, Mississippi where he enjoyed listening to the renowned Rust College a capella choir. It was during this time he developed a love for a capella singing. After graduating from Rust College with a Bachelor's of Science Degree in Biology, he furthered his education at Coahoma Community College, graduating with a Certificate in Practical Nursing. He also attended Mississippi Delta Community College, graduating with an Associate Degree in Nursing, and Delta State University where he received a Bachelor's of Science Degree in Nursing. Mr. Flowers has worked 16 years as an Emergency Nursing specialist. His colleagues tell stories of Fred singing gospel songs to his patients which calms their fears.

After marrying Ms. Kerrin Williams and moving to Ruleville, Mississippi, he joined Delmar Avenue Church of Christ and made a decision that he was going to do more than sing privately in his car, at home or to his patients. Fred began to take the lead role singing church songs. He enjoys singing at church because his singing provides encouragement to the hearts and souls of the congregation. His singing has impacted his four sons, Darrell, Deracius, Fredarian and Justin so much that they enjoy harmonizing with him during their family activities.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Fred Flowers as an inspirational gospel singer.

"HIGHLY QUALIFIED" PROVISION ATTACHED TO H.J. RES. 117, CONTINUING APPROPRIATIONS RESOLUTION OF 2013

**HON. RAÚL M. GRIJALVA**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. GRIJALVA. Mr. Speaker, I, along with Representative HINOJOSA submit the following:

Educational success depends on well-prepared, qualified, and effective teachers, leaders and other support professionals. We believe that establishing and continuing to improve programs that train, develop, and support these professions must be integral in elementary and secondary education.

Unfortunately, we know that in too many states and districts across the country, students with the greatest needs are being taught by teachers with little or no training, including those enrolled in alternative route teacher preparation programs. That is why we are glad H.J. Res. 117 requires the Department of Education to provide to Congress—and the Nation—comprehensive information on the extent to which our highest-need students, including students with disabilities, English learners, students from rural communities, and low-income students, are being taught by teachers-in-training who are enrolled in alternative route programs, disaggregated by state and district, as well as by student subgroups. The data that will be included in this report should be made public and disseminated to parents and other interested parties so that it is understandable and actionable.

Specifically, the provision requires the Secretary of Education to submit a report to Congress by 12/31/13 that provides a comprehensive picture, with state-level and LEA data, on the extent to which the following categories of students are taught by alternative route teachers-in-training who are deemed “highly qualified” pursuant to 34 CFR 200.56(a)(2)(ii): students with disabilities; English learners; students in rural areas; and students from low-income families.

34 CFR 200.56(a)(2)(ii) is the regulation that allows individuals participating in alternative route programs but who have not yet completed their full state certification to be labeled “highly qualified.” This regulation was struck down by the Ninth Circuit in the *Renee v. Duncan* lawsuit but written into statute in the December 2010 CR.

To produce the report required by this legislation, states and LEAs will be required to compile the data that they are already required to have under Section 1111(h)(6)(A) of NCLB regarding the professional qualifications of all their teachers, including: whether the teacher has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction; whether the teacher is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and the baccalaureate degree major of the teacher and any other graduate certification or degree held by the teacher, and the field of discipline of the certification or degree.

This data will provide essential information to parents, to educators and to policy makers so that informed decisions can be made to strengthen one of our Nation's most valuable assets, our public schools. We will be in a much better position to look at our neediest students and our neediest rural and urban school districts and determine the extent to which well-prepared teachers are or are not equitably distributed. Mr. Speaker, we look forward to receiving this important report from the Secretary on December 31, 2013.

## DEDICATION OF WAR MEMORIAL

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 19, 2012

Mr. WOLF. Mr. Speaker, on October 13, I attended an event in Leesburg, Virginia dedicating a war memorial to four soldiers who gave their lives in service to their country.

The event would not have been possible without the valuable contributions of event organizer Ben Lawrence, Boy Scout Troop 1910 in Lucketts, Virginia, the Parkview High School Band, the 116th Infantry Brigade of the Virginia Army National Guard, the Veterans of Foreign Wars Post 1177, American Legion Post 34, the Loudoun County Sheriff's office, and Scott Warner, owner of the Downtown Salon.

I have included the full remarks from Colonel John Epperly, commander of the 116th Infantry Brigade, that properly honors the soldiers and Marine honored on the memorial.

Colonel EPPERLY: Congressman Wolf, General Mills, Admiral Kemp, General Forsythe, Honorable Members of the Virginia Legislature, the Loudoun County Board of Supervisors, the Leesburg Town Council, Distinguished Guests and most importantly, families of our Fallen Warriors...Good Morning. On Behalf of the Virginia Army National Guard and the 116th Infantry Brigade Combat Team, it is a profound honor to be with you on this crisp autumn morning in Northern Virginia to pay tribute to our brothers in arms. Loudoun County, Leesburg and the surrounding towns and hamlets have provided Warriors for the defense of the Commonwealth and Nation since the dawn of our Republic.

My own regiment was formed not far from here in 1742 to defend what was then the frontier of the Americas. Since then, men and women from towns like Leesburg, Reston, Purcellville, Sterling, Lovettsville and many more have served in every battle and campaign our nation has fought in. Our generation is no different and today we gather to honor the sacrifice of four extraordinary men who gave the last full measure of devotion in defense of our nation. I'd like to take a moment to introduce you to these men of uncommon valor.

Army Sergeant Scott L. Kirkpatrick fell while serving with the 1st Battalion, 30th Infantry Regiment in the 2nd Brigade Combat Team of the 3rd Infantry Division. Sergeant Kirkpatrick and his fire team were assaulting a sniper position in Arab Jabour, Iraq when he was lost. Scott was doing what Infantry NCOs do best. He was leading his men from the front in one of the most dangerous places in Iraq. But who was he? Well Sergeant Kirkpatrick was many things. He was a poet, a writer and a leader of men. Indeed, Sergeant Kirkpatrick was a Renaissance Man who felt strongly that his country needed him after the 9-11 attacks. When he fell, he was on his second combat tour in Iraq and he had already become what many aspire to be in this life. Sergeant Kirkpatrick, the Warrior Poet, had earned the undying respect of his fellow warriors, the gratitude of his community and the love of his family. Today we honor a life well lived. Sergeant Kirkpatrick's decorations include the Bronze Star, the Purple Heart and the Combat Infantryman's Badge.

Army Specialist Stephan L. Mace fell while serving with the 3rd Squadron, 61st

Cavalry Regiment in the 4th Brigade Combat Team of the 4th Infantry Division. Specialist Mace and his platoon were fighting a savage defensive action to hold Combat Outpost Bostick in Kamdesh, Afghanistan when he was lost. Stephan's outpost was attacked by over 200 Taliban fighters and his unit was seriously outnumbered in what would be one of the fiercest actions of the Afghan Campaign. According to his company commander, Specialist Mace fought valiantly from an exposed position with no regard for his own life. Stephan would earn the Bronze Star for gallantry in action that day. Who was this gallant Virginian? Stephan was a multi-sport athlete. He played Football, Basketball, Baseball and he loved Motor-Cross racing. He was a history buff and no doubt had an acute understanding of his difficult mission in the mountains of Afghanistan. Today we honor his courage in a land so far from his Virginia home. Specialist Mace's decorations include the Bronze Star, the Purple Heart and the Combat Action Badge.

Army Specialist Douglas J. Green fell while serving with the 3rd Battalion, 21st Infantry Regiment in the 1st Stryker Brigade Combat Team of the 25th Infantry Division. Specialist Green and his platoon were engaged by Taliban forces with small arms fire and IEDs in Sperwan Ghar of Afghanistan's Kandahar Province when he was lost. Specialist Green was on his second combat tour, with his first being in Iraq. In the cold and rugged mountains of Afghanistan, Doug was known for his warmth and the gift of bringing humor and hope to his brother infantrymen even in the toughest of times. Doug was one of those truly inspirational people who could raise the spirits and fortunes of others through the strength of his personality and positive attitude. He is remembered for his selflessness and care for others. Indeed, while stationed in Alaska he volunteered many hours of his time with Big Brothers and Big Sisters. There can be no doubt that his selflessness and courage were on full display in Kandahar as well. Today we honor a hero with a unique gift to lift the spirits of those around him regardless of the circumstances. Specialist Green's decorations include the Bronze Star with V Device for Valor, the Purple Heart and the Combat Infantryman's Badge.

Marine Captain Michael M. Quin fell while serving with Marine Light Attack Helicopter Squadron 469 of the 3rd Marine Air Wing. Captain Quin, a UH-1 Yankee Pilot, was flying a combat training mission in Yuma, Arizona one month prior to an upcoming deployment to Afghanistan when he was lost in a helicopter crash. Captain Quin was a 2006 graduate of the U.S. Naval Academy in Annapolis, Maryland. His loss reminds us of the risks our warriors take in training before they reach the combat zones they are destined for. Captain Quin lived life with a zest few can muster. He was a notable athlete playing soccer as well as track and field. His was also a life of service rarely seen. Michael became an Eagle Scout with Troop 29 and the Gazebo he built for his Eagle Project still stands today at Arndt's Lutheran Church. Mike was proud to be a U.S. Marine and wear the Gold Wings of a Marine Aviator. This morning we honor a gallant life of service from one of our Nation's best and brightest. Captain Quin's awards include the Navy Marine Corps Achievement Medal and the Global War on Terror Service Medal.

These four exceptional American warriors and patriots remind us that it isn't how long we live, but how we live. With this monument, we commit the valor of these four men

to immortality. Fifty or a hundred years from now on another cool October morning, people will stop and read the names of:

Sergeant Scott Kirkpatrick  
Specialist Stephan Mace  
Specialist Douglas Green  
Captain Michael Quin  
And their Legend will live on . . .  
Thank You and God Bless America.

#### HONORING RONA RAMON

#### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. COSTA. Mr. Speaker, I rise today to honor the service of Rona Ramon, a teacher, healer, mother, friend and partner. Originally from Tel-Aviv, Rona served as a medic in a parachute unit with the Israeli army before earning a Bachelor's Degree in Physical Education at Wingate Institute and becoming a respected teacher. In 1986, Rona married Ilan Ramon, an Israeli fighter pilot who later became Israel's first astronaut.

Logging over 4,000 flight hours over his 14-year career, Ilan was a highly respected Colonel in the Israeli Air Force. In 1981, he was the youngest pilot flying in Operation Opera, the successful Israeli mission to destroy a nuclear reactor being constructed in Iraq. Ilan continued to dedicate his life to science as a Payload Specialist astronaut by using a multi-spectral camera to record and study desert dust among other research projects. His commitment to the advancement of science has positively impacted the people of Israel, the United States, and space exploration programs throughout the world.

The couple moved to Houston, TX, in 1998 and started a family. As Ilan trained for his space missions, Rona continued on a new adventure of her own: holistic medicine. The new surroundings gave Rona the opportunity to expand her knowledge of holistic medicine by studying new techniques, including the treatment of astronauts.

On February 1, 2003, tragedy struck when the space shuttle *Columbia*, carrying Ilan and 5 others, disintegrated upon re-entry. *Columbia* was commanded by Rick Husband, an alumnus of my alma mater, California State University, Fresno. Facing not only a personal, but also a national loss, Rona found herself in the midst of international events and memorials, representing not only herself, but the entire nation of Israel.

While still coping with the passing of her husband, Rona also lost her brother in a battle against leukemia. Shortly thereafter, Rona and her four beautiful children, Asaf, Tal, Yiftach and Noa, returned to Israel, where she found solace in her holistic healing practice and earned an MA in Holistic Health at Lesley College.

In 2009, Rona's eldest son Asaf, a gifted pilot, was tragically killed in an F-16 training accident. Once again, Rona was forced to deal with the death of a loved one, yet found the strength to continue her passion for helping others.

Today, Rona continues to inspire people across the world with her public speaking on

loss and healing. She works with several organizations and foundations including her own Ramon Foundation, an organization that promotes educational and communal values through space and scientific studies.

On October 20, 2012, a film honoring Ilan titled "An Article of Hope," will be shown in Palo Alto, CA, with Rona speaking in memoriam of her husband. This special event will be held in remembrance of the *Columbia* disaster nearly 10 years ago.

Mr. Speaker, I ask that my colleagues join me in celebrating the strength and compassion of Rona Ramon, a woman who has turned tragedy into an opportunity to promote good throughout the world, and who continues to be an inspiration to myself and others.

#### HONORING MRS. OMELIA MCKINNEY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable librarian, Omelia McKinney. Omelia was born and reared on a plantation in Bourbon, Mississippi, to John Fred and Nancy Johnson. In January 1964 she and her family of five brothers and five sisters relocated to Mound Bayou, Mississippi where she resides today. She is a member of St. Mark Church of God in Christ in Mound Bayou, Mississippi. Her maternal grandparents Lem and Elsie Frye passed on a legacy of holiness that left the family without excuse when it comes to salvation. Her paternal grandparents Marshall, Sr. and Sarah were also devout people of God.

Omelia always liked to read even as a small child. Her dad taught her to read when she was three years old. He was a great supporter of his children obtaining an education even though he did not get his high school diploma until 1966. Her love for books led her to reading centers in elementary school where she read every book she could get her hands on and later to the library where she read so many books that the librarian gave her special permission to check out as many books as she liked. Upon graduating from Coahoma Junior College, in Clarksdale, Mississippi in 1969 with an Associates of Arts Degree in Social Studies, she furthered her education at Delta State College where she earned a Bachelor of Science in Education. She taught in Social Studies in the Quitman County School District while pursuing a master's degree at Delta State University in library science.

After receiving a master of library science degree in 1974 from Delta State University, Omelia McKinney began her career as a high school library media specialist at John F. Kennedy High School in Mound Bayou, Mississippi. She was a professional library media specialist who had a broad understanding of the educational system and worked closely with teachers, administrators and students in selecting and evaluating materials to support the instructional program.

Omelia was dedicated to the children of John F. Kennedy High and made great strides

toward educating them in the use of media such as reading, research, audiovisual production and many other useful instruments that would assist the students to succeed. Students were also given comprehensive tests to measure their skills which they did excel.

In the early 1990s, she wrote a mini grant which she used to purchase the first multimedia computer in the Mound Bayou School District. Upon receiving the computer she was aware she did not know what to do with it. However, she was determined to learn and solicited two students who were avid computer users to give her lessons. She took that knowledge and later became one of the best computer users in the district, using her knowledge to help her co-workers as well as many students.

After serving the Mound Bayou Public Schools for 26 years, she applied and was accepted to the North Bolivar School District in Shelby, Mississippi as their high school library media specialist. She continued the job she loved so much for another three years until her retirement in 2004. A year after retirement she took a position as branch librarian in Shelby, Mississippi at the public library. There she was helpful in bringing great improvements to the public library. After leaving the Shelby public library, Omelia returned to Broad Street High School in 2006 to work as a part time library media specialist. Her plan and goal was to help children improve their reading and research skills by utilizing the great resources of the library through fun and interactive activities.

Omelia uses her skills as a library media specialist in her role as the reading fair coordinator for the North Bolivar School District. Students she has worked with have won district, regional, and state honors for the past four years. She enjoys her job, students and her co-workers.

Omelia's profession as a librarian has had a positive impact on her husband of 37 years, Claude McKinney. During Mr. McKinney's tenure as an educator he utilized research and other knowledge to enhance his students' learning abilities. The couple has four children, Desmond, Sheri, Preamiller and Tanjanika McKinney.

#### NORTHEAST COUNSELING SERVICES

#### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. BARLETTA. Mr. Speaker, I rise today to honor Northeast Counseling Services, which is celebrating its 40th anniversary of service to our community.

Northeast Counseling Services, founded on July 1, 1972, is a professional organization dedicated to improving quality of life by providing comprehensive and effective behavioral health services through a caring and responsive partnership with individuals, families, and the community. They serve our community as one of the largest providers of behavioral health services in Northeastern Pennsylvania.



Northeast Counseling Services offers a wide range of psychiatric services for children, adolescents, and adults including crisis intervention, intake and evaluation, inpatient and outpatient services, and intensive case management, among others. Northeast Counseling also offers emergency service available twenty-four hours a day, 7 days a week, including holidays. They have office locations in Nanticoke, Hazleton, and Lehighton.

Mr. Speaker, for the past forty years, Northeast Counseling Services has proudly served the people of Northeastern Pennsylvania. I commend the group on its 40th anniversary and wish it continued success.

#### COMMEMORATING THE 20TH ANNIVERSARY OF THE WATSONVILLE WETLANDS WATCH

#### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. FARR. Mr. Speaker, I rise today to call attention to the 20th Anniversary of the Watsonville Wetlands Watch, which is a remarkable community organization in my district. Dedicated to the protection, restoration, and appreciation of the wetlands of the Pajaro Valley, this group engages members of the Watsonville community and students of the Pajaro Valley Unified School District, drawing public attention to the rich uplands and dependent area wildlife.

Fed by the waters of the Pajaro Valley watershed, and linked together by nine species of fish and 250 species of birds, including many that are threatened or endangered, the six Sloughs of the Watsonville slough system form one of the largest remaining freshwater marshlands in the state's coastal zone. These Sloughs provide nursing grounds for fish and wildlife. Aquatic plants filter out impurities in the water, sequester carbon dioxide, and provide a buffer from land to sea—protecting water quality from impacts of soil erosion and protecting the land from the impacts of flooding. They also provide recreational opportunities.

Through the coordinated efforts of the Watsonville Wetlands Watch, hundreds of docents and volunteers are involved in greenhouse native plant production and actively involved restoration work, attending regular monthly "Restoration Day" events. Through these efforts, and in collaboration with the city of Watsonville and the Pajaro Valley Unified School District, Watsonville Wetlands Watch has supported a deep connection between the community of the Pajaro Valley and a healthy environment and watershed. Over the past 20 years, the Watsonville Wetlands Watch has grown from a small all-volunteer group doing slough cleanups, into the dynamic organization which we have today.

Mr. Speaker, I applaud the many accomplishments of the Watsonville Wetlands Watch, and I am proud to be associated with this vital work.

#### HONORING THE SERVICE AND SACRIFICE OF SECOND LIEUTENANT JAMES DES JARDIN

#### HON. REID J. RIBBLE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. RIBBLE. Mr. Speaker, I rise today to honor a fallen hero who has finally come home. Our experience is different than it would have been had Second Lieutenant James Des Jardin been found in 1944. James' parents had already buried one son, and now would have been burying another. Grief and sadness was the companion for this family on that December day in 1944.

Just three days after Christmas, the family was told of James missing in action with a letter. And I think you should know that similar letters were sent to over 73,000 families during the war saying that their loved one was missing. Our nation paid a heavy price to bring freedom to the world.

I cannot imagine the horror of hearing that news. More than that, I cannot fathom the uncertainty of a family not knowing. James' brother Earl, a bomber pilot, had already been killed in service to our country, in France just two months before, and now another son was missing.

Was James a POW? Was he hiding in Germany and working his way home? Did he perish that day? Or later? These are the questions that no parent, no brother or sister or son or daughter ever wants to ask. But these questions had to be asked. They provided hope. They provided encouragement. . . . but they also provide doubt and despair.

The questions certainly lingered. The sacrifice of the family, quietly held in their hearts and thoughts, and the yearning to know. December 28, 1944, and the years that followed, certainly brought heartache, that unless you have experienced it personally must have been difficult to understand.

So finally today brings closure. We get to lay to rest Second Lieutenant James Des Jardin—An American hero. Today we get to thank a family for their sacrifice. Today we get to, and I know this is a bit odd to say and maybe a bit odd for you to hear, but today we get to celebrate a hero and a hero's family. We as a community join with this family to share not just in grief but in joy of knowing our hero is finally home.

It's certainly different today than it would have been for the Des Jardin family in 1944. Today instead of mourning a fallen hero we celebrate his homecoming.

Today the family's questions have been answered and so have ours. Today an American hero is welcomed home and laid to rest. May God Bless the family and in His time provide the same closure for our Nation's other MIA families.

Thank you to the Des Jardin family for your sacrifice and thank you for including me today.

#### NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

#### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in support of victims of domestic violence and in recognition of October as Domestic Violence Awareness Month. For far too long, domestic violence victims have been ignored, afraid to speak up, and scared of being stigmatized. Battered immigrant women have been particularly vulnerable to domestic violence due to their temporary immigration status or lack of status. These women often suffer in silence because they fear threats of deportation, fear being separated from their children, and are afraid to come out of the shadows.

We have made significant progress in both reducing incidents of domestic violence and in offering support to victims. Eighteen years ago, Vice President BIDEN led the bipartisan effort to enact the Violence Against Women Act. As we all know, VAWA has strengthened communities and provided critical, life-saving support to victims of domestic violence, including battered immigrant women.

Obamacare expands access to critical domestic violence services. Under Obamacare, health insurers must provide women with access to domestic violence screening and counseling services without any cost-sharing and they cannot charge higher premiums to victims of domestic violence. This eliminates cost as a barrier to accessing these important services.

Nonprofit organizations are also doing inspiring work to aid victims of domestic violence. One such organization is Second Chance Employment Services. I want to recognize the extraordinary work done by this organization, and its founder Dr. Ludy Green. SCES offers survivors of domestic violence counseling and individualized job training services. SCES provides these women with both emotional support and the resources needed for financial security.

Despite all of these efforts, we still have a long way to go. Every day, three women in the United States die as a result of domestic violence. We must do everything we can to combat these unconscionable acts and support victims of this horrible crime. As the President noted in his Proclamation in honor of National Domestic Violence Awareness Month of 2012, "Let us renew our efforts to support victims of domestic violence in their time of greatest need, and to realize an America where no one lives in fear because they feel unsafe in their own home."

In recognition of Domestic Violence Awareness Month, we all must recommit to continuing to fight for all survivors of domestic violence. We must all work together to reauthorize VAWA before the end of this Congress and ensure that we expand rather than erode protections for all victims of domestic violence. I urge my Republican colleagues to pass the bipartisan Senate bill, which passed the Senate on April 26 by a more than 2-1 vote, so that we can expand rather than roll back protections for victims of domestic violence.

HONORING KINARD & MYLES TRUE  
GOSPEL PRODUCTIONS**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 19, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to recognize a remarkable team, Mr. Johnny Kinard and the Reverend Marvin Myles, together they are Kinard & Myles True Gospel Productions, Inc. They have been in business for over twenty years in a promotional partnership showcasing some of this nation's finest gospel acts and artists alike.

Kinard and Myles believed there was no need for two promoters in a region as small as theirs and that they could expand their horizons if they joined in partnership. The competition was tough in the region and that is what drove them into their partnership. Kinard was inspired by Early Wright, so he started recruiting local artists to perform in February, in observance of "Black History Month," and this tradition has lasted thirty years. Every year now, this annual event it is headlined by some of the biggest names in the field but it is the local groups that are the center of attraction.

Kinard gives much credit to the success of this event to the community of churches. Beyond marketing through the church's network it is the nurturing of talent within these congregations, whether they are soloists, groups or choirs making gospel music entertainment in demand.

Johnny Kinard is also a radio personality; he is simulcast on KJIW-94.5, WJIW-104.7, and KCAT-1340, every Thursday from 8 p.m. until 11 p.m. and on the internet at [www.lordrgdio.com](http://www.lordrgdio.com), where he reaches over a million listeners. The Mississippi Broadcasting Network named him the number one Gospel Music Promoter. Johnny Kinard is the recipient of the 2007 Mississippi Gospel Radio Announcer of the Year Award.

Over the years, Kinard & Myles True Gospel Productions, Inc. was very good at booking local acts, working with other events and hosting concerts but on December 30, 2006, they had their greatest challenge, the Pre-New Year's Eve "Gospel Jamboree" at the 4000-seating accommodation Pinnacle Gymnasium on the campus of Coahoma Community College in Clarksdale, Mississippi. The biggest names in the field of traditional quartet gospel music and Grammy Award winners were present. These were such groups as The

Mighty Clouds of Joy, Lee Williams & Spiritual QCs, the Five Blind Boys of Mississippi and Alabama, the Jackson Southernaires, the Pilgrim Jubilees, Doc McKenzie & The Hi-Lites, the Violinaires, The Gospel Keynotes and the list went on. Even the great Early Wright, Johnny's mentor, had never attempted such an undertaking. Failure to deliver a "great show" could destroy any gospel promoter's reputation. The task of trying to persuade businesses to sponsor gospel, not blues, and sell four thousand tickets at twenty to fifty dollars a "pop" tested this two-man operation to the max. The team, Kinard and Myles, believed that with God all things are possible; they said "We called it faith" and when applied properly it works every time. Dr. Vivian Presley, President of Coahoma Community College, attended the event and confirmed it was the first time a concert of any kind had sold out at the college.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Johnny Kinard and Reverend Marvin Myles of Kinard & Myles True Gospel Productions on their work of putting Traditional Quartet Gospel Music at the forefront of American Music, again.

**SENATE—Tuesday, October 23, 2012**

The Senate met at 1 and 05 seconds p.m., and was called to order by the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia.

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**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 23, 2012.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. ROCKEFELLER thereupon assumed the Chair as Acting President pro tempore.

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**ADJOURNMENT UNTIL FRIDAY,  
OCTOBER 26, 2012, AT 1 P.M.**

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 1 p.m. on Friday October 26, 2012.

Thereupon, the Senate, at 1 and 38 seconds p.m., adjourned until Friday, October 26, 2012, at 1 p.m.

## HOUSE OF REPRESENTATIVES—Tuesday, October 23, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 23, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Patrick Riffle, St. Peter's Catholic Church, Washington, D.C., offered the following prayer:

Almighty and ever-living God, You have promised that You will always draw near to those who call upon Your name.

We call upon You this day to send upon this great Nation Your protection and guidance. Fill the hearts of those who have been elected to lead, mold, and shape our country. Bless their staffs and all who labor here that they will see You in the work that they do.

Lord, fill this Chamber with Your presence so that here freedom, peace, and the common good will always be sought.

We ask this in Your most holy name. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. CONNOLLY) come forward and lead the House in the Pledge of Allegiance.

Mr. CONNOLLY of Virginia led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until noon on Friday, October 26, 2012.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House adjourned until Friday, October 26, 2012, at noon.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8129. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the System's "Major" final rule — Risk-Based Capital Guidelines: Market Risk [Docket No.: R-1401] (RIN: 7100-AD61) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8130. A letter from the Deputy Director, Department of the Treasury, transmitting the Department's final rule — Repeal of the Final Rule Imposing Special Measures and Withdrawal of the Findings of Primary Money Laundering Concern Against Myanmar Mayflower Bank and Asia Wealth Bank (RIN: 1506-AA63) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8131. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Allocation of Assets in Single-Employer Plans; Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8132. A letter from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting the Commission's final rule — Safety Standard for Play Yards [CPSC Docket No.: CPSC-2011-0064] (RIN: 3041-AC92) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8133. A letter from the Division Chief, Regulatory Affairs, Department of the Interior, transmitting the Department's final rule — Minerals Management: Adjustment of Cost Recovery Fees (RIN: 1004-AE29) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8134. A letter from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Special Regulations; Areas of the National Park System, Saguaro National Park, Bicycling [NPS-SAGU-10884; 8671-0004-SZM] (RIN: 1024-AE08) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8135. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; 2012 Ironman US Championship Swim, Hudson River, Fort Lee, NJ [Docket No.: USCG-2012-0223] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8136. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation, Atlantic Intracoastal Waterway (AIWW); Wrightsville Beach, NC; Cape Fear and Northeast Cape Fear River; Wilmington, NC [Docket No.: USCG-2012-0193] (RIN: 1625-AA09) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8137. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Wedding Reception Fireworks at Pier 24, San Francisco, CA [Docket No.: USCG-2012-0661] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8138. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Anchorage; Change to Cottonwood Island Anchorage, Columbia River, Oregon and Washington [Docket No.: USCG-2011-0348] (RIN: 1625-AA01) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8139. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cocoa Beach Air Show, Atlantic Ocean, Cocoa Beach, FL [Docket No.: USCG-2012-0633] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8140. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Bay Bridge Load Transfer Safety Zone, San Francisco Bay, San Francisco, CA [Docket No.: USCG-2012-0706] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8141. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Milwaukee Air and Water Show, Lake Michigan, Milwaukee, WI [Docket No.: USCG-2012-0688] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8142. A letter from the Attorney-Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Dredge Arthur J. Lake Huron, Lakeport, MI [Docket No.: USCG-2012-0709] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8143. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Servicemembers' Group Life Insurance and Veterans' Group Life Insurance-Slayer's Rule Exclusion (RIN: 2900-AN40) received October 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

8144. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Removal of 30-Day Residency Requirement for Per Diem Payments During an In-Patient Hospital Stay (RIN: 2900-AO36/WP2011-037) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8145. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Fisher House and Other Temporary Lodging (RIN: 2900-AN79) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8146. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Inwood Valley Viticultural Area [Docket No.: TTB-2011-0011; T.D. TTB-107; Ref: Notice No. 125] (RIN: 1513-AB83) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8147. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Middleburg Virginia Viticultural Area [Docket No.: TTB-2011-0009; T.D. TTB-106; Ref: Notice Nos. 123 and 123A] (RIN: 1513-AB67) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8148. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Revision to Vintage Date Requirements [Docket No.: TTB-2011-0008; T.D. TTB-105; Re: Notice No. 122] (RIN: 1513-AB84) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3973. A bill to facilitate the development of energy on Indian lands by reducing Federal regulations that impede tribal development of Indian lands, and for other purposes; with an amendment (Rept. 112-692). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. McMORRIS RODGERS (for herself, Mr. KLINE, and Ms. LINDA T. SANCHEZ of California):

H.R. 6578. A bill to exempt decorative hearth products from energy efficiency regulation under the Energy Policy and Conservation Act; to the Committee on Energy and Commerce.

By Mr. ISRAEL:

H.J. Res. 121. A joint resolution proposing an amendment to the Constitution of the United States to increase by 29 votes the number of electoral votes awarded to the candidate for President who receives the largest percentage of the popular vote; to the Committee on the Judiciary.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub-

mitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. McMORRIS RODGERS:

H.R. 6578.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority in which this bill rests is the power of the Congress to regulate Commerce as enumerated by Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. ISRAEL:

H.J. Res. 121.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 860: Mr. ADERHOLT.

H.R. 1621: Ms. MCCOLLUM.

H.R. 2052: Ms. SLAUGHTER.

H.R. 2600: Mr. LYNCH.

H.R. 3307: Mr. MICHAUD and Mr. CUMMINGS.

H.R. 3324: Mr. JOHNSON of Georgia.

H.R. 3661: Mr. SHIMKUS and Mr. BILBRAY.

H.R. 3849: Mr. STUTZMAN.

H.R. 4205: Mr. CLARKE of Michigan, Mr. GRIJALVA, Mr. KILDEE, Mr. MEEKS, Ms. MCCOLLUM, and Mr. TOWNS.

H.R. 4215: Mr. WHITFIELD.

H.R. 5943: Ms. HIRONO.

H.R. 6043: Mr. DEFazio.

H.R. 6527: Ms. MCCOLLUM.

H.R. 6575: Mr. HANNA and Ms. MCCOLLUM.

H.J. Res. 106: Mr. GARY G. MILLER of California and Mr. MARCHANT.

H.J. Res. 110: Mr. GUTHRIE and Mr. HUELSKAMP.

## EXTENSIONS OF REMARKS

HONORING ANDREW JENKINS FOR  
HIS CONTRIBUTIONS AND SERV-  
ICE TO THE COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable public servant, Mr. Andrew Jenkins. Mr. Jenkins has worked as a field engineer, construction analyst, and planning director for several federal, state, and local agencies throughout his career. In addition, Mr. Jenkins served as president of three independent and four joint venture limited liability companies.

Throughout his years of service, Mr. Jenkins has connected with many supportive and influential people that have given him great advice for building successful and rewarding businesses that benefit the community. Having been born and raised on his family's farm in the Mississippi Delta, where hard work was a badge of honor and your word was your bond, Mr. Jenkins still subscribes to those basic undaunting principles of work and uncompromised integrity.

Mr. Jenkins is a graduate of Tennessee State University with a degree in Civil Engineering. He continued his thirst for knowledge when he received a second graduate degree in Urban and Regional Planning from the University of Mississippi. Mr. Jenkins also has a wealth of knowledge and experience through Andrew Jenkins Associates, Inc. which specializes in Program and Construction Management, Quality Assurance Inspections, Minority Business Enterprise, and Disadvantaged Business Enterprise Outreach to name a few. In addition, he has also provided a variety of other professional services. The Mississippi State Board of Contractors with Certificate of Responsibility Number 12728 has duly registered Andrew Jenkins Associates, Inc. to practice Building Construction, Construction Management, Energy Management and Municipal and Public Works Construction.

He believes that every job is unique and represents a different set of opportunities for customizing Andrew Jenkins Associates, Inc.'s services to meet the needs of their various clients in the community.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Andrew Jenkins for his entrepreneurial spirit and dutiful service to the community.

CONGRATULATING MOCKINGBIRD  
ELEMENTARY FOR BEING  
NAMED A NATIONAL SCHOOL OF  
CHARACTER

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. MARCHANT. Mr. Speaker, it is with great pride that I rise today to congratulate Mockingbird Elementary of Coppell, Texas for being recognized as a National School of Character by the Character Education Partnership. Mockingbird Elementary was chosen for its ability to foster positive character development of within its curriculum.

Since 2004, Mockingbird Elementary has been a leader in implementing initiatives designed to build the character of its students. These interschool programs promote positive socialization between developing children and create a friendlier and cohesive educational environment.

Educational success and positive development of our nation's youth comes from hard work, innovation and a supportive community. I am proud to represent such a community, and especially a school that is reaching and surpassing all expectations. On behalf of the 24th Congressional District of Texas, I ask my colleagues to join me in congratulating Mockingbird Elementary in being recognized for its work as a national leader in proper character development and being named a National School of Character.

RECOGNIZING THE 35TH ANNIVER-  
SARY OF THE NEW HAMPSHIRE  
COALITION AGAINST DOMESTIC  
& SEXUAL VIOLENCE

**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. GUINTA. Mr. Speaker, it is with great pleasure that I congratulate the New Hampshire Coalition Against Domestic and Sexual Violence, NHCADSV, on reaching its 35th anniversary.

The Coalition started thirty-five years ago as the New Hampshire Coalition on Battered Women and began the important work of providing women and their families with a voice to stand up to the violence and abuse they have experienced. Over the years they have helped launch many programs and initiatives to prevent and combat domestic violence and abuse in collaboration with both state and federal partners, including the Domestic Violence Prevention Program and the Statewide Program to Improve the Response to Domestic Violence.

In addition to their advocacy and program support, the NHCADSV is made up of fourteen member programs and centers around the state that directly assist and provide services to those individuals and families who are in crisis. These programs and centers provide a safe place and secure environment, as well as the much needed support systems and tools women and their families need to work through these difficult situations.

As we recognize October as Domestic Violence Awareness Month it is very fitting that we celebrate the selfless work of the New Hampshire Coalition Against Domestic & Sexual Violence and all of their partners across the state. I commend you for all your hard work and dedication and congratulate you on your success throughout the last thirty-five years. I wish you all the best for the future.

CONGRATULATING JANE RAMSEY  
ON HER RETIREMENT AS PRESI-  
DENT OF THE JEWISH COUNCIL  
ON URBAN AFFAIRS

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Ms. SCHAKOWSKY. Mr. Speaker, I rise to congratulate Jane Ramsey on her retirement as President of the Jewish Council on Urban Affairs, JCUA, and to celebrate her thirty years of service with the organization.

Under Jane's leadership, JCUA has pursued its mission of combating poverty, racism, and anti-Semitism in our communities. Guided by the Jewish principles of "Tzedek", justice, and "Tikkun Olam", repairing the world, JCUA fights for social and economic justice and empowers communities in many of Chicago's most vulnerable neighborhoods.

JCUA is an active and leading voice in Chicago, fighting for human rights and civil rights. From comprehensive immigration reform to racism and bigotry, homelessness to government accountability, Jane and JCUA have empowered countless impoverished, oppressed, or otherwise marginalized communities.

Jane first came to JCUA in 1979 and, throughout her tenure, has fought poverty and hate wherever they occur. From efforts to combat the racism targeting mayoral candidate Harold Washington to organizing efforts to fight for the rights of Chicago Housing Authority residents when high-rise public housing buildings were destroyed, JCUA has been a leading voice demanding social and economic justice.

In the wake of the September 11 attacks, when Chicago's vibrant Muslim community faced a wave of hate crime attacks, JCUA launched its Jewish-Muslim Community Building Initiative. The program has built a long-term relationship between Jewish and Muslim

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

communities, fighting barriers of ignorance and hate and building mutual understanding and respect.

JCUA operates on the principle that affordable housing is a human right, working to create viable housing options and community development projects in Chicago's low-income communities. The organization provides zero-interest seed-funding for affordable housing development and preservation projects, capacity-building assistance to community groups engaging in economic development projects, and advocacy on behalf of affordable housing initiatives.

In recent years, JCUA has fought for immigration reform. Building on Jewish law and experience, JCUA fights the expansion of federal immigration detention centers, supports passage of the DREAM Act, and advocates for fair and just immigration reform to keep families together and create pathways to citizenship for undocumented immigrants.

Throughout her distinguished career, Jane has been recognized both locally and nationally. In 2009 she was named to the "Forward 50" list of those "leading the American Jewish community into the 21st century". She is a current board member of CAN-TV, Leadership Greater Chicago Fellows Association, Illinois Coalition for Immigrants and Refugee Rights, and the Shalom Center. In the past, she has also served her community by working with the Justice Coalition of Greater Chicago, Chicago Coalition to Protect Public Housing, Ethics Coalition, KAM Isaiah Israel Congregation, Women in Charge; and as a commissioner for Private Industry Council, PIC, the Women's Commission of the City of Chicago, and the Commission on Social Action of Reform Judaism.

For thirty years, Jane's work has changed the lives of countless individuals, families, and communities throughout Chicago. Her work has empowered Jews of all ages, brought together individuals of different faiths, and given a voice to those who would otherwise have gone unheard. I have been privileged to work with Jane over the years on several issues and projects and feel fortunate to call her a treasured friend. I join others in the Chicago area in offering my deep gratitude for her decades of work and lifelong commitment to social justice, empowerment, and human rights and in wishing her well.

HONORING PEARL ALICE MARSH,  
PHD

**HON. BARBARA LEE**

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career and tremendous accomplishments of Dr. Pearl Alice Marsh of California as she retires from a distinguished career in academia, public service and advocacy for both the United States and throughout Africa. Emerging from humble roots to become the first African-American woman to receive a doctorate degree in Political Science from the University of California, Berkeley, Dr. Marsh continues to be an inspiring trailblazer.

Dr. Marsh's prolific career includes a decade of service as Senior Professional Staff for Africa on the House Committee on Foreign Affairs. Yet, Dr. Marsh's long record of activism is at the heart of her call to service. Playing a role in some of the defining civil and human rights movements of our time, Dr. Marsh spoke out for non-discriminatory Fair Housing in California and helped drive the Civil Rights, Students, Health Rights, Women's and African Liberation movements throughout the 1960s and 1970s. This bold activism was part of an engine for enormous social and political change, and Dr. Marsh's passion for social justice went on to inform every aspect of her long career.

Pearl Alice Marsh began her career as a social worker and advisor to the Oak Park Neighborhood Council Member in Sacramento, CA, in 1968. Throughout the 1970s and early 1980s, she held many key positions driving efforts to strengthen the response of California communities to mental health issues, including joining the University of California, Berkeley to coordinate health administration and planning seminars for the Neighborhood Health Seminars Project and becoming the Associate Director of Mental Health Planning at Northern Alameda County.

Yet, in 1986, Dr. Marsh turned her attention back to academia and her studies of Africa, accepting a position as Program Director of Berkeley's Center for African Studies. In 1993, she moved to Washington, DC, to put her academic skills into policy practice as the Senior Research Associate for International Affairs at the Joint Center for Political and Economic Studies. In this critical role, Dr. Marsh developed and convened a series of multi-party forums in the run-up to the South African elections, which saw the election of Nelson Mandela as the first black president of the newly racially-integrated South Africa. She later became Executive Director at the Africa Policy Information Center, where she supervised the development of the Advocacy Network for Africa, a network of over 60 human rights, advocacy and humanitarian organizations working to raise the level of understanding and attention to current events in Africa through key policymakers.

In the years that followed, Dr. Marsh employed her ample knowledge and expertise to help guide Congressional policy as Senior Policy Advisor for International Affairs and Domestic Policy for Congresswoman Juanita Millender-McDonald. And, for the next decade, from 2000 to 2011, Dr. Marsh served as a Professional Staff Member on the House International Relations Committee and the Committee on Foreign Affairs where she reported to consecutive chairmen and helped to develop two key pieces of legislation—the U.S. Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Authorization Act of 2003 that created PEPFAR and the Tom Lantos and Henry J. Hyde Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Authorization Act of 2003, which has helped to provide AIDS treatment for more than 6.6 million people around the world.

In the final chapter of her professional career, Dr. Marsh returned to her activist roots, assuming the position of Director of U.S. Policy and Global Health at the ONE Campaign,

where she developed an advocacy plan to scale up African co-financing of their national health needs.

On behalf of the residents of California's 9th Congressional District, Dr. Pearl Alice Marsh, I salute you. I am proud to call you a colleague, a former constituent, but most importantly my friend. Thank you for your countless contributions to the struggle for equal opportunity and for your manifold commitment to teaching, advocating and producing groundbreaking U.S. foreign policy in the fight against global poverty and disease. I congratulate you on your many achievements, and I wish you and your loved ones all the best in this next chapter of life.

RECOGNIZING CANNON'S CATERING  
FOR THEIR SERVICE TO THE  
COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a Mississippi Delta, minority-owned business, Cannon's Catering. Owned and operated by Bobby and Della Cannon, Cannon's Catering was started by Della Cannon when she was just a high school student.

Originally, she wanted to use her culinary expertise to earn extra money by baking cakes and preparing refreshments for small parties held by family and friends. What started as an after school job transcended into a lucrative catering business; preparing meals for family reunions, class reunions, weddings, office parties as well as a host of other functions.

Cannon's Catering primary goal is to meet the needs of its customers. As a result, they take incredible pride in their work by paying close attention to details, providing excellent customer service, and creating a menu suitable for the occasion. The secret to their longevity has been their undeniable commitment to customer service.

Mr. Speaker, I ask my colleagues to join me in recognizing Cannon's Catering for their entrepreneurial spirit and commitment to excellent customer service.

IN RECOGNITION OF SUZANNE AND  
JEFFREY CITRON

**HON. FRANK PALLONE, JR.**

OF NEW JERSEY  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to recognize Suzanne and Jeffrey Citron for their tireless efforts and work with the community. As co-founders of the Charles Lafitte Foundation, Suzanne and Jeffrey have dedicated much time and effort to philanthropy.

Founded in 1999, the Charles Lafitte Foundation is dedicated to helping individuals live a more well rounded life. Under the leadership of Suzanne and Jeffrey, the Charles Lafitte



Foundation helps and supports individuals and organizations in several areas, including support for children's advocacy, education, medical research and initiatives, as well as the arts. The Charles Lafitte Foundation holds numerous events each year in their attempt to further their ability to reach those in need.

Much of both Suzanne's and Jeffrey's philanthropic success is rooted in their background in the private sector, where both have ample experience leading successful private enterprises. Suzanne served as CEO of New World Aviation, a small aircraft company co-founded by both herself and Jeffrey. Jeffrey co-founded the telecommunications company Vonage in 2001, served as CEO of Vonage from 2001–2006, and is currently chairman of the board of directors. Besides her work in the private sector and with the Charles Lafitte Foundation, Suzanne for the past several years has served on the American Cancer Society Advisory Board of the Jersey Shore.

Mr. Speaker, please join me in leading this body in recognition of Suzanne and Jeffrey Citron. It is with great pleasure that I am able to join with Big Brothers Big Sisters of Monmouth County in honoring their work this evening. Both Suzanne and Jeffrey are truly deserving of this body's recognition.

**GOOD EGG BREAKFAST 50TH ANNIVERSARY**

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. DENHAM. Mr. Speaker: I rise today to recognize and honor the Good Egg Breakfast on its 50th anniversary. The first Good Egg Breakfast, GEB, was held in April 1963 at the Sportsmen of Stanislaus Clubhouse. Today, the event is billed as the world's longest running egg promotion breakfast.

Original cosponsors of the GEB were Stanislaus and San Joaquin County area poultrymen and the Modesto Chamber of Commerce. Stanislaus County Farm Bureau was added as a cosponsor, and the poultrymen evolved into the Pacific Egg and Poultry Association and the California Poultry Federation. Today, the four entities that plan and execute the breakfast are the Modesto Chamber of Commerce, California Poultry Federation, Pacific Egg and Poultry Association, and the Stanislaus County Farm Bureau Federation. The Good Egg Committee is made up of members from the aforementioned sponsors.

The original GEB award was given to an area resident singled out for their outstanding contributions to agriculture. The breakfast also kicked off Farm-City Days in Stanislaus County. The breakfast now includes recognition not only of agriculturists but also those from every walk of life who have demonstrated dedication and outstanding service for the benefit of the community. Mr. Good Egg of 1970, Governor Ronald Reagan, is the most famous of past honorees. In 1981, the Good Egg of the Year award was renamed the "Fred C. Price Good Egg of the Year Award," in honor of farm advisor Fred Price.

The GEB also awards scholarship stipends to local Modesto Junior College students who

epitomize a "Good Egg"—someone who gives back to the community.

The following is a list of all the Good Egg recipients for the past 50 years: 1963—Joe Domecq; 1964—John G. Veneman; 1965—Ernest Tarone; 1966—William Ulm; 1967—Richard Lyng; 1968—Joe Hart; 1969—Milton Kidd; 1970—Ronald Reagan; 1971—Fred G. Thiemann; 1972—Romain Stewart; 1973—John Keefe; 1974—Dan Kelsay; 1975—Frank Espinola; 1976—Clare Berryhill; 1977—Donald West; 1978—George Biddle; 1979—John Thurman; 1980—Norton Coleman; 1981—Mathew Fiscalini; 1982—Max Foster; 1983—Paul Lavine; 1984—Bill Lyons, Sr; 1985—Peggy Mensinger; 1986—Larry Banks; 1987—John De Boer; 1988—Larry Can; 1989—Larry Hooker; 1990—Grant Lucas; 1991—Bette Belle Smith; 1992—James S. West; 1993—Ernie Gemperle; 1994—Roland Starn; 1995—Henry Voss; 1996—Bob Benson; 1997—Stan Hodges; 1998—Ray Simon; 1998—Genie Zehrung; 1999—Tony Cobarrubia; 2000—George House; 2001—Dr. George West; 2002—Nick Blom; 2003—Willis D. "Woody" Woodward, D.V.M.; 2004—Saxon Downs; 2005—Shirley Jorgensen; 2006—Bill Lyons, Jr; 2007—Carol Whiteside; 2008—Gary West; 2009—Dr. Mark Bender; 2010—Dr. Richard Breitmeyer; 2011—Reverend Vernon Deatherege; 2011—Barbara Deatherege, Ph.D.

Mr. Speaker, please join me in congratulating the Good Egg Breakfast for 50 years of promoting eggs, agriculture, and community service.

**RECOGNIZING THE ACCOMPLISHMENTS OF CENTRAL HIGH SCHOOL IN MORGAN HILL, CALIFORNIA**

**HON. JERRY McNERNEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. McNERNEY. Mr. Speaker, I rise today to recognize Central High School in Morgan Hill, California, which is located in my congressional district.

A quality education is the cornerstone of our children's and country's future. A strong educational system ensures that we will remain competitive in an ever growing and interconnected world. We must demand the best from students, excellence from teachers, and the involvement of parents and communities. Central High School is emblematic of the rewards of hard work.

Central High's dedication and commitment to quality education has been a model for schools throughout California. The hard work of everyone involved at the school, including teachers, students, and administrators is evident in its exceptional 158 point improvement in the state's Academic Performance Index. This success shows what can be achieved when all stakeholders work together with a focused goal, and is something that will benefit these students their entire lives.

I urge my colleagues to join me in recognizing the improvements, accomplishments, and dedication to academic excellence at Central High School.

**HONORING EMERGENCY MANAGEMENT COORDINATOR IRA MARKS**

**HON. STEVEN R. ROTHMAN**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. ROTHMAN of New Jersey. Mr. Speaker, I rise today to honor Ira Marks for his dedicated leadership and service to the Borough of Fair Lawn, a community that I have the pleasure of representing in New Jersey's Ninth Congressional District. At the end of the year Ira will be retiring from his position as Director and Emergency Management Coordinator for the Borough, a position he has held since 2006. Mr. Marks is a dedicated public servant and I am pleased to recognize him as he completes his distinguished career.

Mr. Marks first began working in the Office of Emergency Management in 1997. Since then he has served as Local Emergency Planning Committee President, Shelter Coordinator, Deputy Coordinator, and Emergency Management Coordinator. He has been integral in restoring the borough after several natural disasters, including flooding from Hurricane Irene, and assisting in medical training. Mr. Marks has demonstrated his talent for combining community service with his training and knowledge of the health field to improve the Office of Emergency Management.

Furthermore, Ira Marks has served as a volunteer for the Borough of Fair Lawn since 1978 while working in the private sector. He spent 21 years in the Volunteer Ambulance Corps, donating his time and holding the offices of Treasurer, Vice President, President, and Trustee. Among his many accomplishments, Ira aided in obtaining a grant for 10 automated external defibrillators for the training of Fair Lawn police officers. Ira was recognized for his excellent work when he was awarded the Distinguished Volunteer Service Cross in 1995, as well as the Hackensack Medical Center Award for EMS Excellence of Life Saving in 1998.

Ira is a graduate of Monmouth University in New Jersey, a veteran of the Army National Guard, and a wonderful New Jerseyman. His extraordinary dedication to public service is an inspiration to us all.

Mr. Speaker, today I rise to congratulate Ira Marks for his tremendous service to our community. I join with the grateful residents of the Borough of Fair Lawn in thanking him for his innumerable contributions to our community. His leadership and dedication to service have improved the lives of many and I wish him an enjoyable retirement.

**RECOGNIZING CHRISTIAN VOLUNTEER SERVICE FOR THEIR TIRELESS DEDICATION AND CONTRIBUTIONS TO THE COMMUNITY**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the charitable, non-

profit organization, Christian Volunteer Service.

Christian Volunteer Service, CVS, is an organization that has been active in Claiborne County, Mississippi, for 31 years. Founded in January 1981 by Don and Jeannette Mahoney, Christian Volunteer Service began their work in the community by providing practical aid for citizens that were sick and confined to their home. The services included home visits, preparation of meals and feeding, bathing and light household cleaning.

Later, they partnered with Meals on Wheels, a program that delivers meals free of charge to the elderly, to continue their philanthropic efforts; Christian Volunteer Service began providing roundtrip transportation for medical appointment for the elderly throughout the Port Gibson, Vicksburg and Jackson areas. Christian Volunteer Service has a stellar record for serving over 12,500 families, repairing over 1,600 homes and spending over \$700,000 on the needy with the help of dedicated volunteers and supporters over the past years.

The volunteers of Christian Volunteer Service are dedicated to working with local churches and residents in the county to provide care for the needy and the elderly. Due to the encouragement and financial support they receive from local churches, members of the community and the United Way, Christian Volunteer Services has been able to sustain their mission of strengthening and nurturing the community with a spirit of love and concern for its neighbors.

In 2006 Bishop Randal Burge became the Director of Christian Volunteer Service. Currently, they host teams of volunteers from all over the United States and Canada that are willing to come and service the area.

Christian Volunteer Services is the recipient of a number of Community Service Awards, including one from the State of Mississippi Governor's Office and an Excellence Award from the United Way Organization.

Mr. Speaker, I ask my colleagues to join me in recognizing Christian Volunteer Service for its philanthropic work throughout Claiborne County, Mississippi, and surrounding areas.

#### TRIBUTE TO MAYA WESBY

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in honoring Maya Wesby, the 2012 Congressional Black Caucus, CBC, Spouses Essay Contest winner. Maya, a native Washingtonian, is a dedicated student and burgeoning public schools, the Duke Ellington School for the Performing Arts. Her outstanding essay, "Defeating the Barriers of Physical Activity," won first place at the Congressional Black Caucus Foundation's Annual Legislative Conference this year.

Each year, high school and college students from the districts of CBC members write essays on issues that affect the lives of African Americans for the CBC Spouses Essay Con-

test. This year's topic was "How America's youth are moving us into a healthier tomorrow." Maya's essay documents childhood and adolescent obesity in our country and offers a solution for the staggering statistics. As an advocate for healthy living, Maya's thought-provoking work shows a young scholar who is getting the most from her education, is on top of the issues of the day, and has great promise as she prepares for college and for success in life.

Mr. Speaker, I ask the House of Representatives to join me in honoring Maya Wesby for winning the 2012 Congressional Black Caucus Spouses Essay Contest.

#### RECOGNIZING THE GIRL SCOUTS OF NORTHEAST TEXAS

#### HON. KENNY MARCHANT

OF TEXAS  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 23, 2012*

Mr. MARCHANT. Mr. Speaker, I rise today in celebration of the 100th anniversary of Girl Scouts of the USA and in special recognition of the Girl Scouts of Northeast Texas. This Council comprised of more than 35,000 girls and 16,000 adult volunteers spans across 32 counties in Northeast Texas. It is with great pride that I honor their long history of public service and leadership.

Established by Juliette Gordon Low in 1912, the Girl Scout movement started with just 18 girls in Savannah, Georgia, and the belief that bringing girls into the open air and the community would allow them to develop the confidence, self-reliance, and resourcefulness needed for personal and professional success. A century later, Low's extraordinary vision has impacted the lives of over 50 million girls and helped to produce some of the most accomplished women in the fields of business, science, education, and public service.

Today, Girl Scouts of the USA has nearly 4 million members and more than 100 different councils across the nation. In the greater Northeast Texas community, it is the Girl Scouts of Northeast Texas who carry on this incredible legacy by offering a variety of community outreach and educational programs that help all its members become strong leaders. Thanks to this Council, thousands of girls in my district are being given the tools to become successful women and accomplished professionals.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in celebrating the 100th anniversary of Girl Scouts of the USA and recognizing the Girl Scouts of Northeast Texas. I look forward to the members of this Council becoming the next generation of successful American women.

#### HONORING JANE RAMSEY

#### HON. BOBBY L. RUSH

OF ILLINOIS  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 23, 2012*

Mr. RUSH. Mr. Speaker, I rise today to honor Ms. Jane Ramsey. She is a long-time

Chicago area resident who has worked for three decades as a community leader for social and economic justice.

Jane Ramsey is retiring this year from her current position as the President of the Jewish Council on Urban Affairs, JCUA. She had been the Council's Assistant Executive Director from April 1979 and was named its Executive Director in 1982. JCUA combats poverty, racism and anti-Semitism in partnership with Chicago's diverse communities. Guided by prophetic Jewish principles, JCUA pursues social and economic justice for Chicago's most vulnerable neighborhoods by promoting a vision of empowering communities from within. Her leadership of over 30 years has helped enable the JCUA to become one of Chicago's most active and important organizations speaking on behalf of human and civil rights issues.

Jane Ramsey led the JCUA in an effort to combat racism facing mayoral candidate Harold Washington. Further, when Chicago Housing Authority residents were fighting to ensure that their rights were honored when the City of Chicago tore down its highrise public housing buildings, the JCUA organized a coalition of religious and civil rights groups to work for the tenants. When Chicago's Muslim community became the target of hate crimes after September 11, 2001, the JCUA formed the Jewish-Muslim Community Building Initiative.

Jane Ramsey has also served on numerous boards including the Justice Coalition of Greater Chicago, Chicago Coalition to Protect Public Housing, Ethics Coalition, KAM Isaiah Israel Congregation, Women in Charge; and as commissioner for Private Industry Council (PIC), the Women's Commission of the City of Chicago, and the Commission on Social Action of Reform Judaism. She is currently a board member of CAN-TV, the Leadership Greater Chicago Fellows Association, and the Illinois Coalition for Immigrant and Refugee Rights.

Mr. Speaker, I ask my colleagues to join me in recognizing Jane Ramsey. She is truly worthy of recognition by this august body, the U.S. House of Representatives.

#### REPEALING SECTION 907 OF THE FREEDOM SUPPORT ACT

#### HON. RANDY HULTGREN

OF ILLINOIS  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, October 23, 2012*

Mr. HULTGREN. Mr. Speaker, I rise today in support of repealing Section 907 of the FREEDOM Support Act. Since 1992 the people of Azerbaijan have been under unfair restrictions for American assistance.

Twenty years ago tomorrow, President George H.W. Bush signed into law the FREEDOM Support Act.

While a well intentioned effort at lifting out of poverty and tyranny the afflicted peoples of the former Soviet Union, the law also contained a provision under Section 907 of the bill, which restricted Azerbaijan from receiving assistance.

Azerbaijan was the only former Soviet state restricted in this manner, and bound by outdated criteria.

Every year since 2001, the restrictions under Section 907 have been waived. The US-Azerbaijan alliance has grown immensely over the previous 20 years across all sectors of cooperation, from military intelligence, to trade and business, to academic and cultural ties.

It is time to do away with this unnecessary and unfair law. Azerbaijan is a key ally in the War on Terror, and is a strategic geographic partner given its close proximity to Iran and Israel.

Instead of dwelling on conflicts of the past, we should be embracing economic growth of the future while continuing to foster and encourage democratic values in Azerbaijan.

Congress should repeal Section 907 of the FREEDOM Support Act and allow Azerbaijan access to the support it deserves.

#### RECOGNIZING DA' HOUSE OF KHAFRE FOR THEIR COMMIT- MENT TO THE COMMUNITY

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Indianola, Mississippi minority owned business, da' House of Khafre. Owned and operated by, Ms. C. Sade Turnipseed and Mr. Robert Terrell, Jr.

In 2010 da' House of Khafre opened to offer people from around the State of Mississippi and the world a place to gather and hear musicians play authentic blues and spiritual music while enjoying delicious teacakes and other delicacies. Prior to its grand opening legendary bluesman David "Honey Boy" Edwards of Shaw, Mississippi visited da' House of Khafre to bless its humble beginnings. Upon his visit, Edwards predicted that people were going to come from all over the world to see da' House of Khafre, honor its heritage and partake in the various activities and delicious food that is known throughout the Mississippi Delta.

da' House of Khafre is home to the historical Wall of Fame of Indianola, where visiting musicians from around the world, including Ghana, Norway, Japan, and France have signatures engraved in the wall which is held as a staple in the community.

Artists from these countries and many others have performed on da' House of Khafre's historical Front Porch stage where the music room door of legendary bluesman Sam Chatmon from Hollandale, Mississippi is gracefully hinged. The Chatmon's door, traditional quilts, African art, and the sweet smell of soul food provide a rural sophistication and ambiance that is reminiscent of the rich culture of the Mississippi Delta.

Mr. Speaker, I ask my colleagues to join me in recognizing da' House of Khafre and its owners, Ms. C. Sade Turnipseed and Mr. Robert Terrell, Jr. for their commitment to preserving the rich, history and heritage of the Mississippi Delta.

#### HONORING THE LIFE AND SERVICE OF GLORIA CAMACHO BORJA NELSON

##### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Ms. BORDALLO. Mr. Speaker, I rise today to honor the life and service of Gloria Camacho Borja Nelson, a dedicated educator, community advocate, and leader within the Democratic Party of Guam. She passed away on October 14, 2012.

Known affectionately as Lola to her family and friends, Gloria Nelson was born to Luis Quitugua Borja and Maria Camacho Borja on April 20, 1935, in Guam's capital city of Hagåtña. She was only six years old when Imperial Japanese forces invaded Guam during World War II.

Although she was unable to begin her schooling until after the war, Gloria was determined to obtain an education and she completed her elementary and high school education in nine years, graduating from George Washington High School in 1955. She went on to receive an Associate of Arts Degree from the Territorial College of Guam, now the University of Guam, and obtained her Bachelor of Arts Degree in Education from the Ohio State University.

While attending the Ohio State University, Lola met Ted S. Nelson whom she later married. Upon graduating from Ohio State, Ted and Lola attended the University of New Mexico, where they earned Masters of Arts degrees in Educational Administration and Supervision.

Lola dedicated much of her life to educating Guam's children. As a classroom teacher she was firm and instilled in her students not only academic knowledge, but also self-confidence, motivation, and a desire to give back to their community. She is remembered by many who she taught as an enthusiastic and energetic educator who contained a wealth of knowledge of the histories of Guam and Micronesia, and a teacher who dedicated herself to the needs of her students, even beyond the classroom.

Recognizing her commitment to education, Guam leaders frequently sought Lola's counsel in efforts to improve the island's school system. She was appointed a school principal, Associate Superintendent of Elementary Education, and Deputy Director of Education. In 1983, then-Governor Ricardo J. Bordallo called on Lola to serve as the Director of Education, a position she held for 56 months. Lola would continue her service to Guam's public school system as the chairperson of the Board of Education for three years.

Lola's devotion to the people of Guam extended beyond the classroom. She committed herself to many community organizations and gave freely of her time in service to those who needed it. She was elected president of Guam's Interfaith Volunteer Caregivers, vice chair of the Latte of Freedom Foundation, president of the Guam Association of Retired Persons, GARP, chairperson of the Guam Election Commission, and most recently as the chair of the Democratic Party of Guam.

One of her most notable achievements came in her fight to recover unpaid Cost of Living Allowance, COLA, benefits to Guam retirees from the government of Guam. As a member of GARP, Lola, along with Mrs. Candelaria Rios, waged and won a legal battle that forced the government of Guam to retroactively pay COLA benefits to retirees that were not paid for 13 years. Because of her efforts in this battle, the retiree benefits became known as the "Lola Cola."

Lola will always be remembered for her warm, caring and compassionate concern for her island people. Her legacy and contributions to our community will live on in the hearts of the people of Guam. I will deeply miss my dear friend Gloria Camacho Borja Nelson. My prayers are with her husband, former Senator Ted S. Nelson and their children Gwendolyn and Raymond L.G. Taimanglo; Ted, Jr. and Stephanie C. Nelson; Glenn and AnnMarie F. Nelson; Rhonda and Manuel P. Calvo; and her grandchildren and great-grandchildren.

#### CELEBRATING THE 100TH ANNI- VERSARY OF BIOLA, CALIFORNIA

##### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. COSTA. Mr. Speaker, I rise today to celebrate the 100th anniversary of Biola, California's founding. Biola is a small community located in the Central Valley with a population of about 1,600 people. The community was founded in 1912 by William Kerchoff, and it was incorporated in 1921. Biola has gone through tough times in the past 100 years, but they have proven to be a society that thrives and fights to always be better than the previous year.

Biola is known for its sense of community and comradeship. Families have lived in the same few square miles for generations. Neighbors are like family in Biola, and there is no question that there is a sense of loyalty between everyone.

In 1936 the Biola Raisin Day Festival began. It is a time for the citizens to come together, appreciate their town, and enjoy each other's company. This year marks the 56th Raisin Day Festival, and for three days, there will be entertainment, fun, and delicious food. The Biola Chamber of Commerce has made this weekend one of their top priorities. 100 percent of the profits that are made at the festival will go to bettering the sidewalks in the community.

Improving the quality of life in Biola is extremely important to its citizens, especially young people. A Biola Youth Group has been created so young men and women can be involved in making their community a better place. They participate in city cleaning projects, fundraising activities, and they support local events. The citizens in Biola understand that change does not happen on its own, and that a community engaged is vital.

Mr. Speaker, I ask my colleagues to join me in recognizing one of California's most close-knit communities. The citizens of Biola must

be commended for their hard work and dedication to making their small town a wonderful place to live.

# RECOGNIZING THE GIRL SCOUTS OF TEXAS OKLAHOMA PLAINS

## HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. MARCHANT. Mr. Speaker, I rise today in celebration of the 100th Anniversary of Girl Scouts of the USA and in special recognition of the Girl Scouts of Texas Oklahoma Plains. This Council comprised of nearly 24,000 girls and over 9,500 adult volunteers spans across 81 counties throughout Northwest Texas and Southern Oklahoma. It is with great pride that I recognize their long history of public service and leadership.

Established by Juliette Gordon Low in 1912, the Girl Scout movement started with just 18 girls in Savannah, Georgia and the belief that bringing girls into the open air and the community would allow them to develop the confidence, self-reliance, and resourcefulness needed for personal and professional success. A century later, Low's small movement has grown into a massive organization and generations of women have benefitted from her extraordinary vision.

Today, Girl Scouts of the USA has nearly 4 million members and more than 100 different councils across the nation. In the greater Northwest Texas and Southern Oklahoma communities, it is the Girl Scouts of Texas Oklahoma Plains who carry on this incredible legacy. Thanks to this Council, thousands of girls in my district are being given the tools to become successful women and accomplished professionals.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in celebrating the 100th anniversary of Girl Scouts of the USA and recognizing the Girl Scouts of Texas Oklahoma Plains. I look forward to the members of this Council becoming the next generation of strong American leaders.

# HONORING THE MODESTO ARCH

## HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to acknowledge and honor the rich heritage of the Modesto Arch as it celebrates 100 years of symbolic history in the Central Valley.

Early settlements in the great Central Valley of California were established along the only transportation routes available at the time—the rivers. In 1854, Stanislaus County had a population under 1,000 individuals. The county was named after Estanislao, a Native American who fought battles along the rivers in the area. A statue was recently dedicated in the Stanislaus County Courthouse Park to honor Chief Estanislao.

If you've lived in Modesto for any length of time, you've probably heard the story of how the city got its name. Originally laid out by the Central Pacific Railroad, there was an effort made to name the new village after one of the people involved with the development of the railroad venture—William C. Ralston, a San Francisco banker. Not wanting his name to be associated with something so new, he declined "modestly"—hence the name and the legend of Modesto.

In 1871, Modesto was voted the county seat of Stanislaus County; and from then on, it became the permanent trading center of the county. In 1884, it was incorporated; and in the same year, steps were taken to organize irrigation districts to supply water for the surrounding lands, which were devoted to grain growing and cattle. It was not until 1904, that the long fight for irrigation was won and the irrigation works were completed. From that point, colonization and development had been rapid and Modesto has grown as the metropolis within the county.

In 1912, the Modesto Arch—located at 9th and I Streets—was constructed by the Modesto Booster Club, founders of the Modesto Chamber of Commerce. The arch spanned the entrance to the city for many years. Other than a short move during the Ninth Street expansion and a recent refurbishment, there has never been a real threat to dismantle the city's most famous landmark. There are 696 light bulbs on the arch, and it was christened with a bottle of canal water.

The unique Modesto Arch is inscribed with "Water, Wealth, Contentment, Health," which was selected over "Nobody's Got Modesto's Goat."

One hundred years later, Modesto's esteemed landmark has been restored to its original glory. Community volunteers developed plans to update the lighting, patch the concrete, restore the original color scheme, replace the flag poles, and reinforce the structure, so the Arch will stand as a Modesto icon for another century.

Mr. Speaker, please join me in celebrating with the Modesto Chamber of Commerce and the City of Modesto for their efforts in protecting a landmark and the heritage of our community. The Arch bears witness to Modesto's past and future. Congratulations on the last 100 years and the restoration effort to keep "Water, Wealth, Contentment, Health" for generations to come.

# HONORING OMEGA BOYS CLUB/ STREET SOLDIERS

## HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Ms. LEE of California. Mr. Speaker, I rise today to honor the 25th Anniversary of the Omega Boys Club/Street Soldiers, an award-winning Bay Area non-profit organization providing a safe space for thousands of at-risk youth to learn violence-prevention skills, survive hardship and thrive in their communities. Under the helm of Executive Director, Dr. Joseph E. Marshall, Jr. and cofounder Jack

Jacqua, young men and women throughout the San Francisco Bay Area have gained conflict reduction tools, mentorship opportunities and a new outlook on life—helping them to achieve stellar education, career and family goals that seemed previously out of reach.

In 1987, two middle school teachers, Joe Marshall and Jack Jacqua, began the Omega Boys Club/Street Soldiers as a program of the Potrero Hill Neighborhood House in response to growing numbers of African American young people dropping out of school and becoming dangerously involved in illegal activity. At first the Club offered traditional activities in recreation and education, but the founders soon adopted an innovative public health intervention method to address the systemic culture of violence deeply ingrained in every facet of the youths' communities. Omega decided to treat violence as a disease that must be diagnosed, addressed and eradicated.

As a result of this early vision, the Omega Leadership Academy has provided more than 1300 boys and girls with academic support, life skills training, college preparation and assistance securing scholarships—all free of charge. With over 175 college graduates and 40 graduate school graduates (and counting), the program has a proven track record of not only changing—but saving lives. Through wrap-around, targeted life services, Omega has kept countless youth out of harm's way and free from incarceration. Moreover, the Omega Training Institute teaches individuals who work with youth—like police officers, development workers and school faculty—how to employ the Omega model's Alive & Free Prescription violence prevention methodology. This program, along with its Street Soldiers National Consortium, School Adoption Program, outreach-conducting Street Soldiers Violence Prevention Program and its acclaimed Nationally Syndicated Street Soldiers Radio Show, have impacted more than 15,000 Bay Area students and countless more across the nation.

Dr. Marshall and Mr. Jacqua have personally spent their entire careers preparing young men and women to achieve their dreams and positively contribute to society. These achievements are unparalleled, and the renowned success of Omega Boys Club/Street Soldiers reflect their many decades of compassionate sacrifice, hard work and groundbreaking ingenuity. I also want to thank and congratulate Omega's many students and alumni for their amazing commitment to pursue these hard-earned achievements.

Omega has proven that communities benefit when youth are given opportunities to live, study and participate as informed and valued citizens. The Omega Boys Club/Street Soldiers is more than a destination for youth seeking a new path; it's a gathering place, a place to find common cause and friendship, and a place to learn and grow. Ultimately, Omega is a place that teaches and empowers all of us to recommit to the principles of non-violence each and every day.

On behalf of California's 9th Congressional District, I want to extend my congratulations on this 25-year milestone in your mission to keep young people "alive and free." I thank all of the many people who have contributed to the continued success of the Omega Boys

Club/Street Soldiers and wish you the very best in the coming years.

RECOGNIZING RESOUNDING SMALL  
BUSINESS, J & W SMOKEHOUSE  
OF MOUND BAYOU, MISSISSIPPI

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 23, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor minority owned busi-

ness, J & W Smokehouse in Mound Bayou, Mississippi. Owned and operated by Kennedy and Jean Johnson, J & W Smokehouse is a barbeque staple in the Mound Bayou community.

Since the age of sixteen, Kennedy dreamed of owning his own business. In 2009, on a quest to fulfill his passion for cooking, he and his wife Jean opened J & W Smokehouse.

Developing much of his skills from observing his father Mr. Eddie Johnson, Sr., Kennedy utilized his skills & unique grilling technique to master what has become known as the best barbeque in the Mississippi Delta.

The noteworthy recipes of the Johnson's have drawn the attention of specialty foods stores as well as online distributors which have aided in the great success of J & W Smokehouse.

Today, J & W Smokehouse services a multitude of clients and barbeque lovers in the Mound Bayou area.

Mr. Speaker, I ask my colleagues to join me in recognizing J & W Smokehouse and owners Kennedy and Jean Johnson for their contributions to the Mound Bayou community and their resounding entrepreneurial spirit.

**SENATE—Friday, October 26, 2012**

The Senate met at 1:00 and 4 seconds p.m., and was called to order by the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia.

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APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, October 26, 2012.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN D. ROCKEFELLER IV, a Senator from the State of West Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. ROCKEFELLER thereupon assumed the Chair as Acting President pro tempore.

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ADJOURNMENT UNTIL TUESDAY,  
OCTOBER 30, 2012, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 10 a.m. on Tuesday, October 30, 2012.

Thereupon, the Senate, at 1:00 and 37 seconds p.m., adjourned until Tuesday, October 30, 2012, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Friday, October 26, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. WESTMORELAND).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 26, 2012.

I hereby appoint the Honorable LYNN A. WESTMORELAND to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Andrew Walton, Capitol Hill Presbyterian Church, Washington, D.C., offered the following prayer:

God of the universe, known by many names and worshiped in numerous ways, yet present in common experiences of life, we come in thanks and

gratitude for the gift of democratic process through which the Members of this body are elected to serve by representing the particular needs of their communities as well as the common good of the Nation.

In this season of discernment and decision, may all who are involved in the electoral process, from candidates, to campaign staffs, to voters, to poll workers, be filled with shared imagination, collective wisdom, and mutual compassion that transcend self-interest, personal gain, and individual pride.

May we ultimately find peace, rest, and hope not in institutional systems but in the sure knowledge of prophetic words that the arc of the moral universe not only bends toward justice but does so guided by the spirit of love that sustains and binds creation itself. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution

788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 10 a.m. on Tuesday, October 30, 2012.

Accordingly (at 12 o'clock and 2 minutes p.m.), the House adjourned until Tuesday, October 30, 2012, at 10 a.m.

### EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second and third quarters of 2012 pursuant to Public Law 95-384 are as follows:

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON EDUCATION AND THE WORKFORCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☐											

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN KLINE, Chairman, Oct. 3, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ETHICS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☒											

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JO BONNER, Chairman, Oct. 12, 2012.

#### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Billy Long (CODEL Gallegly)	6/30 7/2	7/2 7/3	Portugal Spain		807.00 345.00	(3) (3)					807.00 345.00
	7/3	7/9	Croatia		1,713.65	(3)					1,713.65
Hon. Michael McCaul	8/3	8/4	Mexico		271.40	(3)					271.40

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



October 26, 2012

## CONGRESSIONAL RECORD—HOUSE, Vol. 158, Pt. 11

15045

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOMELAND SECURITY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
(CODEL McCaul)	8/4	8/6	Colombia .....		692.80	(3)					692.80
	8/6	8/7	Paraguay .....		190.00	(3)					190.00
	8/7	8/9	Argentina .....		681.34	(3)					681.34
Hon. Henry Cuellar .....	8/3	8/4	Mexico .....		271.40	(3)					271.40
(CODEL McCaul)	8/4	8/6	Colombia .....		692.80	(3)					692.80
	8/6	8/7	Paraguay .....		190.00	(3)					190.00
	8/7	8/9	Argentina .....		681.34	(3)					681.34
Hon. Jeff Duncan .....	8/3	8/4	Mexico .....		271.40	(3)					271.40
(CODEL McCaul)	8/4	8/6	Colombia .....		692.80	(3)					692.80
	8/6	8/7	Paraguay .....		190.00	(3)					190.00
	8/7	8/9	Argentina .....		681.34	(3)					681.34
Hon. Robert Turner .....	8/3	8/4	Mexico .....		271.40	(3)					271.40
(CODEL McCaul)	8/4	8/6	Colombia .....		692.80	(3)					692.80
	8/6	8/7	Paraguay .....		190.00	(3)					190.00
	8/7	8/9	Argentina .....		681.34	(3)					681.34
R. Nick Palarino .....	8/3	8/4	Mexico .....		271.40	(3)					271.40
(CODEL McCaul)	8/4	8/6	Colombia .....		692.80	(3)					692.80
	8/6	8/7	Paraguay .....		190.00	(3)					190.00
	8/7	8/9	Argentina .....		681.34	(3)					681.34
Brett DeWitt .....	8/3	8/4	Mexico .....		271.40	(3)					271.40
(CODEL McCaul)	8/4	8/6	Colombia .....		692.80	(3)					692.80
	8/6	8/7	Paraguay .....		190.00	(3)					190.00
	8/7	8/9	Argentina .....		681.34	(3)					681.34
Tamla Scott .....	8/3	8/4	Mexico .....		271.40	(3)					271.40
(CODEL McCaul)	8/4	8/6	Colombia .....		692.80	(3)					692.80
	8/6	8/7	Paraguay .....		190.00	(3)					190.00
	8/7	8/9	Argentina .....		681.34	(3)					681.34
Control Rooms .....	8/3	8/4	Mexico .....		176.40						176.40
(CODEL McCaul)	8/4	8/6	Colombia .....		580.48						580.48
	8/6	8/7	Paraguay .....		121.00						121.00
	8/7	8/9	Argentina .....		439.34						439.34
Hon. Jackson Lee .....	8/10	8/12	Morocco .....		496.05	(3)					496.05
(CODEL Kingston)	8/12	8/15	Kenya .....		1,050.00	(3)					1,050.00
	8/15	8/15	South Sudan .....			(3)					
	8/15	8/18	Tanzania .....		563.10	(3)					563.10
	8/18	8/19	Spain .....		220.69	(3)					220.69
Committee total .....					16,224.44						16,224.44

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. PETER T. KING, Chairman, Oct. 9, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE ADMINISTRATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. <input type="checkbox"/>											

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DANIEL E. LUNGREN, Chairman, Oct. 1, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☐											

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. LAMAR SMITH, Chairman, Oct. 11, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. David Dreier .....	8/4	8/16	Asia .....		3,276.00		13,375.00				16,651.00
Bradley Smith .....	8/4	8/16	Asia .....		3,276.00		13,375.00				16,651.00
Rachael Leman .....	8/4	8/16	Asia .....		3,276.00		14,455.00				17,731.00
Hon. Virginia Foxx .....	8/27	9/5	Italy .....		293.43		4,658.60				4,952.03
Brandon Renz .....	8/27	9/5	Italy .....		241.29		10,374.90				10,616.19
Committee total .....					10,362.72		51,783.50				66,601.22

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVID DREIER, —Chairman, Oct. 18, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON VETERANS' AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JEFF MILLER, Chairman, Oct. 1, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Erik Paulsen .....	5/24	5/26	India .....		582.63						582.63
	5/20	5/21	Korea .....		338.90						338.90
	5/21	5/24	China .....		1,115.89						1,115.89
Hon. Jim Gerlach .....	5/20	5/22	Taiwan .....		582.69						582.69
	5/22	5/25	South Korea .....		1,013.00						1,013.00
Hon. Sander Levin .....	4/11	4/13	Colombia .....		2,109.89		1,134.80		3,723.00		6,967.69
Viji Rangaswami .....	4/11	4/13	Colombia .....		2,058.50		1,927.80				3,986.30
Hon. Sander Levin .....	4/13	4/15	Colombia .....		1,059.37						1,059.37
Hon. Erik Paulsen .....	5/26	5/27	Germany .....		291.00						291.00
Hon. Vern Buchanan .....	4/10	4/11	Ghana .....		230.00						230.00
	4/11	4/11	Burundi .....								
	4/11	4/14	Tanzania .....		728.00						728.00
	4/14	4/15	United Arab Emirates .....		337.60						337.60
	4/15	4/15	Afghanistan .....								
	4/15	4/16	Germany .....								
Johann Johann Leaman .....	6/24	6/28	Switzerland .....		1,512.00		1,981.30				3,493.30
Committee total .....					11,959.47		5,043.90		3,723.00		20,726.37

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman, Oct. 3, 2012.

## REPORT OF EXPENDITURES FOR THE JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012.

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☐

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Vice Chairman, Oct. 3, 2012.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8149. A letter from the Under Secretary, Defense, transmitting a letter on the approved retirement of Admiral Kirkland H. Donald, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

8150. A letter from the Under Secretary, Defense, transmitting a letter on the approved retirement of Lieutenant General Mark P. Hertling, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

8151. A letter from the Under Secretary, Defense, transmitting a letter on the approved retirement of General Raymond E. Johns, Jr. United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8152. A letter from the Under Secretary, Defense, transmitting a letter on the approved retirement of General Douglas M.

Fraser, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

8153. A letter from the Under Secretary, Defense, transmitting a letter authorizing Colonels William F. Mullen III and James S. O'Meara, United States Marine Corps, to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

8154. A letter from the Under Secretary, Defense, transmitting a letter authorizing Rear Admiral (lower half) Katherine L. Gregory, United States Navy, to wear the insignia of the grade of rear admiral; to the Committee on Armed Services.

8155. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0264; Directorate Identifier 2011-NM-179-AD; Amendment 39-17147; AD 2012-15-17] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8156. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (OPERATIONS)

LIMITED Airplanes [Docket No.: FAA-2012-0332; Directorate Identifier 2011-NM-130-AD; Amendment 39-17155; AD 2012-16-08] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8157. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0336; Directorate Identifier 2011-NM-213-AD; Amendment 39-17154; AD 2012-16-07] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8158. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1418; Directorate Identifier 2011-NM-187-AD; Amendment 39-17157; AD 2012-16-10] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8159. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Various Restricted Category Helicopters [Docket No.: FAA-2012-0739; Directorate Identifier 2012-SW-044-AD; Amendment 39-17125; AD 2012-14-11] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8160. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2010-0480; Directorate Identifier 2010-NM-035-AD; Amendment 39-17139; AD 2012-15-10] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8161. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0414; Directorate Identifier 2011-NM-210-AD; Amendment 39-17138; AD 2012-15-09] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8162. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Glasflügel Gliders [Docket No.: FAA-2012-0046; Directorate Identifier 2011-CE-040-AD; Amendment 39-17136; AD 2012-15-07] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8163. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1322; Directorate Identifier 2011-NM-211-AD; Amendment 39-17141; AD 2012-15-12] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8164. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2009-0607; Directorate Identifier 2009-NM-024-AD; Amendment 39-17142; AD 2012-15-13] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8165. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; HPH s.r.o. Sailplanes [Docket No.: FAA-2012-0598; Directorate Identifier 2012-CE-017-AD; Amendment 39-17150; AD 2012-16-03] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8166. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes [Docket No.: FAA-2012-0677; Directorate Identifier 2012-NM-105-AD; Amendment 39-17114; AD 2012-13-12] (RIN: 2120-AA64) received September 27, 2012, pur-

suant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8167. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters [Docket No.: FAA-2012-0715; Directorate Identifier 2012-SW-039-AD; Amendment 39-17122; AD 2012-14-08] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8168. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0147; Directorate Identifier 2011-NM-067-AD; Amendment 39-17116; AD 2012-14-02] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8169. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2012-0266; Directorate Identifier 2011-NM-061-AD; Amendment 39-17119; AD 2012-14-05] (RIN: 2120-AA64) received September 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. BONNER:

H.R. 6579. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for compensatory payments made to any person or governmental entity on account of the April 20, 2010, explosion on and sinking of the mobile offshore drilling unit Deepwater Horizon; to the Committee on Ways and Means.

By Ms. FUDGE:

H.R. 6580. A bill to amend title 5, United States Code, to allow veterans who receive health care from the Department of Veterans Affairs to be eligible for supplemental dental and vision insurance under the Federal Employees Health Benefits Program; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ISRAEL:

H. Res. 807. A resolution calling for the arrest and prosecution of Iranian President Mahmoud Ahmadinejad for incitement to genocide; to the Committee on Foreign Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-

tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. BONNER:

H.R. 6579.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Ms. FUDGE:

H.R. 6580.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3, the Commerce Clause.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 273: Mr. JOHNSON of Georgia and Mr. ROSS of Arkansas.

H.R. 303: Mr. GRIFFIN of Arkansas.

H.R. 321: Mr. LARSEN of Washington.

H.R. 458: Mr. KUCINICH, Ms. ESHOO, and Mr. SHERMAN.

H.R. 812: Mr. TURNER of New York.

H.R. 1051: Mr. TIBERI.

H.R. 1614: Mr. GRIMM.

H.R. 1711: Ms. NORTON.

H.R. 2085: Mr. CLAY.

H.R. 2502: Mrs. DAVIS of California.

H.R. 2697: Mr. ALTMIRE and Mr. GRAVES of Missouri.

H.R. 2705: Mr. DICKS.

H.R. 3357: Mr. NEAL.

H.R. 4115: Mr. CONNOLLY of Virginia.

H.R. 4309: Mr. FITZPATRICK.

H.R. 4643: Mr. WALBERG.

H.R. 5903: Mr. KING of Iowa.

H.R. 6038: Mrs. NAPOLITANO.

H.R. 6046: Mr. CONNOLLY of Virginia.

H.R. 6087: Mr. REYES, Ms. LEE of California, and Ms. CLARKE of New York.

H.R. 6157: Mr. CONYERS.

H.R. 6388: Mr. YOUNG of Florida, Mr. GARY G. MILLER of California, and Mr. DOLD.

H.R. 6412: Mr. SCHRADER, Mr. MURPHY of Connecticut, Mr. LARSON of Connecticut, Ms. CLARKE of New York, Mr. AL GREEN of Texas, Mr. KIND, and Mr. PERLMUTTER.

H.R. 6416: Ms. HERRERA BEUTLER.

H.R. 6480: Mr. COFFMAN of Colorado.

H.R. 6490: Mr. WESTMORELAND, Ms. SEWELL, Mr. KING of New York, and Mr. RYAN of Ohio.

H.R. 6511: Mr. AMODEI, Mr. SCOTT of South Carolina, Ms. HAYWORTH, Mr. WOLF, Mr. McCAUL, Mr. GARY G. MILLER of California, Mr. GOODLATTE, Mr. CULBERSON, Mr. ROGERS of Alabama, and Mr. JOHNSON of Ohio.

H.R. 6549: Mr. DEFazio, Mr. FATTAH, Mr. HINCHEY, Mr. HONDA, Ms. NORTON, Ms. RICHARDSON, Mr. RANGEL, and Mrs. CAPPS.

H.R. 6567: Mr. MULVANEY.

H. Res. 99: Mr. SHERMAN.

H. Res. 111: Mr. TURNER of New York, Mr. McCLINTOCK, Mr. BUCSHON, and Mr. CICILLINE.

## EXTENSIONS OF REMARKS

### HORSES FOR HEROES

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. POE of Texas. Mr. Speaker, Army Sergeant Curtis Davis returned to America from his last deployment in a wheelchair. He thought he would never be able to walk again. However, he was welcomed back with open arms by his family and friends who told him that wasn't so. Sergeant Davis did not immediately have the physical ability to get back into the active father role of running around with his kids or participating in physical activities that our military men and women dream of doing when they return from serving overseas.

Today, Sergeant Davis is back up on his feet thanks to Horses for Heroes, a program located northwest of Georgetown, Texas, dedicated to improving the lives of injured veterans. Prior to becoming involved with Horses for Heroes, Sergeant Davis could not balance on his own two legs and was unable to walk without a cane or crutches. And after several rides on a horse, his life has improved. He can now walk. He has also learned peace and a therapeutic connection to a horse.

Just like Sergeant Davis, there are several service men and women who were injured in Iraq or Afghanistan. Some of them were physically injured, others were emotionally injured. Horses for Heroes has helped heal these men and women who risked their lives for our freedom. The organization has created a special environment where our injured veterans have gone for support, recovery, and inspiration, all on a horse with a veteran at their side. Improved balance, motor skills, speech, morale, and well being are only a few of the benefits of Horses for Heroes treatments.

Post-war life is a difficult adjustment. It is great to see a local Texas organization investing in the physical and emotional lives of our American heroes.

And that's just the way it is.

MS. DONNA E. PALERMO

#### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. BARLETTA. Mr. Speaker, I rise today to honor Donna E. Palermo, president of the Greater Hazleton Chamber of Commerce, who received the Maternal and Family Health Services Rose Tucker Award. Maternal and Family Health Services is a non-profit health and human service organization working to improve the health of Pennsylvania women and children.

The Maternal and Family Health Services Rose Tucker Award is named in honor of

former Luzerne County Commissioner and long-time employee of Maternal and Family Health Services, Rose Tucker. Ms. Tucker dedicated her life to public service and acted as a health advocate and champion for women, children, and families in Northeastern Pennsylvania. The award is presented to someone who exemplifies those same qualities.

Ms. Palermo has had a distinguished career with the Greater Hazleton Chamber of Commerce. She began as an executive secretary in 1988 and continued to move through the ranks serving as an administrative assistant, vice president, and interim president. In May 2001, she became the first woman in the chamber's 120-year history to serve as president. In June 2013, she will celebrate 25 years with the chamber.

Ms. Palermo has committed years of service to her community. She holds leadership positions on numerous boards including chairman of the Greater Hazleton Area Civic Partnership, chairman of the Luzerne County Convention and Visitors Bureau, and secretary of the Mountain Council of Governments. Ms. Palermo serves the community on additional boards such as Greater Hazleton Partners in Education, Hazleton General Hospital, Leadership Hazleton, Luzerne County Community College Advisory Council, and the YWCA PEARL committee.

Ms. Palermo has been a successful leader for the community. She led efforts to form a health insurance and energy program through a partnership of 17 chambers in Northeastern Pennsylvania. She helped to initiate a Farmers Market in downtown Hazleton as well as a Women's Networking committee in partnership with the Hazleton YWCA and Leadership Hazleton. Ms. Palermo was recognized in 2002 as one of the top 25 women in business by the NEPA Business Journal.

Having worked with Ms. Palermo on economic development and community service projects in the Hazleton area, I can attest to her integrity and strong sense of community pride. Ms. Palermo approaches each task with enthusiasm and optimism and keeps a level head even when situations become tense. It has been both a pleasure and an honor to work alongside Ms. Palermo on numerous projects in the Hazleton area, and I look forward to working with her on future endeavors.

Mr. Speaker, I commend Donna E. Palermo for her years of committed service to her community. It is an honor to recognize her service, and I congratulate her on receiving the Maternal and Family Health Services Rose Tucker Award. I thank Ms. Palermo for all that she does for our community in Northeastern Pennsylvania, and I wish her continued success in the future.

### HONORING JOSEPH STACHON'S HOMECOMING AS ILLINOIS VFW STATE COMMANDER

#### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor Joseph J. Stachon as Johnson-Phelps Post 5220 welcomes him home following his installation as Illinois VFW State Commander. As a decorated veteran, a dedicated citizen, and a loyal patriot, Mr. Stachon continues to serve his community and his tireless dedication deserves our recognition. I am especially proud because he is the first VFW State Commander from the 3rd Congressional District.

As a young man, Mr. Stachon enlisted and served our nation honorably in Vietnam as a Green Beret in the United States Army. As a combat rifleman in the 173rd Airborne Brigade, he was deployed from October 1968 until he was wounded in action, coming home in a full body cast in May 1969. On the battlefield his sacrifices earned him a Bronze Star, Purple Heart, Combat Infantry Badge, Parachute Badge, as well as a National Defense Medal, Vietnam Service Medal, Vietnam Campaign Medal, and the Vietnamese Cross of Gallantry.

Mr. Stachon also served for 30 years in the Chicago Police Department. On patrol, Mr. Stachon would occasionally encounter dangerous and difficult situations. In these instances, he was pragmatic and effective, quickly neutralizing any danger for both civilians and officers. He was known for his calm temperament and his reliability, and his commitment to the force and his fellow policemen was well-known and unwavering.

A Gold Legacy life member of the VFW Johnson-Phelps Post 5220 in Oak Lawn, Illinois, Mr. Stachon has served in all chairs including Post Commander ten times and All-State Commander four times. He has also served the Department of Illinois in many offices and is involved in several civic organizations.

Described by his friends as dependable and honest, Mr. Stachon is also a devoted family man who has been married to his wife Barbara for 43 years. Together they have raised two sons, Joseph Jr. and Jon, and a daughter, Julie. He enjoys spending his free time with his children and his four grandchildren: Anthony, Michael, Joseph, and Michelle, as well as his son-in-law, Tom, and daughter-in-law, Marie.

I ask you to join me in honoring Mr. Joseph Stachon on his installation and homecoming as Illinois VFW State Commander.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

RECOGNIZING W.H. JEFFERSON FUNERAL HOME, INC. FOR ITS CONTINUED SERVICE TO THE COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a minority owned business of Vicksburg, Mississippi, W.H. Jefferson Funeral Home, Inc.

W.H. Jefferson Funeral Home, Inc., is the oldest funeral home in the state of Mississippi. Established in 1894 by William H. and Lucy C. Jefferson, W.H. Jefferson Funeral Home has served Vicksburg and surrounding communities for 118 years, under the direction and sole ownership of members of the Jefferson family.

Both William H. and Lucy C. Jefferson were active in their community and served in various social and civic organizations. The Jefferson torch of service has been passed along for generations. The family's commitment to meeting the sovereign needs of its customers during their time of bereavement has been the business' anchor, even during some of the country's most trying economic times.

Today W.H. Jefferson Funeral Home, Inc. continues to carry on the tradition of dignity and compassion for its clients.

Mr. Speaker, I ask my colleagues to join me in honoring, W.H. Jefferson Funeral Home, Inc. and their contributions to their community.

RECOGNIZING MR. GENE GRUBER FOR WINNING HIS 5TH, AND HIS FAMILY'S 15TH, USA NATIONAL PLOWING TITLE

**HON. MICHELE BACHMANN**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mrs. BACHMANN. Mr. Speaker, I rise today to recognize Mr. Gene Gruber of Richmond, Minnesota, upon being awarded his 5th, and his family's 15th, USA National Plowing Title on August 6, 2012.

Mr. Gruber's victory means that he will represent the USA at the 60th World Plowing Contest in Olds, Alberta, Canada, on July 19–20, 2013. Going against 31 other countries, he will compete for the 5th time internationally, and in his last international competition in New Zealand (2010) he finished 9th. Mr. Gruber's skill and ability with the plow are only matched by his generosity, as he has not hesitated to teach other plowmen across the United States the knowledge necessary to be a plowing champion.

As farmers across the nation work to put food on the tables of all Americans, we can respect the dedication and industriousness that they show as they labor to grow and plow their crops every year.

Mr. Speaker, I ask this body to join with me in recognizing Mr. Gene Gruber upon this award.

HONORING THE TARAPANI FAMILY FOR 101 YEARS OF BUSINESS AND SERVICE IN TARPON SPRINGS, FLORIDA

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor and congratulate the Tarapani family of Tarpon Springs, Florida, on the accomplishment of 101 years of business and service in Tarpon Springs, Florida. Throughout their time in the United States, the Tarapani family has lived the American Dream, applying hard work and determination to create a successful small business in our community.

Having emigrated from Lithuania to the United States through Ellis Island as a young boy, Abraham Tarapani opened his first storefront in Tarpon Springs in 1911. The store was an old-fashioned dry goods store, selling clothing, fabrics, hats and other general merchandise. To this day, the Tarapani Department Store proudly serves the people of Tarpon Springs and northern Pinellas County.

Over the last century, the Tarapani family has become a staple of the Tarpon Springs business and civic communities. Through four generations, members of the family have actively and attentively served their local customers, while also serving the greater community with their participation on many boards and associations, including the American Legion, the Tarpon Springs Rotary Club, the Tarpon Springs Chamber of Commerce, the Tarpon Springs Board of Commissioners and the Florida Trust for Historic Preservation, among others. Abraham Tarapani and his wife, Margaret, had two children: Helen and Abe, Jr. Abe, Jr. and his wife, Florida Belle, had three children: Abe III, John and Florida Belle. And finally, John had a son, Townsend. These members of the Tarapani family represent four generations and their contributions have helped to make Tarpon Springs a better place to live, work, and raise a family.

Mr. Speaker, for more than 100 years the Tarapani family has represented the best of the American entrepreneurial spirit. The family has become a pillar of the local Tarpon Springs community. Their economic success and ability to adapt with the changing times exemplify the strength of this country's business community, and I commend them for their contributions to our area.

“REPEAL AN OLD RELIC”

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. POE of Texas. Mr. Speaker, 20 years ago this week then President George H.W. Bush signed the FREEDOM Support Act into law. This law gave money to the countries of the former Soviet Union to help them build democracies from the rubble of failed communism.

That is, except one. Wrapped up in this big bill was a tiny provision, called “Section 907,”

that forbid any money from going to the Republic of Azerbaijan.

Azerbaijan is a strong partner of the United States. After 9/11, Azerbaijan allowed our planes to fly in its airspace and contributed troops to Afghanistan. With 7 billion barrels of proven oil reserves, it will be an important player in increasing Europe's energy security. The country is also a predominantly Muslim country that is a friend of Israel and the free market system, unlike its tyrannical neighbor Iran. Presidents George W. Bush and Barack Obama recognized the importance of our alliance with Azerbaijan and waived Section 907 via Executive Order every year since 2001.

In fact, from Secretary Albright to Secretary Powell, Secretaries of State from both Republican and Democrat administrations over the last 20 years have supported the repeal of Section 907. Congress should do away with this archaic and obsolete relic of the past and repeal Section 907. And that's just the way it is.

HONORING THE PUBLIC SERVICE OF TERRENCE “TERRY” O'BRIEN

**HON. MIKE QUIGLEY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. QUIGLEY. Mr. Speaker, I rise today to honor the long and distinguished career of Terry O'Brien, President of the Metropolitan Water Reclamation District of Greater Chicago.

Terry will retire this November, after 24 years of exemplary public service to the Metropolitan Water Reclamation District of Greater Chicago (MWRDGC). Mr. O'Brien's integrity, along with his proven ability to be an effective leader, helped him to be elected President of the MWRDGC in 1997 for a two year term. As of 2011, he has been re-elected President eight times unanimously by his fellow commissioners.

Stemming from a long career in the environmental field, Mr. O'Brien has been able to bring extensive knowledge to enhance and streamline many of the tasks and responsibilities of the District at the least possible cost to local taxpayers. Further, based on his highest possible standard of public service and strong business sense, under President O'Brien's leadership, the MWRDGC is one of the few governmental agencies in the State of Illinois to have an AAA bond rating. This is a testament to his dedication to the citizens of the Chicagoland area to secure the highest possible return on investment. During his term as President the MWRDGC has abated over \$262 million dollars back to the taxpayers of Cook County. In addition, Mr. O'Brien is an aggressive vocal advocate for maintaining the health of area residents by preventing pollution in Lake Michigan, local rivers, and streams. He has actively pursued continuous funding for the MWRDGC's Tunnel and Reservoir Plan (TARP); this large undertaking captures sewer overflow before it can pollute the drinking water supply. Since TARP's implementation in 1985, over 950 billion gallons of combined sewer overflow have been captured that otherwise would have polluted the

area waterways. The system's final tunnel was completed in May of 2006, making all 109 miles of tunnel operational during rain events in Cook County.

Mr. O'Brien spent seven years initiating the successful introduction and enactment of a flood reduction bill, which now gives the MWRDGC the responsibility of dealing with flooding and stormwater issues throughout Cook County. After many setbacks, the bill was passed on November 19, 2004 thanks in part to Mr. O'Brien's relentless efforts and determination. He also instituted the (800) 332-DUMP pollution hotline number for citizens to report illegal dumping of materials into sewers and waterways, enabling the District to take immediate action against these violators.

Mr. O'Brien's strong interest in promoting fiscally sound, and taxpayer sensitive policies and programs, has led to a fiscally sound agency and to his promotion of aggressive use of District real estate holdings that are not needed for corporate use, again proving his commitment to reducing taxes that the District levies.

President O'Brien's finest and most enduring legacy will be his leadership in bringing this once-troubled agency forward to become one of the most well-respected, fiscally sound and forward thinking public agencies in the nation.

It is with great pride and respect that we salute President O'Brien for his many years of exemplary public service and dedication to cleaning up our Chicagoland waterways and Lake Michigan and we will be forever grateful for your vision and stewardship. We wish you great good luck in your years ahead.

Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Terrence J. O'Brien and his service to the Chicagoland area. His tireless commitment and dedication will be missed, and I wish him the best of luck in his future endeavors.

#### HONORING THE 80TH ANNIVERSARY OF VFW RHINE POST 2729

##### HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the 80th anniversary of Illinois Veterans of Foreign Wars Rhine Post 2729. Their 80 years of dedication and service is certainly a milestone deserving our recognition, and I am pleased to congratulate them on this special occasion.

Rhine Post 2729's history of service began in 1932, after receiving their official Congressional Charter on October 29th. It was named "Rhine" after Mr. Leo Spychalski, a Polish-American who founded the post and shared the nickname. Mr. Spychalski served in the U.S. Army and participated in the Allied offensive along the German western front in World War I. Following Germany's surrender, Mr. Spychalski was stationed as a guard along the Rhine River. After the war, he also served as the first Post Commander at Post 2729 for 6 years.

Located in Garfield Ridge, a community in Chicago, Illinois, Rhine Post 2729 has grown

from its original 17 members to roughly 125 members today. For 80 years now, these men and women have served their nation with courage and integrity, not only in active military duty overseas, but also in their local community.

Rhine Post 2729 is an active organization, and they maintain a legacy of public outreach and service. Of their many activities, they regularly volunteer at the local Veterans Administration hospital and sponsor local community events.

Over the years, I have had the pleasure of building a relationship with Rhine Post 2729 and their members. It has been a privilege working with them to host a senior fair, and an honor to have spoken many times at their Memorial Day services at Resurrection Cemetery in Justice, Illinois.

Today I stand to commend Rhine Post 2729 for their contributions to community and country, and to thank their members for their sacrifices. I ask you to join me in honoring them as we congratulate them on their 80th anniversary.

#### HONORING NATIONAL COMMUNITY RENAISSANCE AND THE HOPE THROUGH HOUSING FOUNDATION FOR 20 YEARS OF SERVICE

##### HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. GARY G. MILLER of California. Mr. Speaker, today I rise to congratulate National Community Renaissance (National CORE) and the Hope Through Housing Foundation (Hope) for 20 years of dedication to community transformation through the development and management of quality, service-enriched affordable rental housing.

National CORE is a leader in the acquisition, rehabilitation, and preservation of at-risk affordable housing across the nation. National CORE works closely with state, county and local governments nationwide to identify troubled multi-housing properties that are often ignored by others in the industry and transforms them into successful community centerpieces that establish or reestablish thriving and healthy neighborhoods.

National CORE utilizes proven business models while remaining committed to a social mission, resulting in efficient and effective strategies that successfully transform communities. National CORE's model of managing a product from its inception all the way through to completion and of continued property management is unduplicated by most other affordable housing builders. This innovation and commitment to excellence has made National CORE one of the United States' largest non-profit developers of quality affordable housing for low-income families and seniors.

National CORE's commitment to its residents also sets it apart. For every community it preserves, National CORE's first consideration is always its residents. Through the Hope Through Housing Foundation, National CORE is able to provide high quality services to its residents where they live. Hope is a non-

profit that works in close partnership with National CORE to create measurable positive change in the lives of children, adults and families living in these communities. Hope provides supportive services that promote upward mobility for families, and emphasizes the importance of early childhood education, youth development, senior wellness, and economic self-sufficiency. This "business mind, mission heart" approach has resulted in an improved quality of life in communities across the nation.

National CORE and Hope continually receive accolades and awards from their industry peers for the creation and operation of outstanding living environments. Whether constructing new infill projects or preserving at-risk affordable housing, entire neighborhoods have been transformed as a result of National CORE and Hope's commitment to providing decent housing and necessary social services for its residents. Using both proven methods and best-practices, as well as developing innovative approaches, National CORE and Hope generate meaningful community change, creating new social and economic opportunities in neighborhoods previously threatened by crime, poverty, blight, and isolation. As a member of the House Financial Services Committee's Housing Subcommittee, I know of no other organizations that have had such a meaningful and lasting impact on the physical and human fabric of communities as National CORE and Hope.

Today, I thank these organizations for their dedication to transforming communities and honor their efforts as they celebrate their 20th anniversary. Mr. Speaker, I invite my colleagues to join me in celebrating the work of National Community Renaissance and the Hope Through Housing Foundation.

#### HONORING HANK AND ROSE SANDERS OF ALABAMA

##### HON. MELVIN L. WATT

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. WATT. Mr. Speaker, as we approach Johnson C. Smith University's homecoming and election day, I want to take this opportunity to honor Rose and Hank Sanders.

Rose Sanders is a graduate of Johnson C. Smith University, a historically Black College located in my congressional district. She is also a graduate of the Harvard University School of Law. She was Alabama's first female African American judge and was also a lead attorney in the case of *Pigford v. Glickman*, a class action lawsuit against the United States Department of Agriculture which documented racial discrimination in the Department of Agriculture's allocation of farm loans and assistance.

Rose Sanders' husband, Hank Sanders, also graduated from Harvard Law School. He serves in the Alabama State Senate where he has represented the 23rd State Senate District since 1983. He was Chair of the Senate Finance and Taxation Committee and is the longest serving Chair of the Legislative Budget Committee.

Today, however, I want to recognize Hank and Rose Sanders for their tireless work to organize the National Voting Rights Museum & Institute and the Bridge Crossing Jubilee. The Museum and the Jubilee were organized and started to memorialize the events of March 7, 1965 which has come to be known as "Bloody Sunday". On that date 600 citizens, including my hero and our colleague JOHN LEWIS, were brutally attacked by Alabama state troopers, as they peacefully attempted to cross the Edmund Pettus Bridge seeking to provide the right to vote to all citizens. This attack showed the world the insensitivity and brutality of opponents to voting rights and, ultimately, led to the passage of the Voting Rights Act in 1965.

Through the vision and work of Rose and Hank Sanders and their work through the Museum and Jubilee, thousands of Alabama children, residents, tourists and others from around our country and the world have learned about the courageous acts of those who marched across the Edmund Pettus Bridge and others who have fought to advance the struggle to gain the civil and voting rights we now enjoy.

Today, I ask my colleagues to join me and my colleague JOHN LEWIS as we commend the efforts of Rose and Hank Sanders and the important work they have done to advance justice, equality and the right to vote in the United States.

RECOGNIZING NARFE CHAPTER 1270 OF WOODBRIDGE FOR ITS EFFORTS TO FUND ALZHEIMER'S RESEARCH

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize Chapter 1270 of the National Active and Retired Federal Employees Association (NARFE) in Woodbridge, Virginia, and to commend its members for raising \$16,552 for Alzheimer's disease research in 2011.

Founded in 1921, NARFE is the only membership organization solely dedicated to leading an advocacy effort to protect and preserve the benefits of federal workers and retirees. The national organization consists of more than 1,300 chapters nationwide with more than 300,000 members. Chapter 1270 has more than 750 members that make up an active and robust chapter in eastern Prince William County.

Alzheimer's is a progressive, degenerative disease and is the sixth leading cause of death in the U.S. Currently, 5.4 million Americans are living with the disease, and projections estimate that as many as 16 million Americans will suffer from Alzheimer's in 2050. This illness also has profound impacts on families and caregivers. More than 60% of caregivers rate the emotional stress of caregiving as very high and one-third report symptoms of depression.

Since 1985, NARFE has raised nearly \$10 million and funded 56 research projects dedicated to Alzheimer's disease research. The

NARFE Virginia Federation of Chapters (VFC) was recognized as the top fundraising Federation in the country at the 32nd Biennial National NARFE Convention in Sparks, Nevada, on August 26, 2012. Luther Santiful, VFC President, William Shackelford, Past VFC President and Donna Shackelford, VFC Alzheimer's Chair, accepted the honor at the opening ceremonies of the convention. During 2011, the VFC raised an incredible \$85,555.

The VFC and Chapter 1270 are national standouts in Alzheimer's fundraising. The VFC has led NARFE Federations in Alzheimer's fundraising for nine out of the last ten years. Chapter 1270 was the top fundraiser for the VFC in each of the last ten years, and it raised the second highest amount nationwide for the second year in a row.

The Federal Government is an active partner in the battle against Alzheimer's. The National Institute on Aging is the primary Federal agency supporting and conducting Alzheimer's disease research and has worked closely with the Alzheimer's Association to identify and standardize strategies for earlier diagnosis and develop effective treatment and prevention. This is an investment that must continue; if nothing is done, the economic toll of Alzheimer's is estimated to exceed \$1 trillion in less than 40 years.

Mr. Speaker, I ask my colleagues to join me in congratulating Woodbridge Chapter 1270 of the National Active and Retired Federal Employees Association on this fundraising milestone. I extend my personal appreciation to the members of Chapter 1270 and to members of NARFE nationwide for their continued public service and their commitment to finding a cure for this devastating disease.

IN RECOGNITION OF ANGEL GOMEZ

**HON. SILVESTRE REYES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. REYES. Mr. Speaker, I rise today to recognize Angel Gomez for selfless service to our community. He has helped thousands of people through his non-profit, Operation HOPE (Helping Other People Endure).

Selfless doesn't even begin to describe Angel Gomez.

Many lives have been touched by Angel, an appropriate name for a man with a heart the size of Texas.

A native of El Paso, Texas, he is a proud Bowie Bear Alumni and Veteran, having attended Bowie High School and later joining the United States Navy.

His real passion, other than serving his country in uniform, has always been helping others in need.

In 1995 he began volunteering his time to the community, with the support of his wife Patricia, daughter Rubi and other family members.

Seeing the growing need around him, he co-founded Operation HOPE in 2009, and he has invested his time and resources to help the El Paso community he loves so much.

Operation HOPE has allowed Angel to share his vision of community outreach with

thousands of people in need. He works with community partners and volunteers who share the same values and passion for giving, and these relationships have made it possible to multiply his efforts to improve our community.

Over the past seventeen years, El Pasoans in need have received food baskets during the holidays, along with blankets, clothing, and medical supplies. Sick children who must spend much of their childhood in the hospital have received toys and gift baskets to lift their spirits. Hundreds of individuals with disabilities have received assistance with medical supplies, medications, durable medical equipment, and accessible ramps. And many families have received assistance with funeral expenses and spiritual support during their time of need.

Not only has his work brought tangible assistance to those in need, but behind each action is also something intangible, something money can't buy: hope.

On behalf of the El Paso community, I would like to thank Angel Gomez for all he has done for those in need and for the positive impact he continues to have in our community. He has restored our community's faith in the good that can be done by simply caring.

RECOGNIZING WEBB DINER FOR ITS CONTRIBUTIONS TO THE COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a woman-owned minority business in Tallahatchie County, Mississippi, Webb Diner. Owned and operated by Ms. Vera Williams since 1988, Webb Diner has become a true staple in the community.

Ms. Vera Williams is a native of Webb, where she has lived her entire life. Before starting her own business, Ms. Williams labored in the cotton fields of the Mississippi Delta and thereafter worked countless hours in its factories. In the late 1980s, Ms. Williams transformed Webb Diner, once known for its segregation practices, into an establishment that was open and welcoming to the public.

Despite obstacles Ms. Williams has shown continued dedication and resilience in providing the people of Tallahatchie County with nothing less than great service and Southern hospitality.

Mr. Speaker, I ask my colleagues to join me in recognizing Ms. Vera Williams and Webb Diner for their contributions to the community.

RECOGNIZING THE PI LAMBDA LAMBDA CHAPTER OF THE OMEGA PSI PHI FRATERNITY, INC.

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the Pi Lambda Lambda Chapter of the Omega Psi Phi Fraternity,



Inc. for its global recognition at the Omega Psi Phi's 78th Grand Conclave. The Pi Lambda Lambda Chapter earned the honors of International Large Chapter of the Year and the International Social Action Chapter of the Year for 2010–2011.

This is the third time the chapter has been named the International Social Action Chapter of the Year since its inception in 2004. The chapter prides itself on establishing community programs to help those in need in the Prince William County community. The chapter's dedication to public and social services can be seen through its annual Coat Drive, Step Out for Diabetes, Voter Registration, and Cancer Relay for Life programs.

Earning this distinction is a testament to the chapter's dedication to community empowerment. Members of the Pi Lambda Lambda Chapter of the Omega Psi Phi Fraternity, Inc. have made a tremendous impact in their local community through raising \$18,963 in support of American Cancer Society's Relay for Life, raising \$7,800 in support of American Diabetes Association for Step Out to Fight Diabetes, and donating 160 toys to children in transitional housing due to domestic violence.

Omega Psi Phi's cardinal principles are Manhood, Scholarship, Perseverance, and Uplift. The members of the Pi Lambda Lambda Chapter uphold these principles by serving the community and offering a lending hand to their neighbors.

Mr. Speaker, I ask that my colleagues join me in congratulating the Pi Lambda Lambda Chapter of the Omega Psi Phi Fraternity, Inc. on their civic accomplishments. I thank the fraternity for their service-oriented goals and making a positive difference in the lives of Prince William County residents.

RECOGNIZING DR. TERRY GORDON AS THE 45TH RECIPIENT OF THE BERT A. POLSKY HUMANITARIAN AWARD FOR HIS WORK AS A CHAMPION OF AUTOMATED EXTERNAL DEFIBRILLATORS

### HON. BETTY SUTTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Ms. SUTTON. Mr. Speaker, I rise today to honor an extraordinary individual who has tirelessly advocated to save the lives of children and others by getting life-saving automated external defibrillators, AEDs, placed in schools across the nation.

Dr. Terry Gordon is the 45th recipient of the Bert A. Polsky Humanitarian Award given out each year by the Akron Community Foundation to an individual or couple who best exemplifies selfless dedication to humanitarian causes in Akron, Ohio.

A Cleveland Clinic trained cardiologist, Dr. Gordon practiced invasive cardiology at Akron General Medical Center for over 21 years prior to his retirement. In 2000, while serving as President of the Summit County American Heart Association, a 15 year old football player at Barberton High School by the name of Josh Miller collapsed on the field and suffered sudden cardiac arrest. There was no AED on

site and, sadly, Josh died of sudden cardiac arrest. The tragic loss of this young man full of promise was devastating to not only Josh's parents and family, but to the entire community.

Upon learning of this tragic loss of life and realizing the school did not have an AED on site, Dr. Gordon began raising funds to place AEDs in every junior and high school, making Summit County, Ohio, the first county of its size to do so and earning him the National Physician of the Year award for 2002 from the American Heart Association. His efforts also resulted in AEDs placed in every police, highway patrol and sheriff's vehicle in Summit County.

Dr. Gordon continued his advocacy at the state level, and in 2005 helped procure \$2.5 million from the State of Ohio, which in partnership with the American Heart Association and Akron General Medical Center, placed over 2,200 AEDs in schools throughout Ohio. He later worked with the Ohio General Assembly to allocate an additional \$2.5 million needed to complete the task of placing 4,500 devices in Ohio schools.

In 2007, I was proud to partner with Dr. Gordon on this important mission and introduced the Josh Miller HEARTS Act. Named after the Barberton High School football player who we lost to sudden cardiac arrest, the bill establishes a grant program to get automated external defibrillators into elementary and secondary schools across the nation. The Act passed the U.S. House of Representatives in both the 110th and 111th Congress and is pending action in the 112th Congress.

In addition to his work advocating for AEDs in schools, Dr. Gordon remains actively engaged in our community, serving on various volunteer boards. He was a founding member of Stewart's Caring Place, a facility of wellness for those with cancer and their loved ones. He has been a member of The Youth Motivational Task Force for many years, has been a long-standing board member of the American Heart Association and is co-host of 'Docs Who Rock', a fundraiser for the Summit County United Way. Dr. Gordon is also an accomplished author, whose work includes the book *No Storm Lasts Forever*.

Mr. Speaker, I ask my colleagues to join me in recognizing the selfless dedicated service of Dr. Terry Gordon and in congratulating him on receiving the 45th Polsky Humanitarian Award.

HONORING THE SERVICE AND SACRIFICE OF UNITED STATES ARMY SERGEANT FIRST CLASS RYAN SAVARD

### HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. BARBER. Mr. Speaker, I rise today to honor United States Army Sergeant First Class Ryan J. Savard, who was killed in action on October 13, 2012, while on patrol in Khanabad District, Afghanistan. He leaves behind his wife, mother, father and numerous friends.

Born in Salt Lake City, Utah, Sgt. 1st Class Savard moved to Arizona where he attended

Buena High School in Sierra Vista before joining the Army in 2001 to work on helicopters. Over the course of his career, Sgt. 1st Class Savard worked with the Special Forces and was assigned to Headquarters and Headquarters Company, U.S. Army Special Operations Command based at Fort Bragg, NC. He was on his fifth Special Forces deployment to Afghanistan, not including a previous deployment to Iraq in 2003.

We will remember Sgt. 1st Class Savard as an exceptional soldier. Over his career he earned more than a dozen honors including two Bronze Star Medals, two Purple Hearts, three Army Commendation Medals, a Joint Service Achievement Medal, three Army Achievement Medals, four Army Good Conduct Medals, a National Defense Service Medal, an Afghanistan Campaign Medal with Bronze Service Star, a Kosovo Campaign Medal with Bronze Service Star, a Global War on Terrorism Expeditionary Medal and a Global War on Terrorism Service Medal. For his bravery in action, he was awarded a Defense Meritorious Service Medal, a Purple Heart and a Bronze Star posthumously.

I ask the House of Representatives to join with me in extending our deepest condolences to the family and friends of Sgt. 1st Class Savard. All who live in this great nation owe Sgt. 1st Class Savard and his family a debt of gratitude for he has paid the ultimate price for our safety and security. His sacrifice reminds us of all of our men and women in uniform who are in harm's way each day whom we must keep in our thoughts and prayers. We will always remember Sgt. 1st Class Savard for his courage and selfless sacrifice.

HONORING KNAUS SAUSAGE HOUSE ON THEIR 100TH ANNIVERSARY

### HON. MICHELE BACHMANN

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mrs. BACHMANN. Mr. Speaker, I rise today to congratulate the Knaus Sausage House on their 100th anniversary this year. It is my honor to join with the Kimball community in celebrating the dedication and services that this company has provided and continues to provide.

Three generations have been involved with this business and the fourth generation is already involved. Over the last 100 years, the Knaus Sausage House has grown to include groceries, a deli, and a bakery. The family's outstanding efforts in providing great service and great products are what make this a growing, viable business as they keep up with changing times. Many farmers and hunters depend on the market to do custom processing and cut meat for them. The Knaus Sausage House services are a valuable asset to the community and their long-term dedication does not go unnoticed.

It is small businesses including Knaus Sausage House that help communities flourish in America today. Mr. Speaker, please join with me in congratulating Knaus Sausage House on their 100th anniversary.

HONORING THE FAKLIS' 100 YEARS  
IN TARPON SPRINGS, FLORIDA

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor and congratulate the Faklis family of Tarpon Springs, Florida, on the 100th anniversary of Faklis' Department Store and Shoe Repair Service. Throughout their many decades in the United States, the Faklis family has lived the American dream, applying hard work and determination to create a successful small business in our community.

In 1909, two young brothers—Nikita and Nicola Papafaklis—arrived in America from Symi, Greece, in search of a better life for themselves and their families. Shortly thereafter, another brother, Vasile, arrived in America. Vasile and Nikita soon settled in Tarpon Springs and established their own small business. This small business opened as a custom shoe maker. The business evolved into a dry goods department store carrying shoes, clothing, suits and specializing in shoe repairs and orthopedic corrections.

Vasile and his sons, George, Nick and Michael are proud American veterans, having served in WWI and Korea. They continue to be involved in the local American Legion and never open for business without first displaying the American flag in front of their building.

Throughout the generations, the Faklis family's store evolved with the times and provided services with excellent professionalism. The family business has passed from Nikita and Vasile down to Vasile's sons George and Michael, and down again to Vasile G. Faklis, the current operator and namesake of one of the family's patriarchs. Serving the greater Tampa Bay area from their location in Tarpon Springs, the Faklis family has been able to merge old world craftsmanship and warm customer service with the orthotic technology of today and the future.

Mr. Speaker, for 100 years the Faklis family has represented the best of the American entrepreneurial spirit. They came to America seeking a better life and have become a pillar of the local community. Their economic success and ability to adapt with the changing times exemplify the strength of this country's business community, and I commend them for their contributions to our area.

TO RECOGNIZE THE 2012 LIFE-  
CIRCLE ALLIANCES KUDOS FOR  
CAREGIVERS HONOREES

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise today to recognize the winners of the 2012 LifeCircle Alliances Kudos for Community Caregivers Awards. LifeCircle Alliances, a non-profit organization based in Fairfax County, Virginia, is a leader in promoting and ena-

bling independent living for older adults with developmental, intellectual, or physical disabilities, including our Wounded Warriors.

LifeCircle Alliances has formed public-private partnerships to create innovative long-term care solutions, enhance existing programs, and address workforce, mobility and transportation issues. The goal of these efforts is independence for life; ensuring that our older adults and adults with disabilities are able to live independently and with dignity in their communities of choice.

The LifeCircle Alliances Kudos for Community Caregivers Award celebration recognizes the efforts of six outstanding caregivers, who tirelessly provide dedicated care, day in and day out. The recipients of the 2012 Kudos Awards are:

Stephanie Mensh—Stephanie Mensh has been a caregiver for Mr. Paul Berger for 25 years. Additionally, she has volunteered her time supporting stroke and TBI survivors and their families. She also provides support and advice to other caregivers by hosting a support group as well as providing individual support by phone, email, and in person.

Liza Ruiz—The loving mother of two daughters, Mrs. Ruiz has been caring almost daily for her 65 year old daughter, Cynthia, who was brain injured at birth and her husband who has been diagnosed with dementia. For many years, she did this while working as a full-time employee of the federal government. Mrs. Ruiz was instrumental in helping to establish the Northern Virginia Training Center, which opened in 1973.

Maureen Renault—A dedicated and tireless caregiver, Maureen Renault has taken on the daunting task of caring for her mother, a resident at Herndon Harbor Adult Day Health Care Center. During this time Maureen has been actively involved in her mother's care at the center in addition to her needs at home.

Steven Nehl—Care-giving is an around the clock job for Mr. Nehl. He cares for his autistic son, Michael, and wife, Joanne, who is continuing to recover from two brain aneurysms. Since the time of her illness in 2008, Joanne is unable to work and Mr. Nehl may only maintain short-term positions due to the tremendous requirements of his time at home.

Cecilia Ortega-Shew—For almost two decades, Cecilia Ortega-Shew has given selflessly to individuals living with HIV/AIDS. In her role as a mental health clinician and program clinical manager for Inova Juniper Group, she helps pregnant women have healthy, HIV-free babies and continues to counsel people on the difficulties of living with HIV. She inspires young staff to be better clinicians and instills in them a passion for caring for those with HIV.

Natascha Dixon Edelin—Passionate and dedicated to helping women and children in need, Natascha Dixon Edelin tirelessly works to assist the battered women of Fairfax, Virginia and honor them for their strength, courage and commitment. She partnered with the co-founders of the Duffy House in 2011 to organize the "Duffy House Day of Pampering" for victims of domestic violence and sexual abuse which provided, at no charge, a much needed day of respite for approximately 50 women and 80 children. Her continued work with the Duffy House brings joy into this special community.

I congratulate this year's winners and recognize each of them for their dedication and personal sacrifices. These individuals are examples of the many caregivers who put the needs of their families, friends and colleagues above their own. Mister Speaker, I ask that my colleagues join me in paying tribute to the 2012 LifeCircle Alliances awardees and in thanking the volunteers, staff, and partners of LifeCircle Alliances for their efforts in providing assistance to not only those in need of care, but to those who provide the care here in our community.

THE COMMUNITY FOUNDATION  
FOR SOUTHWEST WASHINGTON

**HON. JAIME HERRERA BEUTLER**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Ms. HERRERA BEUTLER. Mr. Speaker, throughout our nation's history, individual Americans have voluntarily joined together to meet important needs in their communities. This generosity and willingness to work together toward a common goal is a trademark of the American character.

Today, private voluntary associations across the country make substantial contributions to our nation's well-being in areas such as health care and social services, education and the arts, economic development, and environmental protection. Many of these associations are community foundations—charitable organizations formed to attract and distribute endowment funds.

The Community Foundation for Southwest Washington is a successful private sector economic and social support system that helps meet specific needs in our region. They have far-reaching benefits for anyone interested in philanthropy and are an example of the spirit of generosity and service that helped build America and continues to make it great.

Directed by volunteers, the Community Foundation for Southwest Washington has community partnerships that run deep. The longstanding relationships they have built in the community help them meet current needs, while enabling the Foundation to address future challenges and opportunities. They provide effective leadership in our community, often complementing or assisting in the coordination of public programs and other private services. They facilitate one of the fastest-growing forms of philanthropy in the United States.

Today I rise to congratulate the Community Foundation for Southwest Washington on obtaining their National Standards for U.S. Community Foundations accreditation from the Community Foundations National Standards Board. Achieving confirmation and reconfirming compliance with National Standards is a rigorous process, demonstrating that the Community Foundation for Southwest Washington has adhered to excellent philanthropic practice. This program requires community foundations to document their policies for governance, donor services, investments, grant making, community leadership, and administration.

The Community Foundation for Southwest Washington of Vancouver, Washington has obtained its National Standards accreditation through a commitment to operational quality, integrity, accountability, transparency and adherence to the highest standards for grant making.

On behalf of the residents of our region, I congratulate the Community Foundation for Southwest Washington on receiving its National Standards accreditation and commend the foundation's dedicated service to Vancouver and communities in Southwest Washington.

**PAYING TRIBUTE TO UPS EMPLOYEES AND U.S. VETERANS  
TIM PFOHL, DAN VERANJES AND  
MIKE BURNS**

**HON. BRIAN HIGGINS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. HIGGINS. Mr. Speaker, I along with Congresswoman KATHY HOCHUL would like to pay tribute to several Western New York UPS employees who have delivered outstanding service for the company and for the country.

Tim Pfohl has been with UPS for 23 years. He is a member of the UPS Safety Committee, a mentor to new drivers and has 14 years of accident-free driving. Tim served in the U.S. Marine Corps for six years. He and his wife Barbara, who reside in Hamburg, NY, are the parents of two sons, Dylan and Tyler.

Dan Veranjes, also a Marine, served our country for eight years including duty during Operation Iraqi Freedom. Dan has been on the UPS team for 13 years. He is known for his customer skills and is always there to help out new employees. Dan is married to wife Erika and together they live in Hamburg, NY with their four children: Isabella, Griffin, Caleb and Zoe.

Mike Burns is not only a veteran of the Marines; he is a 26-year veteran with UPS. Mike served as a Reservist for six years out of the U.S. Marine Corps Reserve Center on Porter Avenue in Buffalo and received military training in Norway. Mike has an exemplary record at UPS with 16 years of safe driving and an injury-free career. Lancaster residents Mike and his wife Jennifer are the parents of 10-year-old Madelyn.

UPS is one of the largest employers of reservists and returning veterans. On any given day UPS has about 3,100 employees who are on military leave and there are nearly 25,000 additional UPS employees working today who have served in the military at some point in their lives.

In fact, Erie County Department of Veterans Director MAJ Carlos M. Benitez, a retired veteran of the New York Army National Guard, also previously worked for UPS.

We commend UPS for their commitment to our active-duty and returning veterans and recognize these Western New York employees for extending the same dedication and leadership in the UPS workplace as they did in the U.S. Armed Forces.

**A TRIBUTE TO EAGLE SCOUT  
CLINT JOHN CARTON**

**HON. TOM LATHAM**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Clint J. Carton of Earlville, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about 5 percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Clint chose to construct five separate exercise stations on the Heritage Trail near Dyersville. Clint's project required extensive coordination with the Dubuque County Conservation Board to account for the lack of water and electricity. In total, this project took more than 110 hours of hard work to complete. The work ethic Clint has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Clint and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

**RECOGNIZING WHEELER'S JANITORIAL SUPPLIES & EQUIPMENT, INC. FOR ITS COMMITMENT TO THE COMMUNITY**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a determined and self-motivated business owner, Rev. Tommy Wheeler of Copiah County, Mississippi for his commitment in keeping Wheeler's Janitorial Supplies & Equipment, Inc. a vital part of the business community.

Rev. Wheeler was born on August 23, 1949, to James and Wilma Wheeler. He attended school at Shady Grove School and William H. Holtzclaw Memorial School in Copiah County, Mississippi. After graduating from high school he attended Hinds Community College. In 2004 he received a Certificate of Biblical Studies from Mississippi Baptist Seminary and later in 2010, attended Bethel Christian University, Hazlehurst Campus and he is presently enrolled at the Copiah County Ministerial Alliance in Hazlehurst, Mississippi.

Rev. Wheeler's entrepreneurial spirit was inspired early in life by his father, who instilled in the basic principle that, "you can do anything you put your mind to" this principle with his desire to be his own boss led him to his path of success, when in 1997, he and a friend began selling janitorial supplies to customers throughout Copiah County.

A year later, Wheeler's Janitorial Supplies & Equipment was established. From the beginning Rev. Wheeler used every resource he had to ensure the success of his business, including utilizing his garage as storage for his supplies and cutting overhead by solely selling, ordering and delivering supplies.

In 2007 Wheeler's Janitorial Supplies & Equipment officially became certified as a Minority-Owned and Operated Business Enterprise and received Central Contractor Registration. The notion of hard work and striving to be your own boss is something that Rev. Wheeler continues to believe and it has led to great success. Currently, Rev. Wheeler has expanded his business that started as a team of one in his garage going from door to door to a team of six with dealings with multiple companies within the community.

Mr. Speaker, I ask my colleagues to join me in recognizing Rev. Tommy Wheeler, owner of Wheeler's Janitorial Supplies & Equipment, Inc. for his entrepreneurial spirit and dutiful service to the community.

**ON WAIVING SECTION 907 OF THE  
FREEDOM SUPPORT ACT**

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. GENE GREEN of Texas. Mr. Speaker, on October 24, 1992, President George H.W. Bush signed the FREEDOM Support Act into law. This legislation provided for monetary assistance to be provided to the countries of the former Soviet Union to aid their transition to democracy and build-up their civil societies.

Included in the legislation was Section 907, a provision which precluded the Republic of Azerbaijan from receiving any assistance through the FREEDOM Support Act. Azerbaijan was the only country to be singled out in the statute from receiving assistance.

Since then, cooperation between the United States and Azerbaijan has expanded beyond recognition—encompassing military, intelligence, economic, business, academic, and cultural ties. This has resulted in increasing the security and prosperity of both countries.

Given Azerbaijan's strong partnership with allies such as Israel, and its proximity to Iran, the extent of their contribution to our security cannot be overstated. For this reason, Section 907 has been waived by Executive Order every year since 2001 by Presidents George W. Bush and Barack Obama.

While these Executive Orders have largely mitigated the practical effects of Section 907, its lingering presence as a part of U.S. law is offensive to Azerbaijan and its people. As American companies prosper from helping access and transport Azerbaijan's rich natural resources, and as Azerbaijani troops stand side-

by-side with America's heroes against international terrorism, it is disingenuous to single out our ally as a pariah state.

Every Secretary of State over the past two decades and many prominent members of the American business community support the repeal of Section 907. Twenty years after it was signed into law, Section 907 of the FREEDOM Support Act has become a relic of a previous era and a slap in the face to America's closest ally in the Caspian Region, and I call on my colleagues in Congress to help stand up in support of our friend, Azerbaijan, and repeal Section 907 as expeditiously as possible.

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RECOGNIZING THE 100TH ANNIVERSARY OF MILTON FIRST ASSEMBLY OF GOD

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**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, October 26, 2012*

Mr. MILLER of Florida. Mr. Speaker, on behalf of the United States Congress, it is an

honor for me to recognize the centennial anniversary of Milton First Assembly of God, in Santa Rosa County, Florida.

Milton First Assembly of God traces its roots back to the early Pentecostal movements of the 20th century, when a small group of fervent believers came together during a tent revival meeting in 1912 and formed the Pentecostal Assembly of God Church. The enlightening sermons given by Reverends Sherman McGraw and Isaac Jordan, along with the passionate religious conviction of early congregants like Mrs. Minnie Cobb, helped to draw additional members and expand the church's role in the community. Shortly after its founding, the church was forced to move from a tent to a larger permanent location to accommodate its growing membership.

In 1969, the church name was officially changed to the Milton First Assembly of God. At this time, Pastor Fred Rogers and his wife Jackie assumed leadership of the congregation. Pastor and Mrs. Rogers further strengthened their fellowship numbers through several outreach programs and a successful bus ministry. After years of dedication and faith in our Lord, the church was able to purchase prop-

erty to build the campus their growing faith community needed. Now, 43 years later, Pastor and Mrs. Rogers and Milton First Assembly of God continue to foster spiritual and professional growth by providing religious guidance and philanthropy to the church members and surrounding community.

One hundred years after its founding, the strong moral framework and religious convictions of the church's original congregation continue to guide the church as it serves Northwest Florida. Multiple generations of the Santa Rosa County community have raised families while worshipping and rejoicing in the Word of God at Milton First Assembly of God, and the congregation has remained faithfully devoted to the Lord. Santa Rosa County is greatly indebted to their outstanding service.

Mr. Speaker, on behalf of the United States Congress, it gives me great pleasure to commemorate the centennial anniversary of Milton First Assembly of God. My wife Vicki joins me in congratulating the congregation and thanking them for their service to the community. May the Spirit of the Lord continue to bless the church on this important milestone and the many to come.

**SENATE—Tuesday, October 30, 2012**

The Senate met at 4 p.m. and was called to order by the Honorable MARK BEGICH, a Senator from the State of Alaska.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, October 30, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK BEGICH, a Senator from the State of Alaska, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. BEGICH thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY,  
NOVEMBER 2, 2012, AT 11 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Friday, November 2, 2012, at 11 a.m.

Thereupon, the Senate, at 4 and 23 seconds p.m., adjourned until Friday, November 2, 2012, at 11 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, October 30, 2012

The House met at 4 p.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
October 30, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### COMMUNICATION FROM THE SERGEANT AT ARMS OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Sergeant at Arms of the House of Representatives:

Hon. JOHN A. BOEHNER,  
*Speaker of the House, U.S. Capitol, Washington, DC.*

DEAR MR. SPEAKER: As you are aware, the time previously appointed for the next meeting of the House is 10 a.m. on Tuesday, October 30, 2012. This is to notify you, pursuant to clause 12(c) of rule I, of an imminent impairment of the place of reconvening at that time. The impairment is due to the weather. Respectfully,

PAUL D. IRVING,  
*Sergeant at Arms.*

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 12(c) of rule I, the Speaker established this time for reconvening and notified Members accordingly.

### PRAYER

The Reverend Gene Hemrick, Washington Theological Union, Washington, D.C., offered the following prayer:

Lord, we pray for the victims of Hurricane Sandy, especially those who lost their lives, the displaced elderly, those with children, the millions without

power, and those who have lost homes and businesses.

We pray that as in the past we have responded generously to those in dire need, all means available to us will be used to normalize life and restore calm. May we imitate Your loving heart in this moment of disaster and come together as one—the divine oneness that has the power to overcome all. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed by Speaker pro tempore HARRIS on Tuesday, October 9, 2012:

S. 3624, to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

### MOMENT OF SILENCE IN REMEMBRANCE OF VICTIMS OF HURRICANE SANDY

The SPEAKER pro tempore. The Chair would ask all present to rise and observe a moment of silence in remembrance of those who have perished in Hurricane Sandy and to remember those as well who continue to suffer.

### SENATE ENROLLED BILL SIGNED

The Speaker pro tempore (Mr. HARRIS) announced his signature to an enrolled bill of the Senate of the following title:

S. 3624. An act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 10 a.m. on Friday, November 2, 2012.

Accordingly (at 4 o'clock and 4 minutes p.m.), the House adjourned until Friday, November 2, 2012, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8170. A letter from the Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule — Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date (RIN: 1205-AB61) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8171. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit Non-Real Estate Investments [TD: 9600] (RIN: 1545-BK04) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4066: Mr. HECK.

H.R. 6490: Mr. COFFMAN of Colorado, Mr. KEATING, Mr. WITTMAN, and Mr. STIVERS.

H. Res. 298: Mr. FITZPATRICK.

## EXTENSIONS OF REMARKS

IN RECOGNITION OF CENTENNIAL  
CELEBRATION OF EL CAJON,  
CALIFORNIA

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2012*

Mr. HUNTER. Mr. Speaker, I rise today to commemorate the centennial of the city of El Cajon, California, and to celebrate the rich cultural, historical and economic resources that make El Cajon the "Valley of Opportunity."

Incorporated on November 12, 1912, El Cajon is well-known as a place of diverse business interests and robust commerce. It's home to Gillespie Field, which opened in 1942 to train World War II Marine Corps paratroopers and today, the airport serves as one of the County's public use regional airports.

Always family oriented, El Cajon still has the same small-town values that make the city such a great place to live. In fact, some of the biggest events in the city that are inspired by these family values are the Mother Goose Parade and Fourth of July fireworks and picnic celebrations held every year.

San Diego and Cuyamaca Railway installed tracks through El Cajon in 1889. At that time, the El Cajon Depot served mountain-bound

miners and passengers and was the last stage stop before west-bound travelers reached San Diego and the coast. Today, El Cajon is still known as the cross-roads between the mountains and the beaches.

As the current Congressman who represents the 52nd congressional district which includes the city of El Cajon, I am proud to have had the privilege of representing this great community and I ask my colleagues to join me in celebrating 100 years of such a great American city.

RECOGNIZING MELANIE WARD

**HON. BILLY LONG**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, October 30, 2012*

Mr. LONG. Mr. Speaker, I rise today to recognize Melanie Ward.

Melanie was recently chosen as a member of the U.S. Army All-American Marching Band, a national honor ensemble for outstanding musician-scholars.

Each year, only 125 students are chosen from the thousands who apply to the Army All-American Marching Band. Only students with superior musical ability, academic achieve-

ment, and positive standing in the community are selected to represent their school in this elite group. Students are selected by the National Association for Music Education to represent their state and local communities at the U.S. Army All-American Bowl in San Antonio, Texas.

Melanie was selected for one of twenty positions reserved for the band's color guard and she certainly fits the mold for this elite group. She is the editor of the Parkview High School yearbook, an award winning cross country runner and captain of the school band's color guard.

The marching band members will perform for thousands of active duty military members at the U.S. Army All-American Bowl in January. The U.S. Army All-American Bowl is a football game made up of the best high school seniors from around the country. Together, the marching band and football team represent the best their schools have to offer in the arts and physical education.

Mr. Speaker, Melanie's hard work and determination in both academics and music have earned her a spot on the U.S. Army All-American Marching Band. I am proud of her achievements and honored to call her a neighbor in the 7th Congressional District of Missouri.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

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**SENATE—*Friday, November 2, 2012***

The Senate met at 11 and 03 seconds a.m., and was called to order by the Honorable BARBARA A. MIKULSKI, a Senator from the State of Maryland.

—————  
**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, November 2, 2012.*

*To the Senate:*

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BARBARA A. MIKULSKI, a Senator from the State of Maryland, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Ms. MIKULSKI thereupon assumed the Chair as Acting President pro tempore.

—————  
**ADJOURNMENT UNTIL TUESDAY,  
NOVEMBER 6, 2012, AT 11 A.M.**

Thereupon, the Senate, at 11 and 34 seconds a.m., adjourned until Tuesday, November 6, 2012, at 11 a.m.

## HOUSE OF REPRESENTATIVES—Friday, November 2, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WOLF).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 2, 2012.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Reverend Stephen Willis, First Baptist Church, Kenova, West Virginia, offered the following prayer:

To the One who governs seas and quells the storms, we thank You for authoring each life and granting hope in times of calamity. We come to You on the eve of this election, seeking wisdom from Isaiah 1. For failing to take up the cause of the fatherless, we ask for mercy. For insufficiently defending the case of the widow, we humbly repent.

Teach us to fear You and keep Your commandments. May we learn to do good, seek justice, and rebuke those who would oppress Your children.

Restore our rulers as at the first, and our judges as at the beginning, that we might be called a nation of righteousness, a faithful people. May we be redeemed by justice and those who repent by righteousness.

Let the wretched, poor, pitiful, naked and blind experience the transformation of Your grace so that Your name, O Lord, might be exalted among the nations. Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 10 a.m. on Tuesday, November 6, 2012.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House adjourned until Tuesday, November 6, 2012, at 10 a.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8172. A communication from the President of the United States, transmitting notification that the national emergency declared with respect to Sudan is to continue in effect beyond November 3, 2012, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112–150); to the Committee on Foreign Affairs and ordered to be printed.

8173. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-131, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8174. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-125, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8175. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-117, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8176. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-116, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8177. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-112, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8178. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-059, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8179. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-067, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8180. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-098, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8181. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-118, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8182. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-123, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8183. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-123, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8184. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-136, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8185. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-096, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8186. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-102, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8187. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-134, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8188. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

8189. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-132, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8190. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting notice that the Deputy Secretary has issued the required determination to waive certain restrictions on the maintenance of a Palestine Liberation Organization (PLO) Office; to the Committee on Foreign Affairs.

8191. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report pursuant to Section 301 of the Omnibus Diplomatic Security and Antiterrorism Act of 1986; to the Committee on Foreign Affairs.

8192. A communication from the President of the United States, transmitting notification that the continuation of the national emergency with respect to the proliferation

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of weapons of mass destruction that was declared in Executive Order 12938, as amended, is to continue in effect for 1 year beyond November 14, 2012; (H. Doc. No. 112—151); to the Committee on Foreign Affairs and ordered to be printed.

8193. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-474, "District of Columbia Public Schools Partnership Temporary Act of 2012"; to the Committee on Oversight and Government Reform.

8194. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-473, "District of Columbia School Reform Extension of Time Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

8195. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-472, "Cogeneration Equipment Personal Property Tax Exemption Temporary Act of 2012"; to the Committee on Oversight and Government Reform.

8196. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-471, "Health Benefits Plan Grievance Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

8197. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-470, "Career and Technical Education Plan Establishment Temporary Act of 2012"; to the Committee on Oversight and Government Reform.

8198. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-469, "District Department of Transportation Bicycle Sharing Fund Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

8199. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-468, "Department of Health Functions Clarification Temporary Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

8200. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-467, "Meridian Public Charter School-Harrison Campus Property Tax Exemption Act of 2012"; to the Committee on Oversight and Government Reform.

8201. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-480, "Retention Incentives for Chief of Police Cathy L. Lanier Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

8202. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-479, "Compassionate Release Authorization Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

8203. A letter from the Chairman, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-478, "Verizon Center Graphics and Entertainment Amendment Act of 2012"; to the Committee on Oversight and Government Reform.

8204. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Head of the Cuyahoga, U.S. Rowing Masters Head Race National Championship, and Dragon Boat Festival, Cuyahoga River, Cleveland, OH [Docket Number: USCG-2012-

0569] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8205. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago Red Bull Flugtag, Lake Michigan, Chicago, IL [Docket Number: USCG-2012-0817] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8206. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Miami Paddle Challenge, Biscayne Bay, Miami, FL [Docket Number: USCG-2012-0722] (RIN: 1625-AA08) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8207. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; America's Cup World Series Regattas, San Francisco Bay; San Francisco, CA [Docket Number: USCG-2012-0736] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8208. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Seafood Festival Fireworks Display, Marquette, Michigan [Docket Number: USCG-2012-0765] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8209. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Grosse Tete Bayou, Iberville Parish, LA [Docket Number: USCG-2012-0115] (RIN: 1625-AA09) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8210. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Black Warrior River, AL [Docket Number: USCG-2012-0764] (RIN: 1625-AA09) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8211. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Alabama River, AL [Docket Number: USCG-2012-0181] (RIN: 1625-AA09) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8212. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Carlin Bayou, LA [Docket Number: USCG-2012-0180] (RIN: 1625-AA09) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8213. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Tombigbee River, AL [Docket Number: USCG-2012-0179] (RIN: 1625-AA09) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8214. A letter from the Attorney Advisor, Department of Homeland Security, transmit-

ting the Department's final rule — Safety Zone; Water Main Crossing; Choctawhatchee Bay; Santa Rosa Beach, FL [Docket Number: USCG-2012-0518] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8215. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; ESI Ironman 70.3 Augusta Triathlon, Savannah river; Augusta, GA [Docket Number: USCG-2012-0574] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8216. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; TriRock San Diego, San Diego Bay, San Diego, CA [Docket Number: USCG-2012-0800] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8217. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Liberty to Freedom Swims, Liberty Island, Upper Bay and Hudson River, NY [Docket Number: USCG-2012-0717] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8218. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Cleveland National Air show, Cleveland, OH [Docket Number: USCG-2012-0814] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FATTAH:

H.R. 6581. A bill making supplemental appropriations for fiscal year 2013 for recovery from damage caused by Hurricane Sandy, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ADERHOLT (for himself, Mr. CARNAHAN, Mrs. BLACKBURN, Mr. COOPER, Mr. ROE of Tennessee, Mr. WESTMORELAND, Mr. WHITFIELD, and Mr. SHIMKUS):

H.R. 6582. A bill to allow for innovations and alternative technologies that meet or exceed desired energy efficiency goals, and to make technical corrections to existing Federal energy efficiency laws to allow American manufacturers to remain competitive; to the Committee on Energy and Commerce.

By Mr. DENT:

H.R. 6583. A bill to require the Secretary of the Treasury to implement a program to prevent the fraudulent use of taxpayer identification numbers of residents of United States territories and possessions to be used to obtain a credit or refund on tax returns filed with the United States; to the Committee on Ways and Means.

By Mr. MARKEY (for himself, Mr. COHEN, Ms. SLAUGHTER, Mr. LYNCH, and Mr. OLVER):

H.R. 6584. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the compounding of drug products; to the Committee on Energy and Commerce.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FATTAH:

H.R. 6581.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. ADERHOLT:

H.R. 6582.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3—The Commerce Clause and

Article I, Section 8, Clause 18—Necessary and Proper Clause.

By Mr. DENT:

H.R. 6583.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. MARKEY:

H.R. 6584.

Congress has the power to enact this legislation pursuant to the following:

Article I, §8, clause 3

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 12: Ms. SLAUGHTER.

H.R. 1029: Mr. COFFMAN of Colorado.

H.R. 1462: Ms. SLAUGHTER.

H.R. 2595: Mr. FATTAH.

H.R. 3643: Mr. LANGEVIN.

H.R. 3661: Mr. REED.

H.R. 3859: Mr. WELCH.

H.R. 4120: Mr. CUMMINGS and Mrs. NAPOLITANO.

H.R. 5914: Mr. MILLER of Florida.

H.R. 6200: Ms. HIRONO.

H.R. 6293: Ms. HANABUSA.

H.R. 6372: Mr. GRIFFIN of Arkansas.

H.R. 6400: Mr. CONYERS.

H.R. 6426: Mr. FILNER.

H.R. 6527: Ms. CHU.

## EXTENSIONS OF REMARKS

MR. KENNETH CARGILL

**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Mr. GUINTA. Mr. Speaker, on October 30, 2012 Mr. Kenneth Cargill will receive the White Mountains Treasure Award from the Mt. Washington Valley Chamber of Commerce. I am pleased to congratulate him on this fine achievement and thank him for all of his service to the communities and people of the Mt. Washington Valley.

Mr. Cargill has been an influential lawyer and businessman in the North Country for the last twenty-five years. During that time he has set himself apart as a trusted business leader in the community. Through his practice he has served as a counselor and advisor to more than fifty non-profit Boards in the region, including The Ham Arena, Perni Fish and Game, Friends of Tuckerman's Ravine, the Millen Foundation, the Mount Washington Valley Economic Council, Mount Washington Valley Chamber of Commerce, Rotary Club, Upper Saco Valley Land Trust, and Mount Washington Valley's Children's Museum. In addition to Mr. Cargill's legal experience, he has also served in many public service positions including as the Town Moderator for the Town of Conway and School Board Moderator for the Town of Tamworth.

These impressive accomplishments highlight Kenneth's dedication to his community and his tireless efforts to celebrate everything great about New Hampshire's beautiful North Country. I congratulate Mr. Cargill for receiving this award and for his outstanding service to the Mt. Washington Valley. I wish him the very best for the future.

CELEBRATING THE 58TH ANNIVERSARY OF THE FILIPINO COMMUNITY OF GUAM

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Ms. BORDALLO. Mr. Speaker, I rise today to honor the 58th anniversary of the Filipino Community of Guam and their service to our community. The Filipino Community of Guam was established in 1955 and serves as the umbrella organization for all non-profit Filipino groups on Guam. I thank the Filipino Community of Guam for fostering and maintaining a special relationship with our brothers and sisters in the Philippines, as well as with Filipinos who now call Guam their home.

Many Filipinos on Guam have found success and have made significant contributions to the island's development and business

community. They have become government leaders, healthcare professionals and educators. The Filipino Community of Guam for the past 58 years has worked to expand their reach to include all Filipino organizations on Guam who use their talent, knowledge, and expertise to help those in need by supporting numerous charitable non-profit organizations on Guam and in the Philippines.

Most notably, the Filipino Community of Guam has provided aid in times of need for emergencies and natural disasters in Guam and the Philippines. Over the last two years, its members have collected nearly \$200,000 for victims of Typhoon Ondoy and Sendong, and recent flood relief efforts in the Philippines. The close connection between our brothers and sisters in the Philippines and Guam is reflected in the work of the Filipino Community of Guam.

I commend President Leah Beth Naholowaa, 1st Vice President Roy Adonay, 2nd Vice President William Dela Pena, 3rd Vice President Meilou Milligan, Treasurer Marites Valondo, Assistant Treasurer Sonia Sotelo, Auditor Ephren Marquez, Secretary Elizabeth San Nicolas, Public Relations Officer Mark Duarte, Peace Officers Dan Romulo & Pompeyo Barroga, for their leadership and contributions to this important organization.

I congratulate members of the Filipino Community of Guam on 58 years of service to our community. On behalf of the people of Guam, I extend a heartfelt Thank You, un Dangkulon na Si Yu'os Ma'ase, and Maraming Salamat Po. I wish the Filipino Community of Guam many more years of continued growth and success.

HONORING DR. PAUL CARON

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate Dr. Paul Caron for his work in writing and composing "Lewiston: A New Home"—the definitive musical history of Lewiston-Auburn, Maine.

Dr. Caron is a tremendously gifted educator who has taught courses in math and science at St. Joseph's College, and the University of Southern Maine. In addition to his distinguished credentials in mathematics, science, and administration from Boston College, Paul has also studied musical theater at the American Academy of Dramatic Arts and the Tisch School of the Arts at NYU. He has been a mainstay in the local theater community for over 35 years.

A few years ago, Dr. Caron decided to devote himself to the composition of a musical about his hometown of Lewiston-Auburn. His work chronicles the rise and decline of one of

Maine's great cities through the perspective of its families. Paul expertly wrote each of the show's 17 songs, which reach across a broad spectrum of time and style. The production has since received the prestigious Moss Hart Award from the New England Theater Conference. Meanwhile, the script, musical score and a DVD of the production are being formally held and cataloged in the Library of Congress.

The success of Dr. Caron's opus is a remarkable achievement that will undoubtedly be treasured by the community for years to come.

Mr. Speaker, please join me again in congratulating Dr. Paul Caron on his spectacular musical, "Lewiston: A New Home."

HONORING THE MEMORY OF SENATOR GEORGE MCGOVERN OF SOUTH DAKOTA

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise to commemorate the life and achievements of Senator McGovern. On October 21, 2012, Senator McGovern passed away at a hospice in Sioux Falls, South Dakota; he was 90 years old.

Mr. Speaker, the death of Senator McGovern is a great loss for our nation. George McGovern was a brave veteran who survived 35 missions as a B-24 bomber pilot during the Second World War. The hero was recognized and decorated with the Distinguished Flying Cross for safely landing his damaged B-24.

Senator McGovern was a dedicated public servant who served three terms as a senator for the state of South Dakota. He made tremendous and long-lived contributions to his state, to our nation, and to the world.

As the Democratic Presidential candidate in the 1972 election, Senator McGovern helped launch the political careers of many including President Bill Clinton and Secretary of State Hillary Clinton. Senator McGovern's role as chair of the McGovern Commission resulted in many important reforms that laid the foundation of the modern Democratic Party.

Mr. Speaker, Senator McGovern's lasting legacy was as the leading champion in the fight to end world hunger. He served as the United States Ambassador to the United Nations Agencies for Food and Agriculture for three years and crossed party lines to work with Senator Robert Dole to create the George McGovern-Robert Dole International Food for Education and Nutrition Program. Since 2001, the "Food for Peace" program has supported projects in 44 countries. Today, it continues to support projects in 36 countries. The program

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

provides about \$100 million annually to support commodity, transportation, and implementation costs that allow organizations to implement 10–15 projects using donations of around 90,000 metric tons of U.S. farm commodities.

I ask my colleagues to join me in a moment of silence to honor the memory of Senator George McGovern of South Dakota.

MR. BAYARD KENNETT

HON. FRANK C. GUINTA

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, November 2, 2012

Mr. GUINTA. Mr. Speaker, on October 30, 2012 Mr. Bayard Kennett will receive the White Mountains Treasure Award from the Mt. Washington Valley Chamber of Commerce. I am pleased to congratulate him on this fine achievement and thank him for all of his service to the communities and people of the Mt. Washington Valley.

Mr. Kennett has been an influential businessman in the North Country since returning to the region in 1977 to take over his family's real estate and land holding companies. During that time he has set himself apart as a trusted business leader in the community. In addition to Mr. Kennett's business experience, he has also served in many positions for the town of Conway including as a member of the Board of Selectmen, Conway School Board, Conway Fire Department, and Conway Precinct Commissioner. His public service also includes works with business and community organizations, serving on Memorial Hospitals Board of Trustees and the Tech Village Realty Board of Directors. He has also helped with local school and sport organizations serving on the Ham Arena Board and as a Little League and Flag Football Coach, and with the Kennett High Boosters.

These impressive accomplishments highlight Bayard's dedication to his community and his tireless efforts to celebrate everything great about New Hampshire's beautiful North Country. I congratulate Mr. Kennett for receiving this award and for his outstanding service to the Mt. Washington Valley. I wish him the very best for the future.

CELEBRATING THE ONE HUNDREDTH BIRTHDAY OF LILLIAN ESTELLE CHRISTOPHER MINGUS

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 2, 2012

Mr. MARCHANT. Mr. Speaker, it is with great joy that I recognize and celebrate the one hundredth birthday of Lillian Estelle Christopher Mingus of Irving, Texas. Lillian will reach the age of one hundred years on November 8 and will celebrate the occasion with a party on November 10.

Lillian was born on November 8, 1912, to Frances Lozana "Loza" Barnett and Andrew Garrett "Babe" Christopher in Gentry's Mill,

Texas. She was one of six children and the oldest daughter. As such, she helped her brothers with milking cows, feeding chickens, hoeing and picking cotton, and generally caring for the land and livestock. She graduated the 10th grade, the highest available at the time, from Duffau Community School in Duffau, Texas. On her 18th birthday, Lillian married the love of her life, Silvester Olen Mingus. Together they were farmers and ranchers for many years. At one point they also ran a café in Hamilton, Texas. Later on, Lillian was a careworker for children and the elderly. She also taught Sunday school in Odessa for fifteen years.

During their 54 years of marriage, Lillian and Silvester had three children—Grady Mingus, C.O. Mingus, and Rosa Mingus Gordon. She also has 9 grandchildren, 19 great-grandchildren, and 4 great-great-grandchildren. Today, Lillian loves to play bingo, keep up to date on the Boy Scouts, do arts and crafts, and shell blackeyed peas. She regularly attends Bible Study and is the oldest member of MacArthur Boulevard Baptist Church.

The legacy of Lillian's life in Texas is a reflection of an adventurous family history. Her great-great-grandparents, John and Elizabeth Allison, brought the family from Tennessee to Texas by covered wagon in 1834. John and his sons, including Lillian's great-great grandfather James Allison, fought for Texas in its battles for independence from Mexico and the family was personal friends with Davy Crockett. James received a land grant for his military service and also bought land in Williamson County upon which he founded the settlement of Allison, which later became known as Friendship and is marked with a Friendship Community Historical Marker. Lillian has been accordingly awarded a Williamson County Pioneer Family Certificate. Generations later, during a period of her childhood in Hico, Texas, Lillian's homestead was paid a visit by the notorious duo, Bonnie and Clyde.

Lillian is a woman with deep faith, a zest for life, and a love for meeting people with a friendly smile. When asked about her secret for living to be one hundred, she simply states that God is not finished with her yet or else she would be in home in heaven. Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in celebrating the life and one hundredth birthday of Lillian Estelle Christopher Mingus.

RECOGNIZING THE 13TH ANNUAL GUAM DIABETES CONFERENCE

HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Friday, November 2, 2012

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the 13th Annual Guam Diabetes Conference as well as President Emeritus Carl Butler for his 20 years of service to the Guam Diabetes Association and our community on Guam. This important gathering provides healthcare professionals with the opportunity

to share their expertise and knowledge with members of the Guam Diabetes Association. The conference coincides with American Diabetes Month, which is recognized every November as a time to promote education and more effective management of the disease.

This year's theme, "Diabetes: Focus on Healthy Choices for a Better Life," highlights the importance of personal responsibility in diabetes management. On Guam and throughout the country, type 2 diabetes remains a growing concern because of the severe complications that may result from poor management. In particular, Asians and Pacific Islanders have a higher risk of developing type 2 diabetes than the general population. The Guam Diabetes Association has worked to educate our community about how to avoid complications, such as heart and kidney disease, stroke and neuropathy, and to promote healthier food and lifestyle choices on Guam.

Research shows that people can reverse diabetes and reduce their risk of developing complications through careful management and moderation. We know now that having diabetes does not mean having all the dreaded complications, and the Guam Diabetes Association helps to dispel myths associated with the disease and promote the idea that people with diabetes can still live full lives.

The Guam Diabetes Association plays an important role in educating the public about diabetes, and provides an invaluable service to our community. I commend the Guam Diabetes Association and current President Jose Q. Taitague for working to reduce and prevent diabetes on our island, and I am hopeful that Guam Diabetes Conference will help further efforts to stop diabetes on Guam.

THE CHRISTINA-TAYLOR GREEN MEMORIAL FOUNDATION

HON. RON BARBER

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 2, 2012

Mr. BARBER. Mr. Speaker, I rise today to recognize the Christina-Taylor Green Memorial Foundation.

Christina-Taylor Green was only nine years old when she lost her life on January 8, 2011 during a violent attack at Congresswoman Gabrielle Giffords' Congress On Your Corner event in Tucson. Although Christina-Taylor was tragically taken from us on that dark day, her spirit will live on forever.

In the months after Christina-Taylor's death, her grieving parents, John and Roxanna Green, created the Christina-Taylor Green Memorial Foundation to honor their beloved daughter and her hopes and dreams. The foundation has the goal of making the Tucson community as good as Christina-Taylor imagined it by helping local schoolchildren who are in need.

On November 2 and 3, the Tucson Conquistadores Foundation is partnering with the Christina-Taylor Green Memorial Foundation to hold Birdies & Butterflies, the year's premier sports entertainment fundraiser in Southern Arizona. The event will feature Tommy Lasorda, the legendary former manager of the

Los Angeles Dodgers, pro golfer and U.S. Senior Open champion Don Pooley and other pro and college sports celebrities.

The name of the event pays tribute to Christina-Taylor's last drawing. In December 2010, her third-grade teacher gave the class an assignment to create a winged insect that represented who they are inside. Christina-Taylor drew a beautiful striped green and blue butterfly with big dark eyes and wings that reached toward the sky. That drawing has become the logo of the foundation that now bears Christina-Taylor's name.

I am proud to recognize the Christina-Taylor Green Memorial Foundation on the occasion of Birdies & Butterflies that is being held in Tucson today and tomorrow. It is a worthwhile community endeavor honoring Christina-Taylor's vision for what our community can be. This beautiful young girl continues to inspire us all.

MR. PETER PINKHAM

**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Mr. GUINTA. Mr. Speaker, on October 30, 2012 Mr. Peter Pinkham will receive the White Mountains Treasure Award from the Mt. Washington Valley Chamber of Commerce. I am pleased to congratulate him on this fine achievement and thank him for all of his service to the communities and people of the Mt. Washington Valley.

Mr. Pinkham has previously served as President of the North Conway Chamber of Commerce and later founded the Mt. Washington Valley Chamber of Commerce. His public service also includes serving as a Selectman for the Town of Conway for six years, as well as the Town Moderator, and as a member of the School Board and the Budget Committee.

Mr. Pinkham has also been instrumental in contributing to the skiing industry with his work at Attitash and with Free Style Skiing. Attitash held the first Free Style competitions in the world in 1966 and helped bring snowmaking to the Valley. Peter also contributed to the sport personally by serving as Director of Attitash and teaching the Junior Ski Program. These great contributions to one of New Hampshire's most loved sports and recreational past times will allow future generations to enjoy both Attitash and the skiing amenities in the Valley for many years to come. Peter has also made numerous contributions to the local theater community founding the Children's Theater Company, Piatt Pippet, and Community Theatre, the Resort Players. His work has been performed at the Eastern Slope Inn Playhouse and another of his short musicals was used in the celebrations for Cranmore's 50th Anniversary.

These impressive accomplishments highlight Peter's dedication to his community and his tireless efforts to celebrate everything great about New Hampshire's beautiful North Country. I congratulate Mr. Pinkham for receiving this award and for his outstanding service to the Mt. Washington Valley. I wish him the very best for the future.

HONORING FOR THE LOVE OF THE LAKE

**HON. JEB HENSARLING**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Mr. HENSARLING. Mr. Speaker, today I would like to congratulate a very special organization on a very special anniversary. On Saturday, November 10, 2012, For the Love of the Lake will mark its 200th consecutive month of shoreline spruce-ups that have helped keep the shores of White Rock Lake clean and the surrounding park looking beautiful.

For the Love of the Lake is a truly grassroots effort, made up of caring volunteers who are dedicated to improving White Rock Lake and the surrounding area. The organization is a shining example of conservation and volunteerism in action. For the Love of the Lake shows what good people can do when they come together to accomplish something for the betterment of their community.

My wife, Melissa, and I, along with our two young children, enjoy White Rock Lake, and know that the lake area is important, not just to those who live in the neighboring streets, but to all who come to White Rock Lake to enjoy the landscape, water, trees, and parks.

For the Love of the Lake volunteers understand that we have a duty to conserve these wonderful natural resources for our children and future generations. Since its inception in 1995, thousands of people have given their time, effort, and energy in a variety of ways—from picking up litter, to painting murals and buildings at the park, to attending fundraising events, or helping with White Rock Marathons.

Over the years, For the Love of the Lake has been honored with countless awards and recognized by numerous organizations for their outstanding work. Dallas Observer magazine said, "For the Love of the Lake is easily one of Dallas' best volunteer service organizations." I could not agree more.

On behalf of the people of Dallas, especially those who live in neighborhoods near White Rock Lake, I would like to congratulate the For the Love of the Lake organization and volunteers on their tremendous accomplishment. I would also like to thank them for their continued valuable service to our community.

HONORING ADRIAN J. CYR

**HON. MICHAEL H. MICHAUD**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate Adrian J. Cyr, who will be celebrating his 100th birthday on November 9, 2012.

I am honored to have the opportunity to share in the celebration of a centenarian. As a devoted family man, a proud veteran, and an entrepreneur, Adrian Cyr can look back on a life well lived.

A native of Van Buren, Adrian began his lifelong dedication to education in a one room

school house and went on to study at the University of Massachusetts at Amherst. During the Great Depression, he enrolled in the Civilian Conservation Corps and built roads in the White Mountains of New Hampshire. Adrian served in the U.S. Soil Conservation Service to help protect potato fields from wash-outs, and was a certified inspector for the Maine Department of Agriculture. This is all before he began a 34-year career as a licensed water treatment plant operator at Loring Air Force Base in Limestone and as an owner of several local businesses.

Adrian proudly served his country in World War II. On January 26, 1943, he entered the U.S. Army Air Corps and after completing Basic Training was assigned to Battery D, 539th Anti-Aircraft Artillery Battalion.

He is beloved by his wife Aurore, whom he married within a year after leaving the Army, as well as the Van Buren and Caribou communities. On November 10, Adrian's family and friends will gather together at the American Legion Post 49 to celebrate this remarkable milestone.

Mr. Speaker, please join me again in congratulating Mr. Cyr on his 100th birthday.

RECOGNIZING THE 20TH ANNIVERSARY OF THE WESTERN VISAYAS COLLEGE OF SCIENCE AND TECHNOLOGY ALUMNI ASSOCIATION GUAM CHAPTER

**HON. MADELEINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Ms. BORDALLO. Mr. Speaker, I rise today to recognize the Western Visayas College of Science and Technology, WVCST, Alumni Association Guam chapter as they celebrate their 20th anniversary as a socio-civic organization and for their service to our community. Founded on January 17, 1993, WVCST alumni and former students have shared the traditions of their alma mater through the work they do in various industries. They have a strong presence in the Philippines and they have made important contributions to our island community.

WVCST was first led by Catalino "Lino" Escalona, Jr., Larry Lanquin, Tessia Roa, and Bert Jurinario who worked to foster unity and close relationships among WVCST Alumni and the Filipino community on Guam. The WVCST Alumni Association has been an active member for the past two decades of the Filipino Community of Guam, FCG, an umbrella association of more than 40 Filipino groups in Guam. As an organization, WVCST focuses their efforts on providing higher education opportunities for low-income youth. They also foster and promote FCG's annual cultural events and community missions.

Since 1993, WVCST has supported the "Adopt a Scholar Program." The organization has sponsored 212 students, enabling them to attend WVCST in Iloilo City, Philippines, and receive an undergraduate education as well as student housing. The Guam Community College, GCC, also receives merit-based scholarships from the association.



The WVCST Alumni Association also donates annually to charitable organizations such as the American Red Cross, the American Cancer Society, InterFaith Caregivers, Human Rights Advocates from the Commonwealth of the Marianas, Guam's Golden Salute Foundation, and People Helping People. WVCST Alumni Association also contributes aid to natural disaster relief efforts in Haiti, Indonesia, Japan, China and the Philippines.

I commend President William de la Pena for his leadership and contributions to this important organization, and I congratulate members of the Western Visayas College of Science and Technology Alumni Association Guam chapter for 20 years of dedicated service to our community. On behalf of the people of Guam, I extend a heartfelt Thank You, Un Dangkulo' na Si Yu'os Ma'ase, and Maraming Salamat Po. I wish the Western Visayas College of Science and Technology Alumni Association Guam chapter many more years of continued growth and success in our island community.

CINDY RUSSELL

**HON. FRANK C. GUINTA**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 2, 2012*

Mr. GUINTA. Mr. Speaker, on October 30, 2012 Ms. Cindy Russell will receive the White Mountains Treasure Award from the Mt. Washington Valley Chamber of Commerce. I am pleased to congratulate her on this fine achievement and thank her for all of her service to the communities and people of the Mt. Washington Valley.

Ms. Russell has worked tirelessly to enrich the communities of the Mt. Washington Valley through her work as the Executive Director of the Arts Jubilee since 1983. She also founded Monarch Events which presently serves White Mountains Musical Arts, a non-profit organization devoted to bringing great quality live music performances to the region. Monarch Events has served many other organizations

and assisted with such noteworthy events as First Night and the Mount Washington Valley's New Year Festival, Conway's Fourth of July Celebration, the Polar Express, the Bunny Express, the Easter Parade, the 2000 Jackson, NH Bicentennial Celebration, and the 2001 Council on State Governments Eastern Regional Conference.

Ms. Russell's involvement extends even further into the community where she is involved in many restoration projects for the Town of Conway, helping to preserve historic sites and homes, and shaping them into the great centers for the community to gather and celebrate their proud heritage. These impressive accomplishments highlight Cindy's dedication to her community and her tireless efforts to celebrate everything great about New Hampshire's beautiful North Country. I congratulate Ms. Russell for receiving this award and for her outstanding service to the Mt. Washington Valley. I wish her the very best for the future.

**SENATE—Tuesday, November 6, 2012**

The Senate met at 11:01 and 6 seconds a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

**APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read as follows:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, November 6, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. REID thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL FRIDAY,  
NOVEMBER 9, 2012, AT 10 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Friday, November 9, 2012, at 10 a.m.

Thereupon, the Senate, at 11:01 and 58 seconds a.m., adjourned until Friday, November 9, 2012, at 10 a.m.

## HOUSE OF REPRESENTATIVES—Tuesday, November 6, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 6, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

Reverend Dr. Kurt Gerhard, St. Patrick's Episcopal Church, Washington, D.C., offered the following prayer:

God who exists within each one of us and binds us together as one people, be with us on this election day as we exercise our responsibility to choose our leaders and set a trajectory into the future.

Let us be mindful and respectful of the views of those who vote for someone else.

Open our minds to realize that although we are a Nation filled with diverse philosophies, our common motive is to make this country a fruitful and peace-filled Nation, allowing all people the opportunity to pursue dreams.

Help us to see our victories and defeats in the voting booths as a blessing of freedom and not a judgment on ideals.

Help us to be mindful of our unity and bless this country and all nations and peoples, now and forever. We ask this in Your holy name.

Amen.

### THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 1 p.m. on Friday, November 9, 2012.

Accordingly (at 10 o'clock and 3 minutes a.m.), the House adjourned until Friday, November 9, 2012, at 1 p.m.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8219. A letter from the Under Secretary, Department of Defense, transmitting the Department's final report on Foreign Language Skill Proficiency Bonus; to the Committee on Armed Services.

8220. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to India pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8221. A letter from the General Counsel, Corporation For National And Community Service, transmitting the Corporation's final rule — Criminal History Check Requirements for AmeriCorps State/National, Senior Companions, Foster Grandparents, the Retired and Senior Volunteer Program, and Other National Service Programs; Final Rule (RIN: 3045-AA56) received October 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8222. A letter from the Assistant Secretary, Energy Efficiency and Renewable Energy, Department of Energy, transmitting a status report under section 133 of the Energy Independence and Security Act of 2007; to the Committee on Energy and Commerce.

8223. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review (RIN: 0920-AA34) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8224. A letter from the Program Analyst, Financial Operations, Office of Managing Director, Federal Communications Commission, transmitting the Commission's final rule — Assessment and Collection of Regulatory Fees for Fiscal Year 2012 [MD Docket No.: 12-116] received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8225. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Military Force Against Iraq Resolution of 1991 (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the June 25, 2012 – August 23, 2012 reporting period including matters relating to post-liberation Iraq, pursuant to Public

Law 107-243, section 4(a) (116 Stat. 1501); to the Committee on Foreign Affairs.

8226. A letter from the Deputy Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Bureau's Annual Report to Congress on College Credit Cards; to the Committee on Foreign Affairs.

8227. A letter from the Acting Secretary of Commerce, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

8228. A letter from the Executive Secretary, Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8229. A letter from the Chief, Government Affairs Division, National Transportation Safety Board, transmitting the annual report under the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Oversight and Government Reform.

8230. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the 2011 Annual Report of the Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

8231. A letter from the Acting Chief Privacy and Civil Liberties Officer, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974: Implementation (CPCLD Order No.: 014-2012) received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8232. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the 2012 list of U.S. Army Corps of Engineers projects that have been identified as candidates for de-authorization; to the Committee on Transportation and Infrastructure.

8233. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Elizabeth River, Eastern Branch, Norfolk, VA [USCG-2012-0357] (RIN: 1525-AA09) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8234. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Jet Express Triathlon, Sandusky Bay, Lake Erie, Lakeside, OH [Docket No.: USCG-2012-0072] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8235. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Antique Boat Show, Niagara River, Grand Island, NY [Docket No.: USCG-2012-0043] (RIN: 1625-AA00) received October 1, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8236. A letter from the General Counsel, National Transportation Safety Board, transmitting the Board's final rule — Rules

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of Practice in Air Safety Proceedings; Rules Implementing the Equal Access to Justice Act of 1980 [Docket No.: NTSB-GC-2011-0001] received October 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8237. A letter from the General Counsel, National Transportation Safety Board, transmitting the Board's final rule — Rules of Practice in Air Safety Proceedings [Docket No.: NTSB-GC-2011-0001] received October 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8238. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Extension of Statutory Period for Compensation for Certain Disabilities Due to Undiagnosed Illnesses and Medically Unexplained Chronic Multi-Symptom Illnesses (RIN: 2900-AO09) received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mrs. CHRISTENSEN introduced a bill (H.R. 6585) to amend subtitle B of title I of the Patient Protection and Affordable Care Act to extend the temporary high-risk insurance pool program to the territories; which was referred to the Committee on Energy and Commerce.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mrs. CHRISTENSEN:

H.R. 6585.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to enact bills pursuant to clause 1 of section 8 of article I of the Constitution. Pursuant to this clause, Congress has the authority to "provide for the . . . general welfare of the United States." Included in the concept of 'general welfare' is Congress's authority to spend money to provide for the health of the citizenry.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 4373: Mr. HONDA and Mr. RAHALL.

H.R. 6291: Mr. ROE of Tennessee and Mr. KINGSTON.

H.R. 6549: Mr. CLARKE of Michigan and Mr. CUMMINGS.

H.R. 6575: Mr. OWENS, Ms. SLAUGHTER, Mrs. EMERSON, Mr. BOREN, and Mr. POMPEO.

H.R. 6579: Mr. BACHUS, Mr. ADERHOLT, Mr. ROGERS of Alabama, Ms. SEWELL, Mrs. ROBY, and Mr. MILLER of Florida.

## EXTENSIONS OF REMARKS

### RECOGNIZING NOVEMBER AS AMERICAN DIABETES MONTH

#### HON. LAURA RICHARDSON

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, November 6, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize November as American Diabetes Month. I urge my colleagues to join me in raising diabetes awareness and encouraging Americans to learn more about how to prevent and manage this disease.

I understand on a very personal level the challenges that come with this disease. Diabetes took the life of my father, and it takes the lives of over 68,000 other Americans each year. It is also the leading cause of kidney failure, and its complications include high blood pressure and heart disease.

Diabetes is a growing concern for millions of Americans, but it is important to note that diabetes disproportionately affects minority communities. I represent one of the most diverse districts in the Nation, the 37th Congressional District of California, and racial disparities in health outcomes and access to care are of particular concern to me. In California, of 2.3 million African Americans, over 300,000 have diabetes, and there are approximately 4,500 deaths annually.

Although diabetes affects every district in every State, many Americans still struggle to access important information about the seriousness of diabetes and its complications. As a Member of Congress, I am working hard to change this and to ensure that all Americans secure their right to quality, affordable health care.

I would like to take a moment to express my continued support for the Affordable Care Act, which has been and will continue to be instrumental in improving access to health care. The Affordable Care Act ensures that people with diabetes can no longer be discriminated against for pre-existing conditions. No longer can they be denied coverage or charged at higher rates. Also, the elimination of lifetime and annual caps on coverage means that people with diabetes and other chronic conditions will not have to fear an end to their care.

Through new government policy, improved education, and greater awareness, we can begin to control this epidemic. Although there is no cure, there are many preventative measures that all Americans can take to reduce their risk and control their diabetes. I encourage everyone to exercise regularly, watch for warning signs, and make smart health decisions.

Mr. Speaker, I thank my colleagues for joining me in recognizing this month as American Diabetes Month, and I pledge to continue standing with the millions of Americans who have been impacted by this disease.

### TRIBUTE TO MCGUIRE FUNERAL SERVICE, INC.

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, November 6, 2012*

Ms. NORTON. Mr. Speaker, I rise today to ask the House of Representatives to join me in congratulating McGuire Funeral Service, Inc. (McGuire) on its 100th anniversary of service to the residents of the District of Columbia and the national capital region.

Founded in 1912 by Robert G. McGuire on H Street NE, McGuire has offered families in the national capital region burial and funeral arrangements for 100 years. McGuire has served over 25,000 decedents from all walks of life, and has arranged services for many public figures and notable residents in the District and the world over.

We appreciate the McGuire family's longstanding presence in the District and their continuing service to the families of our residents. The success of McGuire, Inc. can be attributed to always treating the families that call on them with dignity, honor, and respect, as well as to providing exemplary service to all.

Mr. Speaker, I ask the House of Representatives to join me in celebrating the 100th anniversary of McGuire Funeral Service, Inc.

### IN SUPPORT OF LUNG CANCER AWARENESS MONTH

#### HON. LAURA RICHARDSON

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, November 6, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of Lung Cancer Awareness Month because lung cancer is a devastating disease that affects thousands of Americans every year.

Lung cancer is the most common cancer worldwide. This year, as in the past, lung cancer will kill more Americans than any other cancer. In fact, lung cancer will claim more lives than the next four leading cancer killers—breast, prostate, colon and pancreas cancers—combined.

Mr. Speaker, in the United States, about 213,000 people are diagnosed with lung cancer every year and more than 160,000 die from it. Lung cancer tends to be diagnosed later in smokers than in non smokers because the symptoms of the disease are common among smokers. Late diagnosis of the disease also makes it a lot more challenging to treat and in some cases too late to cure.

Mr. Speaker, Lung Cancer Awareness Month allows us to pay tribute to the extraordinary health workers who dedicate their lives to fighting this disease. This month we also

take the opportunity to support the patients and their families who are affected by lung cancer.

For these reasons, I urge my colleagues to join me in support of Lung Cancer Awareness Month as well as to join me as a cosponsor of H.R. 1394, the Lung Cancer Mortality Reduction Act of 2011.

The Lung Cancer Mortality Reduction Act of 2011 amends the Public Health Service Act to require the Secretary of Health and Human Services to implement a comprehensive program to achieve a 50 percent reduction in the mortality rate of lung cancer by 2020. It requires the program to include initiatives throughout HHS, including: (1) a strategic review and prioritization by the National Cancer Institute of research grants; (2) the establishment by the Food and Drug Administration (FDA) of quality standards and guidelines for facilities that conduct computed tomography screening for lung cancer; and (3) the provision of funds to the Centers for Disease Control and Prevention (CDC) to establish a Lung Cancer Early Detection Program that provides low-income, uninsured, and underserved populations that are at high risk for lung cancer access to early detection services.

The Lung Cancer Mortality Reduction Act of 2011 requires the Secretary of Defense (DOD) and the Secretary of Veterans Affairs (VA) to coordinate with the Secretary of HHS in implementing this Act and implementing coordinated care programs for military personnel and veterans diagnosed with lung cancer. It also requires the Secretary of HHS to establish: (1) the Lung Cancer Computed Tomography Screening and Treatment Demonstration Project; and (2) the Lung Cancer Advisory Board to monitor the programs established under this Act.

### CONGRATULATING DURHAM ELEMENTARY

#### HON. FORTNEY PETE STARK

OF CALIFORNIA  
IN THE HOUSE OF REPRESENTATIVES  
*Tuesday, November 6, 2012*

Mr. STARK. Mr. Speaker, I rise today to congratulate J. Haley Durham Elementary School of Fremont, California, on its recent designation as a 2012 National Blue Ribbon School. The National Blue Ribbon Schools Program recognizes public and private elementary, middle, and high schools where students exemplify high performance levels or where significant improvements have been made in students' levels of academic achievement. Since Teresa Bonaccorsi became principal of Durham Elementary in 2010, it has made drastic improvements in test scores to become part of the prestigious group of schools who receive the award.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Just three years ago, Durham Elementary was part of the California Department of Education's Program Improvement list that tracks the progress of schools that have failed to meet the state's requirement of adequate yearly progress. Since taking the position as principal in early 2010 Mrs. Bonaccorsi has led her school to improve its Academic Performance Index by 129 points, far exceeding the growth targets set by the state department.

Principal Bonaccorsi came to Durham Elementary School with experience as a classroom teacher, literacy coach, and district administrator. With a supportive staff and team of dedicated teachers, she has led an impressive improvement path for her students, a third of whom are from low-income families. James Morris, Fremont's superintendent of schools, praised Principal Teresa Bonaccorsi for leading the quick turnaround. "When Teresa became principal, she got the staff on board, and they have done an incredible job," he said. "You feel the pride in that school when you go there for what they've accomplished."

It is essential to note that Principal Bonaccorsi would not have been able to reach this achievement without the support of the teachers, staff, parents, and the students themselves. It is evident that Principal Bonaccorsi has had a vast array of support, and everyone associated with the school should feel a sense of pride for working together to achieve success.

And I too could not be more proud of Durham Elementary's accomplishments. When the school was included on the Program Improvement list, parents had the option to move their children to another school, but they gave Mrs. Bonaccorsi a chance to turn the school around and I am happy they did. I have been a longtime advocate for equity and improvement in our public school system; I am honored to have such dedicated individuals in my district who exemplify those same goals. Principal Bonaccorsi is undeniably such an individual and I invite my colleagues to join me in congratulating her and her school on this prestigious award.

IN SUPPORT OF NATIONAL  
ADOPTION MONTH

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 6, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise in strong support of National Adoption Month be-

cause family is a fundamental American value. Family makes us who we are. Family provides us support and it provides us with a strong sense of belonging.

Mr. Speaker, unfortunately, there are thousands of children across the United States who are alone and do not know family. According to the most recent Adoption and Foster Care Analysis and Reporting System (AFCARS) report which provides government statistics for FY 2011, there are 104,000 children and youth currently in foster care who are waiting for permanent families.

Mr. Speaker, raising awareness about adoption has been the focus of politicians for many decades. In 1976, Governor Michael Dukakis of Massachusetts announced an Adoption Week to promote awareness of the need for adoptive families for children in foster care. In 1984, President Reagan proclaimed the first National Adoption Week. Seventeen years ago, in 1995, President Bill Clinton expanded the awareness week to the entire month of November.

During National Adoption Month, we are granted the opportunity to continue our efforts to promote and raise awareness about adoption.

Today, we are making every effort to use the Internet and social media in adoption recruitment.

Mr. Speaker, this month, we place particular attention on the youth and children looking for families and on the families looking to adopt. Our goal for the month of November is to put special emphasis on uniting youth and adoptive parents as happy, permanent families.

I am a proud supporter of the Affordable Care Act which improved adoption credit. The Affordable Care Act raised the maximum adoption credit to \$13,360 per child, up from \$13,170 in 2010 and \$12,150 in 2009. The adoption tax credit was refundable for tax year 2011, meaning that eligible taxpayers receive it even if they owe no tax for that year. In general, the credit is based on the reasonable and necessary expenses related to a legal adoption, including adoption fees, court costs, attorney's fees and travel expenses.

I am also a proud member of the adoption caucus.

For these reasons, I urge my colleagues to join me in support of National Adoption Month. I also urge you to join me in supporting the Affordable Care Act and in becoming a member of the adoption caucus.

IN MEMORY OF DR. WILLIAM  
O'NEILL OF LONG BEACH, CALI-  
FORNIA

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 6, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to pay tribute to the memory of Dr. William "Bill" O'Neill, a legendary educator and husband of Beverly O'Neill, one of the most popular and effective mayors in Long Beach history. Dr. O'Neill spent his entire life contributing to the vibrancy and intellectual wealth of the Long Beach community. He passed away peacefully on October 24, 2012 at the age of 81, surrounded by his loved ones.

Dr. O'Neill was born and raised in Long Beach, California, where he attended Long Beach Poly High School and met his wife of sixty years. They later attended Long Beach City College and California State University, Long Beach. Together, they had a daughter, Teresa, and became proud grandparents to her son, Nolan.

Besides being a proud family man, Dr. O'Neill was also a brilliant and leading figure in California's higher education system. He taught at the University of Southern California for 32 years and served as president of the National American Education Studies Organization. He authored over 75 scholarly articles and published 8 books focusing on the philosophy of education.

As a city councilwoman, I had the distinct pleasure of serving Long Beach alongside Dr. O'Neill's wife, Mayor Beverly O'Neill. It was an honor to get to know Dr. O'Neill and his beautiful family, and I have always been personally moved by his commitment to his loved ones and his pride in their many accomplishments. I hope that the memories of his love will provide comfort during this difficult time.

Mr. Speaker, with the passing of Dr. O'Neill, our community has lost a great man. I extend my deepest condolences to his family and friends, and I ask my colleagues to join me in a moment of silence to honor his memory.

**SENATE—*Friday, November 9, 2012***

The Senate met at 10 and 3 seconds a.m., and was called to order by the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, November 9, 2012.*

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEFF BINGAMAN, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. BINGAMAN thereupon assumed the Chair as Acting President pro tempore.

ADJOURNMENT UNTIL TUESDAY,  
NOVEMBER 13, 2012, AT 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until 2 p.m. on Tuesday, November 13, 2012.

Thereupon, the Senate, at 10 o'clock and 36 seconds a.m., adjourned until Tuesday, November 13, 2012, at 2 p.m.



# HOUSE OF REPRESENTATIVES—Friday, November 9, 2012

The House met at 1 p.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 9, 2012.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

As the people's House reconvenes next week, we give You thanks that we live in a Nation that has a system that allows for a change or readjustment of government peacefully.

Bless the Members of this assembly as they begin upon the work of the days to come. Please give them the wisdom they need and the charity they must possess to work together. Help them to make wise decisions in a good manner and to carry their responsibilities steadily, with high hopes for a better future for all our great Nation.

Deepen their faith, widen their sympathies, heighten their aspirations, and give them the strength to do what ought to be done for this country.

May Your blessing, O God, be with them and with us all this day and every day to come, and may all we do be for Your greater honor and glory.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. Pursuant to section 3(a) of House Resolution 788, the Journal of the last day's proceedings is approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ADJOURNMENT

The SPEAKER pro tempore. Pursuant to section 3(b) of House Resolution 788, the House stands adjourned until 2 p.m. on Tuesday, November 13, 2012.

Accordingly (at 1 o'clock and 2 minutes p.m.), the House adjourned until Tuesday, November 13, 2012, at 2 p.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8239. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Special Operations Command Case Number 09-02; to the Committee on Appropriations.

8240. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army Case Number 10-02; to the Committee on Appropriations.

8241. A letter from the Assistant Secretary of the Army, Acquisition, Logistics and Technology, Department of Defense, transmitting a letter regarding the Army Industrial Facilities Cooperative Activities; to the Committee on Armed Services.

8242. A letter from the Secretary, Department of the Treasury, transmitting the annual report from the Office of Financial Research; to the Committee on Financial Services.

8243. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Russia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8244. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Hong Kong pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8245. A letter from the Acting Director, Office of Regulatory Affairs & Collaborative Action, Department of the Interior, transmitting the Department's final rule — Heating, Cooling, and Lighting Standards for Bureau-funded Dormitory Facilities [Docket ID: BIA-2012-0001] (RIN: 1076-AF10) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8246. A letter from the Secretary, Department of Health and Human Services, transmitting report to Congress on the Backlog of Postmarketing Requirements (PMRs) and Postmarketing Commitments (PMCs) for 2012; to the Committee on Energy and Commerce.

8247. A communication from the President of the United States, transmitting notification that the national emergency with respect to Iran originally declared on November 14, 1979, by Executive Order 12170, is to continue in effect beyond November 14, 2012,

pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 112-152); to the Committee on Foreign Affairs and ordered to be printed.

8248. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report entitled "Report of U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes"; to the Committee on Foreign Affairs.

8249. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997; to the Committee on Foreign Affairs.

8250. A letter from the Chief, Branch of Endangered Species Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for Coqui Llanero Throughout Its Range and Designation of Critical Habitat [Docket No.: FWS-R4-ES-2009-0022] (RIN: 1018-AX68) received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8251. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for the Alabama Pearls shell, Round Ebonyshell, Southern Kidneyshell, and Choctaw Bean, and Threatened Species Status for the Tapered Pigtoe, Narrow Pigtoe, Southern Sandshell, and Fuzzy Pigtoe, and Designation of Critical Habitat [Docket No.: FWS-R4-ES-2011-0050] (RIN: 1018-AW92) received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8252. A letter from the Chief, Branch of Recovery and State Grants, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of the Gray Wolf in Wyoming from the Federal List of Endangered and Threatened Wildlife and Removal of the Wyoming Wolf Population's Status as an Experimental Population [Docket No.: FWS-R6-ES-2011-0039] (RIN: 1018-AX94) received October 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8253. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Accountability Measures and Commercial Closures for Two Snapper-Grouper Species and Two Snapper-Grouper Species Complexes in the South Atlantic [Docket No.: 100812345-2142-03] (RIN: 0648-XC132) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

8254. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts [Docket No.: 111220786-1781-01] (RIN: 0648-XC176) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8255. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; "Other Flatfish" in the Bering Sea and Aleutian Islands Management Area and Greenland Turbot in the Aleutian Island Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC082) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8256. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2012 Winter II Quota [Docket No.: 120412408-2408-01] (RIN: 0648-XC163) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8257. A letter from the Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Bluefish Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts [Docket No.: 120201086-2418-02] (RIN: 0648-XC236) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8258. A letter from the Acting Chief, Asset Forfeiture and Money Laundering Section, Department of Justice, transmitting the Department's final rule — Consolidation of Seizure and Forfeiture Regulations [Docket No.: OAG 127; AG Order No. 3343-2012] (RIN: 1105-AA74) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8259. A letter from the Administrator, FEMA, Department of Homeland Security, transmitting notification that funding under Title V, subsection 503(b)(3) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, has exceeded \$5 million for the cost of response and recovery efforts for FEMA-3347-EM in the State of Louisiana; to the Committee on Transportation and Infrastructure.

8260. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting the Corps' Final General Re-evaluation Report and Environmental Impact Statement; (H. Doc. No. 112-153); to the Committee on Transportation and Infrastructure and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. PALAZZO (for Mr. HALL, Mr. ROHRBACHER, Mr. SMITH of Texas, Mr. SENSENBRENNER, Mr. MCCARTHY of California, and Mr. SCHIFF) introduced a bill (H.R. 6586) to extend the application of certain space launch liability provisions through 2014; which was referred to the Committee on Science, Space, and Technology.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representa-

tives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. PALAZZO:

H.R. 6586.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 and

Article I, Section 8, Clause 18

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 273: Mr. WELCH.

H.R. 835: Mr. BUTTERFIELD and Ms. FUDGE.

H.R. 1546: Mr. SCHIFF and Mr. GRIMM.

H.R. 2925: Mr. CONNOLLY of Virginia.

H.R. 3677: Mr. MCGOVERN.

H.R. 6454: Mr. HULTGREN and Mr. WELCH.

H.R. 6581: Mr. HOLT and Mr. RANGEL.

H. Res. 733: Mr. CUMMINGS.

H. Res. 774: Mr. STIVERS, Mrs. EMERSON, Mr. HONDA, Mr. CAPUANO, Mr. HIMES, and Mr. GOWDY.

## EXTENSIONS OF REMARKS

### ON THE LAKE WORTH PUBLIC LIBRARY 100 YEAR ANNIVERSARY

#### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2012*

Mr. HASTINGS of Florida. Mr. Speaker, I rise to pay tribute to the 100th anniversary of the Lake Worth Public Library. This library is a symbol of what a community can accomplish when it comes together for a common goal and embodies the American hunger for knowledge and education.

In 1912, as the city of Lake Worth was being built, the women of this new city recognized the need for a library. That year, the local newspaper sent out an appeal for book donations. As the donations came in, Mr. and Mrs. John L. McKissock would ride their bicycles the seven miles to West Palm Beach to pick up the donated books and bring them back to the new library in Lake Worth. A point of pride for the Lake Worth community is that the Lake Worth Library was established five months before the first school and almost two years before electricity was brought into the city.

As the library outgrew its room in the Lake Worth City Hall, plans were made for the library to be established as a memorial library in honor of General William Jenkins Worth, the man credited with ending the Seminole Wars. However, the bill that would have made this possible was vetoed by President Roosevelt after passing Congress.

The citizens of Lake Worth never gave up though. They worked together, and through fundraising and smart investment, they were able to complete the new library in 1941. Thanks to a sizable donation from James and William Strait, the Lake Worth Public Library was able to even open an art wing which was later converted to a children's library.

To this day, the Lake Worth Public Library is not your average community library. In addition to being a hub of educational activity for adults and children alike, the library is home to unique treasures such as the only known collection of historic paintings by R. Sherman Winton, and wood carvings by Sam J. Schlappich, a Lake Worth artist who exhibited at the Century of Progress Fair in 1933 and the 1939 World Fair.

Libraries like the Lake Worth Public Library and others around the country serve a vital role in our communities. They provide access to computers, books, and research material, host cultural events, and offer technology training essential in today's job market to people from all walks of life. Libraries break down barriers and bring communities together, and the Lake Worth Public Library is no exception.

Mr. Speaker, I am proud to honor the Lake Worth Public Library, and I look forward to working with my colleagues to ensure that de-

spite cuts to Federal, State, and municipal budgets, libraries across the United States receive the support they need to continue their vitally important work.

### TRIBUTE TO ELDON FFA KNOWLEDGE TEAM

#### HON. BLAINE LUETKEMEYER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2012*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Eldon FFA knowledge team of Eldon FFA Chapter for winning the National FFA Knowledge Career Development Event.

This team and their advisor should be commended for all of their hard work throughout this past year and for bringing home the national title to their chapter and their community.

I ask you to join me in recognizing the Eldon FFA knowledge team for a job well done!

### A TRIBUTE TO EAGLE SCOUT BRADY GARDEN

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Brady R. Garden of Charles City, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Brady chose to demolish a crumbling wall at the World War I Memorial at Sunnyside Cemetery in Charles City and replaced it with a new wood structure with vinyl siding. In total, this project took more than 150 hours of hard work to complete. The work ethic Brady has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Brady and his family in the United States Congress.

I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career. Thank you.

### HONORING THE LIFE OF MAYOR MILBURN GRAVLEY

#### HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2012*

Mr. MARCHANT. Mr. Speaker, it is with a heavy heart that I stand to honor the life of Milburn Ray Gravley, the former mayor of Carrollton, Texas, who passed away on October 13, 2012, after courageously battling cancer for much of this year.

Milburn was born on January 3, 1931, and was the youngest of nine children. He was a great-grandson of Alexander Wilson Perry, one of the founding landowners of Carrollton, Texas. Like his ancestors before him, Milburn dedicated his life to rigorous and faithful service of his community. He served on several civic boards and committees, including the city council. He was also a member of the Carrollton Lodge #1400 in Carrollton, Texas, and the James A. Smith Lodge #395 in Farmers Branch, Texas. Milburn was a 33 degree Mason. Most notably, Milburn served as the mayor of Carrollton for twelve years, from 1987 until 1994 and again from 1996 to 1999. Later in his life, and up until his passing, he was the Chairman of the Trinity River Authority, and a member of the Valwood Improvement Board, the Metrocrest Chamber of Commerce, and the Old Downtown Carrollton Board. Multiple bodies duly recognized Milburn's exceptional and enduring service over the years, and he was even named Metrocrest Citizen of the Year in 1989.

Milburn married and is survived by Sylvia McInnish Gravley. Together they had a daughter, Lynda, and two sons, Gary and Alan. He is survived by them and also his six grandchildren, Cristi, Casey, Lori, Matthew, Nicole, and Christopher; four step-grandchildren, Richard, Ashley, Kristen, and Preslee; and four great-grandchildren, Madison, Sydnee, Reece, and Juliet. Milburn was preceded in death by two of his brothers and four of his sisters. Two more brothers, Joe and Wilton, survive him.

It is a great professional honor for my son, Matthew, and I to have held the same office that Milburn did as mayors of Carrollton, Texas. Yet, the greater and more profound honor and joy was to have known Milburn personally. I think that I speak for the entire Dallas-Fort Worth Metroplex community when I say that he will be deeply missed.

Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in honoring the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

great life and passing of Mayor Milburn Ray Gravelly.

RECOGNIZING THE ADKISON FAMILY AS THE 2012 WASHINGTON COUNTY OUTSTANDING FARM FAMILY OF THE YEAR

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2012*

Mr. MILLER of Florida. Mr. Speaker, I am proud to recognize the Adkison family for being selected as the 2012 Washington County, Florida Outstanding Farm Family.

Jarrold Adkison, a proud third generation farmer, takes to heart the value of hard work, dedication, and the love and support of family. Today, the Adkison family incorporates the lessons learned from generations worth of farming experience to grow peanuts, corn, soybeans, wheat, hay and oat crops. They also raise brood cows and purebred Charolais, and this year they also expanded their growing operation to include cotton. Jarrold, his wife Tara, their children Chelsea, Nathan, MaryBeth, and Harrison, along with his cousin Philip and two full time employees, are the brains and brawn behind the impressive 1,180 acres that make up the family farm.

Jarrold is set on ensuring the farm is in a position to allow future generations of his family the opportunity to carry on the family farming legacy. He understands this goal is possible only with the invaluable support of his family, and he receives tremendous support from the entire Adkinson family. Tara, in addition to her duties as a wife and mother to their four children, is also a Registered Nurse at Jackson County Hospital. Jarrold's cousin Philip is a tremendous asset and lives and works on the farm as well. Jarrold and Tara's love of education, farming and community has transferred to their children's hearts. They are more than willing to help out on the family farm, eager to get a feel for the land that may one day be theirs to live and work.

The Adkison Family belongs to the Washington County Farm Bureau Board of Directors and the Washington County Cattlemen's Association Board of Directors and serves as FSA County Committee members. Recently,

MaryBeth and Harrison, eager to make their mark on helping the community, joined the local 4-H Club. Jarrold Adkison is a blessed man. He thanks the good Lord for the opportunity to follow in the footsteps of his grandfather Floyd, father Ken, and Uncle Tim Adkison. His gratitude also goes out to the Washington County farming community, of which he is thankful to be a part.

Mr. Speaker, our great nation was built by farmers and their families. The Washington County Outstanding Farm Family of the Year Award is a reflection of the Adkisons' tireless work and their dedication to family, faith and farming. On behalf of the United States Congress, I would like to offer my congratulations to the Adkison family. My wife Vicki and I extend our best wishes for their continued success.

TRIBUTE TO THE CENTRALIA LADY PANTHERS SOFTBALL TEAM

**HON. BLAINE LUETKEMEYER**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2012*

Mr. LUETKEMEYER. Mr. Speaker, I rise today to ask my colleagues to join me in congratulating the Centralia Lady Panthers softball team of Centralia High School for winning the Class 3 Missouri State Softball Championship.

The Centralia Lady Panthers and their coaches should be commended for all of their hard work throughout the regular season and for bringing home the state title in Class 3 to their school and their community. This is their second straight state title.

I ask that you join me in recognizing the Centralia Lady Panthers softball team for a job well done!

IN APPRECIATION OF DAVE HILL'S SERVICE TO THE IDAHO NATIONAL LAB

**HON. MICHAEL K. SIMPSON**

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 9, 2012*

Mr. SIMPSON. Mr. Speaker, I rise today to say thank you to Dave Hill for his exceptional service at the Idaho National Laboratory and to wish Dave and his wife Georgia all the best as they begin the next chapter of their life in Boise, Idaho.

Dave Hill came to the United States by way of the United Kingdom where he received his doctorate degree in mathematical physics from Imperial College, London University. As an expert in nuclear reactor and fuel cycle issues, Dave assumed leadership positions at Argonne National Laboratory and Oak Ridge National Laboratory. In 2005, Dave joined the Idaho National Laboratory as deputy lab director for science and technology.

Dave brought a wonderful vision and talent to INL and his imprint is visible in the new and improved facilities that INL scientists and engineers now use. Dave saw the unique role INL can play as our National Nuclear Laboratory and he helped demonstrate how INL's capabilities could support important nuclear energy, nonproliferation and national security programs. Dave also helped bring an unmatched collection of world-renowned technical experts to Idaho to lead the Nation's nuclear energy programs. While serious budget challenges are staring every federal program in the face, Dave will leave the Idaho National Laboratory with a firm foundation. I also understand we will continue to benefit from some of Dave's time and talents in the future.

While Dave Hill's leadership skills and vision have made INL a stronger lab, Dave's good humor and his laugh have made INL a better place to work. On his many trips to Washington, DC, Dave would often come by my office, at my request, to update me on nuclear energy programs and issues. Dave would always paint me the picture I needed to see along with a laugh and a smile at the challenges we were tackling together. I always enjoyed working with Dave Hill and I will miss those meetings.

## HOUSE OF REPRESENTATIVES—Tuesday, November 13, 2012

The House met at noon and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

As the Members of the people's House regather after our biennial elections, may Your spirit of peace descend upon them. As the 112th Congress moves toward a close, may all here attend to the business at hand, providing what is needed for the benefit of our Nation.

May all Members, regardless of the outcome of the election, trust that their future service, be it in the House or not, will be imbued with Your grace. May they be confident that Americans of goodwill are grateful for their service in the past and wish them well into the future.

We ask Your blessing as well on those newly elected who will be joining this assembly for the 113th Congress. May their transition into office be smooth and marked by the civility of democratic change of government, which is the rightful pride of the United States of America.

And finally, we ask Your blessing on America's veterans. May our Nation be faithful to them, providing whatever their needs may be after they gave years of their lives in service rather than personal gain. They are an inspiration to us. We should not forget nor neglect our responsibility to them.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### SEQUESTRATION IS TARGETING OUR MILITARY

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday with Veterans Day, our country celebrated and remembered the brave men and women who have served in our Armed Forces, dedicating their lives to protecting our freedom and keeping American families safe. Unfortunately, sequestration is targeting these honorable individuals and our national security by being implemented unless taxes are increased. Defense spending, according to The Hill newspaper, is 15.1 percent of the budget but is subject to 50 percent of the cuts.

Raising taxes during times of economic uncertainty limits the creation of new jobs. America's small businesses should be encouraged to create jobs. This will reduce the unsustainable deficit. House Republicans were reelected last week on the premise of not voting to raise taxes. I support the legislation of House Armed Services Committee Chairman BUCK McKEON to stop sequestration and promote peace through strength.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war or terrorism.

### THE TRUTH ABOUT BENGHAZI

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. We put together a bipartisan congressional coalition to try to stop the war in Libya. That four Americans, including our ambassador, were killed confirmed our worst fears: that American power was being used to open the door for jihadists, creating more instability in the region.

Congress still doesn't know why our people in Libya were left vulnerable. We still don't know why the U.S. military was not sent to their defense. It is of the highest importance that General Petraeus, who led the CIA at the time, be brought before Congress to testify as to what really happened in Benghazi, whether there was a security lapse or whether the administration temporized on security and stood down to mollify violent, disparate groups which have nothing in common with our Nation.

U.S. involvement in Libya is a disaster, compounded by the deaths of

four Americans. It is imperative that we find out the truth about Benghazi, wherever it leads, whoever it affects.

### THE OBAMA ADMINISTRATION CONTINUES TO BLOCK INFORMATION

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, on September 11 of this year, four Americans, including our United States ambassador, were killed in an attack at the Benghazi consulate.

On September 25, I sent a letter to President Obama regarding the numerous inconsistencies voiced by people within his administration and what they were saying following the attack. I have not heard back.

On November 1, I emailed the State Department, requesting they speak with me, for more information. Our office emailed every business day and received no response until November 7. Then, in a scripted response, they refused my request to speak with me. No one, not one person, is willing to talk about the details.

Since they wouldn't talk to me in the privacy of my office, let me just ask them here in a public forum: Why did our ambassador die, and how did our ambassador die? It's been 2 months. You should know. Was it smoke inhalation, or was it some other cause? Was there physical evidence of torture on the ambassador's body as it was returned? And why were the bodies returned to Andrews Air Force Base when protocol dictates they go to Dover for the immediate investigation?

These questions need to be answered. The State Department needs to be forthcoming. The administration needs to be forthcoming.

I pray this Congress will exercise that authority.

### THE OUTPOURING OF VOLUNTEERS IN REBUILDING NEW JERSEY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I wanted to point out to my colleagues that the damage in my district and throughout my State in the aftermath of Hurricane Sandy was nothing less than catastrophic. But I really want to talk about the rebuilding effort today and what we need to do over the long term.

The amount of outpouring, if you will, from volunteers, from just regular people in the district, was just overwhelming. I want to thank FEMA. I want to thank the Red Cross, the Salvation Army, and all the different groups that are out there and continue to be out there today helping with this effort. The outpouring of volunteers from our own district and from New Jersey was just incredible.

Just a few days ago, I remember going to Union Beach, which was one of the towns that was hardest hit, and seeing so many people bring in food and clothing and cleaning supplies. One guy who owns a pizza place brought in a pizza oven and was making pizzas, and another guy brought in a TV so people could watch TV at the center where people come to sign up for FEMA. It was just amazing. It showed the spirit, if you will, of the people that they were willing to do that.

Thank you all again. Obviously, we're going to work on rebuilding, which is certainly the next step here in Congress and elsewhere.

#### BETTER LATE THAN NEVER

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, this being the first day that we've convened since the election, I want to begin by expressing my appreciation to our chaplain, Father Conroy, for his very inspiring and thoughtful prayer.

Mr. Speaker, we are here this week to deal with a very important issue. And I will say that we were all taught as kids, better late than never. We're here because U.S. workers at this point don't have access to 140 million potential consumers for their goods and services. I'm talking about the vote that we're going to have on so-called "Russia Permanent Normal Trade Relations."

Mr. Speaker, Vladimir Putin is not a good guy. Vladimir Putin has inflicted horrendous human rights policies on the people of Russia. We have seen crony capitalism take hold. And that's why it's very important, Mr. Speaker, that the United States of America be at the table as part of the WTO's effort to force Russia to live with the rules-based trading system.

Last year we exported \$11 billion in goods and services to Russia. If we can pass PNTR, we will double that to \$22 billion by 2017.

Mr. Speaker, it's a very important vote. We need to make sure that it's successful this week, and I'm gratified that it's going to be done in a bipartisan way.

□ 1410

#### EU EMISSIONS TRADING SCHEME PROHIBITION

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, a little bit later today the House is going to vote on the European Union Emissions Trading Scheme Prohibition Act. This is a bill that is very important to our civilian and civil aviation operators. It would block them from participating in the European Union's emissions trading scheme.

Now the reason this is important is because of this: according to Bloomberg news, the inclusion of the airline industry in the EU's 2005 cap-and-trade program will cost U.S. airline companies between—get this—\$10.1 billion and \$39.4 billion from 2012 to 2020. Now who do you think is going to pay that cost? Consumers are going to pay it.

The House has already decided we don't want a cap-and-trade system. We voted against that domestically, so why would we want our airline industry to have to participate in this on an international basis? MIT economists have looked at it and said the new rule will increase costs on passengers flying to Europe, all to subsidize their cap-and-trade systems.

With rising fuel costs and a down economy, we simply cannot afford this. So for these reasons, I urge my colleagues to protect American sovereignty to support our domestic aviation industry and vote in favor of H.R. 1956.

#### COMMUNICATION FROM THE DEMOCRATIC LEADER

The SPEAKER pro tempore (Mr. WOMACK) laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
Washington, DC, November 13, 2012.

Hon. JOHN BOEHNER,  
Speaker of the House,  
U.S. Capitol, Washington, DC.

DEAR SPEAKER BOEHNER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act of Fiscal Year 2001 (22 U.S.C. 7002), amended by the Division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), I am pleased to reappoint Mr. Michael Wessel of Falls Church, VA, to the United States-China Economic and Security Review Commission.

Thank you for your attention to this appointment.

Sincerely,

NANCY PELOSI,  
House Democratic Leader.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1702

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 5 o'clock and 2 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### EUROPEAN UNION EMISSIONS TRADING SCHEME PROHIBITION ACT OF 2011

Mr. MICA. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1956) to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1956

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "European Union Emissions Trading Scheme Prohibition Act of 2011".

#### SEC. 2. PROHIBITION ON PARTICIPATION IN THE EUROPEAN UNION'S EMISSIONS TRADING SCHEME.

(a) IN GENERAL.—The Secretary of Transportation shall prohibit an operator of a civil aircraft of the United States from participating in the emissions trading scheme unilaterally established by the European Union in EU Directive 2003/87/EC of October 13, 2003, as amended, in any case in which the Secretary determines the prohibition to be, and in a manner that is, in the public interest, taking into account—

(1) the impacts on U.S. consumers, U.S. carriers, and U.S. operators;

(2) the impacts on the economic, energy, and environmental security of the United States; and

(3) the impacts on U.S. foreign relations, including existing international commitments.

(b) PUBLIC HEARING.—After determining that a prohibition under this section may be in the public interest, the Secretary must hold a public hearing at least 30 days before imposing any prohibition.

(c) REASSESSMENT OF DETERMINATION OF PUBLIC INTEREST.—The Secretary—

(1) may reassess a determination under subsection (a) that a prohibition under that subsection is in the public interest at any time after making such a determination; and

(2) shall reassess such a determination after—

(A) any amendment by the European Union to the EU Directive referred to in subsection (a); or

(B) the adoption of any international agreement pursuant to section 3(1).

(C) enactment of a public law or issuance of a final rule after formal agency rule-making, in the United State to address aircraft emissions.

#### SEC. 3. NEGOTIATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of the Federal Aviation Administration, and other appropriate officials of the United States Government—

(1) should, as appropriate, use their authority to conduct international negotiations, including using their authority to conduct international negotiations to pursue a worldwide approach to address aircraft emissions, including the environmental impact of aircraft emissions; and

(2) shall, as appropriate and except as provided in subsection (b), take other actions under existing authorities that are in the public interest necessary to hold operators of civil aircraft of the United States harmless from the emissions trading scheme referred to under section 2.

(b) EXCLUSION OF PAYMENT OF TAXES AND PENALTIES.—Actions taken under subsection (a)(2) may not include the obligation or expenditure of any amounts in the Airport and Airway Trust Fund established under section 9905 of the Internal Revenue Code of 1986, or amounts otherwise made available to the Department of Transportation or any other Federal agency pursuant to appropriations Acts, for the payment of any tax or penalty imposed on an operator of civil aircraft of the United States pursuant to the emissions trading scheme referred to under section 2.

#### SEC. 4. DEFINITION OF CIVIL AIRCRAFT OF THE UNITED STATES.

In this Act, the term “civil aircraft of the United States” has the meaning given the term under section 40102(a) of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. MICA. First of all, Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on S. 1956.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Thank you so much, Mr. Speaker and my colleagues, and welcome back. The Congress is back in session today, and I guess all people's property and welfare and everything else is now at risk. But I'm pleased to be here to help lessen some of that risk that is a threat which has been offered to the United States in the form of a European Union emissions trading scheme.

The bill that I propose today is S. 1956, which replaces the bill that was passed a year ago in October of 2011, and that's H.R. 2594. That's legislation which I authored which basically does the same thing, again, giving the authority to prohibit the United States aircraft and operators of commercial aviation from participating in the European Union's emissions trading scheme.

Let me take just a minute and explain what this is. Several years ago, the European Union and some of the folks that are honestly concerned about emissions that come from aviation, commercial aviation in particular, decided to come up with a scheme or a plan to impose a tax on all aircraft. Now, if this had been done within the confines of the European Union, I don't think we would be standing here. But what they did is really go beyond the borders of the European Union and say that any aircraft entering the European Union from another nation will be subject to an emissions tax—and not when it reached the borders of the European Union or their states, but from where it departed.

So this would be, first of all, counter to international agreements. It is also a tax that they propose to impose on us that is unfair in every way, violates national agreements that we've had, and it unilaterally imposes this emissions trading scheme on all of the countries, including the United States. It would have a very damaging effect, first of all, because it does not do what it was set up for. The purpose of this was to try to limit or even compensate for emissions; and the scheme, as proposed, did neither.

First of all, it would impose a tax on the airlines, which would be passed on to consumers, so we would have higher aviation taxes. Secondly, when they collected the money, the plan was flawed in that the money was not in fact directed to compensate for emissions. It was basically a money-and-tax grab by European powers and not really accomplishing it. So they put a nice title on it and imposed a tax—again, unfair—against and in total violation of international law and U.S. sovereignty.

So we have tried to work with the European Union. As the chair of the Transportation Committee, we led a meeting here in Washington with EU officials and sat down one floor below where I'm standing in March of 2011 and tried to resolve the differences. We actually led a delegation and went to Brussels, the headquarters of the European Union; met in Brussels in June and July of 2011 and further discussed trying to come to some agreement to resolve differences on this matter.

And then we took our case, as Members of the United States Congress, to the International Civil Aviation Organization, which is located in Montreal.

That's the international civil aviation group that sets some of the policies and the standards for international and national aviation around the world. In fact, in October, a year ago, before we introduced this legislation, we convinced I believe it was some 27 or 28 of the 35 of their governing body to vote in favor of a position we held, which other nations also held. And I think only a small minority of some of the European Union core nations, in fact, prevailed in that vote. So we succeeded in garnering international support because this isn't a tax that affects only the United States, but it affects countries around the world. So we had many international partners who said this is unfair, it's not properly crafted, and it lacked transparency and definition.

□ 1710

In fact, when we sat with the European Union counterparts, parliamentarian to parliamentarian, they could not define exactly what they were doing or how they were going to impose this. And I think they're still at a loss because they don't have it completely settled.

So there is some good news on the horizon. Yesterday, the EU announced the postponement of imposing the Emissions Trading Scheme to international flights until 2014. Now, that's a temporary delay of imposition. They have said that they'd leave some of the decision up to ICAO, but ICAO does not set policy for the United States of America.

We are a sovereign Nation, and we must, again, I think, defend the position, our position, our sovereignty and concurrence with international trade agreements that have previously been agreed on. We've got to hold people's feet to the fire and respect also U.S. sovereignty.

So that's how we have gotten ourselves into this fix. We have a temporary delay; maybe that's because of this legislation that's up today. But we must move forward, I think, in giving the Secretary of Transportation and our officials the ability to thwart this kind of unfair tax imposed on our carriers, and that's exactly what this legislation does.

We're not doing it by ourselves. We have dozens of other countries that expressed their opposition. So we join our colleagues, both Democrat and Republican, in the committee in bringing forward this bill. It is modeled after what the House passed in October of 2011. And by passing this bipartisan, bicameral legislation that the Senate has now passed, we are notifying the European Union that we are not going to support the scheme and that, in fact, we want a positive outcome.

We want a long-term solution, but we will not allow the United States to be held hostage. The European Union or



any other nation or group of nations cannot hold us hostage on these tax and international flight issues.

So we'll work with ICAO, and we'll continue to work with the European Union and others. And in the meantime, I ask my colleagues to support Senate bill 1956.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of S. 1956, a bill to protect America's airline workers, passengers, and airlines from an Emissions Trading Scheme by the European Union that flies in the face of the international community.

In my view, the EU's proposed Emissions Trading Scheme is inconsistent with international aviation law and practice. Additionally, airlines and labor groups oppose it because it will impose new and unjustified costs on the industry and destroy American jobs. Rather than solving a serious global problem, the Emissions Trading Scheme has created an international distraction.

Along with 35 Democratic and Republican colleagues, I was pleased to cosponsor a similar bill last year. As I said when the House passed the bill, reducing the aviation emissions is a goal worth pursuing. I do not think anyone disagrees on that.

But the EU's Emissions Trading Scheme, when applied to U.S. airlines, is the wrong way to achieve the right objective. It goes against international law and agreements, and it brings the hand of European regulators into our own airspace. The EU's go-it-alone approach is not the way to find a global solution to a global problem.

A large part of the international community rejects the EU's approach. The United States has joined more than 20 other countries in signing two declarations pointing out the many fatal flaws in the Emissions Trading Scheme, and calling on EU members to rejoin ongoing work within the International Civil Aviation Organization.

European leaders appear to be getting the message. Just yesterday, EU officials announced a one-year suspension of ETS application to international flights as long as a global deal is reached. But Congress must enact this bill regardless, to send a strong message to the EU that whether the International Aviation Organization is able to act on the EU's timetable or not, the EU's unilateral scheme is not the proper way to solve a global problem.

This bill will protect U.S. airlines and all those who rely on them for travel and employment from the unjust effects of the Emissions Trading Scheme. This bill directs the Secretary of Transportation to prohibit U.S. airlines from participating in the Emissions Trading Scheme if the Secretary finds that it is in the public interest.

The bill also encourages the government to continue negotiating with the EU on a resolution, and it prohibits use of the Airport and Aviation Trust Fund, or any appropriated funds, to pay penalties to EU countries on behalf of airlines.

It ensures that American taxpayers will not end up paying the bill for a counterproductive emissions scheme that causes more problems than it solves. I urge my colleagues to support this legislation.

I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I'm pleased to yield 6 minutes at this point to the gentleman from Wisconsin (Mr. PETRI), who chairs the Aviation Subcommittee in the House.

Mr. PETRI. I thank my chairman.

I rise in support of the bill before us, Senate bill 1956, the European Union Emissions Trading Scheme Prohibition Act of 2011.

In January 2012, the European Union began to unilaterally apply its Emissions Trading Scheme to all civil aviation operators landing in or departing from one of the EU Member States.

Just yesterday, the EU announced it was going to postpone the application of the Emissions Trading Scheme on international operators until 2014. Prior to that announcement, EU Member States would have required international air carriers and operators to pay for emission allowances and, in some cases, penalties for carbon emissions starting in April of next year.

While this postponement is a good first step, it is not a total withdrawal of this illegal scheme, and therefore, we must press ahead with this bipartisan legislation to ensure U.S. operators and consumers are protected.

The EU Emissions Trading Scheme is legally questionable in a number of ways. First, it applies to the entire length of the flight, including those parts of the flight outside the EU's airspace. For instance, if a flight leaves Los Angeles to London, taxes would be levied not just for the portion of the flight over the United Kingdom, but also for the portions of the flight over the United States, Canada, and international waters.

The European Union's unilateral application of their emissions scheme to U.S. aviation operators without the consent of the United States Government raises significant legal concerns under international law, including violations of the Chicago Convention and the U.S.-EU Air Transport Agreement.

There are also concerns that the Emissions Trading Scheme is nothing more than a revenue raiser for the EU Member States, as there is no requirement that EU Member States must use the funds for anything related to the reduction of emissions by the civil aviation sector.

The EU Emissions Trading Scheme will take money from the airline indus-

try that would otherwise be invested in NextGen technologies and the purchase of new aircraft, two proven methods for improving environmental performance and reducing emissions.

Airlines for America, an air transport trade association, testified before our Aviation Subcommittee last year that the extraction of capital from the aviation system, as envisioned under the EU Emissions Trading Scheme, could threaten over 78,000 American jobs. This is unacceptable.

But despite serious legal issues and objections by the international community, the European Union is pressing ahead with its plans. In September 2011, 21 countries, including the United States, signed a joint declaration against the EU Emissions Trading Scheme in New Delhi, India.

In the last year, there have been several other multinational meetings of countries who oppose the scheme, including meetings that took place in Russia and in the United States.

The bill before us directs the Secretary of Transportation to prohibit U.S. aircraft operators from participating in this illegal scheme. The bill also directs appropriate U.S. government officials to negotiate a worldwide approach to address aircraft emissions, and to take appropriate actions to hold U.S. civil operators harmless from the EU's Emissions Trading Scheme.

□ 1720

The EU needs to slow down and carefully weigh its decision to include international civil aviation in its emissions trading scheme. A better approach would be to work with the international civil aviation community through the U.N. International Civil Aviation Organization to establish consensus-driven initiatives to reduce aviation emissions.

I am pleased to see movement on the part of the EU to work with the international community at ICAO to seek a global approach to civil aviation emissions. While the postponement for a year is a positive sign, it is not enough to ensure U.S. operators will not be negatively impacted by the trading scheme at some point in the future. Therefore, we are moving forward with this bipartisan bill to ensure U.S. operators will not ever be subjected to the illegal European scheme.

I urge my colleagues to support this bipartisan, bicameral legislation.

Mr. RAHALL. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished ranking member on the Energy and Commerce Committee, the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Thank you very much for yielding to me.

Mr. Speaker, I rise in opposition to the Thune bill.

A warmer planet has less ice, higher sea levels, more water in the atmosphere, more powerful storms, more frequent floods, dryer droughts, and worse

wildfires. Two weeks ago, Hurricane Sandy brought a powerful and tragic reminder that the combination of sea level rise and more powerful storms can be deadly, devastating and extremely costly. Hurricane Sandy was only the latest and most dramatic in a series of extreme weather events. Over the past 2 years, we've had record-breaking temperatures, the worst drought in 50 years, major floods, numerous tornadoes and thunderstorms, and vast wildfires.

This is what global warming looks like, and if we continue to ignore it, it will soon look far worse. We should be doing all that we can to reduce carbon pollution and slow global warming, but the Thune bill, instead, tries to stop efforts to reduce carbon pollution.

Specifically, the bill targets the European Union's requirement that airlines modestly reduce their carbon pollution. Aviation is a significant and fast-growing source of carbon pollution, and talks on an international agreement to control this pollution have languished for over a decade. So, since nothing was happening for 10 years, the European Union acted to require, for the price of only a few dollars a ticket—just a small fraction of the fee that the airlines impose on consumers just to pay for their bags going on the same airplane—that the amount of money be imposed unless the airlines can reduce the contribution to global warming.

These environmental requirements are no more a violation of national sovereignty than the aviation safety and security requirements imposed overseas by the United States or the taxes on aviation imposed by other nations. Everyone, including the European Union, agrees it would be better to address this issue on aviation from a global basis rather than through regional requirements.

Last week, international negotiations made progress on developing such an alternative to the EU requirements. In response, the European Union announced yesterday that it would delay the enforcement of the aviation requirements for a year in order to create a positive atmosphere and facilitate progress on global alternatives. That makes the Thune bill unnecessary. The airlines now do not have to comply with the EU requirements for at least a year and a half. The Thune bill is counterproductive. It would respond to the European Union's concession by enacting a retaliatory measure, which will undermine rather than advance progress towards an agreement.

There are other serious problems with this bill. The bill directs the Secretary of Transportation, if he finds it in the public interest, to bar U.S. airlines from complying with the EU requirement to control carbon pollution. It also directs the Secretary to hold the U.S. airlines harmless from the re-

quirements. If we bar the airlines from complying, they will incur steep penalties estimated at over \$20 billion by 2020. The Thune bill then says the government is going to have to hold the airlines harmless from this cost. That means that taxpayers may be on the hook for over \$20 billion, although the bill also limits the use of appropriated funds. Or the hold harmless provision would force the Secretary to use existing authority to require European airlines to pay the fees to compensate the U.S. airlines.

Rather than doing something constructive about global warming, we are going to ignite a trade war with the Europeans. We ought to be working with them in an international context to do something rather than punish them if they punish us and have the taxpayers pay the bill because the Europeans have waited 10 years for an international agreement and nothing has happened.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALL. I yield the gentleman an additional 30 seconds.

Mr. WAXMAN. Even if you oppose the EU aviation requirements, the Thune bill makes no sense. It's unnecessary and it's counterproductive, as the European Union just agreed to delay the requirements targeted by the bill. It also risks taxpayer dollars, threatens to provoke an international trade war, and jeopardizes U.S. national security.

I urge my colleagues to oppose this unnecessary and misguided bill.

Mr. MICA. Mr. Speaker, might I just inquire as to how much time remains on both sides?

The SPEAKER pro tempore. The gentleman has 6½ minutes remaining. There are 11½ minutes remaining on the other side.

Mr. MICA. I yield myself 2 minutes.

Mr. Speaker, I have the greatest respect for Mr. WAXMAN and his leadership on many issues. Some of them we agree on—we're both art lovers and we both have great wives—but I have to disagree with him on a couple of points. First, I'd have to disagree with him on some of the climate statements that he made. I could spend the rest of the time debating that, but that's not what is before us.

What is before us is legislation that actually gives the administration and the Secretary of Transportation the authority and also the discretion to work on this issue. If you don't have the backing of Congress, how can he negotiate? He wouldn't have the authority or the discretion to impose some difference with the European Union. You can't fold the United States' tent here.

The other point that was made by Mr. WAXMAN was that we aren't working with them. Well, we hosted them right here. We sat and talked to them.

Then we went to Brussels. We sat and talked to them. Then we went to Montreal with the ICAO, the International Civil Aviation Organization, which helped settle some of these matters and set the standards. When we left, they voted 26-36 to agree with the United States. So, in the international body, they were defeated.

This does impose a penalty and a tax on the United States. It's unfair. If it's within the European Union, that may be within their discretion to do it, but not from the point of departure in the United States into the European Union or, for that matter, from any sovereign nation. The money doesn't go to clean it up. I know Mr. WAXMAN loves the environment—so do I—but this money doesn't go for that purpose. It can be used for anything. It's not for engine technology; it's not for the restoration of the environment; and it doesn't stop emissions.

So this bill does represent a bipartisan, bicameral compromise, but it gives us the authority to hold their feet to the fire and get a solution.

I reserve the balance of my time.

□ 1730

Mr. RAHALL. Mr. Speaker, the gentleman I'm going to yield to now may be departing the Congress after this session; but we will still value his professionalism, his expertise, and certainly his friendship for the very near and distant future.

I'm happy to yield 5 minutes to the gentleman from Illinois (Mr. COSTELLO), the once chairman and now ranking member of our Aviation Subcommittee on Transportation.

Mr. COSTELLO. I thank the ranking member for yielding, and I thank him for his kind words and his friendship, as well.

Mr. Speaker, I rise in support of S. 1956, a bill that will protect U.S. airlines, their employees, and passengers from an overreaching law of the European Union that unfairly charges U.S. airlines for emissions in U.S. airspace on flights between the United States and Europe. The Obama administration has taken a strong stance against the EU's emission trading scheme on the grounds it is inconsistent with international aviation law and practice. Additionally, airlines and labor groups also oppose it because it will impose an unjustified cost on the industry and destroy American jobs.

I'm pleased to note that just yesterday, as you heard already, the European leaders said that they would suspend application of the ETS to international flights for a year, pending a global agreement on international emissions at the U.N. International Civil Aviation Organization, but that announcement in no way weakens the case for passing this bill. We must send a strong message to the EU that, regardless of whether ICAO delivers on a

deal on the EU's timetable, the U.S. Government opposes the EU's unilateral local solution to a global problem.

This bill is similar to the bill that passed the House last year, a bill that I was pleased to cosponsor, along with Chairman MICA, Ranking Member RAHALL, Chairman PETRI, and 32 other Democratic and Republican Members. Similar to the House bill, this bill calls upon the Department of Transportation to prohibit U.S. airlines from participating in the emissions trading scheme. This bill further protects our national interest by ensuring that both airlines and U.S. taxpayers are held harmless from the emissions trading scheme.

I congratulate my friends Senator THUNE and Senator MCCASKILL for having championed this legislation in the other body. This bill sends a strong message from Congress that we do not support what the EU is doing for a variety of reasons.

As I noted last year in our Aviation Subcommittee hearing on the emissions trading scheme, and again on the House floor when the House passed its own bill, climate change is a global problem that requires a global solution. Working through ICAO, the United States is committed to finding a global solution to address aviation emissions based on consensus. I'm optimistic that the global agreement can, in fact, be reached.

More than 20 other international partners have joined the United States in producing strong declarations calling on the EU to come back to the table and to work on an international plan.

At the same time, we must recognize that our own government and airlines are doing the right thing to reduce harmful carbon emissions. The FAA and the airline industry are investing billions of dollars in the NextGen air traffic upgrades, and the FAA plans to reduce emissions by 2 percent through these improvements. Further, U.S. airlines improved fuel efficiency by approximately 110 percent since 1978. From 2000 to 2009, U.S. carriers reduced fuel burn and carbon emissions by 15 percent while carrying 7 percent more passengers. NextGen will help aircraft operators save money and, in fact, save more than 1.4 billion gallons of fuel, cutting the carbon emissions by nearly 14 million tons by 2018.

Mr. Speaker, I'm pleased to support this legislation. I urge my colleagues to support it.

Mr. MICA. Mr. Speaker, we don't have any further speakers on our side, and I reserve the balance of my time to close.

Mr. RAHALL. Mr. Speaker, I yield myself the balance of my time.

In conclusion, let me again reiterate the support that this legislation has from the Air Line Pilots Association, the Airports Council International, the

American Society of Travel Agents, the Transportation Trades Department, the AFL-CIO, the U.S. Chamber of Commerce, the U.S. Travel Association, and the Independent Pilots Association, among many other groups that have sent a "dear colleague" to all of us.

To reiterate what I said in my opening comments, the European Union's ETS will do nothing to decrease aviation emissions. The solution to decreasing aviation emissions lies in an international agreement currently progressing through the International Civil Aviation Organization that is slated for consideration October 2013 at that body's triennial assembly.

With that, I urge my colleagues to support the pending legislation and commend Chairman MICA and Subcommittee Chairman PETRI and our Ranking Member COSTELLO for all of the hard work that they have put into this legislation, and I yield back the balance of my time.

Mr. MICA. I yield myself the balance of my time.

Mr. Speaker, again I'd urge my colleagues to pass S. 1956.

This does represent an honest effort to find a solution to deal with global emissions. They are a problem. We have tried to work with our European Union counterparts. Again, we've had meetings nonstop. When some of this issue began, we went there and talked. We took it to the international body of ICAO. They voted 26-36 to side with the United States' position; but sometimes in this business, you have to bring things to a head.

We passed this legislation a year ago with bipartisan support—Mr. COSTELLO, Mr. RAHALL, our side of the aisle. It was a little bit tougher measure than what has come from the Senate. The Senate did give discretion to the DOT Secretary and the administration so that they had both the authority and also the discretion to act.

I don't think yesterday that the European Union would have deferred to ICAO for a year if we hadn't pressed this; but we do need to bring folks together of goodwill, find a solution, something that is fair. And if we do want to clean up the environment and we want to have people pay a penalty for polluting, then we should ensure that that money goes back into cleaning up the pollution or at least developing the technology or offsetting the damage that's being done. The current scheme—and it is a scheme, which I have a definition of "scheme" here. A scheme is a systematic plan of action, a secret, or devious plan, a plot. That's not what we need to do here. We do need to work together, find a solution that's fair for sovereign nations and also accomplishes the laudable goal that we all set out to do.

I'm glad I helped force the issue. I appreciate my colleagues joining in this

effort, and I think this is a reasonable bipartisan, bicameral solution that will accomplish the goal we set out.

Again, I ask my colleagues to vote in support of S. 1956, and I'm pleased to yield back the balance of my time.

The SPEAKER pro tempore (Mr. WHITFIELD). The question is on the motion offered by the gentleman from Florida (Mr. MICA) that the House suspend the rules and pass the bill, S. 1956.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### STREAMLINING CLAIMS PROCESSING FOR FEDERAL CONTRACTOR EMPLOYEES ACT

Mr. WALBERG. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6371) to amend title 40, United States Code, to transfer certain functions from the General Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6371

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Streamlining Claims Processing for Federal Contractor Employees Act".

#### SEC. 2. TRANSFER OF ADMINISTRATIVE AUTHORITY TO THE DEPARTMENT OF LABOR.

(a) AUTHORITY OF COMPTROLLER GENERAL TO PAY WAGES AND LIST CONTRACTORS VIOLATING CONTRACTS.—Section 3144 of title 40, United States Code, is amended—

(1) in the section heading, by striking "of Comptroller General"; and

(2) in subsection (a)(1), by striking "Comptroller General" and inserting "Secretary of Labor".

(b) REPORT OF VIOLATIONS AND WITHHOLDING OF AMOUNTS FOR UNPAID CONTRACTS AND LIQUIDATED DAMAGES.—Section 3703(b)(3) of title 40, United States Code, is amended by striking "Comptroller General" both places it appears and inserting "Secretary of Labor".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. WALBERG) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

□ 1740

#### GENERAL LEAVE

Mr. WALBERG. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 6371.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. WALBERG. Mr. Speaker, I yield myself such time as I may consume.

The bill before us will take a small yet important step toward greater efficiency in Federal construction contracting. For more than 80 years, Federal contractors have been required to pay workers the locally prevailing wage. Additionally, since 1961, those same workers have been entitled to one and a half times their basic rate of pay for every hour worked that exceeds 40 hours per week.

While the Department of Labor is obligated to enforce these laws, the Government Accountability Office has long been responsible for processing claims of workers being denied their appropriate wages. If a Labor Department investigation determines a contractor has not been paid the appropriate wage, the names of affected employees are sent to the GAO by the department. The GAO then ensures underpaid workers receive the compensation they are due. The GAO's responsibility in this process is purely administrative. The GAO makes no determination on the merit of each claim nor does it have the authority to question the judgment of the Labor Department. In fact, the GAO doesn't even directly deliver to workers their lost wages. Instead, that responsibility is vested with the Department of Treasury.

While claims processing was once routine business for the GAO, this authority has increasingly transitioned to the executive agencies charged with enforcing the law, such as the Department of Defense involving matters of military pay. Additionally, personnel changes within the GAO are making it more difficult for the agency to meet this responsibility. Key staff members have retired and more are expected to do so at any time. The GAO should not have to undertake this administrative burden any longer.

H.R. 6371 will transfer this payment authority from the GAO to the Department of Labor, thereby reducing unnecessary bureaucracy and ensuring workers receive their compensation in a timely manner. By reforming the claims process, we can remove redundancies and promote greater efficiency within the Federal Government. I urge my colleagues to support the Streamlining Claims Processing for Federal Contractor Employees Act.

Before I conclude, I would like to take a moment to recognize a distinguished colleague who will soon be enjoying a well-deserved retirement. I wish she were with us this evening, but travel arrangements don't always work out as planned. Since 1993, Representative LYNN WOOLSEY has proudly represented the people of California's Sixth Congressional District. Her personal story has informed her work in public office, as well as inspired many of her colleagues on Capitol Hill, myself included.

I have had the opportunity over the last 2 years to work closely with Representative WOOLSEY on the Subcommittee on Workforce Protections and witness firsthand her passion for public service. While we may differ on a range of issues, no one can question her strong commitment to working families. I wish Representative WOOLSEY and her family all the best in the years ahead, and may they be long and filled with good health.

I reserve the balance of my time.

Mr. SCOTT of Virginia. I yield myself such time as I may consume.

First, Mr. Speaker, I would like to associate myself with the kind remarks about the gentlelady from California. She has had an excellent career in Congress, and has elected not to return. We will certainly miss her and her advocacy for those most in need.

Mr. Speaker, I rise in support of the pending legislation. H.R. 6371, the Streamlining Claims Processing for Federal Contractor Employees Act, will transfer certain responsibilities for overseeing and administering the Davis-Bacon Act from the Government Accountability Office to the Department of Labor.

Mr. Speaker, I agree with the gentleman from Michigan that this is a sensible and technical fix since the Department of Labor is responsible for many aspects of enforcing prevailing wage law. This change will allow for greater efficiency in the Davis-Bacon prevailing wage protections and will help ensure that workers receive unpaid wages as quickly as possible.

The gentleman from Michigan has pointed out that we should always promote streamlined and efficient government. That's why I'm particularly disappointed that this bill does not also transfer GAO's debarment authority under the Davis-Bacon Act. Moving that additional function would place more enforcement functions under one roof.

Mr. Speaker, I support Davis-Bacon because it provides protections to contractors and subcontractors working on federally funded contracts. The most obvious protection is that it requires all contractors and subcontractors to pay the prevailing wage, denying unfair competition to those contractors who underpay their employees. Davis-Bacon protections prevent government spending from driving down living standards. Improved productivity on projects with prevailing wage application offsets higher wages. Furthermore, better-skilled workers attracted by the higher wages are likely to complete the jobs more efficiently and with higher-quality work. Studies have shown that construction workers in prevailing wage States produce 13 to 15 percent more value added from their work compared to workers in States without prevailing wage laws.

Now I recognized that everyone does not agree with the underlying principles of the Davis-Bacon Act. However, regardless of one's position on the underlying law, we can all agree that the law ought to be administered as efficiently as possible. That's why I rise in support of H.R. 6371, and thank the gentleman from Michigan for introducing the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. WALBERG. Mr. Speaker, I yield myself the balance of my time.

The American people expect us to do all we can to promote better efficiency within the Federal Government. Washington allocates hundreds of billions of dollars each year on construction projects, affecting the lives of workers and employers across the country. We should never allow unnecessary bureaucracy to squander taxpayer resources or stand between workers and the wages they have earned. I urge my colleagues to support H.R. 6371, the Streamlining Claims Processing for Federal Contractor Employees Act.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. WALBERG) that the House suspend the rules and pass the bill, H.R. 6371.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WALBERG. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### SPACE LAUNCH LIABILITY PROVISIONS EXTENSION

Mr. PALAZZO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6586) to extend the application of certain space launch liability provisions through 2014.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6586

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. EXTENSION.

Section 50915(f) of title 51, United States Code, is amended by striking "December 31, 2012" and inserting "December 31, 2014".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi (Mr. PALAZZO) and the gentleman from Illinois (Mr. COSTELLO) each will control 20 minutes.

The Chair recognizes the gentleman from Mississippi.

□ 1750

GENERAL LEAVE

Mr. PALAZZO. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6586, the bill now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. PALAZZO. Mr. Speaker, I yield myself such time as I may consume.

I want to begin by thanking Members for their bipartisan support of this legislation.

H.R. 6586 is a very simple bill. It extends for 2 years a commercial space transportation risk-sharing and liability regime that was established by Congress in 1988 with passage and enactment of the Commercial Space Launch Act Amendments. The structure of the liability regime is modeled on the Price-Anderson Act that governs risk-sharing for the nuclear power industry.

There are several features of the Commercial Space Launch Act Amendments, but one that is central to today's debate is indemnifying commercial launch and reentry operators against catastrophic losses suffered by the uninvolved public, or "third parties."

Since 1988, the Office of Commercial Space Transportation has licensed more than 200 commercial space launches and three reentries without any claims for Federal coverage for loss of life, serious injury, or significant property claims. The 1988 Act was driven in part by the emergence of foreign launch services companies that were made competitive through government subsidies and preferential foreign national laws, including indemnification.

Foreign launch companies continue to be formidable competitors. If this program were allowed to lapse, it would threaten our domestic market for launches, as the cost of insurance would significantly increase.

The Office of Commercial Space Transportation, as part of its licensing and permitting mission, administers financial responsibility and risk-sharing requirements for commercial launch and reentry operators. They calculate the required amount of financial responsibility based on the maximum probable loss of the license applicant's proposed launch or reentry. In the event there is a catastrophic accident, the operator's insurance coverage would be first in line. The government's liability would then cover excess claims above the insured amounts, but not to exceed \$2.7 billion. And I also want to note that to trigger Federal indemnification, the administration must submit a request to Congress for claims in excess of insurance coverage, and Congress must, in turn, pass a separate appropriation bill to fund the request. Responsibility for any claims above the Federal cap would revert to the launch or reentry operator.

The Space and Aeronautics Subcommittee held two hearings this Congress examining the activities of the Office of Commercial Space Transportation and the performance of its licensing and indemnification regime. Administration and industry witnesses provided compelling evidence that indemnification for third-party claims is needed to preserve the U.S. commercial launch market. I want to reiterate that the Federal Government's exposure is only for third-party claims and only for amounts that exceed the maximum probable loss determined by the Office of Commercial Space Transportation.

Mr. Speaker, our commercial space launch industry needs this extension. While there are only a small number of commercial launches occurring today from domestic spaceports, this is about to change.

First, NASA relies on commercial providers to carry cargo, and eventually crew, to and from the international space station. SpaceX has already flown its first mission to ISS earlier this fall, and together with Orbital Sciences Corporation, these two companies are under contract to complete 20 cargo missions before the end of 2016.

Secondly, commercial manned spaceflights—orbital and suborbital—will require indemnification in order to launch from U.S. spaceports. While it's not clear when these types of services will begin, just like today's commercial communications satellite customers, launch customers will rely on an indemnification regime for third-party claims, or the business is at risk of going offshore.

I urge all Members to support this legislation, and I reserve the balance of my time.

Mr. COSTELLO. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6586, to extend the application of certain space launch liability provisions through 2014.

First established by Congress as part of the Commercial Space Launch Act Amendments of 1988, the commercial space transportation risk-sharing liability and insurance regime is a vital program for the commercial space industry and has been extended five times since its original enactment.

The current extension expires on December 31 of this year, so it is important for Congress to act now so that there is sufficient time for this legislation to make its way to the President before the current authority expires.

Under the current three-tier regime, commercial space launch providers are required to purchase third-party liability insurance to compensate for maximum probable losses from third-party claims up to a level of \$500 million. For claims above those maximum probable losses, the U.S. Government may pay successful liability claims up to \$1.5

billion above that insured level subject to funds being appropriated by Congress for that purpose. Finally, for successful claims above the government indemnification, the launch providers assume responsibility for payment.

This risk-sharing regime has been vitally important for the development of a commercial space launch industry in the United States. Moreover, to date, the regime has not cost the U.S. Government a penny in third-party claims.

However, I would be remiss if I did not note some concerns about the program in its current form. Congress has not updated the program since its inception in 1988. This has resulted in an increased liability exposure for the U.S. taxpayer, and that exposure grows every year. I am concerned that taxpayer liability exposure is growing at the same time the industry and its associated insurance market is maturing. One would tend to think that the opposite should be the case. I hope that we can begin to address these issues before the next extension is necessary in 2014.

I want to thank Chairman HALL and Subcommittee Chairman PALAZZO for working with us on this bill, and I reserve the balance of my time.

Mr. PALAZZO. Mr. Speaker, I yield 3 minutes to the gentleman from Texas, Chairman HALL of the Science, Space, and Technology Committee.

Mr. HALL. Mr. Speaker, I, of course, rise in support of H.R. 6586, to extend the application of certain space launch liability regimes.

Everybody is hoping that the House won't be divided, that we're all going to work together. This is a good chance to show them that we are all together on a good bill.

Commercial launch in the United States has a very enviable record. Our rockets are highly reliable, and SpaceX, which has flown two Falcon 9 rockets to the international space station and returned two payloads, is the first commercial company to successfully reenter payloads from space. And in the next 2 months, Orbital Sciences Corporation is scheduled to launch its new rocket that is designed to carry cargo to the space station.

No matter these successes, our industry faces serious pricing challenges from foreign operators. They are able to offer substantially cheaper launch costs because of industrial policy and less expensive labor costs. They also offer generous indemnification coverage. In a report released earlier this summer, the Government Accountability Office stated:

The United States provides less total third-party liability coverage than China, France, or Russia—the primary countries that have conducted commercial space launches in the last 5 years.

As Chairman Palazzo mentioned a few minutes ago, commercial launch activity in the United States is expected to pick up in the years to come:

first through NASA's reliance on commercial launch companies to ferry cargo and astronauts to and from the international space station, and second, through the introduction of commercial human spaceflight services.

The bill before us would extend the indemnification regime for 2 years to December 31, 2014. It's important that we pass this bill to ensure that we do not jeopardize the ability of NASA to get cargo flights to the space station or inhibit our commercial launch operators' ability to compete for future payloads.

The Committee on Science, Space, and Technology will continue to monitor the activities of the Office of Commercial Space Transportation and the evolving space launch market to ensure that the current risk-sharing and liability regime, including indemnification, is properly structured.

I thank Chairman PALAZZO of Mississippi and Ranking Member COSTELLO of Illinois for sponsoring and supporting this bill, and I urge all Members to support it as well.

Mr. COSTELLO. I continue to reserve the balance of my time.

Mr. PALAZZO. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. I thank the chairman for yielding.

First of all, I do want to thank the chairman of the Space Subcommittee, STEVE PALAZZO of Mississippi, for bringing this must-pass legislation to the floor today. I also want to thank my friend and colleague from Texas, RALPH HALL, the chairman of the Science Committee, and the professional staff of the committee for shepherding this bill and getting us to the point where we are now.

□ 1800

Last June, the Space and Aeronautics Subcommittee heard testimony on why government indemnification for commercial rocket launches must be extended. At that hearing, Frank Slazer from the Aerospace Industries Association said it best about why this indemnification is needed:

Many foreign launch providers competing against U.S. companies already benefit from generous indemnification rules. For example, the European company Arianespace is required to purchase insurance up to just 60 million Euros, roughly \$75 million. Any damages above this cap are the guaranteed responsibility of the French Government.

We cannot afford to drive away highly skilled technical jobs to foreign countries where the regulatory frameworks provide better critical risk management tools.

Lastly, a non-renewal could impede new U.S. entrants to the commercial launch market, discourage future space launch innovation and entrepreneurial investment. Without a level playing field for competition, new U.S. entrants could find it highly undesirable to begin their business ventures in the United States.

The FAA's launch indemnification authority has been in place for over 20

years, benefiting the American commercial space industry. The bill before us would extend indemnification for 2 more years, and I hope that we can address a longer-term legislative solution when addressing NASA reauthorization and commercial space legislation next year.

Mr. Speaker, I wanted to thank the chairman again for yielding me time.

Mr. COSTELLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALAZZO. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Speaker, first and foremost, I would like to thank Chairman HALL for the great leadership that he's provided to our committee, and also Mr. COSTELLO, who will be voluntarily leaving this body, and he has done such a fine job. Both of these gentlemen deserve accolades for the wonderful job they've done for America's science and space programs, as well as for our country as a whole. So, thank you both very much.

I rise in support of H.R. 6586. It extends the commonsense limitations on liability exposure for commercial space launches.

A few years ago when I was the chairman of the Space and Aeronautics Subcommittee, the FAA was directed to provide an ongoing analysis of the rationale for and potential unintended consequences of this indemnification provision.

According to the analysis, the two options before us then were to extend this liability provision, which has never cost the American taxpayer a dime, or option number two—though unintended—would be to give a competitive advantage to China and other foreign launch providers. This, of course, is the same choice that we are making today. If we give foreign rocket companies such an advantage, then we are costing American jobs while undermining both our economy and our national security.

Back in 2004, I authored the current regulatory regime for human spaceflight, which has worked well beyond our expectations.

Recently, in cooperation with our majority whip, Mr. MCCARTHY, and my friends on both sides of the aisle, we extended that regime as the Science Committee's part of the recent FAA reauthorization bill. It would be very tempting to try to revisit that regulatory issue or some other provisions with this legislation.

So, I would like to thank Chairman PALAZZO for offering a bill that asks only the critical question before us: do we extend launch indemnification, or do we hand the launch industry completely over to foreign competitors?

The choice is clear. The answer is clear. America must remain the pre-

eminent space-going Nation, which means we need to pass H.R. 6586, and I ask my colleagues to join me in supporting this legislation.

Mr. COSTELLO. Mr. Speaker, I continue to reserve the balance of my time.

Mr. PALAZZO. Mr. Speaker, I have no further requests for time, and if the gentleman is prepared to yield back, I am prepared to close.

Mr. COSTELLO. Mr. Speaker, we have no further speakers on our side.

I'd like to thank Chairman HALL for his services as chairman of the committee. He's a wonderful person. He has done a great job chairing the full committee, and he is one of the people that I'm going to miss the most here in this Congress, and my friend from California as well, and from Texas, and Chairman PALAZZO.

With that, Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

Mr. PALAZZO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. PALAZZO) that the House suspend the rules and pass the bill, H.R. 6586.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. PALAZZO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 13, 2012.

Hon. JOHN A. BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 13, 2012 at 4:18 p.m.:

That the Senate passed without amendment H.R. 4114.

With best wishes, I am  
Sincerely,

KAREN L. HAAS.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 7 minutes p.m.), the House stood in recess.

□ 1830

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 6 o'clock and 30 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6156, RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 112-693) on the resolution (H. Res. 808) providing for consideration of the bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6371, by the yeas and nays;  
H.R. 6586, de novo.

#### STREAMLINING CLAIMS PROCESSING FOR FEDERAL CONTRACTOR EMPLOYEES ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6371) to amend title 40, United States Code, to transfer certain functions from the General Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. WALBERG) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 361, nays 3, not voting 65, as follows:

[Roll No. 604]

YEAS—361

Ackerman	Duncan (TN)	Lance
Adams	Ellison	Landry
Aderholt	Ellmers	Lankford
Alexander	Emerson	Larsen (WA)
Altmire	Engel	Latham
Amash	Eshoo	LaTourette
Amodei	Farenthold	Latta
Austria	Farr	Lee (CA)
Baca	Fattah	Levin
Baldwin	Fincher	Lewis (CA)
Barber	Fitzpatrick	LoBiondo
Barletta	Flake	Loeb
Barrow	Fleischmann	Long
Barton (TX)	Fleming	Lofgren, Zoe
Bass (CA)	Flores	Lowey
Bass (NH)	Fortenberry	Luetkemeyer
Benishek	Fox	Lujan
Berg	Frank (MA)	Lummis
Berkley	Franks (AZ)	Lungren, Daniel
Berman	Frelinghuysen	E.
Biggert	Fudge	Marchant
Bilbray	Garamendi	Marino
Bilirakis	Gardner	Matheson
Bishop (GA)	Garrett	Matsui
Bishop (NY)	Gerlach	McCarthy (CA)
Bishop (UT)	Gibbs	McCarthy (NY)
Black	Gibson	McCaul
Blackburn	Gingrey (GA)	McCollum
Blumenauer	Gohmert	McDermott
Bonamici	Gonzalez	McHenry
Bonner	Goodlatte	McIntyre
Boswell	Gosar	McKeon
Boustany	Granger	McKinley
Brady (PA)	Graves (GA)	McMorris
Braley (IA)	Graves (MO)	Rodgers
Brooks	Green, Al	McNerney
Brown (FL)	Green, Gene	Meehan
Buchanan	Griffin (AR)	Meeks
Bucshon	Griffith (VA)	Mica
Buerkle	Grijalva	Michaud
Burgess	Grimm	Miller (FL)
Butterfield	Guinta	Miller (MI)
Calvert	Guthrie	Miller (NC)
Camp	Hahn	Miller, Gary
Canseco	Hall	Moore
Cantor	Hanabusa	Moran
Capuano	Hanna	Mulvaney
Carney	Harper	Murphy (CT)
Carson (IN)	Harris	Murphy (PA)
Carter	Hartzer	Myrick
Cassidy	Hastings (FL)	Nadler
Castor (FL)	Hastings (WA)	Napolitano
Chabot	Hayworth	Neugebauer
Chaffetz	Heck	Noem
Chandler	Heinrich	Nugent
Chu	Hensarling	Nunes
Clarke (MI)	Herger	Nunnelee
Clyburn	Herrera Beutler	Olson
Coble	Higgins	Olver
Coffman (CO)	Himes	Owens
Cohen	Hinche	Palazzo
Cole	Hinojosa	Pascarella
Conaway	Hirono	Pastor (AZ)
Connolly (VA)	Hochul	Paul
Conyers	Holt	Paulsen
Cooper	Honda	Pearce
Costa	Huelskamp	Perlmutter
Costello	Huizenga (MI)	Peters
Courtney	Hultgren	Peterson
Cravaack	Hunter	Petri
Crawford	Hurt	Pingree (ME)
Crenshaw	Issa	Pitts
Critz	Jackson Lee	Poe (TX)
Crowley	(TX)	Polis
Culberson	Jenkins	Pompeo
Cummings	Johnson (GA)	Posey
Davis (CA)	Johnson, E. B.	Price (GA)
Davis (IL)	Johnson, Sam	Price (NC)
DeFazio	Jones	Quayle
DeGette	Jordan	Quigley
Denham	Kaptur	Rahall
Dent	Keating	Rangel
DesJarlais	Kelly	Rehberg
Deutch	Kildee	Reichert
Diaz-Balart	Kind	Renacci
Dicks	King (IA)	Reyes
Dingell	King (NY)	Ribble
Dold	Kingston	Richardson
Donnelly (IN)	Kinzinger (IL)	Richmond
Doyle	Kissell	Rigell
Dreier	Kline	Rivera
Duffy	Kucinich	Roby
Duncan (SC)	Labrador	Roe (TN)

Rogers (KY)	Scott, David	Tsongas
Rohrabacher	Sensenbrenner	Turner (NY)
Rokita	Serrano	Turner (OH)
Rooney	Sessions	Upton
Ros-Lehtinen	Sewell	Velázquez
Roskam	Sherman	Visclosky
Ross (AR)	Shimkus	Walberg
Ross (FL)	Shuster	Walden
Roybal-Allard	Simpson	Wasserman
Royce	Smith (NE)	Schultz
Runyan	Smith (NJ)	Watt
Ryan (OH)	Smith (TX)	Waxman
Ryan (WI)	Smith (WA)	Webster
Sánchez, Linda	Southerland	Welch
T.	Speler	West
Sanchez, Loretta	Stark	Westmoreland
Sarbanes	Stearns	Whitfield
Scalise	Stivers	Wilson (FL)
Schakowsky	Stutzman	Wilson (SC)
Schiff	Sullivan	Wittman
Schilling	Sutton	Wolf
Schmidt	Terry	Womack
Schock	Thompson (CA)	Woodall
Schrader	Thompson (MS)	Woolsey
Schwartz	Thompson (PA)	Yarmuth
Schweikert	Thornberry	Yoder
Scott (SC)	Tierney	Young (AK)
Scott (VA)	Tipton	Young (FL)
Scott, Austin	Tonko	Young (IN)

NAYS—3

Broun (GA)	Campbell	McClintock
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NOT VOTING—65

Akin	Forbes	Miller, George
Andrews	Gallegly	Neal
Bachmann	Gowdy	Pallone
Bachus	Gutierrez	Pelosi
Bartlett	Holden	Pence
Becerra	Hoyer	Platts
Bono Mack	Israel	Reed
Boren	Jackson (IL)	Rogers (AL)
Brady (TX)	Johnson (IL)	Rogers (MI)
Burton (IN)	Johnson (OH)	Rothman (NJ)
Capito	Lamborn	Ruppersberger
Capps	Langevin	Rush
Carnahan	Larson (CT)	Shuler
Cicilline	Lewis (GA)	Sires
Clarke (NY)	Lipinski	Slaughter
Clay	Lucas	Tiberi
Cleaver	Lynch	Towns
Cuellar	Mack	Van Hollen
DeLauro	Maloney	Walsh (IL)
Doggett	Manzullo	Walz (MN)
Edwards	Markey	Waters
Filner	McGovern	

□ 1849

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CAPPS. Mr. Speaker, on rollcall No. 604, had I been present, I would have voted "yea."

Ms. SLAUGHTER. Mr. Speaker, on rollcall No. 604, had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall 604, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. LANGEVIN. Mr. Speaker, I was unavoidably detained on rollcall No. 604. Had I been present, I would have voted "yea."

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent in the House Chamber for votes today. Had I been present, I would have voted "yea" on rollcall vote 604.



COMMUNICATION FROM THE  
CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 8, 2012.

Hon. JOHN BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from Mr. Christopher M. Thomas, Director of Elections, Department of State, State of Michigan, indicating that, according to the unofficial returns of the Special Election held November 6, 2012, the Honorable David Curson was elected Representative to Congress for the Eleventh Congressional District, State of Michigan.

With best wishes, I am  
Sincerely,

KAREN L. HAAS,  
Clerk.

Enclosure.

STATE OF MICHIGAN, RUTH JOHNSON,  
SECRETARY OF STATE, DEPARTMENT OF STATE,  
Lansing, MI, November 8, 2012.

Hon. KAREN L. HAAS,  
Clerk, House of Representatives, The Capitol,  
Washington, DC.

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, November 6, 2012, to fill the existing vacancy for Representative in Congress from the Eleventh Congressional District of Michigan, show that David Curson received 159,267 or 48.39% of the total number of votes cast for that office.

It would appear from these unofficial results that David Curson was elected as Representative in Congress from the Eleventh Congressional District of Michigan.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all counties involved, an official Certificate of Election will be prepared for transmittal as required by law.

A full listing of the unofficial results for each candidate is attached for your information.

Sincerely,  
CHRISTOPHER M. THOMAS,  
Director of Elections.

COMMUNICATION FROM THE  
CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 8, 2012.

Hon. JOHN BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from the Honorable Sam Reed, Washington Secretary of State, indicating that, according to the unofficial returns of the Special Election held November 6, 2012, the Honorable Suzan DelBene was elected Representative to Congress for the First Congressional District, State of Washington.

With best wishes, I am  
Sincerely,

KAREN L. HAAS,  
Clerk.

Enclosure.

SECRETARY OF STATE,  
Olympia, WA, November 7, 2012.

Hon. KAREN L. HAAS,  
Clerk, House of Representatives,  
The Capitol, Washington, DC.

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, November 6, 2012, for Representative in Congress from the First Congressional District of Washington, show that Suzan DelBene received 128,638 votes, or 60.14% of the total votes cast for that office, tabulated so far.

It would appear from these unofficial results that Suzan DelBene was elected as Representative in Congress from the First Congressional District of Washington.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified to this office by all counties involved, an official Certificate of Election will be prepared for transmittal as required by law.

Sincerely,

SAM REED.

COMMUNICATION FROM THE  
CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 7, 2012.

Hon. JOHN BOEHNER,  
The Speaker, House of Representatives,  
Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a facsimile copy of a letter received from Ms. Mary Sue Helm, Director of Elections and Administration, Office of the Secretary of State, State of Kentucky, indicating that, according to the unofficial returns of the Special Election held November 6, 2012, the Honorable Thomas Massie was elected Representative to Congress for the Fourth Congressional District, State of Kentucky.

With best wishes, I am,  
Sincerely,

KAREN L. HAAS,  
Clerk.

Enclosure.

COMMONWEALTH OF KENTUCKY,  
OFFICE OF THE SECRETARY OF STATE,  
Frankfort, KY, November 7, 2012.

Hon. KAREN L. HAAS,  
Clerk, House of Representatives, The Capitol,  
Washington, DC.

DEAR MS. HAAS: This is to advise that the unofficial results of the Special Election held on Tuesday, November 6, 2012, for Representative in Congress, Fourth Congressional District of Kentucky, show that Thomas Massie received 174,087 of the total number of votes cast for that office. A chart providing the unofficial vote totals received for each candidate seeking the unexpired term for U.S. Representative in Congress, 4th District is attached.

It would appear from the unofficial results that Thomas Massie was elected as Representative in Congress from the Fourth Congressional District of Kentucky.

To the best of our knowledge and belief at this time, we are not aware of any contest or recount to this election.

As soon as the official results are certified to this office by all counties involved, the Secretary of State will deliver the certified vote totals to the KY State Board of Elections for the issuance of an official Certificate of Election on November 20, 2012. An original Certificate of Election for the unexpired term for the Fourth Congressional District of Kentucky will be sent to you subsequent to the November 20, 2012 meeting of the KY State Board of Elections.

Thank you and if we may assist further, please do not hesitate to contact me.

Sincerely,  
MARY SUE HELM,  
Director of Elections & Administration.

SWEARING IN OF THE HONORABLE  
DAVID ALAN CURSON, OF MICHIGAN;  
THE HONORABLE SUZAN K. DELBENE, OF WASHINGTON; AND  
THE HONORABLE THOMAS MASSIE, OF KENTUCKY, AS MEMBERS OF THE HOUSE

Mr. DINGELL. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan, the Honorable DAVID ALAN CURSON, be permitted to take the oath of office today.

His certificate of election has not yet arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DICKS. Mr. Speaker, I ask unanimous consent that the gentlewoman from Washington, the Honorable SUZAN K. DELBENE, be permitted to take the oath of office today.

Her certificate of election has not arrived, but there is no contest and no question has been raised with regard to her election.

The SPEAKER. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. ROGERS of Kentucky. Mr. Speaker, I ask unanimous consent that the gentleman from Kentucky, the Honorable THOMAS MASSIE, be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

□ 1900

The SPEAKER. Will the Representatives-elect and the members of their respective delegations present themselves in the well.

The Representatives-elect will please raise their right hands.

Mr. CURSON of Michigan, Ms. DELBENE, and Mr. MASSIE appeared at

the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now Members of the 112th Congress.

#### WELCOMING THE HONORABLE DAVID ALAN CURSON TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the dean of the House, the gentleman from Michigan (Mr. DINGELL) is recognized for 1 minute.

There was no objection.

Mr. DINGELL. Mr. Speaker, I rise to welcome my good friend DAVE CURSON to the Congress of the United States. He has spent his life serving his fellow man, first as a U.S. marine in Vietnam, then as a representative of the UAW, and now as a Member of this distinguished body.

He is also, first and foremost, a family man. He has been married to his wonderful wife, Sharon, for 22 years. Together with her, he has done an extraordinary job raising two daughters and one son; they are Lisa, Katie, and David, Jr.

I have no doubt that our good friend DAVID will do a magnificent job representing the interests of the people of Michigan's 11th District. I know he can count on my support, and I hope that my colleagues will extend him that same courtesy. DAVE is a good man, and the Nation is fortunate to have him here.

Mr. Speaker, at this moment, I yield to the distinguished gentleman from Michigan (Mr. UPTON), the dean of the Republican delegation.

Mr. UPTON. Mr. Speaker, I, too, wish DAVE CURSON a warm welcome in joining this body.

We have great Members on both sides of the aisle. I will say, from the Republican perspective, that I don't think any of us knew you before. We surely look forward to getting to know you in the next couple of weeks. We know that you'll be an active Member, and we look forward to your service and to getting to know you well. And we wish you the very best.

Mr. DINGELL. At this time, Mr. Speaker, I yield to my dear friend, our new Member from Michigan's 11th District, DAVE CURSON, with my congratulations and good wishes.

Mr. CURSON of Michigan. Thank you, Congressman DINGELL. It's always been an honor to work with you.

And thank you, Mr. Speaker. And thanks to all my new colleagues, and thanks to all the guests. And thanks to

my wife, Sharon, who has been my rock; and my family, who gave me the courage and the strength to get here; and to all my supporters, the hundreds of volunteers, and the many union brothers and sisters that worked so hard to get me elected; and to all the voters, regardless of whose lever they pulled, because they participated in this country's greatest act of freedom—the right to elect their own government.

I spent my entire adult life solving problems for working families, but I am but one man. So when I speak, you will hear the voice of over 500,000 residents of Michigan's 11th District who simply want a piece, their small share of the American Dream. And I know with the genius that works in this great Hall, that together, we can collectively achieve that goal and move this country forward.

I am humbled and honored to be a part of this distinguished group, and I want to thank every one of you. I look forward to working with you.

Mr. DINGELL. Mr. Speaker, I yield back the balance of my time.

#### WELCOMING THE HONORABLE SUZAN K. DELBENE TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Washington (Mr. DICKS) is recognized for 1 minute.

There was no objection.

Mr. DICKS. Mr. Speaker, it is a great pleasure for the Washington congressional delegation to welcome our newest Member, SUZAN DELBENE, who had the distinction of winning not just one, but two elections last week.

She was elected in a special election to fill the remainder of Congressman Jay Inslee's term, and she was also elected last week to be the Representative of a newly configured First District in the 113th Congress.

Throughout her campaign, SUZAN was able to successfully connect with voters because of her upbringing and because of her experience. She spoke to the struggles her parents went through in raising her family and of working her way through college. She earned a bachelor's degree from Reed College in Portland and received an MBA from the University of Washington.

Following her academic work, SUZAN had a very successful career at Microsoft and at two high-tech startup companies, and then was appointed director of the Washington Department of Revenue. SUZAN is a high-energy person, someone who will work well with our delegation and with all of our colleagues here in the House in the next Congress.

At this time, I would like to yield to the gentleman from Washington's Fourth Congressional District, Congressman HASTINGS, the chairman of the Natural Resources Committee, who

joins me in welcoming our newest Member.

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

And let me be the first here in this post session of Congress to say that this is the last session that our senior colleague from Washington (Mr. DICKS) will be serving, and he will be certainly missed. And I want to be the first to say that we will miss you here in this body.

But when somebody leaves, somebody new comes in, albeit not the same district. SUZAN, I want to welcome you to the Washington caucus. While we're a diverse State, as you well know, we have found that on issues we agree on, we work very, very well together, and we look forward to working with you.

And I know that this is not your first run here, so I'll congratulate you more on the second run than the first run. Welcome to the Congress.

Mr. DICKS. I now yield to SUZAN DELBENE to address the House.

Ms. DELBENE. I want to thank Congressman DICKS and Congressman HASTINGS for the very kind introduction. It's a great honor to be here.

Mr. Speaker, Leader PELOSI, members of the Washington delegation, and Members of the 112th Congress, it's truly an honor for me to be here with you today.

I would first like to thank all those who supported me throughout this journey; in particular, my family; my husband, Kurt, who is up in the gallery; and my children, Rebecca and Zachary, who are both off in college right now. I am very grateful to share this moment with them.

It's a great privilege to represent the people of Washington's First Congressional District, both the current and the future versions of it. I am honored to be given this opportunity by the voters of western Washington, and I truly appreciate their support. I will work very, very hard to serve them well.

I look forward to working with all of you, and I am honored to be able to serve alongside the very distinguished members of the Washington delegation. I am very excited to roll up my sleeves and get to work right away.

Thanks again. I appreciate all of your support.

Mr. DICKS. I yield back the balance of my time.

□ 1910

#### WELCOMING THE HONORABLE THOMAS MASSIE TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from Kentucky (Mr. ROGERS) is recognized for 1 minute.

There was no objection.

Mr. ROGERS of Kentucky. Thank you, Mr. Speaker.

I have the distinct honor and privilege of representing the Kentucky delegation as we welcome our newest member, TOM MASSIE from Lewis County, Kentucky.

THOMAS earned two engineering degrees from MIT. He founded SensAble Technologies, Inc., based on his invention that made computers easier to use, raised over \$32 million of venture capital, created 70 jobs, and obtained 24 patents. Then he came home to a farm in Kentucky to raise his family.

Ten years ago, he and Rhonda, his high school sweetheart, moved back home to Kentucky to raise their four children where they live on a farm in rural Lewis County, Kentucky.

But you can't keep a good man down. He wanted to be of service to the public, and he ran for the county executive's job in Lewis County on the Ohio River, and, of course, won that race. That was in 2010.

Now we are honored to present to you, in a minute, the newest member of the Kentucky delegation representing the Fourth Congressional District.

Before I introduce TOM, let me turn to my colleague, Mr. YARMUTH, from the Third District.

Mr. YARMUTH. Thank you, Mr. ROGERS. I appreciate this opportunity.

For those of us in the Kentucky delegation, Kentucky always comes first, and I appreciate this opportunity to welcome TOM MASSIE and his family to the House of Representatives and also to the Kentucky delegation.

TOM has very big shoes to fill. He steps in the shoes of Geoff Davis, who honorably served that Fourth Congressional District for a number of years. He now has the responsibility of representing about 20,000 of my former constituents, and I think 15½ holes of that hallowed golf course which he now has in his district.

I want to welcome THOMAS and his family, thank them for their service in advance, congratulate them on their election, and also invite TOM to join the Congressional Bourbon Caucus, which is one of the most popular caucuses in the Congress.

Mr. ROGERS of Kentucky. It is now my great pleasure to recognize and yield to the new member of the Kentucky delegation, THOMAS MASSIE.

Mr. MASSIE. First, I'd like to recognize the great service of Congressman Geoff Davis for the State of Kentucky. He served us well, and those are some very big shoes to fill.

Thank you, Mr. Speaker, and thank you, Chairman ROGERS, for the introduction.

Tonight I have in the gallery my family. My grandmother is here, my mother is here, and my four children, but most of all my wife, Rhonda, is here. I need to thank them for their loving support through all of this.

I'm honored to represent the great people of Kentucky's Fourth Congress-

sional District. I'll be a staunch defender of the Constitution, an unwavering advocate for personal liberties, economic freedom, and fiscal responsibility. I look forward to working with all of the Members of this House of Congress to advance these great American principles, thereby ensuring a prosperous future for our country.

Thank you. May God bless America.

Mr. ROGERS of Kentucky. Mr. Speaker, I yield back the balance of my time.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentlewoman from Washington and the gentlemen from Kentucky and Michigan, the whole number of the House is 433.

□ 1920

#### SPACE LAUNCH LIABILITY PROVISIONS EXTENSION

The SPEAKER pro tempore (Mr. WOMACK). The unfinished business is the question on suspending the rules and passing the bill (H.R. 6586) to extend the application of certain space launch liability provisions through 2014.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi (Mr. PALAZZO) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### TERROR ATTACK IN LIBYA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, it's been 2 months since four Americans were murdered by terrorists in Benghazi, Libya. For 2 weeks the administration claimed this was a spontaneous protest in response to a movie, but now we know that was all a charade.

The administration knew within 2 hours that the terror group Ansar al-Sharia was claiming responsibility for this well-planned ambush and assassination. Allegedly, the administration also watched the attack occur in the White House's Situation Room, and that's when a request for military help was made and denied.

CIA operatives were twice told to stand down instead of helping the Ambassador. Why did the Ambassador's

calls for help go unanswered? The American people need to know this: What happened? Why didn't the U.S. help the Ambassador when he was under attack? And what individuals killed the Ambassador? And what has the United States done to track these outlaws down, hold them accountable for this—yet another attack on 9/11?

And that's just the way it is.

#### CONGRATULATING SOLOMON SCHECHTER ON ITS 50TH ANNIVERSARY

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise to recognize a tremendous milestone in the 10th District of Illinois in the Chicago area.

Recently, the Solomon Schechter Day School of Metropolitan Chicago celebrated its 50th anniversary. Founded in 1962 with only 27 students in its first class, Solomon Schechter has grown over the years to provide education to over 2,500 proud graduates.

As a school that integrates general and Judaic studies, Solomon Schechter has promoted a love of learning and unique sense of community amongst its students, parents, educators, and volunteer leaders.

Schechter students also forge valuable connections with students at Keshet, a Jewish day school that serves children with developmental disabilities. Mr. Speaker, I recently visited Keshet and was very impressed by the incredible work that they do in meeting the needs of the children there.

But Solomon Schechter is more than just a school; it's a community, the strength of which can be seen in the fact that over 700 people came to proudly show their support at its recent 50th anniversary celebration.

I'd like to wish Solomon Schechter Day School continued success in the future.

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#### HONORING EARL MORSE AND JEFF MILLER FOR THEIR CONTRIBUTIONS ON BEHALF OF HONOR FLIGHT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, tomorrow I intend to bring to the floor the photos of two American families that have been instrumental in helping bring over 100,000 Americans who fought in World War II to our Nation's Capitol for Honor Flight.

I had the great opportunity this week, during a special gathering on this Veterans Day week of the friends of the World War II Memorial Committee, to meet these phenomenal

Americans. Earl Morse and Jeff Miller have devoted so much of their private lives to bringing great joy to Americans across this country. We should recognize them. We should thank them. We should remember.

Those of us who have relatives that have fought in the military, those of us who appreciate those who have—on this Veterans Day week, let us give due credit to what brings us together as a people, our great sense of patriotism, our great sense of valor, and the appreciation we could give to those Americans who help to make the lives of others complete.

Mr. Speaker, I thank you for giving me this moment to highlight what I will bring to the floor tomorrow. Thank you to Honor Flight. Thank you to the Morse and Miller families. Thank you to the Friends of the World War II Memorial, and thank you to all of our World War II veterans, their families, and descendants.

#### GLOBAL ENTREPRENEURSHIP WEEK

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise to make note of an important week in the ongoing effort to renew our Nation's economy. This week is Global Entrepreneurship Week.

New entrepreneurs and innovators are the key to putting Americans back to work. With two out of every three jobs coming from small businesses, and 100 percent of the net new jobs coming from companies less than 5 years old, these risk-takers are the key to our economic prosperity. Simply put, if they don't grow and expand, then neither will our economy.

I was pleased to help celebrate Global Entrepreneurship Week this week by addressing many of these budding startups at the Kaufman Foundation in Kansas City. A true gem of the Midwest, the Kaufman Foundation is the world's largest foundation devoted to entrepreneurship.

Mr. Speaker, we know jobs aren't created by bureaucrats in Washington, D.C. They are created by the innovators across our Nation. As we continue to see our economy lagging behind, let's renew our efforts to support startups, innovators and entrepreneurs that take the risks to create jobs.

#### SUPPORTING RECOGNITION OF MALALA YOUSUFZAI

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, there's so much that we can

acknowledge and respect as we come back to work on behalf of the American people. I'd like my colleagues to allow me, for a moment, to raise the issue of the recognition of introducing a legislative initiative to award the Congressional Gold Medal to Malala Yousufzai, the little girl in Pakistan who had the courage to stand up against the heinousness of the Taliban.

On October 9, 2012, Malala was shot and nearly killed by Taliban operatives because she advocated simply for educating girls in Pakistan. Her shooting has sent shock waves through the region and around the world. Leaders across the globe have condemned her shooting, while Taliban leaders remain unrepentant. In fact, as she heals in a British hospital, they have continued to threaten that she will be shot again if she comes to the soil.

Sixty-one million children worldwide are not enrolled in school, of which 32 million are girls. Pakistan has the second highest number of girls who are not attending school in the world.

As a cochair and founder of the Pakistan Caucus, the Congressional Pakistan Caucus, I urge my colleagues to rush toward this legislation and sign on. The United Nations declared Saturday, November 10, 2010, Malala Day, and many are advocating for a Nobel Peace Laureate.

I ask my colleagues to join me in advocating to recognize this brave little girl who stands for the children of the world.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REED (at the request of Mr. CANTOR) for today and Wednesday on account of attending the funeral of a fallen soldier in his district.

Mr. CICILLINE (at the request of Ms. PELOSI) for today on account of attending a funeral in the district.

#### ADJOURNMENT

Mr. YODER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 34 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 14, 2012, at 10 a.m. for morning-hour debate.

#### OATH OF OFFICE MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives,

the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

DAVID ALAN CURSON, Michigan Eleventh; THOMAS MASSIE, Kentucky Fourth; SUZAN K. DELBENE, Washington First.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8261. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Short-Term Investment Funds [Docket No.: OCC-2011-0023] (RIN: 1557-AD37) received October 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8262. A letter from the Regulatory Specialist, LRAD, Department of the Treasury, transmitting the Department's final rule — Annual Stress Test [Docket ID: OCC-2011-0029] (RIN: 1557-AD58) received October 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8263. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Design, Inspection, and Testing Criteria for Air Filtration and Adsorption Units of Post-accident Engineered-Safety-Feature Atmosphere Cleanup Systems in Light-Water-Cooled Nuclear Power Plants [NRC-2012-xxxx] received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8264. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Withdrawal of Regulatory Guide 5.67 [NRC-2012-xxxx] received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8265. A letter from the Secretary, Department of Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 of November 14, 1979; to the Committee on Foreign Affairs.

8266. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National

Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Foreign Affairs.

8267. A letter from the Secretary, Department of Health and Human Services, transmitting Fiscal year 2011 Report to Congress on Funding Needs for Contract Support Costs of Self-Determination Awards; to the Committee on Natural Resources.

8268. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species: Atlantic Bluefin Tuna Fisheries [Docket No.: 120306154-2241-02] (RIN: 0648-XC162) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8269. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management; Inseason Adjustments [Docket No.: 100804324-1265-02] (RIN: 0648-BC36) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8270. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 11; Correction [Docket No.: 110908576-2240-02] (RIN: 0648-BB44) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8271. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC204) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8272. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures for 2012-13 [Docket No.: 120628195-2414-02] (RIN: 0648-XC089) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8273. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Lifting Trade Restrictive Measures [Docket No.: 120510051-2335-02] (RIN: 0648-BC16) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8274. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Temporary Rule To Establish Management Measure for the Limited Harvest and Possession of South Atlantic Red Snapper in 2012 [Docket No.: 120709225-2365-01] (RIN: 0648-BC32) received October 4, 2012, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8275. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Reef Fish Fishery of the Gulf of Mexico; Gulf of Mexico Individual Fishing Quota Programs [Docket No.: 090206140-91081-03] (RIN: 0648-XC227) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8276. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Fishing Year 2012 Days-at-Sea Adjustment for Common Pool Fishery; Announcement of Fishing Year 2011 Sector Annual Catch Entitlement Carryover [Docket No.: 120109034-2153-02] (RIN: 0648-XC168) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8277. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Snapper-Grouper Fishery of the South Atlantic; Reopening of the 2012 Commercial Sector for Yellowtail Snapper in the South Atlantic [Docket No.: 100812345-2142-03] (RIN: 0648-XC229) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8278. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC206) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8279. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Correction [Docket No.: 120403252-2392-01] (RIN: 0648-BC06) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8280. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fisheries Management Plan; Northern Red Hake Quota Harvested [Docket No.: 110816505-2184-03] (RIN: 0648-XC201) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8281. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Bluefish Fishery; Quota Transfer [Docket No.: 1202010086-2418-02] (RIN: 0648-XC235) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8282. A letter from the Acting Deputy Director, Office of Sustainable Fisheries,

NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC207) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8283. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 20A [Docket No.: 100812344-2449-02] (RIN: 0648-AY74) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8284. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC224) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8285. A letter from the Service Officer, American Gold Star Mothers, Inc., transmitting the organization's report and financial audit for the year ending June 30, 2012; to the Committee on the Judiciary.

8286. A letter from the Secretary, Department of Education, transmitting the Department's final rule — Adjustment of Civil Monetary Penalties for Inflation (RIN: 1801-AA12) October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8287. A letter from the General Counsel, National Tropical Botanical Garden, transmitting the annual audit report for the National Tropical Botanical Garden for the period from January 1, 2011 through December 31, 2011, pursuant to 36 U.S.C. 4610; to the Committee on the Judiciary.

8288. A letter from the Clerk, United States Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Third Circuit, C.A. No. 09-4541, Maribel Delrio-Mocci, et al v. Connolly Properties, Inc., (February 24, 2012); to the Committee on the Judiciary.

8289. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Suspension of End-Use Certificate Program Requirements received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8290. A letter from the Chief, Trade and Commercial Regulations Branch, Department of Homeland Security, transmitting the Department's final rule — United States-Peru Trade Promotion Agreement [USCBP-2011-0043] (RIN: 1515-AD79) received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8291. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2012-64] received October 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8292. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Fringe Benefits Aircraft Valuation Formula (Rev. Rul. 2012-27) received October 16,

2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8293. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — November 2012 (Rev. Rul. 2012-30) received October 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8294. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — RIC Modernization Act Capital Loss Carryforward Effective Date (Rev. Rul. 2012-29) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8295. A letter from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting the Annual Report of the Student Loan Ombudsman; jointly to the Committees on Financial Services and Education and the Workforce.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DREIER: Committee on Rules. House Resolution 808. Resolution providing for consideration of the bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes (Rept. 112-693). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GALLEGLY (for himself, Ms. RICHARDSON, and Mr. McKEON):

H.R. 6587. A bill to designate the facility of the United States Postal Service located at 225 Simi Village Drive in Simi Valley, California, as the "Postal Inspector Terry Asbury Post Office Building"; to the Committee on Oversight and Government Reform.

By Ms. JACKSON LEE of Texas (for herself, Mr. VAN HOLLEN, Mr. DAVIS of Illinois, Mr. CARSON of Indiana, Mr. CICILLINE, Mr. BRADY of Pennsylvania, Ms. SLAUGHTER, Ms. NORTON, Mr. SIRES, Mr. TOWNS, Ms. SCHWARTZ, Ms. RICHARDSON, Ms. MCCOLLUM, Mrs. DAVIS of California, Mr. AL GREEN of Texas, Mrs. MALONEY, Mr. PETERS, Mrs. NAPOLITANO, Mr. CULBERSON, Mr. FARENTHOLD, Mr. CONYERS, Mr. PALLONE, Ms. SEWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr.

THOMPSON of Mississippi, Mr. RICHMOND, Mr. SCOTT of Virginia, Ms. FUDGE, Mr. PERLMUTTER, Mr. CLEAVER, Mr. CLYBURN, Ms. KAPTUR, and Mr. YODER):

H.R. 6588. A bill to award a Congressional Gold Medal to Malala Yousufzai, in recognition of her devoted service to education, justice, and equality in Pakistan; to the Committee on Financial Services.

#### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

289. The SPEAKER presented a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 29 supporting the Department of Justice's investigation into whether state legislatures are discriminating against and suppressing the vote of minorities, senior citizens, young adults or those with physical disabilities or limited economic means; to the Committee on the Judiciary.

290. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 325 urging the Congress to provide funding to the United States Army Corps of Engineers for dredging harbors of refuge and maintaining seawalls; to the Committee on Transportation and Infrastructure.

291. Also, a memorial of the Senate of the State of California, relative to Senate Joint Resolution No. 30 supporting the Social Security Fairness Act of 2011; to the Committee on Ways and Means.

292. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 134 urging the Congress to change the eligibility requirements for Social Security Disability Insurance and Supplementary Security Income benefits; to the Committee on Ways and Means.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GALLEGLY:

H.R. 6587.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Article I, Section 8, Clause 7 of the United States Constitution, it is the power of Congress to "Establish Post Offices . . .".

By Ms. JACKSON LEE of Texas:

H.R. 6588.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 1 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 718: Mrs. EMERSON and Ms. BONAMICI.  
H.R. 719: Mr. GARAMENDI.  
H.R. 812: Mr. ISRAEL.  
H.R. 973: Mr. YODER.  
H.R. 1084: Ms. CHU.  
H.R. 1381: Mr. RANGEL.  
H.R. 1426: Mr. ANDREWS.  
H.R. 1477: Ms. CASTOR of Florida.  
H.R. 1489: Ms. ROYBAL-ALLARD.  
H.R. 1546: Ms. BONAMICI.  
H.R. 1568: Mr. CLAY.  
H.R. 1862: Mr. VAN HOLLEN.  
H.R. 1886: Mr. FARR.  
H.R. 1887: Mr. FARR.  
H.R. 1888: Mr. FARR.  
H.R. 2016: Mr. LARSEN of Washington and Ms. ESHOO.  
H.R. 2086: Mr. LOEBSACK.  
H.R. 2151: Mr. ELLISON.  
H.R. 2353: Mr. GERLACH.  
H.R. 2437: Ms. MCCOLLUM.  
H.R. 2479: Mrs. DAVIS of California and Mr. MANZULLO.  
H.R. 2547: Mr. RANGEL.  
H.R. 2607: Mr. GUTIERREZ.  
H.R. 2634: Mr. LANGEVIN.  
H.R. 2701: Mr. LANGEVIN.  
H.R. 2950: Ms. CHU.  
H.R. 3085: Mr. PENCE and Mr. GUTHRIE.  
H.R. 3151: Mr. WAXMAN.  
H.R. 3269: Mr. PERLMUTTER.  
H.R. 3334: Ms. WATERS.  
H.R. 3506: Ms. KAPTUR.  
H.R. 3510: Mr. RANGEL and Mr. PETERS.  
H.R. 3612: Mrs. MCCARTHY of New York, Mr. SABLAN, and Mr. CONYERS.  
H.R. 3618: Ms. HIRONO.  
H.R. 3634: Mr. PASCARELL and Mr. WOMACK.  
H.R. 3769: Ms. SCHWARTZ.  
H.R. 3821: Mr. SIRES.  
H.R. 4122: Mr. TONKO, Mr. FILNER, Mr. GEORGE MILLER of California, Mrs. MCCARTHY of New York, Mr. CAPUANO, Mr. CRITZ, Ms. BASS of California, and Ms. CHU.  
H.R. 4202: Ms. BORDALLO.  
H.R. 4271: Mrs. CHRISTENSEN and Mr. WATT.  
H.R. 4323: Mr. MARCHANT.  
H.R. 5943: Mr. OLSON.  
H.R. 6239: Mr. LUETKEMEYER.  
H.R. 6273: Mr. CUMMINGS.  
H.R. 6381: Mr. CLAY.  
H.R. 6409: Mr. TIERNEY.  
H.R. 6421: Ms. LORETTA SANCHEZ of California.  
H.R. 6454: Ms. ZOE LOFGREN of California.  
H.R. 6483: Mrs. DAVIS of California.  
H.R. 6506: Mr. ISRAEL.  
H.R. 6514: Mr. FRANK of Massachusetts.  
H.R. 6575: Mr. GOODLATTE.  
H. Res. 111: Mr. REED and Ms. HIRONO.  
H. Res. 134: Ms. JENKINS.  
H. Res. 298: Mr. CARNEY.  
H. Res. 387: Mr. STARK.  
H. Res. 601: Mr. MARCHANT.  
H. Res. 650: Ms. SCHAKOWSKY.  
H. Res. 760: Mr. BLUMENAUER, Mr. HONDA, and Mr. CONNOLLY of Virginia.  
H. Res. 789: Mr. KLINE.

**SENATE—Tuesday, November 13, 2012**

The Senate met at 2 p.m. and was called to order by the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Father, our shelter in the time of storm, bless the Senators who are preparing to leave and those who are coming. As we turn to a new chapter in our Nation's history, we ask for Your guidance. We need You to guide us through the labyrinthine seasons of history, for we are weak but You are mighty. Lord, guide us with Your faithful Hands, becoming for this great land our strength and shield. Strengthen our weakness, comfort us in trouble and distress, and empower us to fight the good fight of faith.

We pray in the Name of Him who is the way, the truth, and the life. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable JIM WEBB led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 13, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JIM WEBB, a Senator from the Commonwealth of Virginia, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. WEBB thereupon assumed the chair as Acting President pro tempore.

**SPORTSMEN'S ACT OF 2012—MOTION TO PROCEED—Resumed****RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**WELCOME TO EVERYONE**

Mr. REID. Mr. President, after our election, I welcome everyone back. For

some it was a nice break. For others it was a lot of hard work. We welcome everyone back and look forward to a very productive next 6 weeks.

**SCHEDULE**

Mr. President, the Senate is considering the motion to proceed to S. 3525, the Sportsmen's Act, posteloture. At 5:30 p.m., there will be a rollcall vote on the motion to proceed to the legislation.

**FACING GREAT CHALLENGES**

Mr. President, for the last year, the country has been focused on the difference between Republicans and Democrats. And for the last 2 years, this Congress has not accomplished nearly enough. But as we close the 112th Congress, it is time to focus on our shared goals and our common purpose.

We all agree, I hope, that today—now—great challenges face our country and this Congress. Those challenges are large—too large to be solved by Democrats alone. They are too large to be undertaken by Republicans alone. And they are too grave for us to allow political differences to stand in the way of success.

On the day Gerald Ford became President of the United States, at a time of great national turmoil, he said:

There is no way we can go forward except together and no way anybody can win except by serving the people's urgent needs. We cannot stand still or slip backwards. We must go forward now together.

So said Gerald Ford.

Mr. President, that is as true today as it was back then. Today the American people have many urgent needs. They need more jobs. They need economic certainty. They need opportunity and fairness.

It is within our power as a Congress to quickly address these urgent needs.

It is within our power to forge an agreement that will give economic certainty now to middle-class families who can least afford a tax hike.

It is within our power to forge an agreement that will ask the richest of the rich—the most fortunate among us—to pay a little extra to reduce the deficit and secure our economic future.

It is within our power to forge an agreement that will protect important tax deductions for families and businesses still struggling.

It is within our power to forge an agreement that will take a balanced approach to reduce spending.

In fact, we could avert the fiscal cliff for 98 percent of American families and 97 percent of small businesses today. The House must only consider the Senate-passed bill freezing tax rates for

those making less than \$250,000 a year. This Congress is but one vote away from avoiding the fiscal cliff for middle-class families and small businesses.

As influential conservative Bill Kristol said this week:

Let's have a serious debate. . . . It won't kill the country if we raise taxes a little bit on millionaires. It really won't.

So said Bill Kristol.

So solutions are in our grasp. We only have to make the choice to pull together instead of pulling apart.

The hands of the Democratic Caucus are reaching toward our Republican friends, our Republican colleagues. I urge the Republicans to join us to do the difficult but necessary work that is ahead.

If there is a message to take away from this year's election, it is this: Americans are tired of the politics of division. They are tired of obstruction and distraction. The American people—Democrats and Republicans—want cooperation and conciliation.

I urge any of my Republican colleagues who are considering the same strategy of obstruction to turn away from the divisions of the past and join in cooperation, compromise, and consensus.

Gridlock is not the solution. It is the problem.

How this Congress deals with the challenges ahead will be the test of our character, both as individuals and as a body politic—the U.S. Senate.

As the British playwright John Osborne said:

They spend their time mostly looking forward to the past.

We cannot look back. We must show the American people we are equal to the challenges we now face. The challenges are here. We know the challenges. We see the challenges. We can feel the challenges.

There are many reasons why—as we wind down this 112th Congress and embark upon the 113th—we must succeed.

But the best illustration of our duty—our obligation—comes from the words of Medal of Honor recipient DANIEL INOUE. Senator INOUE's son asked his dad why—after people were designated as enemy aliens, after being put in internment camps—why did he and the members of the famed 442nd Regimental Combat Team fight heroically the way they did.

Asked why he fought, Senator INOUE told his son—many years after the battle had ended and Lieutenant INOUE's wounds had healed—that he fought “for the children.” Senator INOUE said that he fought for the children. So I say to my colleagues—Democrats and



Republicans—we must legislate, legislate for our children. They deserve it. We owe them the future.

It is time for Democrats and Republicans to go forward now together—“go forward now together,” as Gerald Ford said—and show the American people that we are equal to the challenges we face. The challenges are there. We must face them and face them together.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

#### THE ELECTIONS

Mr. MCCONNELL. Mr. President, I want to begin by welcoming all the new Members who are here today, Republican and Democrat. Congratulations on your victories, and welcome to the Senate. I assure you, it is not as terrible a job as some say it is. We welcome your ideas, your energy, and your enthusiasm, and we wish you every success in your time here.

I also want to congratulate the President and the Vice President on their hard-fought victory last week. And I wish to say a brief word of thanks to our own nominees as well, Governor Romney and Congressman RYAN. They may not have won the race, but they earned our respect and admiration in the effort. They fought valiantly—valiantly—for the cause of limited government, free enterprise, opportunity for all, and a stronger social safety net that is there when people need it most.

In short, they fought for the kind of constitutional conservatism so many Americans believe in so very strongly. And their loss does nothing to diminish the importance of these enduring principles or our commitment to keep fighting for them. So we thank them, and we thank their families, for making the sacrifices any Presidential campaign demands. And I want to assure everyone: The cause goes on.

Now onto the task at hand.

#### AVOIDING THE FISCAL CLIFF

In politics there is always a temptation among those who win office to think they have a mandate to do what they will. But it is important to remember that in this case the voters also reelected a Republican-controlled House last week and a closely divided Senate. And in a government of three equal branches, that is hardly irrelevant.

Most people may focus on the White House, but the fact is the government is organized no differently today than it was after the Republican wave of 2010.

Look out across the heartland and you will see vast regions of the country wary of the President's vision for the future. The country is sharply divided about the right path forward. If the President wants to unite America, as he has always claimed to, if he truly

realizes that he was elected to represent all of its citizens, not just the ones who voted to give him a second term last Tuesday, then he will seek the common ground that he largely avoided so strenuously in his first term. That is his task. That is the duty that comes with being President.

I hope that in this term he rises to the challenge. It starts by realizing that he is the only man in America who can sign a piece of legislation into law—the only one of the 306 million Americans—and that while voters have given him a second term, they have also given those of us in Congress the power and the duty to ensure that he uses that power wisely. And that is, of course, what we intend to do.

The campaign is over. The time for slogans and pep rallies is past. If the President is serious about solving current crises and avoiding future ones, he has to step up and to lead.

So let me be clear: When it comes to the great economic challenges of the moment, saying that you want a balanced approach is not a plan. Saying people need to pay their fair share is not a plan. The tedious repetition of poll-tested talking points is simply that. The longer the President uses them as a substitute for leadership, the more difficult it will be to solve our many problems.

The time for the President to lead is now, and that means offering a concrete plan that takes into account the fact that half the Congress opposes tax hikes—not because we are selfish, not because we are stubborn, but we know it is the wrong thing to do, we know it will hurt the economy, and we know it will destroy jobs. This is not partisan politics. It is economics. As the President might say, it is math.

According to a recent independent, nonpartisan study, raising tax rates on top earners, as the President has proposed, would destroy over 700,000 jobs. It would slow the economy, meaning less revenue would come into the Treasury. As a result, it would not do much to reduce the deficit, even if Democrats actually followed through and used it for that purpose.

Think about it: The amount of revenue for which they are prepared to push us over the fiscal cliff would not fund the government for a week. Let me say that again. The amount of revenue for which they are prepared to push us over the cliff would not fund the government for 1 week.

So why in the world would we want to do that? What is the point? To make people feel good about whacking somebody else? That is not what we were sent here to do.

That is certainly not what the people of Kentucky sent me here to do. That is not how you set economic policy—because it makes you feel good. You set economic policy because you think it will lead to investment in America,

create jobs, and give more people an opportunity to lift themselves up, boosting middle-class incomes now and ensuring security for the future. This is the kind of vision Speaker BOEHNER laid out for the country last week. I cannot think of any good reason the President would not embrace it.

Some on the other side have said we should just go off the cliff—just go off the cliff—and hope for the best. I do not think that is what the American people had in mind when they went to the polls last week. I think what they had in mind was that we put the contest of the past 2 years behind us and work it out.

The best way forward and the way that will lead to jobs and growth, a smaller deficit, and fewer political fights is to keep everybody's tax rates right where they are for now, to figure out a way to avoid the automatic defense cuts scheduled to hit at the end of the year without cutting a penny less than we promised and committing to the kind of comprehensive tax and entitlement reform that we all claim we want.

A simpler Tax Code that lowers rates and clears out certain deductions and special interest loopholes would trigger economic growth, create jobs, and result in more revenue without raising anyone's rates. We know this because we have seen it before. It actually works.

Personally, I do not think Washington should get any of that extra revenue. I do not think we need it. As I have said many times before: Washington's problem is not that it taxes too little but that it spends too much. But in a good-faith effort to make progress on boosting the economy and government's long-term solvency, Republicans like me have said for more than a year now that we are open to new revenue in exchange for meaningful reforms to the entitlement programs that are the primary drivers of our debt, so that we can reduce the deficit, protect these programs for today's seniors, and strengthen them for future generations.

So new revenue must be tied to genuine entitlement changes that strengthen these programs for the future and preserve them and also address our long-term debt and deficit problems. In other words, we would do it if we thought we could make progress in creating more middle-class jobs and address what is by far the single biggest obstacle to fiscal balance. This is the basic outline of a plan, and it reflects our seriousness as a party.

So make no mistake, Republicans are offering bipartisan solutions. Now it is the President's turn. It is his turn to demonstrate similar seriousness, bring his party to the table, and take the lead. We are ready to find common ground, ready to find common ground on revenue—not as I said because any

of us actually thinks the government needs any more of it, but because Democrats, from the President on down, have said they are willing to punish everyone if they do not get it. We are not about to let that happen, but we are also not about to further weaken the economy by raising tax rates and hurting jobs.

Look, this should not be that difficult. Recent history gives us two examples of Presidents who solved big problems by finding common ground with the other side. Ronald Reagan did it with a Democratic-led House after a far more resounding second-term victory than President Obama's, as did Bill Clinton with a Republican-controlled House and a Republican-controlled Senate after a more resounding second-term victory than President Obama's. Both examples, both of them, illustrate the rare opportunity that divided government presents.

President Obama can follow suit or he can take the extremist view that both Reagan and Clinton rejected by thumbing his nose at the other side and insisting that if Republicans are not willing to do things his way, he will not do anything at all. If the President is serious, he will follow the lead of Presidents Reagan and Clinton. If he is really serious, he will put the campaign rhetoric aside, propose a realistic solution that can pass a Republican-controlled House and a divided Senate, and work to get it done. And if the President acts in this spirit, I have no doubt he will have the support of his own party and a willing partner in ours.

The American people will breathe a sigh of relief knowing not only that we have avoided a crisis but Washington can still serve their interests. Unless we act in a few short weeks, Americans will face a combination of defense cuts and automatic tax hikes that threaten to plunge us into another recession and undermine at the same time our national defense. This looming crisis is made worse by the backdrop of a massive Federal debt that we will never be able to tackle as long as Democrats refuse even the smallest of reforms to strengthen and protect the entitlement programs that are driving that debt.

That is why Republicans have remained firm on this point: Any serious solution, any serious solution, must include real spending cuts and meaningful entitlement reforms to strengthen and protect these programs for future generations. We got into this mess because we promised cuts that never materialized and because we could not muster the will to match entitlements with the changing demographics of our country.

We are not going to get out of it until we agree to do both, and agree to do it together. Republicans have reached out, made offers beyond our preferred approach in an effort to at-

tract bipartisan solutions. Meanwhile, all we get from Democrats is letters saying they will not even consider reforming the very programs that lie at the heart, the very heart of our fiscal imbalance.

Instead of showing faith and a willingness to solve the problem, we get the same tired talking points that we cannot cut our way to prosperity. Well, that may poll well, but it is not a plan. It is a cliché that is meant to shut down debate and prevent a serious proposal from ever taking shape.

So how do we get around the stalemate? That is simple. Presidential leadership. Let me repeat. There is only one person in America out of 360 million Americans who can sign something into law and, even more importantly, deliver the members of his party to support a deal that he makes.

We will arrive at a plan when the President presents one or we will not get anywhere at all. That is how we get out of a jam. That is what the moment requires. It is the President's move. There is no way we can avert these job-killing tax hikes before they strike and replace the defense portion of the so-called sequester with cuts of equal size in areas that both sides have already agreed to during last summer's debt limit negotiations. We can do all of it in the weeks ahead with a promise to do even bigger things next year.

That is exactly what we should do. This is one of those moments where the only thing standing between success and failure is Presidential leadership. That is why we are calling on the President to seize the moment—seize the moment and do something he has not done before but which successful predecessors have so often done before.

We are calling on him to lead, to take the initiative, propose a plan that is actually designed to succeed. If he does, I am confident he will find he has more Republican friends over here than he thought. I am not asking the President to agree with us on the proper role of government or the dangers of a creeping regulatory state. I am not asking him to adopt our principles. I am simply asking him to respect our principles by not insisting that we compromise them because I assure you we will not. But we will be happy to work with him on a plan to avert the coming crisis and lay the groundwork for further success down the road.

Let's put the campaign behind us and get the job done.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ELECTION RESULTS

Mr. DURBIN. Mr. President, today is November 13. I think what strikes me about this date is it has only been 7 days since the election. It seems like a lot longer. Maybe it is because the election campaign itself felt so long. But it has been 7 days since the American people went out and voted.

I have to say this: It was not just because of the victory of the President which was important to many of us, but it was quite a validation of this country and this democracy that millions of Americans made the personal sacrifice, took the time, and went to the polling places and actually cast a vote. When it was all over, thank the Lord, it was decisive. The President won a majority of the popular vote as well as a strong majority of electoral votes. The outcome was not in suspense or in doubt when it was all over. That was good for the process, it was good for our country, and, quite frankly, it is time for us to move forward.

During the course of the campaign, I was actively working in my State of Illinois, around the Midwest, on behalf of the President. I was at one of these spin rooms, which is kind of hard to describe. You will not find it in the Constitution. It is hard to describe. After the debates there was this scrum of politicians and spokesmen who stood together under little signs with their names on them waiting for the press to come up to them and say: What did you see? What do you think?

I was in one of those. I can't remember where it was. I think it might have been New York at Hofstra after one of the Presidential debates. One of the reporters said to me: So, Mr. DURBIN, I know you are here supporting President Obama. What are you going to do if Governor Romney wins and becomes President?

I said: Well, I am going to respect him, do everything I can to work with him to solve the problems of this country.

Do you know what he said? He said: I am going to hold you to that. Well, he should. That is the responsibility we all have regardless of party, to work with the President to solve our Nation's problems.

Now, there were some who said 4 years ago that when they viewed the new President, President Obama, their goal was to make sure, above all, that he was a one-term President. That was an unfortunate statement because it suggested that solving problems and dealing with our challenges was secondary to a political victory. I hope that in the second term the President can turn to both sides of the aisle in Congress and find support for solving our Nation's problems. They are many.

The first one is this fiscal cliff which Americans are hearing more and more about. On December 31 of this year laws will expire and things are going to

happen. What will happen is taxes will go up across the board, not just on the wealthy but on everyone. There will be cutbacks in unemployment compensation, cutbacks in the payroll tax, 2-percent cuts. There will be a lot of different changes that affect a lot of people. We are going to see automatic cuts in spending, sequestration as we call it, both on the defense side and non-defense side.

Many people have said: Well, who dreamed this up? And the honest answer is all of us in Congress, Democrats and Republicans, together with the President created this so-called fiscal cliff, and we voted for it. The Republican leader of the Senate was here a few minutes ago. He voted in favor of it. I did too.

The idea was to have a December 31 deadline that was so imposing and so threatening that we would do something to avoid it. We created a super-committee to reduce the deficit, with equal numbers of Democrats and Republicans, and said: Find a way out of this deficit mess so we can avoid this cliff.

They could not. They were unable to reach an agreement. So now this December 31 deadline is looming. It is one that ought to sharpen our senses and our attention on solving the problems that face this country. They are substantial.

First, we need to get out of this recession. We are moving forward but slowly. We need to make sure that whatever we do in Congress it moves us in the direction of creating more jobs and strengthening business and making us more competitive in the 21st-century economy.

But secondly, as important, we need to deal with the deficit, a deficit which requires us to borrow 40 cents for every dollar we spend in Washington. That is unsustainable. I say that as a Democrat. Republicans say it as well. We have got to balance the two, keep the economy moving forward and yet make a serious commitment to deficit reduction.

I was on the Bowles-Simpson Presidential commission which President Obama created. There were 18 of us. Eleven of us voted for the commission report, a bipartisan report, and I still believe that it contains the basic ingredients for finding our way through this challenge. I hope we could have support from the other side of the aisle.

I listened carefully to the speech just given by the Senator from Kentucky, and he said repeatedly that the election is behind us, we need to work together. That is exactly the right thing to say. It means we have to ask the Republican side that they join us in finding revenue. We know we need more in tax revenue to deal with this deficit. The President has proposed that those making over \$250,000 a year pay a little more. I don't think that is unreason-

able. Those who have been blessed with success and comfort in life and doubly blessed by being part of this great Nation should be wanting to pay back a little to help us get through this economic challenge, and I think they will. I genuinely think they will. I also believe those who are in the middle-income categories, working families, need to be spared a tax increase. Many of them are struggling paycheck to paycheck. It isn't an easy economy in which to raise a child, put a child through college or keep your home or make plans for the future. We need to give those working families a helping hand to make sure they don't face a tax rise.

The President said the other day that we have a bill pending before the House that would spare those families making \$250,000 or less a year from seeing a tax increase, and he asked the House to pass it. I hope they will. That means we can focus on taxes only for those in higher income categories. The Senator from Kentucky said, well, it doesn't raise that much money. I beg to differ. If we impose a tax on those making over \$250,000 a year, and if we go back pre-Bush tax cuts, it raises \$800 billion over 10 years. That is not insubstantial. It is an important sum that we need to have to move toward a budget that is closer to being in balance. We have to include it. We need to look at entitlement programs in an honest fashion. We need to make sure that at the end of the day the Social Security system is there for generations to come, and Medicare, which is so important to 40 or 50 million Americans, will be there for many years to come as well. That is part of our responsibility.

I welcome the statement by the Senator from Kentucky. I take him at his word that he is willing to work with the President. He has called on the President to lead, and that is only right; the President is the leader of our Nation.

I might also add that we need leadership in Congress as well, Democrats and Republicans willing to sit down at a table and reasonably work out our differences. It is not easy, but we can do it and we should do it.

#### VETERANS DAY 2012

Mr. DURBIN. Mr. President, we have heard a lot about the wealthiest 1 percent of Americans, and on this session after Veterans Day I wish to talk about another 1 percent, the 1 percent who have volunteered to defend us. I want to say a few words about veterans in earlier wars. Thirty years ago, thousands of veterans of the Vietnam war came home. They gave themselves a homecoming parade that they deserved but almost none had ever received. The Presiding Officer here from Virginia, I know as a Senator and as an ace Vietnam veteran, knows of what I speak.

With wounded veterans in wheelchairs leading the parade, they

marched up Constitution Avenue to dedicate the National Vietnam Veterans Memorial, on whose polished granite walls were etched the names of nearly 58,000 dead and missing comrades-in-arms.

Here is a photograph that was taken that day. This is Joseph Ambrose of Joliet, IL. Mr. Ambrose was 86 years old then. He is wearing the same uniform he wore as a 19-year-old U.S. Army private in France in World War I. In his arms he carries a flag, the flag that covered the coffin of his son who gave his life for our country in Korea.

Joseph Ambrose wore his old Army "doughboy" uniform and carried his son's flag often to Veterans Day parades and VFW conventions. He confessed that some years he had to go on a crash diet to get back into the uniform, but he did it to honor the veterans of Vietnam and Korean wars that he believed Americans needed to remember, and he wanted to remind us of an important truth, that no matter the outcome of the war, those who answer the call of duty and risk everything to defend our country deserve the respect of a grateful nation.

In the 30 years since its dedication, the Vietnam Veterans Memorial has become an almost sacred place of remembering, reconciliation, and healing. It has a special impact on visitors. I was one. As you walk down that incline and this polished granite monument starts to loom higher and higher, and the names grow until you are engulfed by them, you have a feeling of the immensity of sacrifice that was involved in that war.

This past weekend in Chicago and Quincy, IL, big cities and small alike across America communities held Veterans Day parades. Volunteers assembled and sent thank-you packages to the troops serving overseas. I was at Union Station in Chicago yesterday. Fifth Third Bank sponsored the sending of these packages to those who are currently serving. It is all good and it is important, but it is only a fraction of what we owe to veterans.

Mr. President, I want to give special thanks to you and a special shout-out for what you have accomplished in your service in the Senate. I remember the first time we ever sat down and had any serious conversation about your service in the Senate for the State of Virginia, and you told me your No. 1 priority was a new GI bill. You were brand new to this place, but you sure knew that subject inside and out. I respected you so much for it and respect you even more for sticking with it. Your determination led to the creation of a new GI bill. Thousands—thousands—of veterans are going to have better lives and their families as well because you were determined to make it happen.

I know you are retiring and nearing the end of your term here in the Senate, but it is a lasting contribution to

this country, and I am glad that since it was at the top of your list when you arrived that you got it done. Some Senators spend a lifetime around here and never get No. 1 on the list accomplished, but you did it, and I thank you very much for your leadership in that regard.

It was 2½ years ago that we also created the family caregivers act to help veterans who survived catastrophic and disabling injuries in Iraq and Afghanistan and the family members who sacrificed so much to help them. I introduced this bill after Senator Hillary Clinton moved on to the State Department 4 years ago. I thought it was a good idea and it was recommended to me by the family of wounded veteran Eric Edmundson. His mom and dad and sister came to me, and we talked about the caregivers act. Traumatic brain injuries, as we know, are one of the signature casualties of the wars in Iraq and Afghanistan.

In 2005, Eric Edmundson was a 26-year-old Army sergeant. He survived a roadside blast but then went into cardiac arrest while awaiting transport to a military hospital. His brain was deprived of oxygen for almost 30 minutes. Doctors told his parents that Eric would spend the rest of his life in a vegetative state, and they should choose a nursing home for their 26-year-old son. But Eric's mom and dad said, no, we are not giving up on this young man. They fought for Eric to be transferred to the Rehabilitation Institute of Chicago, one of the best—in fact, the same hospital that my colleague Senator MARK KIRK has been returning to time and time again for rehabilitation from his stroke.

I visited Eric at that hospital several times. He worked so hard to heal and to make progress and his family was with him every day. I will never forget the time I visited Eric in his hospital room in Chicago and his mom said, Eric has a gift for you. I thought, wait a minute, Eric is giving me a gift, at which point his mom and dad walked over on each side of his wheelchair, grabbed one of his elbows each, lifted him up, and Eric took three steps. It was amazing. There wasn't a dry eye in that hospital room, tears of joy that this young man finally could take a few steps.

His dad said at that time, In about a month Eric is going to walk out of the front door of this hospital. Can you be there? Of course I was. It was a proud day not only for Eric and his family but for all of us to see the dramatic progress he made.

Today Eric lives in North Carolina with his wife and two young children. His mom and dad are there by his side every day. They have moved in today to be full-time caregivers for their son, and the family caregivers act helps their family and so many others make sure that Eric is home with his family

where he wants to be, receiving the kind of care he deserves for service to our country. So far more than 130 families in Illinois and more than 5,000 nationwide are part of the caregivers program. I am proud of that program. I thank Senator Clinton for a great idea. I thank Senator DANNY AKAKA, who was chairman of the Veterans' Affairs Committee when it passed as part of larger legislation.

Posttraumatic stress syndrome is another signature wound of these wars that we recently engaged in. These wounds aren't visible, but they are wounds to the spirit. They can be just as debilitating and deadly as a visible wound. We know that active-duty servicemembers are taking their own lives at alarming rates, and the suicide rate among veterans is even higher. The VA estimates that 18 veterans a day take their own lives. The VA has made heroic efforts to keep up with the surge of mental health needs in Iraq and Afghanistan veterans. Yet despite those efforts only a fraction of veterans with PTSD are receiving timely, effective care.

President Obama recently issued an Executive order to improve mental health care for servicemembers and veterans. The order will expand by 50 percent the capacity of the VA on their crisis line to make sure that any veteran facing a crisis can get professional help within 24 hours.

There is a bill pending in the Senate that would do even more. The Mental Health ACCESS Act introduced by Senator PATTY MURRAY, who has been an amazing champion of veterans—she is the daughter of a severely wounded veteran, and a fierce champion for veterans and their families—the Mental Health ACCESS Act, which I am proud to cosponsor, would make comprehensive improvements in VA suicide prevention counseling and mental health staffing. It would also expand eligibility for a variety of VA health and mental health services to family members, which are so important. We also need to step forward as well and make sure that we go beyond welcoming home parades for veterans and find them a job. Parades are just fine, but if you really want to support a veteran, hire that veteran. Give that veteran a job. America's military today is the best trained, best educated in the history of the world. They have done an enormously good job for our country, and they can do the same for businesses across America.

I hope the bipartisan plan which we are working on with Senator BILL NELSON of Florida to pass will be enacted soon and become part of the law of the land to help these veterans. The President is prepared to sign it, and the sooner we do it the better.

Let me salute some of the veterans in the Senate who are here: Senator FRANK LAUTENBERG, who served in

World War II; Senator DANNY INOUE, a Medal of Honor recipient from World War II; Senator JOHN MCCAIN, Senator TOM CARPER, Senator KERRY, and the Presiding Officer, Senator JIM WEBB, both of whom served with honor in Vietnam, as well as Senator LINDSEY GRAHAM, who continues to serve as a colonel in the Air Force Reserve; and my colleague Senator MARK KIRK, who is a commander in the Navy Reserve. And not to leave out Senators AKAKA, BINGAMAN, BLUMENTHAL, SCOTT BROWN, CARPER, COATS, COCHRAN, ENZI, HARKIN, INHOFE, ISAKSON, TIM JOHNSON, KOHL, LUGAR, BILL NELSON, REED, ROBERTS, SESSIONS, and WICKER.

The elections earlier this month saw at least 9 new veterans of Iraq and Afghanistan elected to Congress, bringing the total of new veterans in the next Congress to at least 16. They are still counting the ballots in some States.

The people of Illinois are proud that 3 of those 16 veterans are from our State: Congressman ADAM KINZINGER, an Air Force veteran of Iraq and Afghanistan, and two exceptional leaders who will join the next Congress, Bill Enyart, a new Congressman from downstate Illinois, a veteran of Vietnam and former adjutant general of the Illinois National Guard. Then, of course, my friend, my "sheroe," Tammy Duckworth. She is the daughter of a Vietnam vet and one of the first women to ever fly a combat mission in Iraq. She was copiloting a Black Hawk helicopter when an RPG struck her helicopter. She lost both her legs and the use of her right arm. She has worked in both State and Federal Government on behalf of veterans. What a proud day it will be for America when Tammy stands to take the oath of office in just a few weeks as the newest member of the U.S. House of Representatives.

I want to say a word about my first boss in the Senate, another veteran by the name of Paul Douglas, a man who at the age of 50 enlisted in the Marine Corps in 1942, went through Parris Island training, talked himself into combat, where he was wounded at Peliliu and then more seriously wounded at Okinawa and lost the use of his left arm. He was an extraordinary man who refused to take his veterans' disability pay. He sent his checks back to the government every single month. He joked that you could do the work of a Senator with one arm tied behind your back, so it wasn't really fair for him to take disability pay for too long. In too many issues we in the Senate have tied our own hands with excessive rancor and bipartisanship.

I hope in this lameduck session and beyond, that at least on the issue of helping our veterans, we can come together on a bipartisan basis.

IMMIGRATION REFORM

Mr. DURBIN. Mr. President, it was 101 years ago when my grandmother

came to this country with three small children and landed in Baltimore from Lithuania, and came down the steps into America for the first time. The year was 1911. I don't know how my grandmother managed to navigate her way to East Saint Louis, IL, to meet my grandfather with those three little kids and not speaking a word of English, but she did. So it is with some pride that I have displayed in my office right behind my desk my mother's naturalization certificate when she became a citizen of the United States.

I think the fact that her son became a U.S. Senator tells a great story about our Nation and the opportunity that is available.

I have always had a soft spot in my heart for immigrants because I am the proud son of an immigrant who came to this country and worked her way into citizenship and raised a good family. Our story is not unique. It is, in fact, the American story. And this election has really brought to the attention of many the need for us to deal with immigration reform. There are more than 10 million Americans out there who are undocumented, uncertain of their future. Some people mistakenly believe they live in homes full of undocumented people. In most cases, we find that four out of the five in a family are legally here in America and the fifth—maybe even mom—is undocumented. So it is a challenge for us to deal with these folks who have been here for so long in a fair and honest way. We can't turn our backs on them.

One can go into a restaurant or hotel in Chicago and by and large find many of these individuals working to clean the rooms and clear the tables. A family who has someone in a nursing home probably has an undocumented worker who is making sure their mother or father or someone they love has the basics they need every single day. So we need a realistic and reasonable approach to address the millions of undocumented immigrants living in America today.

In this year's election, the Republican Presidential nominee advocated what he called "self-deportation." It doesn't make any sense. It would be wrong to force millions of hard-working immigrants who are contributing to our country to leave. Instead, we need a better solution—a path to citizenship for immigrants who will earn their way into that status by working hard, paying their taxes, learning English, and being a part of America's future. The American people agree. According to exit polls from last week's election, 65 percent of Americans—64 percent of Independents, 51 percent of Republicans—said that most undocumented immigrants working in the United States should be given a chance to apply for legal status, and 29 percent disagreed.

In my time in the Senate, I have had the opportunity to be involved in sev-

eral bipartisan efforts to pass immigration reform. On the Democratic side, the late Senator Ted Kennedy was our leader, and Senator JOHN MCCAIN took the lead on the Republican side. President Barack Obama, then a Senator, was part of that effort. Unfortunately, we haven't moved forward since those days.

There is one part of immigration reform that is very important to me personally. It is known as the DREAM Act. Eleven years ago I introduced this legislation for the first time. It would allow a select group of immigrant students with great potential to contribute to this country. The DREAM Act would give these students a chance to earn their way to citizenship if they came to the United States as children, have good moral character, graduate from high school, and complete at least 2 years of college or serve in our military. Now, these young people grew up in America, and they have overcome great obstacles. They went to school with many of our own kids, and they are valedictorians, star athletes, and leaders in the ROTC. They are our future doctors, engineers, and teachers who will make America stronger. Why would we want to educate them and then lose their talents for the future of our country?

Last month a new report from the Center for American Progress and the bipartisan Partnership for a New American Economy concluded that passage of the DREAM Act would add \$329 billion to our economy and create 1.4 million new jobs by 2030. In my home State of Illinois, by 2030 the DREAM Act would contribute \$14 billion to the economy and DREAMers would create up to 58,000 new jobs, generating \$461 million in tax revenue.

The young people who would be eligible for the DREAM Act call themselves DREAMers. Like the civil rights activists of past generations, they speak out. Now they are telling us their stories. I have been coming to the floor almost every week in the Senate to tell the story of another DREAM Act student. It is the best way for people to understand who they are.

I want to talk about Carlos Martinez today. Carlos and his brother were brought to the United States in 1991 when Carlos was 9 years old. When Carlos came to this country, he didn't speak a word of English. His father told him, "Estudien para que no batallen en la vida como yo." Translated, it means, "Study, so you don't struggle in life like I have." That was the advice he received from his dad, and Carlos took it to heart. At Cholla High School in Tucson, AZ, Carlos graduated ninth in his class. He enrolled at the University of Arizona. He had never owned a computer before he went to school, but he loved math and dreamed of being a computer engineer. Four years later, in 2003, Carlos graduated with a bachelor

of science degree in computer engineering, with minors in computer science, electrical engineering, mathematics, and Spanish. He was named the top Hispanic graduate in his class at the University of Arizona.

After Carlos graduated, reality set in. He received job offers from Intel, IBM, and a lot of top tech companies, but he couldn't work for them because he is undocumented. But Carlos didn't give up. He enrolled in a master's program for software systems engineering at the University of Arizona. He completed the 2½-year program in just a year and a half. He was nominated for the University of Arizona Graduate School Centennial Award, given to the school's top graduate student.

This is a hopeful time for DREAMers like Carlos. The Obama administration has granted temporary legal status to young people who would be eligible for the DREAM Act. The status—known as deferred action for childhood arrivals—will allow DREAMers to live and work legally in America, and they can renew it every 2 years. This will give these young immigrants the chance to come out of the shadows and be part of the only country they have ever really known. It is a historic moment in the long struggle for equal justice in America.

The administration's new deportation policy will make America stronger by giving the DREAMers a chance to be part of it. Carlos Martinez submitted his application on August 15, the very first day forms were available, and he was one of the first to receive deferred action for childhood arrivals. Thanks to President Obama's new policy, Carlos will finally be able to use his bachelor's and master's degree in computer engineering. He had to wait 7 years after receiving his master's degree, but the day has finally come when he will get his chance.

As soon as he received the notification, Carlos went to a career fair at his alma mater and handed out resumes to IBM, Intel, and the other tech companies that had tried to hire him years earlier. In a letter he wrote to me, Carlos said:

It was the best news of my life. Finally I would be able to work as a software engineer or own a business and create jobs.

According to recent polls, the American people clearly support the new DREAM Act policy. For example, a Bloomberg poll found that 64 percent of likely voters—including 66 percent of Independents—support the policy, compared to only 30 percent who oppose it. The American people understand it makes no sense to deport these talented young people. They grew up in America, and they can make us a better nation.

As America learns more about the DREAMers in our midst, such as Carlos Martinez, who are ready to contribute their talents to getting our economy

back on track, support will build for passing the DREAM Act and comprehensive immigration reform. President Obama has given temporary protection to DREAMers. Now let's pass the law. Let's do the right thing for people just like Carlos all over the United States.

Mr. President, I have listened carefully to some of the statements made after the elections by those on the other side of the aisle, many of whom have opposed the DREAM Act from the start, and I have been heartened and encouraged that so many are now speaking out in favorable terms about doing something finally for young people like Carlos. Let's get this done. This used to be a very bipartisan measure, but filibusters have stopped it year after year. We can pass it, and we should pass it. In 2007, the first time the DREAM Act came to a vote on the floor of the Senate, 52 Senators—a bipartisan majority—voted for it, but still the Republican filibuster stopped us. We didn't get the 60 votes we needed. Three years later, in December of 2010, the DREAM Act was again considered on the floor of the Senate. The gallery was filled with DREAMers in their caps and gowns. It was an inspiring sight to look up and see them in those seats. That day 55 Senators voted for the DREAM Act. It was a majority but not enough; we needed 60 to overcome another Republican filibuster. The President and the vast majority of Democrats continue to support the DREAM Act and comprehensive immigration reform.

Let me add that the DREAM Act is very important to me, but equally if not more important is comprehensive immigration reform to help not only Carlos but many like him—their parents and members of their family—who may not qualify under the DREAM Act but deserve a chance as well.

I believe most of my Republican colleagues understand that immigration is good for America. Immigration is America. We are all immigrants but for the Native Americans who welcomed to the shores the occupants of the Mayflower. Former President George W. Bush led the attempt to reform legislation, and he said, "Family values don't stop at the Rio Grande." I disagree with George W. Bush on many things, but on the issue of immigration, he was genuine and committed, and I agree with what he said. I have been heartened by comments from Speaker BOEHNER and others in the last week. I believe Democrats and Republicans of good will can come together across the aisle, roll up our sleeves, and do something good for America and fix our broken immigration system so that it is true to our American values as a nation of immigrants.

#### VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that the Veterans' Affairs Committee be discharged from further consideration of H.R. 4114 and that the Senate proceed to its consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4114) to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. DURBIN. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 4114) was ordered to a third reading, was read the third time, and passed.

#### SPORTSMEN'S ACT OF 2012— MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from Arkansas.

HONORING OUR ARMED FORCES

SERGEANT JASON M. SWINDLE

Mr. BOOZMAN. Mr. President, at a time when we are seeing reports of violence in areas all around the world, we must never forget that the men and women of the U.S. military are out there fighting on our behalf day in and day out so we can live in a safe environment here at home. Our servicemembers are well aware of the risks they face as they serve this Nation, and it is our duty to do all we can to honor those who fight and pay the ultimate price for our freedoms.

Today I am here to pay my respects to SGT Jason M. Swindle, an Arkansan who, at 24 years of age, laid down his life for our country while supporting Operation Enduring Freedom. Sergeant Swindle attended Cabot High School in Cabot, AR, and joined the Army in 2005. He was assigned to B Company, 1st Battalion, 64th Regiment, 3rd Infantry Division at Fort Stewart, GA. He was serving his third combat deployment. He was posthumously awarded the Bronze Star and a Purple Heart.

His family and friends describe him as being a fun-loving guy who was very patriotic and very proud of the work he was doing in the Army.

In addition to being a soldier, Sergeant Swindle was also a husband and

a father. He leaves behind his wife Chelsey, who is currently expecting their second child, and a 1-year-old son, Paxton.

Mr. President, it is people such as Jason Swindle who are the true American heroes. I ask my colleagues to keep his wife, children, and the rest of his family in their thoughts and prayers during this very difficult time. I humbly offer my sincerest gratitude to Jason for his selfless sacrifice in the service and defense of this great Nation.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Kansas.

Mr. MORAN. Mr. President, first I would like to add my condolences and sympathy to the family in honor of Sergeant Swindle. I appreciate what the Senator from Arkansas had to say, and I join all my colleagues in recognizing the sacrifice of this soldier and many others who have made such a tremendous sacrifice and have created opportunities for us as Americans.

GLOBAL ENTREPRENEURSHIP WEEK

Mr. President, we have just come through a divisive and expensive campaign. Hopefully that divisiveness and that expense is a thing of the past, and I come to the floor today—during Global Entrepreneurship Week—to ask my colleagues to now work together to pursue policies that are guaranteed to improve our economy. There have been too many opportunities in the past year to pursue issues and policies that divide us. Now we must come together around something that can unite us—entrepreneurship, innovation, and startup businesses.

The story of America is really a story of entrepreneurs. Our history is filled with examples of determined individuals who risked their livelihoods to pursue ideas they believed could solve problems and improve the quality of life of people around the world. These entrepreneurs built the foundation of the American economy from its earliest days, pushing forward innovative solutions to some of our most complex problems.

They pursued success, and that success built the American economy and the jobs it provides.

Entrepreneurs have continued to be the driving force in the U.S. economic growth and expansion in recent times as well. Data from the Kauffman Foundation shows that between 1980 and 2005, companies less than 5 years old accounted for nearly all new jobs created in the United States. Since 1977—the first year data was collected—new businesses have created an average of 3 million jobs each year.

At a time when millions of Americans remain out of work and our country is mired in debt, we need to do more to support the entrepreneurs who create American jobs and hold the promise of our growing economy.

Started in 2008 by the Kauffman Foundation, Global Entrepreneurship

Week is a worldwide celebration of entrepreneurs and like-minded individuals. Since its founding, Global Entrepreneurship Week has grown to include 129 countries with some 35,000 activities that engage millions of people.

In the United States, more than 1,300 partners are planning events in all 50 States this week. These events allow participants to interact with entrepreneurs and share their passion for innovation and creativity. In my home State of Kansas, 35 events are taking place this week. Last Friday, November 9, I participated in one of these events at the University of Kansas.

To kick off this week, the University of Kansas Schools of Business, Engineering, and Journalism organized a half-day event to expose students to entrepreneurship as a career path, introduce students to startup companies in the region, and to learn the role of government in enabling entrepreneurship, innovation, and company creation, as well as the importance of our free market economy.

While most of us think first of Silicon Valley as a hotbed of entrepreneurship in our country, entrepreneurs are found everywhere. In Kansas, we have a rich tradition of entrepreneurship. It is a place where innovators have felt free to pursue their ideas, start businesses, and pursue dreams. This tradition includes many stories of risk and reward—of entrepreneurs whose businesses succeeded when others were betting against them.

Kansas's great entrepreneurs include Cleyson Brown, who founded Brown Telephone Company—now the Sprint Corporation—in the town of Abilene, KS; Walter Chrysler, of Chrysler Corporation, who began his career as a machinist in Ellis, KS; Clyde Cessna, who left the booming automobile industry to explore the exciting field of aviation. He founded Cessna Aircraft Corporation in Wichita in 1927; and, Dan and Frank Carney, who borrowed \$600 from their mother to open their first Pizza Hut in Wichita in 1958.

With persistence and hard work, these entrepreneurs and their businesses created thousands of jobs and grew into some of the world's most successful companies. Now a new generation of Kansas entrepreneurs is continuing that tradition.

In Atwood, KS, SureFire Ag Systems has built products that specialize in the control and application of fertilizer, seed, and chemicals. These products have been delivered to customers in 42 of our States and internationally as well.

In Leewood, KS, a company called Instin reimaged how students and teachers managed homework assignments by using mobile apps. Their app, myHomework, has been downloaded over 100,000 times in the Google Play Store alone.

In Olathe, KS, Lantern Software is connecting homegrown businesses to

new markets through high-value, real-time, location-based deals delivered to mobile devices.

In today's high-tech economy, the future of Internet-based applications such as these is limitless, which is why Kansas entrepreneurs are excited about Google's decision to make Kansas home to a new fiber project.

Google Fiber is equipping Kansas entrepreneurs for innovation that few places in the United States have. With Google Fiber, Kansans now have an opportunity to innovate on Google's ultra high-speed network, which is 100 times faster than typical high-speed Internet.

Kansas City, which has set the goal of becoming America's Most Entrepreneurial City, is building what they call the Digital Sandbox, in partnership with many Kansas businesses. The goal of the Digital Sandbox is to significantly accelerate the development of information technology startups in Kansas City, where IT is already a major economic engine.

These developments are empowering the next generation of Kansas entrepreneurs with new tools to innovate and build successful businesses.

Today's entrepreneurs may use different technology to develop products and reach potential markets than their predecessors, but the work ethic and passion to do something new remains the same.

This week, I encourage my colleagues to explore the impact of entrepreneurs in their communities and to engage with startup companies working to make the lives of Americans better.

I met with entrepreneurs in Kansas and across the country during the last 18 months. The passion and creativity of these entrepreneurs has encouraged me. One refreshing observation is that these entrepreneurs, while competitive, want to see their fellow entrepreneurs succeed. They are also building new tools that empower others to make their businesses better.

But in conversation after conversation, I have also learned there are common challenges these entrepreneurs face—some of which can be solved by Congress if we follow the entrepreneur's example of seizing an opportunity, rolling up our sleeves, and working together.

Entrepreneurs in America are finding it increasingly difficult to start a business and to grow that business. Consider the following:

In 2010, there were approximately 394,000 new businesses started in the United States. This, unfortunately, is the lowest number of new businesses since 1977. While these new businesses created more than 2.3 million jobs, that number is well below the historical average and represents the third fewest number of jobs created by new businesses in more than 30 years. At the same time, at least seven other countries during this Congress have ap-

proved legislation to welcome and better support entrepreneurs while America has done nothing.

To help more entrepreneurs start a business and to help those new businesses grow more quickly, I introduced Startup Act 2.0 with my colleagues Senator WARNER, Senator COONS, and Senator RUBIO. Startup Act 2.0 addresses critical needs facing entrepreneurs today. The legislation provides new opportunities for highly educated and entrepreneurial immigrants to stay in the United States where their talent can fuel economic growth and create jobs for Americans. By making new visas available for foreign students who graduate with an advanced degree in a STEM field from an American university, Startup Act 2.0 will provide a much needed way for fast-growing startups and businesses in America to get the talent they need to continue to grow and to create jobs. This is a critical and growing challenge.

The Partnership for a New American Economy projects that the United States will face a shortfall of more than 223,000 workers with advanced degrees in STEM areas by 2018. If the current trend holds, there will only be 550,000 American workers with the needed skills—far short of the projected demand. Without these workers, American businesses will be at a distinct disadvantage and unable to grow in our country.

Startup Act 2.0 also makes changes to the Tax Code that will help startups grow and create jobs. By exempting capital gains taxes on investments held in startups for 5 years or more, the bill would unlock \$7.5 billion in new investment in startup. The legislation will also help universities bring good ideas to market by redirecting current grant dollars to support innovative university initiatives to accelerate commercialization.

Finally, Startup Act 2.0 will make changes to the Federal regulatory process so the costs of new regulations do not outweigh the benefits and will encourage State and local policies that make starting businesses easier in their States.

As our economy continues to struggle, Congress is left with two options: We can remain in gridlock, maintain the status quo, continue to leave Americans under- and unemployed, and spend away our future or we can work together to support the American entrepreneur and businessperson.

This week, during Global Entrepreneurship Week, I urge my colleagues to join in the latter—in coming together behind commonsense legislation such as the Startup Act 2.0 to unleash the power of entrepreneurship in America. The result will be more new businesses, more new jobs, innovation that allows the United States to aggressively compete in a global economy, and the empowerment of every American to pursue the American dream.



I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COONS). Without objection, it is so ordered.

#### SUPERSTORM SANDY

Mr. LAUTENBERG. Mr. President, we have come back here from a few turbulent weeks, and not the least of which is the continuation of President Obama with his work and his responsibilities. For most of us, I would say, that was a very positive thing. But something else happened during these very difficult weeks, and that was in my home State of New Jersey and the east coast. We were hit by storms never, never before seen in our State and maybe never ever to be seen in our country in terms of the volume of destruction.

My home State of New Jersey is known for a number of things: being the home of innovators, such as Thomas Edison; the place where Alexander Hamilton—at my birthplace, Paterson, NJ—helped start the industrial revolution; and it is also known as a State with a beautiful seashore, recreation areas. Unfortunately, the wrath of Superstorm Sandy 2 weeks ago destroyed so much of our shore. Its storm surge wrecked boats, homes, and even took trains—whole trains—off the tracks. Its winds reached 89 miles an hour, uprooting trees across our State, destroying everything in its path, and leaving millions—2½ million—without electricity and staying in the dark.

The force of this storm is so hard to describe in words, so I point out a picture here of one of our beachside communities, showing what was left of a house. The destruction was so total. And it was not just the possessions that were lost, it was the memorabilia, it was the pictures, it was the precious moments that were identified with trinkets or mementos. It was a terrible period. I am here to say that we are going to stand with those who have lost so much, and we are going to help them recover and rebuild their lives.

Superstorm Sandy was one of the most powerful storms in American history, and it was the largest Atlantic hurricane on record, with wild winds that stretched more than 1,100 miles. We are aware of at least 119 Americans who lost their lives as a result of this storm, including 33 in my home State of New Jersey.

The human toll of this storm defies description. Roughly 8 million homes lost power during this storm, including more than 2½ million in my home State. Food rotted in refrigerators, water treatment plants closed down, and when temperatures dropped, thou-

sands were left cold and hungry and forced into hotels and temporary shelters. Many families slept in their cars to get out of the bad weather. They had no choice. When people finally returned home, many found nothing there. Imagine seeing the home you worked for your whole life—the place you raised your children and created so many memories—gone.

If we look at this picture, we see a depiction of despair, as it was portrayed by this person who obviously stood in front of a destroyed home—nothing but timbers and concrete, everything else gone.

We saw devastation across our State, not just at the seashore. I went to Hoboken—one of our most attractive communities in northern New Jersey—in the days after the storm. Half of that city was underwater, and the National Guard had to rescue those who were trapped in their homes without heat or supplies.

We also saw train stations that were flooded and inoperable. Water levels reached more than 6 feet. Can you imagine a room that seated people waiting for their trains 6 feet high in water?

New Jerseyans depend on our public transportation and rail systems. Commuters in our State take nearly 1 million trips per day, including going back and forth to New York and into Pennsylvania. And the entire country depends on the goods that come into our ports and go out by rail.

Our transportation system was torn apart. Tunnels were flooded, critical equipment was ruined, and rail lines were warped or buried by debris.

Here in this picture we see an example of what took place. This is of a rail line, New Jersey Transit.

Each one of our 21 counties in New Jersey was declared a major disaster, but the seashore communities were hit especially hard. The boardwalk is the defining image of the New Jersey shore. Many of us remember walking on that boardwalk in wonderment of the attractions. The boardwalk has been a constant in the lives of those who live there or visit the shore. But for communities such as Belmar, Seaside Heights, Atlantic City, and others, much of that boardwalk no longer exists—just the pillars where the boardwalk used to be, as we see it shown here in this picture. It was a magnificent boardwalk that had people in wagons that were pushed along, and you would view the sea and the attractions on the other side. It was painful to see the destruction of the part of the boardwalk in Atlantic City firsthand that day.

I joined President Obama in his visit to the area. For many people in my State, the boardwalk is not just a source of pride, it is a source of critical income to our State. In 2008, tourism brought in \$38 billion and supported

more than 300,000 jobs in the State of New Jersey. Families came from all over the country to walk the boardwalk in Atlantic City or take a fishing boat out of one of our ports, Port Pleasant or one of the others, or ride the roller coaster at a pier in Seaside Heights.

This is what Sandy did to that roller coaster. Look. This is almost impossible to conceive that this roller coaster sits in the water. It is a terrible end to a lot of thoughts and pleasant memories. People in New Jersey have lost their homes, their belongings, and their jobs. Much of that public infrastructure has also been destroyed. But we are tough people in New Jersey. We will fight our way back from this storm.

I saw that spirit in emergency shelters in our State. Families whose lives were upended by the storm were welcomed into a safe, warm place by strangers, given a hot meal, and had camaraderie during these very difficult moments. Nurses and EMTs evacuated babies from hospitals. They were carrying these children out so they would not be overwhelmed by flooding. Firefighters went from house to house saving lives as the water rose.

Gas station owners who had lost power pumped gasoline by hand so people could run their generators and keep their families warm. At one point, the lines were hours long waiting to get gas. One of the people from my office got up at 4:30 in the morning to go to a gas station and wound up 4 hours later before he could get gas. It was a terrible period.

We saw the worst of Mother Nature in this storm, but we also saw the best of the American people. One thing was established, that there is a place in government, in our country, for government service when it is needed. We cannot simply say: We will turn it over to the private sector and let them take care of what FEMA does. FEMA was critical in salvaging whatever we could have saved there. There is no doubt in my mind that there is an understanding now that did not exist before. We saw the fiber and the character of our people in these terrible moments. It was wonderful. This is a town not on the seashore. This is one of the communities in New Jersey where a lot of people commute to or work in the various industries around. This is where they had to go in order to save themselves from a worse situation than that which already existed.

People reached out to save people. It was under the supervision of FEMA and our emergency facility organizations. We have a lot of important businesses to address before the end of this Congress. But our agenda must include helping to rebuild and restore the communities destroyed by Sandy. We are going to need a lot of money, a lot of money. We cannot turn our backs on

them. We cannot turn our backs. I know the Presiding Officer had similar situations in his State of Delaware. The destruction was all over. We had no ability to stop what was going on. We face serious fiscal challenges in our country, but nothing is more important than keeping our communities, our families, and our economy safe. We in New Jersey have been there for our fellow Americans from other States who suffered disasters. I am reminded that New Jersey was the first State to sign the Bill of Rights. It started the road to freedom that exists in New Jersey. Now we ask all Americans to join us in rebuilding and recovering from this terrible storm. I am sure it will get even the most disbelieving people in our community to see that it might have been a good idea to fund FEMA and the other agencies that do so much.

I went to Alaska when the Exxon Valdez was floundering and saw our people, brave people, on islands stretched around Alaska, our people who were on the shore wiping off the ducks and the seals and all that. It says: America is not an accounting firm. America is a democracy with a heart and a soul. That is what we have to keep in mind as we deliberate what we have in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, before the Senator from New Jersey leaves the floor, I just wish to say this Senator's heart goes out to the Senator and his people. We take hurricanes more as a part of our lifestyle in Florida. But when we combine a hurricane in the Northeast at this time of year, during the full Moon, at high tide, in one of the most densely populated coastal areas of the United States, then we definitely have a problem.

This Senator wants to help Senator LAUTENBERG with what is going to be necessary for the additional funding of FEMA and so forth. I want the Senator to think about an idea that we implemented in Florida, to create, in effect, a reinsurance fund against this kind of catastrophe. We call it the Florida Hurricane Catastrophe Fund.

This was done when I was the elected insurance commissioner—prior to me, and then I had to implement it in the aftermath of the monster hurricane in the 1990s, Hurricane Andrew. I have talked to our colleagues in the Senate about a national catastrophic fund. People in other parts of the country do not think hurricanes are their problem. But what they do not realize is that their taxpayers are picking up the load. Whereas, if we reinsured against this kind of tragedy in a catastrophic fund that would be paid in over time, a little bit from each of the policyholders, then there would not be—there

would be this fund that would become a cushion for such a disaster that the Northeastern United States is experiencing at this time and of which we have so often experienced on the gulf coast and the Atlantic coast in the Southeastern United States.

I just wanted to throw that idea out there for the Senator as he speaks so movingly and so eloquently about the suffering of his people. One can just imagine what are going to be the expenses of all the infrastructure that is going to have to be replaced.

Mr. LAUTENBERG. If I may respond, I wish to say the Senator from Florida presents a very good idea because we now know that to deal with catastrophes which are inevitable, we live in nature. We live in places where volcanoes can destroy an economy, earthquakes. We had the Katrina catastrophe in the Southern States. It is about time, would the Senator agree with me, that we looked at what it is that is creating the frequency and the ferocity of those storms. They are accelerated almost in geometric terms.

This is a good reminder, hey, get off the stick and on the job. I commend the Senator from Florida for his splendid victory. We knew the Senator was coming home, we just wanted to make sure he had a nice reception.

Mr. NELSON of Florida. Thanks to the Senator for his big heart, his big heart toward his people.

#### VOTER SUPPRESSION

Mr. NELSON of Florida. Mr. President, I wish to make a few comments before the chairman of the Judiciary Committee addresses the Senate. I am very happy he is here because he knows about what I am going to talk about, which were the attempts at suppressing the vote in the State of Florida, done a year and a half ago by the State legislature and the Governor. They did a number of things to try to suppress the vote.

The first thing they did was to make it much more difficult to register people to vote. The League of Women Voters has been registering people for 72 years in Florida. They stopped because of the onerous provisions of up to a \$1,000 fine that would be upon their members if they did not turn it in within 48 hours. That was thrown out in court as unconstitutional. But it was a year and a half later, with all those registrations not having been done.

But then what they did, they constricted the number of early voting places, constricted the number of early voting days, constricted the number of early voting hours. What do you think was the result? It is what we have seen on TV—the long lines.

I wish to read a passage from the Miami Herald of November 6:

When the polls officially closed at 7 p.m., hundreds of people were still waiting to cast ballots in precincts around South Florida in

an election that was marked by long lines and the occasional snafu. Even after the networks called the race for President Obama, people in South Florida remained in line. From Hialeah to Country Walk and to Brickell, people waited as long as 7 hours to vote. In Broward County, voting at some precincts came to a halt when the ballots ran out.

This is the result of the voter suppression by lessening the number of early voting days. When this Senator asked the Governor, because of the long lines during early voting, to extend early voting on the Sunday before the Tuesday election, since it shut off on Saturday, there were long lines then in early voting, the Governor would not do it. We see the result. The Miami Herald continues:

At the South Kendall Community Church, 1,000 people were in line at closing time, and at least 200 still remained three hours later.

That is a determination to vote, and the people do not want their right to cast their ballot taken away. Yet this was the result of voter suppression laws not only in my State but in other States as well. I wish to thank the chairman of the Judiciary Committee because he and his subcommittee, headed by Senator DURBIN, came to Tampa to take testimony.

A professor from the University of Florida gave his study and pointed out who used—in the experience of Florida for a decade, who used the Sunday early voting? It was two demographic groups, African Americans and Hispanics. They cut out the Sunday of early voting before the Tuesday election.

Yet with the constricted times and with others being forced to shoehorn in between 7 a.m. and 7 p.m. on election day, we see the result. As the Miami Herald said, some people waited 7 hours to vote. They were determined that the Governor and the legislature of Florida were not going to take away their right to cast that ballot. And we see again, we had again a close Presidential election in Florida. The President won by 74,000 votes. What if a number of people—such as the lady who waited and waited and she had babysitter problems and after 3 hours she left—what if that had happened to a lot of people?

Well, maybe that was the design of some people in constricting the laws in an America of 2012. We went through this in the civil rights era. The right to vote—as the Senator, our chairman, can tell us, has been said over and over by the courts—it is absolutely essential in a democracy that we have the right to cast our ballot. That is what Dr. King said as well.

Mr. LEAHY. Does the distinguished Senator yield?

Mr. NELSON of Florida. Of course I will.

Mr. LEAHY. I join my colleagues in welcoming him back to this body, in which he has served with distinction

from his very first day here as he did in the other body.

It tears my heart apart to hear of this kind of suppression. In Vermont, we have pride in our ability to vote. We have Town Meeting Day. I think we had 65 or 70 percent turnout this time. We expect people to be able to vote.

The distinguished Senator has referred to the civil rights era. Do we, in this great country—a signal of democracy to so much of the world—want to go back there? I am sure the distinguished Senator has had, as I have had, the honor of being an observer of elections in other countries where, finally, a country that has overcome a dictatorship or overcome a civil war, they finally can vote, and the people are lining up and saying: Thank God we have a chance to vote and it is open for the first time. They would say: You Americans would never have to experience this. I don't want to go to these countries that we ask to come into the fold of democracy and ask them to have free and open voting and have them—those that do not want free and open voting—say: What about what you have done in your country?

This is not a Democratic or Republican issue. This is an American issue. We fought a revolution. We fought world wars. We worked to make this country of over 300 million people great because everybody's voice is supposed to be heard. I think it is shameful and I think it is illegal. Those who try to stop it, they should be exposed. They should be punished. I don't care if the person voting is a Republican or Democrat or Independent. They should have the right to vote. If we lose that right, we lose our soul as Americans. I thank the distinguished Senator for bringing this up.

Mr. NELSON of Florida. Amen to those comments. I would conclude by saying we ought to be making it easier to vote, not harder to vote. Then, when we get down to conducting an election, we definitely need to do something about the Citizens United Supreme Court 5-to-4 decision, and we can, statutorily. We almost did, lacking one vote breaking the filibuster 3 years ago because it would require the disclosure of those corporations giving the money. If the public knew who was giving the money, then they would be very reluctant. Whereas under the guise, the mask of secrecy, they can give money and try to influence the outcome of an election—as they tried this year.

It has gone out of control, and I know the chairman is going to be at the point of the spear on trying to pass the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

THE FARM BILL

Mr. LEAHY. Mr. President, I think the distinguished senior Senator from

Florida has done the Senate and the country a service in what he has said.

We each represent our own States. We have matters of interest in our States, but also so many times they are national interests. During this past recess, I was in just about every part of Vermont. I was stopped time and time again by Vermont farmers who asked me why Congress left town without passing a farm bill. They knew we had passed it in the Senate, but why hadn't we finished?

Similar to my fellow Vermonters, I have been frustrated by the refusal of the leadership of the House of Representatives to consider the legislation sent to them by the Senate to extend the farm bill. In fact, they blocked consideration of a bipartisan farm bill, one that mirrors the legislation passed in their own body by the House Agriculture Committee.

I have been here nearly 38 years. I have served on the Senate Agriculture Committee all that time. I have never seen a case where the House Agriculture Committee—whether it is led by Democrats or by Republicans—passed a bipartisan farm bill only to see it blocked from a final vote by its own leadership.

The Senate has done its work, but as a result of the House's inaction, for the first time that anybody can remember in either body, the farm bill has expired. This is dangerous for dairy farmers in Vermont and for farmers across the country.

This delay threatens our rural communities. We all have rural communities in our States. The farmers not only need but also deserve the certainty that a 5-year farm bill provides. We pass farm bills in 5-year segments so that farmers, who have to plan way in the future, know how to plan. We can't say: Wait a minute, put your farming on hold while we try to get our act together. Don't milk those cows for a few months while we try to figure out what we are going to do. Don't plant or don't harvest that crop while we are trying to figure out what we are going to do.

It doesn't work that way. The farmers already confront enough uncertainty running their businesses. When we let farm programs expire without enacting a new farm bill, it needlessly compounds that uncertainty and it is irresponsible. Decisions must be made today to determine what is going to be planted next spring. But now they have to make that decision with uncertainty about what may be in the farm bill.

The essential nutrition programs in the farm bill provide healthy food for vulnerable populations, such as children and pregnant and nursing women. Vermonters, like tens of millions of people across the country, depend upon these programs where they are struggling to put enough food on their table during these very tough economic times.

Some of these program benefits will continue. But it is such a tenuous position. How does a State plan? How does a community plan? We need the House leadership to allow the farm bill to proceed so we can move this country forward, giving farmers the certainty and vulnerable citizens the security they deserve.

The Senate farm bill is a good, bipartisan bill. But more than that, it is a deficit reduction bill. It has \$23 billion in cost savings as well as crucial policy reforms for dairy farmers facing the challenges of the 21st century. It also maintains a safety net for millions of hungry Americans.

The wealthiest, most powerful Nation on Earth has people going hungry. In a nation that spends billions of dollars on fad diet programs or billions of dollars to dispose of waste food, we should not have hungry people. Not in this country.

I also point out the farm bill has always been bipartisan. I remember the hard work, mutual respect, and spirit of cooperation that Senator DICK LUGAR and I shared. We worked together as Agriculture Committee chairman and ranking member. We put American farmers and families first and politics last. My good friend from Indiana and I were able to accomplish amazing things together. Obviously, we had some differences of opinion as Members of different regions and different parties do. But we knew we had to work together. We did, and America benefited from that. Certainly our farmers did too.

The need to work together is as true today as it was then. It is going to take real leadership in the House and Senate to pass a farm bill. We have seen that leadership and bipartisanship in the Senate. Having served as chairman of the Senate Agriculture Committee for 8 years, I can say without any doubt that Chairwoman DEBBIE STABENOW has been one of the finest chairs we have had of that committee. I have watched how hard she has worked and how hard Ranking Member PAT ROBERTS has worked. He brought his tremendous experience and knowledge through his time as chairman of the House Agriculture Committee. In fact, in the debate over the Senate farm bill—and I commend Senator STABENOW on this—seated around that table we had several people who had previously been chairman or ranking member of the Senate Agriculture Committee or the House Agriculture Committee, both Republicans and Democrats. In fact, even one Senator who had been Secretary of Agriculture. We all said: We can play games, we can talk, we can posture, we can sloganeer or we can sit down like grownups and put together a real farm bill.

It took a nanosecond to decide we can be grownups and put together a

real farm bill. Republicans and Democrats sat down. We wrote a deficit-reducing, meaningful farm bill, and it passed in a Senate which is often deadlocked. It passed 64-35. It passed overwhelmingly—from all parts of the country and across the political spectrum.

Senator JOHANNIS, former Secretary of Agriculture during the Bush administration, sat around that table and helped us write it. That shows how bipartisan the approach to reauthorizing the farm bill was in the Senate. We did not let political labels get in the way of what was best for the country.

The elections are over. We know who has won or lost. We hope our friends in the other body, in the House of Representatives, will set aside their obstructionism and pass this bill. I am pleased by the fact that our State's Congressman, PETER WELCH, is a member of that committee. He has been urging both Republicans and Democrats to pass the bill, and I agree with him because it is a bill that directly affects every farm family's budget. It helps farmers decide which crops to plant, where to sell, how much to borrow. It allows farmers to make their decisions—which are hard enough to make without this delay—with some kind of certainty.

The farm bill affects Vermonters and Americans across the country where there is food insecurity and uncertainty in these difficult times. One of the things people lose sight of is that the farm bill is also a disaster relief bill. We need the new farm bill to help farmers in the Garden State and across the entire Nation to recover from the nonstop floods of 2012. We need it to help those across the Nation who are stuck on the other side of the weather spectrum, with drought.

That is all in this bill. Because we know, as much as we wish there would never be floods, as much as we wish there would never be droughts, they occur. We have written that into this bill. Why in heaven's name would anybody, from any part of the country—and we are all vulnerable at one time or another—want to hold it up?

The fact is things are going to get worse very quickly if we begin the new year without a farm bill. Outdated parity price systems will multiply the price of milk on store shelves. It will destroy household pocketbooks and the milk market nationally.

Let me reiterate that. Certainly in my State this is very important. If we don't pass the bill, we will have outdated parity price systems that will multiply the price of milk on the store shelves and will destroy household pocketbooks and the milk market nationally. Ask anybody who lives paycheck to paycheck what that would be like.

So I urge the leadership in the House of Representatives to allow open de-

bate on the Senate-passed farm bill. They don't have to have a bill that is word for word what we passed here in the Senate, but I point out that the Senate bill saves billions of dollars, it does have a dairy program, and it does speak to disaster, drought, and flood relief. We need it now. Let us stand with our dairy farmers in Vermont, our eggplant growers in New Jersey, and our hungry families across the country. Let's set the political gamesmanship aside, help America's farmers, families, and rural communities that all rely on the farm bill. The people in these communities, the farmers in these communities, do not care whether there is a Democrat or Republican's name on the bill. All they know is they want a good farm bill that allows them to stay in farming.

Farming is hard enough as it is. None of us has to do the farming. We ought to stand up and help—that we can do.

Mr. LEAHY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. TESTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE).

Without objection, it is so ordered.

Mr. TESTER. Mr. President, I rise today to urge support on the motion to proceed to my bipartisan Sportsmen's Act. Outdoor traditions are a deep and important part of our heritage in Montana and across our Nation.

Two years ago, when I became chair of the Congressional Sportsmen's Caucus, I made it my goal to do something significant, something historic, something responsible that will help this country's hunters and anglers.

Mr. President, this week we have that opportunity. This Sportsmen's Act is the biggest package of sportsmen's bills in a generation. It combines nearly 20 different bills, all important to those who know we must never take our outdoors for granted.

These bills increase access for recreational hunting and fishing. They support land and species conservation, and they protect our hunting and fishing rights. Most importantly, they take ideas from both sides of the political aisle. This bill isn't about Democrats and it isn't about Republicans or Independents. This bill is about Americans and the great outdoors we all share as a nation. This bipartisan bill is supported by nearly 50 different conservation wildlife groups ranging from the Nature Conservancy, the National Wildlife Federation, to the NRA. It earned their endorsement because it includes responsible provisions that are important to sportsmen and -women across America.

In my role as the chairman of the Congressional Sportsmen's Caucus,

outdoorsmen and -women constantly tell me about the importance of access to public lands. What good does it do to protect land for hunting, fishing, and hiking if folks are unable to get to it? Right now there are some 35 million acres of public land that sportsmen can't access. That is why this bill requires 1.5 percent of annual funding from the Land and Water Conservation Fund that is set aside to increase public access to public lands, ensuring sportsmen access to some of the best places to hunt and fish in the country.

Right now, the Congress delegates all power to determine land and water conservation priorities to the executive branch. We can add or subtract money from the President's budget request, but Congress cannot determine how that money gets spent. This provision ensures that this administration and the next one must authorize, must prioritize access to public lands.

My bill also reauthorizes the North American Wetlands Conservation Act. This voluntary initiative provides matching grants to landowners who set aside critical habitat for migratory birds such as ducks. Over the past 20 years, volunteers across America have completed more than 2,000 conservation projects. They protected more than 26 million acres of habitat under this successful initiative. The North American Wetlands Conservation Act is a smart investment in both our lands and our wildlife, and it needs to be reauthorized.

This widely supported bill also reauthorizes the Secretary of the Interior to reevaluate the price of duck stamps to keep up with inflation. Revenue from duck stamps has been used to purchase and release more than 6 million acres of wetlands, preserving a viable waterfowl population. It funds new shooting ranges while encouraging Federal land agencies to cooperate with State and local authorities to maintain existing ranges. This is a responsible bill. It takes into account the needs of the entire sportsmen's community.

Why is this important? It is important because hunting and fishing and hiking is a way of life in places such as Montana.

One in three Montanans hunt big game and more than half of us fish. An outdoor recreation economy across this country contributes some \$646 billion in direct spending to this U.S. economy. Fishing and hunting is not just recreation, it is a critical part of our economy. In Montana, hunting and fishing alone brings \$1 billion a year to our economy, nearly as much as the State's cattle industry. It drives and sustains jobs. With hunting season in full swing and thousands of Montanans headed out to hunt in Montana's back country over Thanksgiving weekend, this bill is as timely as ever.

The Sportsmen's Act of 2012 is balanced, it is bipartisan, and it is widely

supported. It is also fiscally responsible. The bill has no cost. Before the Senate went out of session, we voted to move forward with this bill by a vote of 84 to 7—84 to 7. It was a resounding approval to conserve some of our most productive habitat to pass on our hunting and fishing tradition to future generations and to entrust them with the land and water we share.

Now it is time to get this bill across the finish line, to approve a bill with widespread support that preserves our outdoor economy and secures our outdoor heritage for our kids and our grandkids.

We need to take some good Democratic ideas and some good Republican ideas and pass them. We need to do something for the more than 90 million sportsmen and sportswomen in this country and for our economy.

The time is now. I urge all Members to support this bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, all time has expired.

The question is on agreeing to the motion to proceed to S. 3525.

Mr. ROCKEFELLER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH) and the Senator from Rhode Island (Mr. REED) are necessarily absent.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. REED) would vote "nay."

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 92, nays 5, as follows:

[Rollcall Vote No. 201 Leg.]

#### YEAS—92

Akaka	Brown (OH)	Coons
Alexander	Burr	Corker
Ayotte	Cantwell	Cornyn
Barrasso	Cardin	Crapo
Baucus	Carper	Durbin
Bennet	Casey	Enzi
Bingaman	Chambliss	Feinstein
Blumenthal	Coats	Franken
Blunt	Cochran	Gillibrand
Boozman	Collins	Graham
Brown (MA)	Conrad	Grassley

Hagan	Levin	Rockefeller
Harkin	Lieberman	Rubio
Hatch	Lugar	Sanders
Heller	Manchin	Schumer
Hoeven	McCain	Shaheen
Hutchison	McCaskill	Shelby
Inhofe	McConnell	Snowe
Inouye	Menendez	Stabenow
Isakson	Merkley	Tester
Johanns	Mikulski	Thune
Johnson (WI)	Moran	Toomey
Johnson (SD)	Murkowski	Udall (CO)
Kerry	Murray	Udall (NM)
Klobuchar	Nelson (NE)	Vitter
Kohl	Nelson (FL)	Warner
Kyl	Portman	Webb
Landrieu	Pryor	Whitehouse
Lautenberg	Reid	Wicker
Leahy	Risch	Wyden
Lee	Roberts	

#### NAYS—5

Boxer	DeMint	Sessions
Coburn	Paul	

#### NOT VOTING—3

Begich	Kirk	Reed
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The motion was agreed to.

#### VOTE EXPLANATION

• Mr. REED. Mr. President, I was necessarily absent for this vote due to a flight delay caused by mechanical problems. Had I been present, I would have voted no. •

The PRESIDING OFFICER. The majority leader.

#### SPORTSMEN'S ACT OF 2012

Mr. REID. Mr. President, on behalf of Senator TESTER, I have a substitute amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3525) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Mr. REID. Mr. President, it is a shame. We have a bill that is bipartisan. Cloture has already been invoked on it. We are on the bill. Why in the world can't we just finish this bill, have a couple amendments and go on?

I am going to go ahead. I am going to fill the tree. I am sure I will get some outrageous response back, as if we are still in the Presidential election, saying we want this many amendments. We are not going to have that many amendments. This is a bipartisan bill. People are going to have an opportunity to vote for or against the bill. If they want to kill the bill, they can. It is one of the most popular bills we did all last Congress. We didn't do many, but this is one that was popular.

I cannot imagine why we are trying to refight an election that took place 1 week ago. The clerk is going to report the substitute amendment.

#### AMENDMENT NO. 2875

(Purpose: In the nature of a substitute.)

Mr. REID. I have a perfecting amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. TESTER, proposes an amendment numbered 2875.

The text of the amendment is printed in today's RECORD under "Text of Amendments."

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2876 TO AMENDMENT NO. 2875

Mr. REID. I now have a first-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered No. 2876 to amendment No. 2875.

The amendment is as follows:

At the end, add the following new section: SEC. \_\_\_\_.

This Act shall become effective 7 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2877 TO AMENDMENT NO. 2876

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2877 to amendment No. 2876.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

#### AMENDMENT NO. 2878

Mr. REID. I have an amendment at the desk to the language that is proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2878 to the language proposed to be stricken by amendment No. 2875.

The amendment is as follows:

At the end, add the following new section: SEC. \_\_\_\_.

This title shall become effective 5 days after enactment.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

#### AMENDMENT NO. 2879 TO AMENDMENT NO. 2878

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered No. 2879 to amendment No. 2878.

The amendment is as follows:

In the amendment, strike “5 days” and insert “4 days”.

MOTION TO COMMIT WITH AMENDMENT NO. 2880

Mr. REID. I have a motion to commit the bill with instructions.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 3525) to the Committee on Energy and Natural Resources, with instructions to report back forthwith the following amendment numbered 2880.

The amendment is as follows:

At the end, adding the following new section:

SEC. \_\_\_\_.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2881

Mr. REID. I have an amendment to the instructions that is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2881 to the instructions to commit S. 3525.

The amendment is as follows:

In the amendment, strike “3 days” and insert “2 days”.

Mr. REID. I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2882 TO AMENDMENT NO. 2881

Mr. REID. I have a second-degree amendment.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2882 to amendment No. 2881.

The amendment is as follows:

In the amendment, strike “2 days” and insert “1 day”.

CLOTURE MOTION

Mr. REID. I have a cloture motion on the bill that is already at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Jon Tester, Kent Conrad, Joe Manchin III, Jeff Bingaman, John D.

Rockefeller IV, Benjamin L. Cardin, Ben Nelson, Max Baucus, Jeanne Shaheen, Mark Pryor, Christopher A. Coons, Al Franken, Amy Klobuchar, Jim Webb, Mark R. Warner, Michael F. Bennet.

Mr. REID. Mr. President, I ask unanimous consent mandatory quorum in accordance with rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

Mr. REID. I now move to proceed to Calendar No. 419.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to Calendar No. 419, S. 3254, a bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribed military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we are going to complete work on this bill, that is the one we had prior to the clerk announcing the Defense authorization bill. We are going to complete the work on the sportsmen's bill before we go home for Thanksgiving. People are going to have an opportunity to vote for that bill, either for it or against it. As I indicated, it is a widely popular bill. If Republicans want to drag it down and kill it as they have a lot of other things, they will have that opportunity to do that. We have more than 20 bills that are important to sportsmen around the country.

As I said a few minutes ago, I cannot imagine why we are still fighting the battles of the last election. We are going to have a vote on cyber security. I spoke to the chairman of the committee a short time ago, Senator LIEBERMAN. He is going to come over tomorrow and give a speech about the importance of this legislation. He and Senator COLLINS have worked so hard to come up with a bill. They have compromised and compromised and compromised until the point where people are going to have an opportunity to talk on this also. Senator LIEBERMAN is going to talk about how important this bill is to protect our country.

I left the White House an hour or two ago. They believe, the President of the United States believes the cyber security bill is one of the most important issues facing this Congress now—not next Congress, now. I have said on a number of occasions that the Pentagon and the intelligence community believe this legislation is vitally important to the safety and security of our

country. So before Thanksgiving we are going to finish the sportsmen's bill. The Republicans can either kill the cyber security bill—they have been following the lead of the Chamber of Commerce, which is an arm for the Republican Party anymore. It is just a front for the Republican Party. They spent huge amounts of money that they get from unknown sources to defeat Democrats. They wasted their money this time. But that is the way it is.

They are opposing this bill for not any logical reason, and then Senators LEVIN and MCCAIN have asked to go to Defense authorization. I think, if this bill is as important as they say it is—and they say it is important—I know how Senator LEVIN and Senator MCCAIN feel about it—it looks like they would clear up some of this stuff that is standing in the way of getting that bill done.

I think it is a bridge too far to complete the Defense authorization bill before we leave, but we need to get on that bill. We are not going to stall around on this and spend weeks on the Defense authorization bill. I have told the two managers of that bill, Senator MCCAIN and Senator LEVIN, that is the case, and that is what we are going to do before Thanksgiving.

I would like to get out of here so we can go home to our States, our families, for Thanksgiving early, but if we have to stay here until the day before Thanksgiving, we are going to do it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPORTSMEN'S ACT OF 2012

Mr. UDALL of Colorado. Mr. President, I rise in support of the Sportsmen's Act of 2012, which is Senate bill No. 3525. This bill is a set of bipartisan proposals that enjoys overwhelming support in the sportsmen's community, and I was glad to see it clear another procedural hurdle just a short time ago. As the majority leader did, I urge my colleagues to give it final approval as quickly as we possibly can.

I wish to share some of the reasons why I think it is so important to get this bill to the President's desk. As the name implies, the Sportsmen's Act is focused on helping the Nation's 88 million sports men and women. They want, more than anything, responsible access to Federal lands and the conservation of critical habitat and species and that is exactly what this bill does.

By dedicating 1.5 percent of Land and Water Conservation Fund dollars to improve access for hunting, fishing, and other recreational purposes,

sportsmen will be able to make better use of our public lands. By giving the States greater flexibility over the use of Federal dollars to build shooting ranges, sportsmen will have more places to safely sharpen their marksmanship skills and sighting their rifles for the hunting season.

By reauthorizing many critical habitat investment programs—for example, the North American Wetlands Conservation Act and the Federal Land Transaction Facilitation Act—we are ensuring that sportsmen will have places to continue our proud hunting and fishing heritage.

The benefits of the Sportsmen's Act of 2012 will fall most directly on America's hunters and anglers, but outdoor enthusiasts of all stripes will reap the rewards. By improving the outdoor experience of all Americans, I am hoping future generations will more readily take up our outdoor traditions.

I know my colleague from Colorado will join me in commending Senator TESTER for putting this package together. He has taken ideas from both Democrats and Republicans to create the greatest legislative boon for sportsmen in a generation, and that is why over 50 of the leading sportsmen's groups in our country support his bill.

I am particularly grateful to Senator TESTER for including a bipartisan provision I authored—the Target Practice and Marksmanship Training Support Act. This act will encourage the development of high-quality public shooting ranges by giving the States greater flexibility over Federal dollars they already receive for certain wildlife restoration and hunter education programs.

Since these funds come from an existing excise tax on shooting and archery equipment, this bipartisan proposal doesn't cost our taxpayers a dime and instead simply helps those paying into the system—which are primarily sportsmen—to get a better return on their investment.

Earlier this year, I asked our fellow Coloradans to tell me why they support my efforts and why they would like to see more high-quality shooting ranges, and I wish to close with some of their words.

Donald, from Pagosa Springs, CO, said:

We desperately need a range facility in our area to be able to continue teaching our kids and those who are new to hunting how to safely handle firearms.

From Gary, in Aurora, CO:

These ranges are not just a place to shoot. I cannot stress this enough as we are seeing more and more clubs closing down: We need more places to teach, enjoy and relax with fellow shooters.

So in the spirit of those Coloradans, I urge my colleagues to support the Sportsmen's Act of 2012 and put these bipartisan, commonsense proposals to work for America's sportsmen as soon as possible.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONORING OUR ARMED FORCES

Mr. GRASSLEY. Mr. President, Iowa has lost another native son fighting for our liberty on foreign soil. I am sad to announce that on Monday, November 5, just as our Nation was preparing to cast our ballots in the election, PFC Brandon Buttry of Shenandoah, IA, gave his life defending our freedom. He was only 19 years old but had felt a calling to join the military since he was a young child. I thank God for such patriots as Brandon Buttry. Without such brave and selfless Americans in each new generation, our liberty and way of life could not have been sustained.

My prayers go out to his parents, Don and Pam, his many brothers and sisters, and all those who knew and loved Brandon. He is described as having a mischievous smile and a twinkle in his eye as well as a slight contrarian streak. By all accounts, he was liked by all who knew him, and I know he will be missed very deeply in his community.

I understand he had an interest in American history, and his love of his country is evident from his deep desire to serve. He has now given the ultimate sacrifice on behalf of his fellow countrymen, and his name will be immortalized alongside all those other American patriots who have laid down their lives in the name of freedom.

• Mr. BEGICH. Mr. President, I rise to commend the members of the 4th Brigade Combat Team (Airborne), 25th Infantry Division from Joint Base Elmendorf-Richardson, AK, upon the completion of their deployment to Afghanistan in support of Operation Enduring Freedom.

I had the chance to be there in person when part of the brigade arrived at Fort Richardson. It was great to see our soldiers reunited with their families after so long apart. I was glad to be there last year when the 4/25 deployed, and I am pleased to offer my best wish-

es now as we celebrate their return home.

The 4/25 accomplished incredible things during its time in Afghanistan. Each and every member of the brigade—all 3,500 Spartans—carried the fight to those who would do our Nation harm. In doing so, they have made the world a safer place for those who love freedom and democracy.

However, those victories were not without sacrifice. During this deployment, eight brave Spartans were killed in action—PFC Nathan T. Davis, PFC Vincent J. Ellis, SSG Thomas K. Fogarty, SSG Carl E. Hammar, CPL Ethan J. Martin, PFC Richard L. McNulty III, SGT Brian L. Walker, and SPC Jeffrey L. White. We will never forget them.

I would also like to recognize the families of the 4/25. As we all know, our soldiers simply could not do their jobs without the support of their loved ones. You are the ones who wrote letters and emails, sent care packages, and kept things running smoothly back home.

When a soldier raises their right hand and swears in, their family joins the Army, too. Thank you all for your service.

As a member of the Senate Armed Services Committee, I commend the 4th Brigade, 25th Infantry Division, for their dedication, commitment and sacrifice. We owe them a debt of gratitude that can never fully be repaid.

To both the Spartans and their families, thank you again for everything you do. God bless you, and God bless the United States of America.●

#### RECOGNIZING OUR NATION'S VETERANS

Mr. TESTER. Mr. President, today I wish to honor John V. Klobofski, a veteran of World War II. It is my honor to share the story of John's military service because no story of heroism should ever fall through the cracks.

John was born in Cleveland, MT, in 1919. After graduating from Chinook High School, he enlisted in the National Guard, where he served for 3 years.

He then attended classes at Northern Montana College and worked for the Weather Bureau in Havre.

John reenlisted in 1940 and was assigned to the 41st Infantry Division, made up of guardsmen from across the West. As a member of the 163rd Infantry Regiment, John was a part of the campaign to capture New Guinea, which was then under Japanese control. Dubbed Operation Persecution, his unit landed ashore at Aitape on April 22, 1944. Within a number of days, the unit had captured and secured two airfields, and supplies were being delivered to the island.

Because of how quickly they were able to seize these airfields, John's unit



was awarded a Presidential Unit Citation.

But fighting continued in the region for several days and many men, including John, were killed. SSG John Klobofski died on April 30, 1944.

On October 16, 2012, in the presence of his family, it was my great honor to finally present to John's family his Bronze Star Medal, a Purple Heart, and a Presidential Unit Citation.

It was also my honor to present an American Defense Service Medal, an Asiatic-Pacific Campaign Medal with Two Bronze Stars, a World War II Victory Medal, and a Combat Infantryman Badge First Award.

These decorations are small tokens, but they are powerful symbols of true heroism. Sacrifice. And dedication to service.

These medals are presented on behalf of a grateful nation.

Mr. President, today I also wish to honor Alan R. Shennum, a veteran of the Vietnam war. It is my honor to share the story of Alan's military service because no story of heroism should ever fall through the cracks.

Alan was born in Helena, MT, in 1946. After graduating from high school, he enlisted in the Army and trained at Fort Wolters in Texas before attending flight school at Hunter Army Airfield in Georgia.

Alan was sent to Vietnam in September of 1968, where he flew helicopters as part of the Fourth Army Division.

In October of 1968, Alan was wounded while flying a combat operation. Because his injuries were not severe, he returned to duty and flew over 30 missions in all. Warrant Officer Alan Shennum retired from service in 1971 but never received his medals.

On October 17, 2012, in the presence of his family, it was my great honor to finally present to Alan the National Defense Service Medal, the Army Aviator Badge, the Good Conduct Medal, and the Vietnam Service Medal.

It was also my honor to present an Air Medal with 32 Oak Leaf Clusters, a Vietnam Campaign Medal, and two Overseas Service Bars.

These decorations are small tokens, but they are powerful symbols of true heroism. Sacrifice. And dedication to service.

These medals are presented on behalf of a grateful nation.

• Mr. BEGICH. Mr. President, I also wish to commend the members of B Company, 1st Battalion, Airborne, 143rd Infantry Regiment of the Alaska Army National Guard upon the completion of their deployment to Afghanistan in support of Operation Enduring Freedom.

I had the chance to be there in person when the company deployed, and I am pleased to offer my best wishes now as we celebrate their safe return home.

Alaska has a special relationship with our military. That relationship

started long before statehood during World War II with the Alaska Territorial Guard. Thousands of Alaska Natives voluntarily took up arms in defense of our Nation and established a history of commitment and sacrifice that lives on in Alaska today. We are proud of the thousands of Alaskans, and especially Alaska Natives, who continue to volunteer to protect our homeland. As members of the Alaska Army National Guard, as Alaskans who have stood up for America, the members of Bravo Company carry on our State's long legacy of service.

Bravo Company accomplished incredible things during its time in Afghanistan. While deployed to Kandahar, Farah, and Zabul, our Guardsmen supported three provincial reconstruction teams. Their efforts have contributed enormously to promoting security and the rule of law in Afghanistan and have helped moved the United States closer to accomplishing its mission in the country.

I would also like to take this opportunity to recognize the families of Bravo Company. Our guardsmen faced a difficult mission in Afghanistan, and they simply could not have done it without the support of their loved ones back home. Thank you all for your service, sacrifice, and dedication.

As citizen-soldiers, the members of Bravo Company hail from throughout Alaska. They come from Anchorage, Bethel, Chevak, Delta Junction, Dillingham, Eagle River, Ekwok, Emmonak, Fairbanks, Fort Greely, Hooper Bay, Houston, Juneau, Kipnuk, Kodiak, Kongiganak, Kwethluk, Little Diomed, Marshal, Nikiski, Nome, North Pole, Palmer, Port Graham, Quinaag, Scammon Bay, Shishmaref, Sitka, Tuluksa, Upper Kalskag, Valdez, Wasilla, and Wrangell. They return now to communities proud of their service and grateful to have them home.

As a member of the Senate Armed Services Committee, I commend B Company, 1st Battalion, Airborne, 143rd Infantry Regiment, for their dedication, commitment, and sacrifice. We owe them a debt of gratitude that can never fully be repaid.

To both Bravo Company and the families, thank you again for everything you do. God bless you, and God bless the United States of America.●

Mr. BOOZMAN. Mr. President, today I wish to recognize the heroic University of Arkansas alumni whose actions earned them the Nation's highest distinction for valor in military action, the Congressional Medal of Honor.

Throughout the storied history of the University of Arkansas, many men and women have served their Nation with honor and valor, and five of these selfless heroes have earned our Nation's highest military honor.

On Monday, November 12, 2012, we recognized these valiant heroes who

put their lives on the line. We honored their service and accomplishments with the dedication of a memorial flag pole on the University of Arkansas campus.

Maurice L. Britt was born in Carlisle, AR, in 1919. On November 10, 1943, north of Mignano, Italy, Army Lieutenant Britt was wounded in battle, but he refused medical attention and proceeded to lead a handful of men in a counterattack against the Germans. Lieutenant Britt and his men ultimately captured four Germans and enabled captured Americans to escape.

Nathan Green Gordon was born in Morrilton, AR, in 1916. On February 15, 1944, in the Bismarck Sea, Navy Lieutenant Gordon was the commander of a Catalina patrol plane. Braving close-range fire from the enemy, Lieutenant Gordon rescued U.S. airmen of the U.S. Army 5th Air Force in full view of the Japanese. He made a daring escape under direct fire to fly them to safety.

Edgar H. Lloyd was born in Blytheville, AR, on September 14, 1944, near Pompey, France, Army First Lieutenant Lloyd was serving as a rifle platoon leader in Company E of the 319th Infantry. Assigned task of removing 200 enemy forces from their position, Lieutenant Lloyd's company was within 50 yards of the enemy position and suffered many casualties. Despite the enemy threat, First Lieutenant Lloyd encouraged his fellow soldiers by attacking enemy machine gun positions, personally destroying five machine guns. His valor inspired the men to overrun the enemy position.

Seymour W. Terry was born in Little Rock, AR, on May 11, 1945, on Zebra Hill, Okinawa, Ryukyu Islands, Army First Lieutenant Terry led his company on an attack when his men came under heavy enemy fire. He singlehandedly began securing the hill, running directly towards the enemy and destroying the strongholds. He sealed 4 pillboxes with explosives, killed 20 Japanese and destroyed 3 machine guns. He continued his assault on the hill to allow his troops to advance. As First Lieutenant Terry was reorganizing the company, he was mortally wounded. His heroism inspired the platoon to continue the mission.

James L. Stone was born in Pine Bluff, AR, on November 21 and 22, 1951, near Sokkogae, Korea, First Lieutenant Stone's platoon was attacked by Chinese forces. Courageously, he stood and directed his men while repairing a faulty flamethrower. He was wounded but continued to fire on the enemy during a second attack and encouraged the platoon members' efforts to protect their position.

It is people like Maurice Britt, Nathan Gordon, Edgar Lloyd, Seymour Terry, and James Stone whose resilience, bravery, and courage exemplify the American spirit. Their legacies will live on as we remember all of our brave

service members who selflessly serve our Nation to protect its ideals and interests.

Mr. CARDIN. Mr. President, I wish to acknowledge the millions of brave American veterans who have given of themselves to protect this great Nation and our precious liberties. I thank not only our veterans but also men and women currently in uniform and all their families. The sacrifices our veterans and service members make are enormous: remote deployments, long deployments, injuries, and worse.

Despite the inherent risk, the United States continues to attract the most qualified and dedicated citizen soldiers. The role of the citizen soldier in this country is older than the United States itself. From the first shots declaring our independence to the current war in Afghanistan, Americans have enjoyed unparalleled freedom and security thanks to those among us who are willing to put themselves in harm's way.

This past Sunday, we formally honored our Nation's veterans and we celebrated how privileged we are to have a fighting force as committed to excellence as our own. Our expressions of gratitude, however, should manifest themselves in actions that make positive impacts on the lives of the veterans to whom we owe so much. President John Kennedy once said: "As we express our gratitude, we must never forget that the highest appreciation is not to utter words, but to live by them." So today I will utter words I hope you will join me in living by. When we say "we owe our freedom to our men and women in uniform," we must make sure our veterans are treated as such. We must make sure that those veterans who need help transitioning back to civilian life have the resources to do so. We need to be sure veterans can find suitable jobs. When our men and women return home, they should have access to the best medical care, education, and training available so they can continue to be beacons of model citizenry.

Let this Veterans Day be a catalyst for how we treat veterans for the rest of the year and beyond. The appreciation, gratitude, and respect shown to veterans today should be ever-present. The men, women, and families who protect us deserve so much more than just 1 day to be publicly appreciated. Every American can do something to repay our veterans. There are many organizations dedicated to helping veterans. For instance, I have had the distinct honor to work on legislation with my colleague C.A. DUTCH RUPPERSBERGER to help Fisher House, an organization that arranges for travel and accommodations for family members who visit their wounded warriors as they recuperate in hospitals away from home. Fisher House established a program called Hotels for Heroes which allows travelers to donate credit card

hotel reward points to military families. Many of those families will be visiting their loved ones at Walter Reed in my home State of Maryland. With fewer than 1 percent of all Americans currently serving in our All-Volunteer Armed Forces, the sacrifices of the few are not always felt by the many. Donating unused frequent flyer airline miles and hotel points is a wonderful—and easy—way for Americans to express their appreciation for our brave warriors and their families. Another worthy organization is America's Vet Dogs, which is working with inmates provided by the Maryland Department of Public Safety and Correctional Services to train service dogs to aid returning veterans who are disabled.

There are countless other groups doing an immeasurable amount of good for our veterans and their families but we always can—and should—do more. So on this Veterans Day, I ask that all Americans give something back to the people who have given so much for this country. Our veterans deserve it, and our country is made stronger when everyone makes sacrifices for it. Veterans understand sacrificing for others; we honor our veterans if we understood that too.

Mr. President, as we honor the brave men and women who have served in our military, we also must turn our thoughts and prayers to those who currently wear a uniform in service to our country, especially those in harm's way in Afghanistan and around the world. They are tomorrow's veterans. So during this lameduck session of the 112th Congress and as we prepare for the 113th Congress, I urge my colleagues to consider our Active-Duty service members, our veterans, and their families' needs as we legislate. It is my deepest hope addressing those needs will not be mired down by partisanship on either side of the aisle.

In closing, I would like to extend my deepest and most sincere thanks to our Active-Duty service men and women, veterans, and their families. I thank you for your selfless service, your dedication, your strength of character, and your courage. As a nation, we owe you an eternal debt of gratitude and appreciation for your innumerable sacrifices on our behalf.

Mr. UDALL of Colorado. Mr. President, I rise today to pay tribute to the outstanding military service of a group of incredible Coloradans. These World War II veterans each played a role in defending the world from tyranny, truly earning their reputation as the "greatest generation" through their service and sacrifice. Now, thanks to an organization dedicated to honoring these veterans for all they have done for us, these great Coloradans came to Washington, DC, to visit the National World War II Memorial, to share their experiences with later generations and to pay tribute to those who gave their

lives. It is an honor to have had them here, and I join with all Coloradans in thanking them for all they have done for us.

I also want to say a word about the volunteers from Honor Flight of Southern Colorado who made this trip possible. They are great Coloradans in their own right, and their mission to bring our southern Colorado veterans to Washington, DC, is truly commendable. They have been doing great work since their inaugural flight in June 2012, this week bringing another group of American heroes to Washington, DC. The volunteers of Honor Flight of Southern Colorado believe our veteran heroes aren't asking for recognition, but they certainly deserve it. This opportunity to come to Washington is just a small token of appreciation for those who gave so much.

I wish to publicly recognize the members of the Southern Colorado Honor Flight who visited their Nation's Capitol, many seeing for the first time the memorials their Nation built as a tribute to their selfless service. These are the lucky veterans, the ones who came home. Their war memorials also pay tribute to those who have paid the ultimate price. Today I honor these Colorado veterans on their visit to Washington, DC:

From the U.S. Army: Adolph Wolff, Jack Traxler, Earl Clark, Leroy Jensen, James Beham, and Sherwood Gray; from the U.S. Army Air Corps: Howard Casey and Will "Lew" Finlaynson; from the U.S. Navy: Raymond Feather, Howard Pease, Pete Demario, James Welty, and Clyde Womer; and from the U.S. Marine Corps: Jess Masias.

Our Nation asked a great deal of these individuals: to leave their families to fight in unknown lands against a deadly enemy. And each of these brave Coloradans bravely answered the call, placing themselves between this country and harm. They served our country through dangerous times, when democratic nations and ideals around the world were threatened, and they saved entire continents from falling to fascism and tyranny.

Please join me in thanking these Colorado veterans and the volunteers of Honor Flight of Southern Colorado for their tremendous service to an eternally grateful nation.

Mr. BARRASSO. Mr. President, we have all paused to remember our Nation's veterans this week. This year, the Daniels Scholars wrote letters to our country's heroes in uniform. These letters, published in *Because of you . . . Letters of Gratitude* from the 2012 Daniels Scholars to the Defenders of American Freedom, are heartwarming.

The Daniels Scholarship Program was created by a true American patriot, Bill Daniels. Bill was awarded the Bronze Star for his service in the Navy in World War II. He was called

back into service during the Korean War. Bill went on to have a tremendously successful career. Due to his generosity, young people from Wyoming, Utah, New Mexico, and Colorado are selected to be Daniels Scholars. In addition to their college tuition and fees, they receive tremendous support and encouragement to give back to their communities.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter written by Megan Saylor from Casper, WY. May it inspire all who read it.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Dear Soldier,

I would like to begin by thanking you from the bottom of my heart for your military service to our country. I'm struggling to find the appropriate words that can explain how thankful I am, but the truth is, there are none. Because of you, I am able to sit in this room and freely express my thoughts and begin my path on to a bright future. You made the sacrifice for me, and now it's my turn to return the favor to you. I may not be able to repay you with what you gave me, my freedom, but I can assure you that I will reach for my dreams. I will be successful. I will make a difference. As a 2012 Daniels Scholar, I will live my life with integrity, honesty, loyalty, character, and I will contribute and give back to my community. All too often, we take for granted our rights and freedoms; we live in the best country in the world and you made that possible. You and your family. Actually, after listening to our speakers from the military, meeting with my friend who just returned from Afghanistan, and now writing this letter to you, my major could be changing. Helping our country's soldiers would be the ultimate way to return the favor. You are an amazing person for what you did for our country. Just know wherever you are, whatever struggle you are going through, just know you aren't forgotten. I'll think about you constantly, praying for you and those who are still fighting, and those who will never return. Because of you, I am living a better life, and I won't disappoint you, my country and my community. Thank you again from the bottom of my heart. Never give up!

Sending my highest regards, respect, and love, Megan Saylor, Casper, Wyoming.

#### REMEMBERING RUSSELL TRAIN

Mr. REID. Mr. President, I rise to briefly honor a distinguished former Republican environmental and conservation leader. As my colleagues know, Russell Train passed away on September 17.

Mr. Train was the first head of the Council on Environmental Quality under President Nixon and the second EPA Administrator, serving under both Presidents Nixon and Ford. He was the chairman emeritus of the World Wildlife Fund and helped found the organization in the 1960s. He founded the African Wildlife Leadership Foundation in 1961 and was president of the Conservation Foundation from 1965 to 1969.

He was a shining example of the age when the political parties cooperated

on environmental protection, and Republicans even sometimes led the way forward. He implemented and defended the Clean Air Act and helped protect the health and welfare of millions of Americans. In recent years, he specifically criticized the modern Republican party's rejection of health and science-based decisionmaking, especially as related to EPA's authority to address climate change and carbon pollution. In a 2010 interview, he stated that he had become a registered Independent.

I hope that the Republican Party will soon return to the example of statesmanship and good governance set by Russell Train. Our Nation has enormous environmental challenges, like climate change, that must be addressed in a bipartisan fashion.

If today's Republican Party leadership continues to keep its members' heads stuck in the sand on the matter of the manmade carbon pollution that is contributing to record-setting drought, heat waves, floods, and other extreme weather in the United States and globally, they will bear the greatest responsibility for the economic, ecosystem, and public health damages that will only accelerate and grow over time.

They would be wise instead to adopt Mr. Train's worthy counsel from his memoir: "Today, as a nation, we urgently need to develop the political will to overcome our avoidance of difficult environmental decisions. The problems will only get worse, and we have a long way to go."

#### REMEMBERING SENATOR ARLEN SPECTER

Mr. LEAHY. Mr. President, it was more than 40 years ago when two young prosecutors, one from the biggest city in Pennsylvania and one from a smaller town in rural Vermont, came together at an annual meeting of the National District Attorneys Association in Philadelphia. Little did Arlen Specter and I know then that we would spend 30 years working together in the United States Senate, building on our bond as former prosecutors, seeking to bridge the partisan divide, and striving to find common ground on some of the most contentious issues of our time.

Arlen Specter's public service began during the Korean War. When elected to serve as Philadelphia's District Attorney, he led landmark prosecutions against public corruption and to rid his city's streets of some of the country's most hardened criminals. He was a prosecutor's prosecutor.

Arlen Specter also was a Senator's Senator. He loved the Constitution, he loved and honored the institutions of our democracy, and he loved policymaking and the political process. As a Senator he tried to put the interests of the Nation and the Senate's special role in our system above partisanship

while always representing and serving the people of Pennsylvania. He believed in aggressive oversight of government agencies, regardless of the administration's affiliation, from our bipartisan investigation of the shootout at Ruby Ridge, to the political firings of U.S. attorneys and the threats to civil liberties posed during the Bush administration. He reached across the aisle to partner with me to try to pass comprehensive asbestos legislation and we joined to reauthorize the Voting Rights Act during the Bush administration. He supported more transparency, in every branch of our government, to ensure the American people knew what their government was doing. He was a strong supporter of law enforcement and a vigorous and fair judicial system. And he joined with TOM HARKIN to direct billions of dollars to the National Institutes of Health and cancer research.

His work ethic and dedication were tested when he was first diagnosed with an advanced form of Hodgkin's lymphoma in 2005. Through that ordeal, Arlen kept his humor, his spirit, and his rigorous work schedule. He served as chairman of the Judiciary Committee in 2005 and 2006. I was the ranking Democratic member of the committee during those years and worked collaboratively to make my friend a success and ensured that we treated him fairly. During those years and those that followed, when it was my turn to chair the committee and his to lead the Republican members, we used to joke that we spoke to each other more often than we spoke to our wives, Marcelle and Joan.

Arlen was a fighter. I never knew anyone who worked or fought harder. I think he hoped to fight through his disease one more time.

The history books will note that Arlen Specter was the longest-serving U.S. Senator in Pennsylvania history. History should remember Arlen Specter as a person who tried to do what he thought was best for the country and to challenge the ever more constricting litmus test of partisan politics. He represented Pennsylvania and served the Nation. Like the Republican Senators who have represented Vermont, Arlen is an example to all senators, of any party. He will be missed.

#### REMEMBERING ROGER D. FISHER

Mr. LEAHY. Mr. President, on August 25, 2012, the United States and the world lost one of its most creative thinkers and problem solvers. Roger D. Fisher, Williston Professor of Law at Harvard University and coauthor of "Getting to Yes: Negotiating Without Giving In," the most widely read book ever written on the subject, was 90 years old.

Roger Fisher was a pioneer and a giant in the field of negotiation. He not

only changed the way people think about dispute resolution, inspiring and mentoring countless students who have gone on to use his teachings in their own careers, he applied his theories to real-life conflicts from South America to the Middle East.

I had the good fortune to meet Roger and was struck by his affable manner and big smile, his inquisitive mind, and, perhaps above all, his enthusiasm for devising creative ways to help others solve seemingly intractable problems and in doing so make the world a better place. No conflict was too big or too small. He had imaginative, thoughtful approaches to everything, from ending the Vietnam war to resolving an argument among siblings at the family dinner table.

Roger was a gifted advocate. He had a brilliant mind and an extraordinary ability to persuade. But, as others have said, "he taught that conflict was not simply a 'zero-sum' game in which a fixed pie is simply divided through haggling or threats." Rather, it was about how one approaches the problem, recognizing the other side's needs, understanding their interests, and in doing so maximizing outcomes for both sides. That was the genius of the "without giving in" part of "Getting to Yes." While some might assume he meant getting one's way at another's expense, Roger recognized that is rarely possible or desirable, and it is often not necessary for a good result. But he also saw how lacking in the basic analytical and practical tools of negotiation most people are.

I often think of Roger when I see the House and Senate so polarized and incapable of the positive, creative thinking and compromise that are necessary to deal effectively with issues of importance to our constituents, to the country, and to the world. "Getting to Yes" should be mandatory reading for every Member of Congress. It contains invaluable lessons for the job the American people sent us here to do.

I want to express my condolences to Roger's two sons, Elliot and Peter. Elliot Fisher lives in Vermont, is a respected physician at the Dartmouth-Hitchcock Medical Center and a leading voice for health policy reform. Peter Fisher has had a distinguished career in finance, including at the Federal Reserve Bank of New York and as an Under Secretary of the Treasury. I have no doubt they both have put to good use the lessons of their father.

Mr. President, I ask unanimous consent to have printed in the RECORD an obituary in the Economist about Roger Fisher.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[Sept. 15, 2012]

ROGER FISHER

ROGER FISHER, LAWYER, TEACHER AND PEACEMAKER, DIED ON AUGUST 25TH, AGED 90

He might be an academic—40 years on the faculty of Harvard Law School—but Roger Fisher was really a fixer. He would relax by mending the plumbing, or laying brick terraces at the summer house he loved in Martha's Vineyard. But that was tiddler stuff. At breakfast he would scan the New York Times, looking for bigger problems he could fix: arms control, hostage-taking, the Middle East. Over dinner the conversation would be sorting out Vietnam, or ending the war in El Salvador. At his 80th birthday party, most other guests gone, he was found deep in a discussion of peace between Arabs and Israelis.

As long as there were disputes in the world and energy in his body, he was going to help resolve them. If it needed a letter to a head of state, he would send it. If it needed him on the next flight to Moscow or Tokyo, he would catch it. People didn't have to invite him in. He would go anyway, tall, slim and smiling, and slip into action behind the scenes. With that sunny confidence he always had, he knew he could make the world better. And so did others: J.K. Galbraith remarked that if he knew Mr. Fisher was on to a problem, it always eased his conscience.

Mr. Fisher had a system. He outlined it with William Ury in his book "Getting to Yes" (1981), which sold 3 million copies; he also taught it to students, especially, from 1979, through his Harvard Negotiation Project. Like all good tools, it got better with use. In any negotiation, he wrote—even with terrorists—it was vital to separate the people from the problem; to focus on the underlying interests of both sides, rather than stake out unwavering positions; and to explore all possible options before making a decision. The parties should try to build a rapport, check each other out, even just by shaking hands or eating together. Each should "listen actively", as he always did, to what the other was saying. They should recognise the emotions on either side, from a longing for security to a craving for status. And they should try to get inside each other's heads.

That was the theory, and Mr. Fisher delighted to put it into practice. At the Geneva summit of 1985, for example, Ronald Reagan on his advice did not confront Mikhail Gorbachev, but sat by a roaring fire with him while they exchanged ideas. More summits followed. A border war between Peru and Ecuador was nipped in the bud when Mr. Fisher advised the president of Ecuador (once a pupil of his) to sit on a sofa with the Peruvian president, and look at a map with him. Interviewing President Nasser of Egypt in 1970, Mr. Fisher asked him how Golda Meir, then Israel's prime minister, would be regarded at home if she agreed to all his demands. "Boy, would she have a problem!" Nasser laughed. He then grew thoughtful, having briefly seen their dispute from her point of view.

The Middle East, which caused him personal grief, also brought his most public success. His principles were used all through the Camp David negotiations of 1978, from the brainstorming over Jimmy Carter's draft of an agreement (23 rewrites) to the moment when Mr. Carter presented Menachem Begin, the Israeli leader, with signed pictures dedicated, by name, to each of Begin's grandchildren. Deeply affected, Begin began to talk about his family. The accords were signed that day.

He had his failures. As a Pentagon adviser in the 1960s he suggested several "yesable propositions" to put to the North Vietnamese; Robert McNamara listened, but not the military brass. In 1967 he had fun trying to nurse the tiny, dusty island of Anguilla to independent statehood, but the experiment was overturned. South Africa possibly satisfied him most: the Afrikaner cabinet and ANC officials, trained separately by him in negotiation workshops, agreeing to end apartheid without resorting to violence.

#### LESSONS FROM THE SOUK

Mr. Fisher's motivation was as clear as his writing. He hated war. His own service had been as a weather reconnaissance officer; in the course of it he had lost his roommate and many college friends. He had also flown often over Japan, harmless morning flights which the Japanese, pre-Hiroshima, had fatally learned to ignore. All those deaths weighed on him.

More light-heartedly, he grew up as one of six children, preferring to strike bargains rather than land a punch. Later on, still bargain-minded, he would stroll the souks of Damascus or Jerusalem, looking to expand his collection of ancient weights. Every one of those pieces represented a tough negotiation successfully concluded. For those who found his principles too idealistic, he could point to age-old haggling tricks he also recommended: pretending not to be interested, refusing to react to pressure, being prepared to walk away.

His most pleasing bargain, though, was the one he made to get his lot on the Vineyard. There he built a glass and shingle house right between the pounding ocean and Watcha Pond, where ospreys nested. When he first found the place, the owner refused to part with the few acres he needed. He would sell him only the whole property, 60 acres or so, which cost too much. But Mr. Fisher called in friends, they all clubbed together, the deal was agreed; and he spent 50 glorious summers there, in just the sort of sweet, wise, negotiated peace he always wished for the world.

#### REQUEST FOR CONSULTATION

Mr. COBURN. Mr. President, I ask consent that the following letter be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,  
November 13, 2012,

Hon. MITCH MCCONNELL,  
Senate Minority Leader,  
U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: I am requesting that I be consulted before the Senate enters into any unanimous consent agreements or time limitations regarding H.R. 6062, Edward Byrne Memorial Justice Assistance Grant Program Reauthorization Act of 2012.

I support the goals of this legislation and believe state and local law enforcement agencies are a vital part of the criminal justice system in this country. However, I believe the responsibility to support, fund, and hold accountable state and local law enforcement agencies lies with the states and local communities these brave law enforcement officers serve. Furthermore, while I do not believe this issue is the responsibility of the federal government; if Congress does act, we can and must do so in a fiscally responsible manner. My concerns are included in, but not limited to, those outlined in this letter.

While this bill is well-intentioned, it could cost the American people approximately \$800 million per year for 5 years without corresponding offsets, totaling \$4 billion. Furthermore, with the exception of the extra stimulus funding in 2009 through the American Recovery and Reinvestment Act (ARRA), the Byrne Justice Assistance Grant Program (JAG) has never received funding at the level authorized in this legislation. According to the Congressional Research Service (CRS), JAG funding has averaged \$461 million per year since its first appropriation in FY 2005, and appropriations have actually been trending downward since that time. Without including the 2009 ARRA funding, the most Congress has ever appropriated to Byrne JAG in a single year is \$546 million in FY 2009. I recognize this legislation reduces the overall authorization for the Byrne JAG program; however, I do not believe this reduction is sufficient to address the growing federal spending problem in this country.

It is irresponsible for Congress to jeopardize the future standard of living of our children by borrowing from future generations. The U.S. national debt is now over \$16 trillion. That means over \$51,000 in debt for each man, woman and child in the United States. A year ago, the national debt was \$14.7 trillion. Despite pledges to control spending, Washington adds billions to the national debt every single day. In just one year, our national debt has grown by \$19 trillion or 8.8%.

In addition to these fiscal concerns, there are several problems specific to this legislation. First, the Byrne JAG program duplicates other sources of federal funding. State and local governments can use Byrne JAG funds for projects in seven different purpose areas: (1) law enforcement programs; (2) prosecution and court programs; (3) prevention and education programs; (4) corrections and community corrections programs; (5) drug treatment programs; (6) planning, evaluation, and technology improvement programs; and (7) crime victim and witness programs. Several of these broad purpose areas are already covered by other federal grant programs including Community Oriented Policing Services (COPS), Second Chance Act grants, drug and mental health court grants, and the Debbie Smith DNA Backlog Grant program, among others.

Second, Congress, particularly the Senate, has not performed sufficient oversight of the Byrne JAG program to justify its reauthorization at this time. Before reauthorizing this or any program, Congress should perform oversight to determine how a grant program is performing, evaluate how grantees use federal funds, measure the results of the program, and analyze whether there are other federal programs funding the same purposes. In my federal deficit reduction plan, Back in Black, I noted that critics on the right and left, along with the Department of Justice Office of the Inspector General, agree Byrne JAG experiences waste, fraud, and abuse in a variety of ways and should be reformed. Thus, I do not believe Congress should blindly reauthorize this program without oversight through a detailed review of its policies and practices.

Finally, I do not believe the federal government has the authority under the Constitution to provide federal funds to state and local governments for use on state and local criminal justice systems. Article I, Section 8 of the Constitution enumerates the limited powers of Congress, and nowhere are we tasked with funding or becoming involved with state and local criminal issues.

There is no question state and local law enforcement play a vital role in maintaining order and safety in many communities. However, I believe this issue is the responsibility of the states and not the federal government. Despite these constitutional limitations, if Congress does act in this area we should evaluate the program as most American individuals and companies must do with their own resources; we should review current programs, determine any needs that may exist, and prioritize those needs for funding by cutting from the federal budget programs fraught with waste, fraud, abuse, and duplication.

Sincerely,

TOM A. COBURN, M.D.,  
*United States Senator.*

#### WYOMING TAXPAYERS ASSOCIATION

Mr. BARRASSO. Mr. President, I rise today to submit for the RECORD a document that I think everyone in this body should consider.

There is no question that our Nation is facing a challenging financial future.

Our country needs real leadership to recognize the problems that we are facing and address them directly.

For 75 years, my home State has benefited from the knowledge and expertise of the Wyoming Taxpayers Association. The Wyoming Taxpayers Association has fought for transparency, equity, balance, and stability for Wyoming taxpayers.

There is no question that the U.S. Tax Code is a mess and in need of serious reform.

As we look to address our debt crisis and reform the Tax Code, we should take a responsible, sensible approach to taxation.

The Wyoming Taxpayers Association's "Cornerstones of Taxation" provides an excellent foundation that we should consider as we debate the future of the U.S. Tax Code.

I ask unanimous consent to have printed in the RECORD the Wyoming Taxpayers Association's "Cornerstones of Taxation."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### WYOMING TAXPAYERS ASSOCIATION'S "CORNERSTONES OF TAXATION"

##### Justification:

Is there a justified need for the tax and is it fiscally prudent?

Are existing government funds spent efficiently before considering a new tax?

Is the primary goal of the tax to generate revenue or does it modify behavior or influence policy?

##### Equity:

Does the tax impose equal and uniform liabilities upon similarly situated taxpayers?

Is the tax constitutional?

Does the tax disadvantage one taxpayer over another?

##### Balance:

Does the tax result in diversification in taxation?

Does the tax influence decisions regarding spending, saving or investing?

Does the tax concentrate a financial burden on a few and will the tax distort economic behavior?

##### Stability:

Is the tax stable and predictable under changing political, economic, regulatory and environmental conditions?

##### Transparency:

Is the tax visible, accountable and auditable?

Is the tax easy to understand, administer and cost effective to collect?

#### 150TH ANNIVERSARY OF CONGREGATION SHAAREY ZEDEK

Mr. LEVIN. Mr. President, on Oct. 27, many of my fellow Michiganders gathered to recognize an event of enormous historical and cultural significance to our State: the 150th anniversary of Congregation Shaarey Zedek in the City of Southfield, just outside my hometown of Detroit.

For a century and a half, from its humble beginnings in Detroit to its emergence as one of the most important and influential institutions in the American Jewish community, Shaarey Zedek has played a vital role, not just for Michigan Jews, but for the community at large. Even more important than its high profile events with high-level speakers and guests is Shaarey Zedek's 150 years of day-in, day-out service to faith, community and humanity.

Shaarey Zedek has played a vital role in Jewish cultural and political life. It is no coincidence that, as the threat of Nazi Germany rose, Shaarey Zedek hosted one of the most important meetings of American Jews in the May of 1938, warning Americans about Hitler's threat to European Jews and to international security and strongly advocating for Jewish emigration to Palestine to escape Hitler's clutches. And in later years, Shaarey Zedek was one of America's leading voices in support of oppressed Jews in the Soviet Union.

It was Shaarey Zedek where Detroit Tigers slugger Hank Greenberg attended services on Yom Kippur of 1934, in the midst of the American League pennant race, receiving a standing ovation from the congregation, serving as a powerful symbol of Jewish identity, and, as he later put it in his autobiography, pleasing his relieved parents.

Like any religious institution, Shaarey Zedek has first and foremost been a touchstone of faith. Congregation Shaarey Zedek is one of America's most respected synagogues.

Of particular importance to me is the congregation's longstanding dedication to tolerance, not just in matters of faith, but in all matters of conscience. At times of strife and conflict in Michigan and the Nation, and in the face of discrimination or oppression, Shaarey Zedek has consistently served as a voice of reason, peace, understanding and equality.

So this anniversary is important to the Jewish community, and the larger community. But it also means a lot to me personally. Congregation Shaarey

Zedek is where my brother and I were bar mitzvahed. It is the spiritual home of many who are dear to me, and to the community of which I am a proud member. I know my colleagues will want to join me in congratulating all those who have made Congregation Shaarey Zedek such an important institution for 150 years, and who will carry that tradition forward in the decades to come.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO SHERIFF KEITH FERGUSON

• Mr. BOOZMAN. Mr. President, today I wish to honor Benton County sheriff Keith Ferguson, who is retiring after more than four decades of dedication to safety and law enforcement.

Serving for 32 years with the Arkansas State Police, with more than half of those years as supervisor of Carroll and Benton Counties, Keith made a career out of helping the people of Arkansas.

In 2003 he became the sheriff of Benton County, a position he still holds today. In the past 10 years he has proven his commitment to keeping Arkansans safe. I have worked with Sheriff Ferguson and other community leaders during the institution of the 287(g) Program with Immigration and Customs Enforcement, commonly known as ICE. This local, State, and Federal cooperation has played a key role in combating illegal immigration in Northwest Arkansas.

Keith also helped create a child internet pornography investigation unit to help keep our children safe and has championed the use of inmate labor to help the county through programs such as Habitat for Humanity and the Northwest Arkansas Food Bank.

As sheriff of Benton County, he has improved outreach to children and the elderly and efficiency in the office with upgraded technology and improved equipment and employee training.

Keith's commitment to safety has been recognized at the State level, earning the Arkansas State Police Commendation Award for his heroics in apprehending a suspect and the Northwest Community Valor Award for his role in capturing three prison escapees.

I congratulate Sheriff Keith Ferguson for his outstanding achievements and success in law enforcement, and I ask my colleagues to join me in honoring him on his retirement. I wish him continued success in his future endeavors. Benton County is a better place to live thanks to his years of service and leadership to Arkansas.●

##### RECOGNIZING THOMPSON-MARKWARD HALL

• Mr. HOEVEN. Mr. President, today I wish to recognize the 125th anniversary

of Thompson-Markward Hall, formerly known as the Young Women's Christian Home. Thompson-Markward Hall is located on Capitol Hill, directly across from the Senate Hart Building, and has long served as a temporary home for young women studying or working in our Nation's Capital, including many who have interned or worked in congressional offices.

Thompson-Markward Hall was founded in 1833 by Mary G. Wilkinson. Wilkinson, who was grieving the death of her daughter, recognized the need to create a safe housing option for young women moving to Washington seeking employment, and she began housing two young women in her Capitol Hill home. The need for additional space soon led to the securing of a new location at Fifth Street, NW, where the early years of the home were funded through the generosity and hard work of Wilkinson, her friends, benevolent merchants, and other community members.

In 1887, the Young Woman's Christian Home was chartered by Congress and incorporated to provide temporary housing for young women coming to the District of Columbia. The assistance Congress provided to this home during its early years stands today as a strong example of ways Congress can show support and lend short-term assistance to help an organization get its legs. By 1906, the trustees believed the home could manage without Federal assistance, and the congressional appropriation was discontinued. Today the home remains a self-sustaining organization funded through endowments and residents.

Today, Thompson-Markward Hall also remains, true to its founding principles, a safe, comfortable, moderately-priced place for young women to live when studying or establishing careers in Washington. Retaining the spirit of Mary G. Wilkinson's founding intentions, Thompson-Markward Hall has earned a reputation as a special place for its residents, helping equip them with a strong foundation for developing lifelong friendships and fostering a deep regard for Washington, DC, and the opportunities the city offers.

As Thompson-Markward Hall celebrates another important milestone in its history, it is important that we recognize and congratulate this organization and especially the many talented individuals who have worked hard and given of their time and talents to help found this residence and now work to maintain and further its rich legacy. It is the efforts of all of these individuals, and especially Mar G. Wilkinson, Bessie J. Kibbey, Flora Markward Thompson, and past and present Board of Trustee members and staff, who have helped make Thompson-Markward Hall a wonderful housing option for thousands of young women.●

##### RECOGNIZING TEXAS CENTER FOR SUPERCONDUCTIVITY

• Mrs. HUTCHISON. Mr. President, today, the Texas Center for Superconductivity at the University of Houston (TCSUH) commemorates 25 years of achievements following the discovery of the High Temperature Superconductor YBCO by Dr. Paul C. W. Chu and colleagues in 1987 and the establishment of the Center by the State of Texas.

With ongoing support from the State, the Center has continued to grow in size and in the breadth of its programs which include basic and applied research, technology development and transfer and advanced education and training. TCSUH maintains an infrastructure that supports the interdisciplinary research and education that is necessary to advance new fields and accelerate scientific discovery.

I am intensely committed to investing in science and research and Texas' place at the top of that ladder. In 2004, I worked to create TAMEST The Academy of Medicine, Engineering and Science of Texas a vehicle for Texas institutions to share knowledge and research, to know what others in the scientific fields were working on. Today, with better information sharing, Texas has gone from sixth to third as a recipient of Federal research funding.

Science and technology are critical to the future growth and prosperity of our country. America must continue to prioritize scientific research and technological development that fuels our economy, creates jobs, improves health care and helps to promote our national security and global leadership.

This is incredibly important to both Texas and America. Since World War II, more than half of US economic growth can be attributed to technological innovation; part of this is a direct result of Federal investment in science and technology.

Texas' world-class research institutions and university-based innovation centers like TCSUH bring new technology and research together with savvy entrepreneurs, creating new businesses and, most important, creating jobs.

TCSUH contributes to the goals of strengthening the prominence of Texas as a national research leader by attracting top quality researchers to the State, educating the next generation of scientists and engineers, and building links with industry to commercialize new technologies and create quality jobs.

I congratulate Dr. Chu and his colleagues at TCSUH on this important occasion and extend my best wishes to all for many more years of continued success.●



## 25TH ANNIVERSARY OF DAKOTA RURAL ACTION

• Mr. JOHNSON of South Dakota. Mr. President, today I wish to commemorate the 25th anniversary of Dakota Rural Action. I am proud to honor the members and stakeholders involved in Dakota Rural Action and extend my congratulations to them on this memorable occasion.

Dakota Rural Action is a local, grassroots organization that exhibits leadership through community organizing. They strive to give South Dakotans a strong voice by working with local, State, and Federal Government officials on issues and decisions involving family agriculture, conservation, and overall quality of life. The members of DRA were also early vocal advocates of my Country-of-Origin Labeling, COOL, law, which has enabled consumers to access information about where their food is coming from and enabled producers to get a better price for their products.

The Dakota Rural Action organization started in 1985 as a steering committee called the South Dakota Rural Organizing Project. The committee was tasked with finding substantive and effective ways to organize citizens on a grassroots level, largely due to the farm crisis of the late 1980s. When the need for a more sustained, long-term organization became evident, Dakota Rural Action was formally created. The founding members wanted to create a nonprofit, nonpartisan, community-driven organization that focused on the causes and larger issues affecting rural America, rather than just the effects of the farm crisis. On January 10, 1987, Dakota Rural Action held its first meeting in Brookings, SD, to adopt bylaws and an organizational structure, set membership dues, and to establish an issue platform.

Today, Dakota Rural Action remains a vibrant, statewide network of six chapters. They celebrated their 25th anniversary at their annual meeting in Brookings, SD on November 9 and 10, 2012. It is a great privilege for me to recognize Dakota Rural Action's 25 years of service to South Dakotans, as well as their continuing commitment to the issues and causes that affect South Dakota and rural areas across the Nation.●

## TRIBUTE TO MIKE MODRICK

• Mr. THUNE. Mr. President, today I recognize Mike Modrick of Rapid City, SD. Mike, a recognized television personality in western South Dakota, is celebrating 25 years on October 26, 2012, as a meteorologist at KOTA Territory News and 30 years in weather forecasting. Mike is a graduate of Iowa State University with a bachelor of science degree in meteorology and a degree in speech. Shortly after graduating, Mike made his way to the beau-

tiful, yet markedly unpredictable climate of western South Dakota where he has provided important safety and weather communications to the people of South Dakota for 25 years.

Mike has received the Seal of Approval for Television Weathercasting from the American Meteorological Society, which is considered the most prestigious award in weather broadcasting. His dedication to timely, reliable forecasting across western South Dakota is indicative of his passion and commitment to the safety of all South Dakotans. As Mike celebrates his silver anniversary with KOTA, it is my pleasure to thank him for his service.●

## TRIBUTE TO DR. DUANE MEYER

• Mr. BLUNT. Mr. President, today I wish to honor Dr. Duane Meyer, historian, educator, author, former university president and my friend. Fittingly, the Greene County Historical Society honored Dr. Meyer in October with its Life Time Achievement Award for his body of work enriching Missouri's educational, historical and cultural life.

Dr. Meyer, through his dedication, is recognized as one of Missouri's most distinguished historians. Dr. Meyer served as a teacher for 18 years and as an administrator for 22 years (1971–1983 as president of what is today Missouri State University). He arrived in Springfield in 1955 with a Ph.D. from the University of Iowa. Dr. Meyer began his career as an assistant professor of history and later became a full professor of history. By 1961 he was dean of facilities for what was then Southwest Missouri State College. Ten years later Dr. Meyer was selected as the sixth president of Southwest Missouri State College, which earned university status in 1972.

During his 12 years at the helm of Southwest Missouri State University, enrollment increased to an all-time high (62 percent), making it the second largest 4-year public institution of higher learning in Missouri. Southwest Missouri State University was transformed with the creation of an academic master plan, including a new business school, construction of a student event center and elevation of the athletic program to NCAA Division I competition. Academic achievements included new specialist degrees for graduate programs, new associate degrees for undergraduate students and cooperative education. Students were also given the opportunity to have learning experiences abroad. Faculty research was encouraged and research and service centers took form at Southwest Missouri State University during Dr. Meyer's tenure as president.

As the academic landscape changed, so did the look of the campus. The campus expanded to 125 acres, the first public-private building—Hammons Student Center—was constructed along

with three new classroom buildings and four new residence halls. During that period, Southwest Missouri State University added the State Fruit Experiment Station in Mountain Grove and a new campus in West Plains, Missouri. In recognition of his contributions, Southwest Missouri State University honored Dr. Meyer by naming the school's new library after him.

After leaving the president's office, Dr. Meyer continued to teach as a professor emeritus of history. He also served as a member on the Missouri Council of Public Higher Education Board and on the Missouri Humanities Council. Dr. Meyer's research has produced two text books, including *The Heritage of Missouri: A History*, which serves as a valuable reference for students learning about Missouri history.

Dr. Meyer's leadership and dedication to excellence have reshaped one of the region's great universities and benefited countless students who have passed through its halls. Congratulations to Dr. Meyer for enhancing our understanding of Missouri history and making it available for future generations.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the PRESIDING OFFICER laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

### ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 25, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. LEWIS of California) has signed the following enrolled bills and joint resolution:

S. 300. An act to prevent abuse of Government charge cards.

S. 710. An act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

H.R. 1272. An act to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United



States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes.

H.R. 1791. An act to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

H.R. 2139. An act to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Club International.

H.R. 2240. An act to authorize the exchange of land or interest in land between Lowell National Historical Park and the city of Lowell in the Commonwealth of Massachusetts, and for other purposes.

H.R. 2706. An act to prohibit the sale of billfish.

H.R. 3556. An act to designate the new United States courthouse in Buffalo, New York, as the "Robert H. Jackson United States Courthouse".

H.R. 4158. An act to confirm full ownership rights for certain United States astronauts to artifacts from the astronauts' space missions.

H.R. 4223. An act to amend title 18, United States Code, to prohibit theft of medical products, and for other purposes.

H.R. 4347. An act to designate the United States courthouse located at 709 West 9th Street in Juneau, Alaska, as the "Robert Booechever United States Courthouse".

H.R. 5512. An act to amend title 28, United States Code, to realign divisions within two judicial districts.

H.R. 6189. An act to eliminate unnecessary reporting requirements for unfunded programs under the Office of Justice Programs.

H.R. 6215. An act to amend the Trademark Act of 1946 to correct an error in the provisions relating to remedies for dilution.

H.R. 6375. An act to authorize certain Department of Veterans Affairs major medical facility projects, to amend title 38, United States Code, to extend certain authorities of the Secretary of Veterans Affairs, and for other purposes.

H.R. 6431. An act to provide flexibility with respect to United States support for assistance provided by international financial institutions for Burma, and for other purposes.

H.R. 6433. An act to make corrections with respect to Food and Drug Administration user fees.

H.J. Res. 117. Joint resolution making continuing appropriations for fiscal year 2013, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bills and joint resolution were subsequently signed on September 25, 2012, during the adjournment of the Senate, by the President pro tempore (Mr. INOUE).

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 28, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the House has passed the following bills, without amendment:

S. 3624. An act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

S. 3625. An act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers

and civilian employees to whom the publication requirement applies, and for other purposes.

#### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on September 28, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. LEWIS of California) has signed the following enrolled bill:

S. 3625. An act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was subsequently signed on September 28, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. REID).

#### ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on October 9, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. HARRIS of Maryland) has signed the following enrolled bill:

S. 3624. An act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was subsequently signed on October 9, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. WEBB).

#### MESSAGE FROM THE HOUSE

At 2:22 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3409. An act to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977.

The message also announced that the House passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 743. An act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on September 25, 2012, she had presented to the President of the United States the following enrolled bills:

S. 300. An act to prevent abuse of Government charge cards.

S. 710. An act to amend the Solid Waste Disposal Act to direct the Administrator of the Environmental Protection Agency to establish a hazardous waste electronic manifest system.

The Secretary of the Senate reported that on September 28, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3625. An act to change the effective date for the internet publication of certain information to prevent harm to the national security or endangering the military officers and civilian employees to whom the publication requirement applies, and for other purposes.

The Secretary of the Senate reported that on October 9, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3624. An act to amend section 31311 of title 49, United States Code, to permit States to issue commercial driver's licenses to members of the Armed Forces whose duty station is located in the State.

#### MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3409. An act to limit the authority of the Secretary of the Interior to issue regulations before December 31, 2013, under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Environment and Public Works.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7739. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report of a rule entitled "Disclosure to Investor in System-wide and Consolidated Bank Debt Obligations of the Farm Credit System" (RIN3052-AC77) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7740. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Suspension of End-Use Certificate Program Requirements" (7 CFR Part 782) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7741. A communication from the Management and Program Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Prohibitions Governing Fire"

(RIN0596-AD08) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7742. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Plum Pox Compensation" ((RIN0579-AD58) (Docket No. APHIS-2011-0004)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7743. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Quarantined Areas in Massachusetts, Ohio, and New York" (Docket No. APHIS-2012-0003) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7744. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Greening and Asian Citrus Psyllid; Quarantine and Interstate Movement Regulations" ((RIN0579-AC85) (Docket No. APHIS-2008-0015)) received during adjournment of the Senate in the Office of the President of the Senate on October 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7745. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irradiation Treatment; Location of Facilities in the Southern United States; Technical Amendment" ((RIN0579-AD35) (Docket No. APHIS-2009-0100)) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7746. A communication from the Acting Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republication of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations" ((RIN0579-AD09) (Docket No. APHIS-2009-070)) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7747. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program (NOP); Sunset Review (2012) for Nutrient Vitamins and Minerals" ((RIN0581-AD17) (AMS-NOP-10-0083; NOP-10-091R)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7748. A communication from the Administrator of the National Organic Program, Agricultural Marketing Service, De-

partment of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Organic Program (NOP); Amendment to the National List of Allowed and Prohibited Substances (Livestock)" ((RIN0581-AD018) (AMS-NOP-11-0063; NOP-11-11FR)) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7749. A communication from the Administrator of Dairy Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grading and Inspection, General Specifications for Approved Plants and Standards for Grades of Dairy Products; General Specifications for Dairy Plants Approved for USDA Inspection and Grading Service" (AMS-DA-10-0055) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7750. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorantraniliprole; Pesticide Tolerances" (FRL No. 9362-5) received during adjournment of Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7751. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Alkyl Amines Polyalkoxylates; Exemption from the Requirement of a Tolerance" (FRL No. 9361-7) received during adjournment of Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7752. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trinexapac-ethyl; Pesticides Tolerances" (FRL No. 9363-4) received during adjournment of Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7753. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Glufosinate ammonium; Pesticide Tolerances" (FRL No. 9363-6) received during adjournment of Senate in the Office of the President of the Senate on September 25, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7754. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfentrazone; Pesticide Tolerances" (FRL No. 9363-3) received during adjournment of Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7755. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfoxaflor; Pesticide Tolerances for Emergency Exemptions" (FRL No. 9361-4) received during adjournment of Senate in the Office of the President of the Senate on Sep-

tember 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7756. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Butylate, Clethodim, Dichlorvos, Dicofol, Isopropyl carbanilate, et al.; Tolerance Actions" (FRL No. 9358-8) received during adjournment of Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7757. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Buprofezin; Pesticide Tolerances" (FRL No. 9364-9) received during adjournment of Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7758. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, an addendum to the Antideficiency Act violation report on United States Special Operations Command case number 09-02; to the Committee on Appropriations.

EC-7759. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, an addendum to the Army Antideficiency Act violation report on Army case number 10-02; to the Committee on Appropriations.

EC-7760. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the designation of funding for Overseas Contingency Operations/Global War on Terrorism; to the Committee on Appropriations.

EC-7761. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Admiral Kirkland H. Donald, United States Navy, and his advancement to the grade of admiral on the retired list; to the Committee on Armed Services.

EC-7762. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Raymond E. Johns, Jr., United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7763. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of General Douglas M. Fraser, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-7764. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Mark P. Hertling, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-7765. A communication from the Assistant Secretary of the Army (Acquisition, Logistics and Technology), transmitting, pursuant to law, a report relative to Army Industrial Facilities Cooperative Activities with Non-Army Entities; to the Committee on Armed Services.

EC-7766. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of two (2) officers authorized to wear the insignia of the grade of brigadier general in accordance with

title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7767. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-7768. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report entitled "Department of Defense Report on Pilot Program for Foreign Language Proficiency Training for Reserve Members"; to the Committee on Armed Services.

EC-7769. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7770. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" ((44 CFR Part 65) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7771. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7772. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7773. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List" (RIN0694-AF77) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7774. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Registration as a Municipal Advisor; Required Amendments; and Withdrawal from Temporary Registration" (RIN3235-AK69) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7775. A communication from the Deputy Director, Financial Crimes Enforcement

Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Repeal of the Final Rule Imposing Special Measures and Withdrawal of the Findings of Primary Money Laundering Concern Against Myanmar Mayflower Bank and Asia Wealth Bank" (RIN1506-AA63) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7776. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Stress Test" (RIN1557-AD58) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7777. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Short-term Investment Funds" (RIN1557-AD37) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7778. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital Guidelines: Market Risk" (RIN7100-AD61 and FRB Docket No. R-1401) received during adjournment of the Senate in the Office of the President of the Senate on October 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7779. A communication from the President of the United States, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran as declared in Executive Order 12957; to the Committee on Banking, Housing, and Urban Affairs.

EC-7780. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-7781. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC-7782. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Hong Kong; to the Committee on Banking, Housing, and Urban Affairs.

EC-7783. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a notice of the continuation of the national emergency with respect to Somalia that was declared in Executive Order 13536 of April 12, 2010; to the Committee on Banking, Housing, and Urban Affairs.

EC-7784. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-7785. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to the continu-

ation of the national emergency relative to the actions and policies of the Government of Sudan as declared in Executive Order 13067 of November 3, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-7786. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month report on the national emergency that was originally declared in Executive Order 13159 relative to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation; to the Committee on Banking, Housing, and Urban Affairs.

EC-7787. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC-7788. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Office of Financial Research's annual report on activities of the office to date; to the Committee on Banking, Housing, and Urban Affairs.

EC-7789. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2011 Statement on System of Internal Controls, audited financial statements, and Report of Independent Auditors on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards; to the Committee on Banking, Housing, and Urban Affairs.

EC-7790. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department of Energy's Office of Civilian Radioactive Waste Management's Annual Financial Reports for the years ending September 30, 2010 and 2011; to the Committee on Energy and Natural Resources.

EC-7791. A communication from the Assistant Secretary of Energy (Energy Efficiency and Renewable Energy), transmitting, pursuant to law, the Department's status report on its rulemaking under section 133 of the Energy Independence and Security Act of 2007; to the Committee on Energy and Natural Resources.

EC-7792. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Special Regulations; Areas of the National Park System, Saguaro National Park, Bicycling" (RIN1024-AE08) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Energy and Natural Resources.

EC-7793. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Electricity Market Transparency Provisions of Section 220 of the Federal Power Act" (RIN1902-AD96) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Energy and Natural Resources.

EC-7794. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Revision to

Form No. 6" (RIN1902-AE37) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Energy and Natural Resources.

EC-7795. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Design, Inspection, and Testing Criteria for Air Filtration and Adsorption Units of Post-accident Engineered-Safety-Feature Atmosphere Cleanup in Light-Water-Cooled Nuclear Power Plants" (Regulatory Guide 1.52) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2012; to the Committee on Environment and Public Works.

EC-7796. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Regulatory Guide 5.67, 'Material Control and Accounting for Uranium Enrichment Facilities Authorized to Produce Special Nuclear Material of Low Strategic Significance'" received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2012; to the Committee on Environment and Public Works.

EC-7797. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Staff Position on Dispositioning Boiling-Water Reactor Licensee Noncompliance with Technical Specification Requirements During Operations with a Potential for Draining the Reactor Vessel" (RIS 2012-11) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2012; to the Committee on Environment and Public Works.

EC-7798. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Oregon" (FRL No. 9722-2) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7799. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Modifications to Renewable Fuel Standard and Diesel Sulfur Programs" (FRL No. 9733-3) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7800. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky; Approval of Revisions to the Jefferson County Portion of the Kentucky SIP; New Source Review; Prevention of Significant Deterioration" (FRL No. 9734-7) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7801. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Requirements for Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter (PM<sub>2.5</sub>)" (FRL No. 9735-7) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7802. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Vermont; Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule" (FRL No. 9736-5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7803. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9735-5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7804. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Idaho: Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 9707-1) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7805. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Arizona; Prevention of Air Pollution Emergency Episodes" (FRL No. 9713-4) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7806. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Approval and Partial Disapproval of Air Quality Implementation Plans for Florida, Mississippi, and South Carolina; Section 110(a) (2) (D) (i) (I) Transport Requirements for the 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9738-9) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7807. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi; 110(a) (1) and (2) Infrastructure Requirements for the 1997

and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9738-7) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7808. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9735-6) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7809. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Mississippi; 110(a) (2) (G) Infrastructure Requirement for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9738-6) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7810. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Streamlining Amendments to the Plan Approval Regulations" (FRL No. 9738-1) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7811. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area" (FRL No. 9737-9) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7812. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Implementation Plans; Alabama; Attainment Plan for the Alabama Portion of the Chattanooga 1997 Annual PM<sub>2.5</sub> Nonattainment Area" (FRL No. 9737-8) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7813. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the Nevada State Implementation Plan, Washoe County Air Quality District" (FRL No. 9736-8) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Environment and Public Works.

EC-7814. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cumberland Darter, Rush Darter, Yellowcheek Darter, Chucky Madtom, and Laurel Dace" (RIN1018-AX76) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Environment and Public Works.

EC-7815. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for the Alabama Pearlshell, Round Ebonyshell, Southern Kidneyshell, and Choctaw Bean, and Threatened Species Status for the Tapered Pigtoe, Narrow Pigtoe, Southern Sandshell, and Fuzzy Pigtoe, and Designation of Critical Habitat" (RIN1018-AW92) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Environment and Public Works.

EC-7816. A communication from the Chief of the Listing Branch, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Determination of Endangered Species Status for Coqui Llanero Throughout Its Range and Designation of Critical Habitat" (RIN1018-AX68) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Environment and Public Works.

EC-7817. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7818. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Early-Season Migratory Bird Hunting Regulations" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7819. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2012-13 Early Season" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7820. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Early Seasons and Bag and Possession Limits for Certain Migratory Game Birds in the Contiguous

United States, Alaska, Hawaii, Puerto Rico, and the Virgin Islands" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7821. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2012-13 Late Season" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7822. A communication from the Wildlife Biologist, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Hunting: Final Frameworks for Late-Season Migratory Bird Hunting Regulations" (RIN1018-AX97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7823. A communication from the Division Chief of Regulatory Affairs, Bureau of Land Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Minerals Management: Adjustments of Cost Recovery Fees" (RIN1004-AE29) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7824. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Preoperational Testing of Instrument and Control Air Systems" (Regulatory Guide 1.68.3) received during adjournment of the Senate in the Office of the President of the Senate on September 24, 2012; to the Committee on Environment and Public Works.

EC-7825. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Combining Modal Responses and Spatial Components in Seismic Response Analysis" (Regulatory Guide 1.92, Revision 3) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2012; to the Committee on Environment and Public Works.

EC-7826. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 9764-5) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Environment and Public Works.

EC-7827. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control Technique Guidelines for Plastic Parts, Metal Furniture, Large Appliances, and Miscellaneous Metal Parts" (FRL No. 9731-8) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2012; to the Committee on Environment and Public Works.

EC-7828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina: Approval of Rocky Mount Motor Vehicle Emissions Budget Update" (FRL No. 9732-7) received during adjournment of the Senate in the Office of the President of the Senate on September 25, 2012; to the Committee on Environment and Public Works.

EC-7829. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9734-6) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7830. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9734-5) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7831. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Kentucky 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9734-4) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7832. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; PBR and PTIO" (FRL No. 97) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7833. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia; Control Techniques Guidelines and Reasonably Available Control Technology" (FRL No. 9732-2) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Environment and Public Works.

EC-7834. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report listing unconstructed projects, or unconstructed separable elements of projects, that have been authorized but for which no funds have been obligated for planning, design, or construction during the preceding five full fiscal years; to the Committee on Environment and Public Works.

EC-7835. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Sacramento Metropolitan Air Quality Management District" (FRL No. 9740-7) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7836. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pittsburgh-Beaver Valley Nonattainment Area Determinations of Attainment of the 1997 Annual Fine Particulate Standard" (FRL No. 9738-3) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7837. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina Portion of the Charlotte-Gastonia-Rock Hill, North Carolina-North Carolina 1997 8-Hour Ozone Nonattainment Area; Reasonable Further Progress Plan" (FRL No. 9741-2) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7838. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama; Disapproval of 110(a)(2)(E)(ii) Infrastructure Requirement for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9739-3) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7839. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Portion of York County, South Carolina Within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Nonattainment Area; Reasonable Further Progress Plan" (FRL No. 9740-9) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7840. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Carolina 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9739-2) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7841. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule en-

titled "Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Maine, Massachusetts, New Hampshire; Infrastructure SIPs for the 1997 and 2006 Fine Particulate Matter Standards" (FRL No. 9740-1) received during adjournment of the Senate in the Office of the President of the Senate on October 11, 2012; to the Committee on Environment and Public Works.

EC-7842. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Determination of Attainment of the 1-Hour Ozone National Ambient Air Quality Standards in the Sacramento Metro Nonattainment Area in California" (FRL No. 9741-8) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7843. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Georgia 110(a) (1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9739-1) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7844. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; North Dakota: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule; PM2.5 NSR Implementation Rule" (FRL No. 9742-3) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7845. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Prevention of Significant Deterioration" (FRL No. 9738-2) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7846. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alaska: Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard" (FRL No. 9701-5) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7847. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL No. 9732-5) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7848. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Greif Packaging, LLC Adjusted Standard" (FRL No. 9733-6) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7849. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements for Ozone and Fine Particulate Matter" (FRL No. 9739-8) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7850. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Limited Approval and Disapproval of Air Quality Implementation Plans; Nevada; Clark County; Stationary Source Permits" (FRL No. 9740-3) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Environment and Public Works.

EC-7851. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—October 2012" (Rev. Rul. 2012-28) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Finance.

EC-7852. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Import Restrictions on Archaeological and Ethnological Materials from Guatemala" (RIN1515-AD92) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Finance.

EC-7853. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Replacement Period for Livestock Sold on Account of Drought in Specified Counties" (Notice 2012-62) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Finance.

EC-7854. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "RIC Modernization Act Capital Loss Carryforward Effective Date" (Rev. Rul. 2012-29) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Finance.

EC-7855. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "New Markets Tax Credit Non-Real Estate Investments" (TD 9600) received during adjournment of the



Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Finance.

EC-7856. A communication from the Chief of the Trade and Commercial Regulations Branch, Customs and Border Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "United States-Peru Trade Promotion Agreement" (RIN1515-AD79) received during adjournment of the Senate in the Office of the President of the Senate on October 15, 2012; to the Committee on Finance.

EC-7857. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to groups designated by the Secretary of State as Foreign Terrorist Organizations (OSS 2012-1481); to the Committee on Foreign Relations.

EC-7858. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-113, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-7859. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-7860. A communication from the Assistant Secretary, Bureau of Legislative Affairs, Department of State, transmitting, pursuant to law, a report entitled "Operation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act 2011 Annual Report to Congress"; to the Committee on Foreign Relations.

EC-7861. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the April 26, 2012 through June 24, 2012 reporting period; to the Committee on Foreign Relations.

EC-7862. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Secretary of State's convening of an Accountability Review Board regarding Benghazi, Libya; to the Committee on Foreign Relations.

EC-7863. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-098); to the Committee on Foreign Relations.

EC-7864. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-118); to the Committee on Foreign Relations.

EC-7865. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-117); to the Committee on Foreign Relations.

EC-7866. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-123); to the Committee on Foreign Relations.

EC-7867. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-116); to the Committee on Foreign Relations.

EC-7868. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-112); to the Committee on Foreign Relations.

EC-7869. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0123—2012-0142); to the Committee on Foreign Relations.

EC-7870. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0143—2012-0150); to the Committee on Foreign Relations.

EC-7871. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-132); to the Committee on Foreign Relations.

EC-7872. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "The Department of Labor's 2011 Findings on the Worst Forms of Child Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-7873. A communication from the Secretary of Labor, transmitting, pursuant to law, a report entitled "List of Goods Produced by Child Labor or Forced Labor"; to the Committee on Health, Education, Labor, and Pensions.

EC-7874. A communication from the Chairman of the National Health Care Workforce Commission, transmitting, a report relative to the status of the Commission; to the Committee on Health, Education, Labor, and Pensions.

EC-7875. A communication from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Priorities and Definitions: State Personnel Development Grants" (CFDA No. 84.323A) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7876. A communication from the Assistant Secretary for Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Final Priority: Technical Assistance on State Data Collection, Analysis, and Reporting—National IDEA Technical Assistance Center on Early Childhood Longitudinal Data Systems" (CFDA No. 84.373Z) received during adjournment of the Senate in the Office of the Presi-

dent of the Senate on October 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7877. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Adjustment of Civil Monetary Penalties for Inflation" (RIN1801-AA12) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7878. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Food and Drug Administration's report relative to the Third Review of the Backlog of Postmarketing Requirements and Postmarketing Commitments; to the Committee on Health, Education, Labor, and Pensions.

EC-7879. A communication from General Counsel, Corporation for National and Community Service, transmitting, pursuant to law, the report of a rule entitled "Criminal History Check Requirements for AmeriCorps State/National, Senior Companions, Foster Grandparents, the Retired and Senior Volunteer Program, and Other National Service Programs; Final Rule" (RIN3045-AA56) received during adjournment of the Senate in the Office of the President of the Senate on October 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7880. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7881. A communication from the Program Manager, Centers for Disease Control and Prevention, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Possession, Use, and Transfer of Select Agents and Toxins; Biennial Review" (RIN0920-AA34) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7882. A communication from the Assistant Secretary for the Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program; Delay of Effective Date" (RIN1205-AB61) received during adjournment of the Senate in the Office of the President of the Senate on September 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7883. A communication from the Director, Directorate of Cooperative and State Programs, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Hawaii State Plan for Occupational Safety and Health" (RIN1218-AC78) received during adjournment of the Senate in the Office of the President of the Senate on October 9, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-7884. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of



Columbia Public Schools Local Schools and Central Office Budget Process Review Consulting Report (Report No. 2) Fiscal Years 2007–2010”; to the Committee on Homeland Security and Governmental Affairs.

EC-7885. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Review of the District of Columbia’s Performance Measurement System”; to the Committee on Homeland Security and Governmental Affairs.

EC-7886. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Audit of the Accounts and Operations of ANC 2D for Fiscal Years 2009 through 2011”; to the Committee on Homeland Security and Governmental Affairs.

EC-7887. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Audit of the Metropolitan Police Department’s Investigations and Preliminary Inquiries Involving First Amendment Activities”; to the Committee on Homeland Security and Governmental Affairs.

EC-7888. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, “Fiscal Year 2011 Annual Report on Advisory Neighborhood Commissions”; to the Committee on Homeland Security and Governmental Affairs.

EC-7889. A communication from the Acting Chief Privacy Officer, Privacy Office, Department of Homeland Security, transmitting, pursuant to law, a report entitled “Department of Homeland Security Privacy Office 2012 Annual Report to Congress”; to the Committee on Homeland Security and Governmental Affairs.

EC-7890. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report entitled “Employee Perceptions of Federal Workplace Violence”; to the Committee on Homeland Security and Governmental Affairs.

EC-7891. A communication from the Chairman of the National Capital Planning Commission, transmitting, pursuant to law, the Commission’s fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-7892. A communication from the Associate Deputy Director, Central Intelligence Agency, transmitting, pursuant to law, the Agency’s fiscal year 2011 annual report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC-7893. A communication from the Administrator, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts for FEMA-3347-EM in the State of Louisiana having exceeded the \$5,000,000 limit for a single emergency declaration; to the Committee on Homeland Security and Governmental Affairs.

EC-7894. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “General Services Administration Acquisition Regulation; Rewrite of Part 504, Administrative Matters” (RIN3090-A172) received during adjournment of the Senate in the Office of the President

of the Senate on October 3, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-7895. A communication from the Acting Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Heating, Cooling, and Lighting Standards for Bureau-funded Dormitory Facilities” (RIN1076-AF10) received during adjournment of the Senate in the Office of the President of the Senate on October 5, 2012; to the Committee on Indian Affairs.

EC-7896. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled “Fiscal Year 2011 Report to Congress on Funding Needs For Contract Support Cost of Self-Determination Awards”; to the Committee on Indian Affairs.

EC-7897. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to an audit of the Garden for the period from January 1, 2011, through December 31, 2011; to the Committee on the Judiciary.

EC-7898. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Department’s 2011 Annual Privacy Report; to the Committee on the Judiciary.

EC-7899. A communication from the Clerk of Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit (*Senne v. Village of Palatine, IL*); to the Committee on the Judiciary.

EC-7900. A communication from the Clerk of Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit (*George v. Junior Achievement of Central Indiana*); to the Committee on the Judiciary.

EC-7901. A communication from the Clerk of Court, United States Court of Appeals for the Seventh Circuit, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit (*In re: Ganess Maharaj*); to the Committee on the Judiciary.

EC-7902. A communication from the Acting Chief, Asset Forfeiture and Money Laundering Section, Department of Justice, transmitting, pursuant to law, the report of a rule entitled “Consolidation of Seizure and Forfeiture Regulations” (RIN1105-AA74) received during adjournment of the Senate in the Office of the President of the Senate on October 4, 2012; to the Committee on the Judiciary.

EC-7903. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Changes to Implement Derivation Proceedings” (RIN0651-AC74) received during adjournment of the Senate in the Office of the President of the Senate on October 1, 2012; to the Committee on the Judiciary.

EC-7904. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Establishment of the Middleburg Virginia Viticultural Area” (RIN1513-AB67) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on the Judiciary.

EC-7905. A communication from the Federal Register Liaison Officer, Alcohol and

Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revision to Vintage Date Requirements” (RIN1513-AB84) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on the Judiciary.

EC-7906. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Establishment of the Inwood Valley Viticultural Area” (RIN1513-AB83) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on the Judiciary.

EC-7907. A communication from the Chief of Regulation Development, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Fisher House and Other Temporary Lodging” (RIN2900-AN79) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Veterans’ Affairs.

EC-7908. A communication from the Director of the Regulation Policy and Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Removal of 30-Day Residency Requirement for Per Diem Payments During an In-Patient Hospital Stay” (RIN2900-AO36) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Veterans’ Affairs.

EC-7909. A communication from the Director of the Regulation Policy and Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled “Servicemembers’ Group Life Insurance and Veterans’ Group Life Insurance—Slayer’s Rule Exclusion” (RIN2900-AN40) received during adjournment of the Senate in the Office of the President of the Senate on October 2, 2012; to the Committee on Veterans’ Affairs.

EC-7910. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0264)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7911. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; BAE Systems (Operations) Limited Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0332)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7912. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; The Boeing Company Airplanes” ((RIN2120-AA64) (Docket No. FAA-2012-0336)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7913. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1418)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7914. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Various Restricted Category Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0739)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7915. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2010-0480)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7916. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0414)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7917. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glasflügel Gliders" ((RIN2120-AA64) (Docket No. FAA-2012-0046)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7918. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1322)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7919. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2009-0607)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-7920. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; HPH s.r.o. Sailplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0598)) received during

adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES DURING ADJOURNMENT

Under the authority of the order of the Senate of September 22, 2012, the following reports of committees were submitted on November 2, 2012:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1998. A bill to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security (Rept. No. 112-230).

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute:

S. 2215. A bill to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, and for other purposes (Rept. No. 112-231).

S. 2318. A bill to authorize the Secretary of State to pay a reward to combat transnational organized crime and for information concerning foreign nationals wanted by international criminal tribunals, and for other purposes (Rept. No. 112-232).

By Mr. KERRY, from the Committee on Foreign Relations, with an amendment in the nature of a substitute and an amendment to the title:

S. 3310. A bill to direct the President, in consultation with the Department of State, United States Agency for International Development, Millennium Challenge Corporation, and the Department of Defense, to establish guidelines for United States foreign assistance programs, and for other purposes (Rept. No. 112-233).

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

S. 3331. A bill to provide for universal intercountry adoption accreditation standards, and for other purposes (Rept. No. 112-234).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1268. A bill to increase the efficiency and effectiveness of the Government by providing for greater interagency experience among national security and homeland security personnel through the development of a national security and homeland security human capital strategy and interagency rotational service by employees, and for other purposes (Rept. No. 112-235).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1953. A bill to reauthorize the Research and Innovative Technology Administration, to improve transportation research and development, and for other purposes (Rept. No. 112-236).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1701. A bill to amend the Harmful Algal Blooms and Hypoxia Research and Control Act of 1998, and for other purposes (Rept. No. 112-237).

S. 1950. A bill to amend title 49, United States Code, to improve commercial motor vehicle safety and reduce commercial motor vehicle-related accidents and fatalities, to authorize the Federal Motor Carrier Safety Administration, and for other purposes (Rept. No. 112-238).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. MERKLEY:

S. 3626. A bill to provide financing assistance for qualified water infrastructure projects, and for other purposes; to the Committee on Environment and Public Works.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CASEY:

S. Res. 590. A resolution supporting the goals and ideals of "Children's Grief Awareness Day"; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SESSIONS (for himself and Mr. SHELBY):

S. Res. 591. A resolution expressing the sense of the Senate regarding Raymond Weeks and his efforts in the establishment of Veterans Day; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 82

At the request of Mr. JOHANNES, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 82, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs, to repeal the sunset of the Patient Protection and Affordable Care Act with respect to increased dollar limitations for such credit and programs, and to allow the adoption credit to be claimed in the year expenses are incurred, regardless of when the adoption becomes final.

S. 202

At the request of Mr. PAUL, the names of the Senator from Maine (Ms. COLLINS), the Senator from Ohio (Mr. PORTMAN) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 260

At the request of Mr. NELSON of Florida, the name of the Senator from

Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 260, a bill to amend title 10, United States Code, to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation.

S. 339

At the request of Mr. BAUCUS, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Maine (Ms. COLLINS) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 339, a bill to amend the Internal Revenue Code of 1986 to make permanent the special rule for contributions of qualified conservation contributions.

S. 755

At the request of Mr. WYDEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 755, a bill to amend the Internal Revenue Code of 1986 to allow an offset against income tax refunds to pay for restitution and other State judicial debts that are past-due.

S. 821

At the request of Mr. LEAHY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 821, a bill to amend the Immigration and Nationality Act to eliminate discrimination in the immigration laws by permitting permanent partners of United States citizens and lawful permanent residents to obtain lawful permanent resident status in the same manner as spouses of citizens and lawful permanent residents and to penalize immigration fraud in connection with permanent partnerships.

S. 847

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 847, a bill to amend the Toxic Substances Control Act to ensure that risks from chemicals are adequately understood and managed, and for other purposes.

S. 1042

At the request of Ms. MURKOWSKI, the name of the Senator from Kentucky (Mr. PAUL) was added as a cosponsor of S. 1042, a bill to amend title XVIII of the Social Security Act to establish a Medicare payment option for patients and physicians or practitioners to freely contract, without penalty, for Medicare fee-for-service items and services, while allowing Medicare beneficiaries to use their Medicare benefits.

S. 1171

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1171, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible dependent beneficiaries of employees.

S. 1173

At the request of Mr. WYDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1244

At the request of Mr. INOUE, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1244, a bill to provide for preferential duty treatment to certain apparel articles of the Philippines.

S. 1269

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1269, a bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to collect information from coeducational secondary schools on such schools' athletic programs, and for other purposes.

S. 1391

At the request of Mr. TESTER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1391, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with post-traumatic stress disorder or mental health conditions related to military sexual trauma, and for other purposes.

S. 1423

At the request of Mr. TOOMEY, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1423, a bill to clarify the orphan drug exception to the annual fee on branded prescription pharmaceutical manufacturers and importers.

S. 1460

At the request of Mr. BAUCUS, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1770

At the request of Mrs. GILLIBRAND, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1770, a bill to prohibit discrimination in adoption or foster case placements based on the sexual orientation, gender identity, or marital status of any prospective adoptive or foster par-

ent, or the sexual orientation or gender identity of the child involved.

S. 1782

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1782, a bill to provide for the reduction in unintended pregnancy and sexually transmitted infections, including HIV, and the promotion of healthy relationships, and for other purposes.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the names of the Senator from Oklahoma (Mr. INHOFE) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1916

At the request of Mr. NELSON of Florida, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1916, a bill to exclude ecosystem component stocks of fish from certain annual catch limits and for other purposes.

S. 2124

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2124, a bill to amend title III of the Public Health Service Act to authorize and support the creation of cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 2259

At the request of Mr. TESTER, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2259, a bill to provide for an increase, effective December 1, 2012, in the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity

compensation for the survivors of certain disabled veterans, and for other purposes.

S. 3243

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3243, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the low-income housing credit that may be allocated in States damaged in 2011 by Hurricane Irene or Tropical Storm Lee.

S. 3275

At the request of Mr. COONS, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Colorado (Mr. BENNET), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Massachusetts (Mr. BROWN) were added as cosponsors of S. 3275, a bill to amend the Internal Revenue Code of 1986 to extend the publicly traded partnership ownership structure to energy power generation projects and transportation fuels, and for other purposes.

S. 3338

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from Delaware (Mr. COONS), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Mexico (Mr. BINGAMAN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3407

At the request of Mr. WYDEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3427

At the request of Mr. KOHL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3427, a bill to permanently extend

the employer-provided child care credit under section 45F of the Internal Revenue Code of 1986.

S. 3460

At the request of Mr. ENZI, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 3460, a bill to amend the Internal Revenue Code of 1986 to provide for startup businesses to use a portion of the research and development credit to offset payroll taxes.

S. 3477

At the request of Mrs. BOXER, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3477, a bill to ensure that the United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3494

At the request of Mr. FRANKEN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 3494, a bill to amend the Internal Revenue Code of 1986 to qualify formerly homeless individuals who are full-time students for purposes of low income housing tax credit.

S. 3498

At the request of Mr. CASEY, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3498, a bill to provide humanitarian assistance and support a democratic transition in Syria, and for other purposes.

S. 3526

At the request of Mr. WICKER, the names of the Senator from Missouri (Mr. BLUNT) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3526, a bill to amend title 10, United States Code, to protect the rights of conscience of members of the Armed Forces and chaplains of members of the Armed Forces, and for other purposes.

S. 3550

At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3550, a bill to amend the Higher Education Act of 1965 to protect students from deceptive practices and high-pressure sales by institutions of higher education, to provide a waiting period for students to make enrollment decisions, to guard against misrepresentation, to standardize and elevate institutional disclosures, and for other purposes.

S. 3565

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 3565, a bill to eliminate discrimination and promote women's health and economic security by ensur-

ing reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 3573

At the request of Mr. HOEVEN, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 3573, a bill to recognize the primacy of States, provide for the consideration of the economic impact of additional regulations, and provide for standards and requirements relating to certain guidelines and regulations relating to health and the environment.

S. 3574

At the request of Mr. BLUNT, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3574, a bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 3584

At the request of Mr. PRYOR, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3584, a bill to reauthorize the National Integrated Drought Information System, and for other purposes.

S. 3605

At the request of Mr. CRAPO, the names of the Senator from Wyoming (Mr. BARRASSO) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of S. 3605, a bill to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S.J. RES. 50

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S.J. Res. 50, a joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Office of Family Assistance of the Administration for Children and Families of the Department of Health and Human

Services relating to waiver and expenditure authority under section 1115 of the Social Security Act (42 U.S.C. 1315) with respect to the Temporary Assistance for Needy Families program.

S. RES. 543

At the request of Mrs. BOXER, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 543, a resolution to express the sense of the Senate on international parental child abduction.

S. RES. 574

At the request of Mrs. GILLIBRAND, the names of the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. Res. 574, a resolution calling on the United Nations to take concerted actions against leaders in Iran for their statements calling for the destruction of another United Nations Member State, Israel.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 590—SUPPORTING THE GOALS AND IDEALS OF “CHILDREN’S GRIEF AWARENESS DAY”

Mr. CASEY submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 590

Whereas 1 in 5 children in the United States will experience the death of a close friend or relative by the age of 18 years old;

Whereas in the United States, 1,900,000 children under the age of 18 years old have lost 1 or both parents;

Whereas the death of a loved one can affect a child for the rest of his or her life;

Whereas the death of a loved one causes confusion and distress because the child does not understand why the loved one died;

Whereas a grieving child often feels lonely, fearful, and misunderstood, hindering the ability to face feelings and manage grief;

Whereas children have often been called “forgotten mourners” because many people erroneously believe that children are resilient enough to “just get over” grief;

Whereas a grieving child needs to have his or her feelings acknowledged, a listening ear, and the support of caring individuals, such as family members, friends, and others who are also grieving a loss;

Whereas Children’s Grief Awareness Day began in 2008, through grassroots efforts to help others understand the impact of death on children, and the need for support, and to provide ways for adults and young people to show support and solidarity for grieving children;

Whereas Children’s Grief Awareness Day is observed every year on the Thursday before Thanksgiving, immediately preceding the winter holidays, which can be a particularly difficult time for grieving children;

Whereas individuals can participate in Children’s Grief Awareness Day by engaging in activities that raise awareness of the needs of grieving children and by wearing blue on that day as a symbol of support for grieving children;

Whereas on November 15, 2012, thousands of children and adults from all walks of life and

across the United States will join together to show support for grieving children by participating in Children’s Grief Awareness Day; and

Whereas November 15, 2012, would be an appropriate day to designate as “Children’s Grief Awareness Day” to help the public understand the devastating impact of the death of a loved one on a child, and of the need for support for grieving children: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of Children’s Grief Awareness Day to raise awareness of and support for grieving children;

(2) recognizes the hard work that grieving children do every day in creating a new life out of the pieces remaining of their old lives;

(3) applauds the individuals that volunteer to support grieving children;

(4) salutes the Federal, State, and local organizations that work on behalf of grieving children;

(5) recognizes the tireless efforts put forth by the individuals that help grieving children day after day; and

(6) encourages the people of the United States to observe Children’s Grief Awareness Day with appropriate programs and activities.

#### SENATE RESOLUTION 591—EXPRESSING THE SENSE OF THE SENATE REGARDING RAYMOND WEEKS AND HIS EFFORTS IN THE ESTABLISHMENT OF VETERANS DAY

Mr. SESSIONS (for himself and Mr. SHELBY) submitted the following resolution; which was considered and agreed to:

S. RES. 591

Whereas November 11, 2012, is the 65th anniversary of National Veterans Day in Birmingham, Alabama;

Whereas the National Veterans Day in Birmingham is the longest running celebration of Veterans Day in the Nation;

Whereas, on November 11, 1946, World War II veteran Raymond Weeks presented General Eisenhower a program design proposing to replace Armistice Day with a National Veterans Day in 1947;

Whereas the very first Veterans Day celebration was held in Birmingham by the National Veterans Day Organization in 1947;

Whereas President Eisenhower signed into law on June 1, 1954, the Act proclaiming November 11 as Veterans Day (Public Law 380; 83rd Congress);

Whereas in 1954, the National Veterans Day Volunteer Organization, started by Raymond Weeks, expanded to organize a multi-day celebration including, but not limited to, a Veterans Day Parade, a World Peace Luncheon, and presentation during the National Veterans Award Dinner of the National Veterans Award;

Whereas these three events have been held every year since 1954;

Whereas the briefing for President Reagan by Elizabeth Dole for the Presidential Citizens Medals cited Raymond Weeks as the “Father of Veterans Day”;

Whereas President Reagan recognized Raymond Weeks as the driving force behind Veterans Day while presenting Raymond Weeks with the Presidential Citizens Medal on November 11, 1982;

Whereas Raymond Weeks should be recognized for his push to honor the great men

and women who have served their country with a special day of recognition; and

Whereas Birmingham, Alabama, should be recognized for its contributions to the institution of Veterans Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes Birmingham, Alabama, as the home to the first and longest running celebration of Veterans Day;

(2) recognizes Raymond Weeks for his pioneering efforts in the establishment of Veterans Day; and

(3) honors the sacrifices of, and pays tribute to, the men and women of the United States in uniform who risk life and limb for their country at home and overseas.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2871. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2872. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2873. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2874. Mr. KERRY (for himself, Ms. CANTWELL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. DURBIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2875. Mr. REID (for Mr. TESTER) proposed an amendment to the bill S. 3525, supra.

SA 2876. Mr. REID proposed an amendment to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra.

SA 2877. Mr. REID proposed an amendment to amendment SA 2876 proposed by Mr. REID to the amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra.

SA 2878. Mr. REID proposed an amendment to the bill S. 3525, supra.

SA 2879. Mr. REID proposed an amendment to amendment SA 2878 proposed by Mr. REID to the bill S. 3525, supra.

SA 2880. Mr. REID proposed an amendment to the bill S. 3525, supra.

SA 2881. Mr. REID proposed an amendment to amendment SA 2880 proposed by Mr. REID to the bill S. 3525, supra.

SA 2882. Mr. REID proposed an amendment to amendment SA 2881 proposed by Mr. REID to the amendment SA 2880 proposed by Mr. REID to the bill S. 3525, supra.

SA 2883. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2884. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2885. Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2886. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2887. Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the

bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2888. Mr. KOHL (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2889. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2871.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3254, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

### SEC. \_\_\_\_ . MODIFICATION OF EQUAL ACCESS TO JUSTICE PROVISIONS.

(a) AGENCY PROCEEDINGS.—Section 504 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting after the first sentence the following: “Fees and other expenses may be awarded under this subsection only to a prevailing party who has a direct and personal interest in the adversary adjudication because of medical costs, property damage, denial of benefits, unpaid disbursement, fees and other expenses incurred in defense of the adjudication, interest in a policy concerning such medical costs, property damage, denial of benefits, unpaid disbursement, or fees and other expenses, or otherwise.”; and

(ii) by adding at the end the following: “The agency conducting the adversary adjudication shall make any party against whom the adjudication is brought, at the time the adjudication is commenced, aware of the provisions of this section.”; and

(B) in paragraph (3), in the first sentence—

(i) by striking “may reduce” and inserting “shall reduce”; and

(ii) by striking “unduly and unreasonably” and inserting “unduly or unreasonably”;

(2) in subsection (b)(1)—

(A) in subparagraph (A)(ii), by striking “\$125 per hour” and all that follows through the end and inserting “\$200 per hour.”; and

(B) in subparagraph (B)(ii), by striking “; except that” and all that follows through “section 601;” and inserting “except that—

“(I) the net worth of a party (other than an individual or a unit of local government) shall include the net worth of any parent entity or subsidiary of that party; and

“(II) for purposes of subclause (I)—

“(aa) a ‘parent entity’ of a party is an entity that owns or controls the equity or other evidences of ownership in that party; and

“(bb) a ‘subsidiary’ of a party is an entity the equity or other evidences of ownership in which are owned or controlled by that party.”;

(3) in subsection (c)(1), by striking “, United States Code”; and

(4) by striking subsections (e) and (f) and inserting the following:

“(e)(1) The Chairman of the Administrative Conference of the United States, after consultation with the Chief Counsel for Advocacy of the Small Business Administration, shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this section. The report shall describe the number, nature, and amount of the awards, the claims involved in the controversy, and any other relevant information that may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman in a timely manner all information necessary for the Chairman to comply with the requirements of this subsection. The report shall be made available to the public online.

“(2)(A) The report required by paragraph (1) shall account for all payments of fees and other expenses awarded under this section that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

“(B) The disclosure of fees and other expenses required under subparagraph (A) does not affect any other information that is subject to nondisclosure provisions in the settlement agreement.

“(f) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this section:

“(1) The name of each party to whom the award was made.

“(2) The name of each counsel of record representing each party to whom the award was made.

“(3) The agency to which the application for the award was made.

“(4) The name of each counsel of record representing the agency to which the application for the award was made.

“(5) The name of each administrative law judge, and the name of any other agency employee serving in an adjudicative role, in the adversary adjudication that is the subject of the application for the award.

“(6) The amount of the award.

“(7) The names and hourly rates of each expert witness for whose services the award was made under the application.

“(8) The basis for the finding that the position of the agency concerned was not substantially justified.

“(g) The online searchable database described in subsection (f) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.

“(h) The Director of the Office of Management and Budget shall adjust the maximum hourly fee set forth in subsection (b)(1)(A)(ii) for the fiscal year beginning October 1, 2013, and for each fiscal year thereafter, to reflect changes in the Consumer Price Index, as determined by the Secretary of Labor.”.

(b) COURT CASES.—Section 2412(d) of title 28, United States Code, is amended—

(1) by amending subsection (d)(1)(A) to read as follows:

“(d)(1)(A) Except as otherwise specifically provided by statute, a court, in any civil action (other than cases sounding in tort), in-

cluding proceedings for judicial review of agency action, brought by or against the United States in any court having jurisdiction of that action, shall award to a prevailing party (other than the United States) fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in the civil action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust. Fees and other expenses may be awarded under this paragraph only to a prevailing party who has a direct and personal interest in the civil action because of medical costs, property damage, denial of benefits, unpaid disbursement, fees and other expenses incurred in defense of the civil action, interest in a policy concerning such medical costs, property damage, denial of benefits, unpaid disbursement, or fees and other expenses, or otherwise.”;

(2) in paragraph (1)(C)—

(A) by striking “court, in its discretion, may” and inserting “court shall”; and

(B) by striking “unduly and unreasonably” and inserting “unduly or unreasonably”;

(3) in paragraph (2)—

(A) in subparagraph (A)(ii), by striking “\$125” and all that follows through the end and inserting “\$200 per hour.”; and

(B) in subparagraph (B)(ii), by striking “; except that” and all that follows through “section 601 of title 5;” and inserting “except that—

“(I) the net worth of a party (other than an individual or a unit of local government) shall include the net worth of any parent entity or subsidiary of that party; and

“(II) for purposes of subclause (I)—

“(aa) a ‘parent entity’ of a party is an entity that owns or controls the equity or other evidences of ownership in that party; and

“(bb) a ‘subsidiary’ of a party is an entity the equity or other evidences of ownership in which are owned or controlled by that party.”;

(4) by adding at the end the following:

“(5) The Director of the Office of Management and Budget shall adjust the maximum hourly fee set forth in paragraph (2)(A)(ii) for the fiscal year beginning October 1, 2013, and for each fiscal year thereafter, to reflect changes in the Consumer Price Index, as determined by the Secretary of Labor.

“(6)(A) The Chairman of the Administrative Conference of the United States shall report annually to the Congress on the amount of fees and other expenses awarded during the preceding fiscal year pursuant to this subsection. The report shall describe the number, nature, and amount of the awards, the claims involved in each controversy, and any other relevant information which may aid the Congress in evaluating the scope and impact of such awards. Each agency shall provide the Chairman with such information as is necessary for the Chairman to comply with the requirements of this paragraph. The report shall be made available to the public online.

“(B) (i) The report required by subparagraph (A) shall account for all payments of fees and other expenses awarded under this subsection that are made pursuant to a settlement agreement, regardless of whether the settlement agreement is sealed or otherwise subject to nondisclosure provisions, except that any version of the report made available to the public may not reveal any information the disclosure of which is contrary to the national security of the United States.

“(ii) The disclosure of fees and other expenses required under clause (i) does not affect any other information that is subject to

nondisclosure provisions in the settlement agreement.

“(C) The Chairman of the Administrative Conference shall include and clearly identify in the annual report under subparagraph (A), for each case in which an award of fees and other expenses is included in the report—

“(i) any amounts paid from section 1304 of title 31 for a judgment in the case;

“(ii) the amount of the award of fees and other expenses; and

“(iii) the statute under which the plaintiff filed suit.

“(7) The Chairman of the Administrative Conference shall create and maintain online a searchable database containing the following information with respect to each award of fees and other expenses under this subsection:

“(A) The name of each party to whom the award was made.

“(B) The name of each counsel of record representing each party to whom the award was made.

“(C) The agency involved in the case.

“(D) The name of each counsel of record representing the agency involved in the case.

“(E) The name of each judge in the case, and the court in which the case was heard.

“(F) The amount of the award.

“(G) The names and hourly rates of each expert witness for whose services the award was made.

“(H) The basis for the finding that the position of the agency concerned was not substantially justified.

“(8) The online searchable database described in paragraph (7) may not reveal any information the disclosure of which is prohibited by law or court order, or the disclosure of which is contrary to the national security of the United States.

“(9) The Attorney General of the United States shall provide to the Chairman of the Administrative Conference of the United States in a timely manner all information necessary for the Chairman to carry out the Chairman's responsibilities under this subsection.”.

(c) CLERICAL AMENDMENT.—Section 2412(e) of title 28, United States Code, is amended by striking “of section 2412 of title 28, United States Code,” and inserting “of this section”.

**SA 2872.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . NATCHEZ TRACE PARKWAY LAND CONVEYANCE.**

(a) **SHORT TITLE.**—This section may be cited as the “Natchez Trace Parkway Land Conveyance Act of 2012”.

(b) **DEFINITIONS.**—In this section:

(1) **MAP.**—The term “map” means the map entitled “Natchez Trace Parkway, Proposed Boundary Change”, numbered 604/105392, and dated November 2010.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(3) **STATE.**—The term “State” means the State of Mississippi.

(c) **LAND CONVEYANCE.**—

(1) **CONVEYANCE AUTHORITY.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the Secretary shall convey to the State, by quitclaim deed and without consideration, all right, title, and interest of the

United States in and to the parcels of land described in paragraph (2).

(B) **COMPATIBLE USE.**—The deed of conveyance to the parcel of land that is located southeast of U.S. Route 61/84 (commonly known as the “bean field property”) shall reserve an easement to the United States restricting the use of the parcel to only those uses that are compatible with the Natchez Trace Parkway.

(2) **DESCRIPTION OF LAND.**—The parcels of land referred to in paragraph (1) are the 2 parcels totaling approximately 67 acres generally depicted as “Proposed Conveyance” on the map.

(3) **AVAILABILITY OF MAP.**—The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

(d) **BOUNDARY ADJUSTMENTS.**—

(1) **EXCLUSION OF CONVEYED LAND.**—On completion of the conveyance to the State of the land described in subsection (c)(2), the boundary of the Natchez Trace Parkway shall be adjusted to exclude the conveyed land.

(2) **INCLUSION OF ADDITIONAL LAND.**—

(A) **IN GENERAL.**—Effective on the date of enactment of this Act, the boundary of the Natchez Trace Parkway is adjusted to include the approximately 10 acres of land that is generally depicted as “Proposed Addition” on the map.

(B) **ADMINISTRATION.**—The land added under subparagraph (A) shall be administered by the Secretary as part of the Natchez Trace Parkway.

**SA 2873.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . TRANSFER OF YELLOW CREEK PORT PROPERTIES.**

In accordance with section 4(k) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831c(k)), Congress approves the conveyance by the Tennessee Valley Authority, on behalf of the United States, to the State of Mississippi of the Yellow Creek Port properties owned by the United States and in the custody of the Tennessee Valley Authority at Iuka, Mississippi, as of the date of enactment of this Act.

**SA 2872.** Mr. KERRY (for himself, Ms. CANTWELL, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. MENENDEZ, Mr. DURBIN, and Mr. LAUTENBERG) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 102.

**SA 2875.** Mr. REID (for Mr. TESTER) proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Sportsmen’s Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

**TITLE I—HUNTING, FISHING, AND RECREATIONAL SHOOTING**

**Subtitle A—Hunting and Recreational Shooting**

Sec. 101. Making public land public.

Sec. 102. Permits for importation of polar bear trophies taken in sport hunts in Canada.

Sec. 103. Transporting bows through National Parks.

**Subtitle B—Target Practice and Marksmanship Training Support**

Sec. 111. Target practice and marksmanship training.

Sec. 112. Findings; purpose.

Sec. 113. Definition of public target range.

Sec. 114. Amendments to Pittman-Robertson Wildlife Restoration Act.

Sec. 115. Sense of Congress regarding cooperation.

**Subtitle C—Fishing**

Sec. 121. Modification of definition of toxic substance to exclude sport fishing equipment.

**TITLE II—NATIONAL FISH HABITAT**

**Subtitle A—National Fish Habitat**

Sec. 201. Definitions.

Sec. 202. National Fish Habitat Board.

Sec. 203. Fish habitat partnerships.

Sec. 204. Fish habitat conservation projects.

Sec. 205. National Fish Habitat Conservation Partnership Office.

Sec. 206. Technical and scientific assistance.

Sec. 207. Conservation of aquatic habitat for fish and other aquatic organisms on Federal land.

Sec. 208. Coordination with States and Indian tribes.

Sec. 209. Accountability and reporting.

Sec. 210. Regulations.

Sec. 211. Effect of subtitle.

Sec. 212. Nonapplicability of Federal Advisory Committee Act.

Sec. 213. Funding.

**Subtitle B—Duck Stamps**

Sec. 221. Findings.

Sec. 222. Cost of stamps.

Sec. 223. Waivers.

Sec. 224. Permanent electronic duck stamps.

**Subtitle C—Joint Ventures to Protect Migratory Bird Populations**

Sec. 231. Purposes.

Sec. 232. Definitions.

Sec. 233. Joint Ventures Program.

Sec. 234. Administration.

Sec. 235. Grants and other assistance.

Sec. 236. Reporting.

Sec. 237. Relationship to other authorities.

Sec. 238. Federal Advisory Committee Act.

**Subtitle D—Reauthorizations**

Sec. 241. North American Wetlands Conservation Act.

Sec. 242. Partners for Fish and Wildlife Act.

Sec. 243. National Fish and Wildlife Foundation reauthorization.

Sec. 244. Multinational Species Conservation Funds Semipostal Stamp.

Sec. 245. Multinational species conservation funds reauthorizations.

Sec. 246. Neotropical Migratory Bird Conservation Act.

Sec. 247. Federal Land Transaction Facilitation Act.

Sec. 248. Nutria eradication and control.



**TITLE I—HUNTING, FISHING, AND  
RECREATIONAL SHOOTING**  
**Subtitle A—Hunting and Recreational  
Shooting**

**SEC. 101. MAKING PUBLIC LAND PUBLIC.**

(a) IN GENERAL.—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6) is amended—

(1) by striking “SEC. 3. APPROPRIATIONS.—Moneys” and inserting the following:

**“SEC. 3. FUNDING.**

“(a) IN GENERAL.—Amounts”; and

(2) by adding at the end the following:

“(b) PRIORITY LIST.—

“(1) IN GENERAL.—Subject to the availability of appropriations and notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts made available for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under paragraph (2).

“(2) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

“(3) CRITERIA.—Projects identified on the priority list developed under paragraph (2) shall secure recreational public access to Federal public land in existence as of the date of enactment of this subsection that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

(b) CONFORMING AMENDMENTS.—

(1) LAND AND WATER CONSERVATION FUND ACT.—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 4601-5(c)(2)), by striking “notwithstanding the provisions of section 3 of this Act”; and

(B) in the first sentence of section 9 (16 U.S.C. 4601-10a), by striking “by section 3 of this Act”; and

(C) in the third sentence of section 10 (16 U.S.C. 4601-10b), by striking “by section 3 of this Act”.

(2) FEDERAL LAND TRANSACTION FACILITATION ACT.—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601-6)” and inserting “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.)”.

**SEC. 102. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

“(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally

harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Sportsmen’s Act of 2012.”.

**SEC. 103. TRANSPORTING BOWS THROUGH NATIONAL PARKS.**

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall permit individuals carrying bows and crossbows to traverse national park land if the traverse is—

(A) for the sole purpose of hunting on adjacent public or private land; and

(B) the most direct means of access to the adjacent land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on national park land.

**Subtitle B—Target Practice and  
Marksmanship Training Support**

**SEC. 111. TARGET PRACTICE AND MARKSMANSHIP TRAINING.**

This subtitle may be cited as the “Target Practice and Marksmanship Training Support Act”.

**SEC. 112. FINDINGS; PURPOSE.**

(a) FINDINGS.—Congress finds that—

(1) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(2) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;

(3) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(4) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16

U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(5) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) PURPOSE.—The purpose of this subtitle is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

**SEC. 113. DEFINITION OF PUBLIC TARGET RANGE.**

In this subtitle, the term “public target range” means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

**SEC. 114. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**

(a) DEFINITIONS.—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”.

(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.—

“(1) IN GENERAL.—Except as provided in paragraph (2), each State”; and

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) NON-FEDERAL SHARE.—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) REGULATIONS.—The Secretary”; and

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) EXCEPTION.—Notwithstanding the limitation described in paragraph (1), a State may use the funds apportioned to the State under section 4(d) to pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) ALLOCATION OF ADDITIONAL AMOUNTS.—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for

that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) COST SHARING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), amounts made”; and

(B) by adding at the end the following:

“(B) EXCEPTION.—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

(d) TECHNICAL AND CONFORMING AMENDMENTS TO THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.—

(1) TECHNICAL AMENDMENTS.—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by striking “(c) APPORTIONMENT” and inserting “(d) APPORTIONMENT”.

(2) CONFORMING AMENDMENTS.—

(A) DEFINITIONS.—Section 2(6) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a(6)) is amended by striking “section 4(d)” and inserting “section 4(e)”.

(B) AUTHORIZATION OF APPROPRIATIONS.—Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking “sections 4(d) and (e)” and inserting “section 4(e)”.

#### SEC. 115. SENSE OF CONGRESS REGARDING CO-OPERATION.

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

#### Subtitle C—Fishing

#### SEC. 121. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article when included in the article including, without limitation, shot, bullets and other projectiles, propellants, and primers.”;

(2) in clause (vi) by striking the period at the end and inserting “, and”; and

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to

paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

### TITLE II—NATIONAL FISH HABITAT

#### Subtitle A—National Fish Habitat

#### SEC. 201. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) AQUATIC HABITAT.—

(A) IN GENERAL.—The term “aquatic habitat” means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) INCLUSIONS.—The term “aquatic habitat” includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) ASSISTANT ADMINISTRATOR.—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) BOARD.—The term “Board” means the National Fish Habitat Board established by section 202(a)(1).

(5) CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.—The terms “conservation”, “conserve”, “manage”, and “management” mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and translocation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.

(6) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(7) FISH.—

(A) IN GENERAL.—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) INCLUSIONS.—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) FISH HABITAT CONSERVATION PROJECT.—

(A) IN GENERAL.—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 204; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) INCLUSIONS.—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) INDIAN TRIBE.—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) NATIONAL FISH HABITAT ACTION PLAN.—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) PARTNERSHIP.—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 203(a).

(12) REAL PROPERTY INTEREST.—The term “real property interest” means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(14) STATE AGENCY.—The term “State agency” means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

#### SEC. 202. NATIONAL FISH HABITAT BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a board, to be known as the “National Fish Habitat Board”—

(A) to promote, oversee, and coordinate the implementation of this subtitle and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) MEMBERSHIP.—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) **COMPENSATION.**—A member of the Board shall serve without compensation.

(4) **TRAVEL EXPENSES.**—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) **APPOINTMENT AND TERMS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) **INITIAL BOARD MEMBERSHIP.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) **TRIBAL REPRESENTATIVES.**—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Ac-

tion Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) **TRANSITIONAL TERMS.**—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) **VACANCIES.**—

(A) **IN GENERAL.**—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) **TRIBAL REPRESENTATIVES.**—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) **CONTINUATION OF SERVICE.**—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) **REMOVAL.**—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) **CHAIRPERSON.**—

(1) **IN GENERAL.**—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) **TERM.**—The Chairperson of the Board shall serve for a term of 3 years.

(d) **MEETINGS.**—

(1) **IN GENERAL.**—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) **PUBLIC ACCESS.**—All meetings of the Board shall be open to the public.

(e) **PROCEDURES.**—

(1) **IN GENERAL.**—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{3}{4}$  of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this subtitle;

(D) procedures for designating Partnerships under section 203; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) **QUORUM.**—A majority of the members of the Board shall constitute a quorum.

#### **SEC. 203. FISH HABITAT PARTNERSHIPS.**

(a) **AUTHORITY TO DESIGNATE.**—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) **PURPOSES.**—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) **APPLICATIONS.**—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) **APPROVAL.**—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

#### **SEC. 204. FISH HABITAT CONSERVATION PROJECTS.**

(a) **SUBMISSION TO BOARD.**—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this subtitle.

(b) **RECOMMENDATIONS BY BOARD.**—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this subtitle, in order of priority, for the following fiscal year.

(c) **CONSIDERATIONS.**—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating actively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this subtitle or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions

for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this subtitle unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this subtitle.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(c) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial as-

sistance under this subtitle unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this subtitle may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this subtitle to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

**SEC. 205. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the “National Fish Habitat Conservation Partnership Office”, within the United States Fish and Wildlife Service.

(b) FUNCTIONS.—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(2) facilitate the cooperative development and approval of Partnerships;

(3) assist the Secretary and the Board in carrying out this subtitle;

(4) assist the Secretary in carrying out the requirements of sections 206 and 208;

(5) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(6) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(7) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(8) coordinate technical and scientific reporting as required by section 209;

(9) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this subtitle in an efficient manner; and

(10) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) INTERAGENCY OPERATIONAL PLAN.—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) STAFF AND SUPPORT.—

(1) DEPARTMENTS OF INTERIOR AND COMMERCE.—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 213.

(2) STATES AND INDIAN TRIBES.—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) DETAILEES AND CONTRACTORS.—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) QUALIFICATIONS.—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) WAIVER OF REQUIREMENT.—The Secretary may waive all or part of the non-Federal contribution requirement under section 204(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) REPORTS.—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

**SEC. 206. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

(a) IN GENERAL.—The Director, the Assistant Administrator, and the Director of the

United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

**SEC. 207. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.**

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

**SEC. 208. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this subtitle by not later than 30 days before the date on which the activity is implemented.

**SEC. 209. ACCOUNTABILITY AND REPORTING.**

(a) **IMPLEMENTATION REPORTS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this subtitle; and

(B) the National Fish Habitat Action Plan.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this subtitle during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 204(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 204(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 204(b) that was based on a factor other than the criteria described in section 204(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) **STATUS AND TRENDS REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) **REVISIONS.**—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

**SEC. 210. REGULATIONS.**

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this subtitle.

**SEC. 211. EFFECT OF SUBTITLE.**

(a) **WATER RIGHTS.**—Nothing in this subtitle—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) **STATE AUTHORITY.**—Nothing in this subtitle—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) **EFFECT ON INDIAN TRIBES.**—Nothing in this subtitle abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) **ADJUDICATION OF WATER RIGHTS.**—Nothing in this subtitle diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) **EFFECT ON OTHER AUTHORITIES.**—

(1) **ACQUISITION OF LAND AND WATER.**—Nothing in this subtitle alters or otherwise af-

fects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) **PRIVATE PROPERTY PROTECTION.**—Nothing in this subtitle permits the use of funds made available to carry out this subtitle to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) **MITIGATION.**—Nothing in this subtitle permits the use of funds made available to carry out this subtitle for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

**SEC. 212. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

**SEC. 213. FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FISH HABITAT CONSERVATION PROJECTS.**—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2012 through 2016 to provide funds for—

(A) fish habitat conservation projects approved under section 204(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes; and

(B) the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach.

(2) **NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**—

(A) **IN GENERAL.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 209, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) **REQUIRED TRANSFERS.**—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 205(c).

(3) **TECHNICAL AND SCIENTIFIC ASSISTANCE.**—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 206—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) \$500,000 to the Secretary for use by the United States Geological Survey.

(4) **PLANNING AND ADMINISTRATIVE EXPENSES.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 4 percent of the

amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) **AGREEMENTS AND GRANTS.**—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this subtitle; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this subtitle.

(c) **DONATIONS.**—

(1) **IN GENERAL.**—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this subtitle; and

(B) accept donations of funds, property, and services to carry out the purposes of this subtitle.

(2) **TREATMENT.**—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

#### Subtitle B—Duck Stamps

#### SEC. 221. FINDINGS.

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as “duck stamps”) were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than \$750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost \$1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of \$15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has

tripled from an average of \$306 to \$1,091 per acre.

#### SEC. 222. COST OF STAMPS.

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

“(b) **COST OF STAMPS.**—

“(1) **IN GENERAL.**—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

“(2) **COLLECTION OF AMOUNTS.**—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

“(3) **AMOUNTS.**—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

“(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

“(B) the sale of stamps under this section during that fiscal year.”.

#### SEC. 223. WAIVERS.

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting “and subsection (d)” after “paragraph (2)”; and

(2) by adding at the end the following:

“(d) **WAIVERS.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

“(2) **LIMITATION.**—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).”.

#### SEC. 224. PERMANENT ELECTRONIC DUCK STAMPS.

(a) **DEFINITIONS.**—In this section:

(1) **ACTUAL STAMP.**—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

(2) **AUTOMATED LICENSING SYSTEM.**—

(A) **IN GENERAL.**—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) **INCLUSION.**—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) **ELECTRONIC STAMP.**—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.**—

(1) **IN GENERAL.**—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) **CONSULTATION.**—The Secretary shall implement this subsection in consultation with State management agencies.

(c) **STATE APPLICATION.**—

(1) **APPROVAL OF APPLICATION REQUIRED.**—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) **NUMBER OF NEW STATES.**—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) **CONTENTS OF APPLICATION.**—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) **PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.**—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

(e) **STATE OBLIGATIONS AND AUTHORITIES.**—

(1) **DELIVERY OF ACTUAL STAMP.**—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

(2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

(f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the license that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accordance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date

that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

#### Subtitle C—Joint Ventures to Protect Migratory Bird Populations

##### SEC. 231. PURPOSES.

The purpose of this subtitle is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the “Joint Ventures Program”, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

##### SEC. 232. DEFINITIONS.

In this subtitle:

(1) CONSERVATION ACTION.—The term “conservation action” means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(3) IMPLEMENTATION PLAN.—The term “Implementation Plan” means an Implementation Plan approved by the Director under section 232.

(4) INDIAN TRIBE.—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) JOINT VENTURE.—The term “Joint Venture” means a self-directed, voluntary partnership, established and conducted for the purposes described in section 231 and in accordance with section 233.

(6) MANAGEMENT BOARD.—The term “Management Board” means a Joint Venture Management Board established in accordance with section 233.

(7) MIGRATORY BIRDS.—The term “migratory birds” means those species included in

the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) PROGRAM.—The term “Program” means the Joint Ventures Program conducted in accordance with this subtitle.

(9) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(10) SERVICE.—The term “Service” means the United States Fish and Wildlife Service.

(11) STATE.—The term “State” means—

(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

##### SEC. 233. JOINT VENTURES PROGRAM.

(a) IN GENERAL.—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) COORDINATION WITH STATES.—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this subtitle.

##### SEC. 234. ADMINISTRATION.

(a) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 231.

(2) ELIGIBLE PARTNERS.—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) MANAGEMENT BOARD.—

(1) IN GENERAL.—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) MEMBERSHIP.—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine



environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this subtitle.

(c) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) **REVIEW.**—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this subtitle described in section 231;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

#### **SEC. 235. GRANTS AND OTHER ASSISTANCE.**

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 234.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

#### **SEC. 236. REPORTING.**

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) **JOINT VENTURE PROGRAM 5-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) **REVIEW CONTENTS.**—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this subtitle specified in section 231;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this subtitle; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this subtitle address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) **CONSULTATION.**—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) **PUBLIC COMMENT.**—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

#### **SEC. 237. RELATIONSHIP TO OTHER AUTHORITIES.**

(a) **AUTHORITIES, ETC. OF SECRETARY.**—Nothing in this subtitle affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) **STATE AUTHORITY.**—Nothing in this subtitle preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

#### **SEC. 238. FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this subtitle.

#### **Subtitle D—Reauthorizations**

#### **SEC. 241. NORTH AMERICAN WETLANDS CONSERVATION ACT.**

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking “2012” and inserting “2017”.

#### **SEC. 242. PARTNERS FOR FISH AND WILDLIFE ACT.**

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2011” and inserting “2017”.

#### **SEC. 243. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.**

(a) **BOARD OF DIRECTORS OF THE FOUNDATION.**—

(1) **IN GENERAL.**—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) **IN GENERAL.**—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) **TERMS.**—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) **IN GENERAL.**—Officers”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) POWERS.—To carry out its purposes under” and inserting the following:

“(c) POWERS.—

“(1) IN GENERAL.—To carry out the purposes described in”;

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”;

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking “paragraph (3) or (4)” and inserting “subparagraph (C) or (D)”;

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

(G) by striking the undesignated matter at the end and inserting the following:

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

“(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

“(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statu-

tory requirement associated with those amounts.”;

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

“(A) \$20,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”;

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”; and

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or

“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

“(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or

otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

#### SEC. 244. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “6 years”; and

(2) by adding at the end the following:

“(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.”

#### SEC. 245. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2012 through 2017”.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “2005 through 2009” and inserting “2012 through 2017”.

#### SEC. 246. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

##### “SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2012 through 2017.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”

#### SEC. 247. FEDERAL LAND TRANSACTION FACILITATION ACT.

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”; and

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “this Act” and inserting “the Sportsmen’s Act of 2012”; and

(B) in subsection (d), by striking “11” and inserting “22”;

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-586”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263,” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”

#### SEC. 248. NUTRIA ERADICATION AND CONTROL.

(a) FINDINGS; PURPOSE.—Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and in Louisiana” and inserting “, the State of Louisiana, and other coastal States”;

(B) in paragraph (2), by striking “in Maryland and Louisiana on Federal, State, and private land” and inserting “on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States”;

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

“(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

“(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States”;

(2) by striking subsection (b) and inserting the following:

“(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

“(1) to eradicate or control nutria; and

“(2) to restore nutria damaged wetlands.”

(b) DEFINITIONS.—The Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

#### “SEC. 3. DEFINITIONS.

“In this Act:

“(1) COASTAL STATE.—The term ‘coastal State’ means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

“(2) PROGRAM.—The term ‘program’ means the nutria eradication program established by section 4(a).

“(3) PUBLIC-PRIVATE PARTNERSHIP.—The term ‘public-private partnership’ means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.”

(c) NUTRIA ERADICATION PROGRAM.—Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

“(1) to eradicate or control nutria; and

“(2) to restore wetlands damaged by nutria.”

(2) in subsection (b)—

(A) in paragraph (1), by inserting “the State of” before “Maryland”;

(B) in paragraph (2), by striking “other States” and inserting “the coastal States”;

(C) in paragraph (3), by striking “marshland” and inserting “wetlands”;

(3) in subsection (c)—

(A) by striking “(c) ACTIVITIES” and inserting “(c) ACTIVITIES IN THE STATE OF MARYLAND”;

(B) by inserting “, and updated in March 2009” before the period at the end;

(4) in subsection (e), by striking “financial assistance provided by the Secretary under this section” and inserting “the amounts made available under subsection (f) to carry out the program”;

(5) by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), there is authorized to be appropriated to the Secretary to carry out the program \$6,000,000 for each of fiscal years 2012 through 2016, of which—

“(1) \$2,000,000 shall be used to provide financial assistance to the State of Maryland;

“(2) \$2,000,000 shall be used to provide financial assistance to the State of Louisiana; and

“(3) \$2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.”

(d) REPORT.—Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1), by striking “2002 document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’; and” and inserting “March 2009 update of the document entitled ‘Eradication Strategies for Nutria in the Chesapeake and

Delaware Bay Watersheds’ and originally dated March 2002.”;

(2) in paragraph (2)—

(A) by striking “develop” and inserting “continue”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding after paragraph (2) the following:

“(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

“(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

“(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.”

**SA 2876.** Mr. REID proposed an amendment to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:

Section \_\_\_\_.

This Act shall become effective 7 days after enactment.

**SA 2877.** Mr. REID proposed an amendment to amendment SA 2876 proposed by Mr. REID to the amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “7 days” and insert “6 days”.

**SA 2878.** Mr. REID proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:

Section \_\_\_\_.

This title shall become effective 5 days after enactment.

**SA 2879.** Mr. REID proposed an amendment to amendment SA 2878 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “5 days” and insert “4 days”.

**SA 2880.** Mr. REID proposed an amendment to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

At the end, add the following new section:

Section \_\_\_\_.

This Act shall become effective 3 days after enactment.

**SA 2881.** Mr. REID proposed an amendment to amendment SA 2880 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

**SA 2882.** Mr. REID proposed an amendment to amendment SA 2881 proposed by Mr. REID to the amendment SA 2880 proposed by Mr. REID to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

**SA 2883.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 91, strike line 14 and all that follows through page 92, line 10.

**SA 2884.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 92, strike lines 11 through 23.

**SA 2885.** Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—FEDERAL LAND DESIGNATIONS**  
**SEC. 301. STATE APPROVAL REQUIRED FOR FEDERAL LAND DESIGNATIONS.**

(a) **DEFINITION OF COVERED UNIT.**—In this section, the term “covered unit” means—

(1) a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Federal law;

(2) a national monument; or

(3) any national conservation or national recreation area.

(b) **PROHIBITION.**—A covered unit shall not be established unless the legislature of the State in which the proposed covered unit is located has approved the establishment of the covered unit.

**SA 2886.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—FEDERAL LAND DESIGNATIONS**  
**SEC. 301. SALE OF CERTAIN FEDERAL LAND PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL.**

(a) **DEFINITIONS.**—In this section:

(1) **IDENTIFIED FEDERAL LANDS.**—The term “identified Federal lands” means the parcels of Federal land under the administrative jurisdiction of the Secretary that were identified as suitable for disposal in the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), except the following:

(A) Lands not identified for disposal in the applicable land use plan.

(B) Lands subject to a Recreation and Public Purpose conveyance application.

(C) Lands identified for State selection.

(D) Lands identified for Indian tribe allotments.

(E) Lands identified for local government use.

(F) Lands that the Secretary chooses to dispose under the Federal Land Transaction Facilitation Act (43 U.S.C. 2301 et seq.).

(G) Lands that are segregated for exchange or under agreements for exchange.

(H) Lands subject to exchange as authorized or directed by Congress.

(I) Lands that the Secretary determines contain significant impediments for disposal including—

(i) high disposal costs;

(ii) the presence of significant natural or cultural resources;

(iii) land survey problems or title conflicts;

(iv) habitat for threatened or endangered species; and

(v) mineral leases and mining claims.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(b) **COMPETITIVE SALE OF LANDS.**—The Secretary shall offer the identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an independent appraiser.

(c) **EXISTING RIGHTS.**—The sale of identified Federal lands under this section shall be subject to valid existing rights.

(d) **PROCEEDS OF SALE OF LANDS.**—All net proceeds from the sale of identified Federal lands under this section shall be deposited directly into the Treasury for reduction of the public debt.

(e) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(1) a list of any identified Federal lands that have not been sold under subsection (b) and the reasons such lands were not sold; and

(2) an update of the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), including a current inventory of the Federal lands under the administrative jurisdiction of the Secretary that are suitable for disposal.

**SA 2887.** Mr. KOHL (for himself and Mr. JOHNSON of Wisconsin) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, insert the following:

**SEC. 585. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO FIRST LIEUTENANT ALONZO H. CUSHING FOR ACTS OF VALOR DURING THE CIVIL WAR.**

(a) **AUTHORIZATION.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President is authorized to award the Medal of Honor under section 3741 of such title to then First Lieutenant Alonzo H. Cushing for conspicuous acts of gallantry and intrepidity at the risk of life and beyond the call of duty in the Civil War, as described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of then First Lieutenant Alonzo H. Cushing while in command of Battery A, 4th United States Artillery, Army of the Potomac, at Gettysburg, Pennsylvania, on July 3, 1863, during the American Civil War.

**SA 2888.** Mr. KOHL (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, insert the following:

**SEC. 602. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.**

(a) **PAYMENT OF BENEFIT.**—

(1) **IN GENERAL.**—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) **COVERED INDIVIDUALS.**—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) **DECEASED INDIVIDUALS.**—

(1) **APPLICATIONS.**—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) **PAYMENT.**—If an individual to whom payment would be made under subsection (a)

is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) **PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.**—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) **CONSTRUCTION.**—

(1) **CONSTRUCTION WITH OTHER PAY.**—Any payment with respect to an individual under subsection (a) is in addition to any other pay provided by law.

(2) **CONSTRUCTION OF AUTHORITY.**—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) **OFFSET.**—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) **DEFINITIONS.**—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2350).

**SA 2889.** Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. \_\_\_\_ . CERTAIN EXEMPTIONS RELATING TO THE TAKING OF MIGRATORY GAME BIRDS.**

(a) **SHORT TITLE.**—This section may be cited as the “Farmer’s Protection Act of 2012”.

(b) **EXEMPTIONS ON CERTAIN LAND.**—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

“(c) **EXEMPTIONS ON CERTAIN LAND.**—

“(1) **IN GENERAL.**—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

“(A) is not a baited area; and

“(B) contains—

“(i) a standing crop or flooded standing crop, including an aquatic crop;

“(ii) standing, flooded, or manipulated natural vegetation;

“(iii) flooded harvested cropland; or

“(iv) according to a report submitted under paragraph (2) by the applicable State office of the Cooperative Extension System of the Department of Agriculture, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

“(2) **REPORTS.**—

“(A) **IN GENERAL.**—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall submit to the Secretary of the

Interior a report on the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

“(B) **REVISIONS.**—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.”.

## NOTICE OF HEARING

### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, November 15, 2012, at 9:45 a.m. in room SD-106 of the Dirksen Senate Office Building to conduct a hearing entitled “Pharmacy Compounding: Implications of the 2012 Meningitis Outbreak.”

For further information regarding this meeting, please contact Elizabeth Jungman of the committee staff on (202) 224-6859.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 13, 2012, at 3 p.m., to hold a hearing entitled, “National Security Brief on Attacks in Benghazi”.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, on behalf of Senator LEAHY, I ask unanimous consent that Michelle Lacko, a fellow on the Senate Judiciary Committee, be granted privileges of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## WHISTLEBLOWER PROTECTION ENHANCEMENT ACT OF 2012

Mr. UDALL of Colorado. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 743.

The Presiding Officer laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate, S. 743, entitled “An Act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices; to require a statement in nondisclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections; to provide certain authority for the Special Counsel; and for other purposes,” do pass with an amendment.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate concur in the House amendment, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

## REGARDING THE EFFORTS OF RAYMOND WEEKS IN THE ESTABLISHMENT OF VETERANS DAY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 591, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 591) expressing the sense of the Senate regarding Raymond Weeks and his efforts in the establishment of Veterans Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 591) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

### S. RES. 591

(Expressing the sense of the Senate regarding Raymond Weeks and his efforts in the establishment of Veterans Day)

Whereas November 11, 2012, is the 65th anniversary of National Veterans Day in Birmingham, Alabama;

Whereas the National Veterans Day in Birmingham is the longest running celebration of Veterans Day in the Nation;

Whereas, on November 11, 1946, World War II veteran Raymond Weeks presented General Eisenhower a program design proposing to replace Armistice Day with a National Veterans Day in 1947;

Whereas the very first Veterans Day celebration was held in Birmingham by the National Veterans Day Organization in 1947;

Whereas President Eisenhower signed into law on June 1, 1954, the Act proclaiming November 11 as Veterans Day (Public Law 380; 83rd Congress);

Whereas in 1954, the National Veterans Day Volunteer Organization, started by Raymond Weeks, expanded to organize a multi-day celebration including, but not limited to, a Veterans Day Parade, a World Peace Luncheon, and presentation during the National Veterans Award Dinner of the National Veterans Award;

Whereas these three events have been held every year since 1954;

Whereas the briefing for President Reagan by Elizabeth Dole for the Presidential Citizens Medals cited Raymond Weeks as the “Father of Veterans Day”;

Whereas President Reagan recognized Raymond Weeks as the driving force behind Veterans Day while presenting Raymond Weeks with the Presidential Citizens Medal on November 11, 1982;

Whereas Raymond Weeks should be recognized for his push to honor the great men and women who have served their country with a special day of recognition; and

Whereas Birmingham, Alabama, should be recognized for its contributions to the institution of Veterans Day: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes Birmingham, Alabama, as the home to the first and longest running celebration of Veterans Day;

(2) recognizes Raymond Weeks for his pioneering efforts in the establishment of Veterans Day; and

(3) honors the sacrifices of, and pays tribute to, the men and women of the United States in uniform who risk life and limb for their country at home and overseas.

#### ORDERS FOR WEDNESDAY, NOVEMBER 14, 2012

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2:30 p.m. on Wednesday, November 14, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and the filing deadline for first-degree amendments to S. 3525 be 4 p.m. Wednesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. UDALL of Colorado. Mr. President, earlier today, cloture was filed on S. 3525, the Sportsmen's Act. Under the rule, the cloture vote will occur on Thursday morning.

#### ADJOURNMENT UNTIL 2:30 P.M. TOMORROW

Mr. UDALL of Colorado. If there is no further business to come before the Senate, I ask unanimous consent it adjourn under the previous order.

There being no objection, the Senate, at 6:55 p.m., adjourned until Wednesday, November 14, 2012, at 2:30 p.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO AND WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

PHILIP S. GOLDBERG, OF THE DISTRICT OF COLUMBIA  
WANDA L. NESBITT, OF PENNSYLVANIA  
VICTORIA NULAND, OF CONNECTICUT  
MICHELE JEANNE SISON, OF MARYLAND  
DANIEL BENNETT SMITH, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE,  
CLASS OF MINISTER-COUNSELOR:

KARL PHILIP ALBRECHT, OF VIRGINIA  
THEODORE ALLEGRA, OF COLORADO  
BRUCE ARMSTRONG, OF FLORIDA  
CLARE A. BARKLEY, OF MARYLAND  
ROBERT I. BLAU, OF VIRGINIA  
ROBERTO GONZALES BRADY, OF CALIFORNIA  
JOHN BRIEN BRENNAN, OF VIRGINIA  
PIPER ANNE WIND CAMPBELL, OF THE DISTRICT OF COLUMBIA

JONATHAN RAPHAEL COHEN, OF CALIFORNIA  
MARK J. COHEN, OF TEXAS  
MAUREN E. CORMACK, OF ILLINOIS  
JOHN S. CREAMER, OF VIRGINIA  
JEFFREY DELAURENTIS, OF NEW YORK  
LAURA FARNSWORTH DOUG, OF TEXAS  
WALTER DOUGLAS, OF NEVADA  
CATHERINE I. EBERT-GRAY, OF COLORADO  
SUSAN MARSH ELLIOTT, OF FLORIDA  
THOMAS SCOTT ENGLE, OF THE DISTRICT OF COLUMBIA  
MARILYN CLAIRE FERDINAND, OF VIRGINIA  
VALERIE C. FOWLER, OF WASHINGTON  
DANIEL EDWARD GOODSPEED, OF VIRGINIA  
WILLIAM S. GREEN, OF OHIO

JERI S. GUTHRIE-CORN, OF CALIFORNIA  
MICHAEL A. HAMMER, OF MARYLAND  
D. BRENT HARDT, OF FLORIDA  
ROBERT A. HARTUNG, OF VIRGINIA  
WILLIAM A. HEIDT, OF CALIFORNIA  
JAMES WILLIAM HEERMAN, OF WASHINGTON  
THOMAS MARK HODGES, OF TENNESSEE  
MARTIN P. HOHE, OF FLORIDA  
CHARLES F. HUNTER, OF THE DISTRICT OF COLUMBIA  
MARK J. HUNTER, OF FLORIDA  
DONALD EMIL JACOBSON, OF VIRGINIA  
KELLY ANN KEIDERLING FRANZ, OF CALIFORNIA  
SUNG Y. KIM, OF CALIFORNIA  
JOHN CHARLES LAW, OF VIRGINIA  
RUSSELL G. LE CLAIR, JR., OF ILLINOIS  
MARY BETH LEONARD, OF MASSACHUSETTS  
DONALD LU, OF CALIFORNIA

LEWIS ALAN LUKENS, OF VIRGINIA  
DEBORAH RUTH MALAC, OF VIRGINIA  
WILLIAM JOHN MARTIN, OF CALIFORNIA  
ROBIN HILL MATTHEWMAN, OF WASHINGTON  
ELIZABETH KAY WEBB MAYFIELD, OF TEXAS  
JAMES P. MCANULTY, OF VIRGINIA  
THOMAS S. MILLER, OF MINNESOTA  
BARRY M. MOORE, OF TEXAS  
MICHAEL CHASE MULLINS, OF NEW HAMPSHIRE  
JOHN OLSON, OF CALIFORNIA  
THEODORE C. OSIUS, OF THE DISTRICT OF COLUMBIA  
ROBERT GLENN RAPSON, OF NEW HAMPSHIRE  
ROBERT A. RILEY, OF FLORIDA  
GARY D. ROBBINS, OF WASHINGTON  
TODD DAVID ROBINSON, OF NEW JERSEY  
MATTHEW M. ROONEY, OF TEXAS  
DANA SHELL SMITH, OF CALIFORNIA  
DEAN L. SMITH, OF TEXAS  
FAMELA L. SPRATLEN, OF CALIFORNIA  
STEPHANIE SANDERS SULLIVAN, OF MARYLAND  
SUSAN M. SUTTON, OF VIRGINIA  
MICHAEL EMBACH THURSTON, OF WASHINGTON  
PAUL ALLEN WEDDERBURN, OF CALIFORNIA  
ALICE G. WELLS, OF VIRGINIA  
THOMAS E. WILLIAMS, JR., OF VIRGINIA  
ROBERT A. WOOD, OF NEW YORK  
UZRA S. ZEYA, OF FLORIDA  
BENJAMIN G. ZIFF, OF CALIFORNIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE, AS INDICATED: CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DAVID W. ABELL, OF ARKANSAS  
ARUNA S. G. AMIRTHANAYAGAM, OF NEW YORK  
TANYA CECILIA ANDERSON, OF PENNSYLVANIA  
MICHAEL ADAM BARKIN, OF FLORIDA  
PETER HENRY BARLERIN, OF MARYLAND  
SUSAN TEBEAU BELL, OF SOUTH CAROLINA  
VIRGINIA LYNN BENNETT, OF GEORGIA  
RANDY W. BERRY, OF COLORADO  
BRUCE BERTON, OF WASHINGTON  
DONALD ARMIN BLOME, OF ILLINOIS  
ANDREW NORBU BOWEN, OF TEXAS  
SUE LENORE BREMNER, OF CALIFORNIA  
MARIA E. BREWER, OF INDIANA  
NATALIE EUGENIA BROWN, OF VIRGINIA  
GREGORY S. BURTON, OF VIRGINIA  
BRENT DONALD BYERS, OF VIRGINIA  
PAUL MICHAEL CANTRELL, OF CALIFORNIA  
LISA MARIE CARLE, OF CALIFORNIA  
JOHN LESLIE CARWILE, OF MARYLAND  
LAURENT D. CHARBONNET, OF LOUISIANA  
CRAIG LEWIS CLOUD, OF FLORIDA  
NANCY LYNN CORBETT, OF CALIFORNIA  
GREGGORY D. CROUCH, OF THE DISTRICT OF COLUMBIA  
DON D. CURTIS, OF MARYLAND  
JOHN J. DAIGLE, OF LOUISIANA  
JOEL DANIES, OF THE DISTRICT OF COLUMBIA  
JOHN WINTHROP DAYTON III, OF TEXAS  
NICHOLAS JULIAN DEAN, OF VIRGINIA  
ROBIN D. DIALLO, OF CALIFORNIA  
JOHN WALTER DINKELMAN, OF WYOMING  
BRIAN P. DOHERTY, OF FLORIDA

CHRISTINE ANN ELDER, OF VIRGINIA  
NINA MARIA FITE, OF PENNSYLVANIA  
ERIC ALAN FLOHR, OF MARYLAND  
DANIEL L. FOOTE, OF VIRGINIA  
KENNETH LEE POSTER, OF VIRGINIA  
ROBERT ARTHUR FRAZIER, OF TEXAS  
THOMAS G. GALLO, OF NEW JERSEY  
REBECCA ELIZA GONZALES, OF TEXAS  
MARTHA J. HAAS, OF ARIZONA  
SARAH COOPER HALL, OF NEW YORK  
SCOTT IAN HAMILTON, OF ILLINOIS  
TODD PHILIP HASKELL, OF FLORIDA  
ANDREW B. HAVILAND, OF IOWA  
PETER MARK HAYMOND, OF VIRGINIA  
DENNIS WALTER HEARNE, OF NORTH CAROLINA  
BRIAN GEORGE HEATH, OF NEW JERSEY  
JONATHAN HENICK, OF CALIFORNIA  
G. KATHLEEN HILL, OF TEXAS  
NICHOLAS MANNING HILL, OF RHODE ISLAND  
JEFFREY M. HOVENIER, OF MARYLAND  
GEORGE W. INDYKE, JR., OF NEW JERSEY  
ERIC A. JOHNSON, OF THE DISTRICT OF COLUMBIA  
GARY P. KEITH, OF OHIO  
ERIC KHANT, OF FLORIDA  
YURI KIM, OF GUAM  
KARIN MARGARET KING, OF OHIO  
DANIEL JOSEPH KRITENBRINK, OF VIRGINIA  
Yael LEMPERT, OF NEW YORK  
JAMES MARX LEVY, OF WASHINGTON  
JOHN M. LIPINSKI, OF PENNSYLVANIA  
PATRICIA ALICE MAHONEY, OF TEXAS  
JEANNE M. MALONEY, OF TENNESSEE  
COLETTE MARCELLIN, OF VIRGINIA  
CARYN R. MCCLELLAND, OF CALIFORNIA  
BRIAN DAVID MCPETEERS, OF NEW MEXICO  
JACQUELINE K. MCKENNAN, OF WYOMING  
MARTHA L. MELZOW, OF CALIFORNIA  
PHILLIP ANDREW MIN, OF NEW JERSEY  
WILLIAM JAMES MOZDZIERZ, OF NEW YORK  
KATHERINE ANN MUNCHMEYER, OF TEXAS  
MICHAEL J. MURPHY, OF VIRGINIA  
ROBERT BARRY MURPHY, OF NEW HAMPSHIRE  
ROBERT WILLIAM OGBURN, OF MARYLAND  
SHEILA R. PASKMAN, OF PENNSYLVANIA  
LISA J. PETERSON, OF NEW YORK  
ROBERT A. PITRE, OF WASHINGTON  
BETH L. POISSON, OF MARYLAND  
ELIZABETH MABEL WHALEN PRATT, OF THE DISTRICT OF COLUMBIA

DAVID HUGH RANK, OF ILLINOIS  
JOEL RICHARD REIFMAN, OF TEXAS  
DAVID M. REINERT, OF NEW MEXICO  
JOAN MARIE RICHARDS, OF CALIFORNIA  
RAYMOND D. RICHHART, JR., OF CALIFORNIA  
WILLIAM VERNON ROEBUCK, JR., OF NORTH CAROLINA  
MICHAEL D. SCANLAN, OF PENNSYLVANIA  
STEPHEN M. SCHWARTZ, OF NEW YORK  
JUSTIN H. SIBERELL, OF CALIFORNIA  
GEORGE NEIL SIBLEY, OF CONNECTICUT  
ADAM H. STERLING, OF NEW YORK  
JOHN C. SULLIVAN, OF CALIFORNIA  
MELINDA TABLER-STONE, OF VIRGINIA  
JOHN STEPHEN TAVENNER, OF TEXAS  
DEAN RICHARD THOMPSON, OF MARYLAND  
SUSAN ASHTON THORNTON, OF THE DISTRICT OF COLUMBIA  
LAIRD D. TREIBER, OF THE DISTRICT OF COLUMBIA  
JEFFREY A. VANDREAL, OF TEXAS  
LISA ANNETTE VICKERS, OF CALIFORNIA  
SAMUEL ROBERT WATSON III, OF VIRGINIA  
DONNA ANN WELTON, OF THE DISTRICT OF COLUMBIA  
TERRY JOHN WHITE, OF OREGON  
STEPHANIE TURCO WILLIAMS, OF TEXAS  
EUGENE STEWART YOUNG, OF THE DISTRICT OF COLUMBIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

ROBERT L. ADAMS, OF VIRGINIA  
THOMAS A. BARNARD, OF VIRGINIA  
FRANCIS JOHN BRAY, JR., OF CALIFORNIA  
CARMEN MARGARITA CASTRO, OF VIRGINIA  
RONNIE S. CATIPON, OF VIRGINIA  
DAVID F. COOPER, OF FLORIDA  
EDWIN W. DALY, OF VIRGINIA  
CRAIG DICKER, OF MARYLAND  
MARK S. GRAVES, OF VIRGINIA  
EDWIN GUARD, OF VIRGINIA  
CHARLES J. HORKEY, OF FLORIDA  
RICHARD J. INGRAM, OF VIRGINIA  
MICHAEL P. KANE, OF VIRGINIA  
KEVIN J. KILPATRICK, OF INDIANA  
GREGORY JAMES LEVIN, OF CALIFORNIA  
JEFFREY D. LISCHKE, OF VIRGINIA  
KATHLEEN G. LIVELY, OF VIRGINIA  
THOMAS G. MCDONOUGH, OF MARYLAND  
BRIAN J. MCKENNA, OF MARYLAND  
PATRICK J. MOORE, OF FLORIDA  
WAYNE F. QUILLIN, OF NEW YORK  
JOHN H. RENNICK, OF TEXAS  
SUSAN B. SUMMERS, OF VIRGINIA  
ROBERT W. WEITZEL, OF VIRGINIA

##### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

GEN. DAVID M. RODRIGUEZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. JOHN F. CAMPBELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. PETER A. BOSSE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JOSEPH E. WHITLOCK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. KAREN E. LEDOUX

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. DAVID G. CLARKSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MARK A. MILLEY

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 5044 AND 601:

*To be general*

LT. GEN. JOHN M. PAXTON, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

GEN. JOSEPH F. DUNFORD, JR.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. KENNETH E. FLOYD

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DEMEA A. ALDERMAN  
ELBERT R. ALFORD IV  
GREGORY T. BALDWIN  
ANGELA M. BLACKWELL  
PAMALA L. BROWN-GRAYSON  
FELICIA L. BURKS  
PEDRO BURTON-TAYLOR  
LYNNE M. BUSSIE  
LAUREN HUDSON BYRD  
MARK S. CHOJNACKI  
TIMOTHY J. CHRISTISON  
MARK E. CLEVELAND  
MARK E. CRUISE  
NATHANIEL R. DECKER  
TROY M. T. DILLON  
MICHAEL D. DINKINS  
THOMAS S. FARMER  
DEAN K. FARREY  
DOLPHIS Z. HALL  
JOAN L. HOYTE  
KIRK T. JENKINS  
DONALD E. KOTULAN  
CHARLES E. MAREK, JR.  
MARYANN I. MARQUEZ  
CHESTER L. MARTIN  
TERESA M. MIRWALD  
LEE M. NENORTAS  
LAURIE V. PETERS  
MARK D. REYNOLDS  
STEPHANIE K. RYDER  
KEVIN M. SCHULTZ  
VIRGIL L. SCOTT  
ALTAN A. SHAFFER  
TIMOTHY W. SMITH

DANIEL T. STERNEMANN  
TRACIE L. SWINGLE  
JENNIFER M. THERIAULT  
PAMELA D. TOWNSEND-ATKINS

*To be major*

BRIAN R. ALLEN  
BRIAN M. BOGUMIL  
KIMBERLY A. BOGUMIL  
SARAH E. BYRON-SMITH  
MICHAEL J. CALLOWAY  
ERIC D. DEAN  
JENNIFER M. DEVENERE  
JEFFREY W. DRAKE  
AMY E. DWYER  
AMY M. FISHER  
LISA FLORES  
JULIE C. GARRETT  
RYAN M. GASSMAN  
AARON H. GRUCHOW  
MARCY S. HAYWOOD  
JOHN ERICH HEIN  
THEODOSIA FLORIA HILL  
SHAWN L. HORGES  
JOSEPH ALAN HUDSON  
KERRY ELIZABETH HUTCHINGS  
JENNIFER LEE IDELL  
VANESSA A. JOHNSON  
MICHAEL TODD KEELEY  
CRISTY A. LONG  
DOREEN M. LONG  
TARA E. LOVELL  
NICOLE A. LUCAS  
TIFFANY D. MADISON  
EZEKIEL S. MALONE  
BRETT J. MAZEY  
CYNTHIA K. MCGEE  
RAYMOND A. MILLER, JR.  
ANDRES MUNERA  
CHARLOTTE E. MURPHY  
PAWEŁ NOWACKI  
MARLO P. OBCEMEA  
CHRISTOPHER D. OHLEMACHER  
RORY A. PETERSON  
NOAH H. PLAISANCE  
PHILLIP K. POPE  
JOSEPH DANYLE POPHAM, JR.  
MARC A. RITTEBERG  
MARK A. SABROSKI  
BRANDI L. SELLERS  
RANDALL C. SHIFFLETT  
SAMUEL A. SPRALLS IV  
DONALD A. STEEL  
STEPHANIE A. STEMEN  
ILISA S. STILLMAN  
GARY N. SUTTLES  
DANIEL T. TOWNSEND  
JACK VILARDI  
MATTHEW J. WEBER  
SPENCER D. WIGHT  
FELISA L. WILSON

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

ALAN F. POMAVILLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JAMES BENTLEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

VINCENT D. THOMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

LUIS F. DIAZ

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

DAVID C. BUCKHANNO

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

*To be major*

ANTHONY CASCARANO

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be major*

RENA L. P. HOPE

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE

UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

DEREK D. HYUN

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be major*

MICHAEL T. SIMPSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

MICHAEL D. PIERCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AS A CHAPLAIN UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be lieutenant colonel*

TAMMIE E. CREWS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

*To be major*

KENNETH M. JORDAN  
SUZANNE MCNEELIS

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

MADLENE M. ESKAROSE  
JON D. WAGNER

*To be major*

ALEXANDER K. JHANG

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be lieutenant colonel*

MILTON J. FOUST  
SANDEEP R. RAHANGDALE  
BALDEV S. SEKHON

*To be major*

CHARLES E. LERNER

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be colonel*

WILLIAM T. MONACCI

*To be lieutenant colonel*

ROBERT W. DESVERREAUX

*To be major*

FRITZJOSE E. CHANDLER  
IAN M. HEGER  
LAWRENCE W. REINISH  
HUA C. YANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

STEPHEN J. DALAL  
DAVID J. FLETCHER  
TIMOTHY L. SETTLE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

*To be colonel*

JESSE J. ABBOTT  
KEVIN J. CRAMM  
WILLIAM C. PREWITT  
RONALD A. SPITLER  
RHETT M. STARNES

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

JOHN E. BALSER  
SONYA J. CABLE  
LESLEE K. FUNDERBURK  
MATTHEW B. GARBER  
SCOTT W. SHAFFER

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:



*To be colonel*

FRANCISCO DIAZGONZALEZ  
JOHN P. DROBNICA, JR.  
GREGORY A. DURKAC  
LARRY A. GRAHAM  
ROBERT D. JONES  
WILLIAM L. KORSEN  
ROBERT S. LANGOL  
JOHN W. NOLAN  
CLIFTON L. PIPPEN  
JOSEPH J. SCHWEICKERT  
DAVID B. WEBB

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

GREGORY M. BARROW  
LAURA L. CLELLAN  
CHARLES G. CODY  
STANLEY E. GOLABOFF  
JOHN D. HAAS  
MICHAEL K. HOUSTON  
JOSEPH M. LYLES, JR.  
JOHN K. MULLER  
BRIAN C. PIERCE  
ADAM L. ROBINSON  
VERNON H. SIMPSON, JR.  
TROY J. SOUKUP  
STEVE G. STEVENS  
JAMES E. VALLEE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

GREGORY L. BOWMAN  
KAREN H. CARLISLE  
GARY P. M. CORN  
WENDY P. DAKNIS  
JEFFREY C. HAGLER  
RICK S. LEAR  
JAMES R. MCKEE, JR.  
CRAIG E. MERUTKA  
JOHN N. OHLWEILER  
ROBERT T. PENLAND, JR.  
PAUL J. PERRONE, JR.  
JUAN A. PYFROM  
PAULA I. SCHASBERGER  
FRANCISCO A. VILA  
D011022

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

TRACY L. BAKER  
JEAN M. BARIDO  
ANTHONY J. BOHLIN  
ANNE C. BROWN  
LAURA L. FEIDER  
LOZAY FOOTS III  
PABLITO R. GAHOL  
HEATHER B. GUESS  
JUDITH M. HAWKINS  
TIMOTHY L. HUDSON  
NICOLE L. KERKENBUSH  
JANET R. KROPP  
MARC A. LEWIS  
SANDRA L. MCNAUGHTONNELSON  
JENIFER A. MENO  
JAMES L. PERRINE  
JENNIFER D. PETERSBUTLER  
RICHARD M. PRIOR  
DAVID C. RINALDI  
KATHERINE E. TAYLOR  
LINDA A. VALDIRI  
CATHY M. WALTER  
KENDRA P. WHYATT  
GAYLA W. WILSONDUNN

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

*To be colonel*

BRIAN ALMQUIST  
BEVERLY A. BEAVERS  
CHADWICK A. BOWERS  
TODD J. BRIERE  
CARLTON C. BRINKLEY  
DAVID J. BROYHILL  
JENNIFER B. CACI  
REAGON P. CARR  
PEDRO A. CASAS  
DEREK C. COOPER  
ROBERT S. CORNES  
JOHN P. CUELLAR  
ELLEN S. DALY  
PAUL J. DEAN  
MARK J. DOLE  
MARSHA M. DOROUGH  
PETER N. EBERHARDT  
AUSTIN W. ELLIOTT  
LAURA M. ELLIOTT  
DERRICK W. FLOWERS

LISA A. FORSYTH  
DAVID R. GIBSON  
MARJORIE A. GRANTHAMMOLNAR  
CHRISTOPHER A. GRUBER  
WILLIAM G. HOWARD  
MARK A. IRELAND  
BRADLEY J. KAMROWSKIPOPPEN  
GREGORY L. KIMM  
STEVE J. LEWIS  
ANTHONY L. MCQUEEN  
ERIK G. RUDE  
CLINTON W. SCHRECKHISE  
ERIC B. SONES  
KEVIN R. STEVENSON  
BRUCE C. SYVINSKI  
LAURA R. TRINKLE  
ALAN K. UEOKA  
RICHARD M. WEBB  
D011046

## IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

TERRY N. TRAWEEK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

STEFANIE M. WHEELBARGER

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

CARL A. RIDDICK

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

*To be lieutenant commander*

KEVIN S. HART  
MICHAEL J. JACQUES

## IN THE COAST GUARD

PURSUANT TO TITLE 14, U.S. CODE, SECTIONS 189 AND 276, THE FOLLOWING NAMED OFFICERS OF THE COAST GUARD PERMANENT COMMISSIONED TEACHING STAFF FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES COAST GUARD:

*To be captain*

BRIGID M. PAVILONIS

*To be lieutenant commander*

VICTORIA C. FUTCH

PURSUANT TO TITLE 10, U.S. CODE, SECTION 12203, THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE:

*To be captain*

BARBARA A. ANDERSON  
ELIZABETH S. BECKER  
JAMES M. BRADSHAW  
STEPHEN K. BROWNING  
ANDREW T. GRENIER  
CRAIG R. HENZEL  
PAUL J. KOSIBA  
RICHARD P. MCLOUGHLIN  
MARY A. MERLIN  
DARREN M. MOORE  
MARK M. MURAKAMI  
RAYMOND A. MURRAY  
RICHARD K. NELSON  
JOHN P. NOLAN  
SEAN K. O'BRIEN  
JEFFREY K. PASHAI  
RONALD C. RICHARD  
CHARLES T. SCHEEL  
PAUL J. SMITH  
KENNETH G. STEFANISIN

PURSUANT TO TITLE 14, U.S. CODE, SECTION 271, THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD:

*To be captain*

CHARLES G. ALCOCK  
MICHAEL S. ANTONELLIS  
MICHAEL A. BAROODY  
KEVIN F. BRUEN  
MARK J. BRUYERE  
JOSEPH R. BUZZELLA  
PETER J. CLEMENS  
AMY B. COCANOUR  
BENJAMIN A. COOPER  
DEAN J. DARDIS  
BENJAMIN L. DAVIS  
ANDRES V. DELGADO  
TIMOTHY D. DENBY  
DENNIS C. EVANS  
KENT W. EVERINGHAM  
CHARLES E. FOSSE

CLAUDIA C. GELZER  
THOMAS W. GESELE  
SHANNON N. GILREATH  
JASON R. HAMILTON  
LONNIE P. HARRISON  
ROBERT T. HENDRICKSON  
GLENN C. HERNANDEZ  
PEDRO L. JIMENEZ  
ERIC G. JOHNSON  
KEVIN A. JONES  
SAMUEL R. JORDAN  
TERI L. JORDAN  
LAWRENCE A. KILEY  
NATHAN E. KNAPP  
WILLIAM J. LANE  
CAROLA J.G. LIST  
THOMAS S. MACDONALD  
SEAN C. MACKENZIE  
EDWARD J. MAROHN  
DAVID G. MCCLELLAN  
PATRICK S. MCELLIGATT  
KEITH P. MCTIGUE  
MATTHEW T. MEILSTRUP  
MARK J. MORIN  
MITCHELL A. MORRISON  
ANDREW D. MYERS  
LEE B. MYNATT  
JASON D. NEUBAUER  
JAMES A. PASSARELLI  
STEPHEN E. RANEY  
JOHN D. REEVES  
SEAN P. REGAN  
BRIAN W. ROCHE  
PATRICK A. ROPP  
AARON E. ROTH  
JOSE A. SALICETI  
EDWARD W. SANDLIN  
TIMOTHY J. SCHANG  
RONALD K. SCHUSTER  
ROBERT L. SMITH  
JOSEPH H. SNOWDEN  
JONATHAN S. SPANER  
JAMES P. SPOTTS  
MIKEAL S. STAIR  
TODD R. STYRWOLD  
ERICH M. TELFER  
JEFFERY W. THOMAS  
RICHARD V. TIMME  
WILLIAM R. TIMMONS  
GARY L. TOMASULO  
JONATHAN W. TOTTE  
JOHN C. VANN  
ROBERT W. WARREN  
TIMOTHY J. WENDT  
EDWARD A. WESTFALL  
JEFFREY C. WESTLING  
GREGORY D. WISENER  
STEVEN P. WITTROCK

PURSUANT TO TITLE 14, U.S. CODE, SECTION 271(E), THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD:

*To be commander*

MATTHEW P. BARKER  
MICHAEL W. BATCHELDER  
JOSHUA D. BAUMAN  
ADAM G. BENTLEY  
DAMON L. BENTLEY  
KENNETH E. BLAIR  
KENNETH J. BODA  
CAMILLA B. BOSANQUET  
ROY R. BRUBAKER  
JOANN F. BURDIAN  
ANDREW T. CAMPEN  
SCOTT S. CASAD  
CHRISTOPHER R. CEDERHOLM  
JOHN R. COLE  
ROBERT C. COMPHER  
CHAD W. COOPER  
NATHAN E. COULTER  
JOANDREW D. COUSINS  
CHARLES C. CULOTTA  
CORNELIUS E. CUMMINGS  
SHAWN E. DECKER  
MICHAEL E. DELURY  
STEPHEN A. DEVEREUX  
JOHN T. DEWEY  
JOSE E. DIAZ  
JOHN R. DITTMAR  
KEITH M. DONOHUE  
ERIC D. DREY  
JEROME E. DUBAY  
MIA P. DUTCHER  
TIMOTHY W. EASON  
DAMON C. EDWARDS  
JEFFREY T. ELDRIDGE  
JANET D. ESPINOYOUNG  
MATTHEW R. FARNEN  
SARAH K. FELGER  
KEVIN B. FERRIE  
TODD A. FISHER  
TED R. FOWLES  
MICHAEL E. FRAWLEY  
TANYA L. GILES  
MICHAEL J. GOLDSCHMIDT  
MICHAEL D. GOOD  
HANS C. GOVERTSEN  
CHARLES M. GUERRERO  
TIM A. GUNTER  
THOMAS T. HARRISON  
ROBERT E. HART

HEATH A. HARTLEY  
CASEY J. HEHR  
JONATHAN N. HELLBERG  
SCOTT C. HERMAN  
ANNA W. HICKEY  
NAKEISHA B. HILLS  
CHRISTOPHER M. HUBERTY  
CHRISTOPHER J. HULSER  
AUSTIN R. IVES  
THOMAS A. JACOBSON  
JEFFREY H. JAGER  
DAVID M. JOHNSTON  
DANIEL C. JONES  
WARREN D. JUDGE  
SEAN R. KATZ  
RICHARD J. KAVANAUGH  
BRIAN R. KHEY  
MICHAEL L. KILMER  
JARED E. KING  
BRADLEY J. KLIMEK  
PERRY J. KREMER  
CHARLES F. KUEBLER  
JOSEPH T. LALLY  
DANIEL F. LEARY  
ERIN M. LEDFORD  
JACQUELINE M. LEVERICH  
ANDREW H. LIGHT  
LEXIA M. LITTLEJOHN  
CHAD A. LONG  
KEVIN P. LYNN  
SUSAN M. MAITRE  
ERIC D. MASSON  
HARRY D. MAUTTE

JOHN F. MCCARTHY  
RANDY F. MEADOR  
MICHAEL L. MEDICA  
TIMOTHY G. MEYERS  
ALAN H. MOORE  
ELLIS H. MOOSE  
ANNE M. MORRISSEY  
ULYSSES S. MULLINS  
KENNETH T. NAGIE  
RAYMOND NEGRON  
DAVID J. OBERMEIER  
SEAN J. OBRIEN  
THOMAS A. OLENCHOCK  
REBECCA E. ORE  
LUIS C. PARRALES  
SCOTT W. PEABODY  
LUKE A. PERCIAK  
PATRICK F. PESCHKA  
JUSTIN D. PETERS  
HARPER L. PHILLIPS  
TRACY O. PHILLIPS  
SCOTT S. PHY  
FRANK A. PIERCE  
KEITH J. PIERRE  
SHANNON M. PITTS  
ALISA L. PRASKOVICH  
STEVEN E. RAMASSINI  
JACOB J. RAMOS  
RODRIGO G. ROJAS  
MATTHEW A. RUDICK  
ROSARIO M. RUSSO  
BELINDA C. SAVAGE  
CLINT B. SCHLEGEL

ANITA M. SCOTT  
ARTHUR R. SHUMAN  
DAVID M. SHERRY  
MICHAEL J. SIMBULAN  
JENNIFER L. SINCLAIR  
LORING A. SMALL  
DEREK L. SMITH  
ERIC A. SMITH  
SHAD S. SOLDANO  
JAMES W. SPITLER  
DOUGLAS K. STARK  
JOHN M. STONE  
VASILIOS TASIKAS  
ROMUALDUS M. TENBERGE  
MICHAEL D. THOMAS  
MATTHEW A. THOMPSON  
SOLOMON C. THOMPSON  
RUSSELL R. TORGERSON  
GREGORY M. TOZZI  
CHRISTOPHER A. TRIBOLET  
CLINTON A. TROCCHIO  
BRYAN J. ULLMER  
JAMES A. VALENTINE  
EVA J. VANCAMP  
PAUL G. VOGEL  
DAVID M. WEBB  
TYSON S. WEINERT  
MOLLY A. WIKE  
TERENCE J. WILLIAMS  
KEVIN M. WILSON  
NICHOLAS L. WONG  
ANDREW J. WRIGHT

## EXTENSIONS OF REMARKS

HONORING SHIRLEE AND TAYLOR  
GANDY

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. GRANGER. Mr. Speaker, for the last three years Shirlee and Taylor Gandy of Fort Worth, Texas, have dedicated themselves to preserving an important piece of both Fort Worth and American history.

On November 22, 1963, President John F. Kennedy awoke in Fort Worth to find thousands of people standing in the cold rain outside his hotel.

The President was in Texas to unify his party leading up to the 1964 election. That rainy day in Fort Worth, he delivered two speeches. The first was delivered to the crowd waiting for him outside the Hotel Texas, and the second to the Chamber of Commerce.

The President greeted the crowd outside, shook hands, and gave a short but rousing speech received with excitement by those in attendance. He spoke of the progress our nation was making, as well as the challenges we faced. He in turn famously challenged the American people to bear the burdens of leadership.

Inside the hotel's ballroom, the President addressed the Chamber gathering, speaking of national defense and Fort Worth's historic role in the effort.

He left Fort Worth to a tickertape parade and the words of his final two speeches faded quickly in the wake of the tragic events that followed. The citizens of Fort Worth, the nation, and the world had just heard the final public thoughts of President John F. Kennedy. His visit was a triumph and his remarks, as much then as now, bear remembering.

Nearly 50 years after the President's death, Shirlee and Taylor Gandy have championed the effort to pay tribute to John Fitzgerald Kennedy, his Presidency, and his historic Fort Worth visit.

The Gandys led the cause, making a generous personal commitment to start the project, which includes a completed 8' bronze sculpture of the President by Texas artist Lawrence Ludtke.

They assembled a committee of friends and members of Downtown Fort Worth, Inc. to guide the process. But perhaps their most impressive contribution to the cause was their time.

They personally labored over all the painstaking details necessary to the project. Their labors were rewarded with a beautiful sculpture, handsome tribute design and a successful fundraising campaign. On February 27th of this year, the Gandys were joined by Fort Worth and Tarrant County dignitaries, including former Speaker of the U.S. House of Representatives, Jim Wright, to turn the first shov-

els of ground on this project. The JFK Tribute in Fort Worth will be complete in the fall of 2012.

When the Tribute opens in General Worth Square on Main Street, the themes of the Kennedy Presidency will find a new public outlet for expression. His last public address and his Fort Worth visit will be remembered in bronze and granite.

And perhaps just as importantly, the warm, genuine, enthusiastic reception President Kennedy received in Texas that has been so long overshadowed by an act of atrocity, will also be remembered.

On behalf of the people of Fort Worth, Texas and the United States of America, I wish to formally thank Shirlee J. and Taylor Gandy for their leadership in the creation of the JFK Tribute in Fort Worth.

IN RECOGNITION OF ROBERT  
LOUIS LOTTI, II

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Chief Robert Louis Lotti, II for his 30 years of service at the Belmont and Colma Police Departments.

Robert Lotti started his law enforcement career in 1984 as an officer with the Belmont Police Department. Three years later he was assigned to the traffic division as a motorcycle officer. In 1990, he was promoted to sergeant and served as a SWAT team member, team leader, and tactical commander. In 1997 and 2000 he completed two assignments as acting commander. In 2000, he was assigned as detective sergeant to the investigations bureau.

After protecting the residents of Belmont for 18 years, Sergeant Lotti moved to the Colma Police Department where he was hired as first commander. Within less than a year, he was promoted to chief in May of 2003.

Chief Lotti's dedication, commitment and professionalism are reflected in his many accomplishments, and awards. He is a founding member and architect of the San Mateo County Sheriff's Office regional SWAT Team, a weaponless defense instructor, Academy instructor, and inner perspectives facilitator. From 2003–2012 he served on the San Mateo County Police Chief's and Sheriff Association—in 2009 as president. Since 2005 he has been on the Board of Directors of the North Peninsula Food Pantry. He also served the San Mateo County Gang Task Force, the Academy Advisory Board, and the Realignment Committee. In 1987, the Peninsula Council of Lions honored him with the Police Heroism Award and in 1996, he received a commendation from the Belmont Police Department.

During his tenure, Chief Lotti has worked on many homicide investigations, fatal accidents, even a pipe bombing case, but he says the most rewarding part of the job is helping people in need and giving back to the community—both out in the field and at the station. He has been a mentor to his fellow officers who appreciate his optimism and great sense of humor.

He has volunteered as a little league umpire and sits on the board of directors for the North County Food Pantry and Dining Center of Daly City.

Chief Lotti, a lifetime resident of San Mateo County, was born in San Mateo, grew up in San Bruno, attended Terra Nova High School in Pacifica, and received his AA from Skyline College in 1982. He earned his BS in Human Services Administration and MPA in Public Administration from the College of Notre Dame in 1992 and 1997 respectively.

In his well deserved retirement, Chief Lotti is looking forward to spending more time with his wife of 26 years, Karen, and their four children.

Mr. Speaker, I ask the House of Representatives to rise with me to honor Chief Robert Louis Lotti, II on the occasion of his retirement after making our Peninsula communities and residents safer for three decades.

IN RECOGNITION OF SGT. STEVEN  
B. DAVIDSON

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor SGT Steven B. Davidson. He is the human resource specialist with the U.S. Army Reserve's 490th Civil Affairs Battalion and currently attends the University of North Texas. Sergeant Davidson was honored earlier this year for his exemplary service to his country and his community as the 2012 Army Times Soldier of the Year.

Sergeant Davidson, along with several others from his unit, was given the opportunity to participate in a French Desert Warfare Course in Djibouti, Africa. Having endured days of food, water, and sleep deprivation, the soldiers embarked on the final march of the rigorous ten-day course. After marching for nine hours in 120 degree debilitating temperatures, one man collapsed and began seizing due to heat stroke. Sergeant Davidson went to his aid, cutting off the man's boots and uniform; he utilized the cut-up uniform pieces as bandages and applied the remaining scarce water to the fallen soldier. He was able to revive and stabilize his condition and saved the master sergeant's life.

Sergeant Davidson graduated with honors from the course in Djibouti and received an

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Army Achievement Medal for his life saving action and a Military Volunteer Medal for his service while deployed abroad. The Soldier of the Year honor highlights his ongoing military service as well as his sustained commitment to others. Sergeant Davidson volunteers with Big Brothers Big Sisters, mentors at-risk youth, and gives motivational speeches to elementary, middle and high school students. Perhaps his most profound gesture was presenting his Air Achievement Medal to the man who taught him life saving techniques and served as a mentor, his Northwest High School athletic trainer.

Sergeant Davidson has demonstrated a deep passion for his country and his community. I want to express my appreciation for his commendable efforts on behalf of his fellow citizens within the 26th District and for his valuable service to the State of Texas and our great Nation.

IN RECOGNITION OF WARREN  
HECKMAN

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor Warren Heckman who has spent his life serving our community and sharing his passion for music with those around him.

As a teacher and band instructor, Mr. Heckman brought the joy of music to hundreds of students for more than thirty years. He started teaching at South San Francisco High School in 1950, and created the Blue Knights, a jazz ensemble that won countless awards and put South San Francisco High School's music program on the map. The Blue Knights were one of the first high school jazz ensembles and paved the way for similar programs around the country. This jazz group is still part of South San Francisco High School's music program today.

Mr. Heckman's passion for music spread to his students, many of whom have remained in touch with him. In 2006, 180 former Blue Knights from around the country gathered together for a reunion. Many of them continue to play music, both recreationally and professionally, a testament to Mr. Heckman's influence on his pupils at such a transformative age.

In 1958, Mr. Heckman received his Master's degree from San Francisco State University. He also earned a Bachelor of Arts Degree in Music in 1949 and a teaching credential in 1950 from the University of California-Berkeley where he met his wife, Marie, who has since passed away.

During World War II, Mr. Heckman served his country in the United States Navy. He entered the Navy in 1943 one month after graduating from high school. He attended college in Missouri for 18 months, then transferred to midshipman school at Cornell University where he received his commission in May 1945. He attended Fire Control School in Fort Lauderdale, Florida and was stationed aboard the aircraft carrier USS *Midway* CV-41. As a Fire Control Officer he spent one year on

board the *Midway* until he was honorably discharged in July of 1946.

For many years, Mr. Heckman participated in community organizations, including a long tenure as a member of the South San Francisco Elks Lodge. In addition, he helped create the School Personnel Credit Union and led that organization for 17 years, contributing as a board member, secretary and president.

After retiring, Mr. Heckman began a successful business tuning pianos. At 87, Mr. Heckman continues to play the trombone with a group of local musicians. Mr. Heckman believes that music is a lifetime adventure, and he's been playing the trombone since he was 7 or 8 years old.

Family has always been an important part of Mr. Heckman's life. He enjoys spending time with his son, Mark, and his daughter-in-law, Kathy, who live locally. His twin daughters, Patty and Tina, both live in Gridley, California. Mr. Heckman is also the proud grandfather of David, Sean, Kelly and JW, and the great-grandfather of James.

Mr. Speaker, I ask this body to rise with me to honor the outstanding service of Warren Heckman to the city of South San Francisco and the whole of San Mateo County. He was a role model for other teachers, a beacon for his students, and he will be remembered as an exceptional human being for many years to come.

COMMEMORATING THE 40TH ANNI-  
VERSARY OF THE DON EDWARDS  
SAN FRANCISCO BAY NATIONAL  
WILDLIFE REFUGE

**HON. FORTNEY PETE STARK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. STARK. Mr. Speaker, I rise today to pay tribute to the 40th anniversary of the creation of the Don Edwards San Francisco Bay National Wildlife Refuge, the first urban national Wildlife Refuge established in the United States. The Refuge is dedicated to preserving and enhancing wildlife habitat, protecting migratory birds, protecting threatened and endangered species, and providing opportunities for wildlife-oriented recreation and nature study for the surrounding communities of the south San Francisco Bay area.

As of 2004, the Refuge spans 30,000 acres of diverse habitats throughout South San Francisco Bay, including open bay, salt ponds, salt marshes, mudflats, upland areas and vernal pools. Located along the Pacific Flyway, the Refuge hosts over 280 species of birds each year. Millions of shorebirds and waterfowl stop to refuel at the Refuge during the spring and fall migration. In addition to its seasonal visitors, the Refuge provides critical habitat to resident species like the endangered California clapper rail and salt marsh harvest mouse. Today, hundreds of thousands of people visit the Refuge each year to enjoy its diverse wildlife and habitats.

The Don Edwards San Francisco Bay National Wildlife Refuge is part of a complex of six other wildlife refuges in the San Francisco Bay Area. Created by legislation signed by

President Richard Nixon in 1972 as the San Francisco Bay National Wildlife Refuge, and administered since then by the U.S. Fish and Wildlife Service, it was renamed the Don Edwards San Francisco Bay National Wildlife Refuge in 1995 in recognition of Congressman Don Edwards' efforts to protect sensitive wetlands in the South San Francisco Bay.

I join in congratulating the Don Edwards San Francisco Bay National Wildlife Refuge on its 40th anniversary and I applaud the commitment of all who have contributed over these many years to preserving and protecting our precious San Francisco Bay.

IN RECOGNITION OF THE HOLY  
ANGELS CLASS OF 1969

**HON. JACKIE SPEIER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. SPEIER. Mr. Speaker, I rise to honor a rare and special occasion for 45 individuals who went to grammar school together 43 years ago. It is nothing short of remarkable that two thirds of the Holy Angels Class of 1969 will gather on this day of November 10, 2012 to reminisce and exaggerate old stories.

The Sisters of the Holy Infant Jesus taught at Holy Angels, a Catholic school founded in 1952.

The Class of 1969 consisted of 45 students: Donna Abrahamsohn, Charlene Behnke, Robert Bernie, Kevin Chapot (deceased 2010), Raymond Ciardella, Shirley Conti, Richard Delgado, Mary Dillon, John Gallagher, Robert Gerugthy, Randy Golobic, Susan Gomez, Joseph Gordon, Kathleen Griffin, Dennis Harvey, Stephen Haight, Loretta Kelly, Patricia Kerns, Catherine Lapachet, Carole Lindsey, Patrick McLoughlin, James McCarthy, Maura Moran, Paul Nannini, Bruce Olmanson, Thomas O'Shea, Mary Pinelli, George Putkey, Elizabeth Randall, Timothy Rea, Marie Antoinette Rodriguez, Mary Rushka, Kimberly Seitz, Debra Sola, Terrie Sottile, Marialena Spadaro, George Tinetti, Barbara Trapp, Robert Trapp, Linda Tricerri, Peter Woolery, Nina Varni, Thomas York, David Zanini, and Loretta Zolezzi.

By today's standards, a class of 45 is unheard of, but the Holy Angels students assert that it didn't harm any of them in their later lives. They moved on to careers in teaching, public safety, law enforcement, the military, the medical field, and more. Many of them stayed right here in the Colma and Daly City area, home to Holy Angels.

The class of 1969 was the first second grade class to celebrate their First Holy Communion in 1963, a year after Holy Angels church was built. All of the teachers at the school were nuns, except for Miss Sandy Sheffield—unanimously voted everyone's favorite teacher in the 4th grade for her innovative and fun teaching style. Until Miss Sheffield brought in a piñata, most students had never seen one.

Another teacher bringing fond memories to the students is Miss Whitney who taught all the dance routines for the annual May Day festivities. Each class performed a variety of

folk dances on this popular day of games and raffles.

Back in the day, the TV show "The Man From U.N.C.L.E." brought out the best in a group of Holy Angel girls portraying themselves as secret agents. They would pass around secret messages in an empty Chapstick container and they would reveal the locations of dangerous enemy agents via walkie talkies. The Class of 1969 refuses to disclose whether one of the class members later joined the CIA.

Life at Holy Angels wasn't all fun and games. In 1963, televisions were not part of the regular classroom, but when President Kennedy was assassinated, the nuns brought in TVs so that the students could witness the funeral.

Mr. Speaker, I ask the House of Representatives to rise with me to honor the Holy Angels Class of 1969 which reminds all of us of the ties that hold us together as members of our community and country.

#### IN RECOGNITION OF THE NEW BEDFORD AREA CHAMBER OF COMMERCE

##### HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KEATING. Mr. Speaker, I rise today to recognize the New Bedford Area Chamber of Commerce as the organization celebrates its 126th Annual Meeting this year.

Founded in 1885, the New Bedford Area Chamber of Commerce today serves ten communities situated along the South Coast of Massachusetts. Those ten communities, in addition to the city of New Bedford, include Acushnet, Dartmouth, Fairhaven, Freetown, Mattapoisett, Marion, Rochester, Wareham, and Westport. Over 210,000 Massachusetts residents are served by this Chamber as the organization guides local economic development, and encourages professional development among its members. The positive impact that the New Bedford Area Chamber of Commerce has had on Massachusetts' South Coast region over the course of its 126-year lifetime cannot be overstated, and I look forward to seeing the Chamber's continued success in the future.

Mr. Speaker, I ask that my colleagues join me in congratulating the New Bedford Area Chamber of Commerce upon its 126th Annual Meeting and in thanking this organization for its years of service to the South Coast community. I am certain that the Chamber's and its member organizations' future will be bright.

#### REMEMBERING KEMAL ATATURK

##### HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. COHEN. Mr. Speaker, as countries in the Middle East undergo drastic change, they are redefining their political systems, looking

to other countries in the region, like Turkey, to serve as examples of positive transition. In Turkey, November 10th is a date remembered for the premature death of Kemal Ataturk, the leader of modern Turkey who transformed that country from an agrarian society caught in the past to a modern, secular and forward looking western model. While the changes were recognized at the time as stunning, given recent developments in the region, Turkey's transformation is even more relevant and noteworthy today.

President John F. Kennedy noted:

The name of Ataturk reminds people of the historical successes of one of the great individuals of this century, the leadership that gave inspiration to the Turkish nation, farsightedness in the understanding of the modern world and courage and power as a military leader. It is without a doubt that another example can't be shown indicating greater successes than the birth of the Turkish Republic and ever since then Ataturk's and Turkey's broad and deep reforms undertaken as well as the confidence of a nation in itself.

His leadership contributions were noted internationally. Prime Minister of the United Kingdom, Winston Churchill, also wrote:

Ataturk's death is not only a loss for the country, but for Europe is the greatest loss, he who saved Turkey in the war and who revived a new the Turkish nation after the war. The sincere tears shed after him by all classes of people is nothing other than an appropriate manifestation to this great hero and modern Turkey's Ata.

As Co-chair of the Congressional Turkey Caucus and on behalf of Turkish Americans, I join my friends in paying tribute to a great man and a great leader. I congratulate the people of Turkey, and continue to work to remember Ataturk's legacy and his contributions to world peace and to the region.

#### IN RECOGNITION OF THE REOPENING OF ST. EMERIC CHURCH

##### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of St. Emeric Church, one of the 11 Cleveland Catholic Diocese parishes that will be reopening this year.

In 2009 it was announced that several of the Cleveland Catholic Diocese's area churches, including St. Emeric, were to close. However, just months ago, the Vatican overruled this decision and St. Emeric reopening its doors on and celebrated its first mass on Sunday, November 4, 2012. St. Emeric was the last of the 50 churches closed and was to be the last of the eleven to reopen.

St. Emeric Church was founded in 1904 and has been home to many of the Cleveland area's Hungarian-American Catholic community. Prior to its closing on June 30, 2010, St. Emeric Church was home to nearly 650 parishioners.

The celebratory mass that ushered in the reopening of St. Emeric Church was held on November 4th, which is especially significant for the parish because it is also the feast day

of St. Emeric. The mass was led by the parish's former pastor, Reverend Sandor Siklodi, who was transferred to Chicago's St. Stephen King of Hungary parish in 2010. Siklodi had served as St. Emeric's pastor for 24 years after being sent to the church by a Hungarian bishop in Romania. The parishioners of St. Emeric appealed for the return of Rev. Siklodi because he performs mass in their native Hungarian language.

Mr. Speaker and colleagues, please join me in recognizing the reopening of St. Emeric Church, a beloved parish that has returned to Cleveland's near West Side neighborhood.

#### LEXINGTON MEDICAL CENTER WINS "PINK GLOVE DANCE" VIDEO COMPETITION

##### HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. WILSON of South Carolina. Mr. Speaker, congratulations to Lexington Medical Center in West Columbia, South Carolina, for winning the 2012 "Pink Glove Dance" video competition. Designed by Medline Industries, Inc., the Pink Glove Dance contest is designed to raise awareness about breast cancer and show support for cancer survivors.

Lexington Medical Center's video featured nearly 1,000 hospital employees dancing to the Katy Perry song "Part of Me" while wearing pink gloves. Lexington Medical Center beat 260 other health organizations. And, it was the second year in a row they won this contest.

We are fortunate to have the leadership of Lexington Medical Center President and CEO Mike Biediger, Board Chairman Dan Jones, and Director of Marketing Mark Shelley. Thank you to Lexington Medical Center for everything they do to treat cancer patients and educate our community about cancer prevention.

#### HONORING WORLD WAR II VETERAN, AVIATOR AND PATRIOT LT. VICTOR B. SCHOON

##### HON. JUDY CHU

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. CHU. Mr. Speaker, I rise today to recognize a great loss to our community, Lt. Victor B. Schoon, who passed away on September 25, 2012 at the age of 93. My heart goes out to his loving children, Andra Lew, JoAnna Schoon-Kormo, and Marcus Victor Schoon; his grandchildren, Michael Lew, Kenneth Schoon, Julianna Marie Schoon, Eric Konno and Allison Konno; and the rest of his family, friends and loved ones. He now goes to join his loving wife, Dora Song, who passed away in 1999.

When Lt. Schoon enlisted in the Army Air Corps in 1943, he did so during a time when Chinese Americans could not vote, could not immigrate to the United States, and could not

even become citizens. But he enlisted anyway, regardless of the prejudice and discrimination he faced. Such was his patriotism to his country.

Within two short years of his enlistment, Lt. Schoon had become a First Lieutenant piloting his own B-17 over the European Theatre during World War II. He served with distinction, stationed with the 340th Bomb Squadron, 97th Bomb Group based in Foggia, Italy between 1944 and 1945.

During that time he saw air combat over the Balkans, Southern France, Germany, Rome, Arno and the North Appennines. And thanks to his bravery, skill and flying prowess, he flew 50 successful missions, bringing all of his 9 crew members home safely, and contributing to the Allies' defeat of the Axis powers and the end of the war.

For his efforts he was rewarded with the European, African and Middle Eastern Theater Service Medal; an Air Medal with 2-Oak Leaf Cluster; and a Distinguished Unit Badge.

He went on to receive an honorable discharge, enrolled at the University of California, Berkeley and earn a bachelor's degree in architecture. He became a successful architect, drawing custom office buildings for various prestigious firms and opened his own architectural firm in Hollywood.

But this selfless patriot, who dropped out of high school to help provide for his nine siblings after his parents' death, who enlisted in the military despite the prejudice of the times and great personal danger to himself, and who went on to serve his community so admirably, died before receiving the Distinguished Flying Cross Medal he so deserved.

I urge my House colleagues to join me in honoring Lt. Schoon for his record of bravery, indomitable spirit and remarkable service to his community and to our nation.

IN REMEMBRANCE OF JERRY A. VITTARDI

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Jerry A Vittardi.

Jerry was born on January 18, 1925 to Matio and Anna Vittardi. He was a World War II veteran who served in the U.S. Army Air Corps. Jerry was married to his wife, Marianne, for 60 years and they had six children together: Richard, Renee, Gerianne, Marty, Mickey and Ed. Jerry and Marianne raised their family in Parma, a city in which they would remain and where he began a lifetime of public service.

In 1960, he was elected to the Parma City Council to represent Ward 2, serving as a councilman for 5 years. While serving the City of Parma, he gained a reputation as a trustworthy partner for others who were running for seats within the Democratic Party. He campaigned for Governor Richard Celeste, Senator Howard Metzenbaum, Congressman Ron Mottl, Attorney General Lee Fisher, Parma Mayor Michael Ries, for his son Councilman Martin Vittardi and for myself.

Jerry's dedication to public service continued throughout his life. In addition to serving as a Democratic Ward leader and Democratic Precinct Committeeman, he served as an electrical inspector for the City of Parma for 2 years from 1958–1960, and later served as a building inspector for the city from 1967–1980. From 1980 through the late 1990s, he worked for the State of Ohio, Ohio Lottery as a field representative. Heavily involved in the community, Jerry was also a member of the Fraternal Order of Eagles in Cleveland and coached local baseball and softball teams. He strongly supported the local sports teams and loved watching the Cleveland Indians and the Cleveland Browns.

Jerry is survived by his children and 13 grandchildren: Joy, Greg, Amy, Vincent, Kristen, Jamie, Allison, Jessica, Mark, Leah, Michael, Holly and Eric. In addition, he was a beloved great-grandfather to 17. He had a very special place in his heart for his great-grandchildren baby Jack and baby Blake.

Mr. Speaker and colleagues, please join me in remembrance of Jerry A. Vittardi. May his life of public service and his role as a loving husband, father, grandfather, and great-grandfather serve as an example to us all.

HONORING GIL WATERS

**HON. VERN BUCHANAN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. BUCHANAN. Mr. Speaker, I rise today to honor Gil Waters of Sarasota FL, born in 1927 and raised in Pennsylvania, Connecticut, and New York. By 1955, Gil graduated from Yale University, moved to Sarasota, married Elizabeth Boylston, served in the Navy during the Korean War, and started a family. Over the next 58 years, Gil left an indelible mark on Sarasota/Manatee County and the State of Florida. All while being a loving father to three children, Christopher, Robin, and Michael.

Gil founded the FCCI Fund in 1959. Upon his retirement in 1985, Florida Trend ranked FCCI as one of Florida's largest private companies. It was Florida's largest self-funded workers-compensation companies and one of the largest in the nation. Gil created WIMCO (Waters Insurance Management Company) in 1979 and FEISCO a, NASDAQ-listed, captive "reinsurance" company in 1980. In 1982, he founded Keep-Well Health Insurance. Gil, is an entrepreneurial visionary who revolutionized the workers-compensation insurance industry.

From 1956 to 1970, Gil served as Executive Secretary for Sarasota/Manatee County Gulf Coast Builders Exchange; Executive Secretary for Consulting Engineers Counsel of Florida; Public Relations Counsel for New College; and served as a Sarasota City Commissioner.

In 1970, Gil ran a successful State Constitutional Amendment regarding mobile home taxation. From 1977 to 1984 he became a statewide lobbyist for workers compensation in Tallahassee. Gil organized and served as first president of Florida Self Insurance Association, producing a wide ranging bill that passed the Florida State Legislature, providing wage-loss protection for injured workers.

Between 1987 and 2003, Gil spearheaded grassroots efforts to replace the Ringling Bridge. The Florida State Legislature honored him by renaming the bridge, "Gil Waters Bridge" on the Ringling Causeway. He was honored and humbled, and instead, requested a plaque be placed at the bridge paying tribute to every citizen who supported the construction of the fixed-span bridge.

In addition, he dedicated 40 years to developing condominium, single family, retirement and nursing communities. He also impacted municipal planning and growth, served his community and state as a philanthropist through public and private schools, Florida State's Asolo Repertory Theater, Florida West Coast Symphony Association, New College Music Festival, Sarasota Opera, Hermitage Artist Retreat, Sarasota Memorial Hospital, and others. He received environmental awards from the Audubon Society, Save Our Bays, and Sarasota Garden Club.

At 85, Gil enjoys traveling with his second wife, Elisabeth; however, he is never far from his 55-year vision to complete Sarasota's 1959 Architectural Plan—connecting Island Park/Marina Jacks to Main Street over U.S. 41, with a safe-walkable overpass; and, Main Street becoming a walkable city-center, daily attracting 1000's of visitors and residents. Gil likes to say, "Come for an hour, stay for the day!"

One of Gil's greatest honors occurred on December 27, 1999, when The Sarasota Herald Tribune named Gil one of "The 10 Most Influential Businesspeople of the 20th Century."

TRIBUTE TO RIVERSIDE COUNTY'S RECIPIENTS OF OPERATION RECOGNITION

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a group of individuals—heroes—who are receiving the recognition and honor they deserve for their service to our country. Operation Recognition is operated by the Riverside County Office of Education with assistance from the Riverside County Department of Veterans' Services. The program awards high school diplomas to veterans who missed completing high school due to military service in World War II, the Korean War, or the Vietnam war, or due to internment in WWII Japanese-American relocation camps.

A recognition ceremony was held on November 7, 2012, for the following individuals who received their high school diplomas through Operation Recognition:

Edward A. Alfaro; Anthony John Amoroso; Edward Barr; Leroy Burbidge; Justino Castillo; Harry J. Dillon; James N. Ellis; James Albert Finch; Irving G. Fowler; Robert Ray Gooch, Jr.; Herb Levine; Donald George Marion; Marvin Odell Pace; Anastacia P. Panarites; Thomas James Plouffe; Michael Loren Rittenhouse; Robert Rodriguez; Edward L. Ryan; Robert Irwin Stover; Glenn C. Waggoner Jr.; Robert Lee Williamson; James Verne Olson; and Thomas Eugene Butler.

Our country owes a debt of gratitude to all the above recipients for their service and sacrifice. I salute all the above individuals and congratulate them on receiving their high school diploma.

IN HONOR OF MR. RICHARD GRIMMETT

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Richard Grimmert, who is retiring after 38 years of dedicated service with the Congressional Research Service (CRS).

An Ohio native, Mr. Grimmert attended Kent State University, where he earned a Ph.D. in American history and focused on U.S. national security policy. Since joining CRS in 1974, Mr. Grimmert has been a specialist on defense and foreign policy issues. Specifically, his expertise lies in international arms trade, overseas U.S. military bases, war powers and intelligence. Throughout his time with CRS, Mr. Grimmert has worked intimately with Senate and House Select Intelligence Committees and the Senate Foreign Relations Committee.

Mr. Grimmert has proven time and again that he is a vital asset to the U.S. Congress. His support and intelligence are evident in the Arms Export Control Act, and the handling of the Iran-Contra Affair and aftermath of the attacks on September 11, 2001. Personally, Mr. Grimmert's vast knowledge of the War Powers Resolution has been of immeasurable value to me throughout my tenure in Congress.

Mr. Speaker and colleagues, please join me in honoring the distinguished career of Mr. Richard Grimmert. His support has been unparalleled and his absence will be felt by every Hill staffer and member of Congress.

IN MEMORY OF JOSEPH PAUL BROWN

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in memory of my good friend, Joseph Paul Brown, who passed away earlier this year at 86 years young.

Joe Brown was a devoted family man, a realtor and business leader, an avid sportsman, a philanthropist, a mentor, and a role model. A native Southern Californian, Joe traced his roots on his mother's side to the first citizens of California, who arrived in 1775 by crossing the Sonoran Desert with Captain Juan Bautista De Anza.

At age 17, Joe joined the U.S. Coast Guard to serve his country during World War II. After his discharge, he attended Loyola University and graduated in 1950 with a degree in engineering. That same year he married his childhood sweetheart, Lydia T. Brucklemeir. They were married for 57 years until her death in 2004.

In the mid-1950s, Joe began his career as a developer and builder with the Janss Corporation. Through the years he served as president of the Janss Realty Co., which he later purchased, and as a vice president of the Janss Corporation. As such, he assisted in the development of more than 10,000 acres in the Conejo Valley area. One of his first projects was to join in the efforts to bring outside water to the valley, which enabled the area's growth.

As a leader in the Conejo Valley community, Joe helped bring numerous businesses to the area, including the development of the Oaks Mall Shopping Center and the sale of 2,000 acres from the Janss Family to MGM Studios, which had planned to move its operations to the area. While at Janss, he was intimately involved in the planning, development, and marketing of Sun Valley, Idaho, Snowmass-at-Aspen, and Northstar at Tahoe.

But Joe was most proud of his efforts to make the Conejo Valley a great place to live, work, and play. In addition to his successes in business, Joe, a devout Catholic, devoted himself to those in need. He founded the Men's Advisory Board to Mary Health of the Sick and helped form Many Mansions. He was a founding member of the board of Ventura County Community Foundation and volunteered on numerous advisory boards and committees for the City of Thousand Oaks and La Reina High School. He also was a member of the Board of Regents, California Lutheran University.

In recognition of his many successes, Joe was bestowed an Honorary Doctor of Laws Degree from California Lutheran University. For his devotion and assistance to the Archdiocese, Joe was knighted into the Order of St. Gregory, the Order of Malta, and the Order of the Holy Sepulcher.

In 2005, Joseph found love for the second time with Dolly Principe. Dolly and Joe had known each other since the 1970s through their competing real estate firms, and over the years had remained friends. Fate brought them together again, and they fell in love and married later that year.

Joe is survived by Dolly; his three children, Joseph A. Brown, Madeleine P. Brown and Mark J. Brown; 12 grandchildren and 13 great-grandchildren; and many loving friends.

Mr. Speaker, Joseph Paul Brown was a longtime special friend and a talented businessman who was equally successful as a family man and philanthropist. I know my colleagues join me in remembering his great contributions to his community, and in extending our condolences to his family and many friends.

IN RECOGNITION OF THE 45TH ANNIVERSARY OF NORTHEAST OHIO NEIGHBORHOOD HEALTH SERVICES, INC.

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Northeast Ohio Neighborhood Health Services, Inc. NEON, as it celebrates its 45th anniversary.

NEON was established in 1967 as a network of community health centers to provide medical and dental services to the uninsured and underinsured in the Greater Cleveland area. Since its founding, NEON has strived to create healthy neighborhoods through accessible community-based health care. In 2001, NEON was selected as a National Community Center of Excellence in Women's Health.

NEON currently operates six health centers in the Greater Cleveland area; the East Cleveland, Norwood, Hough, Collinwood, Southeast and Superior Health Centers. The centers employ 35 physicians, 10 dentists and a staff of Certified Nurse-Midwives and other support personnel.

The health centers offer accessible, comprehensive primary care services, including adult medicine, pediatrics, family practice, OB/GYN, behavioral health, dental, optometry, podiatry services, x-ray, mammography, laboratory and pharmacy. Additionally, NEON provides patients access to social work, health education, family planning and nutritional counseling.

Mr. Speaker and colleagues, please join me in recognizing the 45th anniversary of Northeast Ohio Neighborhood Health Services, Inc.

OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,244,708,707,467.25. We've added \$5,617,831,658,554.17 to our debt in 3 1/2 years. This is \$5.6 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN RECOGNITION OF SGT STEVEN B. DAVIDSON

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to recognize the 50th anniversary of the Lewisville Area Chamber of Commerce. Through fostering job creation, encouraging education, and promoting strong business foundations, the Lewisville Area Chamber of Commerce has contributed to the success of small businesses in Lewisville since 1962. Its members, dedicated entrepreneurs and business owners, strive to improve our economy by following their mission of promoting economic growth for the local business community.

As a former small business owner, I know firsthand the importance of business expansion in the community, and this exceptional group has proven to be a driving force for



local businesses. Their mission of promoting economic growth of the local business community through "Leading Business, Leading Lewisville," is a true testament to their sustainability over the past 50 years. It is an honor to celebrate this important anniversary with the Lewisville Area Chamber of Commerce, and I am privileged to represent the Lewisville Area Chamber of Commerce and Lewisville, Texas in the U.S. House of Representatives.

IN RECOGNITION OF MRS. MARY P. DENIHAN

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mrs. Mary P. Denihan, who is retiring after a long career of dedicated public service to the residents of Northeast Ohio.

Mary Denihan is currently the Senior Administrative Officer for the Cuyahoga Support Enforcement Agency (CSEA). She has previously held a number of roles assisting the public. Early in her career, she worked as the assault prevention coordinator with the Lake County Sexual Assault Center. She later joined Mothers Against Drunk Driving where she served as their state administrator.

Mrs. Denihan initially joined the Cuyahoga Support Enforcement Agency on January 28, 1991 as a support officer in the Establishment Unit. She was instrumental in the success of the Teen Paternity Project. She worked as a public information officer and senior public information officer before becoming a senior administrative officer. Throughout her tenure with CSEA, Mrs. Denihan has been an invaluable resource to my office in assisting our efforts to fulfill the needs of the residents of my district. Her dedication and intellect will be missed throughout the entire community.

Following her retirement, Mary plans on spending more time with her family. She has been married to her husband, Bill, who currently serves as the Chief Executive Officer for the Alcohol, Drug Addiction, and Mental Health Services Board of Cuyahoga County for 23 years. She is the proud parent of 4 children, 7 step children and 34 grandchildren.

Mr. Speaker and colleagues, please join me in recognizing the storied career of Mrs. Mary P. Denihan and congratulating her on her retirement.

IN RECOGNITION OF DR. ROBERT M. FRANKLIN

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to Dr. Robert M. Franklin, the tenth president of Morehouse College in Atlanta, Georgia, in honor of his retirement after 5 years as head of the school. He will be honored at a reception on Friday, November 9, 2012, in Atlanta.

A native of Chicago, Dr. Franklin is an alumnus of Morehouse College. He also received a Master of Divinity degree from Harvard Divinity School in 1978 and a Ph.D. from the University of Chicago Divinity School in 1985. In 1973, he received an English Speaking Union scholarship to attend the University of Durham in England. Dr. Franklin is also the recipient of honorary degrees from Bethune Cookman University, Bates College, and Swarthmore College.

Before he was the President of Morehouse College, Dr. Franklin served as the Presidential Distinguished Professor of Social Ethics at Candler School of Theology at Emory University in Atlanta, Georgia. He was also President of the Interdenominational Theological Center in Atlanta. In addition, he served as a program officer in the Human Rights and Social Justice Program at the Ford Foundation in New York.

Dr. Franklin is the author of three books: *Crisis in the Village: Restoring Hope in African American Communities* (2007), *Another Day's Journey: Black Churches Confronting the American Crisis* (1997), and *Liberating Visions: Human Fulfillment and Social Justice in African American Thought* (1989).

Mr. Speaker, Dr. Franklin has revolutionized Morehouse College in many ways during his five-year tenure as President. His vision for Morehouse College is that the institution will shape its students into Renaissance men who are well-educated and ethical leaders with a social conscience and committed to championing the causes of equality, justice and peace. During Dr. Franklin's tenure as President, Morehouse has continued to develop future leaders who are disciplined, altruistic, and wise.

Under Dr. Franklin's administration, Morehouse College has been recognized as the Nation's best liberal arts college by *Washington Monthly* and has been a recipient of more than \$60 million in federal grants as well as a number of gifts from prestigious organizations and donors. Dr. Franklin has been instrumental in the school's plan for the internationalization of its campus, with a special emphasis on curriculum and study abroad experiences. Moreover, significant updates and renovations have been made to Graves Hall, the oldest building on campus, as well as many other structures. In 2010, the Ray Charles Performing Arts Center was dedicated and this state of the art facility now serves as the practice and performance space for the College's world renowned Glee Club; the Morehouse Jazz Band; Morehouse College Jazz Ensemble; and "House of Funk" Marching Band.

One of the many things I admire most about Dr. Franklin is his unfailing dedication to Morehouse College. After graduating from the school in 1975, he came back years later to lead Morehouse in its mission to develop men with disciplined minds who will lead lives of leadership, service and self-realization. And he is still not gone for good! After a sabbatical as a Scholar in Residence at Stanford University's Martin Luther King, Jr. Institute, Dr. Franklin will return to Morehouse College as President Emeritus and Distinguished Professor, the college's highest honor.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Dr. Robert M. Franklin for

his 5 outstanding years as President of Morehouse College, my beloved Alma Mater. He has transformed the lives of countless young men and inspired them to become our future leaders.

HONORING COUNCIL MEMBER  
LARRY VAN NOSTRAN

**HON. LINDA T. SÁNCHEZ**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, it is with great sorrow that I announce the passing of Larry Van Nostran, who served the city of Lakewood for 37 years.

Larry was first elected to the Lakewood City Council in 1975. He is the longest serving council member in the city's history, and was serving his tenth term as a council member when he passed away Friday, November 9. During his 37 years on the council, he served as the Mayor of the city nine times.

Among Larry's most notable achievements was the founding of the Lakewood Youth Sports Hall of Fame in 1981 and its continued success for the past 30 years. The Hall of Fame has honored thousands of Lakewood youth during that time, and has helped promote a vigorous sports and recreational culture in the city. This strong tradition was nationally recognized by *Sports Illustrated* magazine, who named Lakewood "Sportstown USA" in 2004.

Larry was instrumental in helping create a high quality of life in Lakewood's neighborhoods and finding solutions to keep Lakewood's crime rate low. Larry began his service in Lakewood city government as a member of the Traffic and Safety Commission, and was a longtime member of the Public Safety Committee as a member of the city council. He firmly believed that there's not a more important value than keeping a community safe. He was a strong supporter of the Lakewood Award of Valor event, where public safety personnel, volunteers and residents are honored annually for their dedication, hard work and courage.

Larry was prominent in the development and expansion of senior services, which were scant before he was elected to the city council. Larry saw the initiation of Lakewood's DASH senior transit system and exercise and fitness programs at the city's two senior centers. He was also a champion of growing Lakewood's business and commercial base, which included modernizing the second largest shopping center in Los Angeles County, Lakewood Center Mall.

Larry was born in Seville, Ohio in 1933 and moved to Lakewood in 1958, just four years after the city was incorporated. He was active in Lakewood civic life for over 40 years, including membership in the Elks Club, Jaycees, Kiwanis Club, Lakewood Pan American Association, and Masonic Lodge & Scottish Rite.

As you are aware Mr. Speaker, many of our colleagues in city government have a fundamental impact on the lives of our constituents and they rarely get the recognition that they deserve. The city of Lakewood will miss Larry,

and I stand with many in our community in sending my thoughts and prayers to his family. Thank you Mr. Speaker, I ask for a moment of silence for Larry Van Nostran, a true public servant, and I yield back the balance of my time.

IN HONOR OF ENDA KENNY, PRIME  
MINISTER OF THE REPUBLIC OF  
IRELAND

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Mr. Enda Kenny, the Prime Minister of the Republic of Ireland, on the occasion of the 2012 Mayo Society Banquet and Ball taking place on October 13, 2012.

Prime Minister Kenny was born in Islandeady, County Mayo on April 24, 1951 and obtained degrees from St. Patrick's College of Education and University College of Galway. Mr. Kenny boasts a long career in public service. Following a brief stint as a public school teacher, he began his public service career in 1975 when he was elected to the Dáil Éireann to fill his late father's seat.

Throughout his long career, Prime Minister Kenny served as the Minister of State for Education and Labour between 1986 and 1987. Additionally, between 1994 and 1977 he was the Minister of Tourism and Trade for Ireland. In 2002, he became the leader of his political party, the Fine Gael.

On March 9, 2011, Mr. Kenny was elected as the Prime Minister of the Republic of Ireland. He is married to Fionnuala O'Kelly, and has three children, Naoise, Ferdia and Aoibhinn. The Mayo Society Banquet and Ball will also honor Mr. James Boland as the 2012 Mayo Person the Year.

Mr. Speaker and colleagues, please join me in honor of Prime Minister Enda Kenny and in recognition of his visit to Cleveland, Ohio on the occasion of the Mayo Society of Greater Cleveland's Banquet and Ball.

IN HONOR OF THE WINNERS OF  
THE HISTORICAL SOCIETY OF  
WINSLOW TOWNSHIP'S VET-  
ERANS DAY 2012 STUDENT ESSAY  
CONTEST

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to honor the winners of the Historical Society of Winslow Township's Veterans Day 2012 Student Essay Contest.

These nine students, in the 7th and 8th grades at Winslow Township Middle School and 12th grade at Winslow Township High School, wrote on what the word "freedom" means to them in their hearts. The moving prose of these young men and women is a testament to the patriotic spirit of the citizens of South Jersey and an inspiration to all Amer-

icans. For that reason, Mr. Speaker, I submit the following for the CONGRESSIONAL RECORD:

KELLI O'NEIL, 7TH GRADE, 1ST PLACE WINNER

By definition freedom is; the power to determine action without restraint. But freedom means monumentally more than that to me. Speech, expression, faith these are only a few of the stripes on the beautiful rainbow that is freedom. Freedom is what sets America so high above the rest, what makes it such a beautiful place to live.

Every Sunday, millions of Americans go to church. Imagine if these millions of people were in a different country. Practicing their own religion may not be legal. Whilst this goes on for myself and to most Americans going to church feels like such a simple liberty.

As an adolescent female I am still in school getting an education and plan to continue through college. Now let's pretend I am in some other country for example. I would not be in school, I would be home doing housework caring for my siblings. Back in America I am permitted to wear whatever clothing I wish to wear; however, in some countries I shouldn't even show my own hair. All of these wonderful rights that I do have are given to me simply because America values freedom. Our flag flying through the air sings of freedom. And the graceful eagle soaring through the heavens screams freedom. Every day, I look at the things I do and wear and I am truly grateful for America and all of its freedoms.

I have the privilege of being in an honors writing class, and in this class I write exactly what I think and feel about any and every thing without fear of punishment by law. I cannot say the same for many other children in foreign countries. In these countries writing the way they feel about things like laws, politics, and leaders can result in great punishment. Without the freedom to express how I feel I don't know how I would survive. My opinions are who I am, and they are a piece of me.

Lee Greenwood once said, "proud to be an American Where at least I know I'm free, and I won't forget the men who died who gave that right to me." This is so incredibly true, and I would like to take this moment in time to put the spotlight on the soldiers who have passed away, our veterans, and our soldiers who are currently serving because they are the sole reason for all of these fantastic freedoms that me and my fellow Americans have today.

So, in conclusion, freedom is the biggest blessing ever bestowed upon the American people, and it is not to be taken for granted.

DEANNA PAUL, 7TH GRADE, 2ND PLACE WINNER

The first 10 amendments of the Constitution, or the Bill of Rights, set priceless rights and freedoms that Americans may enjoy. There is a rather large variety of them, ranging from the freedom of speech to just the right of traveling anywhere you want in the nation.

If you were to look in the dictionary for the word "freedom", you'd probably find that it means "free to do something or free of something", or anything within those lines. That'd be correct. The many freedoms that we as Americans have should be treated like gifts, as they are. However, our freedoms are often misused now, in a way our forefathers didn't intend them to be. For example, the freedom of speech, which is the freedom to say our opinions as long as they don't cause any harm to others, is now being used to bully and cause mental pain to citizens by Americans who want to cause trouble.

Nevertheless, our freedoms are still gifts and worth protecting. The many veterans who have fought for our country by sacrificing themselves, whether they were killed or wounded physically or mentally in battle or returned home intact, should and are respected by our nation. They fought or are fighting at the moment to keep things the way that they should be, to protect the millions of Americans who have the access to the freedoms in the Bill of Rights. Without those brave men and women, we might not be the way we are today, as we would be vulnerable to other countries who mean harm to Americans because of our freedoms and policies.

Personally, I'm so used to these freedoms that they seem ordinary and unimportant, but after reading so many articles about the lifestyles and other events occurring in other parts of the world, I feel extremely lucky—and proud. I've learned that not all countries are lucky enough to have the same rights and freedoms that we are able to have, and that's worth protecting.

While practicing these freedoms throughout your ordinary lives, remember: They're special. People are out there fighting; just for us to feel safe while exercising those rights we were given. Be grateful. Use them the way they were intended to be used. And most importantly, respect our veterans.

SARAH MARSHALL, 7TH GRADE, 3RD PLACE  
WINNER

Freedom is a lot of things. To an American citizen it is a privilege. To a mother in a dictated country it's a hope. Or to a government figure it is a law. But no matter what it means to different people, the definition of freedom will always be the same to me; a right.

Freedom can come in all different forms. For example; you could have freedom of speech, freedom of expression or freedom of religion. With freedom, I can speak out against almost anything (including our political and government system); I can choose and practice my own religion without fear of being abused or jailed, and so much more. Freedom is an important part to a great country.

In my opinion, everyone should be allowed to have freedom. It's not right to be killed or abused because of what you believe in or say. Some people take things like freedom, life and rights for granted. Not me. I will always remember that it is a huge privilege that a lot of people don't receive. I will also keep in mind not to abuse my rights and freedom because people died for it. They died for you and me, and everyone else in America to be able to express ourselves without risk. To have my rights taken away would be a dishonor. And I really hope that everyone who does have freedom realizes that.

In some countries, you can actually be shot at just for speaking your mind. A real life example of that is of a young female citizen from Pakistan. In Pakistan, they are currently fighting for women's rights. A young lady spoke her opinion on women having education and she was shot. This reminds us that we are lucky. Those of us in America wouldn't have been shot; we probably would've been rewarded. If the young women had been from the United States that tragic situation would never have happened due to the fact that women already have the right to education.

If you asked a professor what freedom means to them, the answer would be a thousand miles long. The answer is so long I couldn't fit it in this essay. But if it somehow wasn't clear how thankful I am for it,

going to put it like this; Freedom is something to be thankful for. You should pray to your (a) god for it, discuss it at Thanksgiving dinner, and visit the graves of those who died for it. You never know, thousands of miles away someone might be praying for the freedom you already have.

AKAASH PATEL, 8TH GRADE, 1ST PLACE  
WINNER

Freedom . . . Such a small word for a very meaningful definition. Every day of our lives we are presented with this right. However, what exactly does freedom mean to you? To me, freedom means the moral principle of being able to choose how you live your life. Before freedom we were told what to believe in. We had no say so on what our lives would be like. However, we, as a united nation celebrate and declare freedom; not as a privilege but as a right.

Our forefathers fought for the right of freedom. They put their lives on the line for the sake of other people's rights. We should always be grateful that our founding fathers gave us freedom. Moreover, we should constantly honor America's veterans and active military. They have and are putting their feelings for this country into actions, not words. A picture paints a thousand words.

USA has many veterans coming back from Afghanistan. Some have come back from Vietnam. Some are even coming back from top priority missions that they enlisted in. However, all of these men and woman have one definite thing in common, their reason. All war veterans' reason for fighting always traces back to freedom. They believe in freedom and know deep in their heart what it means to them. America's veterans were, are, and forever will be dedicated to freedom.

I think that freedom is a very unappreciated right. As a kid I woke up every day able to believe in what I wanted to. I was born into my religion. However I was not necessarily forced to accepting it. This was the perfect world our country's founders, veterans, and active military had created for me and everyone else to share. In spite of this, we truly do not honor this right enough despite the immense value it holds. You never miss something until you lose it.

In conclusion, freedom is essential in people's lives. We are free to choose any religion, believe in what we want, and do what we want. This entitlement to every US citizen keeps this country intact. In contrast, we would have never had this right unless our veterans and active military had not protected this sacred allotment. To sum it up, thanks to our brave and bold veterans and our courageous active military we live our lives and cherish freedom.

HARLEIGH MAE BURKE, 8TH GRADE, 2ND PLACE  
WINNER

In the 1700's, when our founding fathers began sculpting the Constitution of our nation, there was one thing they all agreed on: Freedom is a right all people should be given from birth, and the work they do under this liberty is how they earn their fortunes. To earn a fortune and be successful under this freedom is what is known as the American Dream. What few know, however, is that freedom is not a gift to all humanity, but an exclusive to only some.

It is thanks to the forethought of the founding fathers, the continued cooperation of the United States Military, and above all the passion of the people which keeps our freedom alive today. However, this begs the question, what is freedom, and what precisely does it mean?

Freedom, to me, is not merely the ability to do as you please, when you please, as long

as it does not impose upon others. Freedom is the lifeblood of humanity, what enables man to live and prosper and change the World for the better. Not everyone is gifted with such a thing, and some of the idealists and geniuses and potential reformers of our generation will not get a chance at this, and will live their lives in oppression, cast aside by their governments as another mere pawn in their machine of simple parts.

Freedom manifests itself in every aspect of American life, from the business you built up yourself, to the house you own, to the education your children earn. Freedom is business, the arts, what has allowed the United States to develop a culture unlike any other. To such aforementioned countries who lack the glorious endowment of liberty, our United States, with its military towering high in our defense, and fame, and above all, the ability for any mere man to forge a life of empire-like status, is not only a desirable place to be, but a utopia Where anything can happen.

And so, I ask of you, look at yourself, what you have, and what you've done. Think for a moment of where you would be if you were assigned to a life, told what to think, what to feel, what to do. Would you be where you are? Would you have what you've achieved? This distinction is freedom, and freedom is the United States, its military, and its people.

ELENI FINKELSTEIN, 8TH GRADE, 3RD PLACE  
WINNER

Imagine coming to America from another country. You see a flag billowing with pride in the front yard of a happy family's house. The whole family was unique. Different clothes, different hobbies, but they were all having a good time. You begin to wonder why your family could not be happy back home or have those smiles on their faces. Your life was bland; a dry piece of toast, just like everyone else's. Then you realized it was because you weren't given individuality. To me, freedom means having the right to be an individual.

In other countries, you don't always have the freedom that we have in America. Often, you cannot dress how you'd like, say what you'd like, or do what you'd like. There was no uniqueness at all. Here in America though, we have that ability to be me. I can proudly say that in America, I can be me.

Have you ever wanted to pursue an interest but you weren't allowed? Your whole future could've been already planned if you found a job using that special hobby! This situation may happen continuously in other countries, but not in America! America has the freedom to let you do what you want. There is such a vast field of occupations you can work in here. You don't have to be just a factory worker, or forced to go into war. I could grow up and make a living out of the weirdest job in the world, only because I have the freedom to do so.

Now switch places for a moment. Instead of picturing you coming to America, picture yourself leaving America to go to war. Veterans are extremely grateful for the freedom we have in our country because they know what it's like in other countries. When they go to war in another country, they are sometimes adapting to that country's life style for a small amount of time. They turn into them. They may be forced to act like everyone else in that country. They are simply a replica of the person standing next to them, across from them, all around them. Then, when they return back to America, they get to experience the excitement all over again. All of the freedom comes back to them. Once

again, they can say what they please, do what they please, and be who they please. It is clearly shown that America has the freedom that other countries don't because they can be who they are.

"Individuals, with liberty and justice for all." These are the words that ring on my head when I think of our country. We really are the land of the free, because we can be individuals.

EMILY OSTRANDER, 12TH GRADE, 1ST PLACE  
WINNER

I have always been a fan of Veterans Day. Of course, this is mostly because November eleventh happens to be my birthday as well as a national holiday. But, I have continually enjoyed and respected it for the appreciation and recognition it bestows upon those who have made it their duty to protect and serve this noble country. Freedom, to me, is the ability to live peacefully, and be who you want to be, in a world that is not very accepting.

Without our armed forces, the idea of freedom would be impossible. With no one to serve our country, fight our battles, where would we be? I cannot imagine what life in America would resemble if it were absent of freedom. It would not be the America we know and care for if it were devoid of liberty, justice, and independence. Both of my parents' fathers served in the armed forces at some point in their lives. My maternal grandfather served in the Korean War and came back home with a bullet in his leg. Every year when he calls me to wish me a happy birthday, I make sure to thank him for that service and tell him that I am proud of him for it. Thus, I am exceptionally grateful to the active military and the veterans who have risked their lives for the sake of freedom at this very moment, and in the past.

Furthermore, serving in the military is the most significant occupation in the world, yet it is also the toughest. Copious amounts of U.S. citizens spend or have spent massive amounts of time away from their families and loved ones to carry out their obligations to this country. I know I could by no means ever accomplish or begin to go through what veterans and the active military have had to undergo. I have enormous respect for those with the strength and courage to join the armed forces, and they will forever have my support and admiration for their achievements. Because of these achievements, I am able to live freely and peaceably whereas citizens in other countries may not be able to live this way.

Hence, I believe freedom is the idea that you have the power to choose what and who you desire to be: you can decide what to strive for and what to accomplish in life. However, this free will is only achievable because of the work of the active military and veterans. This immense, courageous, life-risking group of people deserve, have earned, this national holiday to commemorate their successes and brave service to the United States of America.

HOPE BARNSTEAD, 12TH GRADE, 2ND PLACE  
WINNER

Freedom. Only seven letters, but together they create a word with more power than any other found in the English language. But how can such a commanding word be defined? The beauty of this word is that it has countless definitions. Freedom is the courage found in every active service member as they start every day not knowing what is in store for them. Freedom is seeing our American flag waving steadily in the night, surrounded by a sky full of bombs. Freedom is

bowing your head in prayer at the park without fear of being reprimanded. Freedom is the last pen to leave a trail of ink for the final signature on the Declaration of Independence. Freedom is living in America, the land of opportunity, where we have the right to choose our own president amongst a world full of tyrants. Throughout history freedom has always come at a great price, starting in 1776, when the founding fathers declared our independence from Great Britain. These men laid their lives on the line to defend the belief that all men are endowed with certain definitive and undeniable rights that cannot be taken from them. From that time on, Americans have stood united behind the idea that we are a nation of individuals who are free to live in the absence of fear. Since we value individuality and illuminate it through self expression and self-government, we need not fear forced conformity, and that is what makes America great. Freedom to me is waking up every morning without apprehension. I don't have to worry about being a woman and wanting an education. I don't need to hide my religion from those around me because I know I am free to worship as I please. I don't have to be afraid of who will lead our country because we have a say in who runs the United States of America. Without the dedication, bravery, hard work, courage, strength, and leadership of our nation's military and other service members, this freedom may not have been sustained. It's hard to imagine the feeling the soldiers felt as they walked into concentration camps to liberate the living skeletons as the stench of burning flesh filled the air around them. Who can picture what is what like weaving through the jungles of Vietnam as the soldiers were constantly on guard for any Vietcong looking to take their lives? How can one come close to feeling the absolute terror of the US army as they traveled to Pakistan to take down the terrorizing Osama Bin Laden? Our troops are willing to sacrifice their lives so we can stay in a nation that lets us live ours. Franklin D. Roosevelt once said, "We, and all others who believe in freedom as deeply as we do, would rather die on our feet than live on our knees," and we are blessed enough to live in a country that gives us that freedom.

ADAM WHITE 12TH GRADE, 3RD PLACE WINNER

When you hear the word "freedom," you might not have the same definition of the word as the person right next to you. All definitions of the word are similar in meaning, but all are influenced by each of our own past history and ways of thinking. I have thought extensively on this word's definition, pondering on what "freedom" means to me, and I now believe that freedom is the ability to live life normally and enjoy it without the fear of oppression or harm.

Many of us take this for granted. In other countries, their citizens might not have this same luxury. We, as a nation, are very lucky to live life like this. Unfortunately, it can come with a heavy price. We have been able to live this way only because we know that we are being protected by hard-working men and women who wish only to serve our nation. These men and women are the members of the Armed Forces. Each and every day, they risk their lives to protect ours no matter where they are, whether they're in a small town in the U.S. or a small town in the Middle East. They make sure that nothing happens to us so that we can continue living the way we do.

However, as mentioned before, such a luxury comes with a price. Some members of our active military are lucky enough to re-

turn home with their lives, but some aren't. Yet this has not stopped people from joining the military in the past before. In World War II, when the world was threatened by one of the most infamous leaders in history, did we surrender? We did not, and hundreds of thousands of people were ready to defend our country and what we believed in, even if it meant traveling overseas, or being haunted by the gruesome memories of war for the rest of their lives, or to die trying. Our veterans faced these same consequences and have to hurdle over the same obstacles, and that didn't stop them from doing their duty. They protected us to make sure that we could forever keep our freedom and our rights from the hands of our enemies.

We have much to thank of our veterans and of our active military for their services to this country and for their services to us. Without them, we would not have the same freedoms as we do now. Our world would be completely different without them. But thankfully they are here to save us when we need them most. Thankfully, with these men and women as our guardians, we can continue to live life normally and enjoy it without the fear of oppression or harm.

#### IN RECOGNITION OF THE REOPENING OF ST. JAMES CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of St. James' Church, one of the 11 Cleveland Catholic Diocese parishes that will be reopening this year.

In 2009 it was announced that several of the Cleveland Catholic Diocese's area churches, including St. Barbara's, were to close. However, just months ago, the Vatican overruled this decision and St. James' will be reopening its doors on Wednesday, July 25, 2012.

St. James Church was founded in 1908 as the founding parish for the cities of Lakewood and Rocky River. For more than a century, St. James has been a house of worship and gathering for the Catholic residents of Lakewood, Ohio.

After Bishop Lennon's 2009 announcement parishioners gathered together and formed Friends of Saint James/Save Saint James in an effort to stop the closing of their church. The members of Friends of Saint James/Save Saint James are committed to the preservation of Saint James as a parish and an architecturally significant structure in the City of Lakewood. They have dedicated themselves to the development of a long range financial plan for capital improvements and maintenance of the church and its programs.

Mr. Speaker and colleagues, please join me in recognizing the reopening of St. James' Church, a beloved parish that has returned to the City of Lakewood.

#### TRIBUTE TO ROSEMARY BOURNS

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Rosemary Bourns, who passed away on Wednesday, September 26, 2012. Rosemary was a pillar of the community in Riverside, California and she will be deeply missed.

In 1947, Rosemary and her newlywed husband Marlan moved to California from Michigan, and they began their electronics components manufacturing company in humble settings—the garage of their new home in Pasadena. While Marlan took care of the engineering side of the business, Rosemary oversaw the books and made sure that their house could accommodate the seven engineers working with her husband. The couple eventually moved the company, now renamed Bourns, Inc., to Riverside in 1950 to boost manufacturing operations in order to keep up with rising demand.

In her free time, Rosemary loved telling stories and arranging flowers. She and her husband always accomplished things as a team, from starting their business to moving it to Riverside. They also selflessly gave back to their community. In 1992, the Bourns family gave the University of California, Riverside (UCR) the single-largest donation it had received to that date, a \$6 million gift for its new College of Engineering, eventually named Bourns College in the family's honor. In the years that followed, they continued to support the College, and the west engineering building was named Bourns Hall.

The way in which Rosemary lived her life should serve as reminder to others that an individual with drive, perseverance and a stellar work ethic can do great things. In 2000, Rosemary and her husband were recognized as UCR Laureates, and in 2010 the family was honored by the Inland Empire Center for Entrepreneurship with its Lifetime Award. University of California, Riverside Chancellor Timothy P. White said of Rosemary, "On the UCR campus, Rosemary Bourns' name has been synonymous with the accomplishments of strong, hardworking women . . . She will always be honored through the accomplishments of the faculty and students in the Bourns College of Engineering."

In addition to her husband, Rosemary is survived by her son Gordon; daughters Linda Hill, Anita Macbeth and Denise Moyles; 14 grandchildren and three great-grandchildren.

Rosemary will always be remembered for her incredible contributions to business, her work ethic, generosity, and love of family. Her dedication to her work, family and community is a testament to a life lived well and a legacy that will continue. I extend my condolences to Rosemary's family and friends; although Rosemary may be gone, the light and goodness she brought to the world remain and will never be forgotten.

IN HONOR OF CZECHOSLOVAK  
INDEPENDENCE DAY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Czechoslovak Independence Day, which is being celebrated at Cleveland's National Bohemian Hall on October 26 through 28, 2012.

Czechoslovak independence was declared on Wenceslas Square on October 28, 1918 and the Czechoslovak Republic was established. Thomas Masaryk was both the founder and the first president of the Czechoslovak Republic, often referred to as the "First Republic." Although Czechoslovakia only lasted two decades because of Nazi Germany's occupation of the Czech Lands in 1938, Czechs continue to view October 28 as the day of their national founding.

Bohemian National Hall was built in Cleveland, Ohio, in 1897 to cultivate friendships, charity and benevolence among the Bohemian nationalities. Included in their priorities were gymnastics, education and the advancement of their culture. Thomas Masaryk made two visits to Cleveland in his lifetime, one in 1902 and another in 1918 where he spoke at the National Bohemian Hall. Located in Cleveland's Slavic Village neighbor, today Bohemian National Hall serves as the home to the Czech Cultural Center.

This year's celebration of Czechoslovak Independence Day will be celebrated by Cleveland's Czech community and Sokol Greater Cleveland at Bohemian National Hall between October 26 and 28.

Mr. Speaker and colleagues, please join me in honoring the anniversary of Czechoslovak Independence Day, October 28, 2012.

LEXINGTON COUNTY IS FIRST

**HON. JOE WILSON**

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. WILSON of South Carolina. Mr. Speaker, the following article was published recognizing the leadership of Lexington County, South Carolina, as a Purple Heart County in the Lexington County Chronicle on September 20, 2012:

LEXINGTON IS THE FIRST PURPLE HEART  
COUNTY

Lexington County became the first in the state to be designated as a Purple Heart County.

A resolution was read before Lexington County Council, Sept. 11, that named Lexington a Purple Heart County.

"It's a recognition and a show of support for not only Purple Heart recipients, but for veterans and all of those who served," said Stan Thornburgh.

Thornburgh, of Lexington, is a past commander of the Col. Charles Murray Memorial Chapter of the Military Order of the Purple Heart. The chapter is based in Columbia, but many of its members live in Lexington County.

Thornburgh received the Purple Heart after being wounded in Vietnam in 1969.

Purple Heart recipients are military personnel wounded as a direct result of enemy action.

Councilman Bobby "Gravedigger" Keisler sponsored the resolution to designate Lexington County as a Purple Heart county.

"It is important to support veterans and the people who served our country," Keisler said. He said James Miller asked him to sponsor the Purple Heart designation. Miller, of South Congaree, is the state commander of the Military Order of the Purple Heart. Miller lives in Keisler's district.

"It's an honor to do it," said Keisler, who served a six-year stint in the U.S. Army during the Vietnam era.

John B. Testruth is the Adjutant of Chapter 402. The chapter is the largest of the 13 in South Carolina. It has 298 members. Testruth said the Purple Heart Chapter also raises funds to donate to causes for veterans. He also said the county is supportive of veterans in general.

"Lexington is a very patriotic county," Thornburgh said. "People are supportive and appreciate those who served."

IN RECOGNITION OF PULASKI DAY  
2012

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the Polonia Foundation of Ohio as they unite the Polish community in remembrance and celebration of General Casimir Pulaski, for his legacy and dedication to the people of Poland and United States of America.

Born on March 4, 1747 in Warzka, Poland, General Pulaski achieved great military success in Poland with his focused leadership and strategies in fighting the Russian forces in Poland. By 1777, General Pulaski had become one of the most renowned cavalymen in Europe and was actively recruited by Benjamin Franklin to assist in the American quest for liberation.

Sympathetic to the American cause, General Pulaski sailed to America and was made head of the newly formed American cavalry during the Revolutionary War. General Pulaski had a deep level of commitment to the American cause, spending his own money to feed and equip his troops. General Pulaski was involved in many significant battles during the Revolution. His ultimate stand took place in Savannah, Georgia on October 1779, where he led a valiant charge against British artillery. General Pulaski was shot and died a few days later.

This year's celebration will be held on October 20 at Cleveland's City Hall Rotunda and will feature Dr. Marek Dollar, Ohio's Honorary Consul of the Republic of Poland. Dr. Dollar is also the Dean of the Engineering College at Miami University.

Mr. Speaker and colleagues, please join me in honor and remembrance of General Casimir Pulaski, who made the ultimate sacrifice in his fight to secure the ideals of the American Revolution. An American hero, General Pulaski's life and legacy serves as a reminder of the

vital contributions and great achievements by Polish immigrants within our Cleveland community, and throughout America.

IN HONOR OF JUDGE COLLEEN  
TOY WHITE

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in honor of my good friend Judge Colleen Toy White, who was recently honored by the Gold Coast Veterans Foundation with its General Roger L. Brautigan Excellence in Leadership Award.

I have known Judge White since she served as Chief Deputy in the Ventura County District Attorney's Office. We both trace our roots to Oklahoma, and share and respect the values of family, and of upholding the Constitution and the rule of law.

Judge White combined those values with drive, talent, and intelligence and rose from a law clerk in the prosecutor's office to become the chief assistant district attorney, the number two position. She also brought those values and qualities to the bench when she was appointed to the Ventura County Superior Court by Governor Pete Wilson.

Mr. Speaker, the General Roger L. Brautigan Excellence in Leadership Award is presented to an individual who has demonstrated outstanding leadership in the cause of veterans.

Judge White knows of veterans' needs directly. Her husband, Art Bliss, is a retired naval officer and several of her nephews are active military.

Her knowledge of veterans' needs led her to provide the ground work and to advocate for a veterans court. Judge White now presides over the veterans court, in addition to presiding over the domestic violence court, elder abuse court, and mental health court.

In addition, Judge White has been instrumental in assisting other courts to develop veterans programs.

Outside of the courtroom, Judge White is active in community organizations involving our youth and education. She served on the Board of Trustees of the Ventura/Santa Barbara College of Law and is a former member of the Board of Directors of the Ventura College Foundation. She served as president of the Board of Directors of Interface Children Family Services of Ventura County and was a past president and member of the Board of Directors of the Child Abuse and Neglect, an organization dedicated to the protection of children.

She was appointed Chairperson of President Reagan's Council on the Peace Corps and was appointed to a second term by President George H.W. Bush.

Not surprisingly, Judge White has won numerous awards for her service to the law and her community.

Mr. Speaker, Judge Colleen Toy White is a deserving recipient of the General Roger L. Brautigan Excellence in Leadership Award. It has been an honor for me to call Toy White my personal friend for a long time. She is

someone for whom I have the highest respect, and I know my colleagues join my wife, Janice, and me in congratulating Toy for this great honor.

IN HONOR OF CHRIS TREPAL

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. KUCINICH. Mr. Speaker, I rise to honor Chris Trepal, who is retiring from the Earth Day Coalition, one of the major forces in Northeast Ohio to promote environmental education, protection, and advocacy.

In the late 1980s, as the nation coalesced around how to best acknowledge the 20th anniversary of the first Earth Day of 1970, Chris was a parent, educator, and volunteer for the Sierra Club. Called by Governor Richard Celeste, Chris attended an organizing meeting at Cleveland State University and was moved to action to fight for the environment. Along with Scott Sanders, Chris co-founded the Earth Day Coalition in 1990 and until her retirement was co-director with Sanders.

In the last 23 years, Chris has been a visionary who organized the "Annual EarthFest" and "Walk or Bike for the Earth." Every spring at the Cleveland Metroparks Zoo, the EarthFest has been the largest and longest-running environmental education event in the State of Ohio. It is widely attended and is the place-to-be for non-profits and leaders who want to promote their causes.

For more than 10 years, Chris worked with the region's best environmental education experts, naturalists, and interpreters to establish the Cleveland Lakefront Nature Preserve, formerly Dike 14. Officially opened in February 2012, the Preserve is 88 acres of wild lands along Lake Erie in the heart of Cleveland with almost 300 species of birds who live and migrate on the site along with butterflies and mammals such as the red fox, mink, coyote, deer and others. Chris led the Earth Day Coalition's efforts to convene and be the fiscal agent for the collaborative effort to establish the Preserve.

Chris is a founding member of the City of Cleveland's Air Pollution Advisory Committee, created by city ordinance. She has worked on clean air issues such as Diesel Hot Spots, idle reduction, and reining in mercury emissions from coal-fired power plants and the proposed City of Cleveland waste incinerator (which was stopped, based in part on the Earth Day Coalition's advocacy).

Chris Trepal is the recipient of numerous awards for the work she has done over the years, including: Conservationist of the Year by the Cuyahoga Soil and Water Conservation District; Outstanding Conservationist Award by the Cleveland Metroparks Zoo; Award for Outstanding Service by the Lee-Seville-Miles Citizens; Greater Cleveland Woman of Achievement Award from the YWCA of Cleveland; Certificate of Environmental Achievement from the National Awards Council for Environmental Sustainability; Golden Spruce Award from the Cuyahoga County Planning Commission; and the Excellence in Education Award from the Better Business Bureau.

Mr. Speaker and colleagues, please join me in celebrating the many achievements of Chris Trepal as she makes the transition from her successful career as co-director of the Earth Day Coalition to the next phases of her life in retirement and wishing her much success in her next endeavors.

IN RECOGNITION OF THE RETIREMENT OF CARROLL L. "LEW" WATSON

**HON. MIKE ROGERS**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. ROGERS of Alabama. Mr. Speaker, I ask for the House's attention today to recognize Lew Watson who is retiring as Mayor of the City of Lincoln, Alabama, on the 40th anniversary of the day he first took the oath of office.

Carroll L. "Lew" Watson was born in Norfolk, Virginia, to Carroll and Ruth Watson on May 9, 1943. He graduated from Lincoln High School in 1961 and graduated from the University of Alabama with a Bachelor's of Art degree in 1965.

After graduation from college, he joined the United States Army where he served until September of 1969 when he retired at the rank of Captain. He later attended Birmingham School of Law and received his Juris Doctor degree on May 23, 1982.

Watson was first elected mayor in 1972 at the age of 29 when Lincoln's population was a little over 1,100. Over the years, Lew was able to help build local infrastructure and help recruit industries like Honda Manufacturing of Alabama, LLC which helped the city grow and prosper to what it is today. During his time in office the city's population grew by over 450 percent.

Watson's children include Carroll Lewis Watson and his wife Alyson, Samantha Bluhm and her husband Patrick, David G. Watson and his wife Azumi, and Jessica Laffosse and her husband Michael.

Mr. Speaker, we join his friends and family in this surprise celebration in his honor. We will miss Lew's leadership in Lincoln, and wish him the very best.

HONORING FORMER FIRST LADY MRS. CLAUDIA ALTA "LADY BIRD" JOHNSON

**HON. EDDIE BERNICE JOHNSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to honor the life of former First Lady, Mrs. Claudia Alta "Lady Bird" Johnson. Mrs. Johnson, wife of President Lyndon Baines Johnson, was known for her prominent role in public service, and for her lifelong efforts to beautify public places across the country.

As First Lady, Mrs. Johnson promoted the conservation and beautification of our public

lands. She believed that by making these civic improvements, we could help pay tribute to our great country. One of Mrs. Johnson's greatest rehabilitation efforts took place right here in Washington, DC, where she oversaw the planting of thousands of flowers throughout our Nation's capital.

Driving from her home in Texas to Washington, DC, Mrs. Johnson expressed concern with the uninviting appearance of our Nation's Interstate highways. Ultimately, President Johnson signed the "Highway Beautification Act" into law in 1965, enhancing the scenic views of our highways and byways. In 1999, when Secretary of the Interior Bruce Babbitt presented Mrs. Johnson with the Native Plant Conservation Initiative Lifetime Achievement Award, he noted that the First Lady had been a shadow Secretary of the Interior for much of her life. Today, we continue to enjoy the benefits of the First Lady's efforts to beautify our roads and highways.

Mr. Speaker, as we celebrate the centennial of Mrs. Johnson's birth, we hold in great regard the value of these national improvements by preserving the beauty of our lands—through constant revitalization and conservation. We have Mrs. Johnson's unifying grace to thank for her contributions to the American landscape, and I am pleased to recognize these lasting contributions by the former First Lady from Texas.

HONORING MR. CABLE TELEVISION IN NORTH CAROLINA—JACK W. STANLEY

**HON. HOWARD COBLE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. COBLE. Mr. Speaker, on behalf of the citizens of the Sixth District of North Carolina, I take this occasion to honor Jack W. Stanley—a great personal friend for many years—as he retires from 45 years of service in the cable television industry. Jack has been a true pioneer in the industry, helping to lead its growth from a service designed merely to extend over-the-air broadcast signals into hard to reach areas to what it is today—an industry that makes available to homes across the nation hundreds of linear video channels, on-demand programming, high-speed broadband services, digital telephone services, home networking and home security services. It is an industry that is driven by innovation and private investment. And Jack has seen it all and helped make it happen.

In any conversation with Jack, it doesn't take long to find out about his roots—rural Georgia. He is proud to be a country boy. His professional life to this day remains grounded in the clay of Dodge County, Georgia, where he grew up in modest circumstances on his family's farm and learned the lessons of hard work and respect for others that he has carried with him throughout his career. Jack graduated from South Georgia Technical College where he studied Electronics Technology and completed an Executive Management Development Program at Denver University.

Most recently, Jack has served as the Regional Vice President for Government Relations for Time Warner Cable with responsibility



for North Carolina, South Carolina, Virginia and Alabama. In this role, he has represented his company before various governmental bodies and coordinated its advocacy on important issues affecting the cable industry. Jack enjoyed many successes in this challenging role, including developing positive relationships with federal, state and local governmental leaders and helping to ensure consistent and fair regulatory treatment for cable operators.

For the bulk of his working career, Jack served in a variety of operational roles in the cable television industry, including successfully leading cable systems in Georgia, Texas and North Carolina. He served as Division President of Time Warner Cable's Greensboro Division, where he managed a staff of some 700 employees. Under his leadership the Division was top-ranked in customer satisfaction and consistently exceeded the established business metrics.

He is known among his peers as an innovative leader who is committed to exceptional customer service and who has the ability to forge positive relationships with consumers, employees and public officials. In 1988, Jack developed the first set of service standards for Time Warner Cable, which quickly became the basis for national industry standards and are still in use today. This commitment to customer service was recognized with a Chairman's Award and the National Public Affairs Award of the Maryland and Delaware Cable Association. As anyone who has worked with him will tell you, Jack always has the customers' interests foremost in his mind in any decision impacting the business.

Jack carried this customer commitment over to his service to the industry. He served four separate terms as President of the North Carolina Cable Telecommunications Association where, in addition to being a terrific leader and gracious colleague, he was instrumental in establishing a college scholarship program to help provide higher education opportunities for children of members of the cable industry. Providing opportunities for others has always been a driving focus of Jack's career.

Jack has also been an active leader in the community. He was appointed by former Governor Jim Hunt to represent the cable industry on a task force where he was instrumental in establishing a partnership between the Association of Public Telecommunications and the cable industry in OPEN/Net, a virtual "town hall" that provided citizens direct access to state and local leaders via cable technology. He eventually served on the APT Board for two terms. He also served on numerous other boards, including the North Carolina Chamber of Commerce, the North Carolina Center for Public Policy Research, and the Greensboro Partnership.

Jack enjoys golf—and he's really good at it. You want to be on Jack's team in business and golf—especially golf! He has a passion for history, and realizes his most important accomplishment is his family, which includes twelve grandchildren.

The depth of his experience and knowledge about the cable industry is matched by the depth of his character and judgment. When you shake hands in an agreement with Jack Stanley, you do not have to wonder whether you have a deal.

A modest man, who came from modest means, he doesn't seek attention—but he deserves it. Jack is a true Southern gentleman in the best sense of that term.

I join with all of the residents of the Sixth District of North Carolina in honoring Jack for his fine career and to wish him all the best as he enters, what I am sure will be, a very active and productive retirement.

#### TRIBUTE TO THOMAS SZASZ

#### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. PAUL. Mr. Speaker, I ask unanimous consent to insert into the CONGRESSIONAL RECORD "The Man versus the Therapeutic State," by Jacob Sullivan of Reason magazine. This piece pays tribute to Dr. Thomas Szasz, who passed away on September 8th of this year.

Dr. Szasz, a trained psychiatrist, was the leading opponent of what he labeled the "therapeutic state." For over fifty years, in 35 books, and hundreds of articles, Dr. Szasz defended human liberty and dignity against modern psychiatry. Modern psychiatry, of course, insists that behaviors which deviate from some arbitrary norm serve as signs or symptoms of organic "mental illnesses" (although the physiological mechanisms never seem to be clearly identified, much less explained). Since "sick people" are incapable of controlling themselves, it is the responsibility of government to protect them by constraining their ability to make harmful choices.

This is the mentality that Dr. Szasz fought against so valiantly. By applying the philosophy of liberty to psychiatry, Dr. Szasz undermined the "individual as helpless victim" mentality that helps justify restrictors on personal liberty when it comes to drugs, fatty foods, sodas, pornography, gambling, etc. Dr. Szasz clearly understood, and predicated, the rise of the therapeutic nanny state.

No doubt Dr. Szasz could have enjoyed a successful career had he moderated his views or kept quiet instead of presenting a principled challenge to the psychiatric-government complex. But Dr. Szasz was one of those rare individuals who could not be silent when liberty was threatened. For his courage in speaking truth to power, Dr. Szasz was rewarded with ridicule and scorn from the gatekeepers of "respectable" opinion. However, Dr. Szasz did find a receptive audience among the ranks of the liberty movement, where he quickly earned a place as one of the movement's most distinguished thinkers. With the recent growth of the liberty movement, I would not be surprised if Dr. Szasz's influence becomes greater in the next several years. Certainly, all of us who work for individual liberty should be grateful for Dr. Thomas Szasz's contributions to the cause of freedom.

[From Reason.com, Sept. 19, 2012]

THE MAN VERSUS THE THERAPEUTIC STATE

(By Jacob Sullum)

The New York Times obituary for Thomas Szasz, who died this month at the age of 92, says his critique of psychiatry "had some

merit in the 1950s . . . but not later on, when the field began developing more scientific approaches." That's a paraphrase of historian Edward Shorter, whose judgment reflects the conventional wisdom: Szasz called much-needed attention to psychiatric abuses early in his career but went too far by insisting on a fundamental distinction between actual, biological diseases and metaphorical diseases of the mind.

In fact, however, Szasz's radicalism, which he combined with a sharp wit, a keen eye for obfuscating rhetoric, and an uncompromising dedication to individual freedom and responsibility, was one of his greatest strengths. Beginning with *The Myth of Mental Illness* in 1961 and continuing through 35 more books and hundreds of articles, the maverick psychiatrist, driven by a "passion against coercion," zeroed in on the foundational fallacies underlying all manner of medicalized tyranny.

The idea that psychiatry became scientifically rigorous soon after Szasz first likened it to alchemy and astrology is hard to take seriously. After all, it was not until 1973 that the American Psychiatric Association (APA) stopped calling homosexuality a mental disorder.

More often, psychiatry has expanded its domain. Today it encompasses myriad sins and foibles, including smoking, overeating, gambling, shoplifting, sexual promiscuity, pederasty, rambunctiousness, inattentiveness, social awkwardness, anxiety, sadness, and political extremism. If it can be described, it can be diagnosed, but only if the APA says so. Asperger's, for instance, will cease to exist when the fifth edition of the APA's *Diagnostic and Statistical Manual of Mental Disorders (DSM)* comes out next year.

As Marcia Angell, former editor of *The New England Journal of Medicine*, observed last year in *The New York Review of Books*, "there are no objective signs or tests for mental illness—no lab data or MRI findings—and the boundaries between normal and abnormal are often unclear. That makes it possible to expand diagnostic boundaries or even create new diagnoses in ways that would be impossible, say, in a field like cardiology." In other words, mental illnesses are whatever psychiatrists say they are.

How "scientific" is that? Not very. In a 2010 *Wired* interview, Allen Frances, lead editor of the current *DSM*, despaired that defining mental disorders is "bullshit." In an online debate last month, he declared that "mental disorders most certainly are not diseases."

Then what exactly are they? For more than half a century, Szasz stubbornly highlighted the hazards of joining such a fuzzy, subjective concept with the force of law through involuntary treatment, the insanity defense, and other psychiatrically informed policies.

Consider "sexually violent predators," who are convicted and imprisoned based on the premise that they could have restrained themselves but failed to do so, then committed to mental hospitals after completing their sentences based on the premise that they suffer from irresistible urges and therefore pose an intolerable threat to public safety. From a Szaszian perspective, this incoherent theory is a cover for what is really going on: the retroactive enhancement of duly imposed sentences by politicians who decided certain criminals were getting off too lightly—a policy so plainly contrary to due process and the rule of law that it had to be dressed up in quasi-medical, pseudo-scientific justifications.



Szasz specialized in puncturing such pretensions. He relentlessly attacked the "therapeutic state," the unhealthy alliance of medicine and government that blesses all sorts of unjustified limits on liberty, ranging from the mandatory prescription system to laws against suicide. My own work has been powerfully influenced by Szasz's arguments against drug prohibition, especially his discussion of its symbolism and its reliance on a mistaken understanding of addiction, and his criticism of paternalistic interventions, such as New York Mayor Michael Bloomberg's recently approved soda serving ceiling, that conflate private and public health.

I will always be grateful for Szasz's courage and insight, and so should anyone who shares his passion against coercion.

#### SUPPORT CLEAN ENERGY VICTORY BONDS

#### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Mr. FILNER. Mr. Speaker, I rise today to draw attention to an important piece of legislation that I and more than a dozen co-sponsors support—the Clean Energy Victory Bonds Act of 2012, H.R. 6275. I urge my colleagues to co-sponsor this bill to help create our Nation's clean energy economy.

The Clean Energy Victory Bonds Act would create a new U.S. Treasury savings bond that would support the development of our domestic renewable energy and energy efficiency sectors. The bond would support programs with a proven, successful track record in areas such as wind, solar, geothermal technology, fuel cell development, closed loop biomass and other renewable technologies. The bond would also support home efficiency measures, hybrid electric vehicles and charging stations.

The Clean Energy Victory Bond would be available for as little as \$25, allowing most Americans access to this investment opportunity that can play a key role in generating the energy we need as a world leader. Just as the WW II Victory Bond helped our Nation make the profound economic shift that the war effort required, the Clean Energy Victory Bond can help shift today's economy to the renewable energy foundation that our times now require.

Once enacted, the Clean Energy Victory Bond will leverage \$50 billion in investment to provide up to \$150 billion in both public and private financing for clean energy technologies. This investment would create at least 1.7 million good jobs across the country. It is crucial that the United States increase investment in renewable energy if we are to compete globally as other nations surge forward with their own clean energy infrastructure and technology.

Now more than ever, we must take bold steps to address our energy security needs for the long term, and by allowing Americans to invest safely in renewable energy we can make significant progress toward that goal.

Mr. Speaker, I ask all my distinguished colleagues to join me in cosponsoring the Clean Energy Victory Bonds Act of 2012, H.R. 6275, to build America's clean energy future. The well-being of our grandchildren and of our Nation as a whole depends on our ability to meet our energy needs through cleaner, renewable sources.

#### ON THE RETIREMENT OF MASTER SERGEANT MARVIN D. TASBY

#### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. PELOSI. Mr. Speaker, I rise today to honor the service and sacrifice of MSG Marvin Tasby on the occasion of his retirement from the United States Air Force. For the last 4 years, Master Sergeant Tasby has served the Air Force and our Nation as a legislative liaison here in Congress.

Master Sergeant Tasby is affectionately known to many of us in Congress as "Taz." For 26 years, the United States Air Force, and indeed the entire Nation, has benefitted from Taz's talents, experience, and devotion.

As we honor Taz, we also honor all of those who wear our Nation's uniform.

When our airmen and airwomen serve, their families serve as well. Today in paying tribute to Master Sergeant Tasby we also express our gratitude to his wife Katrina, his sons Jordan and Justin, and his mother Jessie.

After enlisting in the Air Force in 1986 in Shreveport, Louisiana, Taz served across the United States and around the world. He has worked in the Office of the Air Force Reserve and served as a member of the 93rd Bomb Squadron and the 140th Fighter Wing.

A key part of Taz's latest posting, as a legislative liaison, has been escorting Members of Congress around the world. Indeed, Taz has served as part of 50 fact-finding missions to 62 countries around the globe. In doing so, he has earned the respect of Members and staff. He is known around the world by State Department officials and foreign nationals.

Personally, I've been proud to have Taz by my side in 16 countries—from Afghanistan to the United Kingdom, many of them more than once. We've been together in Europe, the Middle East, Asia and North America. We've gone into war zones in Afghanistan and Iraq and we've travelled to meet with the heads of parliaments from around the world.

Taz spends countless hours planning every detail of a trip and ensuring logistics are executed perfectly. I've seen firsthand Taz's resourcefulness, attention to detail, and overall commitment to excellence.

Taz has been rightly honored with a number of medals throughout his 26 year career. These include the Defense Meritorious Service Medal, Air Force Meritorious Service Medal, Army Commendation Medal, National Defense Service Medal, Kosovo Campaign Medal and the Global War on Terrorism Service Medal.

The Air Force song is a tribute to those, as it says, "who love the vastness of the sky." When we sing that song, four times we proclaim, "Nothing will stop the Air Force!"

Those words are true about the Air Force because of our airmen and airwomen. They are true because of people like MSG Marvin Tasby.

#### RECOGNIZING MR. CRAIG ANTHONY WASHINGTON

#### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 13, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to recognize Mr. Craig Anthony Washington, an accomplished attorney and elected official from Houston, Texas. Mr. Washington is being inducted into the State Bar of Texas Legal Legends Project this month for his exemplary contributions to the legal profession and the pursuit of equal justice under the law.

The Texas Legal Legends Project recognizes exceptional lawyers who have worked to uphold the integrity of the courts, and to honor those who have exceeded their professional obligations to ensure fair and thorough advocacy. Mr. Washington has been tireless in his efforts to defend those without a voice in our legal system by challenging discriminatory practices.

Craig Washington was born in Longview, Texas. He grew up in Houston and, after high school, enrolled in Prairie View A&M University at the age of 16 with the high hopes of becoming a dentist. Mr. Washington had charisma and determination even at a young age, and he managed to convince the dean into accepting him into the law school program with future plans to transfer into dentistry. Instead, his passion for law dominated his academic career. Four years later, he would graduate with honors and become the assistant dean and an assistant professor of law at his alma mater.

Mr. Washington's tenure as a legislator, first in the Texas House, the Texas Senate, and then in the U.S. House of Representatives, was distinguished by this same unwavering devotion to the underserved and his constituents. He was known and respected for his expert knowledge of criminal law throughout his public service in the Texas House, Texas Senate and in the U.S. Congress. As a lawmaker, he proved to be a commanding orator and political strategist, and no legislation regarding the criminal justice system was passed without his review and expert analysis.

Mr. Speaker, it is rare to find an individual who is both passionate about affecting positive social change and improving the lives of so many. He is a tremendous criminal defense lawyer as well as an American analytical genius, and I stand today on this floor where he stood many years ago to salute Mr. Washington. I am proud to call him my friend.

## HOUSE OF REPRESENTATIVES—Wednesday, November 14, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. WEBSTER).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 14, 2012.

I hereby appoint the Honorable DANIEL WEBSTER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### DANNY DID FOUNDATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, an estimated 50,000 people die every year as a result of seizures. Some of these victims are youngsters like Danny Stanton. Chicagoans Mike and Mariann Stanton founded the Danny Did Foundation after their 4-year-old son, Danny, died from a seizure while he was sleeping. The foundation is dedicated to preventing deaths caused by seizures and raising epilepsy awareness among the public and medical community. That's no small task, but one brave 7-year-old is taking a courageous step to help raise awareness of epilepsy's dangers.

Nick Curley never met Danny, but Nick's cousin Jenny suffers from seizures. Nick has always helped out epilepsy charities in small ways, but felt the need to do something bigger. As an enthusiastic hockey player, he decided to combine his love for the sport and passion for charity to create "100 Miles for Danny."

The 7-year-old athlete visited 20 different hockey rinks in the Chicago

area and skated 5 miles, or 50 laps, at each rink. His goal has been to raise money and awareness for epilepsy, as well as the Danny Did Foundation. I had the honor and pleasure to skate with Nick on two separate occasions. Not only is he an impressive skater, but his dedication to educating the public about the perils of epilepsy is extraordinary. Nick's determination and warm heart set a powerful example for all of us—one that I will not soon forget.

On Danny's first day of preschool, he told his teacher, I just want to learn. Like Danny, the foundation aims to educate the general public and the medical community about this misunderstood disease.

I admire the efforts of the Danny Did Foundation and heroes like Nick Curley, who truly enjoys life, just like Danny did.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, while we were home for the district work period in October, 18 American troops died in Afghanistan. In my home county of Pitt in North Carolina, Army Specialist Joshua Nelson was killed by the very Afghans he was sent to train. He is just one of the 60 killed by these insider attacks.

My adviser, a former United States Marine Corps commandant, recently said to me, I am more convinced than ever that we need to get out of Afghanistan. When our friends turn out to be our enemy, it is time to pull the plug.

It is such a tragedy when American servicemembers are sent to Afghanistan to train police and military and end up being killed by their own trainees.

Mr. Speaker, the whole war in Afghanistan is a tragedy. On October 7, there was a national article titled, "A Mother Mourns a Grim Milestone," referring to the 2,000 American casualties from the war in Afghanistan.

Lisa Freeman, who was interviewed in the article, lost her son, Captain Mathew Freeman, in 2009 in Afghanistan. Ms. Freeman said:

I just sat here, reliving the pain and wondering: Where is America's outrage? Where is America's concern that we're still at war?

My question is, Mr. Speaker, why is the House of Representatives still supporting a war that costs \$10 billion a

month? This money is borrowed primarily from the Chinese. All we hear about is the financial cliff, this crisis that is facing America. My question is, after 11 years, where is the outrage from Congress for our men and women in uniform dying in Afghanistan?

2014 is the date that the President has said that we will start bringing the troops out. That is 25 more months. Why do we have to wait until the end of 2014 to start bringing our troops home? How many more have to die at the hands of the very Afghans they are training?

An October 14 New York City Times editorial title "Time to Pack Up" has a subtitle that says it best: "It should not take 2 more years for the United States to leave Afghanistan."

Mr. Speaker, I have a petition on my Web site, Jones.House.gov. I'm asking people around this country to please sign this petition with their name and State, nothing else, who agree with us. We have people from both sides, but we need more Members, that 2013 is the time to start bringing our troops home, not waiting until 2014.

Mr. Speaker, beside me, again, I bring posters to the floor to show the Members of the House that we are still at war. The poster beside me, Mr. Speaker, is an Honor Guard bringing a flagged-draped transfer case off a plane.

Again, I join my friends and ask the Members of Congress to start debating the policy, and let's start bringing our troops home in 2013 and not wait until December of 2014. As a former commandant said, when our friends start killing us, then it's time to pull the plug.

I close by asking God to please bless our men and women in uniform, to bless the families of our men and women in uniform. I ask God in His loving arms to hold the families who've given a child dying for freedom in Afghanistan and Iraq.

God, please bless the House and Senate, that we will do what is right in Your eyes for Your people here in the United States of America.

God, please give strength, wisdom, and courage to President Obama, that he will do what is right in Your eyes for his people.

And I close by saying three times: God, please, God, please, God, please continue to bless America.

### RESULTS OF PUERTO RICO POLITICAL STATUS PLEBISCITE

The SPEAKER pro tempore. The Chair recognizes the gentleman from

Puerto Rico (Mr. PIERLUISI) for 5 minutes.

Mr. PIERLUISI. Mr. Speaker, Puerto Rico recently held a plebiscite on its political status. I want to convey the results to the American public, describe their significance, and outline the next steps I will take.

As background, Puerto Rico has been a U.S. territory since 1898. The island is home to 3.7 million American citizens who cannot vote for President, are not represented in the Senate, and elect one nonvoting Member to the House. Federal law is supreme in Puerto Rico, but its residents are treated unequally under many Federal programs.

Plebiscite voters were first asked whether they want Puerto Rico to remain a territory. Over 1.7 million people answered, which is about 75 percent of registered voters on the island. Fifty-four percent said they did not want the current status to continue, while 46 percent said they did.

Voters were then asked to express their preference among the three viable alternatives to the current status: statehood, free association, and independence. Over 1.3 million people chose an option. Sixty-one percent voted for statehood, 33 percent voted for free association, and 5.5 percent voted for independence. In addition, 472,000 voters did not provide an answer.

This plebiscite marked the first time voters were directly asked whether they want Puerto Rico to remain a territory. One of the two main political parties in Puerto Rico urged a "yes" vote. Nevertheless, the "no" vote won by eight points. Those voting "no" included statehood supporters, as well as advocates of independence and free association. These three groups are united in their opposition to the current status which is colonial in nature. It deprives Puerto Ricans of their right to choose their leaders who make their national laws and to equal treatment under those laws.

□ 1010

Not one of my stateside colleagues in Congress would accept this response for their constituents. So they should respect that my constituents no longer accept it either.

The rejection of territory status fundamentally changes the terms of this debate. After this vote, the question is not whether but when Puerto Rico will cease to be a territory and will have a fully democratic status. Defenders of the status quo may obstruct change in the short term, but in a democracy, the will of the people ultimately prevails.

Let me turn to the second question in the plebiscite, asking voters which status should replace the current status. Of the 1.3 million people who voted for one of the three options, a supermajority chose statehood. Of critical importance, the 810,000 votes for state-

hood on the second question exceeded the 803,000 votes for the current status on the first question. For the first time, there are more people in Puerto Rico who want to become a State than who want to continue as a territory. This fact further undermines the democratic legitimacy of the current status.

Some wish to downplay the results of the plebiscite by citing the voters who left the second question blank, but this argument does not withstand scrutiny. In our democracy, outcomes are determined by ballots properly cast. Power rests with the citizen who votes, not the one who stays home or who refuses to choose from among the options provided.

Some voters may have left the second question blank simply because they prefer the current status to its alternatives. Those voters were able to vote for the current status in the first question. So their viewpoint was reflected in the plebiscite results. Others may have declined to answer because they were led to believe there was another option that should have been on the ballot, a best-of-all-worlds proposal called "enhanced commonwealth." But each of the last four Presidential administrations has rejected this proposal, as have all key congressional leaders. A blank vote to protest the exclusion of an impossible status proposal is entitled to no weight.

As Puerto Rico's representative in the U.S. Congress, I will work with my allies to ensure that the President and Congress take appropriate action in light of these results. The people of Puerto Rico have spoken, and I intend to make certain that their voice is heard loud and clear.

#### ACCELERATE THE TIMETABLE: BRING THE TROOPS HOME BEFORE 2014

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, since the House last convened in late September, about 30 more Americans have given their lives in the war in Afghanistan. The total number of fatalities has now passed 2,000. And as of October 7, we've been at war in Afghanistan for a staggering 11 years. There are more than 2,000 families that will have an empty chair this Thanksgiving, more than 2,000 families with a void that can't possibly be filled—husbands and wives who will have to go on without their life partner, children missing a parent, parents who are suffering the terrible grief of losing a child.

The human cost has become too steep for our Nation to bear. We can't ask our troops and their families to endure any more sacrifice for a military occupation—now more than a decade old—which has not accomplished its goals

and is undermining our national security as well.

And of course, the fiscal burden is one that rests on the shoulders of every single taxpaying American. The Afghanistan price tag would be high even for a successful, well-executed policy that was actually making America stronger. But to waste the people's money to the tune of \$10 billion a month on this failure is a national scandal.

To every one of my colleagues who has spoken on this floor about excessive government spending, it's time to look at the cost of foreign wars before we start cutting domestic programs that our very own people need to survive.

It's not just progressives like me who believe we need a change in policy, Mr. Speaker. There is a clear consensus among the American people. They agree that this military occupation is bad for America, bad for Afghanistan, and bad for the cause of peace and stability around the world. I think it was pretty telling that, during the recent campaign, even the Republican candidate for President ended up supporting a withdrawal of troops by 2014. But in my opinion, that's not nearly soon enough.

Now that the Presidential campaign is over, we must accelerate that timetable and end this war as soon as is safely possible because every remaining day that we have troops on the ground is another day that gives strength to the very extremists that we're trying to defeat.

The time has come to invest in Afghanistan the right way, with humanitarian aid and civilian support rather than military force. It's time for a SMART Security approach that puts development and diplomacy first—not just in Afghanistan but throughout the developing world and in other nations where terrorism poses a threat. It's not only the right thing to do, Mr. Speaker; it's the most cost-effective way as well. It's pennies on the dollar to invest in humanitarian support for nations rather than military involvement.

On Sunday, many of us took part in Veterans Day parades back in our home districts. In doing so, we heard expressed that our Nation is so grateful for the service of these men and women, those who left their families and their communities to serve their country. I bow to no one in my respect for our veterans and those currently deployed overseas. But I believe the best way for us to support them right now and the best way to honor American values is to end the war in Afghanistan and bring our troops home.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until noon today.

Accordingly (at 10 o'clock and 16 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Donna Kafer, Arizona Legislative Chaplaincy, Peoria, Arizona, offered the following prayer:

Dear Holy and Righteous Father,

As this honored body of Congress convenes today, we come first to humbly submit ourselves before You, acknowledging You as Lord and Creator, the One who directs the paths of those who call upon Your precious name. Savior God, we also want to thank You for Your infinite grace, Your divine mercy, and for the deep love that You extend to each of us.

Father, I ask that You faithfully pour out an overflowing measure of health, wisdom, and clarity of mind on our leaders as they attend to the many critical tasks at hand. Provide each Member with an ever-increasing abundance of comfort, peace, and a renewed sense of purpose.

Lord, may we grasp the full spectrum of Your character, so that our love for You might never waver. And Sovereign God, may Your life-giving truth preside here forevermore. Amen.

#### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

#### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Minnesota (Mr. WALZ) come forward and lead the House in the Pledge of Allegiance.

Mr. WALZ of Minnesota led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### WELCOMING REVEREND DONNA KAFER

The SPEAKER. Without objection, the gentleman from Arizona (Mr. FRANKS) is recognized for 1 minute.

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I was gratified today to hear our be-

loved citizen of Arizona, Chaplain Donna Kafer, offer our prayer.

Chaplain Kafer is the author of two books, "Women of Courage" and "Women of Faith," and she's currently working on a third book called "Women of Grace." And that will complete the series, "Gardens of Grace."

Mr. Speaker, I think it's especially appropriate because, indeed, Donna Kafer is a woman of grace that I've had the privilege to know for a very long time and am so grateful to be able to call her "friend."

She has made her aim in life to serve her God, her country, her family, and the truth. She serves as the appointed chaplain for the Arizona State Legislature, where she has provided spiritual encouragement for leaders, staff, and State employees for about 14 years now, Mr. Speaker.

Chaplain Kafer has a master's degree in ministry through Phoenix University of Theology, and has received chaplaincy training through the Southwest School of Chaplaincy.

Chaplain Kafer is an Arizona native. She lives in Peoria, Arizona, with her husband of 23 years, Ross, a firefighter-paramedic, and their daughter, Andrea, a 20-year-old college student. They've been members of Christ's Church of the Valley in northwest Peoria for nearly 18 years, under the noble leadership of Pastor Don Wilson. And it is my honor for her to be our guest today.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. YODER). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

#### HONORING THE SERVICE OF ARMY STAFF SERGEANT KENNETH BENNETT

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to honor the life of Army Staff Sergeant Kenneth Bennett. As an explosive ordnance disposal technician, Bennett put his life on the line every day to protect his comrades. As a former EOD tech myself, I know the danger Bennett faced, and today I honor his ultimate sacrifice.

Staff Sergeant Kenneth Bennett is an American hero. He entered the Army in 2004, and in 2006 he trained to be an explosive ordnance disposal technician. Bennett was serving his third, and what was to be his last, deployment to Afghanistan. Bennett earned numerous awards for his service, including the Defense Meritorious Service Medal and the Combat Action Badge.

I did not know personally Staff Sergeant Bennett, but I do know this: He was a son, a husband and father, and a

friend to many. Staff Sergeant Bennett leaves behind his wife, Mandi, their 2-year-old daughter, and another child on the way. Because he served, America and the world are more free.

EOD technicians are the first line of defense in protecting our servicemembers overseas and with homeland missions. The EOD community deserves the respect and full resources of the Department of Defense to continue saving lives.

God bless the memory of Staff Sergeant Kenneth Bennett, and may God continue to bless the United States of America.

#### SUPPORT RECOGNITION OF MALALA YOUSUFZAI BY THE UNITED STATES CONGRESS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. First, I think it is appropriate to welcome back my colleagues and to congratulate all of those who have chosen again, if reelected, to serve this great, great Nation, and for those for the first time who have the honor and privilege of being in this storied institution.

Now words are that we can come together and make a difference in the lives of Americans and we can, in fact, find a way to help the most vulnerable, the impoverished, and those who work every day. I know that we can solve this problem of sequestration.

I lead now into something that is quite contrary to the idea of America's issues and problems and ask my colleagues to join me in supporting a Congressional Gold Medal for Malala Yousufzai. This is the little girl who was shot in the head by the Taliban in Pakistan standing up for education for our children and for her fellow boys and girls. What an amazing young lady now healing in a British hospital.

Sixty-one million children worldwide are not enrolled in school. We're advocating, or many around the world are advocating, for a Nobel Peace Prize for her. I believe that the Congressional Gold Medal symbolizes those who are willing to suffer for others and to make a difference. I ask my colleagues to join me.

The United Nations declared Saturday, November 10, 2012, as Malala Day, to highlight the lack of access to education for 32 million girls. I think that we can join together and say we stand with girls and boys around the world and we stand with our children.

Support a Congressional Gold Medal for the little girl who was willing to stand up to the Taliban.

#### LET'S END PARTISAN GRIDLOCK

(Mr. DESJARLAIS asked and was given permission to address the House for 1 minute.)

Mr. DESJARLAIS. The American people have voiced their demands for an end to the partisan gridlock that has for far too long plagued Washington. They expect their elected officials to work across party lines and across the branches of government to solve the challenges facing our Nation.

Unless we act now, we run the risk of allowing this country to go off a fiscal cliff in January. This would have both severe economic and security ramifications. Defense Secretary Panetta says it would be devastating to our national defense.

The accounting firm Ernst & Young said it would cost us nearly 700,000 jobs. Almost every American would fall victim to a tax increase. This would be an unacceptable blow to our economy that is still struggling to get back on its feet.

House Republicans have already passed legislation to address these issues and stand ready to build upon them to avert this crisis.

#### THE FEDERAL WIND PRODUCTION TAX CREDIT

(Ms. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McCOLLUM. Mr. Speaker, the American people expect Congress to go to work, to create jobs and grow our economy. We all heard that message loud and clear in last week's election.

We have an opportunity to save 75,000 American jobs right now by extending the wind production tax credit. In Minnesota, this tax credit helped create an entire industry, employs thousands of people from construction workers to high-tech analysts, and all of these jobs now, well, they're under threat.

The St. Paul Pioneer Press ran a story last week, entitled, "Wind-energy jobs falling off as tax credit set to expire." Minnesota companies are now being forced to lay off workers because the House has failed to act.

Last quarter there was not one new single wind project announced in America because of the uncertainty of the tax credit. This is unacceptable and is completely avoidable.

There is strong bipartisan support for extending this credit. Congress cannot wait until December 31. I urge Congress to pass the wind production energy tax credit.

□ 1210

#### ARLINGTON HEIGHTS MAYOR ARLENE MULDER

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Today, I rise to recognize a woman who embodies dedication to

public service and the best of what we hope for in our public officials.

Recently, Mayor Arlene Mulder of Arlington Heights announced her retirement, ending a long and successful tenure. Mayor Mulder served her community as village president for 20 years—the longest-serving village president in Arlington Heights history. She is respected by her colleagues and constituents alike for her commitment to work together and to better her community. She has been an advocate for local businesses and has helped transform downtown Arlington Heights into the beautiful and vibrant area that it is today.

I want to express my appreciation for Mayor Mulder's 34 years in public service as village president, as trustee, and as park district commissioner. Her commitment to making Arlington Heights a better community is exactly what we look for in our public officials. I know she will continue to contribute in great ways to our communities, and I look forward to working with her in the future.

#### WE NEED A FARM BILL

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Last week, the American people spoke; and I, for one, heard them loud and clear: quit arguing and get your dang work done.

My suggestion is that we've got a piece that we can do today—pass the farm bill for America. America's farm economy has been one of the bright spots over the last 5 years, and our farmers and our consumers deserve some certainty. The House has already passed the farm bill through the Ag Committee with a two-thirds vote. The Senate passed a farm bill with a two-thirds majority. They couldn't agree it's Wednesday over there, yet they passed a farm bill. This bill adds certainty to rural America. It creates jobs on Main Street. It provides stable prices in the grocery stores, and it makes sure that in drought-stricken areas of our country farmers are there to produce.

This is a jobs bill. It's a bipartisan bill. It's a compromise. Every major farm and nutrition group has asked for it to be done. All we need to do is to bring it to the floor and to push one of the two buttons—"yes" for jobs in rural America and food for this country or "no" for more gridlock. I think we want the green button.

#### VOICE OF TEXAS: ELM

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, Elm from Houston, Texas, wrote me this:

My grandparents immigrated to the United States from the Philippines in the sixties. They spoke no English, had very little money and virtually no contacts, yet they were able to create a legacy. They legally became American citizens. They built a strong life and worked hard. Our family became successful through self-dedication, self-worth, self-drive, and self-perseverance—similar to many immigrants before them. We did this without the help and having to rely on government handouts or legislative attempts to redistribute wealth through mass programs. In return, our family gave back to this great country. Since then, we have had four generations of military service in the United States Navy or the United States Army. We worked hard. We beat adversity. We gave back and we served this country.

Mr. Speaker, Elm and Elm's family worked hard for their American Dream. This is an immigrant success story in spite of and without the help of big, oppressive government.

And that's just the way it is.

#### HURRICANE SANDY

(Mr. SIRES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIRES. Mr. Speaker, Hurricane Sandy was an unprecedented storm that left a devastating impact on the New Jersey and New York region—damaging homes, businesses and leaving millions without power. My district was hit particularly hard. Numerous substations in our area were submerged under water, leaving many residents without electricity for nearly 2 weeks.

As a result, thousands of linemen have worked around the clock to assist those in need and to help restore power. Not only have those in the New Jersey and New York region joined together to help those impacted by Sandy, but hundreds of individuals from across the country have come to lend a hand to the people of New Jersey. Just the other day, as I was touring the damaged areas of my district, I saw license plates that ranged from Wisconsin to Louisiana.

Whether they have come from around the block or from hundreds of miles away in order to assist our region in its recovery, I want to thank all the workers and volunteers.

While the road ahead to a full recovery will be long, there is no doubt that the progress we have made over the past 2 weeks could not have been possible without the assistance of all of those people who came from around the country. I thank all of those people who came to assist the people of New Jersey.

#### HAPPY BIRTHDAY, KADEN

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Mr. Speaker, it is a privilege to be back here to work on

some of the most pressing issues facing our Nation.

The first time I ran for office was as grade school vice president in the fifth grade. Back then, I'm not sure what the most pressing issue was for our classroom—maybe the option of getting chocolate milk for lunch. But today, I serve for a very different reason. I want to preserve the greatness of the United States for my kids, including for a very special fifth grader in my house.

Happy birthday, Kaden. I love you so much and I am so proud of you, and I'm sorry I can't be with you today. I want you to know how proud I am of you and how your mom and I are so grateful to God that He gave you to us. Happy birthday.

### THE FISCAL CLIFF

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, left unresolved, the uncertainty of the fiscal cliff, with spending cuts and increased taxes, will exact real and permanent damage on the American people and on the American economy.

What we need is leadership—leadership that was lacking and that created the fiscal cliff in the first place—one that provides a balanced approach of spending cuts and increased revenues, one that is bipartisan and one that is aspirational.

Throughout the history of our Nation, we only experience job growth when we invest in our own people and in our own economy—in education, in scientific research, and in road and bridge building. To invest and to grow this economy and to grow jobs, we have to produce the kind of strategic investments that are required. We need to get to work now to avoid this catastrophe.

### REFORM THE TAX CODE

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, I agree that we must avoid this fiscal cliff, but let's come to an agreement to reduce the deficit in a way that will make this country more competitive: let's reform the Tax Code to boost manufacturing; let's close those loopholes that send jobs overseas; and let's replace them with tax credits, which will relocate jobs back to the U.S.

Let's reform our Code in order to bring American jobs back home, and let's create more jobs by promoting U.S. manufacturing.

### HURRICANE SANDY

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, on October 29, Hurricane Sandy—a 1,000-mile-wide storm—struck the northeastern portion of America, including the State of Connecticut. Ninety-mile-an-hour winds arrived at 9 o'clock that night, coinciding with high tide, flooding communities from Stonington all the way to Madison in eastern Connecticut, knocking out power, destroying property—leaving a wake of destruction in its path.

First responders from Stonington—like George Brennan, the fire chief in New London; like Ron Samuel, the fire marshal in Madison, Connecticut; like Sam DeBurra, and many, many others—rose to the challenge to save lives and to protect human life from one end to the other. There were first selectman and mayors—like Paul Formica from the town of East Lyme, where a regional emergency shelter was put into operation—who worked to restore power. Again, teamwork. The volunteers at the Red Cross and the Salvation Army came together and had one mission, which was to save lives and restore the region.

We need to follow that example here in Congress as we face the challenges that confront this Nation over the next 7 weeks. Thank you to all of those leaders who again rose to the challenge of a historic storm—bigger than in 1938. Let's follow their example to advance the interests of our Nation.

□ 1220

### EXTEND THE WIND CREDIT NOW

(Mr. LOEBSACK asked and was given permission to address the House for 1 minute.)

Mr. LOEBSACK. Mr. Speaker, I rise again to highlight an important issue to Iowa and the Nation, the wind production tax credit. It expires in a month and must be extended immediately. Inaction has already led to job losses in Iowa and threatens thousands more jobs in our State.

The wind credit has bipartisan roots and was an important issue in the Presidential and many congressional campaigns this year. The Senate already passed a bipartisan package that included the wind credit. It's past time for the House to act.

Iowa is the second-largest producer of wind energy in the country. Wind manufacturing involves about 200 companies and 6,000 good-paying jobs for Iowans. Congress should not play games with people's jobs and pull the rug out from an industry employing thousands in the middle of an economic downturn.

The wind credit is also critical for energy production and job creation.

Congress must extend the wind credit now before more jobs are lost, especially at this time with unemployment and economic downturn that we still continue to suffer from.

### OPERATION HONOR FLIGHT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker, on this week of Veterans Day, I rise to pay tribute to two noble Americans and a great organization, Honor Flight. Earl Morse of Ohio and Jeff Miller of North Carolina are two of the founding members of the Honor Flight Network.

The Honor Flight Network philanthropy is dedicated to bringing World War II veterans to their memorial here in Washington, D.C., the National World War II Memorial. That memorial is now the most visited on our Nation's Mall with over 4 million visitors a year. Imagine if every World War II veteran who wanted to come could.

These brave men and women served our country during World War II during the 20th century's most profound struggle of liberty over tyranny. Their sacrifices, with over 400,000 lost in those horrendous conflicts, ensured that our generation and those to follow could enjoy our freedoms in the 20th century, the 21st, and beyond.

Earl Morse started the Honor Flight Network. He led the inaugural flights to the World War II memorial starting in 2005, not long after the memorial opened. Jeff Miller began to serve those from rural areas.

Mr. Speaker, let me say that these two men's ennobling work has now allowed over 100,000 Americans of the World War II generation who fought to come and visit the memorial.

Let me thank you, Mr. Speaker, and thank those veterans and Honor Flight and these men for what they are doing for our Nation.

### NATIONAL FAMILY CAREGIVERS AWARENESS MONTH

(Mr. LANGEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LANGEVIN. Mr. Speaker, November is National Family Caregivers Awareness Month, a time to honor the work of over 65 million family members who sacrifice every day to care for their loved ones with special needs.

Whether they have a father with Alzheimer's or a mother with Parkinson's disease or a child with autism, these caregivers provide approximately 80 percent of the long-term care for the chronically ill. Unfortunately, this 24-hour-a-day commitment can take a toll on the caregiver's emotional, physical, and financial well-being.

Respite care provides a temporary break for family members engaged in

the full-time task of caregiving. In fact, it is the most frequently requested support service, yet nearly 90 percent of caregivers still go without needed assistance. That's why I've introduced the Lifespan Respite Care Reauthorization Act, and will continue to advocate for its passage and funding.

Mr. Speaker, family caregivers are our Nation's silent heroes, and they deserve our recognition and support not just in November but every day of the year. To all of them, I say a heartfelt "thank you."

#### LET'S TURN THE WHEEL TOGETHER

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, all along the east coast, families are struggling to recover from superstorm Sandy. That makes avoiding the fiscal cliff even more important.

Unless we come together in this body to reach across the aisle and compromise, the Federal Emergency Management Agency, FEMA, which is helping thousands and thousands of people and small businesses recover from this disaster, could be cut as much as \$848 million. Cutting FEMA would be a manmade disaster that would cripple relief efforts in my home State of New York and in many other States.

I don't believe that anyone in this body campaigned on raising the unemployment rate or campaigned to see the U.S. economy fall back into a recession, which would happen if we went over this fiscal cliff. I hope that no one here wants to place a significant new tax burden on the middle class.

In these final days of Congress, let's reach across the aisle, let's reach to one another and work together on the critical problems we need to solve. We need to avoid the fiscal cliff.

#### FEMA'S HELP AND RESPONSIVENESS

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, I just met with the FEMA director, Craig Fugate, and expressed some general concerns first about the need for temporary housing for those in my district. We talked about bringing in trailers, and he discussed that and said this was something that they were working on. We also talked about the need to have the Army Corps do emergency work on dunes and beaches that have been destroyed in the storm, and he said he was going to follow up on that.

We also asked about the State and local match because many of my towns are very small, and they can't afford the 25 percent State and local match

for long-term recovery work. So we're trying to get that reduced or eliminated.

Finally, Mr. Speaker, many of my homeowners have been asking if their homes can be bought out or raised up on stilts or pilings. This is another thing that we're following up on.

I just wanted to say that I felt that the FEMA director, Mr. Craig Fugate, was very responsive to our concerns, and we're going to follow up on these and other concerns of a general nature as we continue to work on the humanitarian concerns in the individual towns in the Sixth District and throughout the State of New Jersey.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Recorded votes on postponed questions will be taken later.

#### NEW YORK CITY NATURAL GAS SUPPLY ENHANCEMENT ACT

Mr. AMODEI. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 2606) to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike all after the enacting clause and insert the following:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "New York City Natural Gas Supply Enhancement Act".*

##### SEC. 2. DEFINITIONS.

*In this Act:*

(1) *PERMITTEE.*—The term "permittee" means the Transcontinental Gas Pipeline Company, LLC, (Transco), its successors or assigns.

(2) *SECRETARY.*—The term "Secretary" means the Secretary of the Interior.

##### SEC. 3. AUTHORIZATION FOR PERMIT.

(a) *IN GENERAL.*—The Secretary may issue permits for rights-of-way or other necessary authorizations to allow the permittee to construct, operate, and maintain a natural gas pipeline and related facilities within the Gateway National Recreation Area in New York, as described in Federal Regulatory Commission Docket No. PF09-8.

(b) *TERMS AND CONDITIONS.*—A permit issued under this section shall be—

(1) *consistent with the laws and regulations generally applicable to utility rights-of-way within units of the National Park System; and*

(2) *subject to such terms and conditions as the Secretary deems appropriate.*

(c) *FEES.*—The Secretary shall charge a fee for any permit issued under this section. The fee

*shall be based on fair market value and shall also provide for recovery of costs incurred by the National Park Service associated with the processing, issuance, and monitoring of the permit. The Secretary shall retain any fees associated with the recovery of costs.*

(d) *TERM.*—Any permit issued under this section shall be for a term of 10 years. The permit may be renewed at the discretion of the Secretary in accordance with this section.

#### SEC. 4. LEASE OF HISTORIC BUILDINGS AT FLOYD BENNETT FIELD.

(a) *IN GENERAL.*—The Secretary may enter into a non-competitive lease with the permittee to allow the occupancy and use of buildings and associated property at Floyd Bennett Field within the Gateway National Recreation Area to house meter and regulating equipment and other equipment necessary to the operation of the natural gas pipeline described in section 3(a).

(b) *TERMS AND CONDITIONS.*—A lease entered into under this section shall—

(1) *be in accordance with section 3(k) of the National Park System General Authorities Act (16 U.S.C. 1a-2(k)), except that the proceeds from rental payments may be used for infrastructure needs, resource protection and restoration, and visitor services at Gateway National Recreation Area; and*

(2) *provide for the restoration and maintenance of the buildings and associated property in accordance with section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and applicable regulations and programmatic agreements.*

#### SEC. 5. ENFORCEMENT.

*The Secretary may impose citations or fines, or suspend or revoke any authority under a permit or lease issued in accordance with this Act for failure to comply with, or a violation of any term or condition of such permit or lease.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. AMODEI) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada.

#### GENERAL LEAVE

Mr. AMODEI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the bill under consideration.

There was no objection.

Mr. AMODEI. I yield myself such time as I may consume.

H.R. 2606, introduced by Congressman MICHAEL GRIMM, authorizes construction of a lateral pipeline off the coast of New York City. The pipeline will pass under the Gateway National Recreation Area and deliver natural gas to residents of Brooklyn and Queens.

Under current law, the National Park Service does not have the authority to approve the pipeline. Therefore, Congressman GRIMM introduced H.R. 2606 to allow the project to move forward, benefiting not only New York residents but also visitors to the Gateway National Recreation Area.

H.R. 2606 has bipartisan support and is supported by the National Park Service. The House approved this legislation in February. It has passed the



Senate with noncontroversial amendments, and we are now acting to send this to the President.

I urge adoption of H.R. 2606 and reserve the balance of my time.

□ 1230

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

We have no objection to the Senate amendments to H.R. 2606. As amended, this bill allows for the delivery of natural gas into an underserved area while also providing a revenue stream that will allow the National Park Service to rehabilitate important historic structures at Gateway National Recreation Area.

We support enactment of H.R. 2606, as amended.

I yield back the balance of my time.

Mr. AMODEI. Mr. Speaker, I yield 4 minutes to the gentleman from the Empire State, Mr. GRIMM.

Mr. GRIMM. Mr. Speaker, I would like to thank my colleague for all of his work on this as well.

It is a great opportunity to speak on this bill, H.R. 2606, the New York City Natural Gas Supply Enhancement Act, which would authorize the Secretary of the Interior to allow the construction and operation of a natural gas pipeline facility in the New York portion of the Gateway National Recreation Area.

I appreciate Chairman HASTINGS and Ranking Member MARKEY's support for the bill when it was first considered here in the House, and now as it is considered with the Senate modifications.

Further, I wish to extend my sincerest appreciation to a good friend and my colleague from New York, Mr. GREGORY MEEKS. From start to finish, this bill has been a bipartisan effort and is an example of what exactly we can accomplish when we work together toward a common goal.

This project will be the first bulk natural gas transmission project in Brooklyn, Staten Island, and Queens in more than 40 years. The 5.2 million people living in these three boroughs are demanding more and more natural gas. Natural gas, as we all know, is reliable. It's clean, it's domestic, and it's economical.

On September 15 of last year, New York City Deputy Mayor Cas Holloway testified before the National Parks Subcommittee in support of the Grimm-Meeks bill. I appreciate all of the courtesies shown to him on that day. In this testimony, the deputy mayor stated "energy demand in New York City is increasing and will continue to grow." Therefore, getting the Gateway project done is a major effort that includes the private sector, the city, State, and Federal governments.

The Gateway pipeline project will generate approximately \$265 million in construction activity, create almost 300 local jobs, and bring in about \$8 million in annual local revenue for the

city of New York, providing much-needed short- and long-term boosts to our economy.

Following House passage, my colleague Congressman CROWLEY praised the bill for reducing the use of two so-called dirtier fuels: No. 4 and No. 6 oil. The Senate modification of H.R. 2606 resolves concerns raised by the National Park Service about the House bill and now has full National Park support, as well as that of the Partnership for New York City, the Regional Plan Association, organized labor, and Mayor Bloomberg.

When I came to Congress, I promised my constituents in Staten Island and in Brooklyn that I would find fiscally conservative ways to create jobs and get our country moving again. Mr. Speaker, this bill does just that. Not only will it create a unique public-private partnership to revitalize Floyd Bennett Field, but it also creates well-paying jobs and it increases the supply of inexpensive natural gas, and does it all at absolutely no cost to the taxpayer, even bringing revenue to the Treasury.

So, Mr. Speaker, I thank you again for the opportunity to speak in support of this bill. I urge my colleagues to support it.

Mr. Speaker, thank you for the opportunity to speak in support of my bill, H.R. 2606, the New York City Natural Gas Supply Enhancement Act which would authorize the Secretary of Interior to allow the construction and operation of natural gas pipeline facilities in the New York portion of the Gateway National Recreation Area.

I appreciate Chairman HASTINGS and Ranking Member MARKEY's support for the bill by when it was first considered by the House and now as we consider the Senate modification.

Further, I wish to extend my sincerest appreciation to my friend and colleague from New York, Mr. MEEKS. From start to finish this bill has been a bipartisan effort and an example of what we can accomplish when we work together towards a common goal.

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On September 15 of last year, New York City Deputy Mayor Cas Holloway testified before the National Parks Subcommittee in support of the Grimm-Meeks bill and I appreciate all the courtesy shown him on that day.

In his testimony Deputy Mayor Holloway stated the "energy demand in New York City is increasing and will continue to grow" and getting the Gateway project done "is a major effort that includes the private sector, and the City, State, and Federal governments."

The Gateway pipeline project will generate approximately \$265 million in construction activity, almost 300 local construction jobs, about \$8 million in annual local property taxes for New York City, providing a much-needed short-term and long-term boost to our economy.

Following House passage, my colleague Congressman CROWLEY praised the bill for reducing the use of "two dirtier fuels: number four and number six oil."

The Senate modification of H.R. 2606 resolves concerns raised by NPS about the House bill and has full NPS support as well as that of the Partnership for New York City, the Regional Plan Association, organized labor, and Mayor Bloomberg.

When I came to Congress I promised my constituents on Staten Island and Brooklyn that I would find fiscally conservative ways to create jobs and get our country moving again. Mr. Speaker, this bill does just that. Not only will it create a unique public-private partnership to revitalize Floyd Bennett Field, but it also creates good paying jobs, increases our supply of inexpensive natural gas, and does it all at no cost to the taxpayer and even brings revenue into the Treasury.

Mr. Speaker, thank you again for the opportunity to speak in support of the New York City Natural Gas Supply Enhancement Act. I urge my colleagues to support this bill.

Mr. AMODEI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. AMODEI) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 2606.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### CONSOLIDATION OF CERTAIN CBO REPORTING REQUIREMENTS RELATING TO ARRA AND TARP

Mr. GARRETT. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6570) to amend the American Recovery Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6570

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. CONSOLIDATION OF CERTAIN CBO REPORTING REQUIREMENTS RELATING TO ARRA AND TARP.

(a) ARRA-RELATED REPORTS.—

(1) IN GENERAL.—Section 1512(e) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5; 123 Stat. 288) is amended by amending the second sentence to read as follows: "Such comments on all reports for calendar quarters in a year shall be due 45 days after the report for the last calendar quarter of the year is submitted."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to comments on reports submitted on or after October 1, 2012.

(3) REPEALER.—Effective on January 1, 2016, section 1512(e) of the American Recovery and Reinvestment Act of 2009 is repealed.

(b) TARP-RELATED REPORTS.—

(1) IN GENERAL.—Section 202 of the Emergency Economic Stabilization Act of 2008 (12 U.S.C. 5252) is amended—

(A) in subsection (a), by striking “semi-annually” and inserting “annually”; and

(B) by adding at the end the following new subsection:

“(e) SUNSET.—Notwithstanding the previous provisions of this section, the reporting and comment requirements under this section shall terminate with the annual period on the last day of which all troubled assets acquired by the Secretary under section 101 have been sold or transferred out of the ownership or control of the Federal Government.”.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect the first day after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. GARRETT) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

#### GENERAL LEAVE

Mr. GARRETT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and add extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. GARRETT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, under the current law, the Congressional Budget Office, the CBO, is statutorily required to submit semiannual and quarterly reports to Congress pursuant to TARP and stimulus requirements. Unfortunately, these reports have become mainly duplicative and repetitive in nature. They say the same thing over and over again, and do not provide a lot of new information to Congress. In addition, these reports consume a great deal of limited CBO staff resources. So to remedy this, we have H.R. 6570 before us. What this will do is reduce the frequency of the reports required each year by the CBO as well as required by the GAO.

First, H.R. 6570 would change the quarterly stimulus reporting requirements for the CBO and GAO to annual report requirements due at the end of each calendar year. This legislation would also sunset the ARRA reporting requirements for CBO and GAO on January 1, 2016. H.R. 6570 would not impact the current reporting requirements for recipients of ARRA funds or the reports required by the executive branch agencies, I would like to point out.

Secondly, H.R. 6570 would change the TARP reporting requirements for CBO and the OMB to an annual basis from a semiannual basis. So this legislation would also sunset the reporting requirements for the CBO and OMB to when the last TARP asset has been sold or last transferred out of the ownership control of the Federal Government.

So, Mr. Speaker, I think this is a commonsense bill to reduce government duplication and ensure that congressional support agencies such as CBO and the GAO are using their limited resources most effectively. With that, I urge support of this legislation. I reserve the balance of my time.

Mrs. MALONEY. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 6570, which will amend the reporting requirements in two laws: the American Recovery and Reinvestment Act of 2009, also known as the stimulus package, and the Emergency Economic Stabilization Act of 2008, which created TARP. I commend my colleague from the great State of New Jersey for bringing this bill to the floor.

In both laws, the Congressional Budget Office, the Government Accountability Office, and the Office of Management and Budget have certain reporting and comment requirements. The goal of the bill before us today is to streamline those requirements and make them workable for all of the agencies and for the American public while preserving access to the information. It will make these agencies more efficient in their oversight of both the stimulus and of the TARP programs.

First, the American Recovery and Reinvestment Act of 2009 requires recipients of grants made under the law to produce detailed quarterly reports on their use of the funds. These reports include the amount that was spent, the number of jobs that were created, and certain information about the subcontractors. The reports are publicly available, and the bill before us does not touch the reports themselves or the requirements that they are required to produce. However, CBO and GAO are also required under the law to comment each quarter on the content of the reports. This bill before us today simply says that they can provide those comments on an annual basis rather than quarterly. This will ease the burden on the CBO and GAO while maintaining their oversight responsibilities.

Second, in the law that created the TARP fund, OMB was required to report on a semiannual basis the estimated cost of TARP, the assumptions behind that estimate, and estimate how the costs have changed. The bill before us today would amend the law to allow OMB to submit these reports annually rather than semiannually. This again lessens the burden on OMB, especially 4 years after TARP was enacted and when a large majority of those funds have been paid back.

□ 1240

Semiannual reports are simply no longer needed.

Finally, the bill before us includes a commonsense provision to sunset OMB's reporting requirement once all

remaining troubled assets acquired under the TARP program are no longer owned or controlled by the Federal Government.

So I support this bill. I support this effort to lessen the burden on agencies that are stretched extremely thin and are already stretching every single dollar while ensuring that the public continues to have the valuable information the reports would provide and information that these agencies are providing.

I support the bill. I have no further requests for time, and I reserve the balance of my time.

Mr. GARRETT. I also have no further requests for time. So I will just conclude by saying to the gentlelady, thank you very much for working with us on this bill. Thank you for the support for the legislation.

And with that, I will yield back the balance of my time.

Mrs. MALONEY. I join my colleague and commend his work on relieving unnecessary burdens and requirements on important agencies. I support this bill.

And I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. GARRETT) that the House suspend the rules and pass the bill, H.R. 6570.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### MARK TWAIN COMMEMORATIVE COIN ACT

Mr. LUETKEMEYER. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2453) to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

The Clerk read the title of the bill.

The text of the Senate amendments is as follows:

Senate amendments:

On page 7, strike lines 5 through 7 and insert the following:

(2) One-quarter of the surcharges, to the University of California, Berkeley, California, for the benefit of the Mark Twain Project at the Bancroft Library to support programs to study and promote the legacy of Mark Twain.

At the end, add the following:

#### SEC. 8. NO NET COST.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, overhead expenses, marketing, and shipping) is recovered by the

United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. LUETKEMEYER) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

#### GENERAL LEAVE

Mr. LUETKEMEYER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to add extraneous material to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LUETKEMEYER. I yield myself such time as I may consume, and I rise in support of the Senate amendments to H.R. 2453, the Mark Twain Commemorative Coin Act.

The underlying legislation, which passed the House by a vote of 408-4 on April 18 and the Senate by unanimous consent in September, will allow the U.S. Treasury to mint \$1 and \$5 commemorative coins in 2016, which will promote the important legacy of Mark Twain and benefit four institutions that bear his name: the Mark Twain House & Museum in Hartford, Connecticut; the University of California Berkeley; Elmira College in New York; and in my congressional district, the Mark Twain Boyhood Home & Museum in Hannibal, Missouri.

I want to remind my colleagues that this bill will cost the American taxpayers nothing. In fact, the Senate has included language that specifically ensures that the minting and issuing of coins under this act will not result in any net cost to the United States Government and that no funds can be disbursed to the recipients until the total cost of designing and issuing all coins is first recovered by the U.S. Treasury.

I would like to thank my colleague, Mr. LARSON of Connecticut, for his leadership on this legislation.

I also would like to acknowledge Hannibal's Mark Twain Boyhood Home & Museum executive director Dr. Cindy Lovell and the museum's curator Henry Sweets, as well as their dedicated staff, for their incredible work to promote awareness and appreciation of the life and works of Mark Twain.

The bill we consider today honors the legacy of a great American and will greatly help to educate the public of his great accomplishments and contributions to society. I urge my colleagues to join me in passing this legislation.

And with that, Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY. I yield myself as much time as I may consume, Mr. Speaker.

I rise in strong support of H.R. 2453, the Mark Twain Commemorative Coin Act. This legislation will allow the U.S. Treasury Department to mint \$1 silver and \$5 gold commemorative coins in recognition of Mark Twain's incredible legacy.

The minting of these coins will come at no additional cost to the taxpayer and will be divided among four important organizations dedicated to promoting the legacy of Mark Twain. One will be the Mark Twain House & Museum in Hartford, Connecticut; secondly, the Mark Twain Project at the Bancroft Library at the University of California, Berkeley; thirdly, the Center for Mark Twain Studies at Elmira College in my home State of New York; and, lastly, the Mark Twain Boyhood Home & Museum in Hannibal, Missouri.

I commend the work of my colleague from Missouri, Representative LUETKEMEYER. This bill will ensure that these great institutions will benefit directly from Mark Twain's legacy.

Samuel Clemens, better known to the world as Mark Twain, was one of the most important and unique American voices whose literary work has had a lasting effect on our Nation's history and culture. In fact, Mark Twain was instrumental in popularizing the image of an America full of hardworking men and women who pulled themselves up by their own bootstraps, an America that is still very much alive and well and part of the American Dream.

Mark Twain's literary achievements and educational legacy remain strong to this very day, with nearly every book he wrote still in print, still taught in our schools, and still providing us with a social narrative that we will not and should not forget.

"The Adventures of Tom Sawyer," "Huckleberry Finn," "The Prince and the Pauper"—Twain's writings continue to be printed over a century after they were first published, and they continue to make a lasting impact. They are a cherished memory for every American school child.

So as Mark Twain once wrote: "There is nothing that cannot happen today." Isn't that the American spirit, the can-do American spirit?

I support this legislation as the recognition of one of America's greatest authors and certainly one of America's most popular authors, Mark Twain. I thank my colleague for bringing forward this important legacy legislation, American legislation.

I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, I just want to close by inviting my colleague from New York to come to the district to see the landmarks that inspired Mark Twain to write about Huckleberry Finn and Tom Sawyer. And you can see from those landmarks where he got the inspiration to do what he did and the type of people that he

was around to see how he came up with his ideas. It's really a neat place to visit, and I certainly welcome and encourage you to come.

With that, Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MALONEY. Mr. Speaker, I have no further requests for time.

And I would like to take up my good friend on the other side of the aisle on his offer and see if we can get a group of Congress Members to come and see this lasting legacy. Mark Twain—I read every single one of his books. I would love to see his inspiration from the great State of Missouri.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2453.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mrs. MALONEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### DIRECT REVIEW BY U.S. SUPREME COURT OF DECISIONS OF VIRGIN ISLANDS SUPREME COURT

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6116) to amend the Revised Organic Act of the Virgin Islands to provide for direct appeals to the United States Supreme Court of decisions of the Virgin Islands Supreme Court, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6116

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DIRECT REVIEW BY U.S. SUPREME COURT OF DECISIONS OF VIRGIN ISLANDS SUPREME COURT.

Section 23 of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1613) is amended by striking "": Provided, That" and all that follows through the end and inserting a period.

#### SEC. 2. JURISDICTION OF THE SUPREME COURT.

(a) IN GENERAL.—Chapter 81 of title 28, United States Code, is amended by adding at the end the following:

#### "§ 1260. Supreme Court of the Virgin Islands; certiorari

"Final judgments or decrees rendered by the Supreme Court of the Virgin Islands may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of the Virgin Islands is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United

States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.”.

(b) CONFORMING AMENDMENT.—The table of sections for chapter 81 of title 28, United States Code, is amended by adding at the end the following new item:

“1260. Supreme Court of the Virgin Islands; certiorari.”.

### SEC. 3. EFFECTIVE DATE.

The amendments made by this Act apply to cases commenced on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

□ 1250

### GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 6116, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 6116 authorizes direct review by the United States Supreme Court of decisions rendered by the Supreme Court of the Virgin Islands. I thank Representative CHRISTENSEN for her work on this bill.

Created in 2007, the Supreme Court of the U.S. Virgin Islands is the equivalent of a U.S. State supreme court. It is authorized to review all final orders, judgments, and specified interlocutory orders of the Virgin Islands Superior Court.

Appeals from the Virgin Islands Supreme Court are made by petitions of certiorari to the U.S. Court of Appeals for the Third Circuit.

Federal statute specifies that discretionary review by the third circuit exists for the first 15 years following inception of the Virgin Islands Supreme Court or until it “has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all [of its] final decisions,” whichever is sooner.

The third circuit’s judicial council, Mr. Speaker, evaluates the progress of the Virgin Islands Supreme Court in 5-year intervals. Following extensive review, the council published its initial 5th-year report last April. The council recommends that the U.S. Supreme Court exercise direct review of all final decisions made by the Virgin Islands Supreme Court.

H.R. 6116 adopts the third circuit recommendation. The bill simply author-

izes the U.S. Supreme Court to review, at its discretion, all final judgments rendered by the Virgin Islands Supreme Court.

The suspension version under consideration makes two technical changes to the bill as introduced. First, it clarifies that the U.S. Supreme Court may review final judgments of the Virgin Islands Supreme Court pursuant to cert petitions. In other words, the U.S. Supreme Court may exercise its own discretion to accept or reject cases.

Secondly, the suspension version expands the U.S. Supreme Court’s appellate jurisdiction through an additional reference to chapter 81 of title 28 of the U.S. Code. Chapter 81 sets forth the jurisdiction and venue of the U.S. Supreme Court. Judges, lawyers, and litigants look to it when they have questions about the Court’s appellate jurisdiction. The creation of an additional reference to chapter 81 makes it easier to find the new law.

I again express my thanks to Mrs. CHRISTENSEN for her work on this bill, and I urge my colleagues to support H.R. 6116.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 6116, as amended. I support this legislation for several reasons.

To begin with, this bill simply implements the recommendation of the third circuit judicial council to allow decisions of the Virgin Islands Supreme Court to be reviewed directly by the United States Supreme Court. The Virgin Islands Supreme Court is the equivalent of a U.S. State supreme court. It is authorized to review all final orders, judgments, and specified interlocutory orders of the Virgin Islands Superior Court. Appeals from the Virgin Islands Supreme Court are made by petitions of certiorari to the U.S. Court of Appeals for the Third Circuit at this time.

The Revised Organic Act specifically grants the third circuit appellate jurisdiction for the first 15 years of the Virgin Islands Supreme Court’s existence. In addition, the act requires the third circuit judicial council to submit reports to two congressional committees every 5 years assessing whether the Virgin Islands Supreme Court “has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States from all of its final decisions.”

In April of this year, the third circuit judicial council submitted the first of these 5-year reports. In it, the council concluded that the Virgin Islands Supreme Court had met the standard necessary to justify direct review of its decisions by the United States Supreme Court. Accordingly, the council recommended that Congress enact legislation to allow for such direct review.

H.R. 6116 effectuates the third circuit’s recommendations by deleting

from the Revised Organic Act both the provision granting appellate jurisdiction to the third circuit and the reporting requirement.

I also support changes reflected in the version of the bill we are considering today because they reflect input both from the U.S. Supreme Court and an academic expert. Specifically, the amended version of the bill revises both the bill’s long title and the header to section 1 so that they refer to direct review rather than direct appeals. This change more accurately reflects the discretionary nature of the U.S. Supreme Court’s appellate jurisdiction over most cases whereby it selects cases for consideration through granting petitions for writs of certiorari.

Additionally, the amended version of H.R. 6116 adds a provision to chapter 81 of title 28 of the United States Code to further clarify the scope of the U.S. Supreme Court’s discretionary appellate jurisdiction with respect to decisions of the Virgin Islands Supreme Court.

Finally, H.R. 6116 is consistent with precedent. For example, in 2004, Congress enacted similar legislation to provide for direct review by the U.S. Supreme Court of decisions of the Guam Supreme Court.

I congratulate the gentlelady from the Virgin Islands, Dr. CHRISTENSEN, for her leadership in this measure. I also thank the Judiciary Committee chairman, the gentleman from Texas (Mr. SMITH), for his assistance in bringing this legislation to the floor.

I urge my colleagues to support the bill, and I reserve the balance of my time.

Does the gentleman have additional speakers?

Mr. COBLE. I have no additional speakers, and I reserve the balance of my time.

Mr. SCOTT of Virginia. I would like to yield such time as she may consume to the gentlelady from the Virgin Islands, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Congressman SCOTT, for yielding the time.

Mr. Speaker, I rise in strong support of H.R. 6116, legislation I sponsored to provide for direct appeals of decisions of the Virgin Islands Supreme Court to the U.S. Supreme Court.

I want to begin by thanking the chairman and ranking member of the Committee on the Judiciary and their staff for working together in a bipartisan way to swiftly report H.R. 6116 and bring it to the House floor today. On behalf of the people of the Virgin Islands, I want to say thank you to Chairman SMITH and Ranking Member CONYERS, as well as to my colleagues, Congressman COBLE and Congressman SCOTT, who are managing the bill on the floor today.

It was just 5 months ago that I had the pleasure of joining the elected leaders of the Virgin Islands at a ceremony

to celebrate the Virgin Islands Supreme Court reaching a historic milestone. Specifically, the occasion was to receive the report from the judicial council of the third circuit regarding their review of the Virgin Island Supreme Court during its first 5 years, as required by law, which authorized the Virgin Islands to create a local appellate court.

The third circuit report concluded that the U.S. Virgin Islands Supreme Court developed sufficient institutional traditions to justify direct review of its final decisions by the United States Supreme Court and urged Congress to enact legislation providing that the Supreme Court of the U.S. Virgin Islands enjoy the same relationship with the U.S. Supreme Court as the highest court of any State.

Today, the House will take the first step in making the Virgin Islands Supreme Court just like every other high court in the States and territories. This is just one more step on the journey for further local self-governance, which was begun in 1984 when my predecessor, former Delegate to Congress, Ron de Lugo, amended the Virgin Islands 1954 Organic Act to allow for the creation of an appellate court chartered under local law, while it took another 20 years for Virgin Islands Act No. 6687 to be signed into law by then-Governor Charles W. Turnbull, and 2 more years for a chief justice and two associate justices to be nominated and confirmed and for the Supreme Court to formally accept appellate jurisdiction.

Chief Justice Hodge and Associate Justices Cabret and Swan are to be commended for the work they did to earn the recommendation of the third circuit's judicial council for appeals of their decisions to go directly to the U.S. Supreme Court. In doing so, they are following our sister territory of Guam, which was the last Supreme Court to gain direct appeals of their decisions to the U.S. Supreme Court.

Over these past 5 years, the Virgin Islands Supreme Court has issued opinions on such wide-ranging cases as whether and when a judge could be disciplined, to affirming in a landmark ruling that women are not property. By my staff's unofficial count, among the court's many accomplishments is the issuance of over 180 published opinions since 2007.

Other noteworthy accomplishments include making several structural reforms in the areas of attorney admissions to the Virgin Islands Bar, discipline procedures, and mandating new requirements for continuing legal education courses for all active members of the Virgin Islands Bar Association.

□ 1300

I had the pleasure of joining Chief Justice Hodge and Associate Justices Cabret and Swan at their official

swearing-in ceremony in 2006. At that time I focused my remarks on the historic nature of the occasion as well as the personal relationships I share with each of the individual justices. With all that they have accomplished over the short time that this court has been in existence, all Virgin Islanders will look back on this time with great pride and gratitude for the way in which they laid the foundation for appellate jurisprudence in the territory that is second to none.

While it took more than 20 years after the law's authorizing us to establish a local appellate court, and while we are the last U.S. territory to do so, it is more than fitting that we are on the verge of accomplishing the final goal of making the U.S. Virgin Islands Supreme Court just like all other State supreme courts, and I urge my colleagues to vote in favor of H.R. 6116.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. I thank the gentleman from Virginia, and especially also my dear friend and colleague, the gentleman from North Carolina, as managers of this important legislation.

Mr. Speaker, I rise today in strong support of H.R. 6116, a bill to provide for appeals from the Virgin Islands Supreme Court to go to the U.S. Supreme Court instead of the Third Circuit Court of Appeals.

H.R. 6116, sponsored by my good friend, the gentlelady from the U.S. Virgin Islands, Dr. CHRISTENSEN, simply puts into legislation a decision vetted by the judicial council of the third circuit, established through a process which has already been authorized by Congress.

Mr. Speaker, in 1984, Congress provided Guam and the Virgin Islands with the authority to establish local supreme courts, and the law provided for appeals from these courts to go to their respective circuit courts of appeals for the first 15 years unless after 5 years their respective court of appeals found the local supreme court was ready for appeals to go directly to the U.S. Supreme Court.

On April 18 of this year, the third circuit's judicial council published a 23-page report on the Virgin Islands Supreme Court that was submitted to the Senate Committee on Energy and Natural Resources and also to the House Committee on Natural Resources. In its review, the council concluded that the Virgin Islands Supreme Court has developed sufficient institutional traditions to justify direct review by the Supreme Court of the United States of all final decisions. The council affirmed that the Virgin Islands Supreme Court's quality of case law was commensurate with that of the supreme courts of several States, and among

other remarkable reviews, stated further that the third circuit court has yet to reverse a decision of the Virgin Islands Supreme Court.

I congratulate the Virgin Islands Supreme Court Chief Justice Rhys Hodge and Associate Justices Maria Cabret and Ive Swan for this extraordinary feat, and I commend again the gentlelady from the Virgin Islands for introducing this timely legislation.

I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume just to thank the gentlelady from the Virgin Islands, Dr. CHRISTENSEN, and the leadership of the Judiciary Committee, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan, the ranking member, Mr. CONYERS, for bringing this bill to the floor.

And with that, Mr. Speaker, I ask Members to support the bill, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I, too, want to express my thanks to Dr. CHRISTENSEN and to my friend from American Samoa for their assistance, and Mr. SCOTT as well.

I have no additional speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 6116, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes."

A motion to reconsider was laid on the table.

#### STOP TOBACCO SMUGGLING IN THE TERRITORIES ACT OF 2012

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5934) to amend title 18, United States Code, to include certain territories and possessions of the United States in the definition of State for the purposes of chapter 114, relating to trafficking in contraband cigarettes and smokeless tobacco.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5934

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Tobacco Smuggling in the Territories Act of 2012".

**SEC. 2. TERRITORIES AND POSSESSIONS OF THE UNITED STATES INCLUDED IN THE DEFINITION OF STATE FOR THE PURPOSES OF THE PROHIBITION AGAINST TRAFFICKING IN CONTRABAND CIGARETTES AND SMOKELESS TOBACCO.**

Paragraph (4) of section 2341 of title 18, United States Code, is amended by striking “or the Virgin Islands” and inserting “the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, or Guam”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. COBLE) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina.

**GENERAL LEAVE**

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.R. 5934 currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5934, the Stop Tobacco Smuggling in the Territories Act of 2012, was introduced by Mr. FALEOMAVAEGA, my good friend from American Samoa—and I apologize if I did damage to that. I thank him for his work on this issue.

Cigarette trafficking is one of the most lucrative smuggling operations in the United States and around the world. It is estimated that illicit cigarettes account for over 10 percent of the more than 5.7 trillion cigarettes sold globally each year.

Here in the United States, approximately 4 billion cigarettes sold each year are illicit. Cigarette smuggling is typically carried out by sophisticated, large-scale criminal organizations that take advantage of the significant disparity between the taxes levied on cigarettes across the States. For example, Mr. Speaker, a pack of cigarettes that costs \$13 in a high-tax State like New York will cost only about \$5 in a low-tax State such as Virginia.

These differences create a highly lucrative market for individuals to evade the local sales tax and purchase cigarettes in one locality and transport them to another for resale below the market value. Criminal organizations are able to make a profit of as much as \$1 million on just a single truckload of illicit cigarettes.

State cigarette taxes in the United States have been on the rise since 1992 and have increased more than 65 percent over this period; however, the States' gross tax revenues have increased by only 35 percent due in significant part to the illicit tobacco trade.

Exploiting the price disparity for a single pack of cigarettes between indi-

vidual States has proved profitable for criminal networks. According to the Justice Department, this illicit activity costs the States and the Federal Government approximately \$5 billion each year. This is money that could—and should—be put to better use.

Congress took steps to curb the sale of contraband cigarettes with the Prevent All Cigarette Trafficking (PACT) Act of 2009. The PACT Act prohibits the sale of cigarettes and smokeless tobacco products over the Internet, and it made changes to the criminal anti-cigarette smuggling statutes.

H.R. 5934, Mr. Speaker, provides a technical correction to ensure that the criminal prohibitions against cigarette smuggling apply to the U.S. territories of American Samoa, Guam, and the Northern Mariana Islands in the same way that they do for the rest of the country. This is a modest but important change that will help to promote safety and tax revenues in these territories.

I again thank my friend from American Samoa for his work on this issue, and I urge my colleagues to join me and Mr. SCOTT in support of this bill.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5934, the Stop Tobacco Smuggling in the Territories Act of 2012.

When enacted, H.R. 5934 will amend the Contraband Cigarette Trafficking Act by including American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam in existing legislation which makes it illegal to knowingly ship, transport, receive, possess, sell, distribute, or purchase 10,000 or more contraband cigarettes that do not have a State or territorial stamp.

Under the Contraband Cigarette Trafficking Act, violators face criminal penalties and fines. Currently, there are no such sanctions in effect for violations that occur in the territories, thus prohibiting the Bureau of Alcohol, Tobacco, Firearms and Explosives from investigating cigarette smuggling and Trafficking Act violations. H.R. 5934 will fix this.

□ 1310

Mr. Speaker, each year hundreds of millions of cigarettes are diverted from legal trade channels into the underworld. Cigarette counterfeiting is growing steadily. Cigarettes are believed to be the most illegally trafficked product in the world.

Cigarette smuggling results in significant economic impact in terms of depriving governments of excise tax revenue and depriving legitimate businesses from income due to unfair competition. Smuggling of genuine cigarettes steals as much as an estimated \$40 billion to \$50 billion from governments in tax revenue, with trafficking

in counterfeit cigarettes stealing even billions more.

In May 2011, a report from the Territorial Audit Office on collection of cigarette tax by the American Samoa Government found that cigarettes are likely being smuggled into American Samoa and that, as a result, their government is losing a significant amount of cigarette excise tax revenue.

A subsequent study estimated that as many as close to 6 million cigarettes had been smuggled into the territory in 2010, resulting in an estimated loss of revenue to the American Samoa Government of over \$700,000.

In addition to the economic impact, there are public health and public safety concerns. Smuggling delivers cigarettes that are cheaper to buy. Because cheaper cigarettes lure youth and other new customers, they boost sales and consumption, making it harder for smokers to quit.

It's also been reported that some import imitation cigarettes have been found to contain toxins. As a result, illegal trade adds steadily to healthcare costs, worker productivity losses, and the growing death toll from tobacco use, already almost over 5 million lives per year, projected to rise to 8 million by 2030.

From a public health standpoint, it is well documented that, as with other contraband, proceeds from cigarette trafficking support organized crime and even terrorist networks.

For these reasons, I support the bill. I encourage my colleagues to support the bill as well.

If the gentleman has no other speakers, I'd like to yield to the gentleman from American Samoa (Mr. FALEOMAVAEGA) for such time as he may consume.

Mr. FALEOMAVAEGA. Mr. Speaker, again I cannot express enough my deepest appreciation to the gentleman from Virginia (Mr. SCOTT) and my good friend, the gentleman from North Carolina (Mr. COBLE) for their management of this bill.

Mr. Speaker, I rise today in strong support of H.R. 5934, a bill that I authored to stop tobacco smuggling in the territories.

First, I want to thank the chairman of the House Judiciary Committee, Mr. SMITH, and my dear friend, the ranking member, Mr. CONYERS, and all the members of the committee for their strong support of this legislation.

I also want to acknowledge Speaker JOHN BOEHNER and House Majority Leader CANTOR, and our Democratic leader, NANCY PELOSI, for their support of this bill.

I thank my colleagues, the gentleman from Guam, and also, the gentleman from the Northern Mariana Islands, Ms. BORDALLO and Mr. SABLAN, respectively, for their cosponsorship of this bill.

Mr. Speaker, today American Samoa faces a serious problem of tobacco



smuggling, as I'm sure it's the same with the other territories. According to a recent study, 2 years ago, as many as 5,792,924 cigarettes were smuggled into the territory. The study found that tobacco smuggling resulted in the loss of about \$724,116 in revenues to the American Samoa Government.

If continued undeterred, tobacco smuggling in the territory will lead to heavier losses in local tax revenues, especially if cigarette excise tax rates were to be increased.

Mr. Speaker, in this age of government fiscal responsibility, securing and sustaining stable resources of local revenue stream is essential and must be encouraged for the territories. It was for this reason I began to look into this important issue. And I was disappointed, however, to find that, under current law prohibiting cigarette smuggling, not all the territories were included.

Under the Contraband Cigarette Trafficking Act that Congress passed in 1978, it is illegal to ship, sell, transport, or possess more than 10,000 cigarettes, or 500 packs per month, not bearing the tax stamp of the jurisdiction in which they are found. Violation is a felony punishable by up to 5 years in prison and seizure of the contraband cigarettes.

The Contraband Cigarette Trafficking Act currently, however, does not apply to American Samoa, Guam, and the Northern Mariana Islands. Historically, when Congress considered the bill in 1978 the Senate version defined State to include the 50 States, the District of Columbia, Puerto Rico, or a territory or a possession of the United States, while the House provision excluded the smaller territories. For some reason unbeknown to me, the conference substitute adopted the House provision, and according to the conference report, the House provision is described as "more accurately delineating the practical scope of the legislation."

Mr. Speaker, the bill before us today will correct this oversight in the current law. This important piece of legislation will amend the Contraband Cigarette Trafficking Act to include the territories of American Samoa, Guam, and the Northern Mariana Islands. It will amend the definition of a State for the purpose of this Act to include all U.S. territories.

Again, I commend my good friends, the gentleman from North Carolina, as well as my friend from Virginia, for their extensive understanding and knowledge of this issue and the matter now before us. I urge my colleagues to support this bill.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from American Samoa, the leadership of the Judiciary Committee, and my friend from North Carolina (Mr. COBLE) for

bringing this measure to the floor. I urge my colleagues to support the bill.

I yield back the balance of my time.  
Mr. COBLE. In closing, I want to thank Mr. SCOTT as well, and my good friend from American Samoa. ENI, I apologize for my having fractured the pronunciation of your name earlier. But folks, this is a good bill that addresses a formidable threat, and I urge my colleagues to vote in favor of the bill and support it.

I yield back the balance of my time.  
Ms. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 5934, the Stop Tobacco Smuggling in the Territories Act. This important bill would prohibit the trafficking of contraband cigarettes and smokeless tobacco in the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Guam, and American Samoa.

This important and commonsense legislation was introduced by my great friend and colleague, Congressman ENI FALEOMAVAEGA. Currently, the federal criminal code prohibits the smuggling of tobacco in the states; however, tobacco products continue to be trafficked through the territories by individuals looking to avoid paying taxes. This practice does not only warp market prices and rob the government of thousands of dollars each year in tax revenue. It also contributes to the public health problems associated with smoking.

I am proud to represent the 37th Congressional District of California, which is home to the largest American Samoan population outside American Samoa. The issue of tobacco smuggling matters to the loved ones and family members of my constituents, and it has become a priority of mine, as well. I am proud to stand with Congressman FALEOMAVAEGA, and I thank him for his outstanding leadership.

Mr. Speaker, the passage of the Stop Tobacco Smuggling in the Territories Act will be an important step towards curbing this practice and restoring lost revenue back to local governments. I strongly support H.R. 5934, and I urge my colleagues to join me in strengthening the capacity of Samoan tobacco enforcement.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 5934.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 14, 2012.

Hon. JOHN A. BOEHNER,  
*The Speaker, H-232 U.S. Capitol, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of

the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 14, 2012, at 10:49 a.m.:

That the Senate agrees to House of Representatives amendment to the bill S. 743.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

#### EXTENDING THE ECONOMIC AND SOCIAL LADDERS TO SUCCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, we're back, and America expects that we ought to be going back to work. And we have a heavy load ahead of us. We want to make sure that every American has the opportunity to climb up that economic and social ladder as high as they want to and can go. So we have to make sure that those ladders of opportunity are in place.

We also have to make sure that we are a compassionate Nation, that we're willing to reach out to those in our country who have been harmed by devastating natural disasters. We certainly saw this on the east coast, and I'd like to spend a good portion of this hour talking about how we, as a Nation, can respond to superstorm Sandy and the lessons that we should learn from this disaster.

□ 1320

It's not the first that has occurred in America, and it's certainly not going to be the last. In previous disasters, we learned a few lessons, but it seems as though we have yet to achieve the necessary wisdom from those occurrences to really put in place the policies that can protect Americans.

First, our sense of compassion drives Americans to reach out in many different ways to assist those on the east coast that were so severely harmed by this storm. Our condolences go out to the families of those who were killed in the storm. Our wallets open to the American Red Cross and other organizations that are providing assistance. We should do that and we should do more of that, but as a Congress there are things that we must also do.

Proposals have been made on this floor to reduce the effectiveness and the support for the Federal Emergency Management Agency. Not a good idea. It's very clear from the disaster on the east coast that a single city or State or even a region is unable to adequately address—whether in the lead-up to a disaster where there is warning or in the immediate aftermath of that—the necessary resources to assist and to recover. As a Nation, we need some mechanism to gather together all of the strength of this incredible country



we call America and apply that strength to those who have been so severely harmed by that disaster. That's occurring. FEMA has clearly been significantly improved in the last 4 years and certainly since the tragedies of New Orleans, but there is much more that needs to be done.

As a Congress, as Representatives of the American people—people who may be in any part of this country and who at any moment could be affected by a disaster—we need to make sure that there is a national response capability in place that is ready to act with the sufficient resources. That's not just an organizational and administrative issue. That is also the necessary funds available. Shortchanging that money that we set aside for those disasters can lead to a period of time in which inaction is inevitable.

So as we go about our budgeting, as we go about our appropriations process, we must make sure that we do not shortchange and that we provide enough money, that we set it aside and have it there, available for immediate response. It's not just the Federal response. It's those private companies and others that will be hired by the Federal Government or the States and cities to provide the necessary services.

There are many other lessons to be learned from superstorm Sandy and from previous disasters. Early warning systems are essential. Yet we have seen proposals here before the Congress, in the budgets and appropriations before the Congress, to diminish the ability of America to see ahead—to be able to predict storms or earthquakes or fires—by diminishing the money available for NASA in their satellite technology and other research capabilities that are out there by which we can learn well ahead of a disaster that it's coming so that we can then warn the citizens and take whatever precautions are necessary and implement whatever defensive systems may be required.

So it's not just the disaster. It's the preparation. It's the early warning—the ability to know what may be coming to harm the citizens of this Nation. As a Congress, we should be cognizant of the role that we play in providing the resources, the direction, and the authorization for those agencies that are able to have the technologies to perceive, to understand what may be coming to the citizens of this Nation and to those around the world.

Secondly, as individuals, it seems to me we ought to be paying attention, and when the authorities say it's time to leave, we really ought to do that. I was the insurance commissioner and Lieutenant Governor in California, and I often found myself in situations where I had responsibilities along these lines. All too often and all too tragically, the citizens who were warned early that they should leave because of a fire danger did not. Tragedy struck

and they lost their lives. So we have individual responsibilities as well as community responsibilities.

There is another set of lessons to learn from superstorm Sandy and the drought in the Midwest and from other occurrences in the weather patterns of this Nation, which is that climate change is real. It is real. It is actually happening as we speak. We know that the great ice caps around this world are diminishing. We know that the ocean levels are rising. We know that there is a warming across the entire planet, and we know that this will have profound effects.

It was predicted back in the early nineties when I was working on this issue at the Department of the Interior as Deputy Secretary. We predicted that there would be superstorms, that there would be droughts in new parts of this Nation, that the ice caps would melt, that there would be significant changes in the agricultural patterns around the world, and that certainly there would be significant changes in the river and stream flows. In my own State of California, we anticipated then—some almost 20 years ago now—in the Sierras, which is our single biggest reservoir, that we would see the snow pack diminish and that we would see there would be changes in the flows of the rivers and, quite likely, greater flooding.

That brings us to the necessity of recognizing this as a Nation and for this Congress to work to address not just the reasons for climate change but, just as important, to prepare for the inevitability of the effects of climate change. A small rise in the sea level will certainly change the impact of major storms on all of our coastlines. The storm surges will be higher, the destruction greater, and therefore the twofold necessity: one, to do everything we possibly can to diminish climate change. That brings us to energy policy, which is not the subject of today's discussion; but it brings us, rather, to the issue of how we are going to effect and prepare for the inevitable changes.

A little over a year ago, the President proposed the American Jobs Act. In that American Jobs Act, there was a substantial increase—in fact, a very significant increase—in the amount of money that this Nation would spend on infrastructure. In addition to what we would normally do, the President proposed an additional \$50 billion of infrastructure investment in the near term, over the next 2 to 3 years. Unfortunately, that proposal was not even brought up in the current Congress. Nonetheless, it is a proposal that we as Members of this House should give considerable thought to. I look now to the east coast and the west coast and to my own district in California, which is the Sacramento Valley, and I'm looking at the President's proposal of some

\$50 billion, and saying: What if? What if we would actually undertake a major infrastructure action in the United States? What if we were to really prepare ourselves for the inevitable climate change? What would it mean to Americans?

Certainly, right off, it would mean jobs. It would mean that we would be able to employ, perhaps, 2 million people immediately in building that infrastructure. It also means something beyond that. It could mean we would increase the deficit; or if we were wise, it could mean that we would not increase the deficit at all and that we would simply make some shifts in certain tax breaks that are now given to various parts of our economy—for example, to the oil and gas industry—and shift those tax breaks around so that we would fund infrastructure projects. In fact, that's what the President proposed to do.

□ 1330

Before I go further into how we might use the effort to build infrastructure, I want to say that that infrastructure program is going to be absolutely essential to rebuild an extraordinarily important part of this Nation; that is, the east coast.

New Jersey, New York, Connecticut, and some parts of Pennsylvania were devastated. There is going to be a multibillion-dollar rebuilding program necessary just to go back to where those parts of this country were before the storm hit. Much more will be needed to protect those parts of this country from future storms that are certain to occur.

I'll let it go at that. I see my colleague from New York City has arrived here. I'd like her to pick this issue up and talk about the devastation that occurred in her communities, and then we can come back to the infrastructure.

Thank you for joining us, NYDIA. I suppose the proper introduction would be NYDIA VELÁZQUEZ.

Ms. VELÁZQUEZ. Thank you for yielding.

Mr. Speaker, if Hurricane Sandy taught us anything, it is the importance of infrastructure to New York City and our Nation.

Right now, New Yorkers are struggling with day-to-day challenges, many of them without power. In certain parts of the metropolitan area, gasoline shortages continue presenting enormous difficulties. But even as New Yorkers work to rebuild and recover for the short term, we cannot ignore long-term problems.

In many ways, the city of New York took a number of prudent steps that reduced damage and sped up recovery time. However, it is painfully clear that more must be done in the future to ensure our Nation's infrastructure can withstand assaults from Mother Nature.

As Governor Cuomo said, “We have a new reality, and old infrastructures and old systems.” We can start by protecting low-lying areas near the ocean, like Brooklyn and Manhattan in my district, with seawalls, bulkheads, and floodgates. In other areas, soft infrastructure investments such as sand dunes and embankments can minimize flooding. Our electrical system needs to be hardened and protected. Other energy sources must also be safeguarded. Ensuring refineries and petroleum supplies do not fall victims to floods can prevent future fuel shortages.

Just as with ensuring automobiles have fuel after disasters, other vital transportation arteries must be protected. Raising entryways to New York’s subways could minimize flood damage to our subway system, ensuring our city gets back on its feet faster after the next storm.

Constructing a storm surge barrier and implementing infrastructure changes like this, as you said, will not be cheap. It has been estimated costs could run as high as \$20 billion just for New York City. But let’s remember, in this one storm alone, New York City suffered \$26 billion in economic damage and losses—and lives that were lost.

Sadly, the question is not if there will be future storms, but when. By investing in our infrastructure now, we can prevent future economic damage, to say nothing of protecting our citizens from danger.

Not only will these investments protect our city from disaster down the road, but they can provide a much-needed employment boost. New Yorkers are ready to go to work. Not only strengthening our city for the long haul, making this investment now can create good-paying jobs in the short term and reduce damage from future disasters over the long term.

In New York, we’re ready to go to work, investing not only in New York’s infrastructure but also in our entire Nation’s.

Mr. GARAMENDI. I thank you very much. Maybe we can engage in a little colloquy here, and we can talk about this in a little more detail.

The storm surge that came into New York was anticipated, but the New York/New Jersey region were not prepared with the necessary infrastructure to protect the communities from that surge. And if I understood you correctly, you’re suggesting that the cities or the region needs to put in place those infrastructures to protect it. The subways have to be secured from the inflow of water, and the seawalls and certain other things need to be put in place. Did you estimate a cost of some \$20 billion?

Ms. VELÁZQUEZ. For New York City?

Mr. GARAMENDI. For New York City. Not including New Jersey?

Ms. VELÁZQUEZ. Correct. Just for New York City.

Mr. GARAMENDI. I will share with you my experience in my part of California, which is the Sacramento Valley, the city of Sacramento and the surrounding area.

We have significant flood potential. In fact, the northern part of Sacramento is considered to be the most flood prone or dangerous city in America after New Orleans. That creates a need in my own region for some of those same protective measures. We call them levees, not seawalls, but rather levees. They have to be improved. We anticipate the cost in Natomas, which is part of Sacramento, to be well over \$1.4 billion. Another city I represent, Marysville, needs some \$20 million to protect that city, and then Yuba City next to it. The entire region that I represent has similar needs. I shouldn’t use the word “similar,” because we’re not on the ocean. But we have needs for flood protection just like New York City and New Jersey.

We can do this. We’re a very strong and powerful Nation, and you couldn’t be more correct by saying that if we do it, we protect ourselves, we reduce the potential damage, and we also put people to work.

Ms. VELÁZQUEZ. That’s correct.

In the long haul, not only do we protect our citizens, but the economy will not suffer.

Look at New York. It came to a standstill. Our transportation infrastructure was totally paralyzed. Transportation in terms of bringing gasoline into New York, we couldn’t do it.

This is the right thing to do in order for our Nation to protect its citizens, but also it could improve the economic conditions of our entire Nation by creating many high-paying jobs at this time when the economy continues to struggle.

Mr. GARAMENDI. I know that you’re deeply involved in small business. You’re the ranking member of the Small Business Committee here in the House of Representatives. I would expect that there would be a significant opportunity for small businesses in this also.

Ms. VELÁZQUEZ. Definitely.

When it comes to transportation and infrastructure, a lot of the businesses are small businesses, and they are the backbone of our economy. They will be the ones creating the jobs that are so much needed in our local communities.

Mr. GARAMENDI. I noticed that we’ve now been joined by another representative from an area that was significantly damaged, Mr. PALLONE from New Jersey.

Perhaps you would like to share with us your thoughts and your experience. I did see you on CNN one night as you were working with your constituents trying to meet the disaster in your area.

Mr. PALLONE. I want to thank my colleague from California for having

this Special Order and talking about the hurricane damage and what needs to be done in the future.

I have to say that the damage to my district was catastrophic. We had many towns where initially at least it looked like the majority of the homes and businesses were wiped out.

When we go back and look again, some of them can be saved. But we’re talking about thousands of people who lost their homes and many others who lost their businesses.

It really created a humanitarian crisis in that first week or so because we were trying to get FEMA in with the disaster recovery centers and with the Red Cross and the Salvation Army. Over the first week, the main concern was just humanitarian, trying to find shelter for people, trying to make sure they had food and water and clothes.

I have to say the response was overwhelming. So many of the towns in my district—basically, it was a voluntary effort because in the first few days, it was pretty much the people locally that were doing all those things.

□ 1340

Towns had shelters set up. People were bringing in food, making hot meals. I never saw such an outpouring of support, if you will. And it continues. This weekend, by this last weekend, there were disaster recovery centers set up by FEMA in many of the towns, particularly those that were hardest hit. And I have to say that locally FEMA did a very good job. The people who came out and set up the disaster recovery centers or helped with the humanitarian needs, they really were excellent.

But I wanted to talk a little bit today, if I could, not that the humanitarian concerns have disappeared, because they haven’t, I don’t want to suggest that, but I wanted to talk a little bit about long-term needs, if I could, and take just a little bit of your time.

We met with the FEMA director this morning, and I talked essentially about four needs that we really need to address. One was what I call temporary housing. In other words, I want people to get out of the shelters and either be able to go back to their homes or some kind of temporary housing that would last them for a year or 18 months. We set up, and I think it should open by this weekend at Fort Monmouth, which is one of the military bases that was closed under BRAC, but we have identified at least 600 units I believe now where we can put people temporarily who lost their homes and can’t go back to their home. But I talked to the FEMA director today about trying to get trailers in. And he said that was going to happen, but it hasn’t happened yet, because many of the people right now are still living in a house that has no power and is not functional. But because it is not terribly cold, or hasn’t

been, they are able to stay there. Once it gets cold, they won't be able to and will have to go back to a shelter. And we want people to get out of these shelters.

So I'm hoping that not only will we have some housing at Fort Monmouth, but we can also supplement that and get some trailers in from FEMA that could actually be put in place on people's own property so they don't have to go to Fort Monmouth or elsewhere over the next year or 18 months. This is sort of the second stage, out of the shelter and into some temporary housing for a year or 18 months, and then back to your own house once it is repaired or rebuilt.

The second thing is that, and I think you were getting at it before, we have a lot of the beach replenishment and the dunes and the seawalls that were being used as protection. Some of my towns are actually below sea level, and if it wasn't for the seawall or the dunes or the beach replenishment, artificial beach replenishments that have been put in place, the loss would have been even worse. And now those are gone. Not completely, but in a town like Keansburg, New Jersey, the dune is gone. And in many towns along the Atlantic coast, the slope of the beach has gone down 6 or 7 feet, and so they don't have any protection anymore. Seawalls have been broken up.

I asked the Corps and FEMA today, the FEMA director, to give the Corps the go-ahead to do emergency work. Right now in Keansburg, for example, if you have another storm, not even a hurricane, since the dune is not there, the water will come right in, and you'll have the same problem again. So we got a positive response on that, but we need to find out when that is going to happen, when it's going to begin.

The third thing is the match. I have a lot of very small towns. Some of my towns have 1,000 people, 2,000 people. When you talk about long-term work on infrastructure, municipal or State infrastructure, there is a 25 percent match. We are trying to get that reduced or eliminated because the towns cannot afford that.

The last thing, many people have asked, and I'm sure we're going to have a debate, I have no doubt that these more severe and frequent storms are a consequence of global climate change. I have been around 60 years, and I've never seen a storm like this. Nobody has. They say it is the 500-year storm. I'm afraid, my colleagues, that the 500-year storm is now the 10-year storm. And the nor'easter that we would get every 20 years is going to happen every year. I hope not, but it certainly seems that way.

So we have to look at in some cases buy-outs. In other words, people have said, look, we can't do this every 2 or 3 years, so can we have the government buy our home. Well, there is no home,

but what's left of it rather than rebuild—and in many areas if the homes could be lifted and put on a platform or piling, then maybe they could stay because the water would rush underneath. I also brought this up with the FEMA director, and he said there are programs at the Federal level that would accomplish that.

So we are now looking, and I'm not taking away from the humanitarian problem that still exists, it definitely does, but we have to look at some of these issues in terms of housing, rebuilding, and changes in the way we build over the long term.

I know that all of you and all of our colleagues, hopefully on a bipartisan basis, will be supportive of trying to get funding for all of these things. The FEMA director said for emergency purposes there is adequate funding at least until the spring. But when we talk about some of these long-term things, undoubtedly there will have to be some kind of an appropriation that we're going to have to pass here; and I hope and I pray that we're all going to work together to accomplish that.

Thank you for the time.

Mr. GARAMENDI. Thank you very much, Mr. PALLONE.

There is no part of this Nation that is immune from a natural disaster. The disasters will be different: tornadoes, superstorms, hurricanes, droughts, floods, and fires. The west coast, we talk earthquakes. You could talk earthquakes on the east coast, and certainly the New Madrid fault in the central Missouri area ought to keep everybody a little bit nervous. So wherever it is around this Nation, the disasters could occur, and the response which you described is critically important, that is, the forewarning and then the response when the disaster actually hits.

But the preparation to put in place the infrastructure to best protect those critical parts of the communities, Ms. VELÁZQUEZ talked about the refineries which were badly damaged by the storm. There are certain things that can be done to protect them; and in doing so, you protect your power supplies, the grid systems, seawalls and the like. All of these things are critically important.

I remember last year I was on this floor with my colleague from the New York area who was deeply concerned about another storm that came through. Was it Irene, I believe, that came through the northeast and created significant damage. Mr. PAUL TONKO, you spoke with great skill and compassion about your citizens, their lessons learned, and things to share with us today.

Mr. TONKO. Thank you, Mr. GARAMENDI, for leading us in this very important hour of discussion.

As I listened to Representative PALLONE speak about the disaster in his

district and across the map of New Jersey and now into New York City and Long Island and great portions of New York State, it was shades of the not-so-distant past that came to mind. And we're still doing recovery from the storm of August, the flooding of Irene and Lee in August of 2011, which impacted my district severely. There were human lives that were lost, property that was damaged, homes that were swept away into the river. Everything for which people had ever worked taken from them. Drastic situations. So as we do our work here in Washington, we need to make certain that on this House floor there is advocacy for the response to these given situations.

Already the price tag is coming forth from the leadership back home. Governor Cuomo, for instance, suggesting the price, the impact has now steadily risen. At first snapshot, you cannot begin to comprehend all of the damage and all of the aspects and dynamics of recovery that will be required. And now we are looking at something like \$30 billion that impacts a State in a very severe way, disrupts service and electric power that is disrupted, commerce that's frozen in place, human misery that's incalculable where lives have been impacted forever by the forces of Sandy.

So, you know, this is a revisitation, so to speak, as we are still recovering. It was a fight on this floor to make certain that disaster aid moneys were brought into play so we could respond with compassion and dignity and integrity to these given situations.

□ 1350

So the lessons here are to go forward as we deal with this given fiscal issue at hand, to go forth with the priorities that are the most urgent and important and meaningful in putting back the fabric of these communities.

There is a need to work closely with an outlay of resources to FEMA, making certain that disaster aid is at the level that will be required here, working with other agencies that are as significant in the equation—the Department of Transportation, the Small Business Administration—working with HUD, making certain that all of these various elements are addressed in our sense of advocacy here.

The human misery, again, is impacting. It is a situation that now brings to mind the fact that in upstate New York, and even in metro New York City and the Long Island area and in New Jersey, these are atypical situations for hurricanes to travel that far north. To have something in upstate New York do the sort of hurricane damage that we witnessed last year is not typical.

So the nomenclature of a "100-year storm" is just ludicrous. It doesn't speak to what's really happening.

We've had several storms in a 20-year period that were dubbed 100-year storms. So right there, the logic and, again, the nomenclature is misrepresenting the facts at hand. We are getting more and more repeats here of situations from disasters driven by mother nature. And as Representative PALLONE made mention, a 500-year storm is what they were dubbing the case to be in the 21st Congressional District that I now represent in the State of New York.

So there is a need here for us to be cognizant of those responses to disaster situations but also to look at the bigger, bigger public policy issue—that of the environment and that of climate change and global warming. We need to be cognizant of our stewardship over our planet. We need to make certain that if these data that are compiled are telling us that there is increased precipitation, for instance, over a given Catskill watershed in the area just south of my district, let's be aware of that. Let's know what's happening here, and let's respond accordingly to sound public policy as it relates to the environment and our stewardship of the environment, and let's be cognizant of the needs in responsiveness measure.

I know that you want to add to this discussion here, so I'll just say this. In a time where government perhaps has been hit hard by critics out there who are suggesting there's no role for the public sector here, we need to reduce government, I can tell you that people were addressing "the war room," as they designated it, putting together all of the professionals and academics and people who operate these programs and are well trained. Watching that compilation, that collaborative effort of these professionals who are responding through public sector employment to the needs of these given communities is powerful, and it speaks to what I think the public asks for and deserves—sound, effective government. But this option of "no government," I know people were reaching out. They wanted that partnership because they were in such immense pain and were at a loss for how and where to move.

So, Representative GARAMENDI, thank you very much for bringing the focus to what should be our staunch advocacy for people in need.

Mr. GARAMENDI. Representative TONKO, once again, it's good to be with you on the floor, sadly reliving what you and I discussed here almost a year ago in response to Hurricane Irene and the devastation that occurred in your community.

It seems to me that there are many, many lessons to learn here, some of which I talked about before you came in. Certainly the ability to know well ahead of time what is coming.

We saw with Hurricane Sandy that NASA was able to anticipate, the Weather Service was able to anticipate

the nature of the storm and where it was going. That ability to understand what is happening and what is likely to happen really comes from the support of the Federal Government appropriating money to those agencies and then directing those agencies to provide those services. This is something we need to keep in mind.

As we go through the deficit reductions that we must do, we must begin a prioritization of those things that are critical to the well-being—indeed, the lives—of Americans.

We also know that we are going to have to rebuild. Ms. VELÁZQUEZ was suggesting that it was going to cost some \$20 billion for New York City alone. And Mr. PALLONE didn't give us a number, but we can anticipate billions for the New Jersey area. And then the areas in upstate New York and Pennsylvania with lesser numbers, fortunately. But nonetheless, it begins to add up to a huge amount of money. And some of the damage is not well known even today.

I was talking with representatives of the International Brotherhood of Electrical Workers, 500 of whom came from northern California to assist in New York, and we were talking about what those men and women were doing. They said, in the subway systems that were flooded, they were flooded with seawater. And the effect of salt on the electrical systems is—it's over. You've got to replace the entire electrical system. But not just to replace it, but to then anticipate that it could happen again, so to upgrade the entire infrastructure, to provide the protection that should it happen, you won't lose the entire subway system as has occurred in New York City.

So we need the infrastructure to be replaced but then also to be significantly enhanced. This is a very, very expensive proposition. It's also a way in which people could go back to work and we could enhance the employment. We can do this. In fact, indeed, we must do it.

The American Society of Civil Engineers has said clearly that the infrastructure of America—not just New York City and New Jersey, but my own State of California, the flood control systems we have in our State are woefully inadequate, and they address it as a D. Fortunately, not an F. But not an A, not a B, not a C, but a D. So we know that we have extraordinary needs here.

The President, in his American Jobs Act, proposed a \$50 billion addition to what we normally do with our infrastructure, which is a lot, an additional \$50 billion to be spent in 2 to 3 years. That's a critical boost. And I know the cities I represent—the Sacramento area; Natomas area, one of the most dangerous places in America for flooding; Marysville and Yuba City; the delta, where I live—are all subject to

flooding. We need to enhance our levees in order to protect ourselves, not from a 100-year, but from a 200-year storm, which is much more likely to occur.

We can pay for these things. This doesn't have to add to the deficit. For every dollar we put into infrastructure, we get \$2-plus back in economic growth. So it's actually an investment, a short-term and long-term investment that will last for years.

There's another thing that we have which is no longer authorized. Part of the Recovery Act, the stimulus bill, was the creation of Build America Bonds. The President proposed that as part of his infrastructure program, the Build America Bonds, which are called BABs—it took me a while to figure that one out. But BABs, Build America Bonds, are partly funded by the Federal Government and partly funded by the local agencies and had an enormous effect on enhancing infrastructure, sanitation systems, water systems in communities.

Let's talk a little bit about these kinds of things, the effect that they may have on your communities in New York, Pennsylvania, and others.

Mr. TONKO. Sure.

Well, absolutely, some of these programs are welcomed news. Two points I would make—and I would just like to go back for a moment to the sense of community that is expressed at times like these tragedies. It's not government as a stand-alone solution—we understand that—but it's an essential part, and we want effective government.

We also have had a private sector response and volunteerism. I mean, the sense of volunteerism, that sense of American spirit comes right into the fore of all of this expression. And you begin to understand the greatness of this Nation through some of the darkest hours that we share. So that point has to be made clear.

But to your point about infrastructure improvement, infrastructure bank bill, the transportation bill that provides for adequate amounts of resources, putting together these bonds that are unique in design so that we can have the resources to make it happen, I absolutely agree.

□ 1400

I contend that as we get impacted by some of the storm and Mother Nature occurrences, we need to make certain we've reached the facts. If data are telling us that we're going to have additional activity, two things need to happen. You need short-term and long-term response. You do not rebuild exactly as if you had. You need to retrofit that to the projected impacts of now a newer, stronger force of Mother Nature.

Secondly, we need that global policy. We need policy that speaks to the environmental outcomes. If we're ignoring

that, we're going to see a hasty build-up, I believe, of some of these situations, which is only going to drain our budgets. So, it's time to be academic and to be economically wise and effective here.

I think that's what voters have asked for, that's what the electorate asked for, that's what the people of the country demand and deserve: a sound use of resources. To go forward and build it in a way that provides for a more improved, more effective outcome.

You look at some of this infrastructure, and it reminds you when it's taken away how significant it is to our quality of life and our profitability as a Nation. You know, a grid system that connects power to the sources that require it, a communications network that allows us to dialogue and build our profitability. The infrastructure that moves freight, our roads, bridges, highways. You talk about the damage done by salt-infested waters.

Again, it's incomprehensible about what that score goes to in terms of impact when you think of a subway system, rail system, energy generators, and all of the power supplies within the utility infrastructure and communications. It's just important for us to learn from these effects of the storms.

If we can put together concepts like an infrastructure bank, if we can put together the bond activities that will respond more compassionately and more effectively and more urgently to a given situation, then let's prioritize where we need to prioritize so as to make things happen.

The infrastructure needs—we've talked about them outside the context of the ravages of Mother Nature. Water and sewer systems that just need to be upgraded because of the age of some of these systems and the new technology that has been introduced where we can do it in energy efficiency formats where you save operating costs for local governments.

Now's the time, when you've taken this blow, perhaps we can then retrofit to do state-of-the-art that will mean less costly operating expenses for local entities and NGOs, nongovernment organizations, that allows for everyone to win and the taxpayer dollar is stretched in positive, favorable terms to be a more effective outcome for everyone in the equation.

Mr. GARAMENDI. You've raised some, I think, very, very important points.

These are not partisan issues. This is not Democratic or Republican. Over the years both parties have been champions of infrastructure investment, and both parties have been very clear about the need to respond to the disasters that have occurred.

We need to be ahead of this, and we need to work together. It's our responsibility, 435 of us here in the House of Representatives, as we end this session,

we should be willing to step forward in the lame duck session, provide the resources that are needed immediately, if they are not now available, for the rebuilding, for the humanitarian efforts and the recovery that's necessary.

Then, we should, although I don't know that this would happen, we should take that step forward to put in place those programs that will create an infrastructure that will protect Americans from the occurrences that we know have happened and will happen in the future.

You've mentioned one that I think is very important, an infrastructure bank, together with the Build America Bonds, shifting unnecessary tax breaks from one industry back into others so that we can build. As we do this, as we do this rebuilding, as we do these infrastructures, it comes to my mind, something you and I have spent many days talking about here on the floor, is that we make it in America, that we use American-made equipment to build these projects, we use American-made equipment and supplies in the construction activities.

In doing so, we not only put in place the infrastructure, which is an investment for the long term, but we also build and rebuild the American manufacturing sector.

So we can have a win, and a win, and another win. So, we can have a triple win here if we are wise in putting our policies together.

I know that many of our colleagues on the Republican side have taken up these issues. We have time, 2 months now in this session, to deal with this. Obviously, we have the big deficit issue. But we also know that in that deficit issue, we cannot forget the immediate needs of America, and the long-term benefits that come from strategic investments.

I'll wrap with this, and then if you would care to, we'll call this a session.

I was flipping through the channels trying to find the latest news on the current scandal in Washington, and I came across, I think it must have been a PBS show on the Brooklyn Bridge. I think it was David McCullough who had written a book on the Brooklyn Bridge. And the 150th anniversary of the Brooklyn Bridge is this year or maybe next year. It's in this period of time. It's a piece of infrastructure that has served New York City, and in a larger context, the Nation, for 150 years.

So, what we can do now as we rebuild New York, New Jersey, and the other areas, and, please, California also, as we protect ourselves from these natural disasters, we will put in place investments that will serve for multiple generations into the future.

Now, that's a capital investment with an enormous return, as the Brooklyn Bridge was 150 years ago.

So, we have these opportunities, and we ought to take advantage of them,

not just for humanitarian reasons, but also for immediate jobs and long-term investments. That's our task. That's what we ought to be about. Not a Democrat, not a Republican idea, but a true American idea that goes way back to the very early ages of our country.

Mr. TONKO, if you'd care to wrap, we'll call this a day.

Mr. TONKO. Sure. Let me do this quickly.

I think we have it within our intellect to create the outcomes that are strong, that will reinforce those in need, and still go forward and address the critical economic times. I can tell you, because the memory is so fresh, people did not want to hear about off-sets and Tea Party mentality when they were without last year. They lost everything for which they ever worked. They are endorsing, now, a balanced approach.

Take a scalpel to the situation. Don't wield an axe. Come up with sensitivity, with an effective response using academics. Deal with policy strengths in the long-term picture outcome, and get us our immediate assistance so we can rebuild and do it in cutting-edge fashion so we will have learned from this experience and come out even stronger.

I think in general, in a bigger picture framework, our best days lie ahead if we approach these issues with sound academics and with the skillfulness and the compassion required.

Thank you so much for leading us in this hour of discussion.

Mr. GARAMENDI. Thank you, Mr. TONKO, and I thank Mr. PALLONE and Ms. VELÁZQUEZ.

Mr. Speaker, I yield back the balance of my time.

#### FAREWELL TO CONGRESS

The SPEAKER pro tempore (Mr. DOLD). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, this may be the last time I speak on the House floor. At the end of the year, I'll leave Congress after 23 years in office over a 36-year period. My goals in 1976 were the same as they are today: promote peace and prosperity by a strict adherence to the principles of individual liberty.

It was my opinion that the course that the U.S. embarked on in the latter part of the 20th century would bring us a major financial crisis and engulf us in a foreign policy that would over-extend us and undermine our national security.

To achieve these goals I sought, the government would have had to shrink in size and scope, reduce spending, change the monetary system, and reject the unsustainable cost of policing the world and expanding the American Empire.

The problems seemed to be overwhelming and impossible to solve, yet from my viewpoint, just following the constraints placed on the Federal Government by the Constitution would have been a good place to start.

□ 1410

Just how much did I accomplish? In many ways, according to conventional wisdom, my off-and-on career in Congress from 1976 to 2012 accomplished very little—no named legislation, no named Federal buildings or highways, thank goodness.

In spite of my efforts, the government has grown exponentially, taxes remain excessive, and the prolific increase of incomprehensible regulations continues. Wars are constant and pursued without congressional declaration, deficits rise to the sky, poverty is rampant, and dependency on the Federal Government is now worse than any time in our history. All this, with minimal concerns for the deficits and unfunded liabilities that common sense tells us cannot go on much longer.

A grand, but never mentioned, bipartisan agreement allows for the well-kept secret that keeps the spending going. One side doesn't give up one penny on military spending, the other side doesn't give up one penny on welfare spending, while both sides support the bailouts and the subsidies for the banking and the corporate elite. And the spending continues as the economy weakens and the downward spiral continues.

As the government continues fiddling around, our liberties and our wealth burn in the flames of a foreign policy that makes us less safe. The major stumbling block to real change in Washington is the total resistance to admitting that the country is broke. This has made compromising just to agree to increased spending inevitable since neither side has any intention on cutting spending.

The country and the Congress will remain divisive since there's no loot left to divvy up. Without this recognition, the spenders in Washington will continue to march toward a fiscal cliff much bigger than the one anticipated this coming January.

I've thought a lot about why those of us who believe in liberty as a solution have done so poorly in convincing others of its benefits. If liberty is what we claim it is—the principle that protects all personal, social, and economic decisions necessary for maximum prosperity and the best chance for peace—it should be an easy sell. Yet history has shown that the masses have been quite receptive to the promises of authoritarians which are rarely, if ever, fulfilled.

Should we have authoritarianism or liberty? If authoritarianism leads to poverty and war and less freedom for all individuals and is controlled by rich

special interests, the people should be begging for liberty. There certainly was a strong enough sentiment for more freedom at the time of our founding that motivated those who were willing to fight in the revolution against the powerful British Government.

During my time in Congress, the appetite for liberty has been quite weak, the understanding of its significance negligible. Yet the good news is that, compared to 1976 when I first came to Congress, the desire for more freedom and less government in 2012 is much greater and growing, especially in grassroots America. Tens of thousands of teenagers and college-age students are, with great enthusiasm, welcoming the message of liberty.

I have a few thoughts as to why the people of a country like ours, once the freest and most prosperous, allowed the conditions to deteriorate to the degree that they have. Freedom, private property, and enforceable voluntary contracts generate wealth. In our early history we were very much aware of this. But in the early part of the 20th century, our politicians promoted the notion that the tax and monetary system had to change if we were to involve ourselves in excessive domestic and military spending. That is why Congress gave us the Federal Reserve and the income tax.

The majority of Americans and many government officials agree that sacrificing some liberty was necessary to carry out what some claim to be "progressive" ideas. Pure democracy became acceptable. They failed to recognize that what they were doing was exactly opposite of what the colonists were seeking when they broke away from the British.

Some complain that my arguments make no sense, since great wealth and the standard of living improved for many Americans over the last hundred years, even with these new policies.

But the damage to the market economy and the currency has been insidious and steady. It took a long time to consume our wealth, destroy the currency, undermine productivity, and get our financial obligations to a point of no return. Confidence sometimes lasts longer than deserved. Most of our wealth today depends on debt.

The wealth that we enjoyed and seemed to be endless allowed concern for the principle of a free society to be neglected. As long as most people believed the material abundance would last forever, worrying about protecting a competitive, productive economy and individual liberty seemed unnecessary.

The Age of Redistribution.

This neglect ushered in an age of redistribution of wealth by government kowtowing to any and all special interests, except for those who just wanted to be left alone. That is why today money in politics far surpasses money

currently going into research and development and productive entrepreneurial efforts.

The material benefits became more important than the understanding and promoting the principles of liberty and a free market. It is good that material abundance is a result of liberty, but if materialism is all that we care about, problems are guaranteed.

The crisis arrived because the illusion that wealth and prosperity would last forever has ended. Since it was based on debt and a pretense that debt can be papered over by an out-of-control fiat monetary system, it was doomed to fail. We have ended up with a system that doesn't produce enough even to finance the debt and no fundamental understanding of why a free society is crucial to reversing these trends. If this is not recognized, the recovery will linger for a long time. Bigger government, more spending, more debt, more poverty for the middle class, and a more intense scramble by the elite special interests will continue.

We need an intellectual awakening. Without an intellectual awakening, the turning point will be driven by economic law. A dollar crisis will bring the current out-of-control system to its knees. If it's not accepted that Big Government, fiat money, ignoring liberty, central economic planning, welfareism, and warfareism caused our crisis, we can expect a continuous and dangerous march toward corporatism and even fascism with even more loss of our liberties. Prosperity for a large middle class, though, will become an abstract dream.

This continuous move is no different than what we have seen in how our financial crisis of 2008 was handled. Congress first directed, with bipartisan support, bailouts for the wealthy. Then it was the Federal Reserve with its endless quantitative easing. If at first it doesn't succeed, try again; QE-1, QE-2, QE-3, and with no results we try QE indefinitely—that is, until it, too, fails.

There is a cost to all of this, and let me assure you that delaying the payment is no longer an option. The rules of the market will extract its pound of flesh, and it won't be pretty.

The current crisis elicits a lot of pessimism, and the pessimism adds to less confidence in the future. The two feed on themselves, making our situation worse. If the underlying cause of the crisis is not understood, we cannot solve our problems.

The issue of warfare and welfare, deficits, inflationism and corporatism, bailouts and authoritarianism cannot be ignored. By only expanding these policies, we cannot expect good results.

Everyone claims support for freedom, but too often it's for one's own freedoms and not for others. Too many believe that there must be limits on freedom. They argue that freedom must be

directed and managed to achieve fairness and equality, thus making it acceptable to curtail, through force, certain liberties. Some decide what and whose freedoms are to be limited. These are the politicians whose goal in life is power. Their success depends on gaining support from special interests. We don't need more "isms."

The great news is the answer is not to be found in more isms. The answers are to be found in more liberty, which costs so much less. Under these circumstances, spending goes down, wealth production goes up, and the quality of life improves.

□ 1420

Just this recognition, especially if we move in this direction, increases optimism, which, in itself, is beneficial. The follow-through with sound policies is required, which must be understood and supported by the people. But there is good evidence that the generation coming of age at the present time is supportive of moving in the direction of more liberty and self-reliance. The more this change and direction and the solutions become known, the quicker will be our return to optimism.

Our job, for those of us who believe that a different system than the one we have had for the last hundred years has driven us to this unsustainable crisis, is to be more convincing that there is a wonderful, uncomplicated and moral system that provides the answers. We had a taste of it in our early history.

We need not give up on the notion of advancing this cause. It worked, but we allowed our leaders to concentrate on the material abundance that freedom generates, while ignoring freedom itself. Now we have neither; but the door is open, out of necessity, for an answer.

The answer available is based on the Constitution, individual liberty, and prohibiting the use of government force to provide privileges and benefits to all special interests.

After over 100 years, we face a society quite different from the one that was intended by the Founders. In many ways, their efforts to protect future generations with the Constitution from this danger have failed. Skeptics at the time the Constitution was written in 1787 warned us of today's possible outcome. The insidious nature of the erosion of our liberties and the reassurance our great abundance gave us allowed the process to evolve into the dangerous period in which we now live.

Today we face a dependency on government largesse for almost every need. Our liberties are restricted and government operates outside the rule of law, protecting and rewarding those who buy or coerce government into satisfying their demands.

Here are a few examples: undeclared wars are commonplace. Welfare for the rich and poor is considered an entitle-

ment. The economy is over-regulated, overtaxed, and grossly distorted by a deeply flawed monetary system. Debt is growing exponentially.

The PATRIOT Act and FISA legislation, passed without much debate, have resulted in a steady erosion of our Fourth Amendment rights. Tragically our government engages in preemptive war, otherwise known as aggression, with no complaints from the American people. The drone warfare we are pursuing worldwide is destined to end badly for us, as the hatred builds for innocent lives lost and the international laws flaunted.

Once we are financially weakened and militarily challenged, there will be a lot of resentment thrown our way.

It's now the law of the land that the military can arrest American citizens, hold them indefinitely without charges or a trial. Rampant hostility toward free trade is supported by a large number in Washington. Supporters of sanctions, currency manipulation, and WTO trade retaliation call the true free-traders isolationists. Sanctions are used to punish countries that don't follow our orders.

Bailouts and guarantees of all kinds of misbehavior are routine. Central economic planning through monetary policy regulations and legislative mandates has been acceptable policy.

I have a few questions. Excessive government has created such a mess, it prompts many questions.

Why are sick people who use medical marijuana put in prison?

Why does the Federal Government restrict the drinking of raw milk?

Why can't American manufacturers manufacture rope and other products from hemp?

Why are Americans not allowed to use gold and silver as legal tender, as mandated by the Constitution?

Why is Germany concerned enough to consider repatriating their gold held by the Fed for her in New York? Is it that the trust in the U.S. and dollar supremacy are beginning to wane?

Why do our political leaders believe it's unnecessary to thoroughly audit our own gold?

Why can't Americans decide which type of light bulbs they can buy?

Why is the TSA permitted to abuse the rights of any American traveling by air?

Why should there be mandatory sentences, even up to life for crimes without victims, as our drug laws require?

Why have we allowed the Federal Government to regulate commodities in our homes?

Why is it political suicide for anyone to criticize AIPAC?

Why haven't we given up on the drug war, since it's an obvious failure and violates the people's rights? Has nobody noticed that the authorities can't even keep drugs out of the prisons? How can making our entire society a prison solve the problem?

Why do we sacrifice so much getting unnecessarily involved in border disputes and civil strife around the world, and ignore the root cause of the most dangerous deadly border in the world, the one between Mexico and the United States?

Why does Congress willingly give up its prerogatives to the executive branch?

Why has changing the party in power never changed policy? Could it be that the views of both parties are essentially the same?

Why did the big banks, the large corporations, and foreign central banks get bailed out in 2008, and the middle class lost their jobs and their homes?

Why do so many in the government and the Federal officials believe that creating money out of thin air creates wealth?

Why do so many accept the deeply flawed principle that government bureaucrats and politicians can protect us from ourselves without totally destroying the principle of liberty?

Why can't people understand that war always destroys wealth and liberty?

Why is there so little concern for the executive order that gives the President authority to establish a kill list, including American citizens, of those targeted for assassination?

Why is patriotism thought to be blind loyalty to the government and the politicians who run it, rather than loyalty to the principles of liberty and support for the people? Real patriotism is a willingness to challenge the government when it's wrong.

Why is it claimed that if people won't or can't take care of their own needs, that people and government are able to do it for them?

Why did we ever give the government a safe haven for initiating violence against the people?

Why do so many Members defend free markets, but not civil liberties?

Why do so many Members defend civil liberties, but not free markets? Aren't they the same?

Why don't more defend both economic liberty and personal liberty?

Why are there not more individuals who seek to intellectually influence others to bring about positive changes, than those who seek power to force others to obey their commands?

Why does the use of religion to support a social gospel and preemptive wars, both of which require authoritarians to use violence or the threat of violence, go unchallenged? Aggression and forced redistribution of wealth has nothing to do with the teachings of the world's great religions.

Why do we allow the government and the Federal Reserve to disseminate false information dealing with both economic and foreign policy?

Why is democracy held in such high esteem, when it's the enemy of the minority and makes all rights relative to the dictates of the majority?



Why should anyone be surprised that Congress has no credibility since there is such a disconnect between what politicians say and what they do?

Is there any explanation for all the deception, the unhappiness, the fear of the future, the loss of confidence in our leaders, the distrust and the anger and frustration? Yes, there is. And there's a way to reverse these attitudes.

The negative perceptions are logical and a consequence of bad policies bringing about our problems. Identification of the problems and recognizing the cause allow the proper changes to come easily. We should have more trust in ourselves, less in the government.

Too many people have, for far too long, placed too much confidence and trust in government and not enough in themselves. Fortunately, many are now becoming aware of the seriousness of the gross mistakes of the past several decades.

□ 1430

The blame is shared by both political parties. Many Americans now are demanding to hear the plain truth of things and want the demagoguing to stop. Without this first step, solutions are impossible. Seeking the truth and finding the answers in liberty and self-reliance promote the optimism necessary for restoring prosperity. The task is not that difficult if politics doesn't get in the way. We have allowed ourselves to get into such a mess for various reasons.

Politicians deceive themselves as to how wealth is produced. Excessive confidence is placed in the judgment of politicians and bureaucrats. This replaces the confidence in a free society. Too many in high places of authority became convinced that only they, armed with arbitrary government power, could bring about fairness, while facilitating wealth production. This always proves to be a utopian dream and destroys wealth and liberty. It impoverishes the people, and it rewards the special interests, who end up controlling both parties. It's no surprise that much of what goes on in Washington is driven by aggressive partisanship and power-seeking, with philosophical differences being minor.

Economic ignorance is commonplace. Keynesianism continues to thrive; although, today, it is facing healthy and enthusiastic rebuttals. Believers in military Keynesianism and domestic Keynesianism continue to desperately promote their failed policies as the economy languishes in a deep slumber.

Supporters of all government edicts use humanitarian arguments to justify them. Humanitarian arguments are always used to justify government mandates related to the economy, monetary policy, foreign policy, and personal liberty. This is on purpose to make it more difficult to challenge,

but initiating violence for humanitarian reasons is still violence. Good intentions are no excuse and are just as harmful as when the people use force with bad intentions. The results are always negative. The immoral use of force is the source of man's political problems. Sadly, many religious groups, secular organizations, and psychopathic authoritarians endorse government-initiated force to change the world. Even when the desired goals are well intentioned—or especially when they are well intentioned—the results are dismal. The good results sought never materialize. The new problems created require even more government force as a solution. The net result is institutionalizing government-initiated violence and morally justifying it on humanitarian grounds.

This is the same fundamental reason our government uses force for invading other countries at will, central economic planning at home and the regulation of personal liberty and habits of our citizens. It is rather strange that, unless one has a criminal mind and no respect for other people and their property, no one claims it's permissible to go into one's neighbor's house and tell him how to behave, what he can eat, smoke, and drink, or how to spend his money. Yet rarely is it asked, Why is it morally acceptable that a stranger with a badge and a gun can do the same thing in the name of law and order? Any resistance is met with brute force, fines, taxes, arrests, and even imprisonment. This is done more frequently every day without a search warrant.

No government monopoly over initiating violence is what we need. Restraining aggressive behavior is one thing, but legalizing a government monopoly for initiating aggression can only lead to exhausting liberty associated with chaos, anger, and the breakdown of civil society. Permitting such authority and expecting saintly behavior from the bureaucrats and the politicians is a pipe dream. We now have a standing army of armed bureaucrats in the TSA, CIA, FBI, Fish and Wildlife, FEMA, IRS, Corps of Engineers, et cetera—numbering over 100,000. Citizens are guilty until proven innocent in the unconstitutional administrative courts.

Government in a free society should have no authority to meddle in the social activities or in the economic transactions of individuals; nor should government meddle in the affairs of other nations. All things peaceful, even when controversial, should be permitted.

We must reject the notion of prior restraint in economic activity just as we do in the area of free speech and religious liberty. But even in these areas, government is starting to use a backdoor approach of political correctness to regulate speech—a very dangerous trend. Since 9/11, monitoring speech on

the Internet is now a problem since warrants are no longer required.

The proliferation of Federal crimes: the Constitution established four Federal crimes. Today, the experts can't even agree on how many Federal crimes are now on the books. They number into the thousands. No one person can comprehend the enormity of the legal system, especially of the Tax Code. Due to the ill-advised drug war and the endless Federal expansion of the Criminal Code, we have over 6 million people under correctional suspension—more than the Soviets ever had and more than any other nation today, including China. I don't understand the complacency of the Congress and the willingness to continue their obsession with passing more Federal laws. Mandatory sentencing laws associated with drug laws have compounded our prison problems.

The Federal Register is now 75,000 pages long. The Tax Code has 72,000 pages, and it expands every year. When will the people start shouting enough is enough and demand Congress to cease and desist?

What we should be doing is achieving liberty. Liberty can only be achieved when government is denied the aggressive use of force. If one seeks liberty, a precise type of government is needed. To achieve it, more than lip service is required. There are two choices available:

One, a government designed to protect liberty—a natural right—as its sole objective. The people are expected to care for themselves and reject the use of any force for interfering with another person's liberty. Government is given a strictly limited authority to enforce contracts, property ownership, settle disputes, and to defend against foreign aggression;

Two, a government that pretends to protect liberty but is granted power to arbitrarily use force over the people and foreign nations. Though the grant of power many times is meant to be small and limited, it inevitably metastasizes into an omnipotent political cancer.

This is the problem the world has suffered throughout the ages. Though meant to be limited, it nevertheless is a 100 percent sacrifice of the principle that would-be tyrants find irresistible. It is used vigorously—though incrementally and insidiously. Granting power to government officials always proves the adage that power corrupts. Once government gets a limited concession for the use of force to mold people's habits and plan the economy, it causes a steady erosion and a steady move toward tyrannical government. Only a revolutionary spirit can reverse the process and deny the government this arbitrary use of aggression. There is no in-between.

Sacrificing a little liberty for imaginary safety always ends badly. Today's

mess is the result of American's accepting option number two, even though the Founders attempted to give us option number one. The results are not good. As our liberties have been eroded, our wealth has been consumed. The wealth we see today is based on debt and a foolish willingness on the part of foreigners to take our dollars for goods and services. Then they loan them back to us to perpetuate our debt system. It's amazing that it has worked for this long, but the impasse in Washington in solving our problems indicates that many are starting to understand the seriousness of this worldwide debt crisis and the dangers we face.

The longer this process continues, the harsher the outcome will be. The financial crisis is actually a moral crisis. Many are acknowledging that a financial crisis looms; but few understand it is, in reality, a moral crisis. It's the moral crisis that has allowed our liberties to be undermined and that has permitted the exponential growth of illegal government power. Without a clear understanding of the nature of the crisis, it will be difficult to prevent a steady march toward tyranny and the poverty that will accompany it. Ultimately, the people have to decide which form of government they want—option number one or option number two.

□ 1440

There is no other choice. Claiming there is a choice of a little tyranny is like describing pregnancy as a touch of pregnancy.

It is a myth to believe that a mixture of free markets and government central economic planning is a worthy compromise. What we see today is a result of that type of thinking, and the results speak for themselves.

A culture of violence.

Americans now suffer from a culture of violence. It is easy to reject the initiation of violence against one's neighbor, but it's ironic that the people arbitrarily and freely anoint government officials with monopoly power to initiate violence against the American people, practically at will. Because it's the government that initiates force, most people accept it as being legitimate. Those who exert the force have no sense of guilt.

It is believed by too many that governments are morally justified in initiating violence, supposedly to do good. They incorrectly believe that this authority has come from the consent of the people. The minority, victims of government violence, never consented to suffer the abuse of government mandates, even when dictated by the majority. Victims of TSA excesses never consented to this abuse. This attitude has given us a policy of initiating war to do good, as well.

It is claimed that war to prevent war for noble purposes is justified. This is

similar to what we were once told that "destroying a village to save a village" was justified. It was said by a U.S. Secretary of State that the loss of 500,000 Iraqis, mostly children, in the 1990s as a result of American bombs and sanctions was worth it to achieve the good we brought to the people of Iraq. Look at the mess Iraq is in today.

Government use of force to mold social and economic behavior at home and abroad has justified individuals using force on their own terms. The fact that violence by government is seen as morally justified is the reason why violence will increase when the big financial crisis hits and becomes a political crisis, as well.

First, we recognize that individuals shouldn't initiate violence, then we give the authority to the government. Eventually, the immoral use of government violence, when things go badly, will be used to justify an individual's right to do the same thing. Neither the government nor individuals have the moral right to initiate violence against another, yet we are moving toward the day when both will claim this authority. If this cycle is not reversed, society will break down.

When needs are oppressing and conditions deteriorate and rights become relative to the demands and the whims of the majority, it is then not a great leap for individuals to take it upon themselves to use violence to get what they claim is theirs. As the economy deteriorates and the discrepancy of wealth increases, as they already are occurring, violence increases as those in need take it in their own hands to get what they believe is theirs. They will not wait for a government rescue program.

When government officials wield power over others to bail out the special interests, even with disastrous results to the average citizens, they feel no guilt for the harm they do. Those who take us into undeclared wars with many casualties resulting never lose sleep over the deaths and the destruction their bad decisions cause. They are convinced that what we do is morally justified, and the fact that many suffered just can't be helped. When the street criminals do the same thing, they, too, have no remorse, believing that they are only taking what is rightfully theirs.

All moral standards become relative, whether it is bailouts, privileges, government subsidies, or benefits for some from inflating a currency. It's all part of a process justified by a philosophy of forced redistribution of wealth.

Violence, or a threat of such, is the instrument required and, unfortunately, is of little concern of most Members of Congress. Some argue it is only a matter of fairness that those in need are cared for. There are two problems with this:

First, the principle is used to provide a greater amount of benefits to the rich than to the poor;

Second, no one seems to be concerned about whether or not it's fair to those who end up paying for all the benefits. The costs are usually placed on the backs of the middle class and are hidden from the public eye.

Too many people believe government handouts are free, like printing money out of thin air, and there's no cost. That deception is coming to an end. The bills are coming due, and that's what the economic slowdown is all about.

Sadly, we have become accustomed to living with the illegitimate use of force by government. It is the tool for telling the people how to live, what to eat and drink, what to read, and how to spend their money. To develop a truly free society, the issue of initiating force must be understood and rejected. Granting to government even a small amount of force is a dangerous concession.

Limiting government excesses vs. a virtuous moral people.

Our Constitution, which was intended to limit government power and abuse, has failed. The Founders warned that a free society depends on a virtuous and moral people. The current crisis reflects that their concerns were justified.

Many politicians and pundits are aware of the problems we face but spend all their time in trying to reform government. The sad part is that the suggested reforms almost always lead to less freedom, and the importance of a virtuous and moral people is either ignored or not understood. The new reforms serve only to further undermine liberty. The compounding effect has given us this steady erosion of liberty and the massive expansion of debt.

The real question is: If it is liberty we seek, should most of the emphasis be placed on government reform or trying to understand what a virtuous and moral people means and how to promote it?

The Constitution has not prevented the people from demanding handouts for both rich and poor in their efforts to reform the government, while ignoring the principles of a free society. All branches of our government today are controlled by individuals who use their power to undermine liberty and enhance the welfare/warfare state, and frequently their own wealth and power.

If the people are unhappy with the government performance, it must be recognized that government is merely a reflection of an immoral society that rejected a moral government of constitutional limits on power and love of freedom.

If this is the problem, all the tinkering with thousands of pages of new laws and regulations will do nothing to solve the problem. It is self-evident

that our freedoms have been severely limited and the apparent prosperity we still have is nothing more than leftover wealth from a previous time.

This fictitious wealth based on debt and benefits from a false trust in our currency and credit will play havoc with our society when the bills come due. This means that the full consequence of our lost liberties is yet to be felt. But that illusion is now ending. Reversing a downward spiral depends on accepting a new approach.

Expect the rapidly expanding homeschooling movement to play a significant role in the revolutionary reforms needed to rebuild a free society with constitutional protections. We cannot expect a Federal Government-controlled school system to provide the intellectual ammunition to combat the dangerous growth of government that threatens our liberties.

The Internet will provide the alternative to the government media complex that controls the news and most political propaganda. This is why it's essential that the Internet remains free of government regulation.

Many of our religious institutions and secular organizations support greater dependency on the state by supporting war, welfare, and corporatism and ignore the need for a virtuous people.

I never believed that the world or our country could be made more free by politicians if the people had no desire for freedom. Under the current circumstances, the most we can hope to achieve in the political process is to use it as a podium to reach the people to alert them of the nature of the crisis and the importance of their need to assume responsibility for themselves, if it is liberty that they truly seek. Without this, a constitutionally protected free society is impossible.

If this is true, our individual goal in life ought to be for us to seek virtue and excellence and recognize that self-esteem and happiness only comes from using one's natural ability in the most productive manner possible according to one's own talents.

Productivity and creativity are the true source of personal satisfaction. Freedom, and not dependency, provides the environment needed to achieve these goals. Government cannot do this for us. It only gets in the way. When the government gets involved, the goal becomes a bailout or a subsidy, and these cannot provide a sense of personal achievement.

Achieving legislative power and political influence should not be our goal. Most of the change that is to come will not come from the politicians but, rather, from individuals, family, friends, intellectual leaders, and our religious institutions. The solution can only come from rejecting the use of coercion, compulsion, government commands, and aggressive force to mold so-

cial and economic behavior. Without accepting these restraints, inevitably, the consensus will be to allow the government to mandate economic equality and obedience to the politicians who gained power and promote an environment that smothers the freedoms of everyone.

□ 1450

It is then that the responsible individuals who seek excellence and self-esteem by being self-reliant and productive become the victims.

In conclusion, what are the greatest dangers that the American people face today and impede the goal of a free society? There are five.

The continuous attack on our civil liberties which threatens the rule of law and our ability to resist the rush of tyranny.

Number two: violent anti-Americanism that has engulfed the world. Because the phenomenon of "blowback" is not understood or denied, our foreign policy is destined to keep us involved in many wars that we have no business being in. National bankruptcy and a greater threat to our national security will result.

Number three: the ease in which we go to war, without a declaration by Congress, but accepting international authority from the U.N. or NATO even for preemptive wars, otherwise known as aggression.

Number four: a financial political crisis as a consequence of excessive debt, unfunded liabilities, spending, bailouts, and gross discrepancy in wealth distribution going from the middle class to the rich. The danger of central economic planning by the Federal Reserve must be understood.

Number five: world government taking over local and U.S. sovereignty by getting involved in the issues of war, welfare, trade, banking, a world currency, taxes, property, and private ownership of guns must be addressed.

Happily, there is an answer for these very dangerous trends. What a wonderful world it would be if everyone accepted the simple moral premise of rejecting all acts of aggression. The resort to such a suggestion is always: it's too simplistic, too idealistic, impractical, naive, utopian, dangerous, and unrealistic to strive for such an ideal.

The answer to that is that for thousands of years the acceptance of government force, to rule over the people, at the sacrifice of liberty, was considered moral and the only available option for achieving peace and prosperity. What can be more utopian than that myth—considering the results, especially looking at the state-sponsored killing by nearly every government during the 20th century, estimated to be in the hundreds of millions of people. It's time to reconsider this grant of authority to the state.

No good has ever come from granting monopoly power to the state to use ag-

gression against the people to arbitrarily mold human behavior. Such power, when left unchecked, becomes the seed of an ugly tyranny. This method of governance has been adequately tested, and the results are in: reality dictates we try liberty.

The idealism of nonaggression and rejecting the offensive use of force should be tried. The idealism of government-sanctioned violence has been abused throughout history and is the primary source of poverty and war. The theory of a society being based on individual freedom has been around for a long time. It is time to take a bold step and actually permit it by advancing this cause, rather than taking a step backwards as some would like us to do today.

Today the principle of habeas corpus, established when King John signed the Magna Carta in 1215, is under attack in our own government. There's every reason to believe that with a renewed effort, with the use of the Internet, we can instead advance the cause of liberty by spreading an uncensored message that will serve to rein in government authority and challenge the obsession with war and welfare.

What I'm talking about is a system of government guided by the moral principles of peace and tolerance. The Founders were convinced that a free society could not exist without a moral people. Just writing rules won't work if the people choose to ignore them. Today the rule of law written in the Constitution has little meaning for most Americans, especially those who work in Washington, D.C.

Benjamin Franklin claimed "only a virtuous people are capable of freedom." John Adams concurred: "Our Constitution was made for a moral and religious people. It is wholly inadequate to the government of any other."

A moral people must reject all violence in an effort to mold people's beliefs or habits. A society that boos or ridicules the Golden Rule is not a moral society. All great religions endorse the Golden Rule. The same moral standards that individuals are required to follow should apply to all government officials. They cannot be exempt. The ultimate solution is not in the hands of the government. The solution falls on each and every individual, with guidance from family, friends, and communities.

The number one responsibility for each of us is to change ourselves, with hope that others will follow. This is of greater importance than working on changing the government; that is secondary to promoting a virtuous society. If we can achieve this, then the government will change.

It doesn't mean that political action or holding office has no value. At times it does nudge policy in the right direction. But what is true is that when

seeking office is done for personal aggrandizement, money or power, it becomes useless if not harmful. When political action is taken for the right reasons, it's easy to understand why compromise should be avoided. It also becomes clear why progress is best achieved by working with coalitions, which bring people together, without anyone sacrificing his principles.

Political action, to be truly beneficial, must be directed toward changing the hearts and minds of the people, recognizing that it's the virtue and morality of the people that allow liberty to flourish.

The Constitution or more laws per se have no value if the people's attitudes aren't changed.

To achieve liberty and peace, two powerful human emotions have to be overcome. Number one is envy, which leads to hate and class warfare. Number two is intolerance, which leads to bigoted and judgmental policies. These emotions must be replaced with a much better understanding of love, compassion, tolerance, and free market economics. Freedom, when understood, brings people together. When tried, freedom is popular.

The problem we have faced over the years is that economic interventionists are swayed by envy, whereas social interventionists are swayed by intolerance of habits and lifestyles. The misunderstanding that tolerance is an endorsement of certain activities motivates many to legislate moral standards, which should only be set by individuals making their own choices. Both sides use force to deal with these misplaced emotions. Both are authoritarians. Neither endorses voluntarism. Both views ought to be rejected.

I have come to one firm conviction after these many years of trying to figure out the plain truth of things: the best chance for achieving peace and prosperity for the maximum number of people worldwide is to pursue the cause of liberty. If you find this to be a worthwhile message, spread it throughout the land.

I yield back the balance of my time.  
ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Occupants of the gallery are reminded that it is inappropriate to express approval or disapproval of the proceedings of the House.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RUSH (at the request of Ms. PELOSI) for today and the balance of the week on account of family medical reasons.

#### ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 58 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 15, 2012, at 10 a.m. for morning-hour debate.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8296. A letter from the Acting Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Agricultural Bioterrorism Protection Act of 2002; Biennial Review and Republishing of the Select Agent and Toxin List; Amendments to the Select Agent and Toxin Regulations [Docket No.: APHIS-2009-0070] (RIN: 0579-AD09) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8297. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Buprofezin; Pesticide Tolerances [EPA-HQ-OPP-2011-0759; FRL-9364-9] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8298. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trinexapac-ethyl; Pesticide Tolerances [EPA-HQ-OPP-2010-0524; FRL-9363-4] (RIN: 2070-ZA16) received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8299. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Alkyl Amines Polyalkoxylates; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0949; FRL-9361-7] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8300. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8247] October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8301. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8249] received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8302. A letter from the Chief, Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Final Flood Elevations Determinations [Docket ID: FEMA-2012-0003] received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8303. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's "Major" final rule — Final Requirements — Race to the Top — Early Learning Challenge; Phase 2 [Docket ID: ED-2012-OESE-0012; CFDA Number 84.412A] (RIN: 1810-AB15) received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8304. A letter from the Assistant General Counsel, Regulatory Services, Department of Education, transmitting the Department's "Major" final rule — Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program [Docket ID: ED-2012-OPE-0010] (RIN: 1840-AD05) received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8305. A letter from the Director, Directorate of Cooperative and State Programs, Department of Labor, transmitting the Department's final rule — Hawaii State Plan for Occupational Safety and Health [Docket ID: OSHA 2012-0029] (RIN: 1218-AC78) received October 10, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

8306. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicaid Program; Payments for Services Furnished by Certain Primary Care Physicians and Charges for Vaccine Administration under the Vaccines for Children Program [CMS-2370-F] (RIN: 0938-AQ63) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8307. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Nevada State Implementation Plan, Washoe County Air Quality District [EPA-R09-OAR-2012-0556; FRL-9736-8] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8308. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Implementation Plans; Alabama; Attainment Plan for the Alabama Portion of the Chattanooga 1997 Annual PM<sub>2.5</sub> Nonattainment Area [EPA-R04-OAR-2011-0084; FRL-9737-8] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8309. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alaska; Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard [EPA-R10-OAR-2011-0883; FRL-9701-5] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8310. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area [EPA-R03-OAR-2008-0930; FRL-9737-9] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8311. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Greif Packaging, LLC Adjusted Standard [EPA-R05-OAR-2012-0541; FRL-9733-6] received October 15, 2012, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Energy and Commerce.

8312. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Prevention of Significant Deterioration [EPA-R03-OAR-2012-0388; FRL-9738-2] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8313. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Streamlining Amendments to the Plan Approval Regulations [EPA-R03-OAR-2009-0882; FRL-9738-1] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8314. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Georgia 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2012; FRL-9739-1] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8315. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi; 110(a)(2)(G) Infrastructure Requirement for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2012-0238; FRL-9738-6] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8316. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Dakota: Prevention of Significant Deterioration; Greenhouse Gas Permitting Authority and Tailoring Rule; PM<sub>2.5</sub> NSR Implementation Rule [EPA-R08-OAR-2012-0299, FRL-9742-3] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8317. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Non-attainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2010-0140; FRL-9735-6] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8318. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Attainment of the 1-Hour Ozone National Ambient Air Quality Standards in the Sacramento Metro Nonattainment Area in California [EPA-R09-OAR-2011-0372; FRL-9741-8] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8319. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Limited Approval and Disapproval of Air Quality Implementation Plans; Nevada; Clark County; Stationary Source Permits [EPA-R09-OAR-2012-0566; FRL-9740-3] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8320. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Mississippi; 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2012-0402; FRL-9738-7] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8321. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Partial Approval and Partial Disapproval of Air Quality State Implementation Plans; Nevada; Infrastructure Requirements for Ozone and Fine Particulate Matter [EPA-R09-OAR-2011-0047; FRL-9739-8] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8322. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2012-0359; FRL-9732-5] received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8323. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Partial Approval and Partial Disapproval of Air Quality Implementation Plans for Florida, Mississippi, and South Carolina; Section 110(a)(2)(D)(i)(I) Transport requirements for the 2006 24-Hour Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2012-0553; FRL-9738-9] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8324. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Arizona; Prevention of Air Pollution Emergency Episodes [EPA-R09-OAR-2012-0244; FRL-9713-4] received October 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8325. A letter from the Chief, Satellite Division, International Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of 2006 Biennial Regulatory Review — Revision of Part 25 [IB Docket No.: 06-154] received October 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8326. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — In the Matter of Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Randsburg, California) [MB Docket No.: 12-177 (RM-11665) received October 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8327. A letter from the Chief of Staff, Media Bureau, Federal Communications Commis-

sion, transmitting the Commission's final rule — In the Matter of Revision of the Commission's Program Access Rules; News Corporation and The DIRECTV Group, Inc., Transferors, and Liberty Media Corporation, Transferee, for Authority to Transfer Control; Applications for Consent to the Assignment and/or Transfer of Control of Licenses, Adelphia Communications Corporation (and subsidiaries, debtors-in-possession), Assignors, to Time Warner Cable Inc. (subsidiaries), Assignees, et al; Implementation of the Cable Television Consumer Protection and Competition Act of 1992; [MB Docket No.: 12-68] [MB Docket No.: 07-18] [MB Docket No.: 05-192] [MB Docket No.: 07-29] received October 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8328. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Revision to Form No. 6 [Docket No.: RM11-21-000; Order No. 767] received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8329. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Department's final rule — NRC Regulatory Issue Summary 2012-11 NRC Staff Position on Dispositioning Boiling-Water Reactor Licensee Noncompliance Operations with a Potential for Draining the Reactor Vessel received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8330. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Addition of Certain Persons to the Entity List [Docket No.: 120816347-2347-01] (RIN: 0694-AF77) received October 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8331. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Iranian Transactions Regulations received October 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8332. A letter from the Director, Office of Sustainable Fisheries, NMFS, Department of Commerce, transmitting the Department's final rule — Second Fishing Capacity Reduction Program for the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Non-Pollock Groundfish Fishery [Docket No.: 110819517-2456-02] (RIN: 0648-BB06) received October 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8333. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Cumberland Darter, Rush Darter, Yellowcheek Darter, Chucky Madtom, and Laurel Dace [Docket No.: FWS-R4-ES-2011-0074] (RIN: 1018-AX76) received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8334. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Bad Debt Reductions for all Medicare Providers [CMS-1352-F] (RIN: 0938-AR13) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8335. A letter from the Program Manager, Department of Health and Human Services,

transmitting the Department's "Major" final rule — Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, DME Face-to-Face Encounters, Elimination of the Requirement for Termination of Non-Random Prepayment Complex Medical Review and Other Revisions to Part B for CY 2013 [CMS-1590-FC] (RIN: 0938-AR11) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

8336. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Electronic Reporting Pilot; Inpatient Rehabilitation Facilities Quality Reporting Program; Revision to Quality Improvement Organization Regulations [CMS-1589-FC] (RIN: 0938-AR10) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII,

Mr. BURGESS (for himself and Mr. THORNBERRY) introduced a bill (H.R. 6589) to designate the facility of the United States Postal Service located at 321 East California Street in Gainesville, Texas, as the "Brig. Gen. Robert E. Galer Post Office Building"; which was referred to the Committee on Oversight and Government Reform.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

Mr. BURGESS:

H.R. 6589.

Congress has the power to enact this legislation pursuant to the following:

"To establish post offices and post roads" pursuant to Article I, Section 8, Clause 7 of the United States Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 24: Mr. RUNYAN.

H.R. 300: Mr. JOHNSON of Georgia.

H.R. 1244: Mr. ROYCE.

H.R. 1718: Ms. DELAULO.

H.R. 1845: Mr. CONYERS.

H.R. 2028: Mr. RANGEL.

H.R. 2449: Ms. NORTON.

H.R. 2563: Mr. PEARCE.

H.R. 2655: Mr. POLIS.

H.R. 2705: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. JACKSON LEE of Texas, and Ms. BONAMICI.

H.R. 2969: Mr. LANGEVIN and Mr. SCOTT of South Carolina.

H.R. 3032: Mr. CRAWFORD and Mr. WOMACK.

H.R. 4318: Ms. MCCOLLUM.

H.R. 4972: Mr. CUMMINGS.

H.R. 5647: Mr. CUMMINGS.

H.R. 5741: Mr. SMITH of Washington.

H.R. 5746: Mr. BUCHANAN.

H.R. 5817: Mr. LUJÁN and Mr. CARSON of Indiana.

H.R. 5914: Mr. DONNELLY of Indiana.

H.R. 5934: Mr. WATT.

H.R. 6015: Mr. YARMUTH.

H.R. 6087: Mr. SMITH of Washington and Mrs. MALONEY.

H.R. 6117: Mr. WATT.

H.R. 6174: Mr. PAULSEN.

H.R. 6304: Mrs. MALONEY, Mr. GRIMM, Mr. GEORGE MILLER of California, Mr. CROWLEY, and Mr. TONKO.

H.R. 6364: Ms. FOXX.

H.R. 6377: Mr. CARSON of Indiana.

H.R. 6428: Ms. BONAMICI.

H.R. 6480: Mr. DEFAZIO.

H.R. 6490: Mr. SHULER, Mr. WHITFIELD, Mr. POSEY, and Mr. ROSS of Florida.

H.R. 6575: Mr. LUETKEMEYER and Mr. NUNNELEE.

H.R. 6588: Mr. WALZ of Minnesota, Mr. HIGGINS, Mr. CLARKE of Michigan, Mr. COURTNEY, Mr. LOEBACK, Mr. LANGEVIN, and Mr. GRIJALVA.

H.J. Res. 78: Mr. CLARKE of Michigan.

H. Con. Res. 122: Mr. HARRIS.

H. Res. 793: Mr. GARAMENDI, Mr. ROE of Tennessee, Mr. COBLE, and Mr. CLEAVER.

## SENATE—Wednesday, November 14, 2012

The Senate met at 2:30 p.m. and was called to order by the Honorable BERNARD SANDERS, a Senator from the State of Vermont.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Lord of life, as Senators deal with today's challenges, purge their hearts of anything that does not honor You. Remove from them the things that divide, uniting them in the common tasks of doing what is best for our Nation and world. When they are tempted to doubt, steady their faith. When they feel despair, infuse them with Your hope. When they do not know what to do, open their minds to a wisdom that can change and shape our times according to Your plan. Lord, empower them to trust You more fully, live for You more completely, and serve You more willingly. We pray in Your great Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable BERNARD SANDERS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 14, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BERNARD SANDERS, a Senator from the State of Vermont, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. SANDERS thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 419, S. 3254, the Defense Department authorization bill.

The ACTING PRESIDENT pro tempore. The clerk will report.

The bill clerk read as follows:

Motion to proceed to the bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

### SCHEDULE

Mr. REID. Mr. President, the next hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans the second half.

The filing deadline for first-degree amendments to the Sportsmen's bill is 4 o'clock today. We are trying to work on an agreement with the Republicans to vote on the Sportsmen's bill and cyber security and have a path forward on the Defense authorization bill. We hope to have an agreement in the next couple of hours.

### SENATOR GRASSLEY'S 11,000TH VOTE

Mr. REID. Mr. President, I rise today to honor my colleague CHUCK GRASSLEY on the occasion of his 11,000th vote. Senator GRASSLEY has cast more than 6,400 consecutive votes—more consecutive votes than any Senators currently holding office in the Senate. This is truly a remarkable accomplishment that speaks to his dedication.

I know he considers it a sign of respect for his constituents and for the Senate. Senator GRASSLEY is a farmer, assembly line worker, who served in the Iowa State legislature and was elected to the House of Representatives here in Washington in 1974 and to the Senate in 1980.

Senator GRASSLEY learned the value of hard work early on the family farm. Today his son runs that farm but CHUCK still dedicates himself to working on the farm on many occasions, and then after that comes back to Washington.

As ranking member of the Judiciary Committee and past chairman of the Finance Committee, Senator GRASSLEY also takes his constitutional oversight responsibilities very seriously. He has long worked to make the judicial branch more open and transparent. To that end he has sponsored a bill to allow cameras in the courtroom and proposed creating the post of inspector

general. He has been one of the most ardent protectors of whistleblowers. As a member of the Agriculture Committee, Senator GRASSLEY brings real-world experience from his Iowa farm to be an advocate for American farmers in Washington.

Even when Senator GRASSLEY and I do not agree on issues, I believe we always have the greatest respect for each other. I know I do for him and I feel confident he does of me. He is a principled, dedicated lawmaker and a genuine person.

One little side note. I came to the Senate and was elected in 1986, so early in 1987 I gave my maiden speech here in the Senate. It was on the Taxpayer Bill of Rights, something I tried to accomplish in the House but, frankly, I did not get to first base. That is an understatement. They paid no attention to me. So when I came here, that was my speech. I was way back there by the candy drawer.

I gave a speech on the Taxpayer Bill of Rights. The Presiding Officer was David Pryor from Arkansas. He was the chair on the subcommittee dealing with the IRS and finance. Senator GRASSLEY was listening to my speech in his office. Senator Pryor sent me a note when I finished that he had written while he was presiding, saying: I really like your legislation. I want to work with you to get it passed. I was stunned. One of the most senior Members of the Senate was interested in what I had to say. In the House, I repeat, they would not listen to me. I tried to talk to the chairman of that subcommittee. He would not even do a meeting with me. I still remember his name. I am not going to mention it.

Senator GRASSLEY contacted me and said: I want to work on this legislation. They worked with me. My first year in the Senate we passed the historic Taxpayer Bill of Rights to make the taxpayer a little more equal to the tax collector. It was landmark legislation. It would never have happened but for Senator GRASSLEY. So I admire what he has done for America in many different ways but certainly in that manner.

I know my friend, the Republican leader, is going to speak about Senator GRASSLEY. I explained to his staff I have to run to another meeting so I have a couple of minutes of things to say that I think are important.

### RIISING ABOVE PARTISANSHIP

The work before us in these waning days of this Congress represents a test of our character, that of this body, a test of our willingness to rise above partisanship for the good of this great Nation.



Although I was disappointed that the Senate was unable to vote on final passage of Senator TESTER's Sportsmen's package, I hold fast to my optimism that we can pass that. We have a great deal to accomplish during the next 6 weeks to safeguard our country's financial health and protect middle-class families. But we will not complete anything without bipartisan cooperation. As Senate Majority Leader George Mitchell once said, "Bipartisanship means you work together to work it out."

So I hope to see that type of cooperation on display when the Senate votes to reconsider the stalled cyber security legislation. If we can work together to address these two issues, the Sportsmen's package and cyber security, it will set a tone of cooperation that could characterize the remainder of this Congress and next Congress as well.

National security experts say there is no issue facing this Nation more pressing than the threat of cyber attack on our critical infrastructure. Terrorists bent on harming the United States can all too easily devastate our power grid, our banking system, and our nuclear plants. A bipartisan group of Senators has worked for 3 years to craft legislation that would do just that. Yet Republicans filibustered this worthy measure in July. It is imperative that Democrats and Republicans work together to address what the national security experts have called "the most serious challenge to our national security since the onset of the nuclear age sixty years ago."

So I found it encouraging when a number of my Republican colleagues—Senators MCCAIN, HUTCHISON, KYL, CHAMBLISS, COATS, and BLUNT—recently wrote President Obama advocating legislative action on cyber security.

They wrote:

An issue as far reaching and complicated as cyber security requires . . . formal consideration and approval by Congress . . . Only the legislative process can create the durable and collaborative public-private partnership we need to enhance our cyber security.

Senator LIEBERMAN, the chairman, and ranking member COLLINS have worked their hearts out. They have compromised with these people and many others to have a bill that is now before us. This group of Senators that I have just named say they remain committed to the legislative process. Today they have an opportunity to demonstrate that commitment. On several occasions since Republicans filibustered the cyber security bill this summer, I have asked my colleagues to bring me a list of amendments they wish to debate. As we consider this legislation today, they have yet another opportunity to do so. They can show their commitment to the cyber security threat by advancing this worthy

measure and moving forward with a productive debate on the issue. This is yet another opportunity for this Congress to prove it can cooperate and compromise when it matters most. But it will not be our last opportunity.

Before the end of the year, we must craft a balanced agreement to reduce the deficit and protect middle-class families from a tax hike. As cyber terrorism represents a serious threat to our national security, so the looming fiscal cliff represents a serious threat to our economic security.

I am heartened to see that a number of Republicans, including a number of prominent conservatives, have opened the door to a balanced agreement. Bill Kristol, a leading conservative commentator, said:

It won't kill the country if we raise taxes a little bit on millionaires. It really won't.

That is what he said. And Glenn Hubbard, an adviser to the Romney campaign, and an adviser to the last President Bush, conceded that any agreement must include revenue increases.

It is simple math. To protect the middle class, it will be necessary to ask millionaires and billionaires to contribute a little more as we work to reduce the deficit. Democrats understand we will not get everything we want from a bipartisan accord, but Republicans should realize they will not get everything they want either. They should not prevent us, as my esteemed predecessor said, from working together to work it out. That was Senator Mitchell.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### SENATOR GRASSLEY'S 11,000TH VOTE

Mr. MCCONNELL. Our good friend from Iowa, Senator GRASSLEY, has cast his 11,000th vote. Since the founding of the Republic, only 2,000 men and women have served in the Senate. Only 23 have cast more votes than CHUCK GRASSLEY. No other current Senator has gone as long as he has without missing a single vote. He has not missed a vote in 19 years.

This year, Senator GRASSLEY marks 54 years of public service to the people of the Hawkeye State. While some Members of Congress have a tendency to lose touch with their constituents, CHUCK GRASSLEY has always worked hard to make sure he never did that. He has made it his business to stay connected to the folks back home by holding at least one townhall meeting a year in all of Iowa's 99 counties, and by responding to every letter, postcard, e-mail, or phone call. Of course, we are all familiar with his tweets. Much like the Senator himself, they are truly one of a kind.

Senator GRASSLEY also stays close to the land by working his family farm. He does that even while keeping up his

duties here in Washington. He may be a U.S. Senator, but he has always preferred to be known as "a farmer from Butler County." Visitors to the Grassley farm say it is not uncommon to see Senator GRASSLEY pulling a cell phone out from under his baseball cap while riding on his tractor.

Over the years, CHUCK GRASSLEY has distinguished himself by his tenacity and his commitment to the public interest. His first major legislative achievement was the passage of the Federal False Claims Act, which over the years has saved taxpayers more than \$17 billion. As chairman of the Finance Committee, he led bipartisan bills through Congress that cut taxes by \$2 trillion, leaving more money in the pockets of hard-working Americans.

Senator GRASSLEY has a lot to be proud of in his career. He and Barbara are also rightly proud of their 58 years of marriage. They have five children, and many, many grandchildren. He has been a farmer, a father, a government watchdog, a steward of the Nation's finances; in short, he is a real statesman. The Senate would not be the same without him. The Nation, I firmly believe, would be a lot worse off without the remarkable service of Senator CHUCK GRASSLEY.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I listened to the speeches of the majority leader and the Republican leader. I would like to add my statement of congratulations to my longtime friend Senator GRASSLEY for reaching this milestone of 11,000 votes in the U.S. Senate and to our State of Iowa and to our Nation.

Senator GRASSLEY and I were elected the same year, sworn in the same day of January 1975, although he preceded me to come to the Senate by 4 years, but I can say without any fear of contradiction that Senator GRASSLEY and I have had a wonderful working relationship. Obviously, anyone who knows our records knows we don't always agree on things all the time, and that is the way it ought to be around here; we have good debates, but we have always been friends.

The one thing I also know is that we have always worked together for the betterment of our State of Iowa. I think politics tends to end at that doorstep, and when it comes to Iowa, what is good for our State, we have always worked very closely. We have always had a great camaraderie, and our staffs have worked together very closely over the years. So, again, I wish to commend the senior Senator from the State of Iowa.

I now have the distinction of being the most senior junior Senator in the Senate. It used to be Fritz Hollings for years. Now I am the most senior junior

Senator, and I couldn't ask for a better colleague and a better friend on that side of the aisle from the State of Iowa than Senator CHUCK GRASSLEY. I congratulate him on reaching this milestone.

The ACTING PRESIDENT pro tempore. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have been here as a colleague in the Senate during those 11,000 votes. I don't want to ruin his reputation back home, but we have a significant number of those votes where he and I voted the same way, and, of course, he and I sit together or sit side by side on the Senate Judiciary Committee, and I congratulate him. These are milestones worth being noted.

Senator GRASSLEY and his wife Barbara are friends of Marcelle's and mine, and I congratulate him. His wife Barbara was kind enough both to recommend my wife for a cancer awareness award and then to introduce it just before we recessed. It has been that kind of relationship. Those of us who live in rural areas, as the distinguished Presiding Officer knows, acquire certain bonds, so I applaud the Senator.

Mr. GRASSLEY. Mr. President, I wish to thank several of my colleagues who have recognized me for casting my 11,000th vote yesterday. I want to acknowledge the fine things Senator REID, the majority leader, said, Senator MCCONNELL, the Republican leader, Senator STABENOW, Senator HARKIN, and Senator LEAHY, and I wanted them to know I appreciate very much the recognition they brought. I hope it is nothing special, because I believe I am just exhibiting the work ethic of Iowans generally, who work very hard.

#### RESERVATION OF LEADER TIME

Mr. LEAHY. Mr. President, I have another subject, if I might. Incidentally, what is the parliamentary situation?

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

Mr. LEAHY. Mr. President, I will take from the majority side.

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

As we all know, Congress is now back from an extended recess. When we left, there were a number of significant items pending either on the floor of the House or on the floor of the Senate. Yesterday I spoke about one major piece of legislation we passed here in the Senate by an overwhelmingly bipartisan vote, and that was the farm bill. It has, of course, implications to a State such as Vermont but also to

every single State in this country. It has everything from milk price supports to drought and disaster relief. This was a bipartisan vote strongly supported by Democrats and Republicans alike. It has been stalled in the House, and I hope, now that the election is over, they can bring it up and pass it.

But there is another urgently needed piece of legislation that we have passed here in the Senate, and it is time to pass it in the House. I know we have issues such as disaster relief for the victims of Hurricane Sandy. We should do that. We have the fiscal cliff that threatens our economy. That is extremely important. We should have confirmation votes on scores of judicial nominees. We have 19 of them pending on the floor. All of that is important. All of these things can be done in the time remaining for us. But one of the important legislative priorities is the VAWA, the Violence Against Women Reauthorization Act. I wrote the bill with Republican MIKE CRAPO of Idaho. This was and is a bipartisan piece of legislation. It won the support of all the women Senators in this body, Republican and Democratic alike. It passed by an overwhelming margin in this body. The distinguished Presiding Officer was a strong supporter of it. This Senate-passed bill deserves to be on our short list of priorities for the rest of the year.

I was pleased to see that the President and Speaker BOEHNER have indicated a willingness to work toward a bipartisan solution to avoid the fiscal cliff. But on VAWA, the Violence Against Women Reauthorization Act, the time for posturing has long passed. Congress has failed to pass the bipartisan Violence Against Women Reauthorization Act. It passed the Senate with 68 votes more than 200 days ago. We need to take it up and pass it in the House.

I am committed to ensuring that VAWA addresses the changing needs of all victims. I stand ready, as I have from the start, to work with all Members of both parties. I look forward to hearing from the Republican leaders in the House and to seeing this important measure enacted.

You know, both parties could have celebrated the passage of yet another bipartisan VAWA reauthorization bill after the Senate's convincing vote in April. There have been a lot of victims since April. They could be receiving the critical protections included in the Senate-passed VAWA reauthorization bill.

In the month since the Senate passed the Leahy-Crapo bill, we have been reminded of the importance of VAWA. I will give you a couple of examples. Let me tell you, these are very grim stories. But let me tell you some very grim stories about what is happening.

In Wisconsin, a gunman opened fire in a Milwaukee-area spa. He wounded

four people and he killed three people, including his estranged wife. The Republican Governor of Wisconsin called for tougher domestic violence laws because the gunman had previously abused his estranged wife. The Leahy-Crapo bill will strengthen the ability of States and service providers to identify domestic violence cases with a significant risk of homicide and take effective steps to protect potential victims.

In another case, an Amherst, MA, college student who was raped by a classmate bravely stepped forward in the pages of her school newspaper to describe the lack of response from the school administration. That young student—she is not alone by any means—along with countless others like her, deserves attentive and respectful treatment in the wake of such a heinous act of sexual violence. Our bill would encourage such a response with new campus protections.

If we don't take congressional action, these and other crucial new protections in the Leahy-Crapo bill will not be able to help victims and prevent crimes nationwide. These recent events remind us that innocent lives are on the line when it comes to domestic and sexual violence. These victims of rape and domestic violence cannot wait. It is unacceptable to delay these protections. I was astounded to hear that some of the objections in the House were because we covered all women—all women—in the act, immigrants, gays, straight, Native Americans, whoever it might be.

Mr. President, I still have nightmares about some of the crime scenes I went to as a young prosecutor in Vermont at 2 and 3 o'clock in the morning. I remember seeing the battered bodies of victims, battered and bloodied bodies of victims. I never remember a police officer there saying: Wait a minute, we have to find out whether this victim is gay or straight, whether this victim is an undocumented immigrant or a Native American. We have to determine that before we can decide whether we are going to do anything. The distinguished Presiding Officer was mayor of our Queen City of Burlington. He never would have allowed any member of the police force in that city to pick and choose. None of us would.

So let's face up to reality. Let's stop saying we can't pass this bipartisan bill because we have to limit it and we have to pick and choose who are victims. I have said it over and over again on this floor: A victim is a victim is a victim. So let's come together. Let's send the bipartisan Leahy-Crapo bill to the President without further delay. Let's stop the deaths, the beatings, and the rapes that are occurring. How many of us could pick up an article in the paper and read of one of these things and not be shocked? Every one of us, as a Member of Congress, has the

ability to do something to stop this. This is an easy bill to pass. It passed by a wide, strong, bipartisan effort here in the Senate. Let's just take it up, call a vote in the House on it.

I have heard from enough Republicans and Democrats in the House of Representatives. If this bill came up for a vote, it would pass. I think it is slamming the door in the faces of people who might be abused if we don't bring it back.

Mr. President, I see the distinguished chair of the Senate Agriculture Committee on the floor, and, as I mentioned earlier, just a few minutes ago and yesterday, her leadership brought about one of the most sweeping, cost-saving, best 5-year farm bills this body has passed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

THE FARM BILL

Ms. STABENOW. Thank you, Mr. President, and thank you to the former chair of the Agriculture Committee and a very distinguished Member who leads in so many areas, whether it is our dairy producers, whether it is organic farmers, whether it is nutrition entitlement. We wouldn't have the 5-year farm bill that we passed in the Senate without Senator LEAHY's leadership. So his words are very kind, but I am very appreciative of all he has done.

I so much appreciate our senior Senator from Vermont coming to the floor and speaking out about the need to get a farm bill done. That is why I am here today as well—to echo the Senator's words from yesterday and today. We need to get it done, as we all know. We have seen 45 days since the farm bill expired, and there is absolutely no reason whatsoever not to get this done.

Before speaking about that, though, let me also thank our chairman from the Judiciary Committee for his words about the Violence Against Women Act because every victim of crime, every victim of domestic violence needs to be covered under this law. I am very grateful for all the Senator has done to make sure all victims are covered, and that is another bill that needs to get passed in the House of Representatives.

In talking about the farm bill, I also want to say congratulations to another distinguished member of my committee, Senator GRASSLEY, for his 11,000th vote, which he cast last night. I know Senator HARKIN was here on the floor as well speaking about that—two incredibly talented members of the Agriculture Committee. I wish to congratulate Senator GRASSLEY, who has been a real champion and leader on the reforms that are in our bill—really some historic reforms in the bill. He has led that effort, and I congratulate him as he has reached a very important milestone.

Farming is the riskiest business in the world, and this year it is even

riskier. I believe that because of what is happening with climate change, it will be even more risky in the future. It is incredibly important that we step up and get a farm bill that gives our farmers the tools they need to manage their risks.

In the spring, we experienced late freezes that wiped out fruit crops in a number of States, including in Michigan, where our cherry growers were just about wiped out and currently have no access to crop insurance, although part of our farm bill is creating a path for them. We are very pleased to be creating a path for them to have crop insurance, but it was devastating in the spring.

Then this summer there were record-breaking droughts that left crops withering in the fields, and in our bill we address issues of drought for lifestyle producers, which is incredibly important and, by the way, fully paid for by the savings of our bill.

Then we saw Hurricane Isaac flood croplands, and Hurricane Sandy has caused destruction like nothing we could have imagined.

In a year when there were so many reminders of the need for risk management for our farmers, there is absolutely no excuse not to finish the job and get a farm bill done by the end of this year. I am optimistic we are going to be able to do that.

I hope my colleagues will remember how we came together in June to pass the bipartisan Agriculture Reform, Food and Jobs Act in the Senate. I thank my ranking member and colleague Senator ROBERTS for his leadership in this effort. We truly did this together, working across the aisle, listening to all the Members of the Senate. As you know, we eliminated 100 different programs and authorizations that did not make sense anymore or were duplicating something else. We streamlined programs to make them work better for farmers and ranchers and we saved taxpayer money and cut \$23 billion in spending.

At this time, when we are looking at coming up with a way to reduce the deficit and put us on a path for balancing the budget, I cannot imagine why we would not want to take the savings from our bipartisan farm bill and include that in this much needed agreement that we need to come to by the end of the year.

This was not only a bipartisan effort but, because it was deficit reduction, it is one of the few deficit reduction bills—maybe the only one—we actually have passed this year, and we need to make sure it gets all the way to the finish line. We cannot afford to walk away from the reforms in this bill. We cannot afford to walk away from our dairy farmers who are right now operating without any kind of safety net. The current policy does not work for them so just extending that makes no

sense. It is a disaster waiting to happen. We cannot afford to walk away from our dairy farmers.

We cannot afford to walk away from livestock producers who need the permanent disaster assistance we passed in the Senate farm bill. By the way, it is in the House bill that came out of committee. That is also bipartisan.

We cannot afford to walk away from the critical priorities in conservation of our land, air, and water, of energy, not only of biofuels but the new jobs available in bio-based manufacturing, which I am seeing happen in Michigan as well as all across the country. We cannot afford to walk away from support for our specialty crop growers, fruit and vegetable growers, so important for our families' health and for the economic strength of our country as well. Also, as to forestry and nutrition, which affects so many families and so many children in schools, we cannot afford to walk away from important funding and policy reforms in each one of these areas.

We just need to get this done. This is not rocket science; it is a matter of making it a priority and spending a little bit of time and getting it done. Voters in the election made one thing very clear. They want bipartisanship. They want us to work together as we have done in the Senate, both in the Agriculture Committee and on the floor, to be able to get a 5-year farm bill. They want us to simply get things done. The House of Representatives has a chance now to follow our lead, to pass a bipartisan bill that reforms agricultural programs, that cuts the deficit, ends direct payments and other unnecessary subsidies, and gives farmers the risk management tools they desperately need going forward.

Everywhere I go I hear from farmers who say they need us to get this done. They get up early in the morning. They work hard all day. They come home late. When there is work to be done, they do it. They have to do it. They do not put it off until another day for whatever excuse. They do what has to be done, and they expect us to do what has to be done.

Now we are 45 days past the expiration of the last farm bill. We are looking at January and beyond when a series of changes will happen automatically unless we pass a new bill. It will be very difficult on a number of fronts. We could see chaos in the markets and confusion for farmers as we revert back to what is called permanent law, which is a collection of policies from the Depression era. They are poorly suited to the way agriculture is done today. Again, it makes no sense.

We cannot let this happen. There is no excuse for not getting the bill done by the end of the year. We have done it in the Senate when everyone said it was impossible. We put the votes together in just a couple days, with 73

amendments and went through and voted on every single one of them. Then we voted to pass the bill and got the job done. Now it is time for our House colleagues to do the same. I am looking forward to working with the leadership of the House Agriculture Committee. I have great confidence that we can sit down together and produce a final bill to bring back to the Senate that will allow us to get this done before the end of the year.

Now is the time to do it. I urge our House colleagues to put this on the top of their list.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Vermont.

DEFICIT REDUCTION AND SOCIAL SECURITY

Mr. SANDERS. Mr. President, I think the American people and Members of Congress, now that the election is over, are paying a great deal of attention to the so-called fiscal cliff and to deficit reduction in general. As we discuss deficit reduction, which is clearly a major issue for our country, it is important for us to remember how we got to where we are today. Where we are today is approximately a \$1 trillion deficit and a \$16 trillion national debt. I hope everyone does remember that back in January 2001, when Bill Clinton left office and George Bush assumed the Presidency, at that moment in history this country had a \$236 billion surplus and economists were projecting that surplus would grow and grow in the future.

The reason, to a very significant degree, that we are where we are today in terms of the deficit has everything to do with the fact that we went to war in Iraq and Afghanistan, but we did not pay for those wars—which, by the way, by the time we take care of our last veteran, will cost us more than \$3 trillion. When we do not pay for expensive wars, we add to the deficit.

When we give out a huge amount in tax breaks, as we did under the Bush administration, and a lot of those tax breaks went to the wealthiest people in this country—when we give tax breaks to millionaires and billionaires and we do not offset them, we also add to the deficit. When we pass a Medicare Part D prescription drug program written by the insurance companies—more expensive than it should be—and we do not pay for that, we add to the deficit.

In the midst of this Wall Street-caused recession, one of the points many people have not seen is that today, at 15.2 percent of our GDP, revenue is the lowest it has been in 60 years. When workers lose their jobs and businesses go under, less revenue comes into the Federal Government, adding to our deficit crisis. That, to a significant degree, is why we are where we are today.

When we talk about deficit reduction and how we go forward, there is another reality we have to address; that is, the middle class of this country is

disappearing. Not only is unemployment, in real terms, close to 15 percent, but median family income in the last 10 years has gone down by over \$3,000.

Meanwhile, in the midst of all that, we have the most unequal distribution of wealth and income of any major country on Earth. We have the top 1 percent owning 42 percent of the wealth in America while the bottom 60 percent owns just 2.3 percent. In the last study we have seen on income distribution, between 2009 and 2010, 93 percent of all new income went to the top 1 percent and the bottom 99 percent shared the remaining 7 percent. We are seeing a disappearing middle class—people on top doing fantastically well and very high rates of poverty.

I say all that as a prelude to suggest how we should go forward in terms of deficit reduction. The main point I wish to make is it is absolutely wrong, it is immoral in my view, and it is bad economics to move forward on deficit reduction on the backs of the elderly, the children, the sick and the poor. What we as a Congress have to do is to make several points very clear.

There are a number of folks out there talking about cutting Social Security. Let's get the facts straight. Social Security has nothing to do with the deficit because it is independently funded by the payroll tax. Let me quote maybe an unlikely source on that issue; that is, on October 7, 1984, President Ronald Reagan said:

Social Security has nothing to do with the deficit. Social Security is totally funded by the payroll tax levied on employer and employee. If you reduce the outgo of Social Security that money would not go into the general fund to reduce the deficit. It would go into the Social Security trust fund. So Social Security has nothing to do with balancing a budget or erasing or lowering the deficit.

That ends the quote from President Ronald Reagan, October 7, 1984. I do not often agree with Ronald Reagan, but he was absolutely right.

I am very pleased that just a few days ago majority leader HARRY REID said pretty much the same thing: Don't mess with Social Security. It has nothing to do with deficit reduction. I hope very much that the Senate will agree that as we go forward on deficit reduction, Social Security should be off the table.

Many of us want to make sure Social Security is solvent for the next 75 years. How do we do it? I have ideas. Others have different ideas. But it is not part of deficit reduction.

In my view, at a time of great recession, when so many people are hurting, we must not cut Medicare. We must not cut Medicaid. There are ways to do deficit reduction which are fair. Let me suggest some of the ways we should do it.

The President has been very clear. This is what he campaigned on; that it makes no sense at all from an eco-

nomics or moral perspective that we continue Bush's tax breaks for the top 2 percent, people who are making \$250,000 a year or more. If we end those tax breaks, that is \$1 trillion going to deficit reduction.

Right now, one out of four profitable corporations in this country, including corporations that make billions of dollars a year, is paying nothing in taxes. Some of them have actually gotten a rebate from the IRS. Before we talk about cutting Medicare, Medicaid or education, let's make sure we do away with the loopholes many large, profitable corporations are currently experiencing.

One of the particularly outrageous examples of tax avoidance that is taking place right now has to do with the tax havens that exist in the Cayman Islands, Bermuda, and in other countries. There are estimates that we are losing over \$100 billion a year because corporations and wealthy individuals, instead of paying their Federal taxes to this country, are stashing their money in tax havens in other countries. That is wrong. That is an issue we must address.

Last, when we talk about deficit reduction, we have to remember we have tripled defense spending since 1997. We now spend as much money on defense—or almost as much—as the rest of the world combined. No one disagrees that there is enormous waste, bureaucracy, and unnecessary weapons systems in the Defense Department that we can eliminate while we maintain the strongest defense in the world.

Let me conclude by saying this: Yes, we have to go forward with deficit reduction but, no, we cannot and must not do it on the backs of the elderly, the children, the sick, and the poor. There are ways to do it that are fair which ask those people who are doing phenomenally well to start paying their fair share of taxes, and that is the position this Senate should take.

Thank you very much, Mr. President, and I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. MCCAIN, Mr. GRAHAM, and Ms. AYOTTE pertaining to the submission of S. Res. 594 are printed in today's RECORD under "Submitted Resolutions.")

Mr. MCCAIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, as the Senate reconvenes this week here in Washington, many States are still working to clean up the wreckage left behind by Hurricane Sandy, the largest

Atlantic hurricane on record, and the States are already making new preparations to protect against future extreme weather events.

Hurricane Sandy will be remembered both for the large area it affected and for the devastation wrought by its fierce winds and massive storm surge—more than 100 lives lost, 8.5 million homes and businesses without power, \$20 billion in property damage, and possibly another \$30 billion in lost business. Hurricane Sandy was no doubt an extreme weather event and she is likely to be the second costliest Atlantic storm in U.S. history at more than \$50 billion.

Sandy slammed into the east coast, causing destruction from the Mid-Atlantic up through New England. The States of New Jersey and New York were hit especially hard, and our thoughts and prayers and our promise of prompt and meaningful support go out to all of those affected across the region.

In my home State of Rhode Island, moderate to major flooding occurred along the entire southern coastline, with some areas experiencing severe erosion and destruction.

Houses were swept off their foundations in our southern coast communities such as Matunuck, shown in this photo I have in the Chamber. As shown in this picture, here is our former colleague in the Senate, now Governor Chafee, inspecting the interior of a house with its front having been washed off. And you can see the neighboring cottage that is in the ocean. Other small cottages have been actually destroyed by the ocean in that location.

Beaches and dunes were driven down by the waves and wind, and thick sand and stone deposits covered up roads, as was the case on Atlantic Avenue in Misquamicut, which was just being dug out here in this photograph.

Nearly 30 percent of Rhode Island's residents were directly affected by this storm. President Obama granted Governor Chafee's request for a Federal disaster declaration in four of our State's five counties. More than 130,000 Rhode Islanders lost power and 8 cities and towns were forced to implement evacuations. The whole State will be affected by the as of yet unknown millions in damage and lost business.

But Rhode Island is resilient. Some businesses hit hard by Sandy and the subsequent nor'easter have already reopened. Others are working hard to reopen soon. Here in this picture we can see Atlantic Avenue from the sky. And the owners of Paddy's Beach Restaurant, shown here, as well as their neighbors all along the beach, are determined to reopen for the summer tourist season.

I remember walking through this little notch here with the owners of Paddy's, and looking at this scene of dev-

astation around them, and the owners saying: That is not so bad. We can rebuild. We will be back on our feet in no time. They already had friends and volunteers on site with hammers and shovels and saws, cleaning up and getting things put right.

The Ocean State of Rhode Island has a special relationship with the seas, and that special relationship requires that we accept challenges presented by extreme ocean weather, and it is part of our day-to-day life on the coast to be part of that proud and rewarding tradition.

But many of us recognize that this tradition, as President Obama reminded us on election night, is—to quote the President—"threatened by the destructive power of a warming planet."

It is difficult to say whether extreme weather such as Hurricane Sandy was specifically caused by climate change. But we do know that a warming planet increases both the severity and the likelihood of these storms; that it, to use one analogy, loads the dice for extreme weather.

The atmosphere and oceans are getting warmer. We know that. As oceans get warmer, storm systems such as Sandy gather more moisture and energy from them and grow stronger. John T. Fasullo and Kevin Trenberth of the National Center for Atmospheric Research in Boulder, CO, estimate that when Hurricane Sandy struck, ocean temperatures along the east coast were nearly 5 degrees above normal, in part attributed to global warming.

Warmer oceans expand. We know that too. This expansion, along with melting glaciers and snowpack, has resulted in a measurable and continuing rise of sea levels along our coasts. And, of course, as sea levels rise, tides and waves and storms and storm surges reach farther inland.

Sandy caused a whopping storm surge. That is the column of water that is formed by the winds and the pressure system of a major storm. That surge peaked at about 5½ feet in Newport, RI, less than the 9½ feet in the Battery in Lower Manhattan but still significant.

At the Newport tide gauge, mean sea level is up 10 inches. Mean sea level is up 10 inches from our devastating famous Hurricane of 1938, and these extra inches of sea level increased Sandy's storm surge by at least that amount. Experts predict that the sea level rise will continue up to 3 to 5 feet more in Rhode Island by the end of the century.

If we do not recognize the need to reduce our greenhouse gas emissions and to prepare our infrastructure for climate change, future superstorms will be even more damaging than Hurricane Sandy. Hurricane Sandy was, in some respects, a preview of coming attractions. By 2100, the ocean will sit higher, be warmer, and feed more moisture

and heat into storms. In addition, the oceans will be far more acidic, but that is for another speech.

Tomorrow, the Committee on Environment and Public Works, which the Presiding Officer serves on with such distinction, will hold a legislative hearing on the Water Resources Development Act. I appreciate very much Chairman BOXER's response to storms such as Sandy and the foresight she had to include a postdisaster program in the draft that will help States such as mine recover from extreme events such as Hurricane Sandy.

Also included is the Northeast coastal restoration program aimed at building the natural and manmade barriers and buffers that helped protect our lives, our infrastructure, and our natural resources from great storms such as Sandy.

When average temperatures rise, we can also expect daily temperature records to be broken. When the average sea level rises, we can also expect an increase in peak coastal flooding. In fact, we have seen thousands of daily temperature records broken and costly coastal flooding and the pain and damage caused by these extreme events has inevitably turned the Nation's attention to climate change.

That is why a growing chorus of voices is convinced and concerned about climate change. A University of Texas poll asked respondents in March and then again in July of this year if they thought global climate change was occurring. It is interesting. The percentage of Democrats convinced of global climate change went from 83 percent in March up to 87 percent amid the high heat and drought of the summer of 2012.

Among Independents, the percentage rose from 60 percent in March to 72 percent in July as news of the unusual weather spread around the country. Even among Republicans, the number of believers who acknowledged that climate change was prevalent went from 45 percent to 53 percent. The party whose hallmark in Congress is denial of climate change, that put forward the view that climate change is a hoax, now actually has a majority of voters who recognize this reality. So this Chamber is getting further and further apart from the reality of the public, even from the reality of the Republican public.

In the aftermath of Hurricane Sandy, Mayor Bloomberg of New York wrote:

Our climate is changing . . . And while the increase in extreme weather we have experienced in New York City and around the world may or may not be the result of it, the risk that it may be—given the devastation it is wreaking—should be enough to compel all elected leaders to take immediate action.

The only place where denial still prevails is in Congress where polluter money has such influence. But polluter money cannot change the facts. A

study recently published in *Science* shows that greenhouse gases captured in air bubbles stretching back 650,000 years show that the level of carbon dioxide in the atmosphere is now 27 percent higher than its highest recorded level at any other point in that time.

This year, an Arctic monitor has registered atmospheric concentrations of carbon dioxide at 400 parts per million for the first time; the first time ever that a carbon dioxide sensor has hit this ominous milestone. For tens of thousands of years, for 800,000 years actually, 8,000 centuries, we have been in a range of 170 to 300 parts per million of carbon dioxide in our atmosphere. Now we are starting to see measures of 400. We are in unprecedented and uncharted territory.

We know we will need to adapt our coastal infrastructure to keep communities safe and prosperous in this changing climate. We will be relocating roads and bridges. We will be bolstering utilities and protecting water and wastewater infrastructure. We will be revising our flood maps and our emergency planning.

The Senate needs to do its part to ready us for adaptation in the face of a changing climate. We can address these issues in legislation such as WRDA and Defense reauthorization, even in the budget debate. But the overwhelming majority of scientists is convinced that our climate is changing, and all the evidence shows they are right.

Indeed, the evidence shows it appears to be their worst-case scenarios that are the correct ones. We must be willing to take the necessary actions to prepare both for the new normal climate change is bringing and for the new extremes climate change portends. I yield the floor.

THE PRESIDING OFFICER. The Senator from Georgia.

#### THE FISCAL CLIFF

Mr. ISAKSON. I thank the distinguished Senator from Rhode Island for his hard work. I rise to talk for 1 minute about this lameduck session today. We are in the second day of a lameduck session following the elections of a week and a half ago.

We face an impending fiscal cliff. We face the end of the year. We face a day of calling, a day of reckoning. I think I have an obligation as one Member of the Senate, and I think everybody has the same obligation, to come to this floor and talk about the solutions and resolutions, not problems and what we can and cannot do.

We are in a very dangerous position. I have been in this body one other time when we faced a fiscal cliff. It was in September of 2008. I will never forget it. The markets had been collapsing. The subprime securities had been collapsing. The world was in difficult financial times. The President of the United States, at that time a Republican, brought forward a plan to solve

that problem or at least to forestall the collapse of the markets and give us a chance to come back over time.

The House of Representatives rejected it and then the markets went down over 800 points in 1 day. Two days later, the Senate came back and adopted a plan to move us forward. The markets stabilized, but they were already at the bottom. They had fallen by 50 percent.

Now here we are almost 5 years later, still recovering from the depths of the drop of the market at that particular period of time. If we do not address the fiscal cliff and take the first step in this lameduck session to move forward in terms of sanity on taxation, sanity on spending, and sanity on entitlements, then we are going to put ourselves in the same position again.

I happen to think one of the best lines in President Obama's speeches in his first campaign, and he reiterated it in the last one, was when he talked about we are a country not of the red States of America or the blue States of America but of the United States of America.

My predecessor, Zell Miller, former Governor of Georgia, once said: We do not find most Georgians on the very far right or the very far left. We find them in Walmart. They want a fair deal and a fair price and a good deal and they want to be treated right. The American people want to be treated right. They do not want to see their taxes go up at the end of the year. They do not want Congress to turn its back on cutting its spending where it can. They want us to get entitlements so they are fixed for the long run, not in danger of expiring in the short term.

We are this close to being able to find common ground, if we will only take the first step by sitting down at the table. In the last 2 weeks I have heard the first step from both sides of the Democratic and Republican Party. JOHN BOEHNER, 1 week ago, acknowledged that revenues could be a part of the solution. He acknowledged he wanted to do it through tax reform. President Obama has reiterated, as he did today in his press conference, that he wanted to raise rates on those in the upper income. But when pointed to and when asked by a reporter: Mr. President, that means there is no line in the sand? That means it has to be that tax increase or nothing at all, the President refused to take the bait. He said: I will listen to other ideas. He said: I will sit at the table. He said: But it has to be meaningful common ground. It has to be plans to truly deal with our fiscal cliff, deal with our spending and deal with entitlements and deal with our taxes.

Let me just for a second, if I can, opine on what all of us know: It is a three-part problem, our debt and our deficit. It is spending. It is revenues. It is entitlements. It is not that we do not

know what the answers or the solutions are. They are all on the table. They have been visited by the Gang of 6, by Simpson-Bowles, by a lot of the brilliant people in this Chamber, Senator CONRAD from North Dakota, who is unfortunately leaving us, has talked about it time and again; Senator COBURN from Oklahoma. Why don't we put those things on the table, sit down around the table and figure out a formula for success to keep us from going off the fiscal cliff?

It is one thing to gain the confidence of the world and investors and the world body politic; it is quite another to lose it. If we ever lose that confidence, if we ever go off that cliff and people no longer think this is still the greatest place on the face of the Earth to invest their money, then America has a harder struggle to come back than it would ever have by facing our problems now.

So for a brief couple minutes, I wish to talk specifically about those things that can be done. First of all, in terms of spending, we can cut discretionary spending. But we all know discretionary spending and our deficit are about equal and have been for about the last 5 years, which means if we cut all Federal discretionary spending, cancel the government for 1 year, all we are doing is balancing the budget; we are not saving any money. We all know we cannot do it totally by cutting spending, but we do know we should, which means we should bring appropriations bills to the floor, we should debate those bills on the floor, we should hold our agencies accountable, and manage things on a cost-benefit analysis—do what JEANNE SHAHEEN and I have talked about in terms of a biennial budget. Have 1 year dedicated to spending, the other year dedicated to oversight. We can find savings and we can find revenue to reduce our deficit, but that will not do all of it.

Entitlements. We have to look at entitlements. But that does not mean we take away anyone's Social Security or anybody's Medicare because I do not consider them entitlements in the first place. The Presiding Officer paid 1.35 percent of his income every day of his working life for his Medicare and he deserves to get it.

The Presiding Officer paid 6.2 percent of his income for his payroll deduction for his Social Security and he deserves to get it. But we all know those programs were started in 1968 and the 1930s and eligibility should be reformed. We should find a way to make eligibility be actuarially sound, as they did in 1983, when Ronald Reagan and Tip O'Neill raised the eligibility for me so I could not get Social Security at age 65, I had to wait until age 66.

Did I miss it? No, I did not think I would live that long in the first place. But when I did get there, I appreciated the fact that they saved Social Security for me in 1983. We need to save it



for our children and our grandchildren today, and we can do it by looking at eligibility in the formula. We do not have to raise the tax or lower the benefit. We might means test the COLA in terms of Social Security, but we can fix it if we just sit around the table and talk about it and not take away anybody's eligibility.

Medicare is tougher. We can means test benefits in terms of copayments. We can take plans such as PAUL RYAN's and give people options. Whatever we do, we can sit down around the table and find a way for the future, find a way to save the Medicare the American people have paid for.

In terms of the safety net, nobody wants to do away with the safety net. But it is time we looked at the safety net and the cost-benefit analysis and the eligibility for the benefit programs so we manage them appropriately such as you would any other expenditure of government.

Then we go to the Tax Code. That is where we are today. That is the stumbling block, seeing where we are going to move forward on taxes. Time is running out. I will be the first person to admit it would be hard to come up with a comprehensive reform in 7 weeks to fix the Tax Code.

But it would not be hard to come up with a comprehensive agreement this month, now in this session, to do it early next year and put off pushing us off the fiscal cliff. Get a new speed bump next year. Give us the time to sit down around the table and find common ground. Maybe it is means testing deductions, which raises revenues without raising rates. In fact, there is a great argument, and the argument comes from 1986, when Reagan and O'Neill again lowered the top tax rate from 70 percent to 28 percent and raised revenues in the same taxable year, all because we raised the base upon which the levy was charged.

We raised more revenue which, in the end, is the name of the game. My main point is this: We should not be sitting around twiddling our thumbs. The clock is running. We face a fiscal cliff. There are some in this Chamber who have said: Oh, we just need to go off it. We will pay the price. Then we will finally sit down and do what is right. I would, with all due respect, say that is pretty stupid. We have gone off a cliff once before in 2008. We are still reeling from it today because we did not deal fast enough with the decisions we had to make as a Congress to address the problems of the people who elected us to come and manage their affairs.

I would submit to you that it is about time the American Government did what every American family has had to do in the last 5 years: sit around our kitchen table like they have sat around theirs, talk about our income like they have talked about theirs, cut their budgets and spending where they

have had to because they have had to tighten their belts. Don't you think the government ought to at least ask of itself what it has required every American family to do?

So instead of talking about what we can't find agreement on, why don't we start talking about what we can find agreement on? We don't have to just penalize one taxable class of Americans and declare a political victory but not solve our problem any more than we have some obfuscation in terms of tax reform that really is "now you see it and now you don't." We can do meaningful reform that accomplishes the raising of revenues and more equity in the Tax Code, we can cut discretionary spending where appropriate, and we can reform our entitlements. Over time we can get our fiscal house in order.

The great thing about our problem is that it is not a problem that has to be solved in one fell swoop, but we have to make a commitment to begin to reduce deficits and, in turn, eliminate them so we will reduce debt. We need a game plan over the next decade that causes us to do that. When we do, we will return to the greatness America has always known. But if we don't, it will not be a good place to invest people's money, our rates will go up on our debt service, and America will have a hard time returning to the preeminence it has known.

So my message today is this: The President, in his press conference, said all issues were open on the table. JOHN BOEHNER, in his leadership remarks, said the same thing in terms of revenues a week ago. Let's sit down at that table and let's start talking about those solutions. Let's start giving ourselves meaningful goals and not just use the threat of destroying our economy and our investment in our country as a threat to cause us to do nothing. Let's do something. Let's do the people's business. Let's face the music and make it a symphony.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

#### UNANIMOUS CONSENT AGREEMENT—S. 3414

Mr. DURBIN. Madam President, I ask unanimous consent that at 4:30 p.m., the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on S. 3414, the Cybersecurity of Act of 2012, be agreed to; that the motion to reconsider be agreed to and that there be up to 60 minutes of debate equally divided between the two leaders or their designees on the motion to invoke cloture

on S. 3414; that upon the use or yielding back of time, the Senate proceed to the cloture vote on S. 3414, upon reconsideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, I want to start by welcoming my colleagues to what I hope will be a highly productive lameduck session of Congress. We have immense challenges facing our country, but I believe we can come together and accomplish the tasks before us, hopefully in a truly bipartisan way.

As the Presiding Officer knows, one of the issues I have been really concerned about for some time is the production tax credit for wind energy, which is known by its acronym of PTC. I would like to acknowledge that the Presiding Officer's State, Minnesota, has a big presence in wind energy.

I have come to the floor, as my colleagues know—and maybe, in some of their minds, too often—I come down here every morning we are in session—just about every morning since June—to talk about the importance of extending this job-creating tax credit.

The PTC has helped create literally tens of thousands of good-paying middle-class jobs all across our Nation, it has in turn spurred the growth of the wind energy industry, and it has strengthened American manufacturing, which we all deeply care about, and it has helped free us from foreign sources of energy. That is quite a trifecta of successes, make no mistake about it. It has also underlined the fact that energy security is national security.

But as the expiration of the PTC draws near—and it draws near at the end of this year—the inaction here in the Congress has brought a dark cloud literally over this important American industry, and our workers are paying the price. Manufacturers across our great Nation and all along the wind industry's supply chain have been forced to lay off thousands of workers just in the past several months, and I wish to share one example. Vestas, which is a leading manufacturer of wind turbines that has a large presence in my home State of Colorado, has laid off hundreds of workers. Literally, hard-working Americans are losing their good-paying jobs because Congress has delayed action to extend this tax credit, which I



should point out has broad bipartisan and bicameral support, so both the Senate and the House—both parties—have support for extending it. Enough is enough.

Luckily, we have made some progress. Earlier this year the Senate Finance Committee passed a bipartisan tax extenders bill that would extend a number of important tax provisions, and among them was the production tax credit. Unfortunately, this package, which is critical and is so important to our economy, has sat on the shelf for many months now. As comrades tell me, and I share with you as my colleagues, that is just simply unacceptable.

As I mentioned, I have made these regular trips down to the floor, and what I have been able to do is highlight individual States and how the wind industry has created jobs and generated power for each of those individual States. In fact, I am 20 States in and I am nowhere near done, and that is because almost every one of the 50 States has a presence in the wind energy industry.

Today I am going to turn to Wisconsin, which has a well-established manufacturing sector historically, and that manufacturing sector has retooled to support the wind industry. In fact, if you look at the map here, Wisconsin has over 22 manufacturing facilities that make parts for the wind energy industry.

In addition to the manufacturing sector, Wisconsin has also made big gains in wind power generation. So you can build turbines, blades, the towers, and the cells, but also, if you have a wind resource, you can then harvest that wind. Wisconsin has made big gains in harvesting that wind.

The farms there, the wind farms, already provide enough electricity to power 150,000 homes, and the projects that are currently proposed in Wisconsin could multiply that number fourfold. If you look at the economic implications, they are very impressive. In fact, according to the National Renewable Energy Lab, which I have to say is located in Colorado, if even half of the proposed projects were completed, they would provide a cumulative economic benefit of over \$1 billion. That is \$1 billion. Let's do our part in helping make that investment happen by extending the production tax credit.

As I have pointed out, the PTC has helped these Wisconsin facilities prosper and grow, but this looming expiration would threaten some 3,000 jobs that are supported by this industry in Wisconsin.

It is also important to note that when the big companies that gain some of the attention in the wind energy world, such as Siemens or Vestas, announce layoffs because of uncertainty over the PTC, there are a lot of other

small businesses in the industry that are affected by those decisions. There are literally thousands of parts in a wind turbine—some 8,000, to be exact. So when you see the industry take a step back, a lot of those small businesses are affected, and they feel the downturn as well. We all are really concerned about those families and those communities and the small businesses that are hurt by those sorts of job losses in Wisconsin and all over our country.

As I close, Madam President, there is a tremendous amount of work the wind energy industry has done to help restore America's manufacturing base. With all of that potential looming in front of us, we just can't let our inaction stand in the way.

My message to all of us is pretty simple. We need to pass the production tax credit as soon as possible. PTC equals jobs, and we need to pass it ASAP. I can't say it enough times. There is no reason for this delay. It has caused the loss of good-paying jobs, and it has set back our energy independence goals. If we don't act soon, foreign competition will get the upper hand and pass us by. There is no question that the rest of the world is moving very quickly to implement their own wind energy projects and to build the wind energy turbines. Let's not let this scenario become a reality. Let's move in the way the Senate Finance Committee has shown us we can move. Let's extend the PTC here in the Senate. I know the House could follow suit.

Simply put, let's just pass the production tax credit as soon as possible. If we are focused on the economy, if we are focused on jobs—it is what we heard from the voters just a short week ago—let's get the production tax credit extended.

Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas is recognized.

#### THE FISCAL CLIFF

Mrs. HUTCHISON. Madam President, I think we all know that everybody in America is pretty much talking about the fiscal cliff, and that what will happen at the end of this year will have an enormous impact on the economy of our country and its future. There is no doubt about it. In fact, the nonpartisan Congressional Budget Office projects that the impending tax hikes that will take effect at the end of this year if we don't do something along with the spending cuts called sequestration would plunge us into a recession in the first half of 2013. It would also set off credit downgrades and drive up interest rates on credit cards, mortgages, and personal and government debt. They predict unemployment will rise above 9 percent, and the cuts in spending, half of which will be in the defense sector, certainly is going to leave America vulnerable.

If there is anything Congress and the President are responsible for, it is the

national security of our country. We can stop this fiscal cliff.

We can answer the calls of the American people who have said clearly, loudly, and repeatedly: Get together and make things happen.

I am happy to see our distinguished Madam President is sitting in the Chair and agreeing because we know there is common ground. We have seen groups of our Senators, Republicans and Democrats—a Gang of 6, a Gang of 8, the Simpson-Bowles Commission, all of these entities—that were bipartisan in nature and they came up with solutions. Did we agree with 100 percent of what was in those plans? No. But there are nuggets we can start from, and what we have to do is sit down and start.

Republicans are saying tax increases in this economy are not the right formula. We know if we tax 100 percent of every person who makes over \$200,000 it is not going to affect the deficit. It is not going to have the impact I think people expect when they hear: Oh, we will tax the rich, since it will not affect us, and that will solve the deficit problem. It will not. It will have no impact on the deficit.

Who will be hit if these tax increases go into effect—which they automatically will at the end of December if we don't do something? Who will be hit? Well, it is going to hit the middle class, small businesses, family farmers, retirees, and married couples.

If the individual income tax brackets are not extended, the current six brackets will be five brackets. It will revert to pre-2001. The lowest end is the one that is going to go up in percentage the most. The 10-percent bracket will go to 15 percent, and the 15 percent stays at 15 percent. So the people who were paying 10 percent will now go to 15 percent if we don't do something.

The rates of the remaining four brackets will also increase: 25 percent becomes 28, 28 to 31, 33 to 36, and 35 to 39.6, almost 40 percent. On top of that is the individual alternative minimum tax. We have each year extended the tax relief for what we call the AMT, the alternative minimum tax.

The alternative minimum tax was put in place to target a few millionaires. Now, because of inflation and wage increases, it is targeted right at the middle class. Unless that relief is renewed this year, it will boost 2012 taxes for 31 million Americans in the \$30,000 to \$40,000 wage range.

Now, really, do people making \$30,000 or \$40,000 deserve to have a new alternative minimum tax on top of the tax they are going to pay, which will be 25 or 28 percent? I don't think so, Madam President, and it is not what the AMT was meant to target.

The increase in tax rates are going to certainly affect our small businesses. The economic engine of America is small business. The economic engine of

America is not big business, although big business is very important, and it is not government. It is small business. Over 60 percent of the jobs created in America are created by small business. Yet they are the ones who are not hiring. They are the ones who see their slim margins of profit getting so much slimmer they are not hiring people because they think the costs are going to be higher because of the new taxes that are impending.

Seventy-five percent of small businesses pay taxes at an individual rate because they are S corporations or are flow-through businesses. So if we look at them and then look at those rate increases, that is going to be an immediate impact on every small business owner who is organized in that way. With over 20 million Americans still looking for work, do we really want to have this kind of economic hit? We need our small businesses to feel confident, and so we need stability.

I have talked to so many small businesspeople in the last month as I have been out talking to people in my home State and in other States. What most of them say comes down to they just need to know what their tax liability is going to be, and they need to know it is going to stay that way for a while. That is how they make their plans. They do not want to hire someone if we are just going to have a 6-month fix or a 1-year fix or a 2-year tax policy. A 2-year tax policy is a nightmare for businesses because they can't make a long-term plan. They can't have a strategy that puts three more people on the payroll and then have those costs go up at the end of that 2-year period.

It is important we give our businesses stability and that we show we understand they are the economic engine of America and that we want them to succeed and to hire people and give new jobs and get this unemployment rate well below the nearly 8 percent that it is now down into the 6-percent or 5-percent range.

Now, let's talk about the elderly. All of these years I have heard people talking about the importance of saving for retirement, and we have encouraged people to do that. The people who have done that are looking at a huge tax increase.

Madam President, I ask unanimous consent to speak for up to 10 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. These are people who have done the right thing. They have saved. They have tried to make sure they didn't need any kind of government handout. They have earned Social Security—and that is not a government handout—and they want to know they can make it living the lifestyle they want to live because they have saved. But here we are talking

about raising their taxes on the dividends of any stock they might have invested or might have been in their company 401(k) plan, and we are talking about raising the capital gains rate.

In fact, the dividends rate could be as much as 39.6 percent. Nearly forty percent on dividends is going to kill a plan for retirement, and it is just not right to change the rules when we have had a lower dividend tax rate or capital gains tax rate for people who have done the right thing and saved for their own security. That is what will make a strong economy, and for our retirees to be able to get the rest they deserve.

What about married couples? One of my longstanding priorities in the Senate has been to make sure we have a level playing field on deductions of State and local taxes. Some States have income taxes, some States have sales taxes, some have both, and a few have neither. But for those who have both, we give them the choice of a sales tax deduction or income tax deduction. That means on their Federal income tax they don't pay taxes on the taxes they pay. If they are paying a State income tax or a State sales tax, they should be able to deduct at least one of those because there is no reason to be taxed on taxes. The sales tax deduction expired at the end of last year. If we don't renew it, the people who have sales taxes and no income tax are going to be severely disadvantaged.

In my home State of Texas, that makes at least a \$500 difference to every person who takes those deductions. That can be a lot for 2 million Texans who claim this deduction, to have an average of \$500 they are paying on taxes. So it is not a level playing field if we don't renew that extension. There are eight States that have no income tax, and they do have sales taxes. So I am hoping we will have that kind of parity in taxation, which we must do by the end of the year to allow that equity to take hold.

A second priority of mine is the marriage penalty. I passed the original amendment that would double the standard deduction for married couples. This has been a hugely popular tax deduction because in the past, when two single people got married, they would go into the higher bracket, and they would not get a double standard deduction. Prior to 2001, 25 million couples paid a penalty for being married, and the average cost to them was \$1,400. As an example, if a Houston policeman, with a taxable income of \$50,000, is marrying a data entry clerk who makes \$30,000, they are going to have a tax increase of about \$800 a year because the marriage penalty will come back at the end of this year.

We enacted relief in 2001. It was my amendment. And I hope we will not leave here December 31 of this year without renewing the marriage penalty

tax relief. It will mean \$800 for married couples, as an average, and, for sure, that is something they deserve when they get married. They shouldn't have to pay more for their decision to get married. So if we don't extend the tax cuts that are in place right now, at the end of this year we are going to see tax relief for the middle class, small businesses, family farms, retirees, and families go away. That relief will go away, and all of their taxes are going to go up. That is not even counting the surcharges that are going to take effect January 1 of next year in the health care law on dividends and capital gains.

So if the dividend rate goes back up to 20 percent, it is going to be 23.8 percent. If someone is in the 39.6-percent bracket, it is going to be 43.4 percent. So it is something we must deal with.

The other side of the equation is spending. Madam President, we must do something about the \$1 trillion deficits we have had year after year after year that have made this debt go up from \$10.6 trillion 4 years ago to \$16.2 trillion today. We are about to hit our debt limit, and that means we are going to have to increase the debt that is already a wet blanket on this economy.

So, Madam President, we must come together.

We can do it. We can cut spending. We can address entitlement reform that will bring our entitlements into an actuarial soundness. Social Security and Medicare have already sustained enormous cuts in the health care plan that was adopted 2 years ago, and we can't sustain either of those programs if we continue to go in the direction we have been going.

So rather than the sequestration—which is going to take more than \$1 trillion out of federal programs, half of which is going to come from defense—we have got to do something about it now.

We have a 10-year plan that could cut the deficits. But we have got to do more. We have got to enact the next step in budget cuts, and it has got to include entitlement reform, in my opinion. I know there are disagreements about that, but that is the argument and the discussion we need to have. It is our responsibility.

We should be using this time—today, tomorrow, this week—to start putting together a framework of discussions, because we will be in session from the end of November probably up until right before Christmas, and the American people deserve to have a solution, something that assures small business that they can count on a tax structure that is fair, that can allow them to make a reasonable profit, and allow them to hire more people.

We have got to cut spending so we can manage this government in a responsible way without it encroaching

on the vibrancy of our economy. That is our challenge. I hope this Congress is up to it.

Madam President, I yield the floor.

#### CYBERSECURITY ACT OF 2012

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on S. 3414, the Cybersecurity Act of 2012, is agreed to, the motion to reconsider is agreed to, and there is up to 60 minutes of debate equally divided between the two leaders or their designees.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Madam President, I want to begin by thanking the majority leader, Senator REID, for being as steadfast as he has been in pursuit of a law that will protect America from what I think most security experts would say today, surprisingly, is the most serious threat to our security and to our economy, which is from cyber attack and cyber theft.

The majority leader, with the authority he has over our schedule, has now pulled up the Cybersecurity Act of 2012, S. 3414, for reconsideration; that is to say, to reconsider the cloture vote that was held in August and failed to get 60 votes, much to my disappointment. I am very grateful that Senator REID now gives the Senate a second chance to do something to protect the American people from cyber attack and cyber theft.

If you look at what has happened since the cloture vote on the Cybersecurity Act failed back in August, I think you will see how urgently we need to seize this opportunity to at least vote to proceed to the Cybersecurity Act. Senator REID has made clear that he would allow a finite number of amendments—finite because, after all, we are in a postelection so-called lame-duck session. The amendments can't go on forever. But a finite list would allow there to be a discussion and vote on the major concerns people still seem to have with the compromised bipartisan Cybersecurity Act of 2012.

I appeal to my colleagues: Don't be recorded as no. Say yes to at least allowing a discussion of cybersecurity legislation here, offer some amendments, and then, of course, understand that we are not a unicameral legislature, to say the obvious. If—as I hope—we can pass cyber security legislation here, it has to go to conference with the House that I would say has—describing it diplomatically—a different position than as reflected in the Cybersecurity Act of 2012 that emerged in part from the Homeland Security Committee; which is why I have the honor of managing this debate, brought out with the strong support from my ranking member and dear friend Senator

COLLINS of Maine, and then working together with Senator FEINSTEIN, the chair of the Senate Intelligence Committee, Senator ROCKEFELLER, the chair of the Commerce Committee, and Senator CARPER, who has had a real interest in cyber security and is a leader on the Homeland Security Committee. We bring this legislation forward.

We are being given a second chance to raise our defenses against rival nations, enemy nations, industrial spies, cyber terrorists, organized anti-American nonstate actors, and international organized criminal gangs who are constantly probing our computer networks for weaknesses that they can exploit to steal industrial secrets, to take some of the best results of American innovation and entrepreneurship overseas and, with it, the jobs that come with those secrets. And, of course, to sabotage critical infrastructure—power plants, financial systems, telecommunications systems, water systems, and so on and so on—which are the systems that we depend on in our society for our quality of life, for our freedom of expression, so many of them owned by the private sector and managed and controlled now, operated, by cyber systems over the Internet and, therefore, subject to cyber attacks.

That is what this bill is about, creating standards for public-private cooperation to raise our defenses against cyber attack and cyber theft. Everybody you talk to in the public or private sector says today that we are vulnerable to attack. This bill only relates to the most critical cyber infrastructure whose compromise, whose attack, whose disabling would result in mass casualties, catastrophic economic loss, and assaults on our national security.

So let me come back to what I said. The best arguments for this bill and for voting on the motion to proceed and going to the bill are not the arguments, frankly, that I will make on behalf of the bill but the facts that have occurred and the limited amount of time since August when this initial vote to proceed to the Cybersecurity Act occurred.

On August 15, just 2 weeks after the last cloture vote, a computer virus called Shamoon erased the hard drives of 30,000 computers owned and operated by Saudi Aramco, one of the world's largest energy companies. What happened as a result of the erasing of those hard drives, the data files were replaced with images of burning American flags. It is pretty clear who carried out this attack. The computers were rendered useless and had to be replaced and restored. Some cyber experts that I trust say this was the most destructive cyber attack against a private company in history. A similar attack was carried out on the Qatari natural gas company called RasGas. Remember the burning American flags? Iran is suspected as the attacker in both instances.

Thanks to quick work, really extraordinary work by Aramco and many of the world's leading cyber security technologists and experts, the damage to Saudi Aramco was contained. But this attack could have thrown global oil markets into chaos and a lot of economies—including ours—into greater stress than we are already in if orders couldn't be filled or shipments made.

That was August, 2 weeks after the last cloture vote on the cyber security bill. Then in September, the consumer Web banking sites of some great American financial institutions—Bank of America, JPMorgan Chase, Wells Fargo, PNC Bank, and some others—came under the largest sustained denial of service attack in history. As I am sure most of my colleagues know, this is when the Web sites are essentially overloaded, they are flooded, to make it impossible for them to stay up and provide the service they normally do. These attacks went on in different waves for weeks, knocking many of these sites that are very important to commercial life in our country offline or slowing them to a crawl. Just take a look at how much commerce is now conducted over the Internet and I think you can see the potential catastrophe here. These kinds of attacks really could bring our banking system and the economy to its knees. Again, some intelligence officials that I respect suspect that Iran or its agents launched these attacks against the American banks.

Defense Secretary Panetta warned in a recent speech that these and other cyber attacks show that we are approaching a cyber Pearl Harbor where:

An aggressor nation or extremist group could use these kinds of cyber tools to gain control of critical switches . . . [and] derail passenger trains, or even more dangerous, trains loaded with lethal chemicals.

They could contaminate the water supply in major cities, or shut down the power grid across large parts of the country.

That is not science fiction. That is not an alarmist. That is the Secretary of Defense of the United States, Leon Panetta, issuing a warning based on what anybody who works in this field knows is reality.

In recent weeks, we have watched one section of our country—in this case the Northeast, including my own State of Connecticut—hit by Hurricane Sandy and then a follow-on northeaster storm, losing power. Some parts of New York and certainly New Jersey were hit harder than Connecticut, but we were hit pretty hard ourselves. Some still are without power, and this is the third week since the hurricane. This is exactly the kind of dislocation and suffering that would occur if an enemy cyber attacked America's electric power system. It is why we need to at least vote to take this bill up now with a sense of urgency in this session. Time is not on our side.

The elections are over. The American people through their votes have told us in a clear and certain voice that they want us to work together to solve the many challenges our Nation confronts. I know we are focused on avoiding going over the fiscal cliff and the challenge to Congress is, Can we solve our fiscal problems? Can we come to a bipartisan compromise before we go over the cliff?

In this case of cyber security and cyber vulnerability, the challenge before us is, Can we come to a bipartisan agreement compromise—and we think we have in the bill before us—and create and improve our defenses before a catastrophic cyber attack occurs, as it surely will, and then we come rushing back to raise our defenses, as we did after 9/11, after we have suffered an attack?

Mr. WHITEHOUSE. Mr. President, will the Senator yield for a question?

Mr. LIEBERMAN. I will.

Mr. WHITEHOUSE. I want to ask the distinguished chairman, who referenced the important word, “compromise,” if he has spoken about the extent to which this bill reflects not only the original bipartisan compromise between himself and his ranking member, Senator SUSAN COLLINS of Maine, but then a second compromise done to reach further to our Republican colleagues that is actually already embedded in this bill. I think it is important for the people who are watching and listening to us to recognize that not only was this an original bipartisan bill that was the product of bipartisan compromise and discussion, but then a further unilateral step was taken by the distinguished chairman to move even more toward Republican colleagues. So it is not only a compromise but double compromise that is on the Senate floor right now.

Mr. LIEBERMAN. I thank my friend from Rhode Island. I thank my friend for his interest in the area of cyber security and for his leadership. I have not talked about that yet—and I will right now—which is to say, following the advice of most of the experts of both political administrations and experts outside, one of the centerpieces of our original bill was to create a public-private process—government and people who live in these sectors of our economy—to draft best practices, not to have them imposed by the Government, and then to make it mandatory within a set period of time, and that these practices, these standards, would be general principles, not all do’s and don’ts, to leave room for the private sector to come up with the best way they thought they could meet those standards.

Opponents, particularly the business community, and some of our friends on the other side, have said to us that they fear that would be more regulation of business. Senator COLLINS, my

ranking member and dear friend, is a leading advocate of regulation reform and lighter regulation on business. But she said over and over with such credibility and force: This is not regulation of business; this is protection of our homeland security, of our economy. You reform regulation when the regulations seem to be too much and get in the way of economic growth. We have a threat that is today stealing billions of dollars of American innovation, taking jobs elsewhere in the world.

OK, we had it mandatory, but it was clear we were not going to get to 60 votes. I have said over and over, one of the problems we have in Congress now is people seem to say if they do not get 100 percent of what they want, they are not going to vote for a bill. So I had to listen to my own words because if they wait for 100 percent of what they want on a bill, everybody is going to end up with zero percent. We might as well try to get done what we agree on. So we took a big step, which was to make those mandatory standards voluntary.

Then we threw in an incentive, which is a lot—partial liability, immunity from liability in the case of a cyber attack—as an encouragement for those companies that voluntarily opt into the standards that the voluntary process would set up that gets some immunity from liability for prosecution.

Incidentally, President Obama has made very clear, first, that he totally gets the seriousness of this challenge to our security, this cyber challenge to our security and our prosperity. He has supported this legislation, but he has gone one step further now and said if we fail to pass legislation, he will issue an Executive order that does as much as an Executive order can do to protect America better from cyber attack and cyber theft.

The President does have the authority to issue an Executive order that will establish standards for cyber security for all 18 critical infrastructure sectors under existing law and require those sectors to be implemented in certain areas where the regulators have the power to mandate such observance of the standards. A draft of such Presidential order is now being circulated, but the President does not have the power under existing law to offer a lot of the benefits that our bill would give private sector owners of critical infrastructure.

For one thing the President does not have the ability to offer the private sector owners the liability protection I have just described. In addition, needed changes to law that permit private companies to share cyber security threat information among themselves and with the government will go unmade. So both sides in this debate have acknowledged that this is a critical piece in any bill. But it cannot be implemented by executive action. We are the lawmakers. We have the ability to

protect our country better than the President does by Executive order. I have appealed to the President that if we are not able to act here that he should issue this Executive order. I am very encouraged by the work done on it, and I am confident that if we fail to act the President will act. I think he has a responsibility to act because if we fail to act we are leaving the American people extremely vulnerable to a major cyber attack. Therefore, although the legislation is preferable, an Executive order will certainly give the American people protection.

I have more to say, but I note the presence on the floor of my colleague and partner in this pursuit, the chair of the Senate Intelligence Committee, Senator FEINSTEIN. If she would like to speak, I will yield the floor to her.

Mrs. FEINSTEIN. I would, and I thank my colleague.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Madam President, if I may, I want to compliment Senator LIEBERMAN on his steadfast determination to get this bill passed. I think he and his ranking member, Senator COLLINS, have done a very fine job. I think it is important for everyone to know about those hours when we sat down with other Members trying to negotiate something people might agree to on this cyber bill. Unfortunately, we could not.

I am very worried. I am very worried there will be a major cyber attack on this Nation. I do not say that without intelligence to back it up. On the Intelligence Committee, we receive regular warnings from the Intelligence Community that tell us cyber attacks are increasing in number, sophistication, and damage.

Unfortunately, despite significant changes made to the Cybersecurity Act that Senator LIEBERMAN, Senator COLLINS, Senator ROCKEFELLER and I agreed to in July and August, many on the other side of the aisle filibustered the bill. Since that time we have learned of additional major cyber attacks.

In October and September of this year, at least nine major U.S. banks were hit by a series of attacks that blocked their customers from accessing their banking information or making online transactions. This list of victims includes the country’s largest, most sophisticated financial institutions: the Bank of America, JPMorgan Chase, Citigroup, the U.S. Bank, Wells Fargo, PNC, Capital One, BB&T Corporation, and HSBC—all cyber attacked.

These attacks systematically hit banks for 5 weeks. They disrupted traffic at each bank for a day or two before moving on to the next victim. It was a well planned and coordinated cyber attack from bank to bank to bank to bank. It disrupted the banking system,

but it did not destroy it. But that doesn't mean the attackers do not have the ability to destroy it. This is a real wake-up call, and I think we ignore it at our own peril.

I have come to believe it is negligent to fail to pass a bill with the warnings that are out there today. I remember, I was on the Intelligence Committee when the CIA Director, then-Director Tenet, came before the committee in the middle of the summer in 2001 and said to us: We anticipate an attack. We don't know where. We don't know when. That attack came, and it was 9/11. Today there is the same anticipation of a big attack, a big cyber attack. And we need to put in place the legal procedures to prevent that.

Let me mention other recent cyber attacks. In August, a foreign country or organization used computer code to destroy 30,000 computers at the world's largest energy company, that is Saudi Aramco, and that is Saudi Arabia's state-owned oil company. How is this done? According to the New York Times, the cyber attackers "unleashed a computer virus to initiate what is regarded as among the most destructive acts of computer sabotage on a company to date. The virus erased data on three-quarters of Aramco's corporate PCs—documents, spreadsheets, e-mails, files—replacing all of it with an image of a burning American flag."

If anything is a harbinger of things to come, that is clear. Why would one put their signature on a major cyber attack by showing burning American flags unless they had some additional intent against the U.S.? We cannot underestimate the threat. To do so is sheer negligence on the part of this body.

In the 5 months from October 2011 through February 2012, over 50,000 cyber attacks were reported on private and government networks with 86 of those attacks taking place on critical infrastructure networks. So we have 86 attacks on critical infrastructure networks.

Keep in mind these 50,000 incidents were only the ones reported to the Department of Homeland Security. So they represent but a small fraction of cyber attacks carried out against the United States. This year, 2012, Nissan, MasterCard, and Visa joined the ranks of other major companies already hacked—Sony, Citi, Lockheed Martin, Northrop Grumman, Google, Booz Allen Hamilton, RSA, L-3, and the U.S. Chamber of Commerce as victims of hacking last year.

We also know that last year for at least 6 months, 48 companies in the chemical, defense, and other industries were penetrated by a hacker looking to steal intellectual property. The cyber security company Symantec has attributed some of these attacks to computers in Hebei, China.

Here is the point. We know we are being attacked by other countries. I

hear it in the Intelligence Committee. It is classified so I cannot go into it here. But suffice it to say that we know it is happening. Things are only going to get worse, as Secretary Panetta said in a recent major address in New York. Let me just read one section of his speech:

The collective result of these kinds of attacks could be a cyber Pearl Harbor, an attack that would cause physical destruction and loss of life. In fact it would paralyze and shock the nation and create a new, profound sense of vulnerability.

Members of the Senate, we are warned. We are warned clearly, we are warned directly, and we are warned by the Head of Cyber Command, General Alexander, as well as the Secretary of Defense. Yet we do nothing.

I strongly believe we need to pass this bill. Then it will go to the House. And then there will be a conference. Along the way, there will have to be some accommodations made. But, there is no reason for this Senate, knowing what we know, not to pass this bill.

We also know the President would sign this bill, and we know the President would not sign the House bill as is. So we have an opportunity by moving forward with this bill.

I want to remind my colleagues of efforts made to negotiate an agreement on this bill. Before the bill came to the floor in July, and while the Senate was considering it, there were numerous meetings every day by a dozen or more Senators. The authors of the bill met with Senators MCCAIN, CHAMBLISS, HUTCHISON, the sponsors of the SECURE IT Act, as well as Senators KYL and WHITEHOUSE, and a group they convened. We had multiple meetings with the U.S. Chamber of Commerce. The Chamber's largest concern with Title VII on information sharing was over the liability protections in our bill—which is what the Intelligence Committee staff worked on and prepared.

I asked the Chamber where they thought our language was deficient. I asked them if they could improve on the immunity provisions, to please send us bill language. Did they? No. They did not. I think that is some testimony that is worth thinking about.

Over the summer, the majority leader offered to vote on a set list of amendments. He asked if the minority could put together the 10 votes it wanted, and as long as they were relevant and germane to the bill, we would consider them. No list was provided. So we voted, and by a vote of 52 to 46, cloture was not invoked.

Again, after the vote, the staff from both sides of the Homeland Security Committee, the Commerce Committee, and the Intelligence Committee held numerous meetings to negotiate a compromise. The effort did not succeed. So if we are to address the major problem of cyber attacks and potential cyber

warfare, we have no option but to bring the Lieberman-Collins bill back on the floor.

I know my time is limited here today. And I know the Nation's cyber laws are woefully out of date. Let me touch on one more thing regarding the information sharing part of the bill. I received a call from a CEO of a high-tech company about the homeland security portal or exchange, as we call it in the bill. That CEO said, We would like our information to go directly into the Department of Defense. Let me note that would create a big problem. It created a problem with a number of U.S. Senators who are concerned about the military getting this kind of cyber information. And it created a big concern with the privacy organizations throughout our country. So it was changed so that the portal would be run most likely by Homeland Security. But here is the point I wish to make. The transfer of cyber information is with the click of a mouse. It moves instantaneously, so that as information—

The PRESIDING OFFICER (Mr. CASEY). The time of the Senator has expired.

Mrs. FEINSTEIN. I ask unanimous consent for 1 minute to conclude.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. FEINSTEIN. So as information comes in, it goes instantaneously into the correct area. The CEO who called me said, I didn't know that. Thank you. I have no problem with that.

So I would ask my colleagues who have voted against this bill to reconsider. We are never going to do the perfect bill. The bills are going to have to be changed and amended as time goes on. But I think passing a bill is important. I think to leave this country vulnerable, not to pass a bill because somebody doesn't like this part or that part, is negligent, it is irresponsible, and God forbid if we have that major cyber Pearl Harbor that Secretary Panetta referred to in his speech. I urge my colleagues to pass this bill.

I thank the Chair for the extra time, yield the floor and ask that my remaining remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Let me describe what the information sharing title does specifically.

First, title VII explicitly authorizes companies to search for cybersecurity threats on their own networks and to take appropriate actions to defend their networks against these threats.

Many companies monitor and defend their own networks today, in order to protect themselves and their customers.

But we have heard from numerous companies that the law in this area is unclear, and that sometimes it is less risky, from a liability perspective, to just hope attacks don't

happen than to take additional steps to defend themselves.

So this bill will make the law crystal clear by giving companies explicit authority to monitor and defend their own networks.

Second, the bill clearly authorizes private companies to share cyber threat information with each other.

There have been concerns that antitrust laws or other statutes prevent companies from cooperating on cyber defense. This bill, section 702, clearly says: "notwithstanding any other provision of law, any private entity may disclose lawfully obtained cybersecurity threat indicators to any other private entity in accordance with this section."

Third, the bill authorizes the government—which will largely mean, in practice, the intelligence community—to share classified information about cyber threats with appropriately cleared organizations, such as companies, outside of the government.

Today, only government employees and contractors are eligible to receive security clearances and therefore gain access to national secrets. To put it another way, those with a valid "need to know" national security secrets are usually within the government or working for the government.

That isn't true for cyber security. The companies that underpin our Nation's economy and way of life have a "need to know" about the nature of cyber attacks so they can better secure their systems.

So under this bill, companies able to qualify to receive classified information will be certified and then be able to obtain classified information about what cyber threats to look out for.

Fourth, the bill establishes a system for any private sector entity—whether a power utility, a defense contractor, a telecom company, or others—to share cyber threat information with the government.

This is the piece that General Alexander—the Director of the National Security Agency and the Commander of U.S. Cyber Command—says is absolutely necessary for the protection of the United States.

Here is how the provision works:

The Secretary of Homeland Security, in consultation with the Attorney General, the Secretary of Defense, and the Director of National Intelligence, would designate a federal cybersecurity exchange. This would be an office or center that already exists, and already shares and receives cyber threat information.

Private companies would share cyber threat information with the exchange directly. The exchange must be a civilian entity; I expect it would be within the Department of Homeland Security.

Let me stop there. Why not have this portal or exchange be in the military or the NSA? There are two reasons:

First, we are talking here about the protection of the government's network—the dot.gov network—and the computer systems outside of the government. We are not talking about protecting the dot.mil network and the Department of Defense, and we are not talking about actions that the military takes overseas. Protection of the private sector—of the electrical grid or Wall Street—is simply not the military's or NSA's responsibility.

Second, there is, for good reason, major concern among privacy advocates not to have private sector information, which could include Americans' banking records, or email traffic, or health care records, being shared by companies with the military or intelligence community.

In drafting this bill, we heard from several Senators for whom having a military exchange was a complete non-starter. We worked with Senators DURBIN, FRANKEN, COONS, AKAKA, BLUMENTHAL, and SANDERS, and others to craft this language putting a civilian entity in the lead.

General Keith Alexander, the Director of the National Security Agency, also supports this model. He wrote, in his July 31 letter to Senator REID: "The American people must have confidence that threat information is being shared appropriately and in the most transparent way possible. That is why I support information to be shared through a civilian entity, with real-time, rule-based sharing of cyber security threat indicators with all relevant Federal partners." General Alexander is the top military and intelligence official on cyber saying that he supports a civilian exchange.

So we have the Federal exchange. Companies will use the exchange, as a portal and information will be sent automatically and instantaneously to other parts of the government. This is what General Alexander was describing.

This part is critical. We are not talking about information going to an office in the Department of Homeland Security and waiting for someone to look at it and figure out whether to share it and with whom.

This is an automatic, instantaneous process. Information comes in and is automatically shared with other departments and agencies.

The bill requires that procedures be put in place so that information is shared in real-time. This has to be done automatically, so that cyber defense systems can move to identify and disrupt a cyber attack as it is coming over the networks.

I discussed this recently with a CEO of a high-tech company. He was concerned that information wouldn't reach the Department of Defense. I explained that our bill would provide instantaneous sharing to DOD. He said that would satisfy his concerns. So this is a major point.

Having a single focal point is also more efficient for the government. It will help eliminate stovepipes because right now there are dozens of different parts of the government receiving information from the private sector about the cyber threats they are encountering, and no one agency has the responsibility to ensure the information is shared with other parts of the government.

It would also make privacy and civil liberties oversight easier, as I will describe in a moment. Finally, it should save tax payers money, because it is more efficient to manage and oversee the operation of one designated cybersecurity exchange versus a half dozen or more parts of the government.

Now let me describe the liability protections, because that is a critical part of title VII.

Section 706 of the bill provides liability protection for the voluntary sharing of cyber threat information with the federal cybersecurity exchange.

The bill reads: "no civil or criminal cause of action shall lie or be maintained in any Federal or State court against any entity [meaning a company] acting as authorized by this title, and any such action shall be dismissed promptly for . . . the voluntary disclosure of a lawfully obtained cybersecurity threat indicator to a cybersecurity exchange."

In other words, a company is immune from lawsuit if it shares cyber threat information with a Federal exchange.

The same immunity applies to:

Companies who monitor their own networks;

Cybersecurity companies who share threat information with their customers;

Companies that share information with a critical infrastructure owner or operator; or

Companies who share threat information with other companies, as long as they also share that information with the Federal cybersecurity exchange within a reasonable time.

If a company shared information in a way other than the five ways I just mentioned, it still receives a legal defense under this bill from suit if the company can make a reasonable good faith showing that the information sharing provisions permitted that sharing.

Further, no civil or criminal cause of action can be brought against a company or an officer, employee, or agency of a company for the reasonable failure to act on information received through the information sharing mechanisms set up by this bill.

Basically, the only way that anyone participating in the information sharing system can be held liable is if they are found to have knowingly violated a provision of the bill or acted in gross negligence.

So there are very strong liability protections in this bill for anyone that shares information about cyber threats—which is completely voluntarily.

In addition to narrowly defining what information can be shared with an exchange, our bill also requires the Federal government to adopt a very robust privacy and civil liberties oversight regime for information shared under this title. There are multiple layers of oversight from different parts of the executive branch, including the Department of Justice and the independent Privacy and Civil Liberties Oversight Board, as well as the Congress.

Consider this: In October, General Alexander—the Director of the NSA—and Anthony Romero, the Executive Director of the ACLU, spoke together on a cybersecurity roundtable at the Woodrow Wilson Center. General Alexander praised title VII's approach to information sharing, and Mr. Romero said "I think it strikes the right balance." It is not often that the Director of the NSA and the Executive Director of the ACLU agree on legislation. If they can, I would hope that the Senate can come together as well.

The time to act is now. The cyber threat we face is real, it is serious, and it is growing. The country is vulnerable, and this legislation is essential. I urge my colleagues to support the motion to proceed and to support the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Senator GRASSLEY, who is scheduled to speak next, has been kind to give me 45 seconds, so I appreciate that.

In July and August, the cosponsors of both the underlying bill, the Lieberman-Collins bill, and the SECURE IT bill, of which I am a cosponsor, met regularly, and I was hopeful we could resolve the significant differences between these two bills. Unfortunately, we did not reach an agreement, and even though we had been promised an open amendment process on this underlying bill, the majority leader once again filled the tree and filed cloture. Unfortunately, nothing has changed

since then, so I am compelled to do the same thing today.

We all understand the serious threat that is facing our country from cyber attacks and intrusions, but that does not mean Congress should just pass any bill. Frankly, the underlying bill is not supported by the business community, for all the right reasons, and they are the ones who are impacted by it. They are the ones who are going to be called on to comply with the mandates and the regulations. Frankly, it is not going to give them the kind of protection they need from cyber attacks.

So I regret to have to stand up today and say that I intend to vote against cloture on this bill, and I yield to Senator GRASSLEY.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, we are again discussing the important topic of cybersecurity—a topic we all agree is of the utmost importance and worthy of our attention. Unfortunately, this is like the movie “Groundhog Day.” The majority continues to push the same flawed legislation that failed to garner enough votes for consideration just three months ago.

No one disputes the need for Congress to address cybersecurity.

However, Members do disagree with the notion this problem requires legislation that increases the size of the Federal Government bureaucracy and places new burdens and regulation on businesses.

Enhancing cybersecurity is important to our national security. I support efforts to strengthen our Nation against cyber attacks.

However, I take issue with those who have come to the floor and argued that those who don't support this bill are against strengthening our Nation's cybersecurity.

As I said in August, disagreements over how to address policy matters shouldn't devolve into accusations about a Member's willingness to tackle tough issues.

The debate over cybersecurity legislation has turned from a substantive analysis of the merits into a political blame game as to which side supports defending our Nation more.

If we want to tackle big issues such as cybersecurity, we need to rise above disagreements and work in a constructive manner. Disagreements over policy should be openly and freely debated.

Unfortunately, this isn't how the debate on cybersecurity proceeded. Instead, before a real debate began last August, the majority cut it off.

This was contrary to the majority's promise earlier this year of an open amendment process to address cybersecurity.

Aside from process, I also have significant substantive concerns with the bill. Chief among my concerns with the

pending bill is the role played by the Department of Homeland Security. These concerns stem from oversight I have conducted on its implementation of the Chemical Facility Anti-Terrorism Standards, or the CFATS program.

CFATS was the Department's first major foray into regulation of the chemical sector. DHS spent nearly \$500 million on the program. Five years later, they have just begun to approve site security plans for the more than 4,000 facilities designated under the rule.

I have continued to conduct oversight on this matter. Despite assurances from DHS that they have fixed all the problems with CFATS, I keep discovering more problems.

On top of this concern, since the last vote in August, the chairman and ranking member of the Senate Permanent Subcommittee on Investigations have released a report criticizing DHS and the fusion centers they operate. The subcommittee report criticized DHS's fusion centers as “pools of ineptitude, waste, and civil liberties intrusions.”

And that is the evaluation after DHS spent as much as \$1.4 billion on this program.

Given these examples, I am baffled why the Senate would take an agency that has proven problems with overseeing critical infrastructure and give them chief responsibility for our country's cybersecurity.

Additionally, I am concerned with provisions that restrict the way information is shared.

The restrictions imposed under title VII of this bill are a step backward from other information-sharing proposals. This includes the bill I have cosponsored, the SECURE IT bill.

The bill before us places DHS in the role of gatekeeper of cyber threat information. The bill calls for DHS to share the information in “as close to real time as possible” with other agencies. However, this will create a bottleneck for information coming into the government.

Further, title VII includes restrictions on what types of information can be shared, limiting the use of it for criminal prosecutions except those that cause imminent harm.

This is exactly the type of restriction on information sharing that the 9/11 Commission warned about.

In fact, the 9/11 Commission said, “the [wall] resulted in far less information sharing and coordination.” The Commission further added, “the removal of the wall that existed before 9/11 between intelligence and law enforcement has opened up new opportunities for cooperative action.”

Why would we even consider legislation that could rebuild these walls that threaten our national security?

We haven't had any real debate on these issues. The lack of a real process

in the Senate on this current bill amplifies my substantive concerns.

In fact, this is eerily reminiscent of the debate surrounding ObamaCare.

Here we are once again, in a lame duck session the week before Thanksgiving, tackling a serious problem that hasn't been given the benefit of the Senate's full process.

I don't want cybersecurity legislation to become another ObamaCare. If we are serious about our Nation's security, then shouldn't we treat it as such?

Additionally, the staff of the sponsors of the legislation before us continue behind-the-scenes efforts to negotiate changes to the bill we are being asked to vote on. If the bill sponsors are still negotiating changes, why don't we have the benefit of a full and open amendment process to try and fix it before we vote for cloture? It simply doesn't make sense.

Instead, it appears today's vote is about something other than cybersecurity. It is yet another attempt by the majority to paint the minority as obstructing the work of the Senate. Most likely, this vote will be used simply as fuel for the majority's effort to dismantle the filibuster. So much for tackling cybersecurity without putting politics into the mix.

This isn't the way we are supposed to legislate. The people who elected us expect more.

How many Senators are prepared to vote on something this important, without knowing its impact because we haven't followed regular order? Are we to once again pass a bill so that the American public can then read it and find out what is in it?

These are questions that all Senators should consider. And our citizens should know in advance what we are actually considering.

If we are serious about addressing this problem, then let's deal with it appropriately.

Rushing something through that will impact the country in such a massive way isn't the way we should do business.

It is not good for the country and it is not good for this body.

Thank you. I yield the floor.

Ms. MIKULSKI. Mr. President, today I wish to support the Cybersecurity Act of 2012. As a member of the Intelligence Committee, I know that cybersecurity is the most pressing economic and national security threat facing our country.

There still needs to be a sense of urgency in addressing this issue, and we must pass this legislation. Doing so will allow us to defend our computer networks and critical infrastructure from a hostile, predatory attack. Such an attack is meant to humiliate, intimidate, and cripple us. If we wait until a major attack occurs, we will likely end up over-reacting, over-regulating, and overspending in order to address our weakness.



The threat of a cyber attack is real. Our Nation is already under attack. We are in a cyber war, and cyber attacks are happening every day. Cyber terrorists are working to damage critical infrastructure through efforts to take over the power grid or disrupt our air traffic control systems. Those carrying out these attacks are moving at breakneck speeds to steal state secrets and our Nation's intellectual property. They are stealing financial information and disrupting business operations.

Cyber attacks can disrupt critical infrastructure, wipe out a family's entire life savings, and put human lives at risk. They can take down entire companies by hacking into computer networks where they remain undiscovered for months, even years.

FBI Director Mueller testified before the Senate Intelligence Committee, stating that cyber crime will eventually surpass terrorism as the No. 1 threat to America. The economic losses of cyber crime alone are stunning. A Norton Cybercrime Report valued losses from cyber attacks at \$388 billion in 2011.

I have been working on cyber issues since I was elected to the Senate. The National Security Agency—our cyber warriors—are in Maryland. I have been working with the NSA to ensure that signals intelligence is a focus of our national security even before cyber was a method of warfare.

In 2007, Estonia was attacked. Estonia was strengthening its ties to NATO, and Russian hackers swiftly struck back. They waged war on Estonia and threatened its government, rendered Estonia's networks obsolete for days. This attack was designed to intimidate, manipulate, and distort.

The cyber attacks on Estonia raised important questions. Would article 5 of the NATO Charter be invoked? Since the attack was on one member of NATO—was it an attack on all members? How would the U.S. and other allies need respond to future attacks? What would happen if America experienced a similar cyber attack?

As member of the Senate Intelligence Committee, I served on the Cyber Working Group where we developed core findings to guide Congress. The need to get governance right, the need to protect civil liberties, and the need to improve the cyber workforce.

As chair of the Commerce, Justice, Science Appropriations Subcommittee, I fund critical cyber security agencies: the FBI which investigates cyber crime, NIST, which works with the private sector to develop standards for cyber security technology, and NSF, which does research.

As a member of Defense Appropriations Subcommittee, I work to ensure critical funding for Intel and cyber agencies such as the NSA, CIA, and IARPA. These organizations are com-

ing up with the new ideas that will create jobs and keep our country safe. Funding is critical to build the workforce, provide technology and resources, and to make our cyber security smarter, safer, and more secure.

Yet technology will mean nothing unless we have a trained workforce. In order to fight the cyber security war, we have to maintain our technological development, maintain our qualitative advantage, and have our cyber warriors ready at battle stations. In order to develop our cyber shield, we need to train cyber warriors so they can protect our Nation. I have been working with Maryland colleges and universities to create world-class programs, a national model, and for training our next generation of cyber warriors.

I asked Senator REID to conduct a cyber security exercise, which showed us in real time how the U.S. Government would respond to a predatory cyber attack of great magnitude. I asked for the Senate cyber exercise for three reasons. First, we need a sense of urgency here in the Senate to pass cyber security legislation. Second, we need to put the proper legislative policy in place. Third, I wanted to create a sense of bipartisanship camaraderie.

One example of the impact a cyber attack would have is the power outages caused by our freak storms this summer. We got a glimpse of what an attack on the grid would be like. At least Pepco has the ability to respond and restore and turn the power back on. With an attack on the grid we could lose the power to turn electricity back on because it was shut down by power manipulation. Imagine our largest cities, like New York and Washington, like the Wild West with no power, schools shut down, parents stuck in traffic, public transit crippled, no traffic lights, and 9-1-1 systems failing.

In the financial industry, the FBI currently has 7,600 pending bank robbery cases and over 9,000 pending cyber investigations. According to the FBI, the Bureau is currently investigating over 400 reported cases of corporate account takeovers where cyber criminals have made unauthorized transfers from the bank accounts of U.S. businesses. These cases involve the attempted theft of over \$255 million and actual losses of approximately \$85 million.

Hackers have repeatedly penetrated the computer network of the company that runs the Nasdaq Stock Market. The New York Stock Exchange has been the target of cyber attacks. In the future, successful attempts to shut down or steal information from our financial exchanges could wreak havoc of untold proportions on our economy.

In the 2010 "flash crash", the Dow Jones plunged 1,000 points in matter of minutes when automatic computerized traders shut down. This was the result of turbulent trading, not a cyber attack and the market recovered. But

this is a micro-example of what could happen if stock market computers are hacked, infected, or go dark.

In November 2008 the American credit card processor RBS Worldpay was hacked—\$9 million was stolen in less than 12 hours. The hackers broke into accounts and changed limits on payroll debit cards employees use to withdraw their salaries from ATMs. The cards were used at over 2,100 ATMs in at least 280 cities around the world, United States, Russia, Ukraine, Estonia, Italy, Hong Kong, Japan, Canada, stealing over \$9 million from unsuspecting employers and employees.

This heist, one of the most sophisticated and organized computer fraud attacks ever conducted proves that you don't need a visa to steal someone's Visa card.

From 2008 to 2010, a Slovenian citizen created "Butterfly Bot" and sold it to other criminals worldwide. Cyber criminals developed networks of infected computers. The Mariposa variety from Spain was the most notorious and largest. Mariposa infected personal computers, stole credit card and bank account information, launched denial attacks to shut down online services, and spread viruses to disable computers and networks.

Industry experts estimated the Mariposa Botnet may have infected as many as 8 million to 12 million computers. The size and scope of the infection makes it difficult to quantify financial losses but could easily be tens of millions of dollars.

Speaking simply, this bill does two key things from a national security perspective. It helps businesses voluntarily get cyber standards that they can use to protect themselves, and it allows businesses and the government to share information with each other about cyber threats. That is, to help "gov" to protect "com."

In a constitutional manner, these two things are not necessarily connected, but they can be. The reason why these provisions are such an innovation is that despite all the amazing talent and expertise that companies have, many are being attacked and don't know it. And this legislative framework gives the structure to allow for unprecedented "com" and "gov" cooperation.

There are also other several other key components in the bill focusing on research and development, workforce development, and FISMA reform.

Why do we need a bill to make some of these vital partnerships and exchanges happen?

Because, as I have outlined, America is under attack every second of every day. General Alexander, the head of NSA and U.S. Cyber Command, has said that we have witnessed the greatest transfer of wealth in history in the heist that foreign actors have perpetrated on our country. By stealing

our secrets, stealing our intellectual property, and stealing our wealth. It is mindboggling. Take just one example. A theft by a foreign actor that took, among other things, key plans for our F-35 fighter. One attack on the Pentagon made off with so many sensitive documents that they would have filled delivery trucks end-to-end stretching from Washington, DC to Baltimore Harbor.

But don't take my word for it that this issue is urgent and that we need to address critical infrastructure. Who else says it is urgent? Experts from both side of the aisle do. Folks like former CIA Director Mike McConnell, DHS head Michael Chertoff, Vice Chairman of the Joint Chiefs of Staff James Cartwright, former cyber czar Richard Clarke, and many others have said we need to address critical infrastructure.

And our top defense and military leaders such as Defense Secretary Leon Panetta, Chairman of the Joint Chiefs of Staff Dempsey, Director of National Intelligence Clapper, and again, GEN Keith Alexander. The threat is here and it is now. And if we do not act, if we let the perfect be the enemy of the good, then this country will be more vulnerable than ever before, and Congress will have done nothing.

This bill is not perfect, but I want to say upfront that Senators LIEBERMAN and COLLINS have heard the critics and tried to incorporate their views. DHS's role has been criticized by many, myself included. I have been skeptical that they could perform some of the duties assigned in this bill.

To be honest, I still am skeptical, although less so than before, but I think this bill takes important steps to diversify the government and private sector actors involved. So we are not just focusing on DHS, but also the right civilian agencies in charge because in the end we cannot have intelligence agencies leading this effort with the private sector. Some would like to see that go further, and that is what the amendment process is there for.

We have had people in the civil liberties community worried about whether this bill could allow intrusions by the government into people's privacy. As a Marylander, this was a tantamount concern for me as well. If we don't protect our civil liberties, then all this added security is for naught because we would have lost what we value most, our freedom.

Again, I think the authors of this bill, especially Senator FEINSTEIN, have made key improvements on issues of law enforcement powers and protecting core privacy concerns. I know not everyone is totally pleased. But I think this bill has made important strides to balance information sharing and privacy.

We all have been concerned that the business community has opposed a lot

of key critical infrastructure elements of this bill. They fear strangulation and over-regulation. They fear that they will open themselves up to lawsuits if they participate in the program with the government. These are valid concerns, and I have heard them from Maryland businesses. I think this new bill has made the most strides in trying to accommodate business and building a voluntary framework to allow businesses to choose protection.

Protection does not come without responsibility for participants, but I think this bill links the need for cyber security with appropriate liability protection and the expertise of our business community in a way that answers a lot of companies' concerns. We cannot eliminate all government involvement in this issue. That won't work. And we will lose key government expertise in DOD, FBI, and elsewhere. But we work to try to minimize it while maintaining government's role in protecting our national security.

I am so proud that the Senate came together in a bipartisan way to draft this legislation. The Senate must pass this legislation now. Working together we can make our Nation safer and stronger and we can show the American people that we can cooperate to get an important job done.

Mr. ROCKEFELLER. Mr. President, for 4 years, we have been pushing the United States Senate to pass a bill to improve our Nation's cybersecurity. During this time, the cybersecurity threat to our country—to our way of life—has only grown. We have now seen cyber attacks against our Nation's pipelines, against our financial industry, and even against nuclear power plants.

The good news is we have not yet suffered a devastating cyber attack. At this point, we are still only talking about the potential impacts. We have not yet suffered an attack that greatly disrupts our financial industry, or an attack that cripples our electric grid. But these potential outcomes are real. And it is imperative that we begin addressing the risks.

Today, we have the opportunity to begin this important work by moving forward with the Cybersecurity Act of 2012. We have the opportunity to show the American people that we can rise above politics to do the job that they expect of us.

National security is one of our most sacred obligations as Members of this body. If a vote on cybersecurity fails today, we will have failed to meet that obligation for the 112th Congress.

I will be the first person to admit that this bill is not perfect. I have been clear that I believe a regulatory approach was the best approach to ensure that our country's most critical infrastructure addresses its cybersecurity vulnerabilities. We moved to a voluntary approach to seek a compromise.

Yet it was not enough for some of our colleagues. Frankly, I do not understand why.

I know the Chamber of Commerce decided that it did not like this bill. But sometimes we need to make decisions that the Chamber of Commerce is not happy with. Because it is not the Chamber's job to worry about national security. That is the job of our military. And they have been quite clear about what is needed. They have told us that they need this legislation. They have implored us to act. General Alexander, the Director of the National Security Agency, knows what is at stake. And his warnings have been dire.

He has said: "The cyber threat facing the Nation is real and demands immediate action."

He has said: "the time to act is now."

General Dempsey, the Chairman of the Joint Chiefs of Staff, wrote me a letter earlier this year about the urgent need for comprehensive cybersecurity legislation. In the letter, he explained that our: "adversaries will increasingly attempt to hold our Nation's core critical infrastructure at risk."

He stated that: "we cannot afford to leave our electricity grid and transportation system vulnerable to attack."

Both Generals agreed that we must do something and they both pushed the Senate to adopt comprehensive cybersecurity legislation that tracks the specifics of the bill we have been debating. Despite this urgent advice from our nation's top military advisors, that we need to act and that we need to do it now, some Senators suggested in August that we needed more time to debate cybersecurity. I strongly disagreed with this notion. But now we have had another few months to think about this bill. Today, there is simply no more reason for delay.

We passed a Cybersecurity bill out of the Commerce Committee in March 2010. And it passed unanimously. The Homeland Security Committee, led by Senators Lieberman and Collins, passed their cybersecurity bill by a voice vote in June 2010. The bills both went through Committees well over 2 years ago. Since that time, we have had hundreds of meetings with the private sector, interest groups, and national security experts. Senators have received multiple classified briefings about the nature of this threat. Everyone has had plenty of time to think about this issue. And we have made it quite clear that we are looking to compromise on this legislation. But to compromise you need a partner. I am hoping that our Republican colleagues are now willing to be our partners on this legislation.

I hope that my colleagues will reconsider the path we are on. At some point, if we do not do anything, there will be a major cyber attack and it will do great damage to the United States.

After it is over, the American people will ask, just as they asked after 9/11, what could we have done to stop this?

If we do not pass this legislation, they will learn about days like this one and their disappointment in us and the United States Senate will grow. And we will deserve their disappointment. Because we have had the opportunity to act and we have failed.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. How much time is remaining on our side?

The PRESIDING OFFICER. There is 20 minutes remaining.

Mrs. HUTCHISON. Thank you. Are there other speakers on our side? Let me ask the Chair to notify me when there is 10 minutes left in case Senator COLLINS comes or someone else. So I would like to have up to 10 minutes and be notified.

Mr. President, I rise to speak against revoting this cloture motion, and the main reason is that we are not going to be allowed to have amendments. That is unacceptable because although we have worked diligently with the sponsors of the cyber security bill on the floor, a number of the ranking members of the relevant committees that have jurisdiction over cyber security have an alternative bill, the SECURE IT Act, that we would like to be able to put forward as an alternative or have an amendment process that would allow our approach to have a chance to prevail anyway.

Now, we are aware that the President is signaling his intention to issue an Executive Order, but an Executive Order is not sufficient to really give the encouragement and the protection to the companies to allow them to share information with other companies that might have the same types of threats in the same industry area or with the Federal Government. I am sorry we are not going to be able to have amendments that would allow us to perfect this bill.

Let me say that the proponents of S. 3414 acknowledge that it is important to have a collaborative effort between the businesses that run almost 90 percent of our Nation's critical infrastructure and the Federal Government. We agree with that, which is why we have worked with the companies that run the private networks to fashion a bill that would give them immunity if they share information and give them the direct sharing capabilities to go directly to the defense agencies because we believe the agencies that work with the communications and the military industrial base companies would have more of an understanding of the needs and what can be done to employ countermeasures in a direct way. The bill that is on the floor, however, requires everything to go through the Homeland Security Department, and those of us who are supporting SECURE IT be-

lieve there should be the ability to direction share information with other agencies including the defense agencies.

The sponsors of our bill are the ranking members of eight committees and subcommittees that have jurisdiction in this area: Senators MCCAIN, CHAMBLISS, GRASSLEY, MURKOWSKI, COATS, BURR, JOHNSON, myself and Minority Leader MCCONNELL. We believe the consensus items in our bill are preferable to the bill that is before us that we are not going to be allowed to amend.

SECURE IT offers a balanced approach that will significantly advance cyber security in both the public and private sectors—first, to facilitate sharing of cyber threat information between the private sector and government, allowing the information to go to the defense agencies where the response can be direct, not filtered through Homeland Security. Secondly, it gives immunity from liability for sharing among the industries that might be affected as well as the defensive actions that are taken. This is essential because you even need antitrust protection if you are going to share vital information on this issue so that you are not going to get sued for collaborating with a competitor. It is in our country's interest, and I think our private sector companies want the ability to help secure all of our networks because we know this is a real threat.

Secure IT has the overwhelming support of the network operators that are trying to gear up to defend against cyber threats. Because it will help their members protect their networks, we have the endorsement of the U.S. Chamber of Commerce.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the U.S. Chamber of Commerce dated November 14 of this year.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE  
UNITED STATES OF AMERICA,  
Washington, DC, November 14, 2012.

TO THE MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses and organizations of every size, sector, and region, continues to have serious concerns with S. 3414, the "Cybersecurity Act of 2012," including the related manager's amendment, which was debated in the Senate before the August recess.

The Chamber believes that Congress should approve a workable cybersecurity bill focused on information sharing. The waning days of a lame-duck session are hardly the appropriate place to address the fundamental flaws in a bill that remain unresolved since it was last on the Senate floor. The underlying issues are simply too crucial to our economy for treatment in a rushed legislative product.

First, there is a healthy and robust disagreement about the proper role of government in regulating the business commu-

nity—given the incredibly dynamic nature of cybersecurity risks—that is far from resolved. Title I of S. 3414 would create a National Cybersecurity Council that would give federal departments and agencies overwhelming authority over what actions businesses could take to protect their computers and information systems.

Critical infrastructure owners and operators are concerned that core threats to enterprise cybersecurity—including nation states or their proxies, organized criminals, and other nefarious actors—could go unchallenged because they would be compelled to redirect resources toward meeting government mandates. Indeed, any cybersecurity program must afford businesses maximum input and flexibility with respect to implementing best cybersecurity practices.

In addition, insufficient attention has been paid to the likelihood of creating a well-intended program that, in practice, becomes slow, bureaucratic, and costly. An ineffective program would tie businesses in red tape but would do little to deter bad actors. Businesses do not have unlimited capital and human talent to devote to regulatory regimes that are inadequately managed or out of date as soon as they are written.

Second, the Chamber agrees with most lawmakers that federal legislation is needed to cause a sea change in the current information-sharing practices between the public and private sectors. Title VII of the bill would actually impede the sharing of information between business and government. The bill's framework and strict definition of cyber threat information would erect, not bring down, barriers to productive information sharing.

Third, the liability "protection" provisions throughout the bill need to be further clarified and strengthened. Private-sector entities should be fully protected against liability if they "voluntarily" adopt a federally directed cybersecurity program and suffer a cyber incident. Strong liability protections are essential to spur businesses to share threat data with their peers and government partners.

Fourth, the "Marketplace Information" provision of S. 3414 seems intended to compel businesses that suffer from a cybersecurity event to publicly disclose the occurrence. This section of the bill would essentially "name-and-shame" companies and could compromise their security. The Chamber strongly rejects disclosing businesses' sensitive security information publicly, and draws your attention to a June 2011 letter from the Securities and Exchange Commission to the Senate where the agency stated that investors have not asked for more disclosure in this area.

Finally, the bill has not been scored, making the cost of the bill unknown to lawmakers and to the public.

These are some of the Chamber's high-level concerns with S. 3414. The Chamber and our members have invested considerable time and energy working with lawmakers to develop smart and effective cybersecurity legislation. The business community is fully prepared to work with Congress and the Administration to advance efforts that would truly help business owners and operators counter advanced and increasingly sophisticated cyber threats.

Cybersecurity is a pressing issue that the Chamber remains committed to addressing in a constructive way. Moving a large, problematic bill within a short legislative timeframe would not lay the necessary groundwork to help businesses deflect or defeat

novel and highly adaptive cyber threats. Any new legislative program must foster timely and actionable information, be dynamic in its execution, and promote innovation in order to increase collective cybersecurity and allow electronic commerce to grow.

The Chamber recognizes the leadership of the sponsors and cosponsors of the bill on cybersecurity. We appreciate the degree to which they have listened to the concerns of the Chamber and the broader business community, and have sought to address them in whole or in part. This legislation came directly to the floor for consideration without proceeding through regular order. Legislative hearings and a committee mark-up of the bill would have properly allowed Senators who have concerns with the bill to question experts and offer amendments in order to improve the bill before a Senate floor debate.

The Chamber appreciates the steps that the Administration has taken to engage the Chamber on cybersecurity. Despite all this engagement, and despite the best intentions of the sponsors of S. 3414, it would be ill-advised to craft a cybersecurity bill on the Senate floor during a lame-duck session.

The Chamber strongly opposes S. 3414, the "Cybersecurity Act of 2012," and may consider including votes on, or in relation to S. 3414 in our annual How They Voted scorecard.

Sincerely,

R. BRUCE JOSTEN,  
*Executive Vice President,  
Government Affairs.*

Mrs. HUTCHISON. We also have the endorsement of the National Association of Manufacturers, the American Fuel & Petrochemical Manufacturers, the American Petroleum Institute, US Telecom, the National Retail Federation, Financial Services Roundtable, the Internet Security Alliance, and CTIA The Wireless Association.

We can come together to pass the areas of SECURE IT that would allow better cooperation and also an information sharing relationship that they understand and know will help them defend against the cyber attacks. We believe SECURE IT is a superior bill, and we would like the ability to amend the bill that is on the floor to perfect it so we could send a bill to the House.

If we are not able to get this bill this year, certainly I hope it will be started again with all of the relevant committees doing the markups, doing the discussion that is required for a bill of this magnitude. Many of the committees did not have markups. They did not have input into the bill. The committee process does work when we are able to use it, and I hope we will be able to go back to the drawing board, or if the majority would allow amendments down the road, if we have the time later this year, we would love to continue working with the sponsors of the legislation to see if we could come up with the amendments to which everyone could agree.

It has been a tough road. We have all tried hard. I think the sponsors of the bill are sincere in wanting to improve the systems. The ranking members who have cosponsored SECURE IT, who

also have jurisdiction of this area, also are sincere. I hope we can come together, hopefully later this year, but if not, certainly in the new year, with the new session, let's start from the beginning and go through all the committees of jurisdiction so there can be a real consensus and a give-and-take.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent to speak for up to 1 minute and not have the time taken out of the Republican side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I want to respond to the concern of my friend from Texas that if cloture is granted on this motion, there will not be an opportunity to amend the bill. I understand why she is saying that, but I do want to say that Senator REID has made it clear—I think twice today—that if cloture is granted, he is open to—he will allow amendments. He said he cannot allow endless amendments because we are in a lame-duck session with limited time but that he will allow a finite number of amendments, if you will, on both sides.

So I want to assure my colleagues and appeal to my colleagues to vote to at least consider this measure. I mean, our cyber enemies are at the gates. In fact, they have already broken through the gates. The least we can do is debate and vote on amendments to determine how we can strengthen our cyber defense.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, first, let me thank the Senator from Texas for reserving some time for me while I was at a briefing and on my way to the floor. I will attempt to be very quick because I know our colleagues are eager to vote on this important issue. And, Mr. President, that is my point. This is a critically important issue. How many more warnings do we need to hear from the experts that we are extremely vulnerable to a cyber security attack? Cyber attacks are happening every day.

Just recently there was an attack on several of our financial institutions. According to press reports, it was launched by Iranian sources. We know that Iran, Russia, and China are extremely active in probing our cyber systems, including those that control our critical infrastructure—not only our financial systems, our transportation systems, our water treatment plants, but also our electric grid.

Recently we have seen what Hurricane Sandy, the superstorm, has done to States—so many States—destroying

lives and property and leaving people without power for days on end. Well, multiply that many times. If it were a deliberate cyber attack that knocked out the electric grid along the entire east coast, that is what we are talking about. That is the kind of risk that calls us to act.

We have heard from the experts over and over again that this vulnerability is huge and escalating. We know that the number of cyber attacks that have been reported to the Department of Homeland Security has increased by 200 percent in just the last year. And those are just the attacks that have been reported. That is just the tip of the iceberg. Undoubtedly, there are many more on our critical infrastructure that have not been reported. We know there have been attempts to probe the security of the computer systems that run some of our natural gas pipelines.

This problem is very real, and it is not only a threat to our national and homeland security, it is also a threat to the economic prosperity of this country. How many more thefts of research and development, of intellectual property of businesses right here in our country that are providing good jobs for Americans do we need to endure before we act to secure our cyber systems?

I have worked on the cyber security bill for years with my friend, colleague, and chairman, JOE LIEBERMAN. We have held countless hearings. We have marked up a previous bill. It is so ironic that we are being criticized for not doing yet another markup on this bill when all of the changes reflect our attempts to address the criticisms of the opponents of this bill. We made a huge change by making this bill voluntary rather than mandatory and by providing incentives such as liability protections for businesses that voluntarily agree to adopt cyber standards. We have created a system where there would be a cooperative process between the public and the private sectors to share information and to develop the best practices so that information can be shared.

In all the time I have worked on homeland security issues, I cannot think of another threat where our vulnerability is greater and where we have failed to act and have done less.

This is not a Republican or a Democratic or an Independent issue. The experts, regardless of their political leanings, from the Bush administration to the current administration have urged us to act, have pleaded with us to act.

General Alexander, the nonpartisan general who is the head of Cyber Command and the head of the National Security Agency, has urged this Congress over and over again to give this administration, to give our country the tools

it needs to protect critical infrastructure and to help safeguard our economic edge.

I urge our colleagues to listen to the wisdom of former Homeland Security Secretary Michael Chertoff and former NSA chief GEN Michael Hayden from the previous administration, from President Bush's administration. They wrote the following:

We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when "cyber 9/11" hits—it is not a question of "whether" this will happen; it is a question of "when."

This time all the dots have been connected. This time we know cyber attacks are occurring each and every day. This time the warnings are loud and clear. How can we ignore these dire warnings? How? How can we fail to act on the cyber security bill, especially since the majority leader has indicated he is willing to allow for amendments, as he should, to make this process fair. Germane amendments would be allowed.

I urge our colleagues to heed the warnings from the experts and to vote for cloture on the cyber security bill so we can proceed to its consideration. I do not want to be here 1 year from now saying, why did we not act? Why did we not listen to the cyber experts from the Bush administration, from the Obama administration, from GEN Keith Alexander, the premier expert in our government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, this is the first opportunity we will have had since returning from the election to cast a vote on a meaningful piece of legislation. As legislation goes, it is about as meaningful as any we are going to come across for a while.

If we were in the minority and the Republicans were coming to the floor and asking us to support moving to a bill so we could debate it, offer amendments to the bill, I would hope we would do that. For our Republican friends who are fearful they are not going to have a chance to offer these amendments, Senator LIEBERMAN, the chairman, the ranking Republican SUSAN COLLINS and myself, all cosponsors of the bill, say we will work very hard to make sure any amendments that are relevant and germane to the bill can be offered, can be debated.

We worked a similar process with the postal bill. We ended up having 50 or 60 amendments. They were not all relevant or germane. At the end, we had a lot of amendments and the chance for

everyone to be heard. Some of those amendments were not relevant or germane. As long as amendments are relevant and germane to this underlying legislation on cyber security, we will work very hard to make sure they have their opportunity to be heard and to vote on their proposals.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, although we have different views on this issue, I would yield 1 minute to the Senator from Arizona.

Mr. MCCAIN. Mr. President, I would like to express my appreciation for Senator LIEBERMAN's and Senator COLLINS' hard work. We have had some disagreements. I still believe that if we could have, say, five amendments that would be voted and debated, I think we could move forward with this bill. I truly believe that.

I would like to see, possibly even right after this vote, if we could reach some agreement between the leaders and ourselves that we could say there would be five pending amendments and perhaps we could go ahead and debate and vote on those. I, again, think we have some very significant differences, but the fact that the chairman and the two cochairmen or whatever they call themselves have worked incredibly hard on this issue, they deserve debate. I hope they would understand we are seeking like five amendments.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, in the remaining time, I appreciate what my friend from Arizona said. I not only join him in that request, but I am confident because I have talked to Senator REID about this—he said that if we invoke cloture tonight, he will allow a finite number of amendments. I do not want to encourage anyone. He said not 15. I took that to be some number less than 15.

I think five amendments is well within the term "finite." So I would ask my colleagues, give it a chance, and let's vote for cloture. I am sure Senator REID will allow five amendments.

#### CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States.

Harry Reid, Joseph I. Lieberman, Barbara A. Mikulski, Thomas R. Carper, Richard J. Durbin, Christopher A. Coons, Mark Udall, Ben Nelson, Jeanne Shaheen, Tom Udall, Daniel K. Inouye, Carl Levin, John D. Rockefeller IV,

Charles E. Schumer, Sheldon Whitehouse, John F. Kerry, Michael F. Bennet.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 3414, a bill to enhance the security and resiliency of the cyber and communications infrastructure of the United States, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), is necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 47, as follows:

[Rollcall Vote No. 202 Leg.]

#### YEAS—51

Akaka	Franken	Mikulski
Begich	Gillibrand	Murray
Bennet	Hagan	Nelson (NE)
Bingaman	Harkin	Nelson (FL)
Blumenthal	Johnson (SD)	Reed
Boxer	Kerry	Reid
Brown (MA)	Klobuchar	Rockefeller
Brown (OH)	Kohl	Sanders
Cantwell	Landrieu	Schumer
Cardin	Lautenberg	Shaheen
Carper	Leahy	Snowe
Casey	Levin	Stabenow
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	Manchin	Warner
Durbin	McCaskill	Webb
Feinstein	Menendez	Whitehouse

#### NAYS—47

Alexander	Graham	Murkowski
Ayotte	Grassley	Paul
Barrasso	Hatch	Portman
Baucus	Heller	Pryor
Blunt	Hoeven	Risch
Boozman	Hutchison	Roberts
Burr	Inhofe	Rubio
Chambliss	Isakson	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Tester
Cochran	Kyl	Thune
Corker	Lee	Toomey
Cornyn	McCain	Vitter
Crapo	McConnell	Wicker
DeMint	Merkley	Wyden
Enzi	Moran	

#### NOT VOTING—2

Inouye	Kirk
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The PRESIDING OFFICER. On this vote, the yeas are 51, the nays are 47. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, upon reconsideration, the motion is not agreed to.

The majority leader.

#### ORDER OF BUSINESS

Mr. REID. Mr. President, the bill that was, and is, most important to the intelligence community and to the Pentagon was just killed. I am speaking of the cyber security bill.

I have had a number of people come to me during the day and say: Are you going to allow relevant amendments on this? I said: Sure. They said: How about five? I said: Fine. But whatever we do on this bill, it is not enough for the Chamber of Commerce. It is not enough.

So everyone should understand, cyber security is dead for this Congress. What an unfortunate thing. But that is the way it is.

I filed cloture on the Sportsmen's bill yesterday. Unless we can agree to a limited number of amendments, we will have a cloture vote on the bill early tomorrow morning, probably around 9 o'clock. If we get cloture, there will be a potential 30 hours of debate under the rules, as we all know too well. I have been told someone on the other side also plans to make a Budget Act point of order against the Sportsmen's bill.

We have Members representing the States of New York and New Jersey who are going to be in their States tomorrow because of the tremendous damage caused by Sandy, but they will be back here tomorrow evening and we will have a vote in the morning on cloture on the Sportsmen's bill, and then we could have votes later tomorrow or on Friday.

On DOD authorization—Senator LEVIN is here, Senator MCCAIN was here earlier. I have had conversations with Senator LEVIN. I haven't spoken to Senator MCCAIN this week but have spoken to him previously on a number of occasions. This is a bill we should get done. It is an important piece of legislation. I know we have the Defense appropriations bill at a later time, but this is something we have to do now because it changes policy toward our fighting men and women around the world. It does a lot of good for them. We need to get this bill done, I repeat.

Probably what we are going to do is move to the bill. I don't know why in the world we have to file cloture on a motion to proceed to it. I don't quite understand that. But I haven't understood that about almost 400 times the last few years. So what we are going to do, and everyone should understand—listen to this, everybody—we are going to move to the bill. If we get permission to go to the bill, we will have an open amendment process on this bill. I have been assured by Senator LEVIN and Senator MCCAIN, through Senator LEVIN, that on all these nonrelevant, vexatious amendments they will help us table them or dispose of them in some appropriate manner. And that is how we should legislate around here.

I hope Senator MCCAIN, after speaking to Senator LEVIN, will agree to move forward on this bill. And that is my proposal. I hope it is something that everyone would agree to. We will start legislating on this bill the day we get back after the Thanksgiving recess.

Mr. CARPER. Would the majority leader yield for a question?

Mr. REID. Yes.

Mr. CARPER. I am pleased to hear the leader say he would be most willing to allow the minority to offer five relevant, germane amendments to the cyber security legislation. Literally within the last 30 minutes we have had on the floor both the leader saying this, and I have heard him saying it before, that a limited number of relevant amendments—Senator MCCAIN came to the floor, who, as you know, has not been anxious to support the bipartisan legislation developed by Senators LIEBERMAN and COLLINS and others—but we have had one of the antagonists to that legislation and the majority leader both saying that five relevant and germane amendments would be allowed for the minority to offer, so we could at least take up the bill, debate the bill. At the end of the day, we still need 60 votes to get the bill off the floor.

I have heard so many of my colleagues say it is not a matter of if but it is when, and I don't want us to leave and go home for Thanksgiving with this hanging, if we could actually do something relevant.

Mr. REID. Mr. President, just so everyone listening to my friend understands—and he also has worked so hard on the bill that was just killed—when he says it is not a question of if, it is when, he is not talking about passing this bill, he is talking about a cyber attack, a gargantuan cyber attack on our country.

Here we are in this beautiful Capitol building today, and all around America we have government officials and private sector officials who are trying to thwart the people trying to destroy businesses and parts of our country's infrastructure.

As I have said here so many different times—and Senator LIEBERMAN and Senator FEINSTEIN, the chairman of the Intelligence Committee are on the floor—the record is here. We have told everybody for months and months that something is going to happen. And we have laid the groundwork, I am sorry to say, to blame you guys for not doing something to take care of this issue. It is a big issue and it is an important issue for our country. This should have nothing to do with partisan politics. And why the Chamber of Commerce is doing what they are doing is beyond my ability to comprehend.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DOD INSPECTOR GENERAL OVERSIGHT FAILURE

Mr. GRASSLEY. Mr. President, I am getting the runaround from the inspector general at the Department of Defense, and my remarks, which are fairly lengthy, will be connected with that problem I am having. With sequestration looming on the horizon, Congress needs a truly independent Department of Defense audit oversight capability. We need it to root out waste.

As my friend from Oklahoma, Senator COBURN, knows all too well, rooting out Department of Defense waste is no easy task. His new report identifies some excellent examples of waste ready for removal. I commend Senator COBURN for his outstanding work and stand ready to help him.

But to successfully root out waste day in and day out, there must be a topnotch audit quality and capability in the hands of an inspector general who is ready and willing to use it effectively.

I am reluctant to say this, but it needs to be said. I fear, and I suspect, that the independence of the inspector general's audit capability may have been compromised. I say this because of the story I am about to tell. This story is about a difficult audit, where the inspector general apparently got a bad case of weak knees and caved under pressure. The inspector general dropped the ball on an audit that should be a critical component in Secretary Panetta's good-faith effort to bring the Defense Department into compliance with the Chief Financial Officers Act.

Today, the Department of Defense is the only Federal agency that cannot pass the test. So Secretary Panetta turned up the pressure. He wants to move the audit readiness date up to no more than 3 years from the congressionally mandated date of 2017 to 2014. This is a daunting task, which I spoke about here on the floor almost 12 months ago now, on December 11 of last year. I say it is a daunting task because there is a big pothole in the road the Secretary faces that he may not know about, hence the reason I am speaking.

The kingpin of this initiative—the Department's flagship accounting agency known as the Defense Finance and Accounting Service—may not be ready to produce credible financial statements. It claims to have earned a clean opinion. Yet when its financial statements were put under the inspector general's microscope, they were found to be very lacking. They did not meet the prescribed audit standards.

To make matters worse—far worse—all the evidence suggests the inspector general may have quashed this negative audit report, allowing the charade to continue unchecked. This oversight failure could leave a gaping hole in Secretary Panetta's master plan.



Except for the Corps of Engineers, the Defense Finance and Accounting Service handles all the Department's financial transactions. It should be the foundation of Secretary Panetta's initiative. It was created over 20 years ago to clean up the Department's financial mess. It should be exerting leadership in this arena and showing the rest of the Department how to balance the books. Its audit needs to be as clean as a whistle. If the Department's central accounting agency can't earn a clean opinion, then who can earn a clean opinion?

Today the central accounting agency's claim of a clean opinion may be hollow. The inspector general, who is responsible for making those judgments, rejected that opinion. The inspector general reviewed it and concluded that it did not pass muster. Unfortunately, the inspector general dropped the ball and quit before the job was done.

The inspector general's report, known as a nonendorsement report, was finalized but never signed and issued. It was simply buried in some deep hole and covered with dirt. Were it not for whistleblowers who are in touch with my office, we might think the Defense Finance and Accounting Service's statements were somehow squeaky clean. I now have the nonendorsement report and other relevant audit workpapers, and they tell a very different story.

The financial statements produced by smaller organizations, such as the Defense Finance and Accounting Service, are audited by certified public accounting firms. But this is always done under the watchful eye of the inspector general. In the end, the inspector general must validate those opinions produced by a CPA firm.

The firm Urbach Kahn and Werlin, UKW, examined the defense accounting agency's statements. It awarded an unqualified opinion or passing grade. The inspector general, by comparison, reached a different opinion. It concluded that those statements did not meet standards. The inspector general announced that it would issue a nonendorsement report, but that report was never issued.

That is why this Senator is here on the floor today. What happened to the nonendorsement report? All the evidence appears to indicate that the inspector general may have quashed the nonendorsement report. That assessment is based on a continuing review of all the pertinent documents. I would like to briefly review those facts so my colleagues can understand where I am coming from.

Seven red flags have popped up on my radar screen.

Red flag No. 1. The contract, which governed the audits in question, is a good place to start because it sets the stage for what followed. The contract

was supposed to put the inspector general in the driver's seat. Section 3 of the contract clearly specifies that "all deliverables are subject to final Department of Defense Inspector General approval." The opinion prepared by the public accounting firm was the main deliverable. Two members of the inspector general's audit team were designated as contracting officer representatives. They had exclusive authority to determine whether that opinion met audit standards and deserved endorsement and to approve invoices for payment. Unfortunately, as I will explain, none of the parties involved showed much respect for this contract. In fact, when the crunch came, they trashed it.

Red flag No. 2. The inspector general's decision memorandum and final version of the nonendorsement letter, both dated February 16, 2010, contain compelling evidence. The evidence points in just one direction: There was a lack of credible audit evidence to justify a clean opinion. Both the inspector general's audit team and its Quantitative Methods and Analysis Division reported major deficiencies in the CPA firm's work. Once the inspector general determined that the CPA's audit opinion did not meet prescribed standards, the inspector general's representative prepared a nonendorsement letter and instructed that payments on outstanding invoices be stopped. Those decisions precipitated a classic bureaucratic impasse.

Red flag No. 3. The impasse came to a head at the Defense Finance and Accounting Service's audit committee meeting held on January 27, 2010, where three options were considered: first option, the IG would issue a nonendorsement letter; second option, the CPA firm would do more work on accounts payable and undelivered orders issued; and third option, the IG would do additional work. Just 1 day later, January 28, a senior official from the Inspector General's Office, Ms. Patty Marsh, announced the results of the meeting. Ms. Marsh reported that a consensus was reached: No additional work would be performed. She then declared that the Inspector General's Office would issue a nonendorsement letter.

Red flag No. 4. The Defense Finance and Accounting Service immediately implemented a series of measures that appeared to bypass and eliminate oversight by the inspector general.

In what appeared to be overt defiance of the inspector general's decision, the accounting agency's Director of Resource Management, Elaine Kingston, in a letter to the accounting firm, unilaterally declared that her agency had "proudly achieved an unqualified opinion." Kingston's letter was dated February 19. At that point, this opinion had been explicitly and unambiguously rejected by the inspector general, and Kingston knew it. She also authorized

that all disputed invoices be paid. The invoices authorized for payment by Ms. Kingston were the very same ones previously rejected by the inspector general's contract officer representative. Their rejection was based on advice from the inspector general's legal counsel. Kingston's actions showed blatant disregard for the contract and authorized payments alleged to be fraudulent.

Then, on April 15, the central accounting agency's contract officer, Normand Gomolak, effectively eliminated independent oversight by the inspector general. He issued a letter terminating the two inspector general contract officer representatives. A known flaw in the contract allowed this to happen. Gomolak's termination order was retroactive to January 27, 2010—the very same day the inspector general revealed its intention to issue the nonendorsement letter. It is as if Mr. Gomolak had superhuman powers and could reach back in time and wipe the nonendorsement report clean off the slate, like it never really happened. As one witness put it, "DFAS virtually kicked us—the Inspector General—out of the contract, and without so much as a whimper from the duly designated junkyard dog."

Red flag No. 5. Under the circumstances, the stop-work order blessed by the audit committee was not surprising. That it would be accepted and tolerated by the inspector general is astonishing indeed. The consensus reached was between the three main targets of the audit: the accounting agency, the CPA firm, and the chief financial officer, who supervises the central accounting agency—such a consensus, as it was. All appeared to share one common goal: Just simply stop the audit. That is a predictable response from audit targets, especially if there is something to hide.

The inspector general's initial response was appropriate. The Inspector General's Office expressed a willingness to do more work, and when it became evident that was not a viable option, it declared that a nonendorsement letter would be issued. Of course, those were good moves. Unfortunately, however, the Inspector General's Office quickly began to backpedal and to align itself with the stop-the-audit coalition. First, it issued a stop-work order to the audit team. That occurred February 4. Then on April 13 the IG informed the accounting agency by telephone that the nonendorsement report would not be issued. This was, of course, a bolt out of the blue.

Red flag No. 6. In a letter to me dated May 26, the Inspector General's Office attempted to provide a plausible explanation for why this report never saw the light of day. First, the letter suggested that a formal nonendorsement



report was unnecessary because the Inspector General's Office had already informed the audit committee of its decision to nonendorse the opinion. Is the inspector general implying that Ms. Marsh's verbal nonendorsement announcement constituted de facto or unofficial nonendorsement? If that is indeed the case, then how come the central accounting agency still pretends to have earned a clean bill of health? There is something wrong with this reasoning. Failing to issue the nonendorsement report left the opinion under a dark cloud, where it remains today.

In addition, the inspector general also suggested that doing a mere 2 to 3 weeks of additional work to finalize the nonendorsement letter would not have constituted a "good use of audit resources"—that is, it would have been a waste of money. The need for 2 to 3 weeks of extra work appears to be a real stretch. I have the nonendorsement letter. It was finished. All it lacks is Ms. Marsh's signature.

More importantly, however, the Inspector General's Office does not seem to understand either the purpose or the importance of this audit oversight project. For starters, I recommend the inspector general check section 7 of the contract. It states:

The DoD OIG will perform oversight of the Contractor's work to support the decision about whether to endorse the Contractor's opinion report.

That was the stated purpose of this costly audit project—to make a decision on endorsement. From day one, however, this was a significant effort to resolve a difficult and sensitive question: Did the Defense Finance and Accounting Service deserve a clean opinion—yes or no? Since the focus of this audit was the kingpin of Secretary Panetta's initiative in the first place, well, that makes this work inherently important.

Red flag No. 7 and the last red flag. One of my main concerns about this entire matter is that it appears to point to a failure of oversight. So I ask this question: Did the Inspector General's Office cave under pressure and surrender its oversight responsibilities? By accepting and tolerating the central accounting agency's actions, the Office of the Inspector General appears to have allowed a Defense Department entity to effectively block its ability to perform one of its core missions; that is, auditing the books of a key defense agency. If true, this would be a cardinal sin for the inspector general.

The central accounting agency allegedly violated the terms of the contract. It allegedly made fraudulent payments, and it unilaterally terminated oversight. Yet, in the face of such blatant defiance, the Inspector General's Office turned a blind eye to this challenge.

So you have to ask the question, Why did the IG just roll over? Why did the

IG fail to assert its independent audit authority? Stopping work at this critical juncture does not appear to have been a responsible oversight option. Why did top management fail to allow the oversight team to finish its work and render a decision on the opinion? Why quit when it was on the very edge of issuing a nonendorsement report on the flawed opinion? Was that report quashed to spare the chief financial officer another black eye for the unending accounting screwups or did the IG drop the ball because everyone involved knew these financial statements were in such bad shape they could never pass the test?

While we may never know the reasons for what happened, I feel certain about one thing. On this audit, effective oversight collapsed. Congress and the citizens of this country need some answers, but one is paramount: Did the Defense Finance and Accounting Service earn a clean opinion? A simple yes or no. As the drive to audit readiness begins in earnest, and that is under Secretary Panetta's leadership, the Secretary and the Congress need a straight answer right upfront. Leaving it in limbo is unacceptable.

In closing, I would like to emphasize one point. My inquiry is about some very important principles. True, the preparation of these financial statements and all the attendant audit work probably costs the taxpayers somewhere between \$10 million and \$20 million. To the average American, those are big bucks. Since the audit came to nothing, waste surely occurred. Any waste, whatever it is, is unacceptable.

But putting important principles at risk was as egregious as the dollar waste. What I am talking about are ethical standards, audit standards, and the integrity of the audit process. Those standards must be protected at all cost. That is one of the inspector general's jobs, to watchdog and follow those guiding principles.

The record appears to show that these standards got trampled and this may have happened with the IG's knowledge and approval. That is what the evidence appears to suggest so far. If the integrity and the credibility of that process were undermined, then the effectiveness of one of our primary oversight weapons would be gravely impaired. When and if those lines are crossed, the inspector general and anyone else involved would be treading on dangerous territory. If such transgressions occurred, then there must be corrective action and accountability.

When I complete this oversight investigation, I will submit a final report to Secretary of Defense Panetta. It will contain findings and recommendations for the Secretary's consideration. To facilitate this process, I ask Deputy Inspector General Halbrooks to answer all my outstanding questions promptly. In other words, I am getting tired of being jerked around.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING SAMUEL WILSON THOMAS

Mr. MCCONNELL. Mr. President, today I wish to pay tribute to a respected historian of my hometown of Louisville, KY, who has sadly passed away. Samuel Wilson Thomas died on Thursday, October 4, of this year, at his home at the age of 74.

Louisville is a wonderful city, and I am always pleased to sing its praises. This is much easier to do thanks to the work of Mr. Thomas. He wrote 18 books touching on every corner of Louisville history, from the famous Churchill Downs to the legendary Cave Hill Cemetery, from Oxmoor Farm to Crescent Hill.

Sam Thomas received his bachelor's degree and Ph.D. from the University of Louisville. He is best known for serving as the first director and curator of Locust Grove, a National Historic Landmark that was the home to George Rogers Clark, the founder of Louisville. Locust Grove also hosted three U.S. Presidents—Monroe, Jackson, and Taylor—and was a stopping point for famed explorers Meriwether Lewis and William Clark upon their return from their expedition to the Pacific.

The log cabin at Locust Grove was Sam Thomas's home for two decades. In his role as director and curator, he oversaw Locust Grove's restoration with careful attention paid to the preservation of its history.

Mr. Thomas also taught at the University of Louisville, edited numerous local publications, and published a host of articles. His role in preserving the history of Louisville and the legacy of its famous inhabitants was tremendous and will not be forgotten.

I know my colleagues join me in expressing gratitude for Sam Thomas's body of work and in extending sympathies to his family, including his wife, Debbie; his brother and sister-in-law, Jim and Susanna; his niece, Sheena McGuffey; his nephews, Ian

Thomas, Mason Thomas, and Cas McGuffey; and many other beloved friends and family members.

Mr. President, I ask unanimous consent that an obituary for Mr. Samuel Wilson Thomas printed in the Louisville Courier-Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Louisville Courier-Journal, Oct. 6, 2012]

SAMUEL WILSON THOMAS, 74, DIED THURSDAY, OCTOBER 4, 2012, AT HIS HOME

Born on January 21, 1938, in Chestnut Hill, Penn., Sam moved to Louisville shortly after his graduation from Chestnut Hill Academy. He received his B.A. (1960) and Ph.D. (1964) in chemistry from the University of Louisville.

Although Sam taught for a short time at UofL, his life and career were forever changed when he began his long association with Locust Grove, overseeing its restoration and serving as its first director and curator. The log house there was his home for nearly two decades.

Sam is the author of 18 seminal books on Kentucky topics, all meticulously researched and primarily focused on Louisville: its neighborhoods, landmarks, and corporations.

His most recent work includes histories of St. Matthews, Anchorage, the Cherokee Triangle, Crescent Hill, Oxmoor Farm, Cave Hill Cemetery, and Churchill Downs, but the project closest to his heart was an overview of early Louisville architecture.

He edited numerous publications for the Courier-Journal's book division and published many articles on a host of Kentucky subjects. He also co-authored with his brother Jim "The Simple Spirit," a pictorial history of Shaker Village of Pleasant Hill.

He was also involved in the restoration of the Jefferson County Courthouse, the Ferguson Mansion headquarters of The Filson Historical Society, and the 1785 log house at Oxmoor. He was a founder of Preservation Alliance and the George Rogers Clark Press, a member of the Louisville Landmarks and Preservation Districts Commission, and archivist of Jefferson County.

Sam is survived by his wife, Debbie; brother, Jim (Susanna); niece, Sheena McGuffey; and nephews, Ian Thomas, Mason Thomas and Cas McGuffey.

Sam chose cremation and requested that no funeral or memorial service be held. The family will receive friends from 4 to 7 p.m. Monday, October 8, 2012, in the Audubon Room at Locust Grove, 561 Blankenbaker Lane.

Memorial gifts may be directed to Locust Grove or to the University of Louisville Photographic Archives, to which Sam gave his collection of photographs and research materials.

#### TRIBUTE TO JOE LILES

Mr. MCCONNELL. Mr. President, I stand before you today to pay tribute to a man who has spent a significant amount of his life working for the Kentucky Rural Water Association and the National Rural Water Association. Mr. Joe Liles helped in founding the Kentucky Rural Water Association in 1979. He has also been an employee of the National Rural Water Association

since 1999, when he was first elected to the Board of Directors.

He has progressed through numerous positions within the association, and as of September 2010, Mr. Liles has been President of the National Rural Water Association.

I would like to congratulate Mr. Liles on his achievements. I would also like to acknowledge the Kentucky Rural Water Association Leadership Award that Mr. Liles was given in 2008. He was presented this prestigious award based on his exemplary service, leadership, and commitment to Kentucky's water and wastewater utilities. Most recently, Mr. Liles received the 2012 Man of the Year Award from the National Rural Water Association.

After 38 years of dedication to the water systems of Warren, Butler, and Simpson counties, Mr. Liles retired in 2005 from his managerial position. However, he currently serves as the utilities' community and government relations assistant.

Mr. Joe Liles resides in Bowling Green, KY, with his wife, Sally, and his four daughters. He is a grandfather to six. Liles earned his bachelor's degree with an area of concentration in management from Western Kentucky University.

Mr. Liles has shown tremendous loyalty, devotion, and consideration, not only to his job and career, but also to the Bluegrass State. I appreciate all that Mr. Liles has done for the Commonwealth of Kentucky.

Mr. President, the National Rural Water Association recently published an article about the accomplishments of Mr. Joe Liles, and I would ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed as follows:

[From the National Rural Water Association Newsletter, Oct. 23, 2012]

The National Rural Water Association recently honored Joe Liles as the 2012 Man of the Year. A long-standing leader in rural water, Liles was honored during the Tribute to Excellence awards ceremony, held on Sept. 24th in Nashville, Tenn. Joe Liles, outgoing NRWA president and founding member of the Kentucky Rural Water Association board of directors, has served in numerous positions on the boards for both Kentucky Rural Water and NRWA.

The Man of the Year Award is a prestigious award that recognizes individuals for their many years of exemplary service, leadership, and commitment to our nation's water and wastewater utilities. Although Mr. Liles retired as manager of the Warren, Butler and Simpson counties water systems in 2005 after 38 years, he currently serves as the utilities' community and government relations assistant.

Kentucky Rural Water congratulates Joe on this esteemed honor!

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, now that the elections are over, I renew my call

for all of us to come together to do what is right and to act in the interests of the American people. We should come together to avert the fiscal cliff and the automatic cuts that will otherwise occur in domestic and defense spending.

I am hopeful that, working together, Democrats and Republicans can come to an agreement so that we can avoid sequestration. The automatic cuts from sequestration would further damage our Federal courts. According to the sequestration report released by the Office of Management and Budget, the sequestration would lead to a \$555 million reduction below fiscal year 2012 levels for our independent judiciary. The impending across-the-board cuts under sequestration would reduce Federal court allotments to fiscal year 2006 levels, despite considerably higher caseloads. The impact of sequestration on Federal court operations nationwide could be devastating. It could result in the Federal courts eliminating as many as 6,300 employees, about one-third of their staff, or implementing court employees furloughs for more than a month system-wide.

If we do not find a solution to both the vacancy crisis and the threat to judicial resources, it will be harder for Americans to obtain justice in our Federal courts. Our courts are already overburdened, and the sequester will result in cuts that will force courts to hear fewer cases, which means that court proceedings will be delayed even longer. This will be especially damaging in civil cases, where there are already over 40,000 cases that have been pending for more than 3 years. Sequestration cuts could even result in the suspension of civil jury trials. Even more alarming is what is at stake in the criminal context. If probation and pretrial services offices are downsized or closed, Federal courts and their staff will be unable to properly supervise thousands of persons under pretrial release and convicted felons released from Federal prisons. It is critical, then, that we work together.

And we should complete the task of considering the judicial nominees who have already had their hearings before the Senate recessed for the elections. There is no justification for holding up final Senate action on these judicial nominations. These are not judgeships that Republicans can claim they wish to keep open in order to be filled by nominees from President Obama's successor next year. The American people have decided that President Obama will continue to lead our Nation. In accordance with the will of the American people, it is time for the obstruction to end and for the Senate to complete action on these nominees so that they may serve the American people without further delay. Even Senate Republicans' contorted application of the Thurmond Rule can no longer serve as

any sort of rationale for inaction. Delay for delay's sake is wrong and should end. The Senate should start by acting on the 19 judicial nominations that have been approved by the Judiciary Committee and have been awaiting final Senate action without further delay.

Two months ago, the Senate recessed without taking action on 19 judicial nominations. All were supported by their home State Senators, Republican and Democratic. Almost all had bipartisan support. I cannot remember a time when the Senate refused to act on nominees with such bipartisan support. There was no precedent for the filibuster of Robert Bacharach of Oklahoma to the Tenth Circuit and that filibuster should end. After Senator COBURN failed to vote for cloture to end the filibuster of the Bacharach nomination last July, he indicated that he expected Judge Bacharach to be confirmed before the end of the year if President Obama was reelected. The junior Senator from Texas also indicated that the circuit judges would be voted on if President Obama was reelected. Well, now that the people of this country have spoken, we should be working together to approve these judicial nominees so they can provide justice for the American people.

I urge Senate Republicans to come together and work with us to consider these judicial nominees without further delay. They should agree to debate and then to let the Senate vote on the nominations of Judge Patty Shwartz of New Jersey to the Third Circuit, Richard Taranto to the Federal Circuit, William Kayatta of Maine to the First Circuit, Robert Bacharach of Oklahoma to the Tenth Circuit, and the district court nominees from Connecticut, Maryland, Florida, Oklahoma, Michigan, California, New York, Pennsylvania, and Illinois. I am also working to have the Judiciary Committee complete its consideration of five more judicial nominees who had their hearing in September. With the confirmation of these nominees, we can eliminate the backlog here in the Senate and take a significant step toward filling a good portion of the judicial vacancies that have been plaguing our courts, including filling over a dozen judicial emergency vacancies.

The president of the Hispanic National Bar Association wrote a letter to the Senate Leaders in September saying: "The fact that Congress is adjourning without confirming these candidates is of great concern, and is a disservice to the Federal Courts and the people they serve." He was right. Now that the election is over, let us come together as the Senate of the United States and make progress on behalf of the American people.

The New York Times noted in an editorial last month entitled "Politics and the Courts" that: "During the

Obama years, nominees presenting no ideological threat have been held up in the Republicans' campaign of partisan attack and obstruction—even against trial judges. . . . The holdups have cost Americans dearly—in justice delayed (it now generally takes two years to get a federal civil trial) and justice denied." Now that the election is over, let us do what we can to mitigate the damage and move forward.

The number of judicial vacancies has, again, risen above 80. I have heard from judges around the country whose courts have vacancies. They are working hard to keep their courts functioning, but they need help to ensure that all Americans have access to courts and to justice. Recently, Professor Carl Tobias summed up the vacancy crisis that has been plaguing us for the last four years. Professor Tobias is right, and we need to expeditiously confirm our judicial nominees so they can deliver justice for the American people. I ask consent that his full article in *The Hill*, entitled, "Obstruction in Senate Taking Its Toll on the Courts," appear in the RECORD at the conclusion of my remarks.

We can begin to help address the vacancy crisis by confirming the 19 nominees who are currently waiting for final Senate action. The four circuit court nominees have each been waiting at least 5 months for a vote. One has been stalled for more than 8 months. The 15 district court nominees have all been waiting at least 3 months, with some stalled for as long as 7 months.

The Republican Senator from Pennsylvania wrote a letter to the Majority leader and Senator MCCONNELL asking that the two nominees for the Middle District of Pennsylvania be considered. I want to see those nominees, as well as the dozen whose Senate votes have been delayed even longer, and all the judicial nominees who have had a hearing, acted upon by the Senate.

The Senate should not continue down the path of unprecedented obstruction and delay. President Obama had not sought to pick an ideological fight with the Senate on judicial nominees as his predecessor had done. By way of example, the Republican Senators from Oklahoma have said that they support Robert Bacharach, and the Republican Senators from Maine strongly support William Kayatta. It is unprecedented to have this many consensus judicial nominees not acted upon before the election recess in a presidential election year.

The American people deserve better, and I know the Senate can do better. After the midterm election in 2002, Senate Democrats worked with Senate Republicans to confirm 20 of President Bush's judicial nominees in 1 week, including 18 in just 1 day. Again, in 2010, the Senate proceeded to confirm 19 judicial nominees during the lameduck session after the election. Unfortu-

nately, Republican delays in 2010 had backlogged 38 judicial nominees and the confirmations of 19 went only halfway to what we should have done.

When Ronald Reagan, George H.W. Bush and George W. Bush were President, Senate Democrats cleared the calendar of all but the most controversial and extreme ideological judicial nominations. The Senate needs to be allowed to vote on President Obama's judicial nominees now so that our Federal courts are better able to function and fulfill the fundamental guarantee of providing access to justice. I hope that now that President Obama has been reelected, Senate Republicans will work with us to fill these longstanding judicial vacancies. The American people deserve no less.

When an injured plaintiff sues to help cover the cost of his or her medical expenses, or when two small business owners disagree over a contract, they should not have to wait years for a court to resolve their dispute. Americans are rightfully proud of our legal system and its promise of access to justice and speedy trials. This promise is embedded in our Constitution. When overburdened courts make it hard to keep this promise, the Senate should work in a bipartisan manner to help.

I ask unanimous consent that the letters to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HISPANIC NATIONAL BAR ASSOCIATION,  
*Washington, DC, September 25, 2012.*

Hon. HARRY REID,  
*Senate Majority Leader,*  
*Washington, DC.*  
Hon. MITCH MCCONNELL,  
*Republican Leader,*  
*Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: On behalf of the Hispanic National Bar Association (HNBA), which represents the interests of the 100,000 Hispanic attorneys, judges, and law professors in the United States and Puerto Rico, we write expressing our concern that Congress is adjourning without confirming the remaining Latino nominees and HNBA endorsed nominees pending on the Senate Executive Calendar. As a bar association, one of our greatest priorities is to advocate for a diverse judiciary and legal profession, and we believe that having a judiciary that is reflective of the citizenry should be one of Congress' priorities.

Fernando Olguin and Jesus Bernal, who have been nominated for seats in the Central District of California, and William Kayatta, who has been nominated to the First Circuit in Maine, are all highly qualified, non-controversial candidates with bipartisan support who were voted out of the Senate Judiciary Committee by voice. Despite their qualifications and the lack of any substantive opposition to their nominations, they have been pending on the Senate calendar for months—Mr. Olguin and Mr. Bernal for over two months, and Mr. Kayatta for over five months—waiting to be confirmed. This is especially concerning considering both Mr. Bernal and Mr. Olguin are nominated to seats that have been deemed

judicial emergencies, and Mr. Kayatta is nominated for the First Circuit. The fact that Congress is adjourning without confirming these candidates is of great concern, and is a disservice to the Federal Courts and the people they serve.

It is of utmost importance for the operational capacity and overall integrity of our judicial system that we appoint and confirm quality and experienced individuals to serve in the Federal judiciary in a timely manner. Given the number of judicial emergencies and growing caseloads across the country, the need to fill vacancies efficiently and expeditiously has become paramount. It is of vital importance that qualified, non-controversial nominees are confirmed as quickly as possible. With that, we again urge your consideration of the Latino nominees and HNBA endorsed nominees currently pending on the Senate Calendar.

Sincerely,

PETER M. REYES, Jr.,  
National President, Hispanic National  
Bar Association.

[From the New York Times, Oct. 16, 2012]

#### POLITICS AND THE COURTS

The winner of the presidential election will have scores of federal judgeships to fill and the chance to shape the courts—even aside from potential Supreme Court vacancies should one or more of the current justices retire.

After a slow start, the Obama administration picked up the pace in filling judgeships, but it will end up with more vacancies on Election Day than the day the president took office. Currently, 32 positions, considered “judicial emergencies” by court administrators, are unfilled, creating heavy workloads for judges on those courts.

On the federal appeals courts, the final arbiters on all but the tiny percentage of cases decided by the Supreme Court, there are now 14 judgeships open out of 179 total seats. With about six judges a year taking senior status, working only part time, the next president could have as many as 40 appellate openings to fill by the end of 2016.

On the trial courts, which resolve around 325,000 cases a year, six times the number of appeals court cases, there are now 62 vacancies out of 677 positions.

Much of the problem, of course, has been the broken confirmation process in the Senate, where Republicans have used the filibuster to block judicial nominees for no reason except to prevent President Obama from filling the seats. In the next Congress, the Senate should ensure every nominee an up-or-down vote within 90 days.

The United States Court of Appeals for the District of Columbia, one of the nation’s most important courts, has suffered particularly in this process, with three unfilled seats and no judge confirmed for the court since 2006.

Politicization has also crept into the process for approving district court nominees. In the 101st Congress in 1989 and 1990, 96 percent of the district court nominees picked by President George H. W. Bush were confirmed, and the confirmation process took on average just 77 days. Twenty years later, only 56 percent of President Obama’s nominees were confirmed and the process took on average 174 days.

During the Obama years, nominees presenting no ideological threat have been held up in the Republicans’ campaign of partisan attack and obstruction—even against trial judges whose decisions are rarely ideological and can be appealed.

The holdups have cost Americans dearly—in justice delayed (it now generally takes two years to get a federal civil trial) and justice denied. It is time to adopt a more efficient, less political approach to district court confirmations. The courts must be brought to full strength so they can meet the demands for justice. The next president and the new Senate should make reforming the confirmation process a paramount priority.

[The Hill’s Congress Blog, Oct. 31, 2012]

#### OBSTRUCTION IN THE SENATE TAKES ITS TOLL ON COURTS

(By Carl Tobias)

Halloween is the perfect occasion for analyzing scary federal judicial selection with three judges assuming senior status on October 31. The bench experiences 83 vacancies in the 858 appellate and district judgeships. The openings first spiked to 90 in August 2009 and have since remained near ten percent. These empty seats are ghost-like apparitions that do nothing to resolve huge caseloads. Thus, President Barack Obama must promptly nominate, and the Senate expeditiously confirm, lower court nominees, or the nation will confront the nightmare of a judiciary that cannot deliver justice.

Since 1987, Republican and Democratic accusations, countercharges and paybacks have haunted selection mainly because of divided government. Democrats now control the White House and the Senate. However, the party should continue cooperating with Republicans to reduce these counterproductive dynamics because the process has stopped until the November lame duck session.

President Obama has vigorously consulted with Republican and Democratic senators from states where vacancies materialized before actual nominations. Obama has proffered uncontroversial nominees, of even temperament, who are smart, ethical, diligent and independent and diverse in terms of ethnicity, gender and ideology.

Senator Patrick Leahy (D-Vt.), the Judiciary Committee chairman, has rapidly conducted hearings and votes, condemning (sending) nominees to unending nights of the living dead on the floor where many languished over months. For example, in late September, the Senate confirmed two nominees, although it could easily have voted on another 19 nominees with committee approval. Indeed, the Senate recessed without considering any of those well qualified nominees, most of whom the committee reported absent substantive opposition, because the GOP refused to vote.

Republicans should stop their tricks and treat the process more cooperatively. The primary bottleneck has been the floor. Senator Mitch McConnell (R-Ky.), the minority leader, has played the role of Dracula, sucking the lifeblood out of qualified nominees’ candidacies by rarely agreeing to final votes. Even the dreaded Ninth Circuit nominee Goodwin Liu—whom McConnell and his colleagues outrageously characterized as the Second Coming of Earl Warren and refused any vote—has proved to be a remarkably mainstream California Supreme Court Justice. Most problematic has been Republican rejection of votes on noncontroversial strong nominees, inaction that violates Senate customs. When the chamber has ultimately voted, it has approved many nominees unanimously or by substantial majorities.

The 179 appellate judgeships, 15 of which are open, are crucial because the dozen circuits are courts of last resort in their regions for 99 percent of appeals. Obama has

proposed seven exceptional nominees, and he should keep working with Leahy and Senator Harry Reid (D-Nev.), the majority leader, who arranges floor votes, and their Republican counterparts to facilitate smooth confirmation while nominating strong candidates for the eight openings that lack nominees. On June 13, the GOP leadership invoked the “Thurmond Rule,” which masqueraded as a binding mandate, saying it would oppose votes on all appellate nominees until the election. Because this notion does not apply to excellent, consensus nominees, like First, Tenth, and Federal Circuit nominees William Kayatta, Robert Bacharach and Richard Taranto, the Senate must vote on them soon.

The 679 district judgeships, 68 of which are open, are essential, as district judges conduct federal trials and ascertain the facts, while appeals courts uphold 80 percent of lower court decisions. Obama has nominated 27 excellent individuals and must quickly suggest candidates for the 41 vacancies without nominees. For its part, the Senate must swiftly confirm nominees.

The vacancies in 83 judgeships resulting from GOP obstruction have, like Dr. Frankenstein, created monstrous dockets that jeopardize expeditious, inexpensive and fair case resolution. Thus, President Obama must promptly nominate, and senators rapidly confirm, numerous superb judges, so the courts can deliver justice. Boo!

#### TRIBUTE TO LLOYD GOODROW

Mr. LEAHY. Mr. President, today I am proud to call to the Senate’s attention the record of accomplishment of a military officer who has retired after 33 years of outstanding service to the Vermont Air and Army National Guard.

LTC Lloyd Goodrow served five Adjutant Generals. He distinguished himself in the position of State Public Affairs Officer. Through diligence, honesty, and integrity he forged a strong and straightforward relationship with the media and the Vermont Congressional Delegation.

In the years after the attacks of September 11, 2001, Lieutenant Colonel Goodrow provided strong, meaningful support to deployed troops and their families. He helped Vermonters to make a human connection to the Guard during this difficult time. His empathy and deep understanding of the tragedy and suffering of Gold Star families not only aided those families in the healing process but left a lasting impression on Lloyd.

Lloyd is an outstanding family man. Marcelle and I are fortunate to count as friends Lloyd, his wife Margo, and their son Daniel. Daniel has been recognized at the State and national level for his swimming in the Special Olympics. Like his parents, he has been a strong advocate for people with special needs.

In recognition of Lieutenant Colonel Goodrow’s service to our country and to our State of Vermont, I ask that an article, “Spokesman for Vt. National Guard retires,” written by Matt Ryan in the November 1, 2012, edition of the

Burlington Free Press, be entered into the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Burlington Free Press, Nov. 1, 2012]  
GOODROW REFLECTS ON 33-YEAR CAREER  
(By Matt Ryan)

Lt. Col. Lloyd Goodrow said during his tenure as spokesman for the Vermont National Guard, he has considered reporters and soldiers alike his colleagues.

"It's easier if you have a relationship with the media, and you understand where each other came from," Goodrow said. "Have we always agreed? No. Have we agreed to disagree? Yes."

Goodrow, 58, of Essex Junction retired at midnight Wednesday, ending a 33-year career with the Vermont National Guard. He said his next order of business is to find a new job.

"Today's bittersweet," he said earlier on Halloween. "I walk out of here tonight at midnight. The joke is I'm turning into a pumpkin."

The University of Vermont graduate worked much of his career with the Guard in public affairs. He typed his first news release in 1987, about a man who built a cheap device that could detect infrared light for the U.S. military. The story circulated nationally for two years, he said.

Goodrow has since spoken on behalf of soldiers who deployed to Iraq and Afghanistan and returned home to rebuild Vermont in the wake of Tropical Storm Irene.

"The hardest thing was dealing with the deaths of soldiers," he said. "The first time I looked into the eyes of a gold star mother, it changed my life forever."

That was the mother of Vermont Army Guard Spec. Scott McLaughlin, a 29-year-old husband and father of two from Hardwick who was shot and killed by a sniper in Iraq in 2005.

Goodrow said he helped the family gather photos of McLaughlin for the media and later convinced them to allow reporters in the church for the funeral services.

"The media is there to represent the community, and to help the community as well," he said. "I reminded them that you help the community mourn."

Goodrow said he leaves media relations in the good hands of Capt. Chris Gookin. Gookin stood to lead the Guard's public affairs office upon Goodrow's retirement.

"It's important that the public knows who we are, what we represent and what we can do for them," Goodrow said. "Because we belong to the people. We belong to the public."

Goodrow's retirement party is scheduled for noon Thursday at the American Legion in Colchester. His formal retirement ceremony is slated for 2 p.m. Sunday at the Green Mountain Armory at Camp Johnson.

"I really have been blessed," he said. "I've been part of a group that's been second to none."

#### RECOGNIZING ETHAN ALLEN FURNITURE

Mr. LEAHY. Mr. President, one of Vermont's premier businesses is celebrating its 80th anniversary this year. Ethan Allen Furniture has come to represent the very highest standards and quality that Vermont has to offer.

In 1932, two brothers-in-law from New York City established a wholesale com-

pany that sold small housewares. Four years later, they purchased a bankrupt furniture factory in Beecher Falls, VT, and began manufacturing early American furniture branded as the Ethan Allen line. They eventually renamed the company after Ethan Allen, a Revolutionary War hero who played an integral role in America's fight for independence and Vermont's admission to the Union as the 14th State.

Over the years, Ethan Allen Furniture has grown into one of the world's most prominent furniture makers and interior design specialists, with over 300 stores worldwide and manufacturing centers around the globe.

This world-renowned company has remained close to its Vermont roots and continues to employ many Vermonters because of their unique talent and experience in finely crafted furniture. It was great to see that the company's president, CEO, and chairman, Farooq Kathwari, recently visited with employees at the Orleans, VT, facility to celebrate the company's anniversary and its return to profitability.

I congratulate Ethan Allen Furniture on this monumental anniversary, and I wish them much success in the future.

I ask unanimous consent that the September 26, 2012, Caledonian Record article entitled "Ethan Allen Celebrates 80 Years" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Caledonian Record, Sept. 26, 2012]  
ETHAN ALLEN CELEBRATES 80 YEARS  
(By Robin Smith)

Ethan Allen CEO, President and Chairman Farooq Kathwari praised his employees in Vermont Tuesday afternoon and announced performance raises as part of the company's 80th anniversary.

Ethan Allen plants in Orleans and Beecher Falls are profitable now for the first time since the Great Recession. Kathwari told employees who gathered in a plant storage facility at the Orleans facility to eat cake and celebrate.

The company wanted to begin the big anniversary celebration in Vermont where it began 80 years ago in Beecher Falls.

This morning, Kathwari and Ethan Allen officials will ring the bell to open the New York Stock Exchange. And in the next several weeks, the company will unveil a new line of American furniture and launch a marketing campaign, Kathwari said.

The company converted its operation in Orleans and elsewhere from mass production to custom-manufacturing over a year and a half, he said. The profitability and efficiency in Orleans is up 30 to 40 percent in the last two years, he added.

And now, instead of buying products from China, Kathwari said Ethan Allen is selling its furniture to China.

Ethan Allen received a fairly large order from China last year and has retail stores there.

"You folks will make orders for China. Think of that," he said.

"If someone had said . . . we would make lamps for China, we would have said 'That's crazy.'"

Kathwari invited a select group of company retailers, marketers, designers, board members and initial investors, plus local legislators, to a tour of the Orleans plant before he spoke to employees. Kathwari recognized long-time employees at the plant, one of whom had been at the plant for 53 years and introduced company leaders who had longevity with the company.

That's how Ethan Allen has survived 80 years and grown, he said, because experience and longevity allows nimble adaptability. "To be around for 80 years, you have to by plan or by accident reinvent it," he said.

Ethan Allen survived the Great Depression, he said, and now the Great Recession.

The company kept 70 percent of its manufacturing in the U.S., Kathwari said, "which is remarkable."

The company is committed to the Orleans plant, where 320 employees make tables, chairs and other furniture that has the name of the customer on the bar code label. Each piece being manufactured in Orleans is already sold "and our people know it," Kathwari said.

The Orleans staff have tremendous experience and knowledge, the Orleans and Beecher Falls plants have technological improvements from ongoing investments over the years and the area has the best sustainable hardwood resources in the world, he said.

Because of these things and the productivity and quality in Orleans, Kathwari announced the reintroduction of performance raises this year.

"Those who have done a good job will get an increase," he said.

He said the new plant in Honduras, like the Mexican plant, turns raw resources into materials for the upholstery manufacturing plant in North Carolina, he said.

Without that Mexican plant, Ethan Allen would not have been profitable during the recession, he said.

The company's vertical integration, from bringing in raw wood at Beecher Falls, to wood work in Orleans to the company's own stores and interior designers, means it was able to survive and change in reaction to globalization and mass market changes.

The company is public but is fortunate in being able to think long term, Kathwari said, noting that he has served as CEO for 40 years.

Challenges remain for the company in Vermont, including the high price of electricity, at two times that in North Carolina and three to four times that of overseas where the price is kept down by government, he said.

Also the increasing cost of health care is a concern, he said.

The founders bought the Beecher Falls wood plant and renamed it Ethan Allen, a mark of the colonial American furniture the company made.

Kathwari said the company will unveil five new American lifestyle lines of furniture, from modern to classic—reflecting the global style of America today. Sneak peeks were available from the classic-lined wood chairs and tables and headboards, in Fiesta Ware type colors, and other beautiful pieces in various stages of construction at the plant Tuesday.

He hopes to see sales continue to increase, as they have for the past two years, he said by about 15 percent each year.

#### TRIBUTE TO RITA MARKLEY

Mr. LEAHY. Mr. President, homelessness is not something found only in

large urban areas or that is isolated to city limits; it is just as easily found in small towns and rural areas. Vermont, like the rest of the Nation, struggles each day with homelessness. It is estimated that in any given year, there are 4,000 homeless Vermonters, and on any given night, children, as well as adults, find refuge in a shelter.

The Committee on Temporary Shelter, known in Vermont as COTS, has been serving the homeless in Chittenden County since 1982. While COTS relies on the talents of more than 60 dedicated staff members, it is the tireless leadership of their executive director, Rita Markley, that is the heartbeat of this critically important organization.

I have been so proud of the work of Rita and COTS in their service to the people of Chittenden County. During her time with COTS, Rita has worked tirelessly to provide emergency shelter to those in need, while advocating for long-term solutions to end homelessness. Beyond providing emergency shelter for those in need, COTS' prevention program extends a crucial safety net for those on the brink of losing their homes.

Under Rita's leadership more than 100 families found shelter through COTS in 2011, including 115 parents and 122 children. Since 2008, COTS' prevention program has helped 1,264 people to stay in their apartments and has stopped 55 foreclosures.

Rita is known throughout Vermont for her overwhelming generosity, tireless determination, and sharp sense of humor. She truly embodies the Vermont spirit, dedicating herself to helping her neighbors and reminding us that we are all in this together. Vermont is truly lucky to call Rita Markley one of our own.

I ask unanimous consent that a copy of an article from September 20, 2012, entitled, "Innovation, and passion, in the nonprofit world," from The Burlington Free Press, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Sept. 20, 2012]

INNOVATION, AND PASSION, IN THE NONPROFIT WORLD—RITA MARKLEY OF COTS TALKS ABOUT THE IMPORTANCE OF PARTNERSHIPS IN A WORLD OF GREAT NEED, LIMITED FUNDS  
(By Lynn Monty)

Work is missed when children get sick. Gas for trips to the doctor's office is costly. Rent payments become late, and medical bills loom. Homelessness strikes after a long list of setbacks in a person's life . . . a family's life.

Unforeseen expenditures happen to everyone, but when they come about on a fixed income it can cause a domino effect of devastation. Financial insecurity has plagued households nationwide since the economic downturn, and Burlington is no exception.

Rita Markley, 53, of Burlington knows all too well what our community has had to en-

sure. She is executive director of the Committee on Temporary Shelter, where she's tasked daily with providing distressed people with emergency shelter and services, but her ultimate goal is to find long-term solutions to end homelessness altogether.

More than a hundred families stayed in COTS shelters in 2011. This included 115 parents and 122 children. An average of 53 people a day used the COTS Daystation, the only drop-in center for homeless adults in Chittenden County, before a storm flooded the Daystation in July.

Among her myriad responsibilities, and scrambling to find a new home for the much needed community resource before snow flies, surprisingly, Markley finds time to laugh.

Humor is part of the fuel she needs to forge ahead, to build community partnerships, and to get through tough times. "You might as well have fun while you are doing what you do," she said. "Laughter is a way to connect, and you feel better when you laugh. It makes you feel alive."

We spoke to Markley about these philosophies, her life and her innovations at the nonprofit in an interview at her North Avenue office on Sept. 5. A fuller version of this interview is available online at [BurlingtonFreePress.com](http://BurlingtonFreePress.com).

Burlington Free Press: What does an average day look like for you at COTS?

Markley: Very few days look the same. That's what I love about this job. Some days it's meetings with community partners, other days is brainstorming with staff, writing reports, looking at our numbers. I stay in touch with the people we serve. I advocate to fix problems that put ridiculous burdens on struggling families.

In the past five weeks, I've been running to every last corner of Burlington looking for a new Daystation.

Our whole approach isn't about how we help the homeless, that is the wrong premise, it's about how we can end homelessness. What can we do so that 20 years from now people don't need shelters in the first place?

BFP: What fuels your passion?

Markley: It's an underlying belief that everybody has infinite promise, and potential, and that they deserve a chance to try to reach that.

I spent the first five years of my life in an orphanage. I know I would be a very different person today without the volunteers who would come and rock the babies and read to us. They came three or four times a week to make us feel loved and special. I think I would have been one of those kids who could have otherwise fallen through the cracks, or given up, before I had even stepped out the door.

I was very lucky to be adopted by the Markleys. It was a privileged household, but I remember well what holidays are like when you don't have a home, like the home you read about in storybooks. Or when you feel embarrassed because of the fact you are an orphan.

When I think of the kids there, I still remember their names. I remember who we were and how much useful creativity, imagination and joy every single one of us had. We were encouraged when we could have been shut down. The volunteers and staff there really cared about what they were doing, and launched us into lives that became meaningful.

I know when you don't get the opportunities for college and travel and exposure that I was given by the Markleys, you can start

out with that bright shining light, and it gets darker and darker as each year passes by, and you stop believing that there are better things that are possible for you. This underlies everything that I am.

I have never been a woe-is-me kind of person. I believe in joy, touching that joy, and touching what is most wonderful in humans who have the capacity to care about each other when we don't have to. There is no reason that most of the volunteers need to come to a place like COTS every day, but they do because they can't bear the idea that somebody is going to sleep in a car, or not have a chance without their support.

BFP: How would Burlington be different without COTS?

Markley: I believe in working toward a world where everybody gets a chance. A lot of the work and the way we do things at COTS is driven from the principles of finding that strength, that spark, to help people believe again that more is possible for them than simply a shelter bed and hoping they will have enough food day to day. To help them see that you cannot only survive, but have a rich life.

Without the work we do every day, Burlington would be a place with shelter upon shelter upon shelter with people never getting out in front of it. It takes so long to save for a security deposit, especially when you are only bringing in \$400 a week or less. We help people with this.

In 2008, COTS launched an innovative new prevention program with \$250,000 that we had been fundraising since 2005. We got tired of seeing so many people miss paying rent because the alternator on their car went, or had to miss work because of a sick child. Homelessness is often the result of this unraveling.

The trajectory was so clear. Incomes were flat, or going down, and rents were going up. Utilities were skyrocketing, gasoline was going up, and it was a housing market where if you lose your place, there are 10 other people who want it. We saw this and started raising money.

Our goal in mind was to keep families whole, helping them keep in good financial standing and to regain their footing. We kept 293 families in their homes that first year.

Since 2008, COTS' prevention program has helped 1,264 people stay in their apartments and stopped 55 foreclosures. We break their fall.

Far more people than you see now would be sleeping in doorways without our services. There would be far more children without a fixed address. Even with this successful homeless prevention program in place, we still have people becoming homeless at a quicker rate than we can break their fall.

BFP: What sustains this organization?

Markley: The community sustains this organization. The people who come out to contribute time and money have such a profound impact on so many lives. The amazing thing about COTS is the people who come out to support it.

They are the ones who make sure no one in our community is without a safe, warm place to go during the worst of times. What sustains us is the belief that we are so much more together than we are alone.

It's because this community is far better informed about who the homeless really are. They know that the guy in the doorway might be a veteran, but we have more work to do as an origination. I think many Vermonters would be shocked to know that at the start of the school year last year there were 141 homeless children in our area, or that our waiting list is high right now.



That is the hardest part of this work, when you don't have enough to help everyone. Last year we had the least amount of money to give out for prevention, and all of the school systems felt it keenly because we were not able to keep the same amount of families stable because of state and federal funding cuts and donations were down.

BFP: In what other ways have you been innovative in your approach in leading COTS?

Markley: I have brought a lot of new constituencies to COTS. I look further up the stream. Where people are used to hearing nothing but no, I find a way to get to yes.

For people with really awful credit or behavior issues, every door is slammed. No landlord will take the risk. Instead of accepting that as a no, we figure out how to help people build relationships with landlords through a new risk guarantee program.

We ask landlords to take a chance on our clients who we know are a challenge. We put up all of the costs of an eviction as a guarantee, and hold it for a year and a half.

My goal is to make sure nobody loses the hope entirely that they will ever be back into housing. Once a person gives up, there is so little you can do. It's like a life lost prematurely. As long as we can hold out that carrot, you can work with people to change behaviors, to try a different approach, and to keep believing in themselves and in having a home.

BFP: If you could do anything you wanted to innovate at COTS, with no barriers, what would you do? The sky is the limit.

Markley: I would triple our prevention fund, and link it to our follow-up services two years out to make sure families are still doing OK. I would focus on employment initiatives and bring together more partnerships. I would integrate the use of technology and bring together the disparate programs right now that are hard to navigate.

#### PROTECTING ECONOMIC VITALITY

Mr. LEAHY. Mr. President, shortly after the Senate recessed in September, a compelling article was published in the Burlington Free Press which I would like to share with this Senate.

John Ewing is a true public servant in Vermont. His vision and ability to work with diverse groups to protect Vermont's environment has been an inspiration to many. His September 30, 2012, column entitled, "I Believe" reviews the important steps Vermont has taken to achieve smart growth to help our natural resources and the State's economy hand in hand. John also looks to the future and what we must continue to do in Vermont to ensure we are planning for our best future possible with vibrant communities, a working landscape, and the natural beauty of our open spaces. Vermonters have a history of approaching these issues in a collaborative and objective fashion and I know that if we continue to do that we will be able to move Vermont forward to a bright and sustainable future.

John's column is a roadmap to how States can protect their natural heritage while maintaining their economic vitality. I ask unanimous consent that the text of this column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Burlington Free Press, Sept. 30, 2012]

I BELIEVE: "ECONOMIC VITALITY AND PROTECTING NATURAL HERITAGE ARE NOT AT ALL INCOMPATIBLE"

(By John T. Ewing)

Vermont is defined by its natural beauty, its towns and villages and its working landscape. But the question always remains: Can Vermont encourage growth, provide jobs and at the same time retain these special qualities? Will we be able to avoid the negative impacts of unplanned growth and suburbanization?

When I first came to Vermont in the 1950s, the site of the Sheraton Hotel on Williston Road beyond the University of Vermont was a dairy farm. Burlington had three hardware stores, and its banks stayed open on Friday nights to accommodate the farmers who came to town.

So much has changed. And yet Vermont has worked hard to retain its traditional settlement patterns—its compact communities and a healthy working landscape.

State policy has long recognized the need to protect these special qualities. The principle of "compact settlement and a working landscape" has been imbedded as an official vision since the 1960s. Act 250, with its set of principles to guide growth, was enacted in 1972. The Vermont Housing and Conservation Trust Fund was enacted in 1987 to pay for the conservation of farms and natural areas, and to invest in affordable housing in our villages and downtowns.

Under Gov. Madeleine Kunin, several efforts were made to strengthen state and community planning, and under Gov. Howard Dean, the state provided substantial funding to conserve farms, forests and natural areas. Recently the Legislature enacted downtown legislation and growth centers to encourage growth in and around existing population centers and towns.

However, not all is rosy. As I traveled across the state as chairman of the Environmental Board in the late 1990s, the suburbanization of Vermont was all too clear in certain areas. So we founded the nonprofit Smart Growth Vermont (originally named the Vermont Forum on Sprawl) in 1998. Our aim was to work with the administration and the Legislature to better preserve our heritage, and to assist local communities in their planning and regulatory functions to more effectively guide their growth. This "smart growth" organization has now been merged into the Vermont Natural Resources Council, where its director, Brian Shupe, and his staff are well positioned to carry forward the initiatives and the tools we developed, and to work with individual towns.

The smart growth movement believes that the twin goals of economic vitality and the protection of our natural heritage are not at all incompatible. In fact, much of the success of Vermont is attributable to its beauty and special qualities, supporting all facets of economic activity: tourism, farming, businesses and jobs all integrated so that there is no need to sacrifice our basic values.

We are blessed in Vermont with so many organizations working together to achieve these goals. I doubt that any state is so well served by the quality of its leaders and its organizations. I have already mentioned the Vermont Natural Resources Council, which just celebrated its 50th anniversary; a sampling of other groups include:

Land trusts, such as the Vermont Land Trust and many of its local counterparts.

Conservation organizations: the Nature Conservancy and countless similar groups.

Vermont Businesses for Social Responsibility.

Preservation Trust of Vermont.

The Vermont Council on Rural Development and its initiative on the working landscape.

The housing nonprofits, exemplified by the Champlain Housing Trust.

The "buy local" food movement, which is so important in ensuring that our land resources are used productively.

There's also the important Vermont Housing and Conservation Board, which over the years has contributed to the development or protection of:

10,750 permanently affordable housing units.

144,000 acres of agricultural lands.

253,000 acres of natural areas and recreation.

57 downtown historic properties.

And most importantly, there are the local planning commissions, zoning boards and town councils that are on the front line in confronting the complex proposals in their communities.

There always will be apparent conflict between growth and preserving the Vermont that we cherish. A current example involves the proposals for industrial wind power, fields of solar collectors, and bio-mass. There is an obvious conflict with those who cherish our ridgelines, mountains, forests and fields.

I believe these tensions can be relieved if we correct the current lack of planning and develop a more impartial regulatory system. As we have done in the past on other issues, Vermont can integrate the need for renewable energy with the environment if we provide the planning, systems for approval and opportunity for citizen involvement.

Compact and vibrant communities, natural beauty and a working landscape: I believe we should never allow these special qualities to be eroded and lost; they are what define Vermont. But we have a history of addressing these issues in an objective and collaborative manner—that also is what defines Vermont.

#### NOTICE OF OBJECTION

Mr. GRASSLEY. Mr. President, I, along with Senator MARK KIRK, intend to object to proceeding to the nomination of Richard Berner to head the Office of Financial Research within the Department of the Treasury.

We will object to proceeding to the nomination because the Department of the Treasury has refused to respond to a letter Senator KIRK and I sent on October 2, over 6 weeks ago, regarding the Treasury Secretary's actions when he became aware of the manipulation of the London Interbank Overnight Rate, or LIBOR. The Department has also refused to provide the documents we requested.

In addition, my staff has, on several occasions, attempted to schedule briefing times that are convenient for the Department. The Treasury Department has cancelled each of these briefings and failed to cooperate in rescheduling at a mutually agreeable time.

Because everything from home mortgages to credit cards was pegged to



LIBOR, its manipulation affects almost every American. Given the widespread effects of this manipulation, it is disturbing to see that the Treasury Department has thus far refused to answer basic questions and provide essential documents.

It is critical for Congress to be able to ask questions and to have access to administration documents in order to conduct vigorous and independent oversight. It is unfortunate that this administration, which has pledged to be the most transparent in history, consistently falls short of that goal.

#### CONGRATULATING THE SAN FRANCISCO GIANTS

Mrs. BOXER. Mr. President, I ask my colleagues to join me in congratulating the 2012 World Series champion San Francisco Giants. This season the Giants earned their second World Series title in 3 years by sweeping the Detroit Tigers in 4 games.

All season, the Giants truly exemplified what it means to be a team. Even though this season saw historic accomplishments from individuals, including Matt Cain's perfect game and Pablo Sandoval's three home runs in game one of the World Series, no one player carried the Giants. Contributions from all players on an outstanding roster of perennial all-stars, reliable veterans and promising young players led the Giants to win the National League Western Division.

On their road to the World Series, the Giants showed true grit and determination. They won a record-tying six consecutive games when facing elimination, fighting their way to a historic championship. In the division series, the team made history by battling back from a two games to nothing deficit to beat the Cincinnati Reds—the first come-from-behind win of its kind in National League history.

When the Giants made it to the National League Championship Series against the defending World Series Champion St. Louis Cardinals, they once again found themselves on the brink of elimination. The team banded together and roared back, winning three hard-fought games in a row to capture their second National League pennant in 3 years. With a powerful combination of great pitching, excellent defense, and clutch hitting, this Giant team always found a way to win.

All 25 players on the playoff roster should be congratulated for their contributions to this true team effort: Jeremy Affeldt, Joaquin Arias, Brandon Belt, Gregor Blanco, Madison Bumgarner, Matt Cain, Santiago Casilla, Brandon Crawford, Aubrey Huff, George Kontos, Tim Lincecum, Javier Lopez, Jose Mijares, Guillermo Mota, Xavier Nady, Angel Pagan, Hunter Pence, Buster Posey, Sergio Romo, Hector Sanchez, Pablo Sandoval,

Marco Scutaro, Ryan Theriot, Ryan Vogelsong, and Barry Zito.

In addition to the players, I also congratulate Chief Executive Officer Larry Baer, General Manager Brian Sabean, and Manager Bruce Bochy for the tremendous job they did in assembling and guiding this team to the 2012 World Series.

As Giants fans in the Bay Area and around the world celebrate, I congratulate their team on a remarkable season, a seventh World Series title, and a place in the history books.

#### INTELLIGENCE AUTHORIZATION

Mr. WYDEN. Mr. President, the Senate is being asked today to approve the intelligence authorization bill for 2013 by unanimous consent. I believe that significant changes need to be made to this bill before it is passed, so I object to this unanimous consent request.

When the Senate Intelligence Committee approved this bill in July, I was the only member of the committee to vote against it, and I would like to take a few minutes to explain my concerns, so that my colleagues who are not on that committee can get a better sense of what this debate is about.

This bill contains a number of worthwhile provisions, and I wish that I had been able to support it. Unfortunately, it also contains several provisions that I find very troubling, all of them located in Title V of the bill. These provisions are all intended to reduce unauthorized disclosures of classified information, but I am concerned that they will lead to less-informed public debate about national security issues, and also undermine the due process rights of intelligence agency employees, without actually enhancing national security.

I agree with my colleagues that unauthorized disclosures of national security information, which are also known as "leaks," can be a serious problem. Unauthorized disclosures of sensitive information can jeopardize legitimate military and intelligence operations, and even put lives at risk. So I think it can be entirely appropriate for Congress to look for ways to help the executive branch protect information that intelligence agencies want to keep secret, as long as Congress is careful not to do more harm than good. I myself spent 4 years working on legislation to increase the criminal penalty for people who are convicted of deliberately exposing covert agents, and I am proud to say that with help from a number of my Republican and Democratic colleagues, this legislation was finally signed into law in 2010.

So I am all for Congress recognizing that leaks can be a serious problem, and for doing things to show the men and women of the U.S. intelligence community that we recognize the seriousness of this issue. The problem, though, is that Congress can't actually

legislate this problem away, and attempts to do so can have serious negative consequences.

One of the best analyses I have seen of the problem of unauthorized disclosures was a report published last year by the National Intelligence University. The report observed that this problem has been around for several decades, and noted specifically that "The relative consistency in the number of unauthorized disclosures over the past 30 years demonstrates their persistent nature, independent of which political party controls the White House or Congress." This report, like a number of previous reports on the subject, also suggested that because it is very difficult to identify government employees responsible for disclosing classified information to the media, unauthorized disclosures are not a problem that can be solved with legislation.

Again, this doesn't mean that Congress shouldn't try to find ways to help the executive branch when it can. But it does mean that Congress and the public should be generally skeptical of anti-leaks bills, and remember that not everything that is done in the name of stopping leaks is necessarily wise policy.

In particular, I think Congress should be extremely skeptical of any anti-leaks bills that threaten to encroach upon the freedom of the press, or that would reduce access to information that the public has a right to know.

As most of my colleagues are aware, my father was a journalist who reported on national security issues. Among other things, he wrote what many consider to be the definitive account of the Bay of Pigs invasion, as well as an authoritative account of how the U.S. came to build and use the first atomic bomb. Accounts like these are vital to the public's understanding of national security issues. Without transparent and informed public debate on foreign policy and national security topics, American voters would be ill-equipped to elect the policymakers who make important decisions in these areas.

Congress, too, would be much less effective in its oversight if Members did not have access to informed press accounts on foreign policy and national security topics. And while many Members of Congress don't like to admit it, members often rely on the press to inform them about problems that congressional overseers have not discovered on their own. I have been on the Senate Intelligence Committee for 12 years now, and I can recall numerous specific instances where I found out about serious government wrongdoing—such as the NSA's warrantless wiretapping program, or the CIA's coercive interrogation program—only as a result of disclosures by the press.

With all of that in mind, I am particularly concerned about sections 505 and 506 of this bill, both of which would limit the flow of unclassified information to the press and to the public. Section 505 would prohibit any government employee with a Top Secret, compartmented security clearance from, and I quote, "entering into any contract or other binding agreement" with, quote, "the media" to provide "analysis or commentary" concerning intelligence activities for a full year after that employee leaves the government. This provision would clearly lead to less-informed public debate on national security issues. News organizations often rely on former government officials to help explain complex stories or events, and I think it is entirely appropriate for former officials to help educate the public in this way. I am also concerned that prohibiting individuals from providing commentary could be an unconstitutional encroachment on free speech. For example, if a retired CIA Director wishes to publish an op-ed commenting on a public policy debate, I see no reason to try to ban him from doing so, even if he has been retired less than a year.

I understand my colleagues' desire to prohibit unauthorized disclosures by retired officials, but these officials are already legally bound not to disclose classified information that they learned while in government service. And I would also note that this bill does not define who is and who isn't a member of the media, and that this ambiguity could present a variety of problems. When this bill was being considered in committee, I suggested that we get feedback from outside groups before we voted on it, so that we could address problems like this, and I hope that the committee will take that step in the future.

Section 506 would also lead to a less-informed debate on national security issues, by prohibiting nearly all intelligence agency employees from providing briefings to the press, unless those employees give their names and provide the briefing on the record. The bill makes an exception for agency directors and deputy directors, and their public affairs offices, but no one else. It seems to me that authorized, unclassified background briefings from intelligence agency analysts and experts are a useful way to help inform the press and the public about a wide variety of issues, and there will often be good reasons to withhold the full names of the experts giving these briefings. I haven't seen any evidence that prohibiting the intelligence agencies from providing these briefings would benefit national security in any way, so I see no reason to limit the flow of information in this manner.

The third provision that I am most concerned about is section 511, which would require the Director of National

Intelligence to establish an administrative process under which he and the heads of the various intelligence agencies would have the authority to take away pension benefits from an intelligence agency employee, or a former employee, if the DNI or the agency head determines that the employee has knowingly violated his or her non-disclosure agreement and disclosed classified information.

I am concerned that the Director of National Intelligence himself has said that this provision would not be a significant deterrent to leaks, and that it would neither help protect sensitive national security information nor make it easier to identify and punish actual leakers. Beyond these concerns about the provision's effectiveness, I am also concerned that giving intelligence agency heads broad new authority to take away the pensions of individuals who haven't been formally convicted of any wrongdoing could pose serious problems for the due process rights of intelligence professionals, particularly when the agency heads themselves haven't told Congress how they would interpret and implement this authority. As many of my colleagues will guess, I'm especially concerned about the rights of whistleblowers who report waste, fraud and abuse to Congress or Inspectors General.

I outlined these due process concerns in more detail in the committee report that accompanied this bill, so I won't restate them all here. I will note, though, that I am particularly confused by the fact that section 511 creates a special avenue of punishment that only applies to accused leakers who have worked for an intelligence agency at some point in their careers. There are literally thousands of employees at the Departments of Defense, State and Justice, as well as the White House, who have access to sensitive national security information. I don't see a clear justification for singling out intelligence community employees with this provision, when there is no apparent evidence that these employees are responsible for a disproportionate number of leaks. And I am concerned that it will be harder to attract qualified individuals to work for intelligence agencies if Congress creates the perception that intelligence officers have fewer due process rights than other government employees.

While I have a number of smaller concerns regarding the language of these anti-leaks provisions, the issues that I have just laid out represent my central concerns, and I hope that my colleagues now have a better sense of why I oppose this bill. I would add that my view seems to be widely shared outside of Congress, and that when USA Today ran an editorial criticizing these anti-leaks provisions, they couldn't find a single senator who was willing to publicly defend them.

I know that the sponsors of this bill have worked hard on it, and I am still happy to sit down with them at any time to discuss my concerns in more detail, and help them make the major changes that I believe must be made before this authorization bill moves forward.

#### SPORTSMEN'S ACT OF 2012

Mr. BLUMENTHAL. Mr. President, I would like to make a brief statement regarding my vote to support the motion to proceed to S. 3525, the Sportsmen's Act of 2012. There are many worthy provisions in this bill that deserve our support. However, I remain concerned about the provision that would allow the importation of polar bear trophies taken in sport hunts in Canada before February 18, 1997. This provision would apply to trophies regardless of whether they were taken from an approved polar bear population. Prior to 1997, U.S. trophy hunters were only permitted to take bears and import trophies from approved populations; thus, only trophy hunters who killed polar bears from unapproved populations would benefit from this provision of the bill.

I find this very disturbing. This provision of the Sportsmen's Act undermines current wildlife protections, and further imperils an already threatened species by encouraging future killings for sport. For this reason, I am proud to cosponsor the amendment introduced by my two colleagues from Massachusetts to strike this provision. It would be my hope that the Senate would pass this important amendment.

#### HONORING CAPTAIN SHAWN G. HOGAN

Mrs. SHAHEEN. Mr. President, I wish to honor the service of a brave New Hampshire son, U.S. Army Special Forces CPT Shawn G. Hogan, who was killed in a tragic accident during a military training exercise on October 17 in Golden Pond, KY. Captain Hogan was commander of Company A, 4th Battalion, 5th Special Forces Group headquartered at Fort Campbell, KY. He received his Green Beret earlier this year.

Shawn was born in Albany, NY and grew up in the Town of Salem, New Hampshire. An alumnus of Salem High School, Shawn attended the Virginia Military Institute where he was captain of both the cross-country team and the track and field team. He joined the U.S. Army upon graduation in 2006.

Shawn's military honors include the Bronze Star Medal, two Army Commendation Medals, two Army Achievement Medals, the Army Service Ribbon, the Global War on Terrorism Service Medal, the Iraq Campaign Medal with one Campaign Star, the National Defense Service Medal, the Army Service Ribbon, the Sapper Tab, the Ranger

Tab, the Special Forces Tab, and the Parachutist Badge.

Shawn was an avid runner, hiker, rock climber, and skier and is remembered for his love of the great outdoors and for his impressive athletic ability. At the Virginia Military Institute, for instance, Shawn placed seventh out of 3,600 cadets in an Army ROTC competition. When he wasn't outperforming the competition on the playing field, Shawn was outperforming his peers in the classroom. Friends and teachers recall Shawn's intense intellectual curiosity and independent mind. He was a finalist in the prestigious Rhodes and Marshal Scholarship competitions, won an award for the best thesis in science and engineering, and was valedictorian of his class at the Institute.

Shawn is also remembered for the kindness he showed others and for his willingness to help anyone in need. He stood out as an athlete, a student, and a person, and his death is a huge loss for all who knew him, for New Hampshire, and for the country.

Shawn dedicated his talents and his life in the service of his community and his country. He answered the call of duty to defend our way of life, and for that, all Americans are forever grateful.

Sadly, Shawn is the fifth Salem High School graduate in recent years to die while serving our country. To honor Shawn and all others who have served before him, it is our duty to remain committed to the cause of freedom and to our returning veterans and their families.

Shawn is survived by his parents, Jean and Richard Hogan of Salem; and his sister, Nicole, also of Salem.

I ask my colleagues and all Americans to join me in honoring the bright life and service of CPT Shawn G. Hogan.

#### ADDITIONAL STATEMENTS

##### REMEMBERING DR. EMMA WALTON

• Mr. BEGICH. Mr. President, I wish to recognize the passing of one of Alaska's most accomplished, influential and respected educators, Dr. Emma Walton. Dr. Walton died recently at the age of 79 in Anchorage, AK. At the time of her death, she was a science education consultant for NASA's Aerospace Education Services Project at the space agency's Ames Research Center.

An accomplished teacher, Dr. Walton taught high school biology in Louisiana, Maryland, and Alaska. Her advanced degrees in science education from Bowie State College and Doctoral Degree in Education Administration Policy gave her opportunities to meet, interact with and work alongside students, teachers and administrators from all over the world. Dr. Walton

served as the president of the National Science Teachers Association and held countless chair positions on committees, advisory boards, task forces, judging panels and university groups.

Dr. Walton, a beloved teacher and mentor, played a key role in the development of science education in Alaska and in the United States. Her efforts to promote innovative and sound science teaching practices influenced countless students and teachers. Her passion for science education was second to none, and we are all better for knowing her. Dr. Walton will be missed by many.●

##### RECOGNIZING THE D'ANTONI FAMILY

• Mr. MANCHIN. Mr. President, today I wish to speak about a great West Virginian, Lewis D'Antoni, and his extraordinary family. I do so because the D'Antoni family is being honored tonight for the countless lives they have influenced and the untold students they have inspired to reach for the stars. At its annual dinner in Charleston, the Education Alliance of West Virginia will celebrate the D'Antonis. And I wish to add my salute to this remarkable family and to thank its patriarch for all he has done for the people of West Virginia in a lifetime of almost 99 years—as a dedicated educator, as an innovative coach, as an inspiring man of integrity and industry.

Lewis D'Antoni had a long career as an educator but he is best known throughout West Virginia as the "coach's coach." And for good reason! He was one of West Virginia's greatest high school basketball coaches, with 450 victories, including a State championship, while coaching at Mullens High School in Wyoming County. He believed in fast-forward basketball even before there was a shot clock. So it should not surprise anyone that two of his sons, Mike and Dan, have been advocates of the run-and-gun offense in their NBA coaching careers. And with Mike named just this week as the new coach of the Los Angeles Lakers—reunited with point guard Steve Nash—look for a lot of full-court play at The Forum this season.

All four of the children Lewis parented with his late wife, Betty Jo, are accomplished and respected throughout West Virginia. Their youngest son, Mark, was an Academic All-American basketball player at Coastal Carolina College and is a partner in a Charleston law firm. And their daughter, Kathy, is an assistant state superintendent of schools in West Virginia and the author of two books on adult education. The D'Antonis personify the power of families—working hard, supporting each other and standing together, no matter how tough times may get. These are the values of the D'Antoni family. These are the families of the West Virginia family.

Lewis D'Antoni's father, Andrea, came from Italy to West Virginia in 1910. He was so proud to be an American that he initiated what is probably a very unique tradition in any American household, especially these days. Every April 15, after paying his taxes, Andrea D'Antoni would open a bottle of wine and celebrate Tax Day with the entire family. Kathy D'Antoni remembers stories of how happy her grandfather was to pay his taxes because, as she explains, "he loved America and he wanted to show his appreciation and to give something back to this great country."

That has been the hallmark of the D'Antoni family ever since Andrea D'Antoni's Tax Day celebrations. That certainly has been the hallmark of Lewis D'Antoni's life work—through his many years as a coach, a teacher and school administrator. He taught discipline on the court and in the classroom. He emphasized that success depends on "how well you prepare" and "how you react to the ebb and flow" of the game. And never, ever give up. And that has also been the hallmark of the careers of his children, Mike, Dan, Mark and Kathy. All have given great service to their communities, their State and their country.

The Education Alliance is a non-profit organization that works to keep students in school and on track to graduate through various programs, including mentoring. And every year, at its annual dinner, the organization honors West Virginians who have had a positive impact on the lives of students, as role models for discipline and hard work. This year, the Education Alliance is honoring the D'Antoni family whose own lives bear witness to the fact that talent is unstoppable, that tenacity has rewards and that dreams can come true. They have lived lives that made Andrea D'Antoni's dream come true—that the D'Antoni family name would be honored in America and in West Virginia.●

##### RECOGNIZING THE JUNEAU EMPIRE CENTENNIAL

• Ms. MURKOWSKI. On November 2, 1912, the Alaska Daily Empire published its first edition in Juneau. Over the next one hundred years it would bear the names Daily Alaska Empire, the Juneau Alaska Empire, the Southeast Alaska Empire and today, The Juneau Empire. I wish to pay tribute to The Juneau Empire on the occasion of its centennial anniversary.

From the Gold Rush days and through much of the 20th Century, Juneau was quite a competitive newspaper town. The Empire was not Juneau's first newspaper. That distinction belongs to the Alaska Free Press, which was first published in 1887. But in rough and tumble Juneau, newspapers came and went. The Empire is

the only one of perhaps 18 newspapers that survived.

In 1912, when the Empire was founded, there was but one daily newspaper in Juneau, the Daily Alaska Dispatch, which was Republican oriented and reflected the progressivism of Theodore Roosevelt's era.

Franklin Alexander Strong was a Democrat at a time when his party in Alaska was conservative and business oriented. A newspaper man who had already established The Nome Nugget, Alaska's oldest newspaper in 1900, Strong had already relocated to Seattle when he was wooed back to Alaska. There were plans to make Strong Alaska's second Territorial Governor at the time. Fortunately, Strong left a printing press in Iditarod, AK, another Gold Rush town, and moved it to Juneau upon his return to launch the Empire as well as his political career.

In spite of his political aspirations, Strong promised that the paper would be politically independent, "reserving the right to comment or fairly criticize any political party that may be in control of the federal or territorial administrations." Strong had much to criticize.

Strong's initial editorial read in part:

Notwithstanding the many disabilities under which Alaska has labored for years past, partly due to ignorance, misinformation and misdirected zeal on the part of the national school of ultra-conservationists, the growth and development of this great commonwealth has been greatly retarded, if not absolutely prohibited in important sections. A change in policy by the federal administration we believe to be indispensable to the end that the people of Alaska may be permitted to enjoy the fruits of their labors, in developing its great latent natural resources.

This is a man who understood Alaska. Sadly, Strong was prescient about the challenges that Alaska would face dealing with the Federal Government in the coming years. His 1912 editorial could very easily appear in Alaska newspapers during this 21st century.

Strong would achieve his dream of becoming Alaska's second Territorial Governor in 1913, a role he would hold until April 1918 when it was discovered that Strong was not eligible to hold the job because he was a Canadian who had never obtained US citizenship. Another of the Empire's leaders, John Weir Troy, would serve as Alaska's Territorial Governor, serving as publisher after Strong from 1914 until he became Governor in 1933. From 1933 to 1955 the Empire's publisher was one of the first women to run a newspaper in Alaska, Helen Troy Bender Monsen. She was followed by William Prescott Allen from 1955 to just after Statehood in 1960 and then by Donald W. Reynolds until 1969.

The Empire's modern period began in 1969 when the Morris newspaper chain of Augusta, Georgia acquired and brought stability to the publication. This would be a godsend to Juneau in

its fight to forestall repeated efforts to move Alaska's capital out of the Southeast city. The Empire would be a vehement opponent of the move.

The Empire was unusual at its founding in that it was a non-partisan newspaper, not supposedly favoring either national political party. It made that point in its first edition when it said:

It may well be here to emphasize that the Empire is not in politics. Politics is a mere incidental to a legitimate business industry. As a matter of fact, Alaska has been suffering, and is still suffering from a glut of politics. More work and less talk of partisan politics may accomplish something tangible.

The newspaper was unusual in other ways. While crime news was a fixture—the paper's first crime stories were focused on Robert Stroud, who became famous as the Birdman of Alcatraz after he shot and killed a bartender in Juneau to start his criminal record—became one of the first papers in the Nation to run an obituary of a dog on its front page. On March 31, 1942, the paper ran the obituary of Patsy Ann, a pit bull, who met every steamship to dock in downtown Juneau for more than a decade, often posing for pictures with visitors "with an aloof . . . dignity that befitted her official position," as the town's official mascot, the dog being the only animal that the City Council itself paid for her dog license.

The Empire over the years made its living covering "hard" news—from the town's first industry, gold mining, to fisheries and government affairs, highlighted by World War I, World War II and the Cold War with Russia. But the paper also found time to cover visiting dignitaries to Alaska's Capital City, from President Warren Harding who arrived on July 10, 1923 to movie stars John Barrymore, Ingrid Bergman and Gary Grant and from comedians Bob Hope and Edgar Bergen, to a four-legged movie star—Lassie.

Over the years the Empire has been home to a number of writers who would go on to play significant roles in Alaska public policy issues. Larry Persily, who once served as the Empire's Managing Editor, today serves as Federal Coordinator for Alaska Natural Gas Transportation Projects. Kim Elton, who served as editor from March 1976 until June 1978 would go on to represent Juneau in the Alaska Legislature and currently serves as Director of Alaska Affairs at the US Department of the Interior under Secretary Ken Salazar.

On behalf of my Senate colleagues, I congratulate the staff of the Juneau Empire on the occasion of the newspaper's 100th birthday and wish the Juneau Empire many more years of service to the people of Alaska.●

#### REMEMBERING RUBY RIDDLE

● Ms. MURKOWSKI. Mr. President, they call Fairbanks in my home State

of Alaska the "Golden Heart City." Ruby Riddle, who moved to Fairbanks from North Carolina in 1963 called it "heaven." Ruby would know this. She was designated Official Hostess of the City of Fairbanks in 2001 and of the Fairbanks North Star Borough in 2006. With the Mayors of the City of Fairbanks and the Fairbanks North Star Borough at her bedside, "Miss Ruby" passed away on November 1, 2012. I rise today to speak in memory of a lovely lady who epitomized all that is special about Interior Alaska.

Ruby Lenore Riddle was reportedly eighty something when she died. A true Southern woman never admits her age. She was born on St. Patrick's Day, March 17, in Lenoir, NC. An independent spirit, Ruby came north with her husband in 1963. He passed away in 1989 and she decided to stay in Alaska. Fairbanks was Miss Ruby's home from the day she arrived. She worked for the Northern Commercial Company which later became Nordstrom. When Nordstrom closed, Miss Ruby went to work for Lamont's until her retirement. Retirement, said Miss Ruby, is when life begins.

Miss Ruby lived her life with gusto. She was an impeccable dresser—always. If something was going on in Fairbanks, Miss Ruby was there with a camera. She shot thousands of photographs with visitors and locals at events and functions. After the function she would have the film processed and send it with a handwritten note card. Those notes were signed, "Southern Ms. Ruby." Miss Ruby was involved in the Fairbanks community like none other. She attended the local assembly meetings, city council meetings, chamber meetings, townhalls and military functions. She had a reserved seat in the Fairbanks North Star Borough Assembly Chamber and rarely if ever missed a meeting.

Following Miss Ruby's passing that reserved seat was adorned with a simple lavender vase holding pink and white flowers ringed by pieces of candy that Miss Ruby would often hand out.

Ruby Riddle was not an Alaskan by birth but she was surely a Fairbanks original, and we miss her greatly.●

#### RECOGNIZING PAT'S PIZZA OLD PORT

● Ms. SNOWE. Mr. President, each year on the November 11, as a nation, we celebrate the service of all U.S. military veterans. Veterans Day is a chance to honor those who protect our freedom while they give others the opportunity to pursue the American dream. It is our veteran entrepreneurs who know the sacrifices and struggles both of military service and of pursuing that dream first hand. Today I rise to recognize and commend two such veteran entrepreneurs, Chris and Jen Tyll, who own and operate Pat's

Pizza Old Port located in Portland, ME.

Chris and Jen Tyll are graduates of the U.S. Naval Academy. Chris is a former Navy SEAL and platoon leader, and served four tours in Iraq. Chris and Jen have 23 years of military experience between them and have completed six deployments in support of Operation Iraqi Freedom and Operation Enduring Freedom.

Chris first visited Maine at the age of 18 while visiting with his Naval Academy roommate. He fell in love with the State and believed Maine would be a great place to raise a family. After moving around the country and living in eight States, the Tylls decided to establish roots in Maine. As Chris transitioned out of the military, he knew he wanted to own a business. Subsequently, he opened a Pat's Pizza in the heart of Portland's Historic Old Port in 2009.

The original Pat's Pizza, located in Orono, is an undeniable favorite of University of Maine students. It has been said that an education at the University of Maine at Orono is not complete without sampling a pizza from Pat's. Pat's Pizza is known for its sauce, developed by the founder, which gives its pizza a distinct home-grown flavor. The dough is made fresh daily, delivering customers the same authentic taste in every location. Pat's Pizza Old Port offers the same great Pat's taste and all of the amenities Mainers and their families have come to enjoy.

While Pat's Pizza Old Port provides Chris the opportunity to be a successful business owner, he has not forgotten his former comrades and finds time to reach out to veterans. Chris understands the challenges that await current veterans as they transition from the military into civilian life. He is the chairman of the new Portland Veterans Network, a Portland Regional Chamber of Commerce program. The network offers free career assistance to veterans of Operation Iraqi Freedom and Operation Enduring Freedom, including mentoring, wellness services, resume writing and interview skills training, and chamber membership. At its heart, the program consists of pairing 50 Portland-area veterans with business leaders who will act as mentors, introducing the veterans at networking events and guiding them in their job search.

I applaud Chris and Jen Tyll for demonstrating the leadership and can-do attitude that are truly a reflection of the talent and entrepreneurial spirit found in my home State of Maine. As we pay tribute to our servicemembers on Veterans Day, I offer my gratitude and congratulations to our Nation's veteran-owned small businesses and extend my best wishes to Chris, Jen, and Pat's Pizza Old Port for their continued growth and success.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

## EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 2:33 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1956. An act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

The message further announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 6371. An act to amend title 40, United States Code, to transfer certain functions from the General Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title.

H.R. 6586. An act to extend the application of certain space launch liability provisions through 2014.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended by division P of the Consolidated Appropriations Resolution, 2003 (22 U.S.C. 6901), the Minority Leader re appoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission: Mr. Michael Wessel of Falls Church, Virginia.

At 4:30 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the amendment of the Senate to the bill (H.R. 2606) to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

## MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6371. An act to amend title 40, United States Code, to transfer certain functions

from the General Accountability Office to the Department of Labor relating to the processing of claims for the payment of workers who were not paid appropriate wages under certain provisions of such title; to the Committee on Homeland Security and Governmental Affairs.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7921. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period from April 1, 2012 through September 30, 2012, received in the Office of the President of the Senate on November 13, 2012; ordered to lie on the table.

EC-7922. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Trifloxystrobin; Pesticide Tolerances" (FRL No. 9360-9) received during adjournment of Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7923. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Residues of Fatty Acids, Tall-Oil, Ethoxylated Propoxylated; Tolerance Exemption" (FRL No. 9365-4) received during adjournment of Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7924. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Calcium Gluconate; Exemption from the Requirement of a Tolerance" (FRL No. 9362-4) received during adjournment of Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7925. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Additional Changes to the Schedule of Operations Regulations" (RIN0583-AD48) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7926. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to a proposed change by the Air Force Reserve to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

EC-7927. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers (Regulation E); Final Rule" ((RIN3170-AA15) (Docket No. CFPB-2011-0009)) received during adjournment of the Senate in the Office of the President of the Senate on Oct 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7928. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Electronic Fund Transfers (Regulation E)" (RIN3170-AA15) (Docket No. CFPB-2011-0009) received during adjournment of the Senate in the Office of the President of the Senate on Oct 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7929. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Defining Larger Participants of the Consumer Debt Collection Market" (RIN3170-AA30) (Docket No. CFPB-2012-0040) received during adjournment of the Senate in the Office of the President of the Senate on Oct 31, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7930. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Assessments, Large Bank Pricing" (RIN3064-AD92) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7931. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Annual Stress Test" (RIN3064-AD91) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7932. A communication from the Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Enforcement of Subsidiary and Affiliate Contracts by the FDIC as Receiver of a Covered Financial Company" (RIN3064-AD94) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7933. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" ((44 CFR Part 67) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7934. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure; Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments" (RIN1557-AD61) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7935. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Financial Sanctions Regulations; Final Rule" (31 CFR Part 561) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7936. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Iranian Transactions Regulations; Final Rule" (31 CFR Part 560) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7937. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, a report relative to credit availability for small business; to the Committee on Banking, Housing, and Urban Affairs.

EC-7938. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to the proliferation of weapons of mass destruction that was declared in Executive Order 12938; to the Committee on Banking, Housing, and Urban Affairs.

EC-7939. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Sudan that was declared in Executive Order 13067; to the Committee on Banking, Housing, and Urban Affairs.

EC-7940. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to narcotics traffickers centered in Colombia that was declared in Executive Order 12978; to the Committee on Banking, Housing, and Urban Affairs.

EC-7941. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency declared in Executive Order 13413 with respect to blocking the property of persons contributing to the conflict taking place in the Democratic Republic of the Congo; to the Committee on Banking, Housing, and Urban Affairs.

EC-7942. A communication from the Deputy Secretary of the Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Clearing Agency Standards" (RIN3235-AL13) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7943. A communication from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Energy Conservation Program: Test Procedures for Residential Dishwashers, Dehumidifiers, and Conventional Cooking Products" (RIN1904-AC01) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Energy and Natural Resources.

EC-7944. A communication from the Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran"; to the Committee on Energy and Natural Resources.

EC-7945. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL

No. 9736-9) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC-7946. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Reasonably Available Control Technology for the 1997 8-Hour Ozone Standard" (FRL No. 9748-2) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC-7947. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; Determination of Attainment of the 1997 Annual Fine Particle Standard for the Detroit-Ann Arbor Nonattainment Area" (FRL No. 9748-8) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC-7948. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Michigan; Detroit-Ann Arbor Nonattainment Area; Fine Particulate Matter 2005 Base Year Emissions Inventory" (FRL No. 9748-9) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC-7949. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Use Rules on Certain Chemical Substances" (FRL No. 9366-7) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Environment and Public Works.

EC-7950. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, U.S. Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Importation, Exportation, and Transportation of Wildlife; User Fee Exemption Program for Low-Risk Importations and Exportations" (RIN1018-AZ18) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Environment and Public Works.

EC-7951. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, an alterations in leased space prospectus for the Southern Maryland U.S. Courthouse in Greenbelt, Maryland; to the Committee on Environment and Public Works.

EC-7952. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Final Interim Staff Guidance Augmenting NUREG-1537, 'Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors,' Parts 1 and 2, for Licensing Radioisotope Production and Aqueous Homogenous Reactors" (NUREG-1537) received during adjournment of the Senate



in the Office of the President of the Senate on November 5, 2012; to the Committee on Environment and Public Works.

EC-7953. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Savannah Harbor Expansion Project (SHEP), Georgia and South Carolina; to the Committee on Environment and Public Works.

EC-7954. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fringe Benefits Aircraft Valuation Formula" (Rev. Rul. 2012-27) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Finance.

EC-7955. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2012-64) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Finance.

EC-7956. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012 National Pool" (Revenue Procedure 2012-42) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2012; to the Committee on Finance.

EC-7957. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2013 Cost-of-Living Adjustments to Certain Tax Items" (Rev. Proc. 2012-41) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2012; to the Committee on Finance.

EC-7958. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2012-2013 Special Per Diem Rates" (Notice 2012-63) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Finance.

EC-7959. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Joanne Wandry v. Commissioner" (AOD 2012-05) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2012; to the Committee on Finance.

EC-7960. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cost Segregation Audit Techniques Guide—Chapter 8—Electrical Distribution System" (LBandI-4-1012-012) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2012; to the Committee on Finance.

EC-7961. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—November 2012" (Rev. Rul. 2012-30) re-

ceived during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Finance.

EC-7962. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; End-Stage Renal Disease Prospective Payment System, Quality Incentive Program, and Bad Debt Reductions for all Medicare Providers" (RIN0938-AR13) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Finance.

EC-7963. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Home Health Prospective Payment System Rate Update for Calendar Year 2013, Hospice Quality Reporting Requirements, and Survey and Enforcement Requirements for Home Health Agencies" (RIN0938-AR18) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Finance.

EC-7964. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Unpaid Losses Discount Factors and Payment Patterns for 2012" (Rev. Proc. 2012-44) received during adjournment of the Senate in the Office of the President of the Senate on November 13, 2012; to the Committee on Finance.

EC-7965. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyazofamid; Pesticide Tolerances" (FRL No. 9361-8) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7966. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flumioxazin; Pesticide Tolerance" (FRL No. 9358-3) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7967. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluridone; Pesticide Tolerances for Emergency Exemptions" (FRL No. 9366-8) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7968. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluazinam; Pesticide Tolerances" (FRL No. 9366-6) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7969. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Metconazole; Pesticide Tolerances"

(FRL No. 9364-8) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7970. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluoxastrobin; Pesticide Tolerances" (FRL No. 9365-7) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7971. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "a-(p-Nonylphenyl)poly(oxypropylene) block polymer with poly(oxyethylene); Tolerance Exemption" (FRL No. 9365-3) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7972. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Xylenesulfonic Acid, Sodium Salt; Exemption from the Requirement of a Tolerance" (FRL No. 9361-3) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7973. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dinotefuran; Pesticide Tolerances for Emergency Exemptions" (FRL No. 9366-3) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7974. A communication from the Director of Program Development and Regulatory Analysis, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Expansion of 911 Access Loans and Loan Guarantees" (RIN0572-AC24) received during adjournment of the Senate in the Office of the President of the Senate on November 2, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7975. A communication from the Director of the Policy Issuances Division, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Requirements for Official Establishments to Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain Hazard Analysis and Critical Control Point System Plan Reassessments" (RIN0583-AC34) received during adjournment of the Senate in the Office of the President of the Senate on November 1, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-7976. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the retirement of Lieutenant General William E. Ward, United States Army; to the Committee on Armed Services.

EC-7977. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a quarterly report entitled, "Acceptance of Contributions for Defense Programs, Projects, and Activities;



Defense Cooperation Account"; to the Committee on Armed Services.

EC-7978. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-7979. A communication from the President of the United States, transmitting, pursuant to law, a report on the continuation of the national emergency with respect to Iran that was declared in Executive Order 12170 on November 14, 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-7980. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Syria that was declared in Executive Order 13338 of May 11, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC-7981. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the continuation of a national emergency declared in Executive Order 13222 with respect to the lapse of the Export Administration Act of 1979; to the Committee on Banking, Housing, and Urban Affairs.

EC-7982. A communication from the Assistant Director for Legislative Affairs, Consumer Financial Protection Bureau, transmitting, pursuant to law, the Annual Report of the Consumer Financial Protection Bureau Student Loan Ombudsman; to the Committee on Banking, Housing, and Urban Affairs.

EC-7983. A communication from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting, pursuant to law, a report entitled "2011/2012 Economic Dispatch and Technological Change"; to the Committee on Energy and Natural Resources.

EC-7984. A communication from the Director of the Sustainability Performance Office, Department of Energy, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Department's Fleet Alternative Fuel Vehicle Acquisition Report for fiscal year 2008; to the Committee on Energy and Natural Resources.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1307. A bill to authorize the Secretary of Commerce to convey real property, including improvements, of the National Oceanic and Atmospheric Administration in Ketchikan, Alaska, and for other purposes (Rept. No. 112-239).

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 183. A bill to clarify the applicability of certain maritime laws with respect to the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon.

S. 692. A bill to improve hurricane preparedness by establishing the National Hurricane Research Initiative, and for other purposes.

S. 911. A bill to establish the sense of Congress that Congress should enact, and the President should sign, bipartisan legislation to strengthen public safety and to enhance wireless communications.

S. 1449. A bill to authorize the appropriation of funds for highway safety programs and for other purposes.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 1980. A bill to prevent, deter, and eliminate illegal, unreported, and unregulated fishing through port State measures.

S. 2279. A bill to amend the R.M.S. Titanic Maritime Memorial Act of 1986 to provide additional protection for the R.M.S. Titanic and its wreck site, and for other purposes.

By Mr. ROCKEFELLER, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 2388. A bill to reauthorize and amend the National Oceanic and Atmospheric Administration Commissioned Officer Corps Act of 2002, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KERRY:

S. 3627. A bill to amend the Foreign Assistance Act of 1961 to reauthorize the Overseas Private Investment Corporation, and for other purposes; to the Committee on Foreign Relations.

By Mr. BLUNT (for himself, Mr. BROWN of Ohio, and Mr. VITTER):

S. 3628. A bill to amend the Public Health Service Act to raise awareness of, and to educate breast cancer patients anticipating surgery regarding, the availability and coverage of breast reconstruction, prostheses, and other options; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BEGICH:

S. 3629. A bill to amend the Alaska Natural Gas Pipeline Act to promote the availability of affordable, clean-burning natural gas to North American markets, and for other purposes; to the Committee on Finance.

By Mr. JOHNSON of Wisconsin (for himself and Mr. KOHL):

S. 3630. A bill to designate the facility of the United States Postal Service located at 218 North Milwaukee Street in Waterford, Wisconsin, as the "Captain Rhett W. Schiller Post Office"; to the Committee on Homeland Security and Governmental Affairs.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself and Mr. CORNYN):

S. Res. 592. A resolution recognizing the religious and historical significance of the festival of Diwali; to the Committee on the Judiciary.

By Mr. TOOMEY:

S. Res. 593. A resolution expressing the sense of the Senate that the United States should leave no member of the Armed Forces unaccounted for in the withdrawal of forces from Afghanistan; to the Committee on Armed Services.

By Mr. MCCAIN (for himself, Mr. GRAHAM, and Ms. AYOTTE):

S. Res. 594. A resolution establishing a select committee of the Senate to make a thorough and complete investigation of the facts and circumstances surrounding, and the response of the United States Government to, the September 11, 2012, terrorist attacks against the United States consulate and personnel in Benghazi, Libya, and to make recommendations to prevent similar attacks in the future; to the Committee on Rules and Administration.

By Ms. LANDRIEU (for herself and Mr. INHOFE):

S. Res. 595. A resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. RUBIO, Ms. LANDRIEU, Mr. COONS, Mr. CARPER, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. DURBIN, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. REED, Mr. WARNER, Mr. WYDEN, Mr. LEAHY, and Mr. ENZI):

S. Res. 596. A resolution permitting the solicitation of donations in Senate buildings for the relief of victims of Superstorm Sandy; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 1131

At the request of Mrs. HAGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1131, a bill to authorize the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, to establish and implement a birth defects prevention, risk reduction, and public awareness program.

S. 1832

At the request of Mr. ENZI, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1872

At the request of Mr. CASEY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1894

At the request of Mr. SCHUMER, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1894, a bill to deter terrorism, provide justice for victims, and for other purposes.

S. 2247

At the request of Mr. CARDIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2074, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2247

At the request of Mr. LEE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 2247, a bill to amend the Federal Reserve Act to improve the functioning and transparency of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee, and for other purposes.

S. 3061

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3061, a bill to suspend temporarily the duty on women's sports bras of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor.

S. 3062

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3062, a bill to suspend temporarily the duty on knit tank tops of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor.

S. 3063

At the request of Mr. WYDEN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 3063, a bill to suspend temporarily the duty on knit garments of stretch fabric with textile or polymer-based electrodes knit into or attached to the fabric and that incorporate connectors designed to secure an electronic transmitter that transmits physiological information from the electrodes to a compatible monitor.

S. 3227

At the request of Mr. NELSON of Florida, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Missouri (Mrs. McCASKILL) were added as cosponsors of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3526

At the request of Mr. WICKER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S.

3526, a bill to amend title 10, United States Code, to protect the rights of conscience of members of the Armed Forces and chaplains of members of the Armed Forces, and for other purposes.

S. 3562

At the request of Mr. SANDERS, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 3562, a bill to reauthorize and improve the Older Americans Act of 1965, and for other purposes.

S. 3565

At the request of Mr. CASEY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3565, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.

S. 3584

At the request of Mr. PRYOR, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 3584, a bill to reauthorize the National Integrated Drought Information System, and for other purposes.

S. 3598

At the request of Mr. BLUMENTHAL, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3598, a bill to protect elder adults from exploitation and financial crime, to prevent elder adult abuse and financial exploitation, and to promote safety for elder adults.

S. 3608

At the request of Mrs. GILLIBRAND, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3608, a bill to modernize voter registration, promote access to voting for individuals with disabilities, protect the ability of individuals to exercise the right to vote in elections for Federal office, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day."

AMENDMENT NO. 2874

At the request of Mr. KERRY, the names of the Senator from Vermont (Mr. SANDERS), the Senator from Oregon (Mr. MERKLEY) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 2874 intended to be proposed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 592—RECOGNIZING THE RELIGIOUS AND HISTORICAL SIGNIFICANCE OF THE FESTIVAL OF DIWALI

Mr. WARNER (for himself and Mr. CORNYN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 592

Whereas Diwali, a festival of great significance to Indian Americans and South Asian Americans, is celebrated annually by Hindus, Sikhs, and Jains throughout India, the United States, and the world;

Whereas Diwali is a festival of lights that marks the beginning of the Hindu new year, during which celebrants light small oil lamps, place the lamps around the home, and pray for health, knowledge, peace, wealth, and prosperity in the new year;

Whereas the lights symbolize the light of knowledge within the individual that overcomes the darkness of ignorance, empowering each celebrant to do good deeds and show compassion to others;

Whereas Diwali falls on the last day of the last month in the lunar calendar and is celebrated as a day of thanksgiving for the homecoming of the Lord Rama and worship of Lord Ganesha, the remover of obstacles and bestower of blessings, at the beginning of the new year for many Hindus;

Whereas, for Sikhs, Diwali is celebrated as Bandhi Chhor Diwas (The Celebration of Freedom), in honor of the release from prison of the sixth guru, Guru Hargobind; and

Whereas, for Jains, Diwali marks the anniversary of the attainment of moksha, or liberation, by Mahavira, the last of the Tirthankaras (the great teachers of Jain dharma), at the end of his life in 527 B.C.: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the religious and historical significance of the festival of Diwali; and

(2) in observance of Diwali, the festival of lights, expresses its deepest respect for Indian Americans and South Asian Americans, as well as fellow countrymen and diaspora throughout the world on this significant occasion.

## SENATE RESOLUTION 593—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR IN THE WITHDRAWAL OF FORCES FROM AFGHANISTAN

Mr. TOOMEY submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 593

Whereas the United States is a Nation of great honor and integrity;

Whereas the United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten; and

Whereas the United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis: Now, therefore, be it

*Resolved*, That the Senate—

(1) believes that abandoning the search efforts for members of the Armed Forces who are missing or captured in the line of duty now or in the future is unacceptable;

(2) believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of their fellow Americans;

(3) supports the United States Soldier's Creed and the Warrior Ethos, which state that "I will never leave a fallen comrade"; and

(4) believes that, while the United States is beginning the strategic withdrawal of forces from Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

**SENATE RESOLUTION 594—ESTABLISHING A SELECT COMMITTEE OF THE SENATE TO MAKE THOROUGH AND COMPLETE INVESTIGATION OF THE FACTS AND CIRCUMSTANCES SURROUNDING, AND THE RESPONSE OF THE UNITED STATES GOVERNMENT TO, THE SEPTEMBER 11, 2012, TERRORIST ATTACKS AGAINST THE UNITED STATES CONSULATE AND PERSONNEL IN BENGHAZI, LIBYA, AND TO MAKE RECOMMENDATIONS TO PREVENT SIMILAR ATTACKS IN THE FUTURE**

Mr. MCCAIN (for himself, Mr. GRAHAM, and Ms. AYOTTE) submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 594

Whereas, on September 11, 2012, Glen A. Doherty, Tyrone S. Woods, Sean P. Smith, and Ambassador J. Christopher Stevens were murdered during a sophisticated assault on the United States Consulate in Benghazi, Libya, conducted by a group of militants affiliated with al-Qaeda;

Whereas this tragedy has raised many important questions that affect the national security of the United States and the safety of Americans who serve our country abroad;

Whereas Congress has a unique and essential responsibility under the Constitution to conduct oversight of the Executive Branch;

Whereas more than two months have passed since the tragic deaths of these four Americans in Benghazi, and many essential questions remain unanswered;

Whereas Members of Congress have sent numerous letters to senior Executive Branch officials requesting information on the events of September 11, 2012, most of which have not been answered;

Whereas the Executive Branch has not been forthcoming in providing answers to the many questions that have emerged regarding those events;

Whereas the failures that led to the deaths of four Americans traverse multiple Executive Branch agencies and come under the jurisdiction of a number of Senate committees, including the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Ju-

diciary, and the Select Committee on Intelligence;

Whereas several different committees of jurisdiction in both the Senate and the House of Representatives are currently holding briefings and hearings to analyze narrow aspects of the overall failure in Benghazi before, during, and after the attacks;

Whereas the death of four Americans in Benghazi was the result of a whole-of-government failure, and any solution to prevent such events from happening again will need to be holistic and comprehensive, cutting across agency jurisdictions and jurisdictions of committees of Congress;

Whereas a full and independent accounting of the failures in Benghazi and the development of a comprehensive solution to prevent such tragedies in the future require the establishment of a temporary Select Committee in the Senate;

Whereas many other important investigations have been conducted in the past through the creation of a select committee of the Senate for a specific purpose and a set time; and

Whereas the American people deserve straight answers to the many questions that have been raised about the terrorist attacks in Benghazi and what actions should be taken to prevent similar attacks in the future: Now, therefore, be it

*Resolved*, That

**SECTION 1. SELECT COMMITTEE ON INVESTIGATION OF THE SEPTEMBER 11, 2012, TERRORIST ATTACKS IN BENGHAZI, LIBYA.**

There is established a select committee of the Senate to be known as the Select Committee on Investigation of the September 11, 2012, Terrorist Attacks in Benghazi, Libya (in this resolution referred to as the "Select Committee").

**SEC. 2. PURPOSE AND DUTIES.**

(a) PURPOSE.—The purpose of the Select Committee is to—

(1) investigate the facts and circumstances surrounding the September 11, 2012, terrorist attacks on the United States consulate and personnel in Benghazi, Libya;

(2) investigate the response of the United States Government to those attacks; and

(3) make recommendations to guide executive and legislative changes to policy in light of such investigations.

(b) DUTIES.—The Select Committee is authorized and directed to do everything necessary or appropriate to conduct the investigations specified in subsection (a). Without restricting in any way the authority conferred on the Select Committee by the preceding sentence, the Senate further expressly authorizes and directs the Select Committee to investigate the facts and circumstances surrounding the September 11, 2012, terrorist attacks on the United States consulate and personnel in Benghazi, Libya, and report on such investigation, regarding the following matters, including, where applicable, the adequacy of such matters:

(1) The intelligence assessments and other threat reporting that preceded the attacks.

(2) The security measures and manpower decisions taken to protect United States personnel in Benghazi before the attacks.

(3) The United States military force posture in the region at the time of the attacks and the resulting ability of the United States Armed Forces to respond in the event of such attacks.

(4) United States intelligence assets available in the region at the time of the attacks and their ability to respond or assist the United States consulate and personnel in the event of such attacks.

(5) The response of United States Government officials once the attacks began.

(6) The public characterization by the Executive Branch of the attacks in the days and weeks that followed the attacks.

(7) United States intelligence and intelligence-sharing during the attacks.

(8) Lessons learned from the attacks.

(9) Actions to prevent a recurrence of such attacks.

**SEC. 3. COMPOSITION OF SELECT COMMITTEE.**

(a) MEMBERSHIP.—

(1) IN GENERAL.—The Select Committee shall consist of eight members of the Senate of whom—

(A) four members shall be appointed by the majority leader of the Senate; and

(B) four members shall be appointed by the minority leader of the Senate.

(2) DATE.—The appointments of the members of the Select Committee shall be made not later than 30 days after the date of the adoption of this resolution.

(b) VACANCIES.—Any vacancy in the Select Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(c) SERVICE.—Service of a Senator as a member, Chair, or Vice Chair of the Select Committee shall not be taken into account for the purposes of paragraph (4) of rule XXV of the Standing Rules of the Senate.

(d) CHAIR AND VICE CHAIR.—The Chair of the Select Committee shall be designated by the majority leader of the Senate, and the Vice Chair of the Select Committee shall be designated by the minority leader of the Senate.

(e) QUORUM.—

(1) REPORTS AND RECOMMENDATIONS.—A majority of the members of the Select Committee shall constitute a quorum for the purpose of reporting a matter or recommendation to the Senate.

(2) TESTIMONY.—One member of the Select Committee shall constitute a quorum for the purpose of taking testimony.

(3) OTHER BUSINESS.—A majority of the members of the Select Committee, or 1/3 of the members of the Select Committee if at least one member of the minority party is present, shall constitute a quorum for the purpose of conducting any other business of the Select Committee.

**SEC. 4. RULES AND PROCEDURES.**

(a) GOVERNANCE UNDER STANDING RULES OF SENATE.—Except as otherwise specifically provided in this resolution, the investigation and hearings conducted by the Select Committee shall be governed by the Standing Rules of the Senate.

(b) ADDITIONAL RULES AND PROCEDURES.—The Select Committee may adopt additional rules or procedures if the Chair and the Vice Chair of the Select Committee agree, or if the Select Committee by majority vote so decides, that such additional rules or procedures are necessary or advisable to enable the Select Committee to conduct the investigation and hearings authorized by this resolution. Any such additional rules and procedures—

(1) shall not be inconsistent with this resolution or the Standing Rules of the Senate; and

(2) shall become effective upon publication in the Congressional Record.

**SEC. 5. AUTHORITY OF SELECT COMMITTEE.**

(a) IN GENERAL.—The Select Committee may exercise all of the powers and responsibilities of a committee under rule XXVI of the Standing Rules of the Senate.

(b) POWERS.—The Select Committee or, at its direction, any subcommittee or member

of the Select Committee, may, for the purpose of carrying out this resolution—

- (1) hold hearings;
- (2) administer oaths;
- (3) sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;
- (4) authorize and require, by issuance of subpoena or otherwise, the attendance and testimony of witnesses and the preservation and production of books, records, correspondence, memoranda, papers, documents, tapes, and any other materials in whatever form the Select Committee considers advisable;

(5) take testimony, orally, by sworn statement, by sworn written interrogatory, or by deposition, and authorize staff members to do the same; and

(6) issue letters rogatory and requests, through appropriate channels, for any other means of international assistance.

**(C) AUTHORIZATION, ISSUANCE, AND ENFORCEMENT OF SUBPOENAS.—**

(1) **AUTHORIZATION AND ISSUANCE.**—Subpoenas authorized and issued under this section—

(A) may be done—  
(i) with the joint concurrence of the Chair and the Vice Chair of the Select Committee; or

(ii) by a majority vote of the Committee;  
(B) shall bear the signature of the Chair or the Vice Chair or the designee of the Chair or the Vice Chair; and

(C) shall be served by any person or class of persons designated by the Chair or the Vice Chair for that purpose anywhere within or without the borders of the United States to the full extent provided by law.

(2) **ENFORCEMENT.**—The Select Committee may make to the Senate by report or resolution any recommendation, including a recommendation for criminal or civil enforcement, that the Select Committee considers appropriate with respect to—

(A) the failure or refusal of any person to appear at a hearing or deposition or to produce or preserve documents or materials described in subsection (b)(4) in obedience to a subpoena or order of the Select Committee;

(B) the failure or refusal of any person to answer questions truthfully and completely during the person's appearance as a witness at a hearing or deposition of the Select Committee; or

(C) the failure or refusal of any person to comply with any subpoena or order issued under the authority of subsection (b).

**(d) AVOIDANCE OF DUPLICATION.—**

(1) **IN GENERAL.**—To expedite the investigation, avoid duplication, and promote efficiency under this resolution, the Select Committee shall seek to—

(A) confer with other investigations into the matters set forth in section 2(a); and

(B) access all information and materials acquired or developed in such other investigations.

(2) **ACCESS TO INFORMATION AND MATERIALS.**—The Select Committee shall have, to the fullest extent permitted by law, access to any such information or materials obtained by any other governmental department, agency, or body investigating the matters set forth in section 2(a).

**SEC. 6. REPORTS.**

(a) **INITIAL REPORT.**—The Select Committee shall submit to the Senate a report on the investigation conducted pursuant to section 2 not later than five months after the appointment of all of the members of the Select Committee.

(b) **FINAL REPORT.**—The Select Committee shall submit to the Senate a final report on

such investigation not later than 10 months after the appointment of all of the members of the Select Committee.

(c) **ADDITIONAL REPORTS.**—The Select Committee may submit to the Senate any additional report or reports that the Select Committee considers appropriate.

(d) **FINDINGS AND RECOMMENDATIONS.**—The reports under this section shall include findings and recommendations of the Select Committee regarding the matters considered under section 2.

(e) **DISPOSITION OF REPORTS.**—All reports made by the Select Committee shall be submitted to the Secretary of the Senate. All reports made by the Select Committee shall be referred to the committee or committees that have jurisdiction over the subject matter of the report.

**SEC. 7. ADMINISTRATIVE PROVISIONS.**

**(a) STAFF.—**

(1) **IN GENERAL.**—The Select Committee may employ in accordance with paragraph (2) a staff composed of such clerical, investigatory, legal, technical, and other personnel as the Select Committee, or the Chair and the Vice Chair of the Select Committee, considers necessary or appropriate.

(2) **APPOINTMENT OF STAFF.**—The staff of the Select Committee shall consist of such personnel as the Chair and the Vice Chair shall jointly appoint. Such staff may be removed jointly by the Chair and the Vice Chair, and shall work under the joint general supervision and direction of the Chair and the Vice Chair.

(b) **COMPENSATION.**—The Chair and the Vice Chair of the Select Committee shall jointly fix the compensation of all personnel of the staff of the Select Committee.

(c) **REIMBURSEMENT OF EXPENSES.**—The Select Committee may reimburse the members of its staff for travel, subsistence, and other necessary expenses incurred by such staff members in the performance of their functions for the Select Committee.

(d) **SERVICES OF SENATE STAFF.**—The Select Committee may use, with the prior consent of the chair of any other committee of the Senate or the chair of any subcommittee of any committee of the Senate, the facilities of any other committee of the Senate, or the services of any members of the staff of such committee or subcommittee, whenever the Select Committee or the Chair or the Vice Chair of the Select Committee considers that such action is necessary or appropriate to enable the Select Committee to carry out its responsibilities, duties, or functions under this resolution.

(e) **DETAIL OF EMPLOYEES.**—The Select Committee may use on a reimbursable basis, with the prior consent of the head of the department or agency of Government concerned and the approval of the Committee on Rules and Administration of the Senate, the services of personnel of such department or agency.

(f) **TEMPORARY AND INTERMITTENT SERVICES.**—The Select Committee may procure the temporary or intermittent services of individual consultants, or organizations thereof.

(g) **PAYMENT OF EXPENSES.**—There shall be paid out of the applicable accounts of the Senate such sums as may be necessary for the expenses of the Select Committee. Such payments shall be made on vouchers signed by the Chair of the Select Committee and approved in the manner directed by the Committee on Rules and Administration of the Senate. Amounts made available under this subsection shall be expended in accordance with regulations prescribed by the Com-

mittee on Rules and Administration of the Senate.

**SEC. 8. EFFECTIVE DATE; TERMINATION.**

(a) **EFFECTIVE DATE.**—This resolution shall take effect on the date of the adoption of this resolution.

(b) **TERMINATION.**—The Select Committee shall terminate two months after the submittal of the report required by section 6(b).

Mr. MCCAIN. I thank the Presiding Officer.

This resolution calls for the establishment of a select committee of the Senate to make a thorough and complete investigation of the facts and circumstances surrounding the response of the United States Government to the September 11, 2012, terrorist attacks against the United States consulate and personnel in Benghazi, Libya, and to make recommendations to prevent similar attacks in the future. I send the resolution to the desk in behalf of myself, Senator GRAHAM of South Carolina, and Senator AYOTTE of New Hampshire.

Before I go into the need for this select committee—and there clearly is a need because there is a huge credibility gap amongst the American people because of the now going on 8 weeks of contradictory reports, contradictory statements, beginning with the President of the United States. The President of the United States, on the day of September 12, went to the Rose Garden and stated that he opposed terrorist attacks. Then, that evening, as we found out after the election via an interview with “60 Minutes,” the President stated—and I will provide the quotes for the record: “We don’t know who was responsible for these attacks.” So he went from condemning terrorist attacks to saying to Mr. Croft of “60 Minutes” that he didn’t know who was responsible, and then in the days following, in various venues, whether they be late night talk shows or the United Nations, the President went on to allege that this was a hideous video that triggered a spontaneous demonstration. Not true. Not true. The President of the United States did not tell the American people the truth about the attacks that took the lives of four brave Americans and that went on for 7 hours, for which we were totally unprepared.

Four brave Americans died. It has now been 8 weeks. The American people have received nothing but contradictory statements from all levels of our government.

One of the more salient events occurred 5 days after, when clearly it had been identified as an al-Qaida-affiliated terrorist attack. The United Nations Ambassador, at the direction of the White House, went on all the Sunday talk shows to allege that this was a spontaneous demonstration triggered by a hateful video, as did our Secretary of State, as did, most regrettably, the President of the United States.

The American people deserve the facts. The American people need to

know why the security at the consulate was so inadequate despite two previous attacks on that facility, including an assassination attempt on the British Ambassador. What did the President know, when did he know it, and what did he do about it? Did the President's national security staff make him aware of these attacks and, if they did, why did he not take the lead? What actions, if any, were taken to respond to a classified cable that was sent from our Embassy in Libya to the State Department on August 16, weeks before the September 11 attack, stating there were numerous armed groups in Benghazi that posed a threat to American interests, and that the consulate in Benghazi could not survive a sustained attack such as the one that eventually occurred a month later at the hands of one of these militia groups which was al-Qaida-affiliated? What actions, if any, did the Secretary of State take in response to these repeated warnings?

I saw Christopher Stevens in Tripoli on July 7. He told me of his security concerns then. The Senator from South Carolina and others wrote an article in the Wall Street Journal talking about the need for security, the problems that the nascent Libyan Government was having. Obviously, those were ignored.

Why were repeated requests for greater security in Libya turned down by officials at the State Department? On the anniversary of the worst terrorist attack in American history and after multiple attacks this year on our consulate in Benghazi and other western interests there, why were U.S. Armed Forces in the region not ready—not ready—and positioned to respond to what was clearly a foreseeable emergency?

The fight went on for 7 hours. Why did senior administration officials seek to blame a spontaneous demonstration when there was no spontaneous demonstration, which they were seeing in real-time, which the surveillance cameras within and without our consulate clearly indicated? Why is it that anyone, including our Ambassador to the United Nations, would believe that spontaneous demonstrations are composed of people with mortars, with rocket-propelled grenades and heavy weapons? No one believes that. Why did President Obama insist that he labeled events in Benghazi an act of terrorism on September 12 when we know now—I repeat, we know now—that in an interview with “60 Minutes” on the same day he explicitly refused to characterize the attack in this way and he then spent nearly 2 weeks putting the emphasis on a spontaneous protest to a hateful video, including in his address to the United Nations on September 25?

We need a select committee. Americans deserve to know. The families of those slain and murdered Americans

need to know. And why in the world the administration or our friends on the other side of the aisle or anyone would resist the appointment of a select committee I do not know. We have to have a select committee. The people of the United States deserve it and the families of those murdered deserve it. They deserve answers. For 8 weeks now, they have not gotten the answers. The only credible way of getting those answers is with a select committee.

Today I understand that the President of the United States took some umbrage at statements Senator AYOTTE, Senator GRAHAM, and I have made concerning this issue. We believe whoever it is must be held responsible. I say to the President of the United States. Most importantly, the President of the United States, who is Commander in Chief, who so far, in my view, has not exercised those responsibilities and has not informed the American people of the facts—this President and this administration have either been guilty of colossal incompetence or engaged in a coverup, neither of which is acceptable to the American people.

If it appears that I feel strongly about this issue, I speak with the families, I believe, of those who were murdered. I speak as a friend of Christopher Stevens. I speak as a person who knows something about warfare. I speak with some authority that this attack clearly could have been prevented if the facts on the ground had been taken into consideration, including the ample warnings—including the warnings that were sent on August 16—stating that the consulate could not successfully resist a concentrated attack by al-Qaida-affiliated groups. That alone convinces me, and I believe most Americans when they find out, that the actions to prevent these murders were clearly insufficient, if not totally incompetent.

I see the Senator from South Carolina is here to join me as well as the Senator from New Hampshire. I ask unanimous consent to engage in a colloquy with both the Senator from South Carolina and the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I am very grateful to engage. Here is the request of the body: Benghazi needs to be investigated. We need to find out what happened so it never happens again. We have four Americans killed, the first Ambassador killed in the line of duty in 33 years. That is worthy of our time. DIANNE FEINSTEIN is doing a very good job with SAXBY CHAMBLISS on the intel side. General Petraeus must testify. I think Secretary Clinton must testify.

Here is the problem that I have with the approach we are taking. Armed services need to ask DOD: How could you not come to the aid of the con-

sulate for almost 8 hours on September 11, of all days? The State Department needs to be asked: Why did you deny additional security requests that had been made for months, and could you not see this coming? And the CIA needs to be asked a lot of questions also.

A select committee where we have members of intel, foreign relations, and armed services listening to all three agencies explain themselves I think is essential to get to the truth. I will not know what General Petraeus says in the intel committee, and I want to get to ask him questions. There will be people on the intel committee who will not be able to ask Secretary Panetta, General Hammond, and others about the DOD piece. This is a failure on many fronts and I think the best thing for the Senate to do is have a bipartisan select committee where we combine the resources of all three of the committees that have jurisdiction over different pieces, and create a professional approach to solving the problem. It will be run by our Democratic colleagues because they are in charge of the body, and should be.

There have been times in the past—Iran Contra and other examples—of where committees combined their resources to make sure they fully understood what was being said. If we stovepipe this and one committee goes one way and the other committee goes another way, we are not going to get the complete picture of what happened in Benghazi. That is what we are asking, that the minority leader and majority leader create a select committee of the three committees that have primary jurisdiction over each moving part so we can get to the bottom of this.

Here is why it is important: There are a lot of conspiracy theories going around on the Internet, and I wish to be able to say that is just not so because here is what we found. There are a lot of accusations being made against people I know and like. I wish to be able to say this accusation is unfounded. If unfortunately there is some accountability to be had by somebody I like, I can say here is why we had to do it. It would help us all to go to the public and say we did this together and in a professional and logical way and here are the results of our work product, so we can get Benghazi behind us and move forward. Until we do that, I think we are failing the American people.

I think the process we are engaging in today is going to lead to uncoordinated fact-finding and pieces of the puzzle will never be put together because we are not talking and working together. I think we are going to let families down. The process we are engaging in today will not get to the truth.

Mr. MCCAIN. Will the Senator yield for a question?

Mr. GRAHAM. Yes.

Mr. MCCAIN. One of the most salient points of this whole scenario was 5

days after the attack when the Ambassador of the United Nations went on all the Sunday talk shows to allege that this was a spontaneous demonstration triggered by a hateful video. Those talking points the Ambassador used didn't come from the CIA, it is my understanding; they came from the White House. Who in the White House—was it the President of the United States, was it one of his people—who was it that gave her talking points that clearly indicated something for which there was no basis in fact, certainly not after 5 days? Did the President ask about this situation? Did the President of the United States say, Wait a minute, is she going out there, when right after, on the program I was on, "Face The Nation," the President and the Libya national assembly came on right after and said this is an al-Qaida attack, this is a terrorist attack, and then for days afterwards, the President of the United States goes out—including the United Nations—saying that this was a hateful video that triggered a flash mob. None of this has a shred of credibility.

So when we talk about the need for a select committee, when the White House is responsible for these talking points, if they were, then that covers all of the different oversight committees that we have in the U.S. Senate.

Mr. GRAHAM. I will turn this over to the Senator from New Hampshire, but my response would be as follows: There is a news article coming from somewhere within the State Department suggesting the CIA was responsible for consulate security because this mostly was a CIA operation. But there is an article coming out of the CIA corners basically saying: We responded very quickly and efficiently to the attack.

Here is my problem. If you do not have a select committee listening to all the stories, it is pretty hard to put the puzzle together. My response would be, why did the people in the State Department assigned to Benghazi ask for support from the State Department if this was, in fact, a CIA responsibility? I want to hear the State Department explain that. In a news article, you are trying to create the impression that "we are a secondary player." That would be news to every State Department official in Libya because they were asking the State Department for security.

I wish to challenge the CIA's narrative of what they did and how they did it. But I want to hear the complete story.

The Senator from New Hampshire has been an attorney general prosecuting cases, and I wish to get her input into how efficient she thinks it would be for three committees to do their own investigations, never talk to each other in a coordinated fashion, have a stovepipe investigation versus a coordinated, one-body-listening-to-everybody approach?

Ms. AYOTTE. I would answer the Senator from South Carolina by saying if we do not establish a select committee and bring everyone together, what you can envision is an incomplete story from each.

First of all, we know that CIA sources put out a timeline for the CIA. You have the State Department talking about prior security requests and their view on it and e-mails that they sent on it. And then you have the Department of Defense talking about putting out another timeline. Where you are left is: No investigation would be conducted in that way, from your most basic incident to this, which is, of course, where four brave Americans were murdered during what appears to be a terrorist attack.

So how are we then going to follow up to make sure we get the complete picture for the American people to make sure it does not happen again, so we can understand what went wrong, and so we can understand what lessons we need to learn from this?

But if each committee—the Senate Foreign Relations Committee deals with the State Department piece and the Senate Armed Services Committee deals with the Armed Services piece—meaning, why was the greatest military in the world not in a position to respond when the attack occurred over 7 hours?—that is an important question that has to be answered in the military context—and then also thinking about the intelligence piece, the intelligence beforehand about the prior attacks—what was happening at the annex? What response, what information was provided?—also to the President, in terms of the prior attacks, so that he could be informed to make sure that the consulate was protected, and why was the consulate not protected?

If we conduct this separately we will not have a full picture for the American people in order to make sure that we take the lessons learned so that this does not happen again. We saw that. That is why we had a post 9/11 Commission, because many agencies were involved in wanting to get to the bottom of it. This is so important with four brave Americans who have been killed. So many more questions are raised than there are answers right now.

Most of all, we need to make sure that the complete picture of facts comes forward. As the Senator from South Carolina said, many people have very different impressions about this, and there are a lot of conspiracy theories. So a full bipartisan committee that has full jurisdiction over every area of this to come up with a complete picture and recommendations makes sense, and it is a way for us to answer these important questions for the American people and, of course, the families of those who lost their loved ones in Benghazi.

Finally, I would say, with respect to my colleague from Arizona, Senator

McCAIN, today the President did say that with respect to Ambassador Susan Rice on the Sunday shows, that she did that on behalf of the White House. Well, one of the questions that needs to be answered is, within hours there were e-mails sent to the White House from the State Department that explained that a terrorist group, Ansar al-Sharia, was taking responsibility for this attack. So I think a question that needs to be answered is, why then would the Ambassador to the U.N. on behalf of the White House, 5 days after the attack—even though this e-mail went to the White House within hours stating that a terrorist group is taking responsibility—go on every major news station and say this was a spontaneous reaction to a video? She expressly said: This was not a preplanned or premeditated attack. Why was that done?

I think those are important questions that need to be addressed by this committee as well because, clearly, this was not what happened. It was a misstatement of what occurred, and we need to understand why that was done. The American people deserve answers when you have four brave Americans who were murdered in a terrorist attack.

Mr. McCAIN. I only have one additional comment, and that is, I understand at the President's press conference today, he said not to, quote, pick on his Ambassador to the United Nations, to, quote, pick on him. That statement is really remarkable in that if the President thinks that we are picking on people, he does not have any idea of how serious this issue is. I am a U.S. Senator. The Senator from New Hampshire is. We have our obligations. We have our duties representing the people who sent us here, and we are not picking on anybody. I doubt if the families of these brave Americans who were murdered would believe we are, quote, picking on anyone, that when we are trying to find out the facts, the American people deserve to know the facts.

We cannot ever let this happen again. We cannot let a security situation evolve that our lives are in danger. We cannot ignore recommendations. We cannot not have sufficient military available on a September 11, where we know that tensions are incredibly high. The American people are owed an explanation, and it is our duty to try to get that explanation for them. And if someone carried a message to the American people that was totally and utterly false with no basis in fact, then that person also has to be held accountable as well.

But first and foremost, the President of the United States, the Commander in Chief, is the most responsible. I hope the President has no illusions about our view of his responsibility, which I believe is that of the American people as well.



So we need this select committee. There is no credibility left because of all the conflicting stories that have come out and the different rumors and different statements and contradictory statements and finger pointing. The American people deserve answers, not only because of those who were murdered, but to make sure that a tragedy like this never happens again.

I repeat, everybody has their responsibilities. We have ours. The President has his. And we intend to pursue this until the American people have the answers they deserve and they have confidence that these kinds of mistakes will never be repeated. We take that very seriously, and we have some disagreement when it is called "picking on someone."

**SENATE RESOLUTION 595—EXPRESSING SUPPORT FOR THE GOALS OF NATIONAL ADOPTION DAY AND NATIONAL ADOPTION MONTH BY PROMOTING NATIONAL AWARENESS OF ADOPTION AND THE CHILDREN AWAITING FAMILIES, CELEBRATING CHILDREN AND FAMILIES INVOLVED IN ADOPTION, AND ENCOURAGING THE PEOPLE OF THE UNITED STATES TO SECURE SAFETY, PERMANENCY, AND WELL-BEING FOR ALL CHILDREN**

Ms. LANDRIEU (for herself and Mr. INHOFF) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

**S. RES. 595**

Whereas there are millions of unparented children in the world, including 400,540 children in the foster care system in the United States, approximately 104,000 of whom are waiting for families to adopt them;

Whereas 59 percent of the children in foster care in the United States are age 10 or younger;

Whereas the average length of time a child spends in foster care is approximately 2 years;

Whereas for many foster children, the wait for a loving family in which they are nurtured, comforted, and protected seems endless;

Whereas in 2011, nearly 26,000 youth "aged out" of foster care by reaching adulthood without being placed in a permanent home;

Whereas every day, loving and nurturing families are strengthened and expanded when committed and dedicated individuals make an important difference in the life of a child through adoption;

Whereas a 2007 survey conducted by the Dave Thomas Foundation for Adoption demonstrated that though "Americans overwhelmingly support the concept of adoption, and in particular foster care adoption . . . foster care adoptions have not increased significantly over the past five years";

Whereas while 4 in 10 Americans have considered adoption, a majority of Americans have misperceptions about the process of adopting children from foster care and the children who are eligible for adoption;

Whereas 71 percent of those who have considered adoption consider adopting children from foster care above other forms of adoption;

Whereas 45 percent of Americans believe that children enter the foster care system because of juvenile delinquency, when in reality the vast majority of children who have entered the foster care system were victims of neglect, abandonment, or abuse;

Whereas 46 percent of Americans believe that foster care adoption is expensive, when in reality there is no substantial cost for adopting from foster care and financial support is available to adoptive parents after the adoption is finalized;

Whereas family reunification, kinship care, and domestic and inter-county adoption promote permanency and stability to a far greater degree than long-term institutionalization and long-term, often disrupted foster care;

Whereas both National Adoption Day and National Adoption Month occur in the month of November;

Whereas National Adoption Day is a collective national effort to find permanent, loving families for children in the foster care system;

Whereas since the first National Adoption Day in 2000, nearly 40,000 children have joined forever families during National Adoption Day;

Whereas in 2011, a total of 365 events were held in 47 States and the District of Columbia, finalizing the adoptions of 4,187 children from foster care and celebrating an additional 1,030 adoptions finalized during November or earlier in the year; and

Whereas the President traditionally issues an annual proclamation to declare the month of November as National Adoption Month, and National Adoption Day is on November 17, 2012: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of National Adoption Day and National Adoption Month;

(2) recognizes that every child should have a permanent and loving family; and

(3) encourages the people of the United States to consider adoption during the month of November and all throughout the year.

**SENATE RESOLUTION 596—PERMITTING THE SOLICITATION OF DONATIONS IN SENATE BUILDINGS FOR THE RELIEF OF VICTIMS OF SUPERSTORM SANDY**

Mr. LAUTENBERG (for himself, Mr. RUBIO, Ms. LANDRIEU, Mr. COONS, Mr. CARPER, Mr. MENENDEZ, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. DURBIN, Mr. LIEBERMAN, Mr. NELSON of Florida, Mr. REED, Mr. WARNER, Mr. WYDEN, Mr. LEAHY, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

*Resolved*,

**SECTION 1. SOLICITATION FOR SUPERSTORM SANDY RELIEF.**

Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may solicit another Senator, officer of the Senate, or employee of the Senate within Senate buildings for nonmonetary donations for the relief of victims of Superstorm Sandy during the 30-day period beginning on the date on which the Senate agrees to this resolution; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a non-profit organization with respect to the delivery of donations described in paragraph (1).

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2890. Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2891. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2892. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2893. Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2894. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2895. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2896. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2897. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2898. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2899. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2900. Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2901. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2902. Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2904. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2905. Mr. HATCH submitted an amendment intended to be proposed to amendment



SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2906. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2907. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2908. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2909. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2910. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2911. Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2912. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2913. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2914. Mr. COBURN (for himself, Mr. WEBB, Mr. WICKER, Mr. INHOFE, Mr. ROBERTS, Mr. BLUNT, Mr. ENZI, Mr. BOOZMAN, Mr. BURR, Mr. CRAPO, Mr. HATCH, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2915. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2916. Mr. COBURN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2917. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2918. Mr. COBURN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2919. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2920. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2921. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2922. Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

## TEXT OF AMENDMENTS

**SA 2890.** Mrs. GILLIBRAND submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### TITLE III—NATIONAL HERITAGE AREA REAUTHORIZATION

#### SEC. 301. REAUTHORIZATION OF HUDSON RIVER VALLEY NATIONAL HERITAGE AREA.

Section 910 of the Hudson River Valley National Heritage Area Act of 1996 (16 U.S.C. 461 note; Public Law 104-333) is amended by striking “2012” and inserting “2022”.

**SA 2891.** Mr. BENNET submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 103 and insert the following:

#### SEC. 103. TRANSPORTING BOWS THROUGH NATIONAL PARKS.

(a) FINDINGS.—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary of the Interior shall issue a permit to individuals carrying bows and crossbows to traverse National Park System land if—

(A) the traverse is—

(i) for the sole purpose of hunting on adjacent public or private land during a legally established hunting season; and

(ii) the most direct means of access to the adjacent land; and

(B) the individual possesses a valid hunting permit for adjacent public or private land.

(2) USE.—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on National Park System land.

**SA 2892.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### TITLE III—FEDERAL LAND DESIGNATIONS

#### SEC. 301. STATE APPROVAL REQUIRED FOR FEDERAL LAND DESIGNATIONS.

(a) DEFINITION OF COVERED UNIT.—In this section, the term “covered unit” means—

(1) a unit of the National Forest System, National Park System, National Wildlife

Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, or any other system established by Federal law;

(2) a national monument; or

(3) any national conservation or national recreation area.

(b) PROHIBITION.—A covered unit shall not be established unless the legislature of the State in which the proposed covered unit is located has approved the establishment of the covered unit.

**SA 2893.** Mr. LEE (for himself and Mr. MCCAIN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### TITLE III—FEDERAL LAND DESIGNATIONS

#### SEC. 301. SALE OF CERTAIN FEDERAL LAND PREVIOUSLY IDENTIFIED AS SUITABLE FOR DISPOSAL.

(a) DEFINITIONS.—In this section:

(1) IDENTIFIED FEDERAL LANDS.—The term “identified Federal lands” means the parcels of Federal land under the administrative jurisdiction of the Secretary that were identified as suitable for disposal in the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), except the following:

(A) Lands not identified for disposal in the applicable land use plan.

(B) Lands subject to a Recreation and Public Purpose conveyance application.

(C) Lands identified for State selection.

(D) Lands identified for Indian tribe allotments.

(E) Lands identified for local government use.

(F) Lands that the Secretary chooses to dispose under the Federal Land Transaction Facilitation Act (43 U.S.C. 2301 et seq.).

(G) Lands that are segregated for exchange or under agreements for exchange.

(H) Lands subject to exchange as authorized or directed by Congress.

(I) Lands that the Secretary determines contain significant impediments for disposal including—

(i) high disposal costs;

(ii) the presence of significant natural or cultural resources;

(iii) land survey problems or title conflicts;

(iv) habitat for threatened or endangered species; and

(v) mineral leases and mining claims.

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) COMPETITIVE SALE OF LANDS.—The Secretary shall offer the identified Federal lands for disposal by competitive sale for not less than fair market value as determined by an independent appraiser.

(c) EXISTING RIGHTS.—The sale of identified Federal lands under this section shall be subject to valid existing rights.

(d) PROCEEDS OF SALE OF LANDS.—All net proceeds from the sale of identified Federal lands under this section shall be deposited directly into the Treasury for reduction of the public debt.

(e) REPORT.—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to the Committee on

Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate—

(1) a list of any identified Federal lands that have not been sold under subsection (b) and the reasons such lands were not sold; and

(2) an update of the report submitted to Congress by the Secretary on May 27, 1997, pursuant to section 390(g) of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104-127; 110 Stat. 1024), including a current inventory of the Federal lands under the administrative jurisdiction of the Secretary that are suitable for disposal.

**SA 2894.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 246.

**SA 2895.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 245.

**SA 2896.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE III—NATIONAL HISTORICAL PARKS**  
**SEC. 301. HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK, MARYLAND.**

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term “historical park” means the Harriet Tubman Underground Railroad National Historical Park established by subsection (b)(1)(A).

(2) MAP.—The term “map” means the map entitled “Authorized Acquisition Area for the Proposed Harriet Tubman Underground Railroad National Historical Park”, numbered T20/80,001, and dated July 2010.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(4) STATE.—The term “State” means the State of Maryland.

(b) HARRIET TUBMAN UNDERGROUND RAILROAD NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman Underground Railroad National Historical Park in Caroline, Dorchester, and Talbot Counties, Maryland, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park, including an official boundary map for the historical park.

(D) AVAILABILITY OF MAP.—The official boundary map published under subparagraph (C) shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) PURPOSE.—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the historical, cultural, and natural resources associated with the life of Harriet Tubman and the Underground Railroad.

(3) LAND ACQUISITION.—

(A) IN GENERAL.—The Secretary may acquire land and interests in land within the areas depicted on the map as “Authorized Acquisition Areas” by purchase from willing sellers, donation, or exchange.

(B) BOUNDARY ADJUSTMENT.—On acquisition of land or an interest in land under subparagraph (A), the boundary of the historical park shall be adjusted to reflect the acquisition.

(c) ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) INTERAGENCY AGREEMENT.—Not later than 1 year after the date on which the historical park is established, the Director of the National Park Service and the Director of the United States Fish and Wildlife Service shall enter into an agreement to allow the National Park Service to provide for public interpretation of historic resources located within the boundary of the Blackwater National Wildlife Refuge that are associated with the life of Harriet Tubman, consistent with the management requirements of the Refuge.

(3) INTERPRETIVE TOURS.—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Caroline, Dorchester, and Talbot Counties, Maryland, relating to the life of Harriet Tubman and the Underground Railroad.

(4) COOPERATIVE AGREEMENTS.—

(A) IN GENERAL.—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, colleges and universities, non-profit organizations, and individuals—

(i) to mark, interpret, and restore nationally significant historic or cultural resources relating to the life of Harriet Tubman or the Underground Railroad within the boundaries of the historical park, if the agreement provides for reasonable public access; or

(ii) to conduct research relating to the life of Harriet Tubman and the Underground Railroad.

(B) VISITOR CENTER.—The Secretary may enter into a cooperative agreement with the State to design, construct, operate, and maintain a joint visitor center on land owned by the State—

(i) to provide for National Park Service visitor and interpretive facilities for the historical park; and

(ii) to provide to the Secretary, at no additional cost, sufficient office space to administer the historical park.

(C) COST-SHARING REQUIREMENT.—

(i) FEDERAL SHARE.—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out an activity under this paragraph may be in the form of in-kind contributions or goods or services fairly valued.

(d) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of the National Park Service General Authorities Act (16 U.S.C. 1a-7(b)).

(2) CONSULTATION.—The general management plan shall be prepared in consultation with the State (including political subdivisions of the State).

(3) COORDINATION.—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Blackwater National Wildlife Refuge;

(B) the Harriet Tubman National Historical Park established by section 302(b)(1)(A); and

(C) the National Underground Railroad Network to Freedom.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

**SEC. 302. HARRIET TUBMAN NATIONAL HISTORICAL PARK, AUBURN, NEW YORK.**

(a) DEFINITIONS.—In this section:

(1) HISTORICAL PARK.—The term “historical park” means the Harriet Tubman National Historical Park established by subsection (b)(1)(A).

(2) HOME.—The term “Home” means The Harriet Tubman Home, Inc., located in Auburn, New York.

(3) MAP.—The term “map” means the map entitled “Harriet Tubman National Historical Park”, numbered T18/80,000, and dated March 2009.

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(5) STATE.—The term “State” means the State of New York.

(b) HARRIET TUBMAN NATIONAL HISTORICAL PARK.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—Subject to subparagraph (B), there is established the Harriet Tubman National Historical Park in Auburn, New York, as a unit of the National Park System.

(B) DETERMINATION BY SECRETARY.—The historical park shall not be established until the date on which the Secretary determines that a sufficient quantity of land, or interests in land, has been acquired to constitute a manageable park unit.

(C) NOTICE.—Not later than 30 days after the date on which the Secretary makes a determination under subparagraph (B), the Secretary shall publish in the Federal Register notice of the establishment of the historical park.

(D) MAP.—The map shall be on file and available for public inspection in appropriate offices of the National Park Service.

(2) BOUNDARY.—The historical park shall include the Harriet Tubman Home, the Tubman Home for the Aged, the Thompson Memorial AME Zion Church and Rectory, and associated land, as identified in the area entitled “National Historical Park Proposed Boundary” on the map.

(3) **PURPOSE.**—The purpose of the historical park is to preserve and interpret for the benefit of present and future generations the historical, cultural, and natural resources associated with the life of Harriet Tubman.

(4) **LAND ACQUISITION.**—The Secretary may acquire land and interests in land within the areas depicted on the map by purchase from a willing seller, donation, or exchange.

(c) **ADMINISTRATION.**—

(1) **IN GENERAL.**—The Secretary shall administer the historical park in accordance with this section and the laws generally applicable to units of the National Park System, including—

(A) the National Park System Organic Act (16 U.S.C. 1 et seq.); and

(B) the Act of August 21, 1935 (16 U.S.C. 461 et seq.).

(2) **INTERPRETIVE TOURS.**—The Secretary may provide interpretive tours to sites and resources located outside the boundary of the historical park in Auburn, New York, relating to the life of Harriet Tubman.

(3) **COOPERATIVE AGREEMENTS.**—

(A) **IN GENERAL.**—The Secretary may enter into a cooperative agreement with the owner of any land within the historical park to mark, interpret, or restore nationally significant historic or cultural resources relating to the life of Harriet Tubman, if the agreement provides that—

(i) the Secretary shall have the right of access to any public portions of the land covered by the agreement to allow for—

(I) access at reasonable times by historical park visitors to the land; and

(II) interpretation of the land for the public; and

(ii) no changes or alterations shall be made to the land except by mutual agreement of the Secretary and the owner of the land.

(B) **RESEARCH.**—The Secretary may enter into a cooperative agreement with the State, political subdivisions of the State, institutions of higher education, the Home and other nonprofit organizations, and individuals to conduct research relating to the life of Harriet Tubman.

(C) **COST-SHARING REQUIREMENT.**—

(i) **FEDERAL SHARE.**—The Federal share of the total cost of any activity carried out under this paragraph shall not exceed 50 percent.

(ii) **FORM OF NON-FEDERAL SHARE.**—The non-Federal share may be in the form of in-kind contributions or goods or services fairly valued.

(D) **ATTORNEY GENERAL.**—

(i) **IN GENERAL.**—The Secretary shall submit to the Attorney General for review any cooperative agreement under this paragraph involving religious property or property owned by a religious institution.

(ii) **FINDING.**—No cooperative agreement subject to review under this subparagraph shall take effect until the date on which the Attorney General issues a finding that the proposed agreement does not violate the Establishment Clause of the first amendment to the Constitution.

(d) **GENERAL MANAGEMENT PLAN.**—

(1) **IN GENERAL.**—Not later than 3 years after the date on which funds are made available to carry out this section, the Secretary shall prepare a general management plan for the historical park in accordance with section 12(b) of the National Park Service General Authorities Act (16 U.S.C. 1a-7(b)).

(2) **COORDINATION.**—The Secretary shall coordinate the preparation and implementation of the management plan with—

(A) the Harriet Tubman Underground Railroad National Historical Park established by section 301(b)(1); and

(B) the National Underground Railroad Network to Freedom.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated such sums as are necessary to carry out this section, except that not more than \$7,500,000 shall be available to provide financial assistance under subsection (c)(3).

**SA 2897.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 2. CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK COMMISSION.**

Section 6(g) of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4(g)) is amended by striking “40” and inserting “50”.

**SA 2898.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title II, add the following:

**SEC. 2. CHESAPEAKE BAY GATEWAYS AND WATERTRAILS NETWORK.**

Section 502(c) of the Chesapeake Bay Initiative Act of 1998 (16 U.S.C. 461 note; Public Law 105-312) is amended by striking “fiscal years” and all that follows through the period at the end and inserting “fiscal years 2013 through 2017”.

**SA 2899.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**SEC. . WATER RESOURCES RESEARCH ACT AMENDMENTS.**

(a) **CONGRESSIONAL FINDINGS AND DECLARATIONS.**—Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) by redesignating paragraphs (7) through (9) as paragraphs (8) through (10), respectively;

(2) in paragraph (8) (as so redesignated), by striking “and” at the end; and

(3) by inserting after paragraph (6) the following:

“(7) additional research is required into increasing the effectiveness and efficiency of new and existing treatment works through alternative approaches, including—

“(A) nonstructural alternatives;

“(B) decentralized approaches;

“(C) water use efficiency; and

“(D) actions to reduce energy consumption or extract energy from wastewater.”.

(b) **CLARIFICATION OF RESEARCH ACTIVITIES.**—Section 104(b)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(b)(1)) is amended—

(1) in subparagraph (B)(ii), by striking “water-related phenomena” and inserting “water resources”; and

(2) in subparagraph (D), by striking the period at the end and inserting “; and”.

(c) **COMPLIANCE REPORT.**—Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended—

(1) by striking “From the” and inserting “(1) IN GENERAL.—From the”; and

(2) by adding at the end the following:

“(2) **REPORT.**—Not later than December 31 of each fiscal year, the Secretary shall submit to the Committee on Environment and Public Works of the Senate, the Committee on the Budget of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on the Budget of the House of Representatives a report regarding the compliance of each funding recipient with this subsection for the immediately preceding fiscal year.”.

(d) **EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.**—Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by striking subsection (e) and inserting the following:

“(e) **EVALUATION OF WATER RESOURCES RESEARCH PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall conduct a careful and detailed evaluation of each institute at least once every 5 years to determine—

“(A) the quality and relevance of the water resources research of the institute;

“(B) the effectiveness of the institute at producing measured results and applied water supply research; and

“(C) whether the effectiveness of the institute as an institution for planning, conducting, and arranging for research warrants continued support under this section.

“(2) **PROHIBITION ON FURTHER SUPPORT.**—If, as a result of an evaluation under paragraph (1), the Secretary determines that an institute does not qualify for further support under this section, no further grants to the institute may be provided until the qualifications of the institute are reestablished to the satisfaction of the Secretary.”.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking “\$12,000,000 for each of fiscal years 2007 through 2011” and inserting “\$7,500,000 for each of fiscal years 2012 through 2017”.

(f) **ADDITIONAL APPROPRIATIONS WHERE RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.**—Section 104(g)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking “\$6,000,000 for each of fiscal years 2007 through 2011” and inserting “\$1,500,000 for each of fiscal years 2012 through 2017”.

**SA 2900.** Mr. CARDIN submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—WATER INFRASTRUCTURE**

**SEC. 301. DEFINITIONS.**

In this title:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) **HYDROLOGIC CONDITION.**—The term “hydrologic condition” means the quality, quantity, or reliability of the water resources of a region of the United States.

(3) **OWNER OR OPERATOR OF A WATER SYSTEM.**—

(A) **IN GENERAL.**—The term “owner or operator of a water system” means an entity (including a regional, State, tribal, local, municipal, or private entity) that owns or operates a water system.

(B) **INCLUSIONS.**—The term “owner or operator of a water system” includes—

(i) a non-Federal entity that has operational responsibilities for a federally-, tribally-, or State-owned water system; and

(ii) an entity established by an agreement between—

(I) an entity that owns or operates a water system; and

(II) at least 1 other entity.

(4) **WATER SYSTEM.**—The term “water system” means—

(A) a community water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f));

(B) a treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)), including a municipal separate storm sewer system (as such term is used in that Act (33 U.S.C. 1251 et seq.));

(C) a decentralized wastewater treatment system for domestic sewage;

(D) a groundwater storage and replenishment system;

(E) a system for transport and delivery of water for irrigation or conservation; or

(F) a natural or engineered system that manages floodwater.

#### **SEC. 302. WATER INFRASTRUCTURE RESILIENCY AND SUSTAINABILITY.**

(a) **PROGRAM.**—The Administrator shall establish and implement a program, to be known as the “Water Infrastructure Resiliency and Sustainability Program”, under which the Administrator shall award grants for each of fiscal years 2013 through 2017 to owners or operators of water systems for the purpose of increasing the resiliency or adaptability of the water systems to any ongoing or forecasted changes (based on the best available research and data) to the hydrologic conditions of a region of the United States.

(b) **USE OF FUNDS.**—As a condition on receipt of a grant under this title, an owner or operator of a water system shall agree to use the grant funds exclusively to assist in the planning, design, construction, implementation, operation, or maintenance of a program or project that meets the purpose described in subsection (a) by—

(1) conserving water or enhancing water use efficiency, including through the use of water metering and electronic sensing and control systems to measure the effectiveness of a water efficiency program;

(2) modifying or relocating existing water system infrastructure made or projected to be significantly impaired by changing hydrologic conditions;

(3) preserving or improving water quality, including through measures to manage, reduce, treat, or reuse municipal stormwater, wastewater, or drinking water;

(4) investigating, designing, or constructing groundwater remediation, recycled water, or desalination facilities or systems to serve existing communities;

(5) enhancing water management by increasing watershed preservation and protection, such as through the use of natural or engineered green infrastructure in the man-

agement, conveyance, or treatment of water, wastewater, or stormwater;

(6) enhancing energy efficiency or the use and generation of renewable energy in the management, conveyance, or treatment of water, wastewater, or stormwater;

(7) supporting the adoption and use of advanced water treatment, water supply management (such as reservoir reoperation and water banking), or water demand management technologies, projects, or processes (such as water reuse and recycling, adaptive conservation pricing, and groundwater banking) that maintain or increase water supply or improve water quality;

(8) modifying or replacing existing systems or constructing new systems for existing communities or land that is being used for agricultural production to improve water supply, reliability, storage, or conveyance in a manner that—

(A) promotes conservation or improves the efficiency of use of available water supplies; and

(B) does not further exacerbate stresses on ecosystems or cause redirected impacts by degrading water quality or increasing net greenhouse gas emissions;

(9) supporting practices and projects, such as improved irrigation systems, water banking and other forms of water transactions, groundwater recharge, stormwater capture, groundwater conjunctive use, and reuse or recycling of drainage water, to improve water quality or promote more efficient water use on land that is being used for agricultural production;

(10) reducing flood damage, risk, and vulnerability by—

(A) restoring floodplains, wetland, and upland integral to flood management, protection, prevention, and response;

(B) modifying levees, floodwalls, and other structures through setbacks, notches, gates, removal, or similar means to facilitate reconnection of rivers to floodplains, reduce flood stage height, and reduce damage to properties and populations;

(C) providing for acquisition and easement of flood-prone land and properties in order to reduce damage to property and risk to populations; or

(D) promoting land use planning that prevents future floodplain development;

(11) conducting and completing studies or assessments to project how changing hydrologic conditions may impact the future operations and sustainability of water systems; or

(12) developing and implementing measures to increase the resilience of water systems and regional and hydrological basins, including the Colorado River Basin, to rapid hydrologic change or a natural disaster (such as tsunami, earthquake, flood, or volcanic eruption).

(c) **APPLICATION.**—To seek a grant under this title, the owner or operator of a water system shall submit to the Administrator an application that—

(1) includes a proposal for the program, strategy, or infrastructure improvement to be planned, designed, constructed, implemented, or maintained by the water system;

(2) provides the best available research or data that demonstrate—

(A) the risk to the water resources or infrastructure of the water system as a result of ongoing or forecasted changes to the hydrological system of a region, including rising sea levels and changes in precipitation patterns; and

(B) the manner in which the proposed program, strategy, or infrastructure improve-

ment would perform under the anticipated hydrologic conditions;

(3) describes the manner in which the proposed program, strategy, or infrastructure improvement is expected—

(A) to enhance the resiliency of the water system, including source water protection for community water systems, to the anticipated hydrologic conditions; or

(B) to increase efficiency in the use of energy or water of the water system; and

(4) describes the manner in which the proposed program, strategy, or infrastructure improvement is consistent with an applicable State, tribal, or local climate adaptation plan, if any.

(d) **PRIORITY.**—

(1) **WATER SYSTEMS AT GREATEST AND MOST IMMEDIATE RISK.**—In selecting grantees under this title, subject to section 303(b), the Administrator shall give priority to owners or operators of water systems that are, based on the best available research and data, at the greatest and most immediate risk of facing significant negative impacts due to changing hydrologic conditions.

(2) **GOALS.**—In selecting among applicants described in paragraph (1), the Administrator shall ensure that, to the maximum extent practicable, the final list of applications funded for each year includes a substantial number that propose to use innovative approaches to meet 1 or more of the following goals:

(A) Promoting more efficient water use, water conservation, water reuse, or recycling.

(B) Using decentralized, low-impact development technologies and nonstructural approaches, including practices that use, enhance, or mimic the natural hydrological cycle or protect natural flows.

(C) Reducing stormwater runoff or flooding by protecting or enhancing natural ecosystem functions.

(D) Modifying, upgrading, enhancing, or replacing existing water system infrastructure in response to changing hydrologic conditions.

(E) Improving water quality or quantity for agricultural and municipal uses, including through salinity reduction.

(F) Providing multiple benefits, including to water supply enhancement or demand reduction, water quality protection or improvement, increased flood protection, and ecosystem protection or improvement.

(e) **COST-SHARING REQUIREMENT.**—

(1) **FEDERAL SHARE.**—The share of the cost of any program, strategy, or infrastructure improvement that is the subject of a grant awarded by the Administrator to the owner or operator of a water system under subsection (a) paid through funds distributed under this title shall not exceed 50 percent of the cost of the program, strategy, or infrastructure improvement.

(2) **CALCULATION OF NON-FEDERAL SHARE.**—In calculating the non-Federal share of the cost of a program, strategy, or infrastructure improvement proposed by a water system in an application submitted under subsection (c), the Administrator shall—

(A) include the value of any in-kind services that are integral to the completion of the program, strategy, or infrastructure improvement, including reasonable administrative and overhead costs; and

(B) not include any other amount that the water system involved receives from the Federal Government.

(f) **REPORT TO CONGRESS.**—Not later than 3 years after the date of enactment of this

Act, and every 3 years thereafter, the Administrator shall submit to Congress a report that—

(1) describes the progress in implementing this title; and

(2) includes information on project applications received and funded annually under this title.

**SEC. 303. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—There is authorized to be appropriated to carry out this title \$50,000,000 for each of fiscal years 2013 through 2017.

(b) REDUCTION OF FLOOD DAMAGE, RISK, AND VULNERABILITY.—Of the amount made available to carry out this title for a fiscal year, not more than 20 percent may be made available to grantees for activities described in section 302(b)(10).

**SA 2901.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121.

**SA 2902.** Mrs. BOXER submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:

**SEC. 121. NO REGULATION OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.**

(a) NO REGULATION OF AMMUNITION OR FISHING TACKLE.—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).

(b) STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.—

(1) IN GENERAL.—Not later than December 31, 2014, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) USE.—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the substance or mixture is used in ammunition or fishing tackle.

**SA 2903.** Ms. LANDRIEU submitted an amendment intended to be proposed

to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 1. HUNTING IN KISATCHIE NATIONAL FOREST.**

(a) IN GENERAL.—Consistent with the eleventh undesignated paragraph under the heading “SURVEYING THE PUBLIC LANDS” of the Act of June 4, 1897 (16 U.S.C. 551), the Secretary of Agriculture (referred to in this section as the “Secretary”) may not impose restrictions on the use of dogs in deer hunting activities in Kisatchie National Forest, unless the restrictions—

(1) apply to the smallest practicable portions of the unit; and

(2) are necessary to reduce or control trespass onto land adjacent to the unit.

(b) PRIOR RESTRICTIONS VOID.—Any restrictions regarding the use of dogs in deer hunting activities in Kisatchie National Forest in force on the date of enactment of this Act shall be void and have no force or effect.

(c) ADJACENT LANDOWNERS.—

(1) IN GENERAL.—The owner of land that is adjacent to a unit of the Kisatchie National Forest may submit to the Secretary a petition to restrict the use of dogs in deer hunting activities that take place on the unit that is adjacent to the land.

(2) RESTRICTIONS.—If the Secretary receives a petition from an adjacent landowner under paragraph (2), the Secretary, after notice and opportunity for a hearing, may impose restrictions on the use of dogs in deer hunting that are—

(A) limited to units of the Kisatchie National Forest within 300 yards of the boundary of the land of the petitioning landowner; and

(B) consistent with subsection (a).

**SA 2904.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

**TITLE III—ENDANGERED OR THREATENED SPECIES**

**SEC. 301. REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.**

(a) DEFINITIONS.—In this section:

(1) GRAY WOLF.—The term “gray wolf” means any taxonomic group traditionally associated with the gray wolf, including *Canis lupus baileyi*, regardless of specific taxonomy of any particular gray wolf variety as a species, subspecies, or other designation.

(2) SECRETARY.—The term “Secretary” has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(b) REMOVAL OF GRAY WOLF IN THE STATE OF UTAH FROM THE LIST OF ENDANGERED OR THREATENED SPECIES.—Notwithstanding any other provision of law, not later than 60 days after the date of enactment of this section, the Secretary shall promulgate regulations removing from the list of endangered or threatened species under section 4(c) of the

Endangered Species Act of 1973 (16 U.S.C. 1532(c)) the gray wolf within the borders of the State of Utah.

**SA 2905.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—LAND CONVEYANCE**

**SEC. 301. DEFINITIONS.**

In this title:

(1) FEDERAL LAND.—The term “Federal land” means any land (including mineral rights) under the jurisdiction of the Secretary in the State, including any public land in the State (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) STATE.—The term “State” means the state of Utah.

**SEC. 302. CONVEYANCE OF FEDERAL LAND TO THE STATE OF UTAH.**

(a) IN GENERAL.—Not later than December 31, 2014, the Secretary shall convey to the State all right, title, and interest of the United States in and to the Federal land.

(b) RECONVEYANCE.—If the State reconveys any Federal land conveyed to the State under subsection (a), the State shall, as soon as practicable after the date of the reconveyance, pay to the Secretary concerned an amount equal to 95 percent of the amount received by the State in consideration for the Federal land reconveyed.

**SA 2906.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—LAND CONVEYANCE**

**SEC. 301. DEFINITIONS.**

In this title:

(1) CITY.—The term “City” means the city of Fruit Heights, Utah.

(2) MAP.—The term “map” means the map entitled “Proposed Fruit Heights City Conveyance” and dated 2012.

(3) NATIONAL FOREST SYSTEM LAND.—The term “National Forest System land” means the approximately 100 acres of National Forest System land, as depicted on the map.

(4) SECRETARY.—The term “Secretary” means the Secretary of Agriculture.

**SEC. 302. CONVEYANCE OF CERTAIN LAND TO THE CITY OF FRUIT HEIGHTS, UTAH.**

(a) IN GENERAL.—The Secretary shall convey to the City, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(b) SURVEY.—

(1) IN GENERAL.—If determined by the Secretary to be necessary, the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) COSTS.—The City shall pay the reasonable survey and other administrative costs

associated with a survey conducted under paragraph (1).

(c) **USE OF NATIONAL FOREST SYSTEM LAND.**—As a condition of the conveyance under subsection (a), the City shall use the National Forest System land only for public purposes.

(d) **REVERSIONARY INTEREST.**—In the quitclaim deed to the City for the National Forest System land, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary, if the National Forest System land is used for other than a public purpose.

**SA 2907.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—CLARIFICATION OF AUTHORITY, UINTAH AND OURAY INDIAN RESERVATION**

**SEC. 301. CLARIFICATION OF AUTHORITY.**

The Act entitled “An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes”, approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled “An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character” approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

“SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

“(1) **RESERVATION BY UNITED STATES.**—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq) in any mineral lands conveyed to the State.

“(2) **EXTENT OF OVERRIDING INTEREST.**—The overriding interest reserved by the United States under paragraph (1) shall consist of—

“(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;

“(B) 50 percent of any rental or other payments received by the State as consideration for the lease or authorization to develop such mineral resources;

“(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

“(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

“(3) **RESERVATION BY STATE OF UTAH.**—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq) in any mineral lands relinquished by the State to the United States.

“(4) **EXTENT OF OVERRIDING INTEREST.**—The overriding interest reserved by the State under paragraph (3) shall consist of—

“(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

“(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

“(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

“(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

“(5) **NO OBLIGATION TO LEASE.**—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

“(6) **COOPERATIVE AGREEMENTS.**—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and Ouray Reservation to facilitate the relinquishment and selection of lands to be conveyed under this section, and the administration of the overriding interests reserved hereunder.

“(7) **TERMINATION.**—The overriding interest reserved by the Secretary of the Interior under paragraph (1), and the overriding interest reserved by the State under paragraph (3), shall automatically terminate 30 years after the date of enactment of this section.”.

**SA 2908.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—NATIONAL MONUMENTS IN UTAH**

**SEC. 301. LIMITATION ON FURTHER EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN UTAH.**

This proviso of the last sentence of the first section of the Act of September 14, 1950 (64 Stat. 849, chapter 950; 16 U.S.C. 431a), is amended by inserting “or Utah” after “Wyoming”.

**SA 2909.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S.

3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—LAND CONVEYANCE**

**SEC. 301. LAND CONVEYANCE, UINTA-WASATCH-CACHE NATIONAL FOREST, UTAH.**

(a) **CONVEYANCE REQUIRED.**—On the request of Brigham Young University submitted to the Secretary of Agriculture not later than one year after the date of the enactment of this Act, the Secretary shall convey, not later than one year after receiving the request, to Brigham Young University all right, title, and interest of the United States in and to an approximately 80-acre parcel of National Forest System land in the Uinta-Wasatch-Cache National Forest in the State of Utah consisting of the SE¼SE¼ of section 32, T. 6 S., R. 3 E., and the NE¼NE¼ of section 5, T. 7 S., R. 3 E., Salt Lake Base & Meridian. The conveyance shall be subject to valid existing rights and shall be made by quitclaim deed.

(b) **CONSIDERATION.**—

(1) **CONSIDERATION REQUIRED.**—As consideration for the land conveyed under subsection (a), Brigham Young University shall pay to the Secretary an amount equal to the fair market value of the land, as determined by an appraisal approved by the Secretary and conducted in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716).

(2) **DEPOSIT.**—The consideration received by the Secretary under paragraph (1) shall be deposited in the general fund of the Treasury to reduce the Federal deficit.

(c) **GUARANTEED PUBLIC ACCESS TO Y MOUNTAIN TRAIL.**—After the conveyance under subsection (a), Brigham Young University represents that it will—

(1) continue to allow the same reasonable public access to the trailhead and portion of the Y Mountain Trail already owned by Brigham Young University as of the date of the enactment of this Act that Brigham Young University has historically allowed; and

(2) allow that same reasonable public access to the portion of the Y Mountain Trail and the “Y” symbol located on the land described in subsection (a).

(d) **SURVEY AND ADMINISTRATIVE COSTS.**—The exact acreage and legal description of the land to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. Brigham Young University shall pay the reasonable costs of survey, appraisal, and any administrative analyses required by law.

**SA 2910.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE III—TIMBER SALE CONTRACTS**

**SEC. 301. EXTENDING NATIONAL FOREST SYSTEM TIMBER SALE CONTRACTS.**

(a) **DEFINITIONS.**—In this section:



(1) **QUALIFYING CONTRACT.**—The term “qualifying contract” means a contract (including an integrated resource timber contract) for the sale of timber on National Forest System land—

(A) that was awarded before January 1, 2010;

(B) for which the original contract term was for 2 or more years;

(C) for which there is unharvested volume of timber remaining;

(D) for which, not later than 90 days after the date of enactment of this Act, the contract awardee makes a written request to the Secretary for an extension of time;

(E) for which the Secretary determines there is not an urgent need to harvest due to deteriorating timber conditions;

(F) for which the Secretary determines there is not an urgent need to harvest to accomplish fuel reduction objectives in wildland-urban interface areas; and

(G) that is not in breach or default.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of Agriculture, acting through the Chief of the Forest Service.

(3) **WILDLAND-URBAN INTERFACE.**—The term “wildland-urban interface” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(b) **EXTENSION OF TIME.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law and subject to the conditions described in paragraph (2), the Secretary may extend the term of a qualifying contract for not more than 2 years after the applicable contract termination date.

(2) **CONDITIONS.**—An extension of a qualifying contract under paragraph (1) shall be subject to the following conditions:

(A) The total contract term shall not exceed 10 years, including the extension granted under this section.

(B) A qualifying contract that receives a 1-year substantial overriding public interest extension authorized by the Chief of the Forest Service in 2012 may only receive an extension of 1 year under this section.

(C) Periodic payment dates that have not been reached as of the date of a request by a contract awardee under this section shall be adjusted in accordance with applicable law and policies.

(c) **EFFECT.**—

(1) **NO SURRENDER OF CLAIMS.**—Nothing in this section shall result in the surrendering of any claim by the United States against any contract awardee that arose under a qualifying contract before the date on which the Secretary extends the qualifying contract term under this section.

(2) **RELEASE OF LIABILITY.**—Before receiving an extension of a contract term under this section, the contract awardee shall release the United States from all liability, including further consideration or compensation, resulting from—

(A) the extension of the qualifying contract term; or

(B) a determination by the Secretary under this section to not extend the contract term.

(3) **FUTURE ADMINISTRATIVE ACTIONS.**—Nothing in this section precludes the Secretary from modifying a qualifying contract extended under this section to grant administrative relief consistent with applicable law (including regulations) and policy.

**SA 2911.** Mr. HATCH submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S.

3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### **TITLE III—PUTTING THE GULF OF MEXICO BACK TO WORK**

#### **SEC. 301. SHORT TITLE.**

This title may be cited as the “Putting the Gulf of Mexico Back to Work Act”.

#### **SEC. 302. DEFINITIONS.**

In this title:

(1) **COVERED CIVIL ACTION.**—The term “covered civil action” means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action (as defined for the purposes of that section) affecting a covered energy project in the Gulf of Mexico.

(2) **COVERED ENERGY PROJECT.**—

(A) **IN GENERAL.**—The term “covered energy project” means the leasing of Federal land of the outer Continental Shelf for the exploration, development, production, processing, or transmission of oil, natural gas, wind, or any other source of energy in the Gulf of Mexico, and any action under a lease.

(B) **EXCLUSION.**—The term “covered energy project” does not include any dispute between the parties to a lease regarding the obligations under the lease, including any alleged breach of the lease.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

#### **Subtitle A—Outer Continental Shelf Land**

##### **SEC. 311. DRILLING PERMITS.**

Section 11 of the Outer Continental Shelf Lands Act (43 U.S.C. 1340) is amended by striking subsection (d) and inserting the following:

“(d) **DRILLING PERMITS.**—

“(1) **IN GENERAL.**—The Secretary shall by regulation require that any lessee operating under an approved exploration plan—

“(A) obtain a permit before drilling any well in accordance with the plan; and

“(B) obtain a new permit before drilling any well of a design that is significantly different than the design for which the existing permit was issued.

“(2) **SAFETY REVIEW REQUIRED.**—The Secretary shall not issue a permit under paragraph (1) without ensuring that the proposed drilling operations meet all—

“(A) critical safety system requirements, including blowout prevention; and

“(B) oil spill response and containment requirements.

“(3) **TIMELINE.**—

“(A) **IN GENERAL.**—The Secretary shall determine whether to issue a permit under paragraph (1) not later than 30 days after the date on which the Secretary receives the application for a permit.

“(B) **EXTENSION OF TIME.**—

“(i) **IN GENERAL.**—The Secretary may extend the period in which to consider an application for a permit for up to 2 periods of 15 days each if the Secretary has given written notice of the delay to the applicant.

“(ii) **NOTICE.**—The notice described in clause (i) shall—

“(I) be in the form of a letter from the Secretary or a designee of the Secretary; and

“(II) include—

“(aa) the name and title of each individual processing the application;

“(bb) the reason for the delay; and

“(cc) the date on which the Secretary expects to make a final decision on the application.

“(4) **DENIAL OF APPLICATION.**—If the Secretary denies the application, the Secretary shall provide the applicant—

“(A) a written statement that provides clear and comprehensive reasons why the application was not accepted and detailed information concerning any deficiency; and

“(B) an opportunity to remedy any deficiencies.

“(5) **FAILURE TO MAKE DECISION WITHIN 60 DAYS.**—If the Secretary does not make a decision on the application by the date that is 60 days from the date on which the Secretary receives the application, the application shall be considered approved.”.

#### **Subtitle B—Judicial Review of Agency Actions Relating to Outer Continental Shelf Activities in Gulf of Mexico**

##### **SEC. 322. EXCLUSIVE VENUE FOR CERTAIN CIVIL ACTIONS RELATING TO COVERED ENERGY PROJECTS IN GULF OF MEXICO.**

A covered civil action shall be brought only in a judicial district in the Fifth Circuit unless there is no district in that circuit in which the action may be brought.

##### **SEC. 323. TIME LIMITATION ON FILING.**

A covered civil action is barred unless the action is filed not later than the date that is 60 days after the date of the final Federal agency action.

##### **SEC. 324. EXPEDITION IN HEARING AND DETERMINING ACTION.**

A court shall endeavor to hear and determine any covered civil action as expeditiously as practicable.

##### **SEC. 325. STANDARD OF REVIEW.**

(a) **IN GENERAL.**—In any judicial review of a covered civil action, administrative findings and conclusions relating to the challenged Federal action or decision shall be presumed to be correct.

(b) **STANDARD.**—The presumption described in subsection (a) may be rebutted only by a preponderance of the evidence contained in the administrative record.

##### **SEC. 326. LIMITATION ON PROSPECTIVE RELIEF.**

In a covered civil action, a court shall not grant or approve any prospective relief unless the court finds that the relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

##### **SEC. 327. LIMITATION ON ATTORNEYS' FEES.**

(a) **IN GENERAL.**—Sections 504 of title 5 and 2412 of title 28, United States Code, do not apply to a covered civil action.

(b) **PAYMENT FROM FEDERAL GOVERNMENT.**—No party to a covered civil action shall receive from the Federal Government payment for attorneys' fees, expenses, and other court costs.

### **TITLE IV—RESTARTING AMERICAN OFFSHORE LEASING NOW**

#### **SEC. 401. SHORT TITLE.**

This title may be cited as the “Restarting American Offshore Leasing Now Act”.

#### **SEC. 402. DEFINITIONS.**

In this title:

(1) **ENVIRONMENTAL IMPACT STATEMENT FOR THE 2007-2012 5-YEAR OCS PLAN.**—The term “environmental impact statement for the 2007-2012 5-Year OCS plan” means the final environmental impact statement prepared by the Secretary entitled “Outer Continental Shelf Oil and Gas Leasing Program: 2007-2012”, and dated April 2007.

(2) **MULTISALE ENVIRONMENTAL IMPACT STATEMENT.**—The term “multisale environmental impact statement” means the environmental impact statement prepared by the



Secretary relating to proposed Western Gulf of Mexico OCS Oil and Gas Lease Sales 204, 207, 210, 215, and 218, and proposed Central Gulf of Mexico OCS Oil and Gas Lease Sales 205, 206, 208, 213, 216, and 222, and dated September 2008.

(3) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

**SEC. 403. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 216 IN CENTRAL GULF OF MEXICO.**

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 216 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 404. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 220 ON OUTER CONTINENTAL SHELF OFFSHORE VIRGINIA.**

(a) IN GENERAL.—As soon as practicable, but not later than 1 year after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 220 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**SEC. 405. REQUIREMENT TO CONDUCT PROPOSED OIL AND GAS LEASE SALE 222 IN CENTRAL GULF OF MEXICO.**

(a) IN GENERAL.—As soon as practicable, but not later than 60 days after the date of enactment of this Act, the Secretary shall conduct offshore oil and gas Lease Sale 222 under section 8 of the Outer Continental Shelf Lands Act (33 U.S.C. 1337).

(b) ENVIRONMENTAL REVIEW.—For the purposes of the lease sale described in subsection (a), the environmental impact statement for the 2007–2012 5-Year OCS plan and the multisale environmental impact statement shall be considered to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

**TITLE V—REVERSING PRESIDENT OBAMA’S OFFSHORE MORATORIUM**

**SEC. 501. SHORT TITLE.**

This title may be cited as the “Reversing President Obama’s Offshore Moratorium Act”.

**SEC. 502. OUTER CONTINENTAL SHELF LEASING PROGRAM.**

Section 18(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1344(a)) is amended by adding at the end the following:

“(5)(A) In each oil and gas leasing program under this section, the Secretary shall make available for leasing and conduct lease sales that include—

“(i) at least 50 percent of the available unleased acreage within each outer Continental Shelf planning area considered to have the largest undiscovered, technically recoverable oil and gas resources (on a total btu basis) based upon the most recent national geological assessment of the outer Continental Shelf, with an emphasis on offering the most geologically prospective parts of the planning area; and

“(ii) any State subdivision of an outer Continental Shelf planning area that the Governor of the State that represents that subdivision requests be made available for leasing.”

“(B) In this paragraph, the term ‘available unleased acreage’ means that portion of the outer Continental Shelf that is not under lease at the time of a proposed lease sale, and that has not otherwise been made unavailable for leasing by law.

“(6)(A) For the 2012–2017 5-year oil and gas leasing program, the Secretary shall make available for leasing any outer Continental Shelf planning areas that are estimated to contain more than—

“(i) 2,500,000,000 barrels of oil; or

“(ii) 7,500,000,000 cubic feet of natural gas.

“(B) To determine the planning areas described in subparagraph (A), the Secretary shall use the document entitled ‘Minerals Management Service Assessment of Undiscovered Technically Recoverable Oil and Gas Resources of the Nation’s Outer Continental Shelf, 2006’.”

**SEC. 503. DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.**

Section 18 of the Outer Continental Shelf Lands Act (43 U.S.C. 1344) is amended by striking subsection (b) and inserting the following:

“(b) DOMESTIC OIL AND NATURAL GAS PRODUCTION GOAL.—

“(1) IN GENERAL.—In developing a 5-year oil and gas leasing program, subject to paragraph (2), the Secretary shall determine a domestic strategic production goal for the development of oil and natural gas as a result of that program, which goal shall be—

“(A) the best estimate of the practicable increase in domestic production of oil and natural gas from the outer Continental Shelf;

“(B) focused on meeting domestic demand for oil and natural gas and reducing the dependence of the United States on foreign energy; and

“(C) focused on the production increases achieved by the leasing program at the end of the 15-year period beginning on the effective date of the program.

“(2) 2012–2017 PROGRAM GOAL.—For purposes of the 2012–2017 5-year oil and gas leasing program, the production goal referred to in paragraph (1) shall be an increase by 2027 of not less than—

“(A) 3,000,000 barrels in the quantity of oil produced per day; and

“(B) 10,000,000,000 cubic feet in the quantity of natural gas produced per day.

“(3) REPORTING.—Beginning at the end of the 5-year period for which the program applies and annually thereafter, the Secretary shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the progress of the program in meeting the production goal that includes an identification of projections for production and any problems with leasing, permitting, or production that will prevent meeting the goal.”

**TITLE VI—JOBS AND ENERGY PERMITTING**

**SEC. 601. SHORT TITLE.**

This title may be cited as the “Jobs and Energy Permitting Act of 2012”.

**SEC. 602. AIR QUALITY MEASUREMENT.**

Section 328(a)(1) of the Clean Air Act (42 U.S.C. 7627(a)(1)) is amended in the second sentence by inserting before the period at the end the following: “, except that any air

quality impact of any OCS source shall be measured or modeled, as appropriate, and determined solely with respect to the impacts in the corresponding onshore area”.

**SEC. 603. OCS SOURCE.**

Section 328(a)(4)(C) of the Clean Air Act (42 U.S.C. 7627(a)(4)(C)) is amended in the second sentence of the matter following clause (iii) by striking “shall be considered direct emissions from the OCS source” and inserting “shall be considered direct emissions from the OCS source but shall not be subject to any emission control requirement applicable to the source under subpart 1 of part C of title I of this Act. For platform or drill ship exploration, an OCS source is established at the point in time when drilling commences at a location and ceases to exist when drilling activity ends at the location or is temporarily interrupted because the platform or drill ship relocates for weather or other reasons”.

**SEC. 604. PERMITS.**

(a) PERMITS.—Section 328 of the Clean Air Act (42 U.S.C. 7627) is amended by adding at the end the following:

“(d) PERMIT APPLICATION.—In the case of a completed application for a permit under this Act for platform or drill ship exploration for an OCS source—

“(1) final agency action (including any reconsideration of the issuance or denial of such a permit) shall be taken not later than 180 days after the date on which the completed application is filed;

“(2) the Environmental Appeals Board of the Environmental Protection Agency shall have no authority to consider any matter regarding the consideration, issuance, or denial of the permit;

“(3) no administrative stay of the effectiveness of the permit may extend beyond the date that is 180 days after the date on which the completed application is filed;

“(4) that final agency action shall be considered to be nationally applicable under section 307(b); and

“(5) judicial review of that final agency action shall be available only in accordance with section 307(b) without additional administrative review or adjudication.”

(b) CONFORMING AMENDMENT.—Section 328(a)(4) of the Clean Air Act (42 U.S.C. 7627(a)(4)) is amended by striking “For purposes of subsections (a) and (b) of this section—” and inserting “For purposes of subsections (a), (b), and (d):”.

**TITLE VII—SACRAMENTO-SAN JOAQUIN VALLEY WATER RELIABILITY**

**SEC. 701. SHORT TITLE.**

This title may be cited as the “Sacramento-San Joaquin Valley Water Reliability Act”.

**Subtitle A—Central Valley Project Water Reliability**

**SEC. 711. AMENDMENT TO PURPOSES.**

Section 3402 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4706) is amended—

(1) in subsection (f), by striking the period at the end; and

(2) by adding at the end the following:

“(g) to ensure that water dedicated to fish and wildlife purposes by this title is replaced and provided to Central Valley Project water contractors not later than December 31, 2016, at the lowest cost reasonably achievable; and

“(h) to facilitate and expedite water transfers in accordance with this title.”

**SEC. 712. AMENDMENT TO DEFINITION.**

Section 3403 of the Central Valley Project Improvement Act (Public Law 102–575; 106 Stat. 4707) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) the term ‘anadromous fish’ means those native stocks of salmon (including steelhead) and sturgeon that—

“(1) as of October 30, 1992, were present in the Sacramento and San Joaquin Rivers and the tributaries of the Sacramento and San Joaquin Rivers; and

“(2) ascend those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean;”;

(2) by redesignating subsections (i) through (m) as subsections (j) through (n), respectively; and

(3) by inserting after subsection (h) the following:

“(i) the term ‘reasonable flows’ means water flows capable of being maintained taking into account competing consumptive uses of water and economic, environmental, and social factors.”.

#### SEC. 713. CONTRACTS.

Section 3404 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4708) is amended to read as follows:

#### “SEC. 3404. CONTRACTS.

“(a) RENEWAL OF EXISTING LONG-TERM CONTRACTS.—On request of the contractor, the Secretary shall renew any existing long-term repayment or water service contract that provides for the delivery of water from the Central Valley Project for a period of 40 years.

“(b) ADMINISTRATION OF CONTRACTS.—Except as expressly provided by this title, any existing long-term repayment or water service contract for the delivery of water from the Central Valley Project shall be administered pursuant to the Act of July 2, 1956 (chapter 492; 70 Stat. 483).

“(c) DELIVERY CHARGE.—Beginning on the date of enactment of this Act, a contract entered into or renewed pursuant to this section shall include a provision that requires the Secretary to charge any other party to the contract only for water actually delivered by the Secretary.”.

#### SEC. 714. WATER TRANSFERS, IMPROVED WATER MANAGEMENT, AND CONSERVATION.

Section 3405 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4709) is amended—

(1) in subsection (a)—

(A) in the second sentence, by striking “Except as provided herein” and inserting “The Secretary shall take all actions necessary to facilitate and expedite transfers of Central Valley Project water in accordance with this title or any other provision of Federal reclamation law and the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Except as provided in this subsection,”;

(B) in paragraph (1)(A), by striking “to combination” and inserting “or combination”;

(C) in paragraph (2), by adding at the end the following:

“(E) WRITTEN TRANSFER PROPOSALS.—

“(i) IN GENERAL.—The contracting district from which the water is supplied, the agency, or the Secretary, as applicable, shall determine whether a written transfer proposal is complete not later than 45 days after the date on which the proposal is submitted.

“(ii) DETERMINATION.—If the contracting district, the agency, or the Secretary determines that the proposal described in clause (i) is incomplete, the contracting district, agency, or Secretary shall state, in writing and with specificity, the conditions under which the proposal would be considered complete.

“(F) NO MITIGATION REQUIREMENTS.—

“(i) IN GENERAL.—Except as provided in this section, the Secretary shall not impose mitigation or other requirements on a proposed transfer.

“(ii) APPLICABILITY.—This section shall have no effect on the authority of the contracting district from which the water is supplied or the agency under State law to approve or condition a proposed transfer.”; and

(D) by adding at the end the following:

“(4) APPLICABILITY.—Notwithstanding any other provision of Federal reclamation law—

“(A) the authority to transfer, exchange, bank, or make recharging arrangements using Central Valley Project water that could have been carried out before October 30, 1992, is valid, and those transfers, exchanges, or arrangements shall not be subject to, limited, or conditioned by this title; and

“(B) this title does not supersede or revoke the authority to transfer, exchange, bank, or recharge Central Valley Project water in effect before October 30, 1992.”;

(2) in subsection (b)—

(A) in the heading, by striking “METERING” and inserting “MEASUREMENT”;

(B) in the first sentence, by striking “All Central Valley” and inserting the following:

“(1) IN GENERAL.—All Central Valley”;

(C) in the second sentence, by striking “The contracting district” and inserting the following:

“(3) ANNUAL REPORT.—The contracting district”;

(D) by inserting after paragraph (1) (as designated by subparagraph (B)) the following:

“(2) MEASUREMENT REQUIREMENTS.—The contracting district or agency, not including contracting districts serving multiple agencies with separate governing boards, shall ensure that all contractor-owned water delivery systems within the boundaries of the contracting district or agency measure surface water at the facilities of the contracting district or agency up to the point at which the surface water is commingled with other water supplies.”;

(3) by striking subsection (d);

(4) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively; and

(5) by striking subsection (e) (as redesignated by paragraph (4)) and inserting the following:

“(e) INCREASED REVENUES.—All revenues received by the Secretary that exceed the cost-of-service rates applicable to the delivery of water transferred from irrigation use to municipal and industrial use under subsection (a) shall be covered to the Restoration Fund.”.

#### SEC. 715. FISH, WILDLIFE, AND HABITAT RESTORATION.

Section 3406 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4714) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1)(B) and inserting the following:

“(B) ADMINISTRATION.—

“(i) IN GENERAL.—As needed to carry out the goals of the Central Valley Project, the Secretary may modify Central Valley Project operations to provide reasonable flows of suitable quality, quantity, and timing to protect all life stages of anadromous fish.

“(ii) REQUIREMENTS.—The flows under clause (i) shall be provided from the quantity of water dedicated to fish, wildlife, and habitat restoration purposes under paragraph (2) from the water supplies acquired pursuant to

paragraph (3) and from other sources which do not conflict with fulfillment of the remaining contractual obligations of the Secretary to provide Central Valley Project water for other authorized purposes.

“(iii) DETERMINATION OF NEEDS.—The Secretary shall determine the instream reasonable flow needs for all Central Valley Project controlled streams and rivers based on recommendations of the United States Fish and Wildlife Service and the National Marine Fisheries Service after consultation with the United States Geological Survey.”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) in the first sentence, by striking “primary purpose” and inserting “purposes”;

(II) by striking “but not limited to additional obligations under the Federal Endangered Species Act” and inserting “additional obligations under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)”; and

(III) by adding at the end the following:

“All Central Valley Project water used for the purposes specified in this paragraph shall be credited to the quantity of Central Valley Project yield dedicated and managed under this paragraph by determining how the dedication and management of that water would affect the delivery capability of the Central Valley Project yield. To the maximum extent practicable and in accordance with section 3411, Central Valley Project water dedicated and managed pursuant to this paragraph shall be reused to fulfill the remaining contractual obligations of the Secretary to provide Central Valley Project water for agricultural or municipal and industrial purposes.”; and

(ii) by striking subparagraph (C) and inserting the following:

“(C) MANDATORY REDUCTION.—If on March 15 of a given year, the quantity of Central Valley Project water forecasted to be made available to water service or repayment contractors in the Delta Division of the Central Valley Project is less than 75 percent of the total quantity of water to be made available under those contracts, the quantity of Central Valley Project yield dedicated and managed for that year under this paragraph shall be reduced by 25 percent.”; and

(2) by adding at the end the following:

“(i) SATISFACTION OF PURPOSES.—In carrying out this section, the Secretary shall be considered to have met the mitigation, protection, restoration, and enhancement purposes of this title.”.

#### SEC. 716. RESTORATION FUND.

(a) IN GENERAL.—Section 3407(a) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4726) is amended—

(1) by striking “There is hereby” and inserting the following:

“(1) ESTABLISHMENT.—

“(A) IN GENERAL.—There is”;

(2) in paragraph (1)(A) (as designated by paragraph (1)), by striking “Not less than 67 percent” and all that follows through “Monies” and inserting the following:

“(B) USE OF DONATED AMOUNTS.—Amounts”;

(3) by adding at the end the following:

“(2) RESTRICTIONS.—The Secretary may not directly or indirectly require a donation or other payment (including environmental restoration or mitigation fees not otherwise provided by law) to the Restoration Fund—

“(A) as a condition of—

“(i) providing for the storage or conveyance of non-Central Valley Project water pursuant to Federal reclamation laws; or

“(ii) the delivery of water pursuant to section 215 of the Reclamation Reform Act of 1982 (Public Law 97-293; 96 Stat. 1270); or

“(B) for any water that is delivered with the sole intent of groundwater recharge.”.

(b) CERTAIN PAYMENTS.—Section 3407(c)(1) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4726) is amended—

(1) by striking “mitigation and restoration payments, in addition to charges provided for or” and inserting “payments, in addition to charges”; and

(2) by striking “of fish, wildlife” and all that follows through the period and inserting “of carrying out this title.”.

(c) ADJUSTMENT AND ASSESSMENT OF MITIGATION AND RESTORATION PAYMENTS.—Section 3407(d) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4727) is amended—

(1) in paragraph (2)(A)—

(A) by striking “, and \$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project” and inserting “\$12 per acre-foot (October 1992 price levels) for municipal and industrial water sold and delivered by the Central Valley Project, and after October 1, 2013, \$4 per megawatt-hour for Central Valley Project power sold to power contractors (October 2013 price levels)”; and

(B) by inserting “ but not later than December 31, 2020,” after “That upon the completion of the fish, wildlife, and habitat mitigation and restoration actions mandated under section 3406 of this title.”; and

(2) by adding at the end the following:

“(g) REPORT ON EXPENDITURE OF FUNDS.—

“(1) IN GENERAL.—For each fiscal year, the Secretary, in consultation with the Advisory Board, shall submit to Congress a plan for the expenditure of all of the funds deposited in the Restoration Fund during the preceding fiscal year.

“(2) CONTENTS.—The plan shall include an analysis of the cost-effectiveness of each expenditure.

“(h) ADVISORY BOARD.—

“(1) ESTABLISHMENT.—There is established the Restoration Fund Advisory Board (referred to in this section as the ‘Advisory Board’), which shall be composed of 12 members appointed by the Secretary.

“(2) MEMBERSHIP.—

“(A) IN GENERAL.—The Secretary shall appoint members to the Advisory Board that represent the various Central Valley Project stakeholders, of whom—

“(i) 4 members shall be agricultural users of the Central Valley Project;

“(ii) 3 members shall be municipal and industrial users of the Central Valley Project;

“(iii) 3 members shall be power contractors of the Central Valley Project; and

“(iv) 2 members shall be appointed at the discretion of the Secretary.

“(B) OBSERVERS.—The Secretary and the Secretary of Commerce may each designate a representative to act as an observer of the Advisory Board.

“(C) CHAIRMAN.—The Secretary shall appoint 1 of the members described in subparagraph (A) to serve as Chairman of the Advisory Board.

“(3) TERMS.—The term of each member of the Advisory Board shall be for a period of 4 years.

“(4) DUTIES.—The duties of the Advisory Board are—

“(A) to meet not less frequently than semi-annually to develop and make recommendations to the Secretary regarding priorities and spending levels on projects and programs carried out under this title;

“(B) to ensure that any advice given or recommendation made by the Advisory Board reflects the independent judgment of the Advisory Board;

“(C) not later than December 31, 2013, and annually thereafter, to submit to the Secretary and Congress the recommendations under subparagraph (A); and

“(D) not later than December 31, 2013, and biennially thereafter, to submit to Congress a report that details the progress made in achieving the actions required under section 3406.

“(5) ADMINISTRATION.—With the consent of the appropriate agency head, the Advisory Board may use the facilities and services of any Federal agency.”.

#### SEC. 717. ADDITIONAL AUTHORITIES.

(a) AUTHORITY FOR CERTAIN ACTIVITIES.—Section 3408 of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4728) is amended by striking subsection (c) and inserting the following:

“(c) CONTRACTS FOR ADDITIONAL STORAGE AND DELIVERY OF WATER.—

“(1) IN GENERAL.—The Secretary may enter into contracts under the reclamation laws and this title with any Federal agency, California water user or water agency, State agency, or private organization for the exchange, impoundment, storage, carriage, and delivery of nonproject water for domestic, municipal, industrial, fish and wildlife, and any other beneficial purpose.

“(2) LIMITATION.—Nothing in this subsection supersedes section 2(d) of the Act of August 26, 1937 (chapter 832; 50 Stat. 850; 100 Stat. 3051).

“(3) AUTHORITY FOR CERTAIN ACTIVITIES.—The Secretary shall use the authority granted by this subsection in connection with requests to exchange, impound, store, carry, or deliver nonproject water using Central Valley Project facilities for any beneficial purpose.

“(4) RATES.—

“(A) IN GENERAL.—The Secretary shall develop rates not to exceed the amount required to recover the reasonable costs incurred by the Secretary in connection with a beneficial purpose under this subsection.

“(B) ADMINISTRATION.—The rates shall be charged to a party using Central Valley Project facilities for a beneficial purpose, but the costs described in subparagraph (A) shall not include any donation or other payment to the Restoration Fund.

“(5) CONSTRUCTION.—This subsection shall be construed and implemented to facilitate and encourage the use of Central Valley Project facilities to exchange, impound, store, carry, or deliver nonproject water for any beneficial purpose.”.

(b) REPORTING REQUIREMENTS.—Section 3408(f) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4729) is amended—

(1) in the first sentence, by striking “Interior and Insular Affairs and the Committee on Merchant Marine and Fisheries” and inserting “Natural Resources”; and

(2) in the second sentence, by inserting “, including progress on the plan under subsection (j)” before the period at the end; and

(3) by adding at the end the following: “The filing and adequacy of the report shall be personally certified to the Committees by the Regional Director of the Mid-Pacific Region of the Bureau of Reclamation.”.

(c) PROJECT YIELD INCREASE.—Section 3408(j) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4730) is amended—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and indenting appropriately;

(2) by striking “In order to minimize adverse effects, if any, upon” and inserting the following:

“(1) IN GENERAL.—In order to minimize adverse effects upon”;

(3) in the second sentence, by striking “The plan” and all that follows through “operations” and inserting the following:

“(2) CONTENTS.—The plan shall include recommendations on appropriate cost-sharing arrangements and authorizing legislation or other measures needed to implement the intent, purposes, and provisions of this subsection, as well as a description of how the Secretary intends to use—”;

(4) in paragraph (1) (as designated by paragraph (2))—

(A) by striking “needs, the Secretary, shall” and all that follows through “to the Congress,” and inserting “needs, the Secretary, on a priority basis and not later than September 30, 2013, shall submit to Congress”; and

(B) by striking “increase,” and all that follows through “under this title” and inserting “increase, as soon as practicable, but not later than September 30, 2016 (except that the construction of new facilities shall not be limited by that deadline), the water of the Central Valley Project by the quantity dedicated and managed for fish and wildlife purposes under this title and otherwise required to meet the purposes of the Central Valley Project, including satisfying contractual obligations”;

(5) in paragraph (2)(A) (as designated by paragraph (1)), by inserting “and construction of new water storage facilities” before the semicolon;

(6) in paragraph (2)(F) (as designated by paragraph (1)), by striking “and” at the end;

(7) in paragraph (2)(G) (as designated by paragraph (1)), by striking the period and all that follows through the end of the subsection and inserting “; and”; and

(8) by adding after paragraph (2)(G) the following:

“(H) water banking and recharge.

“(3) IMPLEMENTATION OF PLAN.—

“(A) IN GENERAL.—The Secretary shall implement the plan under paragraph (1) beginning on October 1, 2013.

“(B) COORDINATION.—In carrying out this subsection, the Secretary shall coordinate with the State of California in implementing measures for the long-term resolution of problems in the San Francisco Bay/Sacramento-San Joaquin Delta Estuary.

“(4) FAILURE OF PLAN.—Notwithstanding any other provision of the reclamation laws, if by September 30, 2016, the plan under paragraph (1) fails to increase the annual delivery capability of the Central Valley Project by 800,000 acre-feet, implementation of any nonmandatory action under section 3406(b)(2) shall be suspended until the date on which the plan achieves an increase in the annual delivery capability of the Central Valley Project of 800,000 acre-feet.”.

(d) TECHNICAL CORRECTIONS.—Section 3408(h) of the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4729) is amended—

(1) in paragraph (1), by striking “paragraph (h)(2)” and inserting “paragraph (2)”; and

(2) in paragraph (2), by striking “paragraph (h)(i)” and inserting “paragraph (1)”.

(e) WATER STORAGE PROJECT CONSTRUCTION.—

(1) IN GENERAL.—The Secretary of the Interior, acting through the Commissioner of

Reclamation, may partner or enter into an agreement relating to the water storage projects described in section 103(d)(1) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108-361; 118 Stat. 1684) with local joint powers authorities formed under State law by irrigation districts and other local governments or water districts within the applicable hydrological region to advance those water storage projects.

(2) **NO ADDITIONAL FEDERAL AMOUNTS.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), no additional Federal amounts are authorized to be appropriated to carry out the activities described in clauses (i) through (iii) of sections 103(d)(1)(A) of the Water Supply, Reliability, and Environmental Improvement Act (Public Law 108-361; 118 Stat. 1684) Public Law 108-361.

(B) **EXCEPTION.**—Additional Federal amounts may be appropriated for construction of a project described in subparagraph (A) if non-Federal amounts are used to finance and construct the project.

**SEC. 718. BAY-DELTA ACCORD.**

(a) **CONGRESSIONAL DIRECTION REGARDING CENTRAL VALLEY PROJECT AND CALIFORNIA STATE WATER PROJECT OPERATIONS.**—

(1) **IN GENERAL.**—The Central Valley Project and the California State Water Project shall be operated strictly in accordance with the water quality standards and operational constraints described in the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994.

(2) **APPLICABILITY OF OTHER LAW.**—The Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and other applicable law shall not apply to operations described in paragraph (1).

(3) **IMPLEMENTATION.**—Implementation of the “Principles for Agreement on the Bay-Delta Standards Between the State of California and the Federal Government” dated December 15, 1994, shall be in strict compliance with the water rights priority system and statutory protections for areas of origin.

(b) **APPLICATION OF LAWS TO OTHERS.**—

(1) **IN GENERAL.**—As a condition of the receipt of Federal amounts for the Central Valley Project and the California State Water Project, the State of California (including any agency or board of the State of California), on any water right obtained pursuant to State law, including a pre-1914 appropriative right, shall not—

(A) impose any condition that restricts the exercise of that water right that is affected by operations of the Central Valley Project or California State Water Project;

(B) restrict under the Public Trust Doctrine any public trust value imposed in order to conserve, enhance, recover, or otherwise protect any species.

(2) **FEDERAL AGENCIES.**—The prohibition under paragraph (1)(A) shall apply to Federal agencies.

(c) **COSTS.**—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, unless those costs are incurred on a voluntary basis.

(d) **NATIVE SPECIES PROTECTION.**—This section preempts any law of the State California law restricting the quantity or size of a nonnative fish that is taken or harvested that preys on 1 or more native fish species that occupy the Sacramento and San Joaquin Rivers and the tributaries of those rivers or the Sacramento-San Joaquin Rivers Delta.

**SEC. 719. NATURAL AND ARTIFICIALLY SPAWNED SPECIES.**

After the date of enactment of this Act, and regardless of the date of listing, the Secretaries of the Interior and Commerce shall not distinguish between natural-spawned and hatchery-spawned (or otherwise artificially propagated strains of a species) in making any determination under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) that relates to an anadromous fish species present in the Sacramento and San Joaquin Rivers or the tributaries of those rivers and that ascends those rivers and tributaries to reproduce after maturing in San Francisco Bay or the Pacific Ocean.

**SEC. 720. AUTHORIZED SERVICE AREA.**

(a) **IN GENERAL.**—The Secretary of the Interior, acting through the Commissioner of Reclamation, shall include in the service area of the Central Valley Project authorized under the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706) the area within the boundaries of the Kettleman City Community Services District, California, as those boundaries are defined as of the date of enactment of this Act.

(b) **LONG-TERM CONTRACT.**—

(1) **IN GENERAL.**—Notwithstanding the Central Valley Project Improvement Act (Public Law 102-575; 106 Stat. 4706) and subject to paragraph (2), the Secretary, in accordance with the reclamation laws, shall enter into a long-term contract with the Kettleman City Community Services District or the delivery of not more than 900 acre-feet of Central Valley Project water for municipal and industrial use.

(2) **REDUCTION IN CONTRACT.**—The Secretary may temporarily reduce deliveries of the quantity of water made available under paragraph (1) by not more than 25 percent of the total whenever reductions due to hydrologic circumstances are imposed on agricultural deliveries of Central Valley Project water.

(c) **ADDITIONAL COST.**—If any additional infrastructure or related costs are needed to implement this section, those costs shall be the responsibility of the non-Federal entity.

**SEC. 721. REGULATORY STREAMLINING.**

(a) **DEFINITIONS.**—In this section:

(1) **CVP.**—The term “CVP” means the Central Valley Project.

(2) **PROJECT.**—The term “project”—

(A) means an activity that—

(i) is undertaken by a public agency, funded by a public agency, or requires the issuance of a permit by a public agency;

(ii) has a potential to result in a physical change to the environment; and

(iii) may be subject to several discretionary approvals by governmental agencies;

(B) may include construction activities, clearing or grading of land, improvements to existing structures, and activities or equipment involving the issuance of a permit; or

(C) has the meaning given the term defined in section 21065 of the California Public Resource Code.

(b) **APPLICABILITY OF CERTAIN LAWS.**—The filing of a notice of determination or a notice of exemption for any project, including the issuance of a permit under State law, for any project of the CVP or the delivery of water from the CVP in accordance with the California Environmental Quality Act shall be considered to meet the requirements for that project or permit under section 102(2)(C) of the National Environmental Protection Act of 1969 (42 U.S.C. 4332(2)(C)).

(c) **CONTINUATION OF PROJECT.**—The Bureau of Reclamation shall not be required to cease or modify any major Federal action or other activity for any project of the CVP or the de-

livery of water from the CVP pending completion of judicial review of any determination made under the National Environmental Protection Act of 1969 (42 U.S.C. 4321 et seq.).

**Subtitle B—San Joaquin River Restoration**

**SEC. 731. REPEAL OF THE SAN JOAQUIN RIVER SETTLEMENT.**

As of the date of enactment of this Act, the Secretary shall cease any action to implement the Stipulation of Settlement, Natural Resources Defense Council, Inc. v. Rodgers, No. Civ. S-88-1658 LKK/GGH (E.D. Cal. Sept. 13, 2006).

**SEC. 732. PURPOSE.**

Section 10002 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1349) is amended by striking “implementation of the Settlement” and inserting “restoration of the San Joaquin River”.

**SEC. 733. DEFINITIONS.**

Section 10003 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1349) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(2) by striking paragraph (1) and inserting the following:

“(1) **CRITICAL WATER YEAR.**—The term ‘critical water year’ means a year in which the total unimpaired runoff at Friant Dam is less than 400,000 acre-feet, as forecasted as of March 1 of that water year by the California Department of Water Resources.

“(2) **RESTORATION FLOWS.**—The term ‘Restoration Flows’ means the additional water released or bypassed from Friant Dam to ensure that the target flow entering Mendota Pool, located approximately 62 river miles downstream from Friant Dam, does not fall below a speed of 50 cubic feet per second.”; and

(3) by striking paragraph (4) (as redesignated by paragraph (1)) and inserting the following:

“(4) **WATER YEAR.**—The term ‘water year’ means the period beginning March 1 of a given year and ending on the last day of February of the following calendar year.”.

**SEC. 734. IMPLEMENTATION OF RESTORATION.**

Section 10004 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1350) is amended—

(1) in subsection (a)—

(A) by striking “hereby authorized and directed” and all that follows through “in the Settlement.” and inserting “may carry out the following.”;

(B) by striking paragraphs (1), (2), (4), and (5);

(C) by redesignating paragraph (3) as paragraph (1);

(D) in paragraph (1) (as redesignated by subparagraph (C)), by striking “paragraph 13 of the Settlement” and inserting “this part”; and

(E) by adding at the end the following:

“(2) In each water year, beginning in the water year commencing on March 1, 2013, the Secretary—

“(A) shall modify Friant Dam operations to release the Restoration Flows for that water year, unless the year is a critical water year;

“(B) shall ensure that—

“(i) the release of Restoration Flows are maintained at the level prescribed by this part; and

“(ii) Restoration Flows do not reach downstream of Mendota Pool;

“(C) shall release the Restoration Flows in a manner that improves the fishery in the

San Joaquin River below Friant Dam and upstream of Gravelly Ford, Nevada, as in existence on the date of the enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, including the associated riparian habitat; and

“(D) may, without limiting the actions required under subparagraphs (A) and (C) and subject to paragraph (3) and subsection (1), use the Restoration Flows to enhance or restore a warm water fishery downstream of Gravelly Ford, Nevada, including to Mendota Pool, if the Secretary determines that the action is reasonable, prudent, and feasible.

“(3) Not later than 1 year after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall develop and implement, in cooperation with the State of California, a reasonable plan—

“(A) to fully recirculate, recapture, reuse, exchange, or transfer all Restoration Flows; and

“(B) to provide the recirculated, recaptured, reused, exchanged, or transferred flows to those contractors within the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project that relinquished the Restoration Flows that were recirculated, recaptured, reused, exchanged, or transferred.

“(4) The plan described in paragraph (3) shall—

“(A) address any impact on groundwater resources within the service area of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project and mitigation may include groundwater banking and recharge projects;

“(B) not impact the water supply or water rights of any entity outside the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project; and

“(C) be subject to applicable provisions of California water law and the use by the Secretary of the Interior of Central Valley Project facilities to make Project water (other than water released from Friant Dam under this part) and water acquired through transfers available to existing south of Delta Central Valley Project contractors.”;

(2) in subsection (b)—

(A) in paragraph (1), by striking “the Settlement” and inserting “this part”; and

(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;

(3) in subsection (c), by striking “the Settlement” and inserting “this part”;

(4) by striking subsection (d) and inserting the following:

“(d) MITIGATION OF IMPACTS.—

“(1) IN GENERAL.—Not later than October 1, 2013 and subject to paragraph (2), the Secretary shall identify—

“(A) the impacts associated with the release of Restoration Flows prescribed in this part; and

“(B) the measures to be implemented to mitigate impacts on adjacent and downstream water users, landowners, and agencies as a result of Restoration Flows.

“(2) MITIGATION MEASURES.—Before implementing a decision or agreement to construct, improve, operate, or maintain a facility that the Secretary determines is necessary to implement this part, the Secretary shall implement all mitigation measures identified in paragraph (1)(B) before the date on which Restoration Flows are commenced.”;

(5) in subsection (e), by striking “the Settlement” and inserting “this part”;

(6) in subsection (f), by striking “the Settlement and section 10011” and inserting “this part”;

(7) in subsection (g)—

(A) by striking “the Settlement and”; and  
(B) by striking “or exchange contract” and inserting “exchange contract, water rights settlement, or holding contract”;

(8) in subsection (h)—

(A) by striking “INTERIM” in the header;

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Interim Flows under the Settlement” and inserting “Restoration Flows under this part”;

(ii) in subparagraph (C)—

(I) in clause (i), by striking “Interim” and inserting “Restoration”; and

(II) in clause (ii), by inserting “and” after the semicolon;

(iii) in subparagraph (D), by striking “and” at the end; and

(iv) by striking subparagraph (E);

(C) by striking paragraph (2) and inserting the following:

“(2) CONDITIONS FOR RELEASE.—The Secretary may release Restoration Flows to the extent that the flows would not exceed existing downstream channel capacities.”;

(D) in paragraph (3), by striking “Interim” and inserting “Restoration”; and

(E) by striking paragraph (4) and inserting the following:

“(4) CLAIMS.—Not later than 60 days after the date of enactment of the Sacramento and San Joaquin Valleys Water Reliability Act, the Secretary shall issue, by regulation, a claims process to address claims, including groundwater seepage, flooding, or levee instability damages caused as a result of, arising out of, or related to implementation of this subtitle.”;

(9) in subsection (i)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the Settlement and parts I and III” and inserting “this part”;

(ii) in subparagraph (A), by inserting “and” after the semicolon;

(iii) in subparagraph (B)—

(I) by striking “additional amounts authorized to be appropriated, including the”; and

(II) by striking “; and” and inserting “a period; and

(iv) by striking subparagraph (C); and

(B) by striking paragraph (3); and

(10) by adding at the end the following:

“(k) NO IMPACTS ON OTHER INTERESTS.—

“(1) IN GENERAL.—No Central Valley Project or other water (other than San Joaquin River water impounded by or bypassed from Friant Dam) shall be used to implement subsection (a)(2) unless the use is on a voluntary basis.

“(2) INVOLUNTARY COSTS.—No cost associated with the implementation of this section shall be imposed directly or indirectly on any Central Valley Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the cost is incurred on a voluntary basis.

“(3) REDUCTION IN WATER SUPPLIES.—The implementation of this part shall not directly or indirectly reduce any water supply or water reliability on any Central Valley Project contractor, any State Water Project contractor, or any other person or entity, outside the Friant Division, the Hidden Unit, or the Buchanan Unit, unless the reduction or cost is incurred on a voluntary basis.

“(1) PRIORITY.—Each action taken under this part shall be subordinate to the use by the Secretary of Central Valley Project facilities to make Project water available to Project contractors, other than water released from the Friant Dam under this part.

“(m) APPLICABILITY.—

“(1) IN GENERAL.—Notwithstanding section 8 of the Act of June 17, 1902 (32 Stat. 390, chapter 1093), except as provided in this part and subtitle D of the Sacramento and San Joaquin Valleys Water Reliability Act, this part—

“(A) preempts and supersedes any State law, regulation, or requirement that imposes more restrictive requirements or regulations on the activities authorized under this part; and

“(B) does not alter or modify any obligation of the Friant Division, Hidden Unit, and Buchanan Unit of the Central Valley Project, or other water users on the San Joaquin River, or tributaries of the San Joaquin River, under any order issued by the State Water Resources Control Board under the Porter-Cologne Water Quality Control Act (California Water Code section 13000 et seq.).

“(2) APPLICABILITY.—An order described in paragraph (1)(B) shall be consistent with any congressional authorization for any affected Federal facility relating to the Central Valley Project.

“(n) PROJECT IMPLEMENTATION.—Any project to implement this part shall be phased such that each project shall include—

“(1) the project purpose and need;

“(2) identification of mitigation measures;

“(3) appropriate environmental review; and

“(4) prior to releasing Restoration Flows under this part the completion of the any required mitigation measures and the completion of the project.”.

#### SEC. 735. DISPOSAL OF PROPERTY; TITLE TO FACILITIES.

Section 10005 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1353) is amended—

(1) in subsection (a), by striking “the Settlement authorized by this part” and inserting “this part”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “(1) IN GENERAL.—The Secretary” and inserting “The Secretary”; and

(ii) by striking “the Settlement authorized by this part” and inserting “this part”; and

(B) by striking paragraph (2); and

(3) in subsection (c)—

(A) in paragraph (1), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2)—

(i) by striking “through the exercise of its eminent domain authority”; and

(ii) by striking “the Settlement” and inserting “this part”; and

(C) in paragraph (3), by striking “section 10009(c)” and inserting “section 10009”.

#### SEC. 736. COMPLIANCE WITH APPLICABLE LAW.

Section 10006 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1354) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, unless otherwise provided by this part” before the period at the end; and

(B) in paragraph (2), by striking “the Settlement” and inserting “this part”;

(2) in subsection (b), by inserting “, unless otherwise provided by this part” before the period at the end;

(3) in subsection (c)—

(A) in paragraph (2), by striking “section 10004” and inserting “this part”; and

(B) in paragraph (3), by striking “the Settlement” and inserting “this part”; and

(4) in subsection (d)—

(A) by inserting “, including, without limitation, the costs of implementing subsections (d) and (h)(4) of section 10004,” after “implementing this part”; and

(B) by striking “for implementation of the Settlement.”.

**SEC. 737. COMPLIANCE WITH CENTRAL VALLEY PROJECT IMPROVEMENT ACT.**

Section 10007 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1354) is amended—

(1) in the matter preceding paragraph (1)—  
(A) by striking “the Settlement” and inserting “the enactment of this part”; and

(B) by inserting: “and the obligations of the Secretary and all other parties to protect and keep in good condition any fish that may be planted or exist below Friant Dam, including any obligations under section 5937 of the California Fish and Game Code and the public trust doctrine, and those of the Secretary and all other parties under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)” before “, provided”; and

(2) in paragraph (1), by striking “, as provided in the Settlement”.

**SEC. 738. NO PRIVATE RIGHT OF ACTION.**

Section 10008(a) of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1355) is amended—

(1) by striking “not a party to the Settlement”; and

(2) by striking “or the Settlement” and inserting “unless otherwise provided by this part, but any Central Valley Project long-term water service or repayment contractor within the Friant Division, Hidden unit, or Buchanan unit adversely affected by the failure of the Secretary to comply with section 10004(a)(3) may bring an action against the Secretary for injunctive relief, damages, or both.”.

**SEC. 739. IMPLEMENTATION.**

Section 10009 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1355) is amended—

(1) in the section heading, by striking “; SETTLEMENT FUND”;

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “the Settlement” the first place it appears and inserting “this part”;

(ii) by striking “, estimated to total” and all that follows through “subsection (b)(1).”; and

(iii) by striking “; provided however,” and all that follows through “\$110,000,000 of State funds”;

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “(A) IN GENERAL.—The Secretary” and inserting “The Secretary”; and

(ii) by striking subparagraph (B); and

(C) in paragraph (3)—

(i) by striking “Except as provided in the Settlement, to” and inserting “To”; and

(ii) by striking “this Settlement” and inserting “this part”;

(3) in subsection (b)(1)—

(A) by striking “In addition” and all that follows through “however, that the” and inserting “The”;

(B) by striking “such additional appropriations only in amounts equal to”; and

(C) by striking “or the Settlement”;

(4) in subsection (c)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “the Settlement” and inserting “this part”;

(ii) in subparagraph (C), by striking “from the sale of water pursuant to the Settlement, or”; and

(iii) in subparagraph (D), by striking “the Settlement” and inserting “this part”;

(B) in paragraph (2), by striking “the Settlement and”; and

(5) by striking subsections (d) through (f).

**SEC. 740. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.**

Section 10010 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1358) is amended—

(1) in paragraphs (3)(D) and (4)(C) of subsection (a), by striking “the Settlement and” each place it appears;

(2) in subsection (c), by striking paragraph (3);

(3) in subsection (d)(1), by striking “the Settlement” each place it appears and inserting “this part”;

(4) in subsection (e)—

(A) in paragraph (1)—

(i) by striking “Interim Flows or Restoration Flows, pursuant to paragraphs 13 or 15 of the Settlement” and inserting “Restoration Flows, pursuant to this part”; and

(ii) by striking “Interim Flows or” before “Restoration Flows”; and

(iii) by striking “the Interim Flows or Restoration Flows or is intended to otherwise facilitate the Water Management Goal, as described in the Settlement” and inserting “Restoration Flows”; and

(B) in paragraph (2)—

(i) by striking “except as provided in paragraph 16(b) of the Settlement”; and

(ii) by striking “the Interim Flows or Restoration Flows or to facilitate the Water Management Goal” and inserting “Restoration Flows”.

**SEC. 741. REPEAL.**

Section 10011 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1362) is repealed.

**SEC. 742. WATER SUPPLY MITIGATION.**

Section 10202(b) of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1365) is amended—

(1) in paragraph (1), by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”;

(2) in paragraph (2), by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking “meet the Restoration Goal as described in part I of this subtitle” and inserting “recover Restoration Flows as described in this part”;

(B) in subparagraph (C)—

(i) by striking “the Interim or Restoration Flows authorized in part I of this subtitle” and inserting “Restoration Flows authorized in this part”; and

(ii) by striking “, and for ensuring appropriate adjustment in the recovered water account pursuant to section 10004(a)(5)”.

**SEC. 743. ADDITIONAL AUTHORITIES.**

Section 10203 of the San Joaquin River Restoration Settlement Act (Public Law 111-11; 123 Stat. 1367) is amended—

(1) in subsection (b)—

(A) by striking “section 10004(a)(4)” and inserting “section 10004(a)(3)”; and

(B) by striking “, provided” and all that follows through “section 10009(f)(2)”; and

(2) by striking subsection (c).

**Subtitle C—Repayment Contracts and Acceleration of Repayment of Construction Costs**

**SEC. 751. REPAYMENT CONTRACTS AND ACCELERATION OF REPAYMENT OF CONSTRUCTION COSTS.**

(A) CONVERSION OF CONTRACTS.—

(1) CERTAIN CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date enactment of this Act, the Secretary of the Interior, on the request of a

contractor, shall convert all existing long-term Central Valley Project contracts entered into under section 9(e) of the Act of August 4, 1939 (53 Stat. 1196, chapter 418), to a contract under section 9(d) of that Act (53 Stat. 1195), under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment, either in lump sum or by accelerated prepayment, of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Irrigation Capital Allocations by Contractor, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2013 (or if made in approximately equal annual installments, not later than January 31, 2016), which amount shall be discounted by the Treasury rate (defined as the 20-year Constant Maturity Treasury rate published by the Department of the Treasury as of October 1, 2012);

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the converted contract or not reflected in the schedule described in clause (i) and properly assignable to that contractor, shall be repaid—

(I) in not more than 5 years after the date on which the contractor is notified of the allocation if that amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal \$5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of \$5,000,000 shall not be a precedent in any other context; and

(iii) provide that power revenues will not be available to aid in the repayment of construction costs allocated to irrigation under the contract.

(C) ESTIMATE.—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2013, as adjusted.

(2) OTHER CONTRACTS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, on the request of a contractor, the Secretary may convert any Central Valley Project long-term contract entered into under section 9(c)(2) of the Act of August 4, 1939 (chapter 418; 53 Stat. 1194) to a contract under section 9(c)(1) of that Act, under mutually agreeable terms and conditions.

(B) RESTRICTIONS.—A contract converted under subparagraph (A) shall—

(i) require the repayment in lump sum of the remaining amount of construction costs identified in the most current version of the Central Valley Project Schedule of Municipal and Industrial Water Rates, as adjusted to reflect payments not reflected in that schedule and properly assignable for ultimate return by the contractor, not later than January 31, 2016; and

(ii) require that, notwithstanding subsection (c)(2), construction costs or other capitalized costs incurred after the effective date of the contract or not reflected in the Schedule described in clause (i), and properly assignable to that contractor, shall be repaid—



(I) in not more than 5 years after the date on which the contractor is notified of the allocation if the amount is a result of a collective annual allocation of capital costs to the contractors exercising contract conversions under this subsection of less than \$5,000,000; or

(II) if the allocation of capital costs described in subclause (I) equal \$5,000,000 or more, as provided by applicable reclamation law, subject to the condition that the reference to the amount of \$5,000,000 shall not be a precedent in any other context.

(C) **ESTIMATE.**—Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall provide to each contractor an estimate of the remaining amount of construction costs under subparagraph (B)(i) as of January 31, 2016, as adjusted.

(b) **FINAL ADJUSTMENT.**—

(1) **IN GENERAL.**—The amounts paid pursuant to subsection (a) shall be subject to adjustment following a final cost allocation by the Secretary of the Interior on completion of the construction of the Central Valley Project.

(2) **REPAYMENT OBLIGATION.**—

(A) **IN GENERAL.**—If the final cost allocation indicates that the costs properly assignable to the contractor are greater than the amount that has been paid by the contractor, the contractor shall pay the remaining allocated costs.

(B) **TERMS.**—The term of an additional repayment contract described in subparagraph (A) shall be—

(i) for not less than 1 year and not more than 10 years; and

(ii) based on mutually agreeable provisions regarding the rate of repayment of the amount developed by the parties.

(3) **CREDITS.**—If the final cost allocation indicates that the costs properly assignable to the contractor are less than the amount that the contractor has paid, the Secretary of the Interior shall credit the amount of the overpayment as an offset against any outstanding or future obligation of the contractor.

(c) **APPLICABILITY OF CERTAIN PROVISIONS.**—

(1) **IN GENERAL.**—Notwithstanding any repayment obligation under subsection (a)(1)(B)(ii) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the ownership and full-cost pricing limitations of any provision of the reclamation laws shall not apply to land in that district.

(2) **OTHER CONTRACTS.**—Notwithstanding any repayment obligation under paragraph (1)(B)(ii) or (2)(B)(ii) of subsection (a) or subsection (b), on the compliance of a contractor with and discharge of the obligation of repayment of the construction costs under that subsection, the contractor shall continue to pay applicable operation and maintenance costs and other charges applicable to the repayment contracts pursuant to then-current rate-setting policy and applicable law.

(d) **CERTAIN REPAYMENT OBLIGATIONS NOT ALTERED.**—This section does not—

(1) alter the repayment obligation of any other long-term water service or repayment contractor receiving water from the Central Valley Project; or

(2) shift any costs that would otherwise have been properly assignable to a contractor absent this section, including operations and maintenance costs, construction costs, or other capitalized costs incurred

after the date of enactment of this Act, to other contractors.

(e) **STATUTORY INTERPRETATION.**—Nothing in this subtitle affects the right of any long-term contractor to use a particular type of financing to make the payments required in paragraph (1)(B)(i) or (2)(B)(i) of subsection (a).

#### **Subtitle D—Bay-Delta Watershed Water Rights Preservation and Protection**

##### **SEC. 761. WATER RIGHTS AND AREA-OF-ORIGIN PROTECTIONS.**

Notwithstanding the provisions of this title, Federal reclamation law, or the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.)—

(1) the Secretary of the Interior shall, in the operation of the Central Valley Project—

(A) strictly adhere to State water rights law governing water rights priorities by honoring water rights senior to those belonging to the Central Valley Project, regardless of the source of priority; and

(B) strictly adhere to and honor water rights and other priorities that are obtained or exist pursuant to the California Water Code, including sections 10505, 10505.5, 11128, 11460, 11463, and 12220; and

(2) any action that affects the diversion of water or involves the release of water from any Central Valley Project water storage facility taken by the Secretary of the Interior or the Secretary of Commerce to conserve, enhance, recover, or otherwise protect any species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) shall be applied in a manner that is consistent with water right priorities established by State law.

##### **SEC. 762. SACRAMENTO RIVER SETTLEMENT CONTRACTS.**

(a) **IN GENERAL.**—In carrying out the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) in the Bay-Delta and on the Sacramento River, the Secretary of the Interior and the Secretary of Commerce shall apply any limitations on the operation of the Central Valley Project or relating to the formulation of any reasonable prudent alternative associated with the operation of the Central Valley Project in a manner that strictly adheres to and applies the water rights priorities for project water and base supply as provided in the Sacramento River Settlement Contracts.

(b) **APPLICABILITY.**—Article 3(i) of the Sacramento River Settlement Contracts shall not be used by the Secretary of the Interior or any other Federal agency head as means to provide shortages that are different from those provided for in Article 5(a) of the Sacramento River Settlement Contracts.

##### **SEC. 763. SACRAMENTO RIVER WATERSHED WATER SERVICE CONTRACTORS.**

(a) **EXISTING CENTRAL VALLEY PROJECT AGRICULTURAL WATER SERVICE CONTRACTORS WITHIN SACRAMENTO RIVER WATERSHED.**—In this section, the term “existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed” means water service contractors within the Shasta, Trinity, and Sacramento River Divisions of the Central Valley Project that have a water service contract in effect on the date of enactment of this Act that provides water for irrigation.

(b) **ALLOCATION OF WATER.**—Subject to subsection (c) and the absolute priority of the Sacramento River Settlement Contractors to Sacramento River supplies over Central Valley Project diversions and deliveries to other contractors, the Secretary of the Interior shall, in the operation of the Central Valley Project, allocate water provided for irriga-

tion purposes to existing Central Valley Project agricultural water service contractors within the Sacramento River Watershed as follows:

(1) Not less than 100 percent of the contract quantities in a “Wet” year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(2) Not less than 100 percent of the contract quantities in an “Above Normal” year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(3) Not less than 100 percent of the contract quantities in a “Below Normal” year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(4) Not less than 75 percent of the contract quantities in a “Dry” year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(5) Not less than 50 percent of the contract quantities in a “Critically Dry” year (as that term is defined in the Sacramento Valley Water Year Type (40–30–30) Index).

(c) **PROTECTION OF MUNICIPAL AND INDUSTRIAL SUPPLIES.**—

(1) **IN GENERAL.**—Nothing in this section—

(A) modifies any provision of a water service contract that addresses municipal and industrial water shortage policies of the Secretary of the Interior;

(B) affects or limits the authority of the Secretary of the Interior—

(i) to adopt or modify municipal and industrial water shortage policies; or

(ii) to implement municipal and industrial water shortage policies; or

(C) affects allocations to Central Valley Project municipal and industrial contractors pursuant to the water shortage policies of the Secretary of the Interior.

(2) **APPLICABILITY.**—This section does not constrain, govern, or affect, directly or indirectly, the operations of the American River Division of the Central Valley Project or any deliveries from that Division, including the units and facilities of that Division.

##### **SEC. 764. NO REDIRECTED ADVERSE IMPACTS.**

The Secretary of the Interior shall ensure that there are no redirected adverse water supply or fiscal impacts to the State Water Project or to individuals within the Sacramento River or San Joaquin River watershed arising from the operation of the Secretary of the Central Valley Project to meet legal obligations imposed by or through any Federal or State agency, including—

(1) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(2) this title; and

(3) actions or activities implemented to meet the twin goals of improving water supply and addressing the environmental needs of the Bay-Delta.

#### **Subtitle E—Miscellaneous**

##### **SEC. 771. PRECEDENT.**

Congress finds that—

(1) coordinated operations between the Central Valley Project and the State Water Project, as consented to and requested by the State of California and the Federal Government, require the assertion of Federal supremacy to protect existing water rights throughout the system, a circumstance that is unique to the State of California; and

(2) this title should not serve as precedent for similar operations in any other State.

#### **TITLE VIII—REDUCING REGULATORY BURDENS**

##### **SEC. 801. SHORT TITLE.**

This title may be cited as the “Reducing Regulatory Burdens Act of 2012”.



**SEC. 802. USE OF AUTHORIZED PESTICIDES.**

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 134a(f)) is amended by adding at the end the following:

“(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act (33 U.S.C. 1342(s)), the Administrator or a State may not require a permit under that Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of the pesticide, resulting from the application of the pesticide.”.

**SEC. 803. DISCHARGES OF PESTICIDES.**

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

“(s) DISCHARGES OF PESTICIDES.—

“(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), or the residue of the pesticide, resulting from the application of the pesticide.

“(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

“(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.) that is relevant to protecting water quality, if—

“(i) the discharge would not have occurred but for the violation; or

“(ii) the quantity of a pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

“(B) Stormwater discharges subject to regulation under subsection (p).

“(C) The following discharges subject to regulation under this section:

“(i) Manufacturing or industrial effluent.

“(ii) Treatment works effluent.

“(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.”.

**TITLE IX—FARM DUST REGULATION PREVENTION****SEC. 901. SHORT TITLE.**

This title may be cited as the “Farm Dust Regulation Prevention Act of 2012”.

**SEC. 902. TEMPORARY PROHIBITION AGAINST REVISING ANY NATIONAL AMBIENT AIR QUALITY STANDARD APPLICABLE TO COARSE PARTICULATE MATTER.**

Before the date that is 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this title as the “Administrator”) may not propose, finalize, implement, or enforce any regulation revising the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to particulate matter with an aerodynamic diameter greater than 2.5 micrometers under section 109 of the Clean Air Act (42 U.S.C. 7409).

**SEC. 903. NUISANCE DUST.**

Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

**“SEC. 132. REGULATION OF NUISANCE DUST PRIMARILY BY STATE, TRIBAL, AND LOCAL GOVERNMENTS.**

“(a) DEFINITION OF NUISANCE DUST.—In this section:

“(1) IN GENERAL.—The term ‘nuisance dust’ means particulate matter that—

“(A) is generated primarily from natural sources, unpaved roads, agricultural activities, earth moving, or other activities typically conducted in rural areas;

“(B) consists primarily of soil, other natural or biological materials, or some combination of those materials;

“(C) is not emitted directly into the ambient air from combustion, such as exhaust from combustion engines and emissions from stationary combustion processes; and

“(D) is not comprised of residuals from the combustion of coal.

“(2) EXCLUSION.—The term ‘nuisance dust’ does not include radioactive particulate matter produced from uranium mining or processing.

“(b) APPLICABILITY.—Except as provided in subsection (c), this Act does not apply to, and references in this Act to particulate matter are deemed to exclude, nuisance dust.

“(c) EXCEPTION.—Subsection (a) does not apply with respect to any geographical area in which nuisance dust is not regulated under State, tribal, or local law insofar as the Administrator, in consultation with the Secretary of Agriculture, finds that—

“(1) nuisance dust (or any subcategory of nuisance dust) causes substantial adverse public health and welfare effects at ambient concentrations; and

“(2) the benefits of applying standards and other requirements of this Act to nuisance dust (or a subcategory of nuisance dust) outweigh the costs (including local and regional economic and employment impacts) of applying those standards and other requirements to nuisance dust (or a subcategory).”.

**SEC. 904. SENSE OF CONGRESS.**

It is the sense of Congress that the Administrator should implement an approach to excluding so-called “exceptional events”, or events that are not reasonably controllable or preventable, from determinations of whether an area is in compliance with any national ambient air quality standard applicable to coarse particulate matter that—

(1) maximizes transparency and predictability for States, Indian tribes, and local governments; and

(2) minimizes the regulatory and cost burdens States, Indian tribes, and local governments bear in excluding those events.

**SEC. 905. IMPACTS OF EPA REGULATORY ACTIVITY ON EMPLOYMENT AND ECONOMIC ACTIVITY IN AGRICULTURE COMMUNITY.**

(a) DEFINITIONS.—In this section:

(1) COVERED ACTION.—The term “covered action” means any of the following actions taken by the Administrator under the Clean Air Act (42 U.S.C. 7401 et seq.) relating to agriculture and the national primary ambient air quality standard or the national secondary ambient air quality standard for particulate matter:

(A) Promulgating or issuing a regulation, policy statement, guidance, response to a petition, or other requirement.

(B) Implementing a new or substantially altered program.

(2) MORE THAN A DE MINIMIS NEGATIVE IMPACT.—The term “more than a de minimis negative impact” means—

(A) with respect to employment levels, a loss of more than 100 jobs relating to the agriculture industry, as calculated by excluding consideration of any offsetting job gains that result from the hypothetical creation of new jobs through new technologies or government employment; and

(B) with respect to economic activity, a decrease in agricultural economic activity of

more than \$1,000,000 over any calendar year, as calculated by excluding consideration of any offsetting economic activity that results from the hypothetical creation of new economic activity through new technologies or government employment.

(b) ANALYSIS OF IMPACTS OF ACTIONS ON EMPLOYMENT AND ECONOMIC ACTIVITY IN THE AGRICULTURE COMMUNITY.—

(1) ANALYSIS.—Before taking a covered action, the Administrator shall analyze the impact, disaggregated by State, of the covered action on—

(A) employment levels in the agriculture industry; and

(B) agricultural economic activity, including estimated job losses and decreased economic activity relating to agriculture.

(2) ECONOMIC MODELS.—

(A) IN GENERAL.—In carrying out paragraph (1), the Administrator shall use the best available economic models.

(B) ANNUAL GAO REPORT.—Not later than December 31 of each year, the Comptroller General of the United States shall submit to Congress a report on the economic models used by the Administrator to carry out this subsection.

(3) AVAILABILITY OF INFORMATION.—With respect to any covered action, the Administrator shall—

(A) post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Environmental Protection Agency;

(B) request the Secretary of Agriculture to post the analysis under paragraph (1) as a link on the main page of the public Internet website of the Department of Agriculture; and

(C) request that the Governor of any State experiencing more than a de minimis negative impact post the analysis on the main page of the public Internet website of the State.

(c) PUBLIC HEARINGS.—

(1) IN GENERAL.—If the Administrator concludes under subsection (a)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in a State, the Administrator shall hold a public hearing in each such State at least 30 days before the effective date of the covered action.

(2) TIME, LOCATION, AND SELECTION.—A public hearing required under paragraph (1) shall be held at—

(A) a convenient time and location for impacted residents; and

(B) at such location selected by the Administrator as shall give priority to locations in the State that will experience the greatest number of job losses.

(d) NOTIFICATION.—If the Administrator concludes under subsection (b)(1) that a covered action will have more than a de minimis negative impact on agricultural employment levels or agricultural economic activity in any State, the Administrator shall give notice of the impact to the congressional delegation, Governor, and legislature of the State at least 45 days before the effective date of the covered action.

**TITLE X—ENERGY TAX PREVENTION****SEC. 1001. SHORT TITLE.**

This title may be cited as the “Energy Tax Prevention Act of 2012”.

**SEC. 1002. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.**

Title III of the Clean Air Act (42 U.S.C. 7601 et seq.) is amended by adding at the end the following:

**“SEC. 330. NO REGULATION OF EMISSIONS OF GREENHOUSE GASES.**

“(a) DEFINITION.—In this section, the term ‘greenhouse gas’ means any of the following:

- “(1) Water vapor.
- “(2) Carbon dioxide.
- “(3) Methane.
- “(4) Nitrous oxide.
- “(5) Sulfur hexafluoride.
- “(6) Hydrofluorocarbons.
- “(7) Perfluorocarbons.
- “(8) Any other substance subject to, or proposed to be subject to, regulation, action, or consideration under this Act to address climate change.

“(b) LIMITATION ON AGENCY ACTION.—

“(1) LIMITATION.—

“(A) IN GENERAL.—The Administrator may not, under this Act, promulgate any regulation concerning, take action relating to, or take into consideration the emission of a greenhouse gas to address climate change.

“(B) AIR POLLUTANT DEFINITION.—The definition of the term ‘air pollutant’ in section 302(g) does not include a greenhouse gas. Notwithstanding the previous sentence, such definition may include a greenhouse gas for purposes of addressing concerns other than climate change.

“(2) EXCEPTIONS.—Paragraph (1) does not prohibit the following:

“(A) Notwithstanding paragraph (4)(B), implementation and enforcement of the rule entitled ‘Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy Standards’ (75 Fed. Reg. 25324 (May 7, 2010) and without further revision) and finalization, implementation, enforcement, and revision of the proposed rule entitled ‘Greenhouse Gas Emissions Standards and Fuel Efficiency Standards for Medium- and Heavy-Duty Engines and Vehicles’ published at 75 Fed. Reg. 74152 (November 30, 2010).

“(B) Implementation and enforcement of section 211(o).

“(C) Statutorily authorized Federal research, development, and demonstration programs addressing climate change.

“(D) Implementation and enforcement of title VI to the extent such implementation or enforcement only involves one or more class I or class II substances (as such terms are defined in section 601).

“(E) Implementation and enforcement of section 821 (42 U.S.C. 7651k note) of Public Law 101-549 (commonly referred to as the ‘Clean Air Act Amendments of 1990’).

“(3) INAPPLICABILITY OF PROVISIONS.—Nothing listed in paragraph (2) shall cause a greenhouse gas to be subject to part C of title I (relating to prevention of significant deterioration of air quality) or considered an air pollutant for purposes of title V (relating to air permits).

“(4) CERTAIN PRIOR AGENCY ACTIONS.—The following rules, and actions (including any supplement or revision to such rules and actions) are repealed and shall have no legal effect:

“(A) ‘Mandatory Reporting of Greenhouse Gases’, published at 74 Fed. Reg. 56260 (October 30, 2009).

“(B) ‘Endangerment and Cause or Contribute Findings for Greenhouse Gases under section 202(a) of the Clean Air Act’ published at 74 Fed. Reg. 66496 (Dec. 15, 2009).

“(C) ‘Reconsideration of the Interpretation of Regulations That Determine Pollutants Covered by Clean Air Act Permitting Programs’ published at 75 Fed. Reg. 17004 (April 2, 2010) and the memorandum from Stephen L. Johnson, Environmental Protection Agency (EPA) Administrator, to EPA Regional Administrators, concerning ‘EPA’s Interpre-

tation of Regulations that Determine Pollutants Covered by Federal Prevention of Significant Deterioration (PSD) Permit Program’ (Dec. 18, 2008).

“(D) ‘Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 31514 (June 3, 2010).

“(E) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Substantial Inadequacy and SIP Call’, published at 75 Fed. Reg. 77698 (December 13, 2010).

“(F) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Finding of Failure to Submit State Implementation Plan Revisions Required for Greenhouse Gases’, published at 75 Fed. Reg. 81874 (December 29, 2010).

“(G) ‘Action To Ensure Authority To Issue Permits Under the Prevention of Significant Deterioration Program to Sources of Greenhouse Gas Emissions: Federal Implementation Plan’, published at 75 Fed. Reg. 82246 (December 30, 2010).

“(H) ‘Action To Ensure Authority To Implement Title V Permitting Programs Under the Greenhouse Gas Tailoring Rule’, published at 75 Fed. Reg. 82254 (December 30, 2010).

“(I) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program’, published at 75 Fed. Reg. 82430 (December 30, 2010).

“(J) ‘Limitation of Approval of Prevention of Significant Deterioration Provisions Concerning Greenhouse Gas Emitting-Sources in State Implementation Plans; Final Rule’, published at 75 Fed. Reg. 82536 (December 30, 2010).

“(K) ‘Determinations Concerning Need for Error Correction, Partial Approval and Partial Disapproval, and Federal Implementation Plan Regarding Texas Prevention of Significant Deterioration Program; Proposed Rule’, published at 75 Fed. Reg. 82365 (December 30, 2010).

“(L) Except for action listed in paragraph (2), any other Federal action under this Act occurring before the date of enactment of this section that applies a stationary source permitting requirement or an emissions standard for a greenhouse gas to address climate change.

“(5) STATE ACTION.—

“(A) NO LIMITATION.—This section does not limit or otherwise affect the authority of a State to adopt, amend, enforce, or repeal State laws and regulations pertaining to the emission of a greenhouse gas.

“(B) EXCEPTION.—

“(i) RULE.—Notwithstanding subparagraph (A), any provision described in clause (ii)—

“(I) is not federally enforceable;

“(II) is not deemed to be a part of Federal law; and

“(III) is deemed to be stricken from the plan described in clause (ii)(I) or the program or permit described in clause (ii)(II), as applicable.

“(ii) PROVISIONS DEFINED.—For purposes of clause (i), the term ‘provision’ means any provision that—

“(I) is contained in a State implementation plan under section 110 and authorizes or requires a limitation on, or imposes a permit requirement for, the emission of a greenhouse gas to address climate change; or

“(II) is part of an operating permit program under title V, or a permit issued pursuant to title V, and authorizes or requires a limitation on the emission of a greenhouse gas to address climate change.

“(C) ACTION BY ADMINISTRATOR.—The Administrator may not approve or make federally enforceable any provision described in subparagraph (B)(ii).”

**SEC. 1003. PRESERVING ONE NATIONAL STANDARD FOR AUTOMOBILES.**

Section 209(b) of the Clean Air Act (42 U.S.C. 7543) is amended by adding at the end the following:

“(4) With respect to standards for emissions of greenhouse gases (as defined in section 330) for model year 2017 or any subsequent model year for new motor vehicles and new motor vehicle engines—

“(A) the Administrator may not waive application of subsection (a); and

“(B) no waiver granted prior to the date of enactment of this paragraph may be considered to waive the application of subsection (a).”

**SA 2912.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121 and insert the following:

**SEC. 121. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE LEAD USED HUNTING AMMUNITION AND SPORT FISHING EQUIPMENT.**

(a) IN GENERAL.—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any lead or lead compound that is used in an article that is intended for hunting, including shot, bullets and other projectiles, propellants, and primers;”;

(2) in clause (vi), by striking the period at the end and inserting “; and”;

(3) by adding at the end the following:

“(vii) lead or a lead compound that is used in any sport fishing equipment (as defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof), the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”

(b) RELATIONSHIP TO OTHER LAW.—Nothing in this section or any amendment made by this section affects or limits the application of, or obligation to comply with, any other Federal, State, or local law.

**SA 2913.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 121.

**SA 2914.** Mr. COBURN (for himself, Mr. WEBB, Mr. WICKER, Mr. INHOFE, Mr. ROBERTS, Mr. BLUNT, Mr. ENZI, Mr. BOOZMAN, Mr. BURR, Mr. CRAPO, Mr. HATCH, and Ms. COLLINS) submitted an

amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

**Subtitle D—Other Matters**

**SEC. 131. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.**

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

**“§5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes**

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

**SA 2915.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

On page 93, strike lines 8 through 16 and insert the following:

(2) in section 204 (43 U.S.C. 2303), by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary and the Secretary of Agriculture shall establish a procedure to identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States.”.

(3) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a)—

(i) by striking “, using funds made available under section 206.”; and

(ii) by striking “this Act” and inserting “the Sportsmen’s Act of 2012”; and

(B) in subsection (d), by striking “11” and inserting “22”;

(4) in section 206 (43 U.S.C. 2305), by striking subsections (b) through (f) and inserting the following:

“(b) AVAILABILITY.—Of the amounts in the Federal Land Disposal Account—

“(1) 50 percent shall be made available to the Secretary of the Treasury, without further appropriation, for Federal budget deficit reduction; and

“(2) 50 percent shall be made available to the Secretary and the Secretary of Agriculture, without further appropriation, to address the maintenance backlog on Federal land.”; and

(5) in section 207(b) (43 U.S.C. 2306(b))—

**SA 2916.** Mr. COBURN submitted an amendment intended to be proposed to

amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 246 and insert the following:

**SEC. 246. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.**

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

**“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

“There is authorized to be appropriated to carry out this Act \$6,500,000 for each of fiscal years 2012 through 2017.”.

**SA 2917.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle A of title II.

**SA 2918.** Mr. COBURN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 104. PROTECTING AMERICANS FROM VIOLENT CRIME.**

(a) FINDINGS.—Congress finds that—

(1) the Second Amendment of the Constitution provides that “the right of the people to keep and bear arms shall not be infringed”; and

(2) section 327.13 of title 36, Code of Federal Regulations provides that, except in special circumstances, “possession of loaded firearms, ammunition, loaded projectile firing devices, bows and arrows, crossbows, or other weapons is prohibited” at water resources development projects administered by the Secretary of the Army;

(3) the regulations described in paragraph (2) prevent individuals complying with Federal and State laws from exercising the Second Amendment rights of the individuals while at the water resources development projects; and

(4) Federal laws should make it clear that the Second Amendment rights of an individual at a water resources development project should not be infringed.

(b) PROTECTING THE RIGHT OF INDIVIDUALS TO BEAR ARMS AT WATER RESOURCES DEVELOPMENT PROJECTS.—The Secretary of the Army shall not promulgate or enforce any regulation that prohibits an individual from possessing a firearm, including an assembled or functional firearm, at a water resources development project covered under part 327 of title 36, Code of Federal Regulations (as in effect on the date of enactment of this Act), if—

(1) the individual is not otherwise prohibited by law from possessing the firearm; and

(2) the possession of the firearm is in compliance with the law of the State in which the water resources development project is located.

**SA 2919.** Ms. MURKOWSKI submitted an amendment intended to be proposed

to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title I, add the following:

**SEC. 104. HERITAGE OF RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING ON FEDERAL LAND.**

(a) DEFINITIONS.—In this section:

(1) FEDERAL PUBLIC LAND.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “Federal public land” means any land or water that is—

(i) owned by the United States; and

(ii) managed by a Federal agency (including the Department of the Interior and the Forest Service) for purposes that include the conservation of natural resources.

(B) EXCLUSIONS.—The term “Federal public land” does not include—

(i) land or water held or managed in trust for the benefit of Indians or other Native Americans;

(ii) land managed by the Director of the National Park Service or the Director of the United States Fish and Wildlife Service;

(iii) fish hatcheries; or

(iv) conservation easements on private land.

(2) HUNTING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “hunting” means use of a firearm, bow, or other authorized means in the lawful—

(i) pursuit, shooting, capture, collection, trapping, or killing of wildlife; or

(ii) attempt to pursue, shoot, capture, collect, trap, or kill wildlife.

(B) EXCLUSION.—The term “hunting” does not include the use of skilled volunteers to cull excess animals (as defined by other Federal law).

(3) RECREATIONAL FISHING.—The term “recreational fishing” means—

(A) an activity for sport or for pleasure that involves—

(i) the lawful catching, taking, or harvesting of fish; or

(ii) the lawful attempted catching, taking, or harvesting of fish; or

(B) any other activity for sport or pleasure that can reasonably be expected to result in the lawful catching, taking, or harvesting of fish.

(4) RECREATIONAL SHOOTING.—The term “recreational shooting” means any form of sport, training, competition, or pastime, whether formal or informal, that involves the discharge of a rifle, handgun, or shotgun, or the use of a bow and arrow.

(b) RECREATIONAL FISHING, HUNTING, AND RECREATIONAL SHOOTING.—

(1) IN GENERAL.—Subject to valid existing rights, and in cooperation with the respective State and fish and wildlife agency, a Federal public land management official shall exercise the authority of the official under existing law (including provisions regarding land use planning) to facilitate use of and access to Federal public land for recreational fishing, hunting, and recreational shooting except as limited by—

(A) any law that authorizes action or withholding action for reasons of national security, public safety, or resource conservation;

(B) any other Federal law that precludes recreational fishing, hunting, or recreational shooting on specific Federal public land or water or units of Federal public land; and

(C) discretionary limitations on recreational fishing, hunting, and recreational shooting determined to be necessary and reasonable as supported by the best scientific evidence and advanced through a transparent public process.

(2) **MANAGEMENT.**—Consistent with paragraph (1), the head of each Federal public land management agency shall exercise the land management discretion of the head—

(A) in a manner that supports and facilitates recreational fishing, hunting, and recreational shooting opportunities;

(B) to the extent authorized under applicable State law; and

(C) in accordance with applicable Federal law.

(3) **PLANNING.**—

(A) **EFFECTS OF PLANS AND ACTIVITIES.**—

(i) **EVALUATION OF EFFECTS ON OPPORTUNITIES TO ENGAGE IN RECREATIONAL FISHING, HUNTING, OR RECREATIONAL SHOOTING.**—Federal public land planning documents (including land resources management plans, resource management plans, travel management plans, and energy development plans) shall include a specific evaluation of the effects of the plans on opportunities to engage in recreational fishing, hunting, or recreational shooting.

(ii) **OTHER ACTIVITY NOT CONSIDERED.**—

(I) **IN GENERAL.**—Federal public land management officials shall not be required to consider the existence or availability of recreational fishing, hunting, or recreational shooting opportunities on private or public land that is located adjacent to, or in the vicinity of, Federal public land for purposes of—

(aa) planning for or determining which units of Federal public land are open for recreational fishing, hunting, or recreational shooting; or

(bb) setting the levels of use for recreational fishing, hunting, or recreational shooting on Federal public land.

(II) **ENHANCED OPPORTUNITIES.**—Federal public land management officials may consider the opportunities described in subclause (I) if the combination of those opportunities would enhance the recreational fishing, hunting, or shooting opportunities available to the public.

(B) **USE OF VOLUNTEERS.**—If hunting is prohibited by law, all Federal public land planning document described in subparagraph (A)(i) of an agency shall, after appropriate coordination with State fish and wildlife agencies, allow the participation of skilled volunteers in the culling and other management of wildlife populations on Federal public land unless the head of the agency demonstrates, based on the best scientific data available or applicable Federal law, why skilled volunteers should not be used to control overpopulation of wildlife on the land that is the subject of the planning document.

(4) **BUREAU OF LAND MANAGEMENT AND FOREST SERVICE LAND.**—

(A) **LAND OPEN.**—

(i) **IN GENERAL.**—Land under the jurisdiction of the Bureau of Land Management or the Forest Service (including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas, but excluding land on the outer Continental Shelf) shall be open to recreational fishing, hunting, and recreational shooting unless the managing Federal public land agency acts to close the land to such activity.

(ii) **MOTORIZED ACCESS.**—Nothing in this subparagraph authorizes or requires motor-

ized access or the use of motorized vehicles for recreational fishing, hunting, or recreational shooting purposes within land designated as a wilderness study area or administratively classified as wilderness eligible or suitable.

(B) **CLOSURE OR RESTRICTION.**—Land described in subparagraph (A) may be subject to closures or restrictions if determined by the head of the agency to be necessary and reasonable and supported by facts and evidence for purposes including resource conservation, public safety, energy or mineral production, energy generation or transmission infrastructure, water supply facilities, protection of other permittees, protection of private property rights or interests, national security, or compliance with other law, as determined appropriate by the Director of the Bureau of Land Management or the Chief of the Forest Service, as applicable.

(C) **SHOOTING RANGES.**—

(i) **IN GENERAL.**—Except as provided in clause (iii), the head of each Federal public land agency may use the authorities of the head, in a manner consistent with this section and other applicable law—

(I) to lease or permit use of land under the jurisdiction of the head for shooting ranges; and

(II) to designate specific land under the jurisdiction of the head for recreational shooting activities.

(ii) **LIMITATION ON LIABILITY.**—Any designation under clause (i)(II) shall not subject the United States to any civil action or claim for monetary damages for injury or loss of property or personal injury or death caused by any recreational shooting activity occurring at or on the designated land.

(iii) **EXCEPTION.**—The head of each Federal public land agency shall not lease or permit use of Federal public land for shooting ranges or designate land for recreational shooting activities within including a component of the National Wilderness Preservation System, land designated as a wilderness study area or administratively classified as wilderness eligible or suitable, and primitive or semiprimitive areas.

(5) **REPORT.**—Not later than October 1 of every other year, beginning with the second October 1 after the date of enactment of this Act, the head of each Federal public land agency who has authority to manage Federal public land on which recreational fishing, hunting, or recreational shooting occurs shall submit to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes—

(A) any Federal public land administered by the agency head that was closed to recreational fishing, hunting, or recreational shooting at any time during the preceding year; and

(B) the reason for the closure.

(6) **CLOSURES OR SIGNIFICANT RESTRICTIONS OF 1,280 OR MORE ACRES.**—

(A) **IN GENERAL.**—Other than closures established or prescribed by land planning actions referred to in paragraph (4)(B) or emergency closures described in subparagraph (C), a permanent or temporary withdrawal, change of classification, or change of management status of Federal public land or water that effectively closes or significantly restricts 1,280 or more contiguous acres of Federal public land or water to access or use for recreational fishing or hunting or activities relating to fishing or hunting shall take effect only if, before the date of withdrawal

or change, the head of the Federal public land agency that has jurisdiction over the Federal public land or water—

(i) publishes appropriate notice of the withdrawal or change, respectively;

(ii) demonstrates that coordination has occurred with a State fish and wildlife agency; and

(iii) submits to the Committee on Natural Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate written notice of the withdrawal or change, respectively.

(B) **AGGREGATE OR CUMULATIVE EFFECTS.**—If the aggregate or cumulative effect of separate withdrawals or changes effectively closes or significant restrictions affects 1,280 or more acres of land or water, the withdrawals and changes shall be treated as a single withdrawal or change for purposes of subparagraph (A).

(C) **EMERGENCY CLOSURES.**—

(i) **IN GENERAL.**—Nothing in this section prohibits a Federal public land management agency from establishing or implementing emergency closures or restrictions of the smallest practicable area of Federal public land to provide for public safety, resource conservation, national security, or other purposes authorized by law.

(ii) **TERMINATION.**—An emergency closure under clause (i) shall terminate after a reasonable period of time unless the temporary closure is converted to a permanent closure consistent with this subsection.

(7) **NO PRIORITY.**—Nothing in this section requires a Federal agency to give preference to recreational fishing, hunting, or recreational shooting over other uses of Federal public land or over land or water management priorities established by other Federal law.

(8) **CONSULTATION WITH COUNCILS.**—In carrying out this section, the heads of Federal public land agencies shall consult with the appropriate advisory councils established under Executive Order 12962 (16 U.S.C. 1801 note; relating to recreational fisheries) and Executive Order 13443 (16 U.S.C. 661 note; relating to facilitation of hunting heritage and wildlife conservation).

(9) **AUTHORITY OF STATES.**—

(A) **IN GENERAL.**—Nothing in this section interferes with, diminishes, or conflicts with the authority, jurisdiction, or responsibility of any State to manage, control, or regulate fish and wildlife under State law (including regulations) on land or water within the State, including on Federal public land.

(B) **FEDERAL LICENSES.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), nothing in this section authorizes the head of a Federal public land agency head to require a license, fee, or permit to fish, hunt, or trap on land or water in a State, including on Federal public land in the State.

(ii) **MIGRATORY BIRD STAMPS.**—This subparagraph shall not affect any migratory bird stamp requirement of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a et seq.).

**SA 2920.** Ms. SNOWE submitted an amendment intended to be proposed by her to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

### TITLE III—HARMFUL ALGAL BLOOMS AND HYPOXIA RESEARCH AND CONTROL

#### SECTION 301. SHORT TITLE.

This title may be cited as the “Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012”.

#### SEC. 302. AMENDMENT OF HARMFUL ALGAL BLOOM AND HYPOXIA RESEARCH AND CONTROL ACT OF 1998.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998 (16 U.S.C. 1451 note).

#### SEC. 303. FINDINGS.

Section 602 is amended to read as follows:

##### “§ 602. Findings

“Congress finds the following:

“(1) Harmful algal blooms and hypoxia—

“(A) are increasing in frequency and intensity in the Nation’s coastal waters and Great Lakes;

“(B) pose a threat to the health of coastal and Great Lakes ecosystems;

“(C) are costly to coastal economies; and

“(D) threaten the safety of seafood and human health.

“(2) Excessive nutrients in coastal waters have been linked to the increased intensity and frequency of hypoxia and some harmful algal blooms. There is a need to identify more workable and effective actions to reduce the negative impacts of harmful algal blooms and hypoxia on coastal waters.

“(3) The National Oceanic and Atmospheric Administration, through its ongoing research, monitoring, observing, education, grant, and coastal resource management programs and in collaboration with the other Federal agencies on the Inter-Agency Task Force on Harmful Algal Blooms and Hypoxia, along with States, Indian tribes, and local governments, possesses the capabilities necessary to support a near and long-term comprehensive effort to prevent, reduce, and control the human and environmental costs of harmful algal blooms and hypoxia.

“(4) Increases in nutrient loading from point and nonpoint sources can trigger and exacerbate harmful algal blooms and hypoxia. Since much of the increases originate in upland areas and are delivered to marine and freshwater bodies via river discharge, integrated and landscape-level research and control strategies are required.

“(5) Harmful algal blooms and hypoxia affect many sectors of the coastal economy, including tourism, public health, and recreational and commercial fisheries. According to a recent report produced by the National Oceanic and Atmospheric Administration, the United States seafood, restaurant, and tourism industries suffer estimated annual losses of at least \$82,000,000 due to the economic impacts of harmful algal blooms.

“(6) The proliferation of harmful and nuisance algae can occur in all United States waters, including coastal areas (such as estuaries), the Great Lakes, and inland waterways, crossing political boundaries and necessitating regional coordination for research, monitoring, mitigation, response, and prevention efforts.

“(7) Federally funded and other research has led to several technological advances, including remote sensing, molecular and optical tools, satellite imagery, and coastal and ocean observing systems, that—

“(A) provide data for forecast models;

“(B) improve the monitoring and prediction of these events; and

“(C) provide essential decision making tools for managers and stakeholders.”.

#### SEC. 304. PURPOSES.

The Act is amended by inserting after section 602 the following:

##### “§ 602A. Purposes

“The purposes of this title are—

“(1) to provide for the development and coordination of a comprehensive and integrated national program to address harmful algal blooms and hypoxia through baseline research, monitoring, prevention, mitigation, and control;

“(2) to provide for the assessment of environmental, socioeconomic, and human health impacts of harmful algal blooms and hypoxia on a regional and national scale, and to integrate this assessment into marine and freshwater resource decisions; and

“(3) to facilitate regional, State, tribal, and local efforts to develop and implement appropriate harmful algal bloom and hypoxia response plans, strategies, and tools, including outreach programs and information dissemination mechanisms.”.

#### SEC. 305. INTER-AGENCY TASK FORCE ON HARMFUL ALGAL BLOOMS AND HYPOXIA.

Section 603(a) is amended—

(1) by striking “the following representatives from” and inserting “a representative from”;

(2) in paragraph (11), by striking “and”;

(3) by redesignating paragraph (12) as paragraph (13);

(4) by inserting after paragraph (11) the following:

“(12) the Centers for Disease Control; and”;

and

(5) in paragraph (13), as redesignated, by striking “such”.

#### SEC. 306. NATIONAL HARMFUL ALGAL BLOOM AND HYPOXIA PROGRAM.

The Act is amended by inserting after section 603 the following:

##### “§ 603A. National harmful algal bloom and hypoxia program

“(a) ESTABLISHMENT.—Except as provided in subsection (d), the Under Secretary, acting through the Task Force established under section 603, shall establish and maintain a national harmful algal bloom and hypoxia program.

“(b) ACTION STRATEGY.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, the Task Force shall develop a national harmful algal blooms and hypoxia action strategy that—

“(A) is consistent with the purposes under section 602A;

“(B) includes a statement of goals and objectives; and

“(C) includes an implementation plan.

“(2) PUBLICATION.—Not later than 30 days after the date that the action strategy is developed, the Task Force shall—

“(A) submit the action strategy to Congress; and

“(B) publish the action strategy in the Federal Register.

“(3) PERIODIC REVISION.—The Task Force shall periodically review and revise the action strategy, as necessary.

“(c) TASK FORCE FUNCTIONS.—The Task Force shall—

“(1) coordinate interagency review of plans and policies of the Program;

“(2) assess interagency work and spending plans for implementing the activities of the Program;

“(3) review the Program’s distribution of Federal grants and funding to address research priorities;

“(4) support the implementation of the actions and strategies identified in the regional research and action plans under section 603B;

“(5) support the development of institutional mechanisms and financial instruments to further the goals of the Program;

“(6) coordinate and integrate the research of all Federal programs, including ocean and Great Lakes science and management programs and centers, that address the chemical, biological, and physical components of marine and freshwater harmful algal blooms and hypoxia;

“(7) expedite the interagency review process by ensuring timely review and dispersal of required reports and assessments under this title;

“(8) promote the development of new technologies for predicting, monitoring, and mitigating harmful algal blooms and hypoxia conditions; and

“(9) establish such interagency working groups as it considers necessary.

“(d) LEAD FEDERAL AGENCY.—The National Oceanic and Atmospheric Administration shall have primary responsibility for administering the Program.

“(e) PROGRAM DUTIES.—In administering the Program, the Under Secretary shall—

“(1) develop and promote a national strategy to understand, detect, predict, control, mitigate, and respond to marine and freshwater harmful algal bloom and hypoxia events;

“(2) prepare work and spending plans for implementing the activities of the Program and developing and implementing the regional research and action plans;

“(3) administer merit-based, competitive grant funding—

“(A) to support the projects maintained and established by the Program; and

“(B) to address the research and management needs and priorities identified in the regional research and action plans;

“(4) coordinate and work cooperatively with regional, State, tribal, and local government agencies and programs that address marine and freshwater harmful algal blooms and hypoxia;

“(5) coordinate with the Secretary of State to support international efforts on marine and freshwater harmful algal bloom and hypoxia information sharing, research, mitigation, control, and response activities;

“(6) identify additional research, development, and demonstration needs and priorities relating to monitoring, prevention, control, mitigation, and response to marine and freshwater harmful algal blooms and hypoxia, including methods and technologies to protect the ecosystems affected by marine and freshwater harmful algal blooms and hypoxia;

“(7) integrate, coordinate, and augment existing education programs to improve public understanding and awareness of the causes, impacts, and mitigation efforts for marine and freshwater harmful algal blooms and hypoxia;

“(8) facilitate and provide resources to train State and local coastal and water resource managers in the methods and technologies for monitoring, controlling, and mitigating marine and freshwater harmful algal blooms and hypoxia;

“(9) support regional efforts to control and mitigate outbreaks through—

“(A) communication of the contents of the regional research and action plans and maintenance of online data portals for other information about harmful algal blooms and hypoxia to State and local stakeholders

within the region for which each plan is developed; and

“(B) overseeing the development, review, and periodic updating of regional research and action plans;

“(10) convene at least 1 meeting of the Task Force each year; and

“(11) perform such other tasks as may be delegated by the Task Force.

“(f) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACTIVITIES.—The Under Secretary shall—

“(1) maintain and enhance the existing competitive programs at the National Oceanic and Atmospheric Administration relating to marine and freshwater algal blooms and hypoxia;

“(2) carry out marine and Great Lakes harmful algal bloom and hypoxia events response activities;

“(3) establish new programs and infrastructure, as necessary, to develop and enhance the critical observations, monitoring, modeling, data management, information dissemination, and operational forecasts required to meet the purposes under section 602A;

“(4) enhance communication and coordination among Federal agencies carrying out marine and freshwater harmful algal bloom and hypoxia activities;

“(5) to the greatest extent practicable, leverage existing resources and expertise available from local research universities and institutions to meet the purposes under section 602A; and

“(6) increase the availability to appropriate public and private entities of—

“(A) analytical facilities and technologies;

“(B) operational forecasts; and

“(C) reference and research materials.

“(g) COOPERATIVE EFFORTS.—The Under Secretary shall work cooperatively and avoid duplication of effort with other offices, centers, and programs within the National Oceanic and Atmospheric Administration, other agencies on the Task Force, and States, tribes, and nongovernmental organizations concerned with marine and freshwater issues to coordinate harmful algal blooms and hypoxia (and related) activities and research.

“(h) FRESHWATER PROGRAM.—With respect to the freshwater aspects of the Program, except for those aspects occurring in the Great Lakes, the Administrator of the Environmental Protection Agency, in consultation with the Under Secretary, through the Task Force, shall—

“(1) carry out the duties assigned to the Under Secretary under this section and section 603B, including the activities under subsection (g);

“(2) research the ecology of freshwater harmful algal blooms;

“(3) monitor and respond to freshwater harmful algal blooms events in lakes (except for the Great Lakes), rivers, and reservoirs;

“(4) mitigate and control freshwater harmful algal blooms; and

“(5) recommend the amount of funding required to carry out subsection (g) for inclusion in the President's annual budget request to Congress.

“(i) INTEGRATED COASTAL AND OCEAN OBSERVATION SYSTEM.—The collection of monitoring and observation data under this title shall comply with all data standards and protocols developed pursuant to the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601 et seq.). Such data shall be made available through the system established under that Act.”

#### SEC. 307. REGIONAL RESEARCH AND ACTION PLANS.

The Act, as amended by section 306, is further amended by inserting after section 603A the following:

##### “§ 603B. Regional research and action plans

“(a) IN GENERAL.—In administering the Program, the Under Secretary shall—

“(1) identify appropriate regions and subregions to be addressed by each regional research and action plan; and

“(2) oversee the development and implementation of the regional research and action plans.

“(b) PLAN DEVELOPMENT.—The Under Secretary shall—

“(1) develop and submit to the Task Force for approval a regional research and action plan for each region, that builds upon any existing State or regional plans the Under Secretary considers appropriate; and

“(2) identify appropriate elements for each region, including—

“(A) baseline ecological, social, and economic research needed to understand the biological, physical, and chemical conditions that cause, exacerbate, and result from harmful algal blooms and hypoxia;

“(B) regional priorities for ecological and socio-economic research on issues related to and impacts of harmful algal blooms and hypoxia;

“(C) research, development, and demonstration activities needed to develop and advance technologies and techniques—

“(i) for minimizing the occurrence of harmful algal blooms and hypoxia; and

“(ii) for improving capabilities to predict, monitor, prevent, control, and mitigate harmful algal blooms and hypoxia;

“(D) State, tribal, and local government actions that may be implemented—

“(i) to support long-term monitoring efforts and emergency monitoring as needed;

“(ii) to minimize the occurrence of harmful algal blooms and hypoxia;

“(iii) to reduce the duration and intensity of harmful algal blooms and hypoxia in times of emergency;

“(iv) to address human health dimensions of harmful algal blooms and hypoxia; and

“(v) to identify and protect vulnerable ecosystems that could be, or have been, affected by harmful algal blooms and hypoxia;

“(E) mechanisms by which data, information, and products are transferred between the Program and State, tribal, and local governments and research entities;

“(F) communication, outreach and information dissemination efforts that State, tribal, and local governments and stakeholder organizations can take to educate and inform the public about harmful algal blooms and hypoxia and alternative coastal resource-utilization opportunities that are available; and

“(G) the roles that Federal agencies can play to facilitate implementation of the regional research and action plan for that region.

“(c) CONSULTATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

“(1) coordinate with State coastal management and planning officials;

“(2) coordinate with tribal resource management officials;

“(3) coordinate with water management and watershed officials from coastal States and noncoastal States with water sources that drain into water bodies affected by harmful algal blooms and hypoxia;

“(4) in matters relating to the Gulf of Mexico, coordinate with the Gulf of Mexico Alliance;

“(5) coordinate with the Administrator and other Federal agencies as the Under Secretary considers appropriate; and

“(6) consult with—

“(A) public health officials;

“(B) emergency management officials;

“(C) science and technology development institutions;

“(D) economists;

“(E) industries and businesses affected by marine and freshwater harmful algal blooms and hypoxia;

“(F) scientists, with expertise concerning harmful algal blooms or hypoxia, from academic or research institutions; and

“(G) other stakeholders.

“(d) BUILDING ON AVAILABLE STUDIES AND INFORMATION.—In developing a regional research and action plan under this section, the Under Secretary shall—

“(1) utilize and build on existing research, assessments, reports, including those carried out under existing law, and other relevant sources; and

“(2) consider the impacts, research, and existing program activities of all United States coastlines and fresh and inland waters, including the Great Lakes, the Chesapeake Bay, estuaries, and tributaries.

“(e) SCHEDULE.—The Under Secretary shall—

“(1) begin developing the regional research and action plans for at least a third of the regions not later than 9 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012;

“(2) begin developing the regional research and action plans for at least another third of the regions not later than 21 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012;

“(3) begin developing the regional research and action plans for the remaining regions not later than 33 months after the date of the enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012; and

“(4) ensure that each regional research and action plan developed under this section is—

“(A) completed and approved by the Task Force not later than 12 months after the date that development of the regional research and action plan begins; and

“(B) updated not less than once every 5 years after the completion of the regional research and action plan.

“(f) PRIORITIZATION.—In developing the regional research and action plans pursuant to subsection (e), the Under Secretary shall begin with regions that historically have the greatest record of harmful algal blooms or the largest perennial hypoxic zones.

“(g) FUNDING.—

“(1) IN GENERAL.—Subject to available appropriations, the Under Secretary shall make funding available to eligible organizations to implement the research, monitoring, forecasting, modeling, and response actions included under each approved regional research and action plan. The Program shall select recipients through a merit-based, competitive process and seek to fund research proposals that most effectively align with the research priorities identified in the relevant regional research and action plan.

“(2) APPLICATION; ASSURANCES.—An organization seeking funding under this subsection shall submit an application to the Program at such time, in such form and manner, and containing such information and assurances as the Program may require. The Program shall require each eligible organization receiving funds under this subsection to utilize



the mechanisms under subsection (b)(2)(E) to ensure the transfer of data and products developed under the regional research and action plan.

“(3) **ELIGIBLE ORGANIZATION.**—In this subsection, the term ‘eligible organization’ means—

“(A) an institution of higher education, other non-profit organization, State, tribal, or local government, commercial organization, or Federal agency that meets the requirements of this section and such other requirements as may be established by the Under Secretary; and

“(B) with respect to nongovernmental organizations, an organization that is subject to regulations promulgated or guidelines issued to carry out this section, including United States audit requirements that are applicable to nongovernmental organizations.”

#### **SEC. 308. REPORTING.**

Section 603 is amended by adding at the end the following:

“(j) **REPORT.**—Not later than 2 years after the submission of the action strategy under section 603A, the Under Secretary shall submit a report to the appropriate congressional committees that describes—

“(1) the proceedings of the annual Task Force meetings;

“(2) the activities carried out under the Program and the regional research and action plans, and the budget related to the activities;

“(3) the progress made on implementing the action strategy; and

“(4) any need to revise or terminate activities or projects under the Program.

“(k) **PROGRAM REPORT.**—Not later than 5 years after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, the Task Force shall submit a report on harmful algal blooms and hypoxia in marine and freshwater systems to Congress that—

“(1) evaluates the state of scientific knowledge of harmful algal blooms and hypoxia in marine and freshwater systems, including their causes and ecological consequences;

“(2) evaluates the social and economic impacts of harmful algal blooms and hypoxia, including their impacts on coastal communities, and reviews those communities’ efforts and associated economic costs related to event forecasting, planning, mitigation, response, public outreach, and education;

“(3) examines and evaluates the human health impacts of harmful algal blooms and hypoxia, including any gaps in existing research;

“(4) describes advances in capabilities for monitoring, forecasting, modeling, control, mitigation, and prevention of harmful algal blooms and hypoxia, including techniques for integrating landscape- and watershed-level water quality information into marine and freshwater harmful algal bloom and hypoxia prevention and mitigation strategies at Federal and regional levels;

“(5) evaluates progress made by, and the needs of, Federal, regional, State, tribal, and local policies and strategies for forecasting, planning, mitigating, preventing, and responding to harmful algal blooms and hypoxia, including the economic costs and benefits of the policies and strategies;

“(6) includes recommendations for integrating, improving, and funding future Federal, regional, State, tribal, and local policies and strategies for preventing and mitigating the occurrence and impacts of harmful algal blooms and hypoxia;

“(7) describes communication, outreach, and education efforts to raise public aware-

ness of harmful algal blooms and hypoxia, their impacts, and the methods for mitigation and prevention;

“(8) describes extramural research activities carried out under section 605(b); and

“(9) specifies how resources were allocated between intramural and extramural research and management activities, including a justification for each allocation.”

#### **SEC. 309. NORTHERN GULF OF MEXICO HYPOXIA.**

Section 604 is amended to read as follows:

##### **“SEC. 604. NORTHERN GULF OF MEXICO HYPOXIA.**

“(a) **TASK FORCE INITIAL PROGRESS REPORTS.**—Beginning not later than 12 months after the date of enactment of the Harmful Algal Blooms and Hypoxia Research and Control Amendments Act of 2012, and every 2 years thereafter, the Administrator, through the Mississippi River/Gulf of Mexico Watershed Nutrient Task Force, shall submit a progress report to the appropriate congressional committees and the President that describes the progress made by Task Force-directed activities carried out or funded by the Environmental Protection Agency and other State and Federal partners toward attainment of the goals of the Gulf Hypoxia Action Plan 2008.

“(b) **CONTENTS.**—Each report required under this section shall—

“(1) assess the progress made toward nutrient load reductions, the response of the hypoxic zone and water quality throughout the Mississippi/Atchafalaya River Basin, and the economic and social effects;

“(2) evaluate lessons learned; and

“(3) recommend appropriate actions to continue to implement or, if necessary, revise the strategy set forth in the Gulf Hypoxia Action Plan 2008.”

#### **SEC. 310. INTERAGENCY FINANCING.**

The Act, as amended by section 309, is further amended by inserting after section 604 the following:

##### **“SEC. 604A. INTERAGENCY FINANCING.**

“The departments and agencies represented on the Task Force may participate in interagency financing and share, transfer, receive, obligate, and expend funds appropriated to any member of the Task Force for the purposes of carrying out any administrative or programmatic project or activity under this title, including support for the Program, a common infrastructure, information sharing, and system integration for harmful algal bloom and hypoxia research, monitoring, forecasting, prevention, and control. Funds may be transferred among such departments and agencies through an appropriate instrument that specifies the goods, services, or space being acquired from another Task Force member and the costs of the goods, services, and space. The amount of funds transferrable under this section for any fiscal year may not exceed 5 percent of the account from which such transfer was made.”

#### **SEC. 311. AUTHORIZATION OF APPROPRIATIONS.**

Section 605 is amended to read as follows:

##### **“§ 605. Authorization of appropriations**

“(a) **IN GENERAL.**—There are authorized to be appropriated, for each of the fiscal years 2011 through 2015 to the Under Secretary to carry out sections 603A and 603B, \$15,000,000.

“(b) **EXTRAMURAL RESEARCH ACTIVITIES.**—The Under Secretary shall ensure that a substantial portion of funds appropriated pursuant to subsection (a) that are used for research purposes are allocated to extramural research activities.”

#### **SEC. 312. DEFINITIONS; CONFORMING AMENDMENT.**

(a) **IN GENERAL.**—The Act is amended by inserting after section 605 the following:

#### **“§ 605A. Definitions**

“In this title:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the National Oceanic and Atmospheric Administration.

“(2) **HARMFUL ALGAL BLOOM.**—The term ‘harmful algal bloom’ means marine and freshwater phytoplankton that proliferate to high concentrations, resulting in nuisance conditions or harmful impacts on marine and aquatic ecosystems, coastal communities, and human health through the production of toxic compounds or other biological, chemical, and physical impacts of the algae outbreak.

“(3) **HYPOXIA.**—The term ‘hypoxia’ means a condition where low dissolved oxygen in aquatic systems causes stress or death to resident organisms.

“(4) **PROGRAM.**—The term ‘Program’ means the National Harmful Algal Bloom and Hypoxia Program established under section 603A.

“(5) **REGIONAL RESEARCH AND ACTION PLAN.**—The term ‘regional research and action plan’ means a plan established under section 603B.

“(6) **STATE.**—The term ‘State’ means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, and any Indian tribe.

“(7) **TASK FORCE.**—The term ‘Task Force’ means the Inter-Agency Task Force established by section 603(a).

“(8) **UNDER SECRETARY.**—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere.

“(9) **UNITED STATES COASTAL WATERS.**—The term ‘United States coastal waters’ includes the Great Lakes.”

(b) **CONFORMING AMENDMENT.**—Section 603(a) is amended by striking “(hereinafter referred to as the ‘Task Force’)”.

#### **SEC. 313. APPLICATION WITH OTHER LAWS.**

The Act is amended by adding after section 606 the following:

##### **“SEC. 607. EFFECT ON OTHER FEDERAL AUTHORITY.**

“Nothing in this title supersedes or limits the authority of any agency to carry out its responsibilities and missions under other laws.”

**SA 2921.** Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

##### **SEC. \_\_\_\_ . CERTAIN EXEMPTIONS RELATING TO THE TAKING OF MIGRATORY GAME BIRDS.**

(a) **SHORT TITLE.**—This section may be cited as the “Farmer’s Protection Act of 2012”.

(b) **EXEMPTIONS ON CERTAIN LAND.**—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

“(c) **EXEMPTIONS ON CERTAIN LAND.**—

“(1) **IN GENERAL.**—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

“(A) is not a baited area; and



“(B) contains—

“(i) a standing crop or flooded standing crop, including an aquatic crop;

“(ii) standing, flooded, or manipulated natural vegetation;

“(iii) flooded harvested cropland; or

“(iv) based on the determination of the applicable State office of the Cooperative Extension System of the Department of Agriculture at the request of the Secretary of the Interior, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

“(2) DETERMINATIONS.—

“(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall determine the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

“(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.”.

**SA 2922.** Mr. PRYOR (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 233, add the following:

(C) EXEMPTIONS ON CERTAIN LAND.—Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended by adding at the end the following:

“(c) EXEMPTIONS ON CERTAIN LAND.—

“(1) IN GENERAL.—Nothing in this section prohibits the taking of any migratory game bird, including waterfowl, coots, and cranes, on or over land that—

“(A) is not a baited area; and

“(B) contains—

“(i) a standing crop or flooded standing crop, including an aquatic crop;

“(ii) standing, flooded, or manipulated natural vegetation;

“(iii) flooded harvested cropland; or

“(iv) based on the determination of the applicable State office of the Cooperative Extension System of the Department of Agriculture at the request of the Secretary of the Interior, an area on which seed or grain has been scattered solely as the result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice.

“(2) DETERMINATIONS.—

“(A) IN GENERAL.—For purposes of making a determination under paragraph (1)(B)(iv), each State office of the Cooperative Extension System of the Department of Agriculture shall determine the activities in that State that the State office considers to be a normal agricultural practice in the State, such as mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or carrying out herbicide treatment.

“(B) REVISIONS.—A State office may revise a report described in subparagraph (A) as the State office determines to be necessary to reflect changing agricultural practices.”.

#### NOTICE OF INTENT TO OBJECT TO PROCEEDING

I, Senator CHARLES GRASSLEY, intend to object to proceeding to the nomination of Richard B. Berner, to be Director of the Office of Financial Research at the Department of the Treasury; dated: November 14, 2012.

#### AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 14, 2012, at 2:30 p.m., to conduct a hearing entitled “Oversight of Basel III: Impact of Proposed Capital Rules.”

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that a fellow from my office, Mr. Todd Bianco, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Bryan Seeley, a detailee on the Senate Judiciary Committee, be granted floor privileges for the duration of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDING SECTION 353 OF THE PUBLIC HEALTH SERVICE ACT

Mr. REID. I ask unanimous consent that the Senate proceed to H.R. 6118.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6118) to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I now ask that the bill be read a third time and passed, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6118) was ordered to a third reading, was read the third time and passed.

TO EXTEND THE UNDERTAKING SPAM, SPYWARE, AND FRAUD ENFORCEMENT WITH ENFORCERS BEYOND BORDERS ACT OF 2006

Mr. REID. I ask unanimous consent to proceed to Calendar No. 507, H.R. 6131.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 6131) to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed to a voice vote on passage of this bill.

The bill (H.R. 6131) was read the third time.

The PRESIDING OFFICER. Hearing no further debate, the question is on the passage of the bill.

The bill (H.R. 6131) was passed.

Mr. REID. I now ask unanimous consent that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PERMITTING FOR THE RELIEF OF VICTIMS OF SUPERSTORM SANDY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 596.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 596) permitting the solicitation of donations in Senate buildings for the relief of victims of Superstorm Sandy.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, there be no intervening action or debate, and any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 596) was agreed to, as follows:

S. RES. 596

*Resolved,*

#### SECTION 1. SOLICITATION FOR SUPERSTORM SANDY RELIEF.

Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may solicit another Senator, officer of the Senate, or employee of the Senate within Senate buildings for nonmonetary donations for the relief of victims of Superstorm Sandy during the 30-day

period beginning on the date on which the Senate agrees to this resolution; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a non-profit organization with respect to the delivery of donations described in paragraph (1).

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#### ORDERS FOR THURSDAY, NOVEMBER 15, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9 a.m. on Thursday, November 15, 2012; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized, and that the time following leader remarks be equally divided and controlled between the two leaders or their designees; that at 9:15 a.m. tomorrow morning, the Senate proceed to vote on the motion to invoke cloture on S. 3525, the Sportsmen's Act of 2012; further, that the filing deadline

for second-degree amendments to S. 3525 be 9:10 a.m. on Thursday, tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. REID. Mr. President, the first vote tomorrow will be at 9:15 a.m. on the Sportsmen's Act.

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#### ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:02 p.m., adjourned until Thursday, November 15, 2012, at 9 a.m.

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#### NOMINATIONS

Executive nominations received by the Senate:

#### THE JUDICIARY

VALERIE E. CAPRONI, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE RICHARD J. HOLWELL, RESIGNED.

KENNETH JOHN GONZALES, OF NEW MEXICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW MEXICO, VICE BRUCE D. BLACK, RETIRED.

RAYMOND P. MOORE, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE WILEY Y. DANIEL, RETIRING.

BEVERLY REID O'CONNELL, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA, VICE VALERIE L. BAKER, RETIRED.

WILLIAM L. THOMAS, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE ADALBERTO JOSE JORDAN, ELEVATED.

ANALISA TORRES, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE NAOMI REICE BUCHWALD, RETIRED.

DERRICK KAHALA WATSON, OF HAWAII, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF HAWAII, VICE DAVID A. EZRA, RETIRED.

CLAIRE R. KELLY, OF NEW YORK, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE EVAN J. WALLACH, ELEVATED.

#### IN THE COAST GUARD

PURSUANT TO TITLE 14, U.S.C. SECTION 271(D), THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED:

#### *To be rear admiral lower half*

CAPT. PETER J. BROWN  
CAPT. SCOTT A. BUSCHMAN  
CAPT. MICHAEL F. MCALLISTER  
CAPT. JUNE E. RYAN  
CAPT. JOSEPH M. VOJVODICH

## EXTENSIONS OF REMARKS

### A TRIBUTE TO HONOR THE LIFE OF ALEX ESCLAMADO

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor and celebrate the life of a courageous and legendary community leader, Alex Esclamado, who passed away in the Philippines on November 4, 2012. He was held in the highest regard, and his name was synonymous with freedom and the fight for democracy.

Alex Esclamado arrived in the United States in 1959, living and working in California for decades. As founding publisher of The Philippine News and a devoted Filipino community advocate in the United States, he championed the key issues of immigration reform, farm workers' rights, professional recognition and licensing of foreign graduates, and naturalization of World War II Filipino veterans. In the United States, Alex Esclamado's biggest battle was against the dictatorship of then President Ferdinand E. Marcos.

In 1997, Alex retired from the daily operations of the newspaper to devote his full-time attention to establishing the foundation of NaFFAA, whose goals are the national unification of some 3,000 Filipino-American associations in the United States, the empowerment of Filipino-Americans, and assistance to the Philippines. Alex became the founding national chair of NaFFAA and was elected unanimously as the first National Chair during the First National Filipino-American Empowerment Conference held in Washington D.C. in August 1997, which was attended by over 1,500 Filipino-American leaders representing associations throughout the United States. He served as National Chair from 1997 to 2002. He also served as National President of the Filipino American Political Association (FAPA), a political advocacy group since 1965. In 1998–99, he served as the only Filipino-American member of the U.S. Census Advisory Committee on the Asian and Pacific Islander Populations.

Mr. Esclamado's life and work are a lasting example of a true profile in courage. His work inspired generations of leaders in the Philippines and in the United States. His many honors include a special award for his Filipino-American Welfare and Human Rights Advocacy during the celebration of the 432nd Araw Ng Maynila, the first Filipino-American awardee by the City of Manila. He was honored with the Lifetime Achievement Award, and was compared with the inspirational leadership of Dr. Martin Luther King and Cesar Chavez from the Greenlining Institute. He was awarded the Philippine Legion of Honor Award and Medal, the highest honor accorded to a civilian in the Philippines, by Philippine President Corazon Aquino for "his distinguished and outstanding

service to the country during the past 20 years." He was the only Filipino-American recipient of this award. During the centennial celebration of the Statue of Liberty in New York in October 1986, outstanding immigrants were honored for their contributions to America. Alex Esclamado was the only Filipino-American recipient of the Congressionally-sponsored Ellis Island Medal of Honor along with 79 other outstanding Americans representing all other nationalities.

### IN HONOR OF COMMUNITY FOUNDATIONS WEEK

**HON. AARON SCHOCK**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. SCHOCK. Mr. Speaker, I rise today in honor of Community Foundations Week, and to recognize the millions of Americans who have joined together throughout our nation's history to support charitable causes in their communities. This spirit of generosity is a central tenet of the American spirit, and the good work done by the over 650 community foundations in the United States is evidence of the good that can be achieved when communities come together in support of a common cause.

Established in 1989, observation of community foundations Week has served to draw more attention to the work done by community foundations across the country. In my home state of Illinois alone, there are 26 community foundations. I would like to highlight some of the work done by just two of them in Central Illinois. The Galesburg Community Foundation, for example, funds a variety of programs that are strengthening their community and helping those who have nowhere else to turn. One of their most innovative projects is called KnoxCorps. This project teams with local Knox College to place graduates at local non-profits to provide human capacity for initiatives and causes that affect the greater Galesburg area. The placements last for one year, but the impact that has already been achieved is much more far reaching. This partnership has kept some of the best and the brightest in this small rural community, contributing to positive economic development, stronger communities, and a thriving spirit of service.

In the 18th District we have the Community Foundation of Central Illinois, which operates out of my hometown of Peoria. One focus for them is Community Needs Grants, given to local non profits to aid them in their service to the area. For example, in 2011, CFCL partnered with the American Red Cross Central Illinois Chapter with a Community Needs Grant that allowed the continuance of free youth education classes. These classes have educated over 35,000 youth on how to prepare for emergencies, prevent injuries, and

make healthy choices. With the help of the grant, the program was enhanced by the addition of a puppet show to better connect with the children and provide an interactive learning experience.

These two examples are just a small snapshot of the extraordinary work done by these two organizations, as well as organizations like them around Illinois and the nation. I am honored to recognize all community foundations this week for the outstanding work they do fifty-two weeks a year.

### HONORING JACOB MOORE

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Jacob Moore. Jacob is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Royal Rangers and earning the most prestigious award of the Gold Medal of Achievement.

Jacob has taken an active part with the Royal Rangers through his church, Blue Springs Assembly in Blue Springs, Missouri. The Royal Rangers provide young men the character development and leadership formation needed to thrive in today's world. Attaining the Gold Medal of Achievement demonstrates Jacob's dedication and commitment to the Royal Rangers. I am sure that Jacob will continue to hold such high standards in the future.

Mr. Speaker, I proudly ask you to join me in commending Jacob Moore for his accomplishments with the Royal Rangers and for his efforts put forth in achieving the highest distinction of the Gold Medal of Achievement.

### IN HONOR OF THE 45TH ANNIVERSARY OF ST. THOMAS CHURCH

**HON. ROBERT E. ANDREWS**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to recognize The Greek Orthodox Church of St. Thomas. The month of October 2012 marked the 45 year anniversary of this tremendous parish. Nearly a half century ago, a small group of Greek Orthodox from South Jersey saw a need for a church to serve the Philadelphia metropolitan area and its New Jersey suburbs. This parish has been paramount in reaching out to the Southern New Jersey community, teaching the Greek language and heritage, and sharing the traditions of the Greek Orthodox faith.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Perhaps most worthy of praise are the number and variety of group organizations the church provides. Among them are the "Philoptochos," a philanthropic society for lady parishioners who are committed to serving the sick, destitute, elderly, and others in need of assistance. The Hellenic Heritage Dance Group teaches youth the traditional dance of Greece. From the Hellenic Orthodox Primary Enrichment, HOPE, a group devoted to the early introduction of kindergartners to the Orthodox fellowship to the Maturity Club for senior citizens, all ages are able to meet and celebrate their faith through church outings, meaningful discussion groups, retreats, service projects, and athletics.

Let us commemorate, on the record, the Church of St. Thomas in its 45th year of operation for the invaluable service it provides to the Greek Orthodox faith and the South New Jersey community at large.

#### PERSONAL EXPLANATION

##### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. PENCE. Mr. Speaker, I was unavoidably absent on November 13, 2012, and missed rollcall vote 604. Had I been present, I would have voted "aye" on rollcall vote 604.

#### RECOGNIZING THE VETERANS EDUCATION PROGRAM AT CALIFORNIA STATE UNIVERSITY, FRESNO

##### HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. COSTA. Mr. Speaker, I rise today to recognize the Veterans Education Program at California State University, Fresno. This outstanding program is for veterans who served overseas and are transitioning into the next phase of their lives.

An inexcusable number of veterans are coming home to a hard hit economy and find that they have few options when it comes to finding a job. The Veterans Education Program was created to fix that problem. In many cases, our veterans need time to transition once they are home, and the program helps with the shift from military to civilian life.

Fresno State will welcome its first class in January of 2013. Each six week class will have up to 25 veterans, and students will receive six units of transferable credit. In addition to taking a refresher course in English and mathematics, students will also develop skills to help with obtaining a career and managing their finances. The last couple weeks are individualized, so students can create a plan to fulfill their goals after leaving the program.

The Veterans Education Program is specifically designed so that veterans can be successful after the course is completed. Some might continue on with their education at Fres-

no State, and others may enter the workforce or do an internship that relates to their future career. The program has partnered with several veteran support organizations who are interested in providing opportunities for veterans in the workplace or in school.

Mr. Speaker, I ask my colleagues to join me recognizing the Veterans Education Program at California State University, Fresno. As a nation we cannot ignore the needs of our veterans when they come home from being overseas. They deserve our unwavering support and gratitude. The program will provide opportunities for thousands of veterans living throughout the Central Valley.

#### PERSONAL EXPLANATION

##### HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. JOHNSON of Illinois. Mr. Speaker, on Tuesday, November 13th, 2012 I had obligations that necessitated my attention in Champaign, Illinois and missed the suspension vote on H.R. 6371, Streamlining Claims Processing for Federal Contractor Employees Act, which transfers authority from the Government Accountability Office (GAO) to the Department of Labor for processing claims for wages due to laborers and mechanics hired by contractors on public works projects.

Had I been present, I would have voted, "aye" on the above stated bill.

#### HONORING DANIEL JOHN CATTON

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Daniel John Catton. Daniel is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 1367, and earning the most prestigious award of Eagle Scout.

Daniel has been very active with his troop, participating in many scout activities. Over the many years Daniel has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Daniel earned the 50-Miler Award. Daniel has also contributed to his community through his Eagle Scout project. Daniel designed and constructed the installation of storage units for Triality Tots, an organization that provides high quality educational opportunities for children with special health needs or developmental delays. Daniel plans on pursuing a Bachelor's degree in Mechanical Engineering and Engineering Management from Missouri University of Science and Technology.

Mr. Speaker, I proudly ask you to join me in commending Daniel John Catton for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### PERSONAL EXPLANATION

##### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. GEORGE MILLER of California. Mr. Speaker, on November 13, 2012, I was unavoidably detained and missed roll No. 604. Had I been present, I would have voted, "yea", to approve H.R. 6371.

#### HONORING THE RECIPIENTS OF THE 2012 FRANKLIN COUNTY CHAMBER OF COMMERCE AWARDS

##### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the honorees of the 2012 Franklin County Chamber of Commerce Annual Awards Dinner. The Franklin County Chamber of Commerce serves the people and the business community in order to strengthen economic opportunity throughout the region and the State of Maine.

Each year, the Franklin County Chamber recognizes local businesses, business leaders, organizations and individuals who promote and advance a vital and healthy business environment. Each honoree is committed to strengthening opportunity and prosperity in this western Maine county.

This year's honorees are Barclays, the Daily Bulldog and the Wilton Blueberry Festival. These recipients are among the best that Maine has to offer and through their leadership and incredible commitment to their communities and the region, Maine is a better place in which to live and do business.

Mr. Speaker, please join me in congratulating the Franklin County Chamber of Commerce and these honorees on their outstanding service and achievement.

#### HONORING MR. KEVIN BENNETT

##### HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. ELLISON. Mr. Speaker, I rise today in honor of Kevin Bennett to recognize his dedicated service to the great state of Minnesota and his selection as Minnesota's middle school principal of the year.

Mr. Bennett began his teaching career in 2001 in his 20's, and a mere three years later was hired by the Fine Arts Interdisciplinary Resource School, FAIR, as an assistant principal. One short year later, he became principal. Now in his mid-30's, Mr. Bennett is the principal of two FAIR schools, one in Minneapolis and one in Crystal.

Since his arrival, Mr. Bennett has made great strides toward the FAIR schools' goal of greater integration. Mr. Bennett, along with his

superintendent, reworked the curriculum of both schools. This paid off and last academic year resulted in more than 1,600 enrollment applications for 150 openings at the two schools. Since Mr. Bennett became principal, the number of minority students at Crystal has risen from 32 to 44 percent. The reworked curriculum and diversified student population has resulted in significant test score increases.

With the downtown school's focus on literacy and the arts, 94 percent of the third graders met or exceeded Minnesota's reading proficiency standards last spring. The third grade class was the first to benefit from the curriculum change that calls for kindergarteners through third graders to spend two hours each day on literacy.

Mr. Bennett has demonstrated an unwavering belief in the youth of Minneapolis and Crystal as evidenced by his willingness to think outside the box in order to achieve the best possible results for his students. It is Mr. Bennett's commitment to his students and the program that he helped develop that has resulted in him being selected as the state's middle school principal of the year. Kevin Bennett should serve as an example to us all to find ways to serve and improve our own communities.

I truly appreciate all that Mr. Bennett has done and continues to do for the youth of Minneapolis and Crystal, and I thank him for his dedication and service.

#### PERSONAL EXPLANATION

##### HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Ms. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall vote on November 13, 2012 and would like the RECORD to reflect that I would have voted as follows: rollcall No. 604, "yes."

#### IN RECOGNITION OF THE HEROIC EFFORTS MADE BY THE AMERICAN RED CROSS

##### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. ANDREWS. Mr. Speaker, I rise today to recognize the heroic response efforts made by the men and women of the American Red Cross. The destruction caused by Superstorm Sandy devastated those living along the Atlantic coast. During this state of emergency, many lost basic utilities like electricity and heat, access to food and water, and a safe shelter. The impact of the storm is still felt by many residents as they return home and attempt to regain some semblance of their normal life.

For over 130 years, the American Red Cross has served as an independent international humanitarian organization. Simply put, the members of the Red Cross are first responders, who in the wake of emergency, vol-

untarily enter dangerous environments so that the risk to others may be lessened. Before Sandy made landfall, the Red Cross opened shelters, stockpiled supplies, and organized workers. More than 3,800 Red Cross disaster workers are currently assisting in the relief effort. Since the storm hit, thousands of people have found shelter and over 200,000 meals and snacks have been served. West Deptford High School, in my home district, transformed overnight from a school into a place of refuge, with beds, a children's playroom, and an adult recreational hall.

The true value of these gallant workers extends far beyond the tangible goods and services they provide. Above all, it is their palpable presence, their reassuring smile and words of kindness—being the crutch which props up those who are ready to collapse. As their mission so eloquently and accurately states, the American Red Cross "prevents and alleviates human suffering in the face of emergencies." Please join me in honoring these tireless workers and remember that while the Red Cross prides itself on being a nonpartisan and independent organization, it also relies on volunteers and the generosity of the American public to perform its mission.

#### RECOGNIZING ROYAL J. STARK

##### HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. COURTNEY. Mr. Speaker, last week, Connecticut Legal Services, CLS, recognized an outstanding attorney, Royal J. Stark, for 35 extraordinary years of service. It is with great enthusiasm that I join with his colleagues in congratulating and thanking him for decades of his hard work, here on the floor of the U.S. House of Representatives.

CLS's mission is to assist those with the greatest need on legal cases ranging from health care to education to housing. Without CLS, thousands of Connecticut citizens over the years would have been rendered homeless or deprived of critical health care and public education. During his tenure, Royal has been a leader at CLS helping the most vulnerable obtain justice and restore dignity across the state while working at its Rockville, Waterbury, and New London offices. Today, he works at the Willimantic office in the heart of my district and focuses on serving individuals with disabilities. At the same time he had a full workload, Royal also helped shape state probate law reforms and clinical teaching at the Quinnipiac University School of Law and the University of Connecticut School of Law.

Mr. Speaker, I have known Royal for over 25 years as a friend and colleague and can personally attest to his commitment to justice, his highly ethical character, and to his understanding of hard work. Royal has made Connecticut a better and more just state, and I would like to thank him for his decades of service.

#### PERSONAL EXPLANATION

##### HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Ms. CLARKE of New York. Mr. Speaker, I was unavoidably detained in my district and missed the vote on Tuesday, November 13, 2012. Had I been present, I would have voted "yea" on rollcall No. 604, H.R. 6371 the "Streamlining Claims Processing for Federal Contractor Employees Act."

#### OUR UNCONSCIONABLE NATIONAL DEBT

##### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,248,293,041,003.50. We've added \$5,621,415,992,090.42 to our debt in 3 years. This is \$5 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

#### HONORING DAVID DOMINICK COSTANZO

##### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 14, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize David Dominick Costanzo. David is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 271, and earning the most prestigious award of Eagle Scout.

David has been very active with his troop, participating in many scout activities. Over the many years David has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, David has become a member of the Order of the Arrow and joined the Tribe of Mic-O-Say. David has also contributed to his community through his Eagle Scout project. David renovated his council ring at Gashland United Methodist Church in Kansas City, Missouri, by removing weeds and overgrown vegetation, laying down weed fabric and overlaid it all with ornamental gravel.

Mr. Speaker, I proudly ask you to join me in commending David Dominick Costanzo for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4,

1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for

printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 15, 2012 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

NOVEMBER 16

10 a.m.

Commission on Security and Cooperation  
in Europe

To receive a briefing on assessing  
Ukraine's parliamentary elections, fo-

cusing on the lack of a level playing  
field.

B318, Rayburn Building

NOVEMBER 20

2:30 p.m.

Homeland Security and Governmental Af-  
fairs

To hold hearings to examine the nomina-  
tion of Robert D. Okun, to be an Asso-  
ciate Judge of the Superior Court of  
the District of Columbia.

SD-342

**SENATE—Thursday, November 15, 2012**

The Senate met at 9 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, today let Your favor rest upon the Members of our government's legislative branch. Establish the works of their hands and strengthen them to honor You by serving others. Let Your lifegiving spirit move them to feel greater compassion for those in need. Lord, use them to remove barriers that divide us. May they strive to be agents of healing and hope, as they help us all live in greater justice and peace.

We pray in Your holy Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 15, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED**

Mr. REID. Mr. President, I now move to proceed to Calendar No. 419, S. 3254.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

**SCHEDULE**

Mr. REID. Mr. President, the filing deadline for all second-degree amendments to S. 3525, the Sportsmen's Act, is 9:10 a.m. today. At 9:15 a.m., there will be a cloture vote on S. 3525.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**RECOGNITION OF THE MINORITY LEADER**

The Republican leader is recognized.

**FISCAL CLIFF**

Mr. MCCONNELL. Mr. President, with the new year fast approaching, all eyes are on Washington and whether the two parties can come together and agree on a plan to avoid a massive year-end tax hike. I truly believe we can. I believe the two parties can avoid the so-called fiscal cliff, and in the process I even believe we can agree on a framework for a bipartisan plan to address the even bigger problem of our Nation's fiscal solvency.

But there are clear obstacles to success. If we are going to succeed, if we want to avoid a job-killing tax hike and put the country on a path to solvency, we need to be clear about what the obstacles are.

The first obstacle is a very vocal and very determined group of extremists on the left who are rooting for us to go off the fiscal cliff. They want this to happen. These are the folks the President invited to the White House earlier this week and who seem to have gotten a number of Democrats in the Senate to embrace this reckless idea themselves.

Make no mistake, the goal of these folks is not to do what is best for the middle class. It is not to create jobs. It is not even to balance the books, since the taxes they would hike would not even come close to covering current spending.

What they want is to sock it to those whom they define as rich, regardless of the impact on jobs or the broader econ-

omy. That is what motivates this crowd. They are not serious about tackling the Nation's fiscal problems. If we are serious about helping middle-class Americans and helping this economy grow, their radical approach, frankly, should be ignored.

The other obstacle to success is a mindset that says the President of the United States is somehow a bit player in this whole thing, that he is just a bystander sitting around waiting on other people to act. This is a mindset that thinks leadership consists of telling other people to "work it out," while they continue to run a campaign to make sure they cannot.

This is ludicrous. The only way—I repeat—the only way we are going to solve this present crisis and get past the political stalemate is for the President himself to lead.

To illustrate the point, let me remind everyone of something that happened just 2 years ago next month—just 2 years ago next month—because it says a lot about the power of Presidential leadership in critical moments such as this. Less than 2 years ago, the President said he was not going to allow tax rates to go up on anyone because, as he put it, you do not raise taxes in the middle of a recession.

So let's leave aside for a second that if it was a good idea then, it is an even better idea now, since the economy is growing even more slowly now than it was in late 2010. Let's leave that aside.

The point is that the moment the President of the United States said those words—the moment he signaled he was OK to keep rates where they were—40 Democrats, including many who had spent the previous decade campaigning against them, got in line and followed his lead.

That is an example of Presidential leadership, and that is just what is needed now. The President is the only person in America—the only 1 out of 315 million—who can sign a bill into law. He is the only one who can lead the members of his own party to do something they would not ordinarily do. But first he needs to decide it is time to put away the talking points and do something good, something really good for the country.

Ronald Reagan understood this, Bill Clinton understood this, and President Obama seemed to understand it, too, in December 2010. So I will say it again. The only way we succeed is if the President steps up and leads. It starts by showing that he is serious about success.

Let's be clear. An opening bid of \$1.6 trillion in new taxes just is not serious.



It is more than Simpson-Bowles or any other bipartisan commission has called for. It has been unanimously rejected in the House and Senate. It is twice as much as the White House seemed ready to agree to during last summer's debt ceiling talks and looked at in the context of the spending cuts that are yet to be enacted from the President's other proposals. It amounts to about 20 cents in cuts for every new dollar in tax hikes. In other words, no cuts at all. It is a joke—a joke.

Look, people I talk to across Kentucky do not want any more political fights. They would like to see us get somewhere. They want the two parties to work together to find a solution to our fiscal problems, and that is just what we are proposing. Yesterday, the President said he had an open mind when it came to finding a solution to those things. He said he is happy to listen to other people's ideas. I think that is a good sign.

If the President has an open mind, maybe he will see that Republicans are the ones who have expressed a willingness to step out of our comfort zone if it actually leads to a solution. We do not happen to think the government needs more revenue. The government spends too much as it is. But if Democrats are willing to reduce spending and strengthen entitlement programs, which we all know are on an unsustainable path that threatens their own long-term viability and the economic well-being of our children and grandchildren, then we will be there.

What we will not do is raise tax rates and kiss goodbye more than 700,000 good jobs in the process. What we will not do is embrace a tax policy that disincentivizes saving and work. What we will not do is agree to revenue in exchange for reforms that we know will not ever happen. That is not a good deal for anybody, certainly not the middle class, which the President says he has a mandate to protect.

If the President wants to help the middle class, he will accept a basic outline that Speaker BOEHNER proposed last week and convince his fellow Democrats to do the same. Ignore the reckless voice of those on the far left who are calling for fiscal calamity. Ignore the extremists who want to cover their eyes and do nothing to protect and strengthen entitlement programs for the future and propose a plan that both sides can actually accept.

That is how we get out of this. That is how we succeed. The scope of this challenge calls for Presidential leadership. That is what the American people should be able to expect. That is all Republicans are calling for. It is the President's turn to propose a specific plan that brings both parties together. That is what Presidents are elected to do. That is what he pledged to do. It is precisely the sort of leadership we need.

I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### SPORTSMEN'S ACT OF 2012— Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 3525) to protect and enhance opportunities for recreational hunting, fishing and shooting, and for other purposes.

#### Pending:

Reid (for Tester) amendment No. 2875, in the nature of a substitute.

Reid amendment No. 2876 (to amendment No. 2875), to change the enactment date.

Reid amendment No. 2877 (to amendment No. 2876), of a perfecting nature.

Reid amendment No. 2878 (to the language proposed to be stricken by amendment No. 2875), to change the enactment date.

Reid amendment No. 2879 (to amendment No. 2878), of a perfecting nature.

Reid motion to commit the bill to the Committee on Energy and Natural Resources, with instructions, Reid amendment No. 2880, to change the enactment date.

Reid amendment No. 2881 (to (the instructions) amendment No. 2880), of a perfecting nature.

Reid amendment No. 2882 (to amendment No. 2881), of a perfecting nature.

#### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Harry Reid, Jon Tester, Kent Conrad, Joe Manchin III, Jeff Bingaman, John D. Rockefeller IV, Benjamin L. Cardin, Ben Nelson, Max Baucus, Jeanne Shaheen, Mark Pryor, Christopher A. Coons, Al Franken, Amy Klobuchar, Jim Webb, Mark R. Warner, Michael F. Bennet.

The ACTING PRESIDENT pro tempore. By unanimous consent the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, shooting, and for other purposes shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. INOUE), the

Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 84, nays 12, as follows:

[Rollcall Vote No. 203 Leg.]

#### YEAS—84

Akaka	Feinstein	Mikulski
Alexander	Franken	Moran
Ayotte	Gillibrand	Murkowski
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Hatch	Pryor
Blumenthal	Heller	Reid
Blunt	Hoeben	Risch
Boozman	Hutchison	Roberts
Brown (MA)	Inhofe	Rubio
Brown (OH)	Isakson	Sanders
Burr	Johanns	Schumer
Cantwell	Johnson (SD)	Shaheen
Cardin	Johnson (WI)	Shelby
Carper	Klobuchar	Snowe
Casey	Kohl	Stabenow
Chambliss	Landrieu	Tester
Coats	Leahy	Thune
Cochran	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Vitter
Coons	Manchin	Warner
Corker	McCain	Webb
Crapo	McCaill	Whitehouse
Durbin	McConnell	Wicker
Enzi	Merkley	Wyden

#### NAYS—12

Boxer	Kyl	Paul
Coburn	Lautenberg	Reed
Cornyn	Lee	Sessions
DeMint	Menendez	Toomey

#### NOT VOTING—4

Inouye	Kirk
Kerry	Rockefeller

The PRESIDING OFFICER (Mr. UDALL of New Mexico). On this vote, the yeas are 84, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Cloture having been invoked, the motion to commit falls.

#### VOTE EXPLANATION

• Mr. KERRY. Mr. President, I was necessarily absent for the cloture vote on the Sportsmen's Act (S. 3525). If I were able to attend today's session, I would have supported cloture on this legislation.●

Mr. PORTMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, the Reid substitute, S. 3525, the Sportsmen's Act of 2012, is legislation that has a lot of very good things in it. Senator REID attempted—although outside the normal committee process—to put together a package of bills that could

do some good things. I generally am supportive of the package. I think it has some very good qualities to it, and I very much want to support it. But there is a problem with it. It is a small but important problem, and it needs to be fixed.

That is that, once again, after the Budget Control Act agreement reached in August, 15 months ago, the majority has brought forth a bill that violates the Budget Control Act, in which we agreed to a deemed budget as part of that process, and we are now spending more than we agreed to spend.

Fifteen months ago, we agreed to limit spending each year for the next 10 years and to stay within a limited amount of spending. Because we are borrowing virtually 40 percent of every dollar we spend, this country has a debt crisis staring us in the eye. Without any doubt, the most obvious threat to America's future is the surging debt: \$4 trillion-plus increased debt in just 4 years, and the end is not in sight.

So we agreed, as part of raising the debt ceiling, to limit spending. This bill violates that agreement, and we need not do that. This is not the first one; it is the fourth one. That irresponsibility is one of the things that has placed us into this fix.

We looked the American people in the eye 15 months ago and said, Okay, we will raise the debt ceiling \$2.1 trillion—because the administration had reached the limit of borrowing that the United States can incur—but we will reduce our projected spending increases over 10 years by \$2.1 trillion. Part of the agreement in the Budget Control Act limited spending in various accounts, and this violates it.

You might say, JEFF, that is your opinion. No, it is not my opinion. I raised this with Chairman CONRAD of the Budget Committee, of which I am ranking member. He and his staff have looked at it, and they certify that this budget violation actually occurs; therefore, the legislation is subject to a budget point of order. It cannot go forward because it violates the deemed budget that we agreed to.

If the budget point of order is raised, which will happen, then my colleagues will have a choice: They can either place the bill on a sound financial path that does not violate the Budget Control Act; or, they can say, Well, we won't pay any attention to that objection. We will waive the budget and just spend more than the budget allowed, because this is really important. It is really important that we raise revenue and spend more on the duck program.

I have been supportive, and the duck stamp is important. But this is not the right way to do this. If you are going to spend more money, you need to reduce spending somewhere else.

Also, I would point out the legislation was changed from the time it came out of committee. Part of the

legislation at least when it was proposed in the Committee on Environment and Public Works of which I am a member, we observed that the proposal was to give bureaucrats—government officials, unelected—the power to meet with special interests, or whoever they chose to meet with or not meet with, and set the amount of fees—taxes, you might call it—that would be required of Americans before they could hunt ducks. That has never been so. Previously, the Congress set how much you could charge for a duck stamp.

So this was raised in committee, and our able chairwoman Senator BARBARA BOXER agreed and by a voice vote it was accepted that Congress would set the limit on how much you could raise for duck stamps and burden duck hunters with. That is an important principle, in my opinion. That is violated by the bill that was brought up—not the one that passed committee, but the one brought up by the leader.

I grew up in the country. When I go back home, I love to be in the woods. I don't hunt anymore, but I have been a big supporter. Many of my friends are hunters and fishermen and conservationists. So it is sad that we are having a dispute over this legislation, because we are so close to being able to work out the problems. My request to Senator REID and to our colleagues would be: Let's fix this. Now it looks as though the bill will not be brought up until Monday when we come back, and I hope there will be ample opportunity for us to fix this problem so we are not passing a bill that violates the budget.

Under the bill, it would authorize \$142 million in new direct spending over the next 10 years. Some may say that is not a lot, but if that is so, they have been in Washington too long. Mr. President, \$142 million is a lot of money, and it is a very important principle because this is not the first time we violated the Budget Control Act.

If we stay with our agreement that we made with each other, that we made with the American people 15 months ago when the Budget Control Act was agreed to, we will at least save \$2.1 trillion over 10 years. But if we keep nibbling away at it and eroding what we agreed to, we not only undermine our own credibility, but we weaken our ability to balance the budget. And if we reach a new agreement—which we need to do as we deal with the fiscal cliff then don't the American people need to know we will stand by the agreement we make? Don't they need to know an agreement is something more than a momentary event to get past a crisis and then the next year we can just ignore it? There is too much of this attitude in this Congress. That is one reason this country is in such a dire financial condition. The Reid amendment would violate the committee spending allocations in the deemed budget and

would do it not only next year but every year over the next 10 years. This violation does not need to happen.

You say: This is technical. It is technical because it is paid for. We raise the revenue and we spend the revenue, but new spending is paid for by revenue—the tax increase on duck hunting—and therefore what are you worried about, SESSIONS?

What are we worried about? The agreement was that this whole area of spending would be capped at a certain level. The way to do this is, if you are going to spend more on the duck program, then reductions ought to be made somewhere else in this vast spending program or else you tax and spend. That is what we are doing. It is just tax-and-spend.

They say: We cannot cut anything else in the budget in dealing with interior, environment, and those issues. There is no way we can save another dime. We can't save \$14 million a year over 10 years anywhere.

Of course we can. There are plenty of places to save it there and in any of the other items of this government that waste money. What are they really saying? What they are saying is that of all the money we are currently spending, all of that is more important than finding \$14 million to spend on more duck preservation programs. I am not sure that is correct. I am a believer in the duck stamp program, and I would like to see if we can figure out a way to do more to make sure we preserve those migratory bird habitats and the duck population in America, and I am prepared to be pretty aggressive as a Member of the Senate in developing policies to do that. But you do not have to tax and spend more. That is the point.

If you look at it and say that we cannot cut any other spending in the entire Federal Government to find \$142 million for the duck program, I will just say to my colleagues, that is what we are paid to do. We are paid to make those tough choices. I don't like them sometimes, but it should not be hard in this instance to find this kind of payment. The idea that we can just up a fee and spend more money and violate the budget and nothing is going to happen and we are going to just go along and do that without objection, that time is over because we are in a debt crisis.

We have run up trillion-plus deficits for the last 4 years. President Bush's last deficit was huge. It was one of the largest we had in—maybe ever, \$470 billion. We have averaged about \$1,300 billion the last 4 years. The year before he left office, there was a \$160 billion deficit. So we have \$160 billion, \$470 billion, a trillion-plus, 4 consecutive years. We are on the road in just a few years to double the debt of the United States again. This cannot be sustained. That is all I am saying. We have had

similar budget problems on the postal reform bill, the highway bill, and the veterans jobs corp bill. We have had problems with spending violations on those bills too.

I really hope we will use this period of time to work out some language that fixes this problem. My budget staff can provide a long list of things that would save us this much money and have no real impact on the productivity of our government.

The Migratory Bird Habitat Investment and Enhancement Act—that is a good name, sounds like something we should be for—would actually give the Interior Department a blank check to increase the price of the duck stamp. It gives the Interior Department—unelected bureaucrats—the power to set how much we pay. Currently, it is \$15. They could make it whatever figure the Secretary decides it should be, without any limit whatsoever. We discussed this in committee. The committee said: No, this is not the way we want to go. We have not done this before. Congress has stepped up to the plate and been responsible and decided how much we are going to extract from the American people before we allow them to go duck hunting. Granting that power to the Secretary is a significant change from what the committee voted on.

The duck stamp is purchased by all duck hunters in the United States. It was established in 1934. Since its beginning, it has always been set by Congress, not somebody in the bureaucracy. This is an unchecked power. I think it is a delegation of power to a person not accountable to the people, and it might violate the Constitution because only Congress can appropriate money and raise taxes. If it doesn't violate the Constitution explicitly, it violates the spirit of the Constitution. Moreover, by increasing the price of the duck stamp, if you think about it, in this amendment—it is an amendment, a revenue-raising amendment to an S. numbered bill. Senator REID, therefore, by doing that, has put up a revenue enhancement bill originating in the Senate. The Constitution says revenue bills have to originate in the House. That places the bill in jeopardy. The House is very jealous—rightly so—of their constitutional prerogative of commencing all tax revenue bills in the House. The Congressional Budget Office, our objective analysis team, scores the duck stamp provision as an increase in revenue. If the House exerted its privilege under the Constitution, this bill would be subject to a blue slip, a rejection based on the revenue clause.

Also, amazingly, we have no amendments. There is no process to even bring up amendments to vote. So we are stuck with the position of either supporting the bill as is in all its complexity or not. If we fixed this matter,

I would be supportive of the bill. We tried to study it. I think it is OK and pretty good, actually. It is a positive step in the right direction if we simply fix this. So the proper remedy for this situation is to allow amendments or send the bill back to committee and figure out how to pass legislation that is within the budget limit.

I will not mention all the good things about this bill. There are a lot of them: the National Fish and Wildlife Act; the North American Wetlands Conservation Act has some good provisions in it. A number of the other pieces of legislation are excellent. I do not think that is in dispute. It is supported by a lot of great wildlife organizations. I support that.

On September 22 the Senate voted 84 to 7 to invoke cloture on a motion to proceed, with the full expectation that when the Senate returned this month, an opportunity would be provided to address the budget concerns and to improve the bill. But now we see that my friend the majority leader has decided to move forward without confronting these issues.

I hope we can figure out a way to avoid this situation. Maybe people did not think about it clearly. Maybe they just thought it is paid for, therefore it cannot be a problem with the budget. But even though it is paid for, it really is a problem with the budget, and we do not need to delegate to some unelected official, even if it is constitutional—about which I have doubts—the ability without limit to raise fees for a normal historic right of Americans to go hunting ducks. I believe that has to be fixed, too, and we should do that.

Finally, I understand the intent is to recess for the rest of the day and all next week. However, in the Armed Services Committee yesterday, we were told we can get the armed services authorization, the Defense authorization bill up for a vote. We can actually bring it up and we can have a vote, and this is great news, and we have to do it in 3 days and very limited amendments, but if you Republicans will agree with that, we can get the bill up.

This is the first time in 50 years we have not passed a Defense bill prior to the September 30 fiscal year end. We are already into the new fiscal year. It should have been passed long ago. More than that, we could have spent 3 weeks on the Defense bill. We did nothing in September. We are doing nothing next week.

What is this about? It is about the management of the Senate defeating the historic ability of Members of the Senate to actually participate in the great issues of our time. One of them is the Defense Department budget and policy. The Defense authorization bill came out of the Armed Services Committee unanimously, but several of us in committee said that we have amendments we want to bring up on the floor.

Other Members not on the Armed Services Committee have a right to talk about this \$540-some-odd billion expenditure, the largest single expenditure outside of Social Security and Medicare in the entire budget. We are supposed to be thankful we did nothing in September, we are going to do nothing next week, but you now only have 3 days and just a very few amendments, and Senator REID will pick and choose which ones you Republicans get to offer. That is why we are having problems.

Senator REID continues to assert that Republicans are filibustering. What Republicans are saying is we are prepared to move to these bills, but we would like the leader to tell us how many amendments we can get. He has figured out a way to fill the tree—what we call the amendment tree—to a degree that has never been done before, and that allows him to pass legislation without any amendment.

So we say we would like to have amendments, Mr. Leader. This is the Senate.

OK. Submit a list of them to me. You can have two, and it can't be this amendment, it can't be this amendment, and it can't be this amendment. It can only be these kinds of amendments. We will be nice to you. Well, maybe three. Ok, you get three—on a \$540 billion defense bill that sets the policy for our military, that decides what weapons systems we are going to invest in with billions of dollars?

Some people in this Senate have opinions about it and they want to come to the floor. Maybe when they were campaigning they said: I am against such and such in the Defense bill, and they want to come here—and it is in the bill and they are against it and they want to offer an amendment and explain why it shouldn't be in the bill. They want to offer an amendment to take it out.

Sorry. We don't have time.

I think this is a dangerous trend. I believe we shouldn't be recessing today. I believe we should be working. We have the fiscal cliff. We have the defense sequester. We have monumental tax increases about to occur. We have the death tax going to 55 percent of virtually anything somebody has. All these things are going to happen if we don't take some action. We have all these people talking, secretly planning and talking and working, and so about Christmas Eve I suspect they will walk in here with a plan we will be told we have to support or else we will work through Christmas or on January 1 we will be here, and we will have a catastrophe if all these bad things happen.

The President will not even say what he is for. He will not even lay out a plan. Congressman RYAN laid out a plan. He has defended it all over the country and is prepared to discuss it

and explain it. What is the President's plan? What is Senator REID's plan? Does the majority leader have any plan to confront our pension programs for Social Security and Medicare that are going broke? Does he have any plan to fix them? What is it? Isn't this important? Does he have any plan to get us off this trillion-dollar debt course? What are we going to do?

Growth is going down. We were at 2.4 percent in 2010; we had that much GDP growth. We have had a very slow recovery from the 2007-2008 recession. But then did it go up in 2011? No; it dropped to 1.8. What about the first three quarters of this year? It was 1.77. The growth is not occurring. We are borrowing and spending, but we are not creating growth. I think we need to deal with this crisis we face and the uncertainty of policies is hurting America's economy also.

I am disappointed we are not dealing with these important issues. I am disappointed we are recessing, and we need to do better.

Mr. DURBIN. Today the Senate voted to end debate on S. 3525, the Sportsmen's Act of 2012. Along with 84 of my colleagues, I voted to support cloture in an effort to move this bill forward. It is a compilation of almost 20 different pieces of bipartisan legislation that are important to the sportsmen's community. The Sportsmen's Act will increase habitat conservation while improving access to recreational fishing and hunting lands. These are laudable goals that are worth supporting. However, the bill also contains troubling provisions allowing the importation of polar bear trophies and lead ammunition that I hope will be changed before final passage of the bill.

In its current form, the bill would allow several hunters who killed polar bears in Canada before a ban was put in place to bring those bear hides back to the United States. This provision would reward hunters who unethically killed polar bears despite multiple warnings of an imminent ban on imports and the imminent listing of polar bears as an endangered species. If enacted, this provision could easily lead to outcomes that no one wants—it could increase demand for polar bear trophies and lead to more poaching or illegal trade of polar bear parts. It could also stimulate demand for other exotic and endangered animal parts from around the globe. That is why I am a cosponsor of Senator KERRY's amendment to remove this provision from the bill.

I also oppose the current bill's exemption of ammunition and fishing tackle from regulation under the Toxic Substances Control Act. Many people are concerned that wildlife in heavy-hunting regions is being poisoned as they consume prey that contains lead ammunition fragments. The U.S. Fish & Wildlife Service banned the use of

lead shot for hunting waterfowl nationwide in 1991 because of concerns that lead shots were causing sickness and death in migratory birds that end up ingesting the shots. And several states have banned the use of lead ammunition in areas where protected bird species live. Exempting ammunition and tackle from EPA regulation doesn't make sense when we know these products are harmful to game and wildlife. I hope the Senate will adopt Senator LAUTENBERG's amendment, which I cosponsor, to remove this provision from the bill.

Ensuring adequate funding for conservation programs and access for sportsmen to recreational lands is important. There is no doubt about that. I support that. But these goals should not be achieved at the expense of animal welfare or public health and safety.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I listened with interest to my colleague from Alabama, and I have great confidence that we will have a robust debate on the National Defense Authorization Act over the next few weeks and that we will keep our record intact that has now been in place for some 50 years of putting in place a national defense authorization act. We did so at this time last year and we did so the previous year and I have every confidence that we will have a comprehensive national defense authorization act that will direct the Pentagon and all the men and women in uniform who serve us so well as to the policies of the United States. I know I will work with my colleague from Alabama to see that accomplished.

#### WIND PRODUCTION TAX CREDIT

I come back to the Senate floor, as I have on many occasions, to urge all of us to take action on a policy that is bipartisan in its support and in its ramifications, and that policy is the production tax credit for wind energy. We need to renew that production tax credit. Why? It has encouraged billions of dollars in investment and it has helped create tens of thousands of good-paying American jobs all across our country.

However, I have to tell my colleagues that our inaction over these last few months is jeopardizing the future of what is a very promising industry. We have literally, over the last months, seen wind industry jobs in the thousands disappear. That is not just a statistic. That is not just a statement. Those jobs have affected real Americans. These job losses were completely preventable. It is time for us to get back to work and extend the production tax credit so our wind industry can also get back to work.

One of the things I have done is I have come to the floor some 20-plus

times to focus on an individual State. Today I wish to speak about a State that has an incredible potential for wind power; that is, Montana, the "Last Best Place" as Montanans like to describe their amazing State. Similar to almost every State in the country, Montana has seen the jobs, clean energy, and economic benefits of wind power.

I wish to take the viewers on a little bit of a tour of Montana. "Big Sky Country" is home to wind resources that could mean the State's current electricity needs 210 times over. When we compare that to other States, we see that Montana then has the third highest wind resource potential in the country. So it is a prominent player in the future progress of our Nation's wind industry. Therefore, it is no wonder that Montana has seen strong development in the wind industry sector.

Looking at this map, Toole County, up here in the northwest corridor of Montana, is the site of a new wind farm, the Rim Rock Wind Farm, north of Cut Bank. It has 126 turbines. They completed the project in September of this year. What is most important is when we think about the jobs for local workers, the generation of \$2 million in tax revenue which contributes to the \$5.7 million in property taxes from wind farms across the State, it all goes to those local communities for schools, roads, and social services to enhance the quality of life for Montanans. The Rim Rock Wind Farm will power thousands of Montana homes and, along with other wind farms across the State, as I have mentioned, it provided great construction jobs as the project was built.

So Montana will continue to be an attractive State for wind development. However, with the expiration of the PTC looming—literally, within a few weeks the PTC will expire—the future growth of this important industry in Montana is in jeopardy.

We have seen how important this industry is to our energy and manufacturing future. If it is sidelined by partisan wrangling, that would truly be a tragedy. I know—as does the Presiding Officer in his State of New Mexico as well as my State of Colorado—and the people in Montana know we need an all-of-the-above energy strategy to improve our overall energy security, and wind is playing a major role in that effort.

We know Montana's two Senators, Senator BAUCUS and Senator TESTER, are hard-working. They are very effective. They have always supported the production tax credit for their State and for the country. Senator BAUCUS, as the chairman of the Finance Committee, pushed forward bipartisanly supported tax extenders in early August that included the extension of PTC. It is crucial we take up this package as soon as we possibly can and pass

it. I wish to acknowledge the work of Senator BAUCUS and his focus on creating American jobs and securing true energy security. However, his work—our work—isn't finished. We have to get the PTC over the finish line and affirm our solemn commitment in this Chamber to Made-in-America energy and American manufacturing. It is this simple. If we fail to extend the production tax credit, we are, in effect, shipping thousands of jobs overseas to places such as China and Europe and our foreign competitors.

So I come to the floor again to implore all my colleagues to stop this possibility from becoming a reality. I wish to reiterate this isn't a partisan issue. There is broad support in this body for wind energy. There is also support in the House. So there is bicameral support as well as bipartisan support. We risk losing thousands of jobs and crippling an industry that is just now establishing itself as a very important part of our economic portfolio.

I think the Presiding Officer would agree we are sent by the people of our States to make smart, informed decisions about the future on behalf of the American people. If we let this important production tax credit expire, it would be a decision we would all regret. I wish to underline as well that the tax credit is applied once that power is produced. This isn't a speculative subsidy. This isn't based on hoping something will happen. It actually is based on power that is produced and that tax credit is directed to the utility or the power company and, in some cases, the community power agency that provides the power. So it is based on actually producing those electrons through wind energy.

Let's show America and the world we are as committed to energy independence and job creation as we often say. Wind is key to reaching that goal. Wind is the path to that goal. Let's put action behind our words and pass the production tax credit as soon as possible.

It is as simple as this: The production tax credit equals jobs. Let's pass it as soon as possible. Let's pass it ASAP.

Thank you. I look forward to sharing some perspectives on the great State of New Mexico soon in the future, and I thank the Presiding Officer for his attention.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

Mr. LEE. Mr. President, I stand today to explain my "no" vote on clo-

ture this morning in connection with the sportsmen's bill, S. 3525.

This is a large bill. It is made up of a number of legislative proposals that have been put together. In many settings this is a good way to legislate. In many respects it is, and we utilize this procedure on an almost constant basis in order to make the laws of our country. Like many other pieces of legislation that come before us that have been formed in this fashion, this is a bill as to which I can say I support it in part and I don't support it in part. There are parts of it I like a lot, and there are other parts I like a lot less. That is exactly why we have an amendment process. True debate in this country, especially in this body, presupposes and depends for its existence on the availability of an open amendment process.

You see, when people go into a store, they can decide which items they want to buy. They can decide to buy bread and milk and eggs or any combination of the three or other products they might want. It would be disturbing if they got to the grocery store counter and were told they may not buy bread and milk and eggs unless they also buy a bucket of nails, a half a ton of iron ore, a book about cowboy poetry, and a Barry Manilow album. Sometimes that is what we are told when we get to the table to vote in the Senate. In order to get some things we want, we have to buy a whole bunch of other things we might not want.

That is a reality of the legislative process. It is a reality that goes along with compromise, and it is one we live with every day. But, again, this is why it is important for us to have an amendment process, so that we can at least debate the relevant merits of each piece of legislation. More importantly, so that we might figure out how to take a good piece of legislation and make it better or how to take a bad piece of legislation and make it good.

In this circumstance, the majority leader has used a procedure known as filling the tree. He filled the tree, which means, in effect, that we can't offer amendments. We can't offer any amendments other than those few the majority leader decided could be offered. This shuts down debate. There can be no significant debate beyond that which will lead to a vote once the tree has been filled. This is a problem.

Now, Republicans in this body, myself included, voted recently to proceed to this bill believing in good faith there would be an opportunity to amend this bill. The bill is important to me in many respects. One of the things that has gotten my attention is that it addresses a number of issues related to Federal public lands. It addresses a number of other issues related to wildlife conservation and wildlife management and other issues that are important to hunters and other

outdoor enthusiasts across the country and in my State in particular.

One of the reasons this bill is especially important to me is that I represent the great State of Utah—a State that has a lot of Federal land. In fact, two-thirds of the land in my State is owned by the Federal Government. For that and other reasons I would like the opportunity to address this piece of legislation by offering amendments—amendments that would make a good bill better.

But this process—a process whereby the majority leader rules this body by dictate—is not good for the Senate. We have come to expect the Senate will be a great deliberative body. In fact, the Senate has long prided itself on being the world's greatest deliberative legislative body.

There are a number of realities about the Senate that make this possible—far more possible than it might be in the House of Representatives. Here in the Senate we have only 100 Members. Just down the hall, in the House of Representatives, they have 435 Members. In that body it is not always possible to have an open amendment process. In this body it is assumed this is the usual order. This is how we are supposed to operate, to have an opportunity for Members to offer and debate and discuss amendments in advance of voting for the bill at the end of the day. Yet we have not had such an opportunity in this case because the leader filled the tree.

This is significant, and I want to emphasize this point. It is true, of course, that majority leaders from both political parties have utilized this procedure from time to time, for one reason or another—perhaps out of a professed need to expedite the legislative process in certain instances. But this majority leader has utilized this procedure a lot more than others. In fact, he has utilized it, by my count, a total of 67 times, more than any other majority leader in history. Why, I ask, has he done this? Why did he do it in this circumstance? Why has he done it in so many other circumstances throughout this Congress and throughout his service as majority leader?

Is it because the Senate has demonstrated an inability to debate and discuss bills and amendments to bills in a reasonable, responsible manner? I don't think so. Let's point to a couple of examples. For example, the National Defense Authorization Act, which this body passed toward the end of last year—the NDAA of 2011. It passed out of this body overwhelmingly, notwithstanding the fact there were a number of amendments introduced. I believe there were dozens of amendments that were introduced, debated, discussed, and ultimately voted upon.

Another example involved the farm bill. It was passed by this body earlier this year. If I am not mistaken, we had

over 70 amendments to that bill. I appreciated the majority leader's willingness in that circumstance to allow us to have a pretty open, robust debate and an open amendment process. We still passed the bill, even though we had to conduct a lot of debate and have a lot of discussion and have a lot of votes. But this, you see, is what makes this the greatest deliberative body in the world.

This is what separates us from other legislative bodies around the country and throughout this planet. So it is not the case the Senate simply isn't responsible enough to be able to handle something such as an open amendment process because it has demonstrated its ability to do so time and time and time again.

Now, let's talk about some of the things I like in this bill. I support the fact that this bill would increase access to public lands and remove some burdensome regulations on some activities occurring on those lands. On the other hand, I am not as wild about the fact that this bill devotes \$6.5 million on neotropical migratory birds on a program that would require 75 percent of those funds to be spent outside the United States. I know in the big picture of things this is a very small figure in terms of our total national budget. Nevertheless, this is a lot of money. It is a lot of money to hard-working Americans who are paying their taxes in order to fund programs like this. We ought at least to have an opportunity to debate amendments so that Americans can feel as if their money is being spent in the United States for causes that are important to Americans and not on birds outside the United States.

Other Senators have other differences with the bill, other concerns. I agree with some of those concerns; I disagree with others. Each of them should have an opportunity to have those concerns aired, to have them debated in connection with amendments they might choose to introduce. We should be debating all of them. Instead, in effect, we are debating none of them.

That kind of process is especially important in this circumstance because, you see, this bill, as I understand it, has never gone through committee. Normally, in committee we have an opportunity to put a bill through the markup process, to make amendments in committee. This didn't go there. All the more reason we should have an open amendment process right here.

So I have introduced several amendments, and I will refer to just a few of them. One of them would involve a proposal to not spend money we don't have in order to support the conservation of multinational species. It will cost \$150 million over 5 years. In other words, it is one thing to spend money on habitat preservation and species rehabilitation for species that actually exist in the United States. It is another

thing to spend a lot of money on species outside the United States, on creatures that have never entered our borders and never will. That is something I think Americans are concerned about, and it is something I think we ought to have a chance to debate as long as we are debating and voting on this legislation.

I have another piece of legislation that would require State legislative approval for any new Federal land designations. As I said a few minutes ago, with the Federal Government owning two-thirds of the land in my State, I am especially concerned about the possibility of, for example, the President deciding to just designate a new national monument within my State. This happened a few years ago when President Clinton designated the Grand Staircase Escalante National Monument inside Utah. He didn't go to Utah to announce it, he went to Arizona to announce it.

This is beautiful land. It is beautiful territory. But all of this was accomplished by the stroke of a pen from one Chief Executive without any opportunity or input from Utah, from its 3 million residents, from its elected officials. I think anytime the Federal Government takes this kind of action—action that will have a profound impact on the State, on its sovereign rights, on its ability to raise revenue, on its ability to encourage and promote economic activity within its boundaries—there ought to be input and approval from the State legislature. I have an amendment that would address this concern.

I have another amendment that would offer certain Federal lands for disposal by a competitive sale process. We have an enormous amount of land in this country. Some of it is being put to good use; other land is being set aside because of its wilderness characteristics; still other land is just sitting there not doing anything. I think some of that land could be sold and some of that money could be used to fund our programs—programs that are cash strapped, along with everything else in this country right now.

These and other amendments need to receive consideration. I am not saying every one of them has to pass in order for this legislation to proceed, but every one of them ought to be debated, and the American people should have an opportunity to have their input through their own elected Senators.

I would deeply regret it if this were somehow an indication that our majority leader intends to operate the Senate this way, not only throughout the duration of this Congress but into the next Congress as well. I want to be clear that I have great respect and admiration for our majority leader. I have known him for most of my life—since I was 11 years old, in fact. I consider him a friend.

I ask him—I implore him—as my friend to reconsider this practice of filling the tree and thereby forestalling the introduction of amendments. We need an open amendment process. Our status as the world's greatest deliberative legislative body requires nothing less.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CYBER SECURITY

Mr. MCCONNELL. Mr. President, last evening the majority leader had a second cloture vote on S. 3414, the Lieberman cyber security bill. This vote to end debate on a comprehensive, complex bill that was never reported out of committee or subject to a markup came despite the fact that not a single amendment, except for those used to fill the amendment tree, was allowed to be made pending to the bill.

The majority leader had made prior commitments to allowing a free and open debate on cyber security, a matter that Republicans acknowledge must be addressed, especially in the areas of information sharing, and providing some degree of liability protection to those companies that do share cyber threat information with one another and the Federal Government. Yet, despite this commitment, the majority leader triggered this second cloture vote on the bill and filled the amendment tree throughout floor consideration of cyber security legislation.

Now the Senate will hopefully move to a full and open debate of the national defense authorization bill. During the time that that bill is considered on the floor—and I do expect that bill to be subject to an open amendment process—my hope is that the majority leader will work with me to reach agreement on allowing a debate on cyber security legislation with Republican amendments in order, especially since the ranking members of Armed Services, Intelligence, Commerce, and Judiciary are all cosponsors of a cyber security bill that needs to be considered as part of this debate.

My expectation is that sometime in December after we have completed floor debate on the Defense authorization bill, and then disposed of the Intelligence authorization bill, we will then attempt to get an agreement on amendments to the cyber security bill.

#### TRIBUTE TO ERNIE ALLEN

Mr. President, I rise to pay tribute to a close personal friend of mine of over 40 years, a Kentuckian who is a hero to his country and an inspiration to many for his work on behalf of children where he has made a national impact.

In his 23 years of service as president and chief executive officer of the National Center for Missing and Exploited Children, Ernie Allen has saved thousands of lives and reunited thousands of families.

Today, November 15, Ernie retires from the helm of the National Center for Missing and Exploited Children, a private nonprofit center which he cofounded. Under his leadership, the National Center assisted in the recovery of more than 178,000 missing children. They have trained almost 300,000 law enforcement and criminal justice professionals in policy and protocols for missing children investigations. And they have achieved a missing child recovery rate of 97.7 percent.

Losing Ernie's talents at the National Center will be a loss for Kentucky as well as for the Nation. Kentucky was proud to have one of our own leading this important cause. I have known Ernie for over 40 years, dating back to our days at Manual High School in Louisville. On the same day I won election as president of the student body of the high school, he was elected president of the junior high portion of the same school. We both went on to attend the University of Louisville and were actually fraternity brothers there.

Knowing Ernie so well, I can assure you that his dedication to rescuing missing children runs very deep. Over 25 years ago, when I was judge executive in Jefferson County—a position that is the head of the executive branch of county government—Ernie was the director of the Louisville/Jefferson County Crime Commission. Louisville, of course, is the major city located within Jefferson County, and in fact these days the city and county governments have merged. That was not the case, however, in those days, and we in the county government had to coordinate and work with officials in city government. This Louisville/Jefferson County Crime Commission was one of the best examples of cooperation between city and county government back in those days.

That commission was the first of its kind to bring police officers and social workers together on behalf of kids. Just one innovation Ernie came up with back then was to make a fingerprint card for as many Kentucky kids as possible, and send that card home to the child's parents to use to assist investigators in the awful event their child ever went missing.

Ernie's work in Kentucky established him as a national leader in his field as early as 1981. At that time, no nationwide organization existed to share and distribute information on missing children. If a child was abducted and taken over a State line, or even a county line, the chances that law enforcement in the new jurisdiction had all the information necessary to save that child were quite small.

Ernie led the effort to lobby Congress to establish laws so that police could talk to each other across boundaries about these missing children. His work and patience bore fruit in 1984, when President Reagan signed the bill creating the National Center for Missing and Exploited Children as a public-private partnership.

Ernie was an integral part of the founding of the National Center. He then became its president and CEO in 1989. He has been a nationally recognized authority in combating child abduction and exploitation for decades. The U.S. Justice Department sought out his expertise in the wake of the tragic child murders in Chicago and Atlanta. Congress has sought his expert testimony many times on issues ranging from international child abduction, to missing children, to online crimes against children.

Ernie worked to secure the passage of the National Child Search Assistance Act, which prohibits waiting periods for initiating missing child investigations. Previously, some law enforcement agencies refused to take reports of missing children until a certain period of time had elapsed. Now, thanks to Ernie, there are no unnecessary bureaucratic delays in cases where any hesitancy can be the difference in returning an abducted child to their parents or opening a murder investigation.

Ernie advocated for the AMBER Alert Program, which has to date saved 600 abducted children. Today there is an AMBER Alert plan in every single State. Ernie has always recognized the critical role technology plays in these rescue efforts, from the AMBER Alert, to his spearheading the launch of the National Center's CyberTipline in 1998. This so-called "911 for the Internet" is a clearing center for reports on crimes against children on the Internet, and so far has received more than 1.5 million reports.

Ernie is a lawyer and a member of the Kentucky bar. He is also a teacher, having held faculty positions at the University of Louisville, the University of Kentucky, and Indiana University. He has been honored by his alma mater, the University of Louisville, as a distinguished alumnus of the Louis D. Brandeis School of Law, and as an Outstanding Alumnus of the College of Arts and Sciences.

I am pleased to report to my colleagues that Ernie will not be leaving the fight for America's kids. No, his passion won't allow him to take a typical retirement. We are lucky that even as he is stepping down from his role at the helm of the National Center for Missing and Exploited Children, he will now focus exclusively on his new role as president and CEO of the International Center for Missing & Exploited Children.

If there was some way for me to express the gratitude that literally thou-

sands of American families have for Ernie and the National Center, I certainly would, but that seems impossible. Imagine the relief of just one family who fears the worst about a missing son or daughter and then, thanks to the National Center for Missing and Exploited Children, is reunited with their child safe and sound. Multiply that by tens of thousands, and you will only just begin to see the enormous difference Ernie has made during his career. I am honored to say that I have watched and admired his work for many years, and I am honored to call him a friend.

Thank you, Ernie, for your great contribution to the cause of justice.

I wrote Ernie a letter congratulating him on his career and wishing him well on his retirement, and I ask unanimous consent to have that letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 15, 2012.

ERNIE ALLEN,  
*President & CEO, National Center for Missing & Exploited Children, Prince Street, Alexandria, VA.*

DEAR ERNIE: It is an honor to express to you my gratitude for your dedication to protecting America's children. You've brought peace to thousands of families, and your retirement from the National Center for Missing & Exploited Children will be a great loss.

When you took the reins at the National Center in 1989, it was easier to track down a missing car than a missing child. Now, thanks to your efforts, the National Center boasts a 97.7 percent recovery rate.

As your friend of over 40 years, I've been inspired by your career and character. Thank you, Ernie, for serving this mission of justice.

Sincerely,

MITCH MCCONNELL,  
*United States Senator.*

Mr. MCCONNELL. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. HAGAN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WARNER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WARNER pertaining to the introduction of S. 3635 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation? Are we in morning business?

The PRESIDING OFFICER. We are postcloture on S. 3525.

Mr. LEAHY. I thank the distinguished Presiding Officer. I ask unanimous consent to proceed for no more than 5 minutes as in morning business and then resume in the regular order.



The PRESIDING OFFICER. Without objection, it is so ordered.

VERMONT CHAMBER OF COMMERCE'S CITIZEN OF THE YEAR

Mr. LEAHY. Madam President, Vermont is a small State, but it is filled with very big people. Perhaps none are better known or more well liked or more respected than Antonio Pomerleau. He is the Vermont Chamber of Commerce 2012 Vermont Citizen of the Year. Vermonters know Tony Pomerleau by many names. They either call him Mr. P or Tony. My wife Marcelle and I have the good fortune of calling him Uncle Tony. He is my wife's uncle. They have a family bond that I admire. But no matter what we call him, we all agree that the best term to describe Uncle Tony is "generous."

This is not the first time I have come to the floor of the Senate to share stories of Tony Pomerleau's good deeds. Only 6 years ago, the Burlington Free Press named him the 2006 Vermonter of the Year. After that editorial, I came to the floor to tell the story of a successful real estate magnate turned philanthropist who touched the lives of thousands of Vermonters for the past several decades. At that time, he was 89 years old.

This year Tony has undertaken a series of good deeds so substantial that it would be irresponsible if we Vermonters did not acknowledge him with additional recognition and praise. In addition to his unwavering philanthropic commitment to Vermont, this year Tony has demonstrated why he is seen as a pillar of our community—I might say a granite pillar of our community. When Tropical Storm Irene destroyed people's homes, Tony immediately donated \$1 million to put them back together. When a decade-long struggle to save a mobile home park in Shelburne, VT, seemed destined to fail, Uncle Tony showed up to rebuild the neighborhood and donate it to the residents. And when his hometown, Newport—Marcelle's birthplace—began discussing plans to reinvigorate its beautiful waterfront, Tony offered to lead the way.

Any one of these three activities over a lifetime would warrant a lifetime achievement award. But Tony Pomerleau did them all in 1 year—at the age of 95.

This year's very public good deeds go hand in hand with a lifetime of public and private philanthropy. His generosity has touched tens of thousands of Vermonters, from college students at St. Michael's College, where he has been a leading benefactor, to the struggling families who attend his community Christmas parties, to the families of our deployed Vermont National Guard members who are able to come together in celebrations with Tony's support.

Perhaps the best gift Tony Pomerleau has given Vermont is the

sense of community and work ethic he has instilled in his family and employees. He and his wife Rita had 10 children, 8 of whom remain with us today. And often one of his many grandchildren travels with him when he goes around the State.

Vermont is a better place thanks to Tony and his good deeds. On behalf of all Vermonters, I thank the Vermont Chamber of Commerce for spotlighting Antonio Pomerleau's good works on behalf of his beloved fellow Vermonters.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. MCCASKILL). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARDIN.) Without objection, it is so ordered.

THE FISCAL CLIFF

Mr. CORNYN. Mr. President, the American people have spoken, and once again they have given us divided government. In that sense, we can say this was a status quo election. Before the election, just a week or so ago, we had President Obama in the White House, Democrats controlling the Senate, and Republicans controlling the House of Representatives.

After the election, we have President Obama in the White House for another 4 years, Democrats controlling the Senate, and Republicans with the majority in the House. What that tells me is the American people do not completely trust either political party to come up with all the answers. They want those kinds of checks and balances that divided government brings; that is, conducive of consultation, deliberation, negotiation, and compromise, not the kind of compromise that violates one's most fundamental principles.

That would be wrong. But as one of my colleagues had told me who actually—Senator ENZI, I will use his name, from Wyoming, one of the most conservative Members of the Senate on our side from Wyoming, he worked famously with that—I say this with all due respect—liberal lion of the Senate, Teddy Kennedy, worked very productively to produce a lot of legislation out of the HELP Committee.

One time I asked Senator ENZI how was it that he and Teddy Kennedy—in other words, one of the most conservative Republicans and one of the most liberal Democrats—how did they work together so productively to come together to pass legislation. He said it is easy. It is easy. He said it is the 80–20 rule. I know it sounds simplistic, but there is a lot of wisdom there. If two people are trying to work together in a bipartisan way to try to advance solutions to our Nation's problems, neither

side is going to get all they want. The only way perhaps to come up with moving the ball down the road or advancing solutions is to say: You know what. Do not let the perfect become the enemy of the good, and let's take the 80 percent we can agree upon and leave the 20 percent we cannot agree upon for another day and another battle.

A lot of wisdom in that it strikes me. The fact is that divided government means that neither Democrats nor Republicans are going to get everything they want. No legislation can pass. It cannot pass, no legislation can, strictly along partisan lines. It means bipartisan compromise is the only avenue to avoid further gridlock.

This Congress has kicked a lot of cans down the road. We have punted over into the lameduck session issues that we should have dealt with months ago in the regular order of things without the imminent pressure of the fiscal cliff or other things that threaten to put our country into a recession.

But the fact is, divided government has yielded some very positive developments for the American people in the past. In 1986, it produced landmark tax reform when Democrats and Republicans—Ronald Reagan as President, worked together to make our Tax Code more logical, more equitable, and more efficient. Ten years later, divided government produced a sweeping overhaul of our welfare system under then-President Bill Clinton. Conservative Republicans joined with a Democratic President to help millions of lower income people break free of the cycle of dependency and despair.

Of course, we know we have divided government. As I said earlier, we had a status quo election in that sense. We have had divided government since January 2011 when Republicans regained the majority in the House of Representatives. The result over the last 2 years sadly is it has produced legislative stalemates and bitter re-creations. Why should anybody think things will be different going forward?

I think what is different now from then is that Republicans and Democrats alike recognize we are at a crossroads, that our current fiscal path is unsustainable, and that we are either going to send the economy back into a recession unless we deal with the fiscal cliff and the sequestration or the alternative is—and being an optimist by nature I think we have an opportunity to address some of our Nation's most challenging fiscal issues.

But the fact is this. I would love to have someone tell me I am wrong. I would love to understand any reason they would disagree with this. But I would say it should be stipulated by Republicans and Democrats alike that we cannot continue to run trillion-dollar annual deficits. We cannot continue

to run the Federal Government borrowing 42 cents out of every \$1 the Federal Government spends. We cannot do it.

The only reason we can do it now is because interest rates are at historic lows. Because of what is happening in Europe, the American dollar is probably the only safe currency, safe harbor in the world now for people worried about protecting their savings. But we cannot continue along this path. If, for example, interest rates go up, the amount of money we must pay to our creditors such as China simply to keep buying our debt—if it were to go up to historic norms, our national debt would spiral out of control.

Right now we see this on our savings, on money market accounts or savings accounts. If we want to save some money, about the best interest rate we can get is less than 1 percent return on our savings because the Federal Reserve has worked to keep interest rates very low in order to help juice the economy and, hopefully, keep us from going into recession again. But we cannot continue down this path. If interest rates were to return to their historic norms, we would spiral out of control and into a recession or worse.

Secondly, we cannot continue to put off structural changes in Social Security and Medicare. I would think Republicans and Democrats alike would agree that we want to save and preserve Social Security and Medicare for our seniors. We may have different ideas about how to do that, but I would think we could agree on the goal. So far we have heard nothing from the President to deal with our broken programs such as Social Security and Medicare.

Unless we are happy with the Tax Code that wastes economic resources, that stifles job creation, and promotes crony capitalism, we cannot delay genuine tax reform. So we have an opportunity. We do not have to speculate on what bipartisan tax reform looks like. We do not have to speculate. We do not have to start from scratch. That is because in 2010 two separate bipartisan commissions recommended lowering the rates and broadening the base and eliminating a lot of tax expenditure deductions and credits which, in order to get the revenue the Federal Government needs to operate every time we grant a new tax expenditure, deduction or credit, what it means is we need to raise marginal tax rates, the percentage of tax people need to pay out of their net worth. Why is that important?

Because the higher we raise marginal tax rates, it operates as a disincentive on small businesses and individuals whom we are depending upon to grow jobs. Many small businesses do not operate as a corporation, a big C corporation, they operate as a subchapter S corporation. They operate as a sole

proprietorship or a partnership. The point is they pay business incomes, the people who run those small businesses, they pay flowthrough income on a personal tax return not on a corporate tax return.

So higher marginal rates disincentivize these smaller businesses from spending money to hire new staff or to start or expand their existing business. That is why keeping marginal rates down low for as long as we can for everybody is so important. Yet before we get to this important point of dealing with our broken Tax Code, before we can implement this, support this sort of comprehensive tax reform that they did in 1986 with President Reagan and Democrats in Congress, we need to stop America from driving off the fiscal cliff.

If we do not act between now and the end of the year, Republicans and Democrats alike, we will see the single largest tax increase in American history. How is that possible? As you know, the so-called Bush tax provisions that were passed are getting ready to expire. Those only lasted for 10 years.

In 2010, President Obama agreed with Republicans and our Democratic friends agreed with us. As a matter of fact, the extension of the so-called Bush tax rates was passed with 81 votes in the Senate in 2010. At the time, President Obama made what I thought was a perfectly sensible observation. He said, in 2010, with the economy growing so slowly, with economic growth down around 3 percent, which was producing high unemployment because the economy was not growing fast enough, he said: It make no sense to raise taxes during that kind of fragile economic recovery. That makes me wonder what has changed between now and 2010, except for the fact that economic growth is even slower. The economy is even worse today than it was in 2010.

President Obama has said—contrast what he said in 2010. He said: Raising taxes will help solve our long-term debt problems. He says: Raising taxes will help us solve our long-term debt problems. But it is hard to take that argument seriously if we look at it closely.

First, according to the President's own Treasury Department, the tax increases he is advocating would generate about \$85 billion a year in new net revenue. These tax increases would generate about \$85 billion in new net revenue. By comparison, the monthly budget deficit in October was \$120 billion. The President says raised taxes would generate \$85 billion; Treasury is saying \$85 billion doesn't close the gap to \$120 billion, which is the current level of monthly deficits.

As we know, the Federal Government has run annual deficits in excess of \$1 trillion for at least each of the last 4 years, leading to a \$16 trillion national

debt, roughly the size of our entire economy. These are dangerous waters we are navigating. The President has argued that we need to raise taxes, but he has not provided a prescription for closing the gap between what the Federal Government spends and what we take in, even with these tax increases. He has proposed nothing, absolutely nothing to deal with our unsustainable entitlement programs so we can keep the promise we have made to our seniors that when they qualify for Medicare and Social Security, those programs will be there for them.

I don't believe we can tax our way back to budget surpluses and economic prosperity. I am not a Ph.D. in economics, but I do think it is a matter of common sense to say that we cannot tax our way back into prosperity without a major reining in of Federal spending and entitlement reforms, which will continue to run up huge deficits, which cumulatively will add to that \$16 trillion of debt. That will happen regardless what we do on the revenue side, which is the only part of that equation the President has addressed so far.

That brings me to my second point. Nearly 4 years after President Obama was sworn in—4 years after he was first sworn in—he has not yet given us a realistic plan for dealing with the deficit and debt reduction. You might say: Well, he was unwilling to stick his toe into those difficult waters knowing he was going to have to run for election again because all of this is controversial, no question about it, on both sides of the aisle.

I would think now that the President has been reelected for another 4 years and he doesn't have to stand before the voters again, he would feel flexibility, he would feel as though he has the political freedom to try to address this problem in a bipartisan way.

Last February Secretary Geithner told the Republican chairman of the House Budget Committee, "We're not coming before you to say we have a definitive solution to our long-term problem. What we do know is we don't like yours." That strikes me as a strange response given the responsibility we all have to protect the interests of our country and the American people when it comes to keeping us on a sound economic path and hopefully putting America back to work.

It is easy in a campaign season for the President to talk about the need for a "balanced approach" when it comes to the budget. Of course, we all have our own ideas about how that balance should be struck, but a truly balanced approach would include reining in Federal spending and preserving and protecting Social Security and Medicare. As a matter of political reality, it should include revenue, and our side of the aisle has identified ways that additional revenue might be put on the

table, but that is simply not enough by itself to address the whole problem and is not a serious proposal in terms of solving the complex economic situation in which we find ourselves.

There is nothing balanced, though, about continuing to spend money we don't have and piling up trillions of dollars in new debt. It is irresponsible for our generation to impose on the generation of these young people sitting in front of me the debt they are going to have to pay. We are kidding ourselves if we think there is not a price to be paid for spending money we don't have. We ought to be big enough, we ought to be responsible enough to these young people, to our constituents, and to the American people to deal with this in a responsible way. That doesn't mean threatening America with a recession and almost 1 million people being put out of work if we drive off the fiscal cliff. It strikes me as the height of irresponsibility for the President or anyone else to say: If I don't get what I want, we are going to put America into a recession.

Can you believe that? It is completely irresponsible.

If the President is going to claim a mandate for governing, then he has a responsibility to offer a genuine solution to America's fiscal challenges. I am not saying he is going to offer a plan that this side of the aisle is going to embrace, but what it does is it begins the negotiations we know we have to engage in between the different sides of the argument to try to come up with that 80/20 proposition, that we can actually address these problems and leave some of our other fights and differences for a future day.

Unless the President offers a plan, his posturing over the national debt cannot be taken seriously. And if he threatens that "if I don't get what I want, we are going to go off the cliff and put America in recession and Americans out of work," that is irresponsible and I submit it would be a violation of the oath of office.

A few final thoughts.

None of us came to Washington to try to play small ball. We came here to try to do important work. I accept the fact that 100 Senators from every part of the country, from all political philosophies came here because they wanted to do the right thing for their constituents and the American people. I would stipulate to that. Granted, we all have different philosophies of government and the role of government that might lead us in different directions. That is what our debate is all about. It is irresponsible for anyone to suggest that we should not tackle these problems in an open, transparent, and responsible sort of way.

Why would we want to play small ball? Why would we want to refuse to tackle the Nation's most serious fiscal problems? Why would we want to con-

tinue to see 23 million Americans either out of work or underemployed, with people taking part-time jobs because they can't find full-time employment? Of course, more Americans back to work means more people who actually pay taxes, which is part of the solution to closing that gap between what we spend and what we bring in.

I realize and I don't want to minimize the importance of the daunting challenges we face. We were sent here to face them, not go hide under our desk, not say: Well, I don't want to do that; I don't want to vote on that issue because I might get an opponent in the next election. I believe these enormous challenges are enormous opportunities in disguise. I admit I come from Texas and we are optimists by nature. We believe that for every challenge, every complication, every problem, somewhere in there is an opportunity for us to deal responsibly and in an accountable sort of way to our constituents to pass the long-overdue reforms that would balance our budget, revitalize our economy, restore American competitiveness, and put Americans back to work.

None of us came here to play small ball. We now have a momentous opportunity to maybe swallow a little bit of our pride, to show a little humility, maybe. Something you don't think of when you think about politicians is humility. But I think we all have to realize the hand we have been dealt, not look back and keep pointing the finger of blame. We need to say that this is the hand we have been dealt, this is the job we have volunteered for and gotten a vote of confidence in the election that our constituents have enough confidence in us that we will act responsibly and not kick the can down the road and make the price for our inaction and irresponsibility paid for by the American people or these young people who sit here before me. I hope we seize that opportunity. I want to be part of the solution. I am willing to cast tough votes, and I am willing to stand before my constituents and say: You know what, we had to solve this problem. As long as people are still engaged in campaigning rather than governing, as long as we are playing to the television audiences and the peanut gallery rather than trying to solve these problems, we won't do it. But I hope we will seize it. I am optimistic we will.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. GRASSLEY. Madam President, in less than 2 months, American taxpayers are set to experience one of the largest tax increases in American history. With the elections behind us, it is time for us to work together to reach an agreement that can pass both chambers of Congress and be signed by the President.

Reaching an agreement won't be easy, but it must be done to avoid going head first off the fiscal cliff. By this time we are all aware of the Congressional Budget Office warning that failing to come together threatens to send us into another recession.

An agreement is certainly doable, but all we hear about is what revenues Republicans are willing to put on the table.

We need to hear what the President and my colleagues on the other side are prepared to tackle in regard to reforming entitlements that are the long-term drivers of our fiscal problems.

That being said, we will not be able to reach an agreement if the other side continues to insist on punishing entrepreneurs and small businesses in the name of raising taxes on the "wealthy."

My colleagues on the other side of the aisle seem to believe that tax increases, particularly on high-income individuals, do not matter. They argue that raising taxes on the so-called wealthy will return us to the economic growth experienced at the height of the 1990s.

This defies common sense. If you ask a business owner if raising his taxes will hinder his ability to grow his business, he assuredly will tell you they will. He understands that the more the government takes from him, the less he has to put back into his business.

This is in line with the general understanding around here that taxes can be used as both a carrot and a stick to affect behavior. If you want to discourage behavior you impose a tax. If you want to encourage behavior you provide a tax incentive.

For example, the excise tax on cigarettes has been increased to reduce the number of people smoking. A tax has been imposed on individuals for not purchasing insurance, so more will. Our tax code is littered with tax incentives to get people to do more of the things we like and less of the things we don't like. Individuals and businesses have and do respond to these incentives.

Yet, if we are to believe the other side, when it comes to marginal income tax rates the influence of taxes ceases to exist. According to them, we can raise income taxes on the wealthy as high as we want with no ill effects for jobs and the economy.

Well I have news for my colleagues; high marginal tax rates influence many factors that contribute to economic growth. Capital accumulation

and the availability of a well trained labor force are two important factors influenced by taxes. Just as an increase in the excise tax on cigarettes leads to fewer packs of cigarettes being purchased, increasing taxes on capital reduces capital accumulation. Likewise, the more you tax labor the fewer hours worked you will get. In other words, taxes matter.

Some of my colleagues on the other side have pointed to a Congressional Research Service report they claim proves raising the top marginal tax rate does not impact economic growth. There has been ample criticism of this one analysis that I will not go into here.

But, even if one gives any credence to this one analysis, it must be viewed in light of a larger body of economic research that indicates higher taxes do hinder economic growth.

This research confirms that high marginal rates reduce the hours worked and are a disincentive to small business owners and entrepreneurs.

Among this research is a 2007 study by Christina Romer that found that a tax increase of 1 percent of GDP reduces economic growth by as much as 3 percent. According to this study, tax increases have such a substantial effect on economic growth because of the "powerful negative effect of tax increases on investment."

The last thing we need to do now is discourage business investment. Business investment has been stagnate. This has directly contributed to slower economic growth than in past economic recoveries. It has also contributed to weak job creation and wage growth.

Raising marginal tax rates on entrepreneurs and business owners, thereby reducing their after-tax rate of return is not the answer.

We need to give entrepreneurs and business owners the certainty they need to start investing again.

The Organization for Economic Cooperation and Development has issued several reports analyzing how different forms of taxation impact economic growth. This OECD research found that income taxes significantly impact economic growth.

According to this research, the most damaging tax was the corporate income tax followed by the individual income tax. The study further noted that highly progressive individual income tax rates are negatively associated with economic growth.

The United States of course relies extensively on both corporate and individual income taxes. Our corporate rate of 35 percent is the highest in OECD countries, which is bad in its own right. But a large number of American businesses are taxed at the individual rate, not the corporate rate. We also already have a highly progressive tax system. In fact, according to a

2008 OECD study we have "the most progressive tax system and collect the largest share of taxes from the richest 10 percent of the population."

Currently, the top individual rate of 35 percent is the same as the top corporate rate. Starting in 2013, if the President has his way, the top rate goes up to 39.6 percent with the second highest rate scheduled to go up to 36 percent from 33 percent. When you consider the effects of the personal exemption phase-out and limitation on itemized deductions, the marginal effective tax rate jumps to over 41 percent.

These tax increases will hinder the growth of small businesses, and of course, slower business growth means slow job growth.

Evidence of this is documented by a 2001 study available from the National Bureau of Economic Research. This study looked at how the marginal rate cuts in the 1986 tax reform affected the growth of small firms.

The study showed that businesses that experienced the largest marginal rate cuts saw their businesses grow the fastest. Conversely, the study concluded that when marginal tax rates go up, the growth of small businesses goes down.

Similarly, a 2005 study conducted by the Small Business Administration found that "lower marginal rates on entrepreneurial income encourage more entrepreneurial entry and lower rates of exit, and lengthen the duration of spells of activity." This means that if my colleagues are successful in raising the top two marginal rates there will be less entrepreneurial activity. Fewer people will seek to start their own business and more current business owners will be looking to close up shop.

Further research confirms that high marginal tax rates leads to fewer hours worked. A 2008 study that appeared in the *Journal of Monetary Economics* and a 2004 study conducted by the Federal Reserve Bank of Minneapolis examined how taxes impact the labor supply across time and across countries.

Both of these studies found that countries with higher marginal tax rates generally worked fewer hours. Conversely, those with low marginal rates worked more hours. In fact, these studies, controlling for other variables, found that the marginal tax rate accounted for the "vast majority" or "preponderance" of the difference in hours worked.

Research by economist Michael Keane has highlighted that high marginal rates have the biggest impact on labor over the long run. This is because of the effect of marginal rates on lifetime decisions.

While a sudden increase in taxes may not lead to an immediate shift in current hours worked, it will impact future decisions.

For instance, higher marginal rates will discourage the accumulation of human capital through work experience and training. His review of research in this area further concluded that the effect of high marginal tax rates is especially pronounced when it comes to women's participation in the workforce.

There are many more examples of economic research that point to high tax rates hindering economic growth. For the sake of time, I am not going to go through all of them. Instead, I will ask unanimous consent to place a list of more than 20 studies in the RECORD. This is by no means an exhaustive list, but I believe these provide a good starting point for my colleagues who are interested in learning the truth about taxes.

In sum, this research suggests that soaking the rich through an ever more progressive tax code will only reduce incentives for work and entrepreneurship thereby reducing economic growth. It means that for a couple deciding whether or not a spouse who left the workforce should go back to work, taxes matter;

for an individual who is considering investing in their own human capital through education or training to increase their earning potential, taxes matter;

for a small business owner considering hiring employees, purchasing equipment, or expanding their business, taxes matter;

for an entrepreneur deciding whether or not a business venture is worth pursuing, taxes matter.

Let me turn to another argument used by my colleagues on the other side to support increasing taxes. This argument is that tax increases on the "wealthy" are necessary to reduce the deficit and balance the budget.

The truth is there are not enough so-called rich people to make this happen. Based on 2009 tax returns, if you raised the top tax rate on income over \$200,000 to 100 percent, you would still come short of covering the the \$1.1 trillion budget deficit for fiscal year 2012.

This back of the envelope calculation assumes that people will not work less or engage in tax planning or fraud to avoid such a confiscatory tax. I imagine my colleagues on the other side would even concede this would be the case with such a high rate.

For people out there who think they don't have to worry about the President's proposals because you are not wealthy, my message to you is this: You should be worried, because in order to tackle the deficit and pay for all his proposed new spending; the President will have to increase taxes on individuals well under \$200,000.

The President of course claims that he wants a balanced approach to deficit reduction. He says we should do a combination of tax increases and spending

cuts. So far he has been rather specific about his tax increases. However, he has not said much about entitlements that are going to be the main drivers of our national debt over the coming years and decades.

The President needs to lead in this area to get a serious discussion rolling. He needs to begin offering serious solutions, not just attacking those that have been offered up by Congressman RYAN in his budget proposal.

Given my tenure in Congress, I have learned to be skeptical when people around here start saying we will reduce the deficit by raising taxes now and cutting spending later. Especially when no specifics are articulated regarding what programs can be cut or what reforms they will accept for addressing entitlements. It's been my experience in these situations, the taxes always go up, but the spending cuts never happen.

Professor Vedder of Ohio University, who has studied tax increases and spending for more than two decades, confirms this in recent research. Professor Vedder looked at tax increases and spending spanning from the end of WW II through 2009 and discovered that "each dollar of new tax revenue has been associated with \$1.17 in new spending."

If we are ever going to get a handle on the deficit, we are going to need to learn to live within our means. Spending as a percent of GDP has averaged about 20.5 percent since 1970. From 1998–2001, when we did balance the budget, spending as a percent of GDP averaged 18.5 percent. In fact we have never balanced the budget with spending as percent of GDP exceeding 20 percent. Spending under President Obama has averaged 24.5 percent of GDP. We must curtail our spending if we ever hope to balance the budget in the future.

Some around here insist that cutting spending will be as damaging, if not more so, than increasing taxes. They use the rationale of spending multipliers pushed by some economists that suggest for every dollar of spending by the government we will get more than a dollar in economic activity.

This theory is deeply flawed. Even if we assume the government spends money wisely with no fraud, waste or abuse—and that is a big if—it means one less dollar to be spent by the private sector.

If this was solid economic theory our economy should be booming given all the money we have been spending around here. The truth is spending is not the solution to our problems, it is our problem. It is what got us into this mess in the first place.

For my colleagues who are still wedded to the idea that tax increases are preferable to spending cuts, I recommend reading a recent study by Harvard Economist Alberto Alesina. Given the fiscal shape of many countries,

Professor Alesina studied the impact of spending and tax policies put in place to address fiscal imbalances.

His research concluded that "fiscal adjustments based upon spending cuts are much less costly in terms of output losses than tax based ones. In particular, spending-based adjustments have been associated with mild and short-lived recessions, in many cases with no recession at all. Instead, tax-based adjustments have been followed by prolonged and deep recessions."

This research paper comes on the heels of a paper he released in 2009. This paper similarly found that policies favoring spending cuts over tax increases are more likely to reduce the deficit.

In the words of Professor Alesina, fiscal adjustments "based upon spending cuts and no tax increases are more likely to reduce deficits and debt over Gross Domestic Product ratios than those based upon tax increases."

These studies confirm what through sheer common sense Winston Churchill knew more than a half century ago, "for a nation to try and tax itself into prosperity is like a man standing in a bucket and trying to lift himself up by the handle."

In the coming weeks, I hope to work with my colleagues and the President to reach a bipartisan agreement to help put our country back on sound fiscal footing. However, as I said in the beginning, it can't be just one side of the aisle that is expected to come to the table. My colleagues on the other side must be willing to put real reforms to address entitlements and our out of control spending on the table.

I ask unanimous consent the list to which I referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1. Alberto Alesina, Carlo Favero, and Francesco Giavazzi. "The Output Effect of Fiscal Consolidations." National Bureau of Economic Research.
2. Michael Keane and Richard Rogerson. 2012. "Micro and Macro Labor Supply Elasticities: A Reassessment of Conventional Wisdom." *Journal of Economic Literature*.
3. Michael Keane. 2011. "Labor Supply and Taxes: A Survey." *Journal of Economic Literature*.
4. Christina D. Romer and David H. Romer. 2010. "The Macroeconomic Effects of Tax Changes: Estimates Based on a New Measure of Fiscal Shocks." *American Economic Review*.
5. Robert Barro and Charles Redlick. 2010. "Macroeconomic Effects from Government Purchases and Taxes." *Mercatus Working Paper*.
6. Andreas Bergh and Martin Karlsson. 2010. "Government Size and Growth: Accounting for Economic Freedom and Globalization." *Public Choice*.
7. Andrew Mountford and Harold Uhlig. 2009. "What Are the Effects of Fiscal Policy Shocks?" *Journal of Applied Econometrics*.
8. Alberto Alesina and Silvia Ardagna. 2009. "Large Changes in Fiscal Policy: Taxes vs. Spending." *NBER Working Paper*.

9. Jens Arnold. 2008. "Do Tax Structures Affect Aggregate Economic Growth? Empirical Evidence From a Panel of OECD Countries." *Organisation for Economic Co-operation and Development Working Paper*.

10. Lee Ohanian, Andrea Raffo, and Richard Rogerson. 2008. "Long-term Charges in Labor Supply and Taxes: Evidence from OECD Countries, 1956–2004." *Journal of Monetary Economics*.

11. Diego Romero-Ávila and Rolf Strauch. 2008. "Public Finances and Long-Term Growth in Europe: Evidence from a Panel Data Analysis." *European Journal of Political Economy*.

12. Donald Bruce and Tami Gurley. 2005. "Taxes and Entrepreneurial Activity: An Empirical Investigation Using Longitudinal Tax Return Data." *Small Business Administration Office of Advocacy*.

13. Edward Prescott. 2004. "Why Do Americans Work So Much More Than Europeans?" *Federal Reserve Bank of Minneapolis Quarterly Review*.

14. Steven J. Davis and Magnus Henrekson. 2004. "Tax Effects on Work Activity, Industry Mix and Shadow Economy Size: Evidence from Rich-Country Comparisons." *National Bureau of Economic Research*.

15. William M. Gentry and R. Glenn Hubbard. 2004. "Success Taxes, Entrepreneurial Entry, and Innovation." *National Bureau of Economic Research*.

16. Emanuela Cardia, Norma Kozhaya, and Francisco J. Ruge-Murcia. 2003. "Distortionary Taxation and Labor Supply." *Journal of Money, Credit, and Banking*.

17. Olivier Blanchard and Roberto Perotti. 2002. "An Empirical Characterization of the Dynamic Effects of Changes in Government Spending and Taxes on Output." *Quarterly Journal of Economics*.

18. Fabio Padovano and Emma Galli. 2002. "Comparing the Growth Effects of Marginal vs. Average Tax Rates and Progressivity." *European Journal of Political Economy*.

19. Fabio Padovano and Emma Galli. 2001. "Tax Rates and Economic Growth in the OECD Countries (1950–1990)." *Economic Inquiry*.

20. Robert Carroll, Douglas Holtz-Eakin, Mark Rider and Harvey S. Rosen. 1998. "Entrepreneurs, Income Taxes, and Investment." *National Bureau of Economic Research*.

21. Eric Engen and Jonathan Skinner. 1996. "Taxation and Economic Growth." *National Tax Journal*.

22. Nada Elissa. 1995. "Taxation and Labor Supply of Married Women: The Tax Reform Act of 1986 as a Natural Experiment." *National Bureau of Economic Research*.

Mr. GRASSLEY. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that on Monday, November 26, it be in order for Senator SESSIONS or his designee to be recognized in order to raise a Budget Act point of order against the Reid for Tester amendment No. 2875 and that it be in order for Senator REID or his designee to make a motion to waive the point of order; further, that at 5:30 p.m.

on Monday, November 26, the Senate proceed to vote on the motion to waive, if raised; that if the motion to waive is successful, the Reid amendments Nos. 2876, 2877, 2878, and 2879 be withdrawn en bloc; the Reid for Tester substitute amendment No. 2875 be agreed to; that no further amendments or motions be in order prior to a vote on passage of S. 3525, as amended, with no intervening action or debate; and that if the motion to waive is not successful, Senator HARRY REID be recognized.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### DEFENSE AUTHORIZATION

Mr. REID. Madam President, we have had a number of individuals come to the floor over the last several months and say they want to move to the Defense authorization bill. So yesterday I said: Fine, let's move to it. What Senator LEVIN and Senator MCCAIN said they wanted are relevant amendments. I said: Fine, we will do it. But my friends can't take "yes" for an answer. So we will come back after a recess for Thanksgiving and look at it again, and maybe by then they will take "yes" for an answer.

If we are going to move to these bills and have amendments offered—that is what they want, and that is what I said they could do, so I don't fully understand the problem. But I am not filing cloture on a motion to proceed. I am not going to do that. It is an important bill. But I want the record to be very clear. I am not the cause. We are not the cause of this Defense authorization bill not being brought to the floor. I have agreed to do it, as I was requested to do by both Senator LEVIN and Senator MCCAIN.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey.

#### SUPERSTORM SANDY

Mr. MENENDEZ. Madam President, I rise to celebrate the people of New Jersey, many of whom lost everything in Superstorm Sandy but who came through one of the most devastating storms in our State's history battered but not broken.

The storm struck New Jersey with extraordinary force. It was the entry point of Superstorm Sandy, and the surge came quickly, destroying whole communities, taking homes from their foundations, changing the topography of the coastline, devastating some of the most densely populated communities in the country, taking lives and taking property, leaving New Jerseyans without power but not powerless, without the personal possessions accumulated over a lifetime but with their families and their memories intact. Their memories are the foundation upon which New Jerseyans are recovering and rebuilding their lives and their communities. They are rebuilding

with the help of FEMA and other Federal agencies, including the American Red Cross and countless volunteers from around the country, State and local officials, working overtime to help. New Jersey will come back stronger and better, and we are more determined than ever to rebuild and restore our communities to where they were.

The people of New Jersey withstood the unbridled power of nature—the power of nature strengthened by man-made climate change—to create an unprecedented storm and unprecedented damage. I wish to share with my colleagues some of the photos showing the devastation and why New Jersey needs a strong Federal partner if we hope to rebuild.

As my colleagues can see, Sandy mixed all forms of transportation with a force we haven't seen in many years. This is a shipping container and a large pleasure boat tossed onto the Morgan rail bridge on the North Jersey coastline along with tons of debris. The photo shows the container from the shipping lines and the boat on a bridge that obviously was a rail bridge.

You can see, we have a lot of work to do with scenes like this up and down the coast.

In this photograph, you can see the kind of damage that our rail lines have suffered—heaved from the railroad beds and buckled. This again is along the north Jersey coastline, which had miles of track damaged just like this, as shown in this photograph, and in need of millions of dollars in repairs.

In fact, 40 percent of the Nation's transit riders from Washington to Boston had their service interrupted. Dozens and dozens of New Jersey Transit's locomotives and rail cars were damaged by flooding. So today I am proud to announce that we expedited \$25 million in transportation funding to help ease that situation.

But some commuters into New York, for example, from my home State of New Jersey are still suffering 4-hour commutes, with rail service only about half of what it normally is, largely because there still is not enough power for all the trains.

In the meantime, New Jersey has added subsidized ferry service to make up the difference, with the Federal Department of Transportation providing over 300 buses to help serve those new ferry lines, including one out of Liberty State Park.

Here is another photograph of the extraordinary power of Sandy's surge that lifted boats on to a rail bridge along the north Jersey coastline. Amazingly, through the hard work of New Jersey Transit workers, this devastated rail line might be able to resume limited service by the end of this week.

But this line, like many other commuter lines in New Jersey, will need

much more extensive work to get service levels back to normal and to make more permanent repairs to ensure long-term reliability.

But beyond the transportation damage, it is important to remember that some lost everything in the storm and some lost their lives. Our thoughts and prayers go out to all the families who lost loved ones to Super Sandy.

I toured some of the worst hit areas with President Obama and Governor Christie and spoke to New Jerseyans who suffered extraordinary loss and were hit the hardest.

Some of these photos I am about to show now I took myself. They may not be the best photographs and I may not be the best photographer, but they show a small part of the overall destruction my State has suffered.

You can see in this photograph from the Coast Guard plane I was aboard some of the destruction at Sandy Hook, NJ. These homes are deeply under water, many of them rendered impossible to return to for a significant period of time. There are other homes I will show you where people cannot return to what was their home.

This is a photograph of the flooding in the Mantoloking area north of Seaside Heights that submerged cars and caused millions of dollars of damage and thousands to be displaced from their homes. This bridge actually collapsed at the end there, leaving this whole section in difficulty in terms of exit off the barrier islands.

I took the next two photographs while touring northern New Jersey. I have shown most of the pictures from the shore area, which took the hardest hit, because that was the entry point largely for Superstorm Sandy, but it was not just along the shore. Here is an example of the type of flooding that took place in Hoboken, NJ. On the night of the storm, this flooding was just beginning, and it only got worse, so much so that it took the National Guard to rescue residents from their homes, days—days—after the storm. It filled the streets with overflow from sewage plants. Gasoline was reeking in the air—a danger to the health and well-being of residents. And it made the damage even worse than anyone had imagined possible.

The next photograph I took is of Observer Highway. This is a major thoroughfare between two significant parts of the metropolitan area, between the city of Hoboken and the city of Jersey City, the second largest city in our State. I cannot remember ever seeing the area so expansively under water, and I hope to never see it again.

All of these cars were floating, some of them crashing into each other, rendered largely useless, and, of course, stopping a major thoroughfare for days in terms of anybody being able to get through.

And if the images do not give you a sense of the destruction and the loss



families have suffered, then this next photograph encapsulates the power of the storm to take away all that people had worked for all of their lives. It is in the faces of the people I met.

Here in Pleasantville, NJ, which is right outside Atlantic City along a section there, the mayor of Pleasantville took me to meet a series of residents whose homes had been ripped apart.

In this picture, I am standing outside of the person's home, almost as if it were a dollhouse, looking in. I would love to have said that it was only this poor gentleman, but it was an entire community where homes had been ripped apart and you could see into their homes. It shows the nature of, the breadth and scope of, the devastation.

It is not that this gentleman lost a shingle, it is that he lost the whole side of his home, now exposed to the elements and, of course, everything ripped apart.

The other aspect about this picture, in addition to the incredible destruction, is the resiliency. When I went to share my sentiments and my concern with this gentleman, he asked me: How are you doing, Senator? I said: Well, sir, what is more important is, how are you doing? He said: I'm doing fine. I'm here, I'm alive, and I still have part of my home.

Sometimes when we think about how difficult our lives might be at any given moment, I think about this gentleman and the extraordinary resiliency he has had in the midst of probably one of the most difficult times in his life. And there are so many other New Jerseyans whom I met like that.

I met a young woman in Hoboken whose entire basement apartment was flooded—totally gone. She lost everything she had worked for in her young professional life. In the midst of that tragedy for her, she was at a shelter, running the shelter, helping everybody else who had been displaced—some not as badly as her, not thinking about her tomorrow, but thinking about her fellow citizens in Hoboken, NJ.

I met some poor families who were not badly affected by the storm who opened their homes and their kitchen tables to individuals who were their neighbors who were hurt very badly. And even though they did not have a lot to put around the kitchen table, they were sharing what they had.

I saw citizens risk their own lives to save their neighbors' lives in the rushing water and heard their accounts. So I saw the better angels of people in the midst of a storm.

The fact is, despite the damage and displacement, the human suffering and loss of property, possessions, personal photographs and family memories, the people of New Jersey held together.

Neighbors came together to help one another. As much as they were shaken and mourned their own loss, they worked together to help each other, to

save each other, to begin the recovery, to get New Jersey back on its feet, and Federal, State, and local governments were there to help.

The Federal response was quick, and it was effective, but there is still so much more that we need to do, and still more that we can do to help those families who are still without shelter, still without a place to return to, to call home, and without a clear picture of what the future holds.

The storm was unprecedented in the breadth of its devastation. While our shoreline was hard hit, that does not begin to describe the full impact. Some of our Nation's most densely populated communities were also hit very hard, requiring one of the biggest rescue and recovery efforts we have seen. A response that size, obviously, takes time, but we acted quickly and will continue to do what needs to be done.

After surveying Sandy's damage with President Obama and Governor Christie on October 31, Senator LAUTENBERG and I called for increased support from the Federal Government to deal with the cost of response efforts.

In a letter to the President, we asked that the Federal share for disaster response be increased from the standard 75 percent to a much higher possibly 100 percent because of the devastating impact of what meteorologists have called a perfect storm.

The President initially issued a disaster declaration for eight New Jersey counties and, along with Senator LAUTENBERG, we requested additional counties be included, and they were.

Before walking with the President and the Governor through Brigantine, NJ, I had an opportunity to tour the destruction in Pleasantville, Hoboken, Jersey City, and communities in Bergen County. What I saw was unlike anything I had ever seen in my lifetime in those communities.

I am very grateful that the President came to New Jersey with the full force of the Federal Government to see and to respond firsthand to the devastation the hurricane left in its wake.

I have proudly lived in New Jersey all of my life, and seeing the Garden State in ruin is heartbreaking. The shore of my youth is gone. Much of it lies in the ocean for the ages. But it made me realize that, in times of tragedy, in times of storms like Sandy, we need government at all levels to come together, all of us rolling up our sleeves to help our neighbors recover and rebuild and reclaim their lives. We need to make certain that we secure all of the resources necessary to help New Jersey, and every community affected by this horrible storm, to rebuild and emerge stronger than before.

Since the storm, I have requested emergency funding for New Jersey's transportation network—highways, rail lines, ports, and airports—that was devastated by the storm.

I asked the President and Secretary LaHood for emergency funds to repair highways and bridges and to expedite assistance to all impacted modes of transportation.

I called on the President to dispatch emergency fuel and power supplies to New Jersey to ease the fuel shortage and to keep emergency vehicles running in the immediate aftermath of the storm.

To ensure critical infrastructure—water treatment and sanitation facilities—we received the help of the Army Corps of Engineers to have these facilities remain operable.

The Federal Government also responded with \$10 million in emergency funding, with some of those critical transportation needs, freed up 2 million gallons of fuel from the Northeast Oil Reserve, and the EPA took action that rerouted this fuel to New Jersey when it needed it the most.

The Federal response also included a grant for New Jersey to hire 1,000 workers to help communities clean up from the storm.

But, despite all of that, many families in my State are still suffering. They have lost much, and many are displaced, some permanently, from their homes. That is why I have called for the immediate suspension of foreclosures and evictions for all New Jersey homeowners who faced financial difficulties before the storm and now are suffering additional difficulties in the wake of it; and for swift action to expand emergency mortgage payment relief to all New Jersey homeowners who have lost income as a result of Hurricane Sandy.

That is why we must work to give them certainty of what the Federal Government will do to help them rebuild their lives so they can make critical decisions as to their futures.

What I take away from this experience is the fact that we are all in this together, one community, each of us dependent on the other—each of us working to rebuild and recover for the benefit of all of us in New Jersey, but I believe all of us in the country.

That is what community is all about. It is the heart of our motto: *E Pluribus Unum*; From Many, One. We have just gone through an election at the heart of which we debated the role of government in our lives. I would submit we need to focus on what government does to rebuild the spirit of community that we have seen in action in the aftermath of this devastating storm.

Americans across the country were riveted by the stories of the immediate aftermath of the storm—the pictures of communities under water, homes moved blocks down the road, homes and trains blocking Federal highways, hospitals closed, gas lines miles long, people waiting hours for fuel to run generators and keep their homes heated, weeks of fuel rationing, and no



transit or Amtrak service for the entire region for people to get to work or visit their families.

Without a doubt, those have been trying times for New Jersey. But now, just because those scenes may no longer be showing in living rooms across the country does not mean that the recovery is over.

Thousands of families are still displaced from their homes and will be for months to come.

Transit lines are still out. Community infrastructure still has to be rebuilt. Now is not the time for the Federal Government to walk away. It is more crucial now than ever for the Federal Government to help devastated communities rebuild, help families get the assistance they need to repair their homes, and put their lives back together.

I for one will not rest until the rebuilding is done. This is one country, the United States of America. That is why, when there was destruction in New Orleans with Katrina, in Florida, in Joplin, or crop destruction in the Midwest, I came along with other colleagues to support those communities. I viewed it as my time to stand with my fellow Americans in distress.

Now it is time for my fellow Americans to stand with New Jersey. New Jersey has been battered, but we are not broken. We are stronger and more united in our efforts to work together to recover, rebuild, and recommit ourselves to uniting around our common concerns and shared values rather than divided by our differences. That is the lesson we learned. And together we will rebuild and the Garden State will bloom once again.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### OVERSIGHT ON ENERGY DRINKS

Mr. DURBIN. Mr. President, over the past few years we have seen a dramatic increase in the sale of energy drinks in America. Energy drinks are now common fixtures in grocery stores, vending machines, gas stations, convenience stores, and everywhere we turn. They target young people with flashy ads and names such as Monster and Rock Star and with claims to increase attention stamina and even to help with weight loss. According to one study, 30 to 50 percent of adolescents, teenagers, consume energy drinks.

Sadly, as the sale of energy drinks has grown, so has the alarming evidence that these energy drinks pose a potential threat to our Nation's health.

Yesterday, the New York Times featured an article that found that the Food and Drug Administration has received 13 adverse event reports for people who died—who died—after consuming 5-hour ENERGY drinks. Just last month, news reports found that five people died—five—after consuming Monster Energy drinks.

This last May, I met the mother and family of 14-year-old Anais Fournier from Maryland. This lovely young teenager lost her life last December when she went into cardiac arrest—caused by caffeine toxicity—after she drank two—two—24-ounce Monster Energy drinks in less than 24 hours. Anais was an honor student. She was a good student and a great writer, and she used to watch movies with her mom.

An American Academy of Pediatrics study recommends adolescents consume no more than 100 milligrams of caffeine each day. Remember the number—100 milligrams a day. According to Consumer Reports, a 24-ounce can of Monster Energy drink contains 276 milligrams of caffeine, almost three times the amount this academy recommends as the limit an adolescent would consume in a day—276 milligrams in less than 24 hours. Anais Fournier consumed 552 milligrams of caffeine by drinking two Monster Energy drinks within 24 hours. That is the equivalent of drinking 16 12-ounce Coca-Cola sodas.

Mounting evidence shows that tragic stories such as the one involving Anais Fournier are becoming more common. A recent report by SAMHSA shows that energy drinks pose potentially serious health risks. Emergency room visits due to energy drinks have increased tenfold between 2005 and 2009—1,128 ER visits in 2005 to 13,114 emergency room visits in 2009 linked to energy drinks in America.

There are serious health concerns about ingesting high levels of caffeine in energy drinks and, I might also add, many added ingredients that are also stimulants and contain even additional caffeine that is added to the drinks. The Food and Drug Administration currently limits the level of caffeine in soda—the kind you would buy over the counter—to no more than 71 milligrams in a 12-ounce can. Remember the number for the 24-ounce can of Monster—276? That is almost four times the limit of what can be sold legally as a beverage regulated by the FDA in America.

Let me show this 5-hour ENERGY picture. I really don't have to show it. Everyone is pretty familiar with it because they are everywhere—literally everywhere. I watched on television last week when they were advertising promotions of 5-hour ENERGY drinks saying, in the commercials, that some of the sales would go to promote research for breast cancer. There is almost the suggestion there is something healthy about this product.

Well, let's talk about that for a moment. Compare that limit of 71 milligrams of caffeine in a 12-ounce can of soda or pop to the 215 to 242 milligrams of caffeine in the small 2-ounce bottle of 5-hour ENERGY or the 135 milligrams in a 12-ounce can of Monster Energy. Some energy drinks contain 300 milligrams of caffeine in a 12-ounce serving. As we all know, most energy drinks are not sold in 12-ounce cans. They are sold in 16-, 24-, and 32-ounce cans. Two 24-ounce Monster Energy drinks took the life of Anais Fournier.

These drinks, of course, contain more than caffeine. We don't know all the products included, but they include many other stimulants, such as guarana and ginseng. The FDA has the authority to regulate caffeine levels in beverages and to require beverage manufacturers, such as soda pop, to prove additives are safe. But most energy drinks, such as 5-hour ENERGY, avoid the FDA's regulation and oversight by marketing their products not as beverages but as dietary supplements.

We will not see it on the front of this little container. We have to flip it around and look down at the bottom, and in the tiniest lettering we see dietary supplement. Why? Because as a dietary supplement they are not regulated. They can sell what they like. And, unfortunately, they sell products that contain so much caffeine they are dangerous.

Now, my colleague, Senator BLUMENTHAL of Connecticut, who is on the Senate floor tonight, and I have sent the Food and Drug Administration letters three times calling on this agency to take action to ensure caffeine levels and ingredients in energy drinks are safe, particularly for kids. We have urged the agency to issue final guidance distinguishing beverages and liquid dietary substances to close the loopholes that allow some energy drinks to avoid FDA oversight. We have called on that agency to regulate energy drinks that have caffeine levels well above the 71 milligrams per 12-ounce threshold in soft drinks.

Today, Senator BLUMENTHAL and I asked FDA Commissioner Margaret Hamburg to personally meet with us after Thanksgiving to discuss the steps the FDA is taking to ensure the safety of energy drinks. Every other week we are seeing mounting evidence that energy drinks pose safety risks. We learn about young people hospitalized or seriously hurt after consuming what they are marketing as innocent little energy pick-me-ups.

We look forward to working with Commissioner Hamburg to discuss the Food and Drug Administration's strategy to protect our children and to protect everyone in America from these dietary supplements, whether it is 5-Hour Energy or the Monster Energy drink that led to the death of this 14-year-old girl in Maryland.

It has been many years since I came to this floor and argued about dietary supplements. We all know what is involved. I always preface my remarks by saying: When I got up this morning, I took my vitamin pill, and I took my fish oil pill. I believe I should have the right to do that. I don't know if it helps, but I think it does, and I shouldn't have to have a prescription to have a vitamin pill. Enough said. But when it comes to dietary supplements that go beyond that type of supplement, things that include dramatic increases in caffeine, we have to take the next step.

I managed a few years ago to pass a law—over some objection—that requires the makers of dietary supplements to report adverse events. In other words, if people call from getting sick—or worse—from your product, you have to tell the FDA so we can gather this together and pick up any trends that are alarming or worrisome. Well, they have been doing it but not as vigilantly as they should, and the companies have not been reporting them as often as they should. But now we know, as I said at the outset of my remarks, that young people and others are dying from these energy drinks, 5-Hour Energy drinks and Monster Energy drinks. They died after they ingested these, and it has raised serious questions as to whether there was causation between them.

To find there were 13 adverse-event reports for people who died after consuming 5-Hour Energy drinks and 5 people who died after consuming these Monster Energy drinks—for goodness' sakes, these are for sale to kids across America. We wouldn't sell these kids alcohol over the counter without asking how old they were, whether they reached an age where they are eligible to buy alcohol products, but we are selling products that could be more lethal than alcohol to these young kids without the necessary oversight and supervision.

I thank the Senator from Connecticut for joining me in this effort. We have to continue it. The New York Times yesterday made a report that I think puts us on notice. There is a lot more to be done.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I am very honored to stand with my distinguished colleague from Illinois on this vitally important issue. I thank him for his leadership, and I am very proud to work with him on a problem that really shows dramatically that neglect and disregard by government regulators and enforcers can have real-life consequences.

The FDA has, very simply, failed to address this issue, and I believe it has failed even to respond to the alarms Senator DURBIN and I have sounded on this issue.

Yesterday the New York Times featured an article reporting that the Food and Drug Administration received 13 adverse-event reports of fatalities following the consumption of 5-Hour Energy, which is a highly caffeinated energy shot. But this report is really only the latest of a series of reports that two popular energy drinks—Monster Energy and 5-Hour Energy—have been cited in deaths and injury. These drinks have been cited in reports of dozens of serious adverse events such as heart attacks and convulsions. And these events are not the only concern that has been raised about energy drinks. I will cite a few.

A report by the Substance Abuse and Mental Health Services Administration found that the number of emergency room visits due to energy drinks increased tenfold between 2005 and 2009, from 1,128 to 13,114 visits.

More recently, a study of energy drinks by Consumer Reports found that some energy drinks contain high levels of caffeine—in some cases, twice as much as a cup of coffee.

The Consumer Reports study found that labels of many energy drinks completely failed to disclose how much caffeine is contained, and, even worse, 5 of the 16 drinks Consumer Reports studied contained more than 20 percent more caffeine than what was stated on the label.

These reports are profoundly and deeply troubling, and the FDA—the agency in charge of regulating the safety of these products—needs to determine whether energy drinks are safe and, if necessary, take action about their safety.

Senator DURBIN and I have written two letters—one on September 11, the other on October 26 of this year—calling on the agency to take action addressing the rising public health concerns around energy drinks and to protect consumers. Have we heard anything back? Nothing. No response.

In today's letter, we reiterate our request for the FDA to investigate the interactions between caffeine and stimulants in energy drinks, to assess the health risks associated with caffeine consumption by children and adolescents, and to finalize and issue guidance that clearly distinguishes liquid dietary supplements from beverages. This issue is as profoundly and deeply important as the combination of caffeine and alcohol, which Attorneys General addressed during the time I held that job in the State of Connecticut. Alcohol makers, to their credit, did the right thing and addressed it on their own. Here, the industry has failed in that obligation. The FDA has not just an opportunity but an obligation to address this issue.

I also believe the FDA has failed to consider the shifting trends in caffeine consumption more generally and broadly that is shown by the energy

drink industry, particularly shifting trends in consumption among adolescents. The industry has marketed relentlessly and repeatedly, which accounts for that dramatic statistic Senator DURBIN cited that 30 to 50 percent of adolescents are known and reported to be using these drinks. Marketing and that trend have a clear connection. It is no accident that caffeine consumption and the consumption of these energy drinks is increasing.

But the FDA's determination of safe levels of caffeine seems to be based on what is safe for adult consumption, not adolescent. It does not consider consumption patterns among young people or take into account safe levels of caffeine consumption among children. And these energy drinks are marketed to young people, including children. As an example, although the FDA states that adults can safely consume up to 400 milligrams of caffeine per day, the American Academy of Pediatrics recommends that adolescents consume no more than 100 milligrams per day—less than what is contained in one dose of an energy drink. And Consumer Reports recommends that children consume no more than 45 to 85 milligrams per day, depending on their weight.

I wish to associate myself with the very persuasive and compelling remarks made by Senator DURBIN today. Again, his leadership on this issue has been so valuable.

I would close by making this point. There is a lot of rhetoric that is purportedly based on principle and conviction that somehow government rules and consumer protections are a frivolous nuisance or a burden without a benefit or an unwarranted intrusion in the free market. The experience that was dramatically portrayed in the hearing of the Health, Education, Labor, and Pensions Committee today offers a tragic lesson on how compounding pharmacies and the failure of government regulators to act dispositively and promptly led to injuries and deaths across the country.

My colleague Senator ALEXANDER was present and very perceptively asked some of the most pointed questions this morning of the witnesses who came before us from the FDA and other government agencies, including the Massachusetts Board of Pharmacy. That lesson this morning ought to sound an alarm for us here because the New England compounding pharmacy in that instance was a known risk to both Federal and State regulators—the FDA and the Massachusetts Board of Pharmacy—and both failed to take effective action to protect the public.

The FDA in this instance has an obligation to protect the public and take action that will safeguard the health of our children and adolescents—the health of everyone—in light of the potential dangers posed by these energy drinks.

I close by again thanking my colleague from Illinois for being such a strong advocate of consumer interests and health in this area. I hope we will have a meeting soon, as we have requested, so that we can work together to make sure these products are labeled accurately and truthfully, marketed responsibly, and consumed safely.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

CHARACTER ATTACKS AGAINST AMBASSADOR  
SUSAN RICE

Mr. DURBIN. Mr. President, I wish to say a word about the tragedy that occurred in Benghazi, Libya, on September 11 where we lost a dedicated ambassador and three other American lives. It was awful. It has been nearly a decade since we lost an ambassador in service to our country, and it is something we are looking at with a great deal of sadness and sorrow that these individuals who dedicated their lives to America were killed in the course of duty. But this has gone from a tragedy in Benghazi to a major political debate in America.

Part of it was explainable because it was in the closing days and weeks of a Presidential campaign when many times issues that don't reach national prominence become prominent because of the attention being paid to the candidates. And a lot has been said back and forth, and I have tried, as have other Members of Congress, to understand exactly what happened on September 11 in Benghazi. It is difficult because there wasn't a gathering of evidence immediately. Investigations were undertaken. It was chaotic at the scene that evening, and, sadly, many of the witnesses who could help us understand have disappeared into the night. But the effort has been undertaken to find out what occurred, to find out whether there was adequate protection for the Ambassador and his staff and, if not, what we should have done. I understand these tragedies require careful examination.

I was a Member of the U.S. House of Representatives when 235 U.S. marines died in a Marine Corps barracks bombing in Beirut, Lebanon. You bet we asked questions of the Reagan administration, as we should when we lose innocent American lives overseas as we did in Lebanon and as we did in Libya. What troubles me is the level the debate has reached. It has now reached a level of vilification and accusation which is unwarranted by the evidence.

This week we met in the Senate Foreign Relations Committee in a closed, classified setting and went through meticulously the timeline that led up to the death of the Ambassador and staff as well as what followed. It is being reported as it is being gathered, and there are additional reports that will be forthcoming.

Early next month we are expecting the Accountability Review Board of the Department of State to issue its report. We know, following that, other committees of jurisdiction—the Intelligence Committee, Foreign Relations Committee, and others—will certainly call in witnesses and ask questions, as they should, as they must.

What troubles me is that on the floor of the Senate during the course of this week, there have been accusations made of individuals that have gone far beyond anything the evidence could suggest.

We owe it to the cause of justice and to the lives that were lost to do this professionally and honestly, without political rancor. The President was right yesterday when he said of our U.N. Ambassador Susan Rice, she “has done exemplary work. She has represented the United States and our interests in the United Nations with skill and professionalism, with toughness and grace.” And “to go after the U.N. ambassador,” he said, “who had nothing to do with Benghazi, and was simply making a presentation based on intelligence she had received, and to besmirch her reputation is outrageous.”

I agree with him. We owe it to her and to everyone involved in every Federal agency to get the facts before us before we point a finger of blame. If there is blame, let us make certain it is apportioned to those who deserve it rather than to make wild charges against many others.

My good friend Senator JOHN MCCAIN—and he really is my friend; he and I debated on the floor many times—but he said something I want to quote from 2005, when there were criticisms of Condoleezza Rice who was being considered for the office of Secretary of State. He said, “So I wonder why we are starting this new Congress with a protracted debate about a foregone conclusion. . . . I can only conclude we are doing this for no other reason than lingering bitterness at the outcome of the elections. . . . We all have varying policy views, but the President, in my view, has a clear right to put in place the team he believed would serve him best.”

I agree with Senator MCCAIN's statement. Let's get the facts together. Let us find out what truly occurred. Before we point the finger of blame on any person in our government, let's make certain we do so with the knowledge of the facts and the evidence that we can gather. We owe it to the Ambassador, his family, and all the others who were either injured or lost their lives in this occurrence.

I urge my colleagues to focus on the report due in December from the Accountability Review Board and to attend the hearings that will undoubtedly follow on this issue. We need a constructive discussion on how we can ensure that our brave diplomats can

work effectively in some of the most dangerous parts of the world.

Susan Rice is a dedicated public servant who has tirelessly pursued the interests of the United States at the United Nations, ranging from sanctions on Iran to advancing the actual effort in the Security Council to oust former Libyan strongman Muammar Qaddafi. She deserves fair treatment, as everyone does in our government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I see the Senator from Louisiana. I know she expects to speak about 5:30. I want to say to her through the Chair I will be finished by then.

FUNGAL MENINGITIS

I see the Senator from Connecticut I believe is still here. I compliment him on his participation this morning in a hearing in which we both participated. It was a sad hearing, really. It was about the fungal meningitis—the Senator from Minnesota was there as well—the fungal meningitis outbreak that in our State, Tennessee, has become a nightmare. It has claimed thirteen lives, 81 very ill in many cases, and a thousand others who worry they might become ill.

It became obvious as we went through the discussion that something, incredibly, slipped through the cracks. We have more than 60,000 what I would call drugstores, pharmacies in the country; maybe more than a thousand in Tennessee. Many of them are doing this pharmaceutical compounding. You go in and get a prescription filled. They might adjust the prescription, or an FDA-approved drug based upon your prescription. That is normal and necessary. Then over here on the other side are the big manufacturers of drugs. As the Senator from Connecticut has pointed out, they are regulated by the Food and Drug Administration.

But then there are these entities in the middle, and there was one in Massachusetts that was apparently masquerading as a compounding pharmacy—it was really a drug manufacturer, but it was not complying with the rules of a drug manufacturer. As a result, it provided tainted medicine all over the country. Had it not been for remarkable work by the Tennessee Public Health Department in conjunction with Vanderbilt University and the Centers for Disease Control, there could have been many more deaths and many more injuries.

We saw an example of government. We saw an incompetent State Board of Pharmacy in Massachusetts, a confused Food and Drug Administration, and we saw a textbook model of what ought to be done by the Centers for Disease Control and the Tennessee Department of Health.

I am committed to work with Senator HARKIN, the chairman of our committee, and other members of our committee throughout the rest of this year on this issue. I hope the Senator from Minnesota and I, and the Senator from Connecticut, and Senators BURR and ROBERTS, who have been working on this for some time, can begin the new year with a bipartisan bill that can put somebody on the flagpole for this so we can continue, when we go to the hospital or go to the pharmacy or outpatient clinic, to not worry about whether the medicines we are receiving are tainted or unsafe.

I thought it was an excellent hearing. I look forward to working on it. I have some ideas about a model for this regulation.

I found as Governor years ago, if you give a committee responsibility for getting something done they often end up pointing fingers at each other. If you put somebody on the flagpole, it often gets done because you will know what happened. I think that is why Admiral Rickover created such a good system with nuclear submarines. We have never had a nuclear related death on a nuclear Navy submarine since the 1950s. I think I know why. It is because the Admiral interviewed every one of those captains of the submarines and the Navy made it clear to them if there was a problem with a nuclear reactor that went unfound or unfixed on their submarines their career was in deep trouble, and so we have never had any trouble.

#### WIND POWER

If I may move to another subject, there's been a lot of talk this week about the fiscal cliff. The President and Congressional leaders are meeting tomorrow, as they should, about how we can reduce our debt. That will require, in my judgment, reform of our entitlement programs. Saving our Medicare Program, for example. The average couple who is 65 years of age when they retire pays \$119,000 into the Medicare Program. They will take out \$357,000. That kind of program is not sustainable. For the next generation of older Americans there will not be a Medicare Program unless we work on that.

We need to work together to find a way to restrain entitlements, produce revenues if that is what is necessary, and come to a result. In the meantime we have to be saving money—42 cents out of every dollar we spend is borrowed—so that is what brings me to the floor today.

Supporters of wind power have used this week to proclaim it "Wind Week" in Washington, DC, launching an event to try to persuade us to extend one more time—this would be the eighth time—the Wind Production Tax Credit which, if we were to do so, just for 1 year, would cost another \$12.1 billion over 10 years.

I want to suggest a different name for this week. Let's call it the "Wind Down Wind Week." It is time to end a 20-year-old temporary subsidy that has already been renewed seven times. The reason is very simple. We can't afford it. The Joint Tax Committee says the 1-year extension will cost that \$12.1 billion—but it is not just a 1-year extension. The developers of wind power will get the tax credit for 10 years. That is a lot of money. It is one-third of the Tennessee State budget. It is 2 times what we spend each year on energy research. This money could be used to help reduce the debt instead of fund this subsidy. The cost \$12.1 billion is on top of the \$16 billion in Federal subsidies and grants already given to wind developers and their Wall Street backers between 2009 and 2013, according to the Joint Tax Committee and the United States Treasury.

How can we justify this? We hear a lot about big oil. What about big wind? Big wind received, according to the Energy Information Agency, an \$18.82 federal subsidy per megawatt hour—25 times per megawatt hour as all other forms of electricity production combined. Given our fiscal crisis we should eliminate special tax breaks for big oil and big wind.

The big wind tax break was put in place in 1992. It was to be a temporary measure. It was intended to boost a new technology. Now, 20 years later, President Obama's respected Energy Secretary says wind is a mature technology. What do we have after 20 years and billions of dollars of subsidies? A puny amount of unreliable electricity. Our country uses nearly 25 percent of all the electricity in the world. Wind produces 3 percent of that. And of course it only produces electricity when the wind blows and it is not easy to store it. So it is of limited use in a country that needs huge amounts of low-cost, clean, reliable electricity. Relying on wind power is the energy equivalent of going to war in a sailboat when nuclear submarines are available.

The wind subsidy is so large that wind developers are now paying distributors to take their wind power, undercutting the baseload energy plants that are necessary to provide the reliable, low-cost electricity our country needs. On top of that, there are better ways to produce clean electricity, better ways than subsidizing a technology that destroys the environment in the name of saving the environment.

For example, it would take a row of 50-story wind turbines along the entire length of the Appalachian Trail from Georgia to Maine, 2,178 miles, to equal the energy production of 4 nuclear reactors. The best way to produce cheap, clean energy in the United States is to let the marketplace do it. Let the marketplace produce large amounts of clean, reliable energy for all businesses and households—not to just subsidize

jobs for a technology that can stand on its own and produces only a small amount of unreliable electricity.

Let's use this week to celebrate. But let's celebrate the end of the temporary 20-year-old wind production tax credit and use the \$12.1 billion saved to reduce the Federal debt.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

#### NATIONAL ADOPTION MONTH

Ms. LANDRIEU. Mr. President, I have come to the floor to speak briefly about a very exciting opportunity and occurrence that we celebrate and honor every November and that is the opportunity to adopt children. There are so many children—Mr. President, you know, not only in Minnesota but in my State, Louisiana—the Senator from Tennessee is here, in his State of Tennessee—children all over our country and the world who are in desperate need of a family to call their own. There are millions of parents and adults who want to be parents who are waiting and hoping for an opportunity to have a family of their own. So it would make sense for us to do the very best job we can to try to build the bridges to make these unions, these really extraordinary unions possible.

That is what November is about, a month we are getting ready for Thanksgiving, in anticipation of Christmas and Hanukkah, some of the other holidays that occur around this time. As families gather, our hearts and minds automatically turn to family-related events. So the great coalition that tries to help educate and encourage people on the subject has chosen November as National Adoption Month. You might know—many people go home at night and turn on their televisions. There are any number of television series by Hallmark and Home for the Holidays—lots of networks and cable companies are joining in with the idea of promoting it because it is so right. It is so natural for every child to need and want a family.

I first want to say thank you to Senators who have joined me in this effort: Senator BLUMENTHAL, Senator GRASSLEY, Senator GRAHAM, Senator BLUNT, Senator JOHNSON, Senator LEVIN, Senator MURRAY, and Senator MORAN, have cosponsored this resolution recognizing and supporting the goals of National Adoption Month and in a variety of different ways, not only by passing this resolution, which we hope will be hotlined sometime in the very near future, to go through the Senate and the House, but by participating in a variety of different events at home and here in Washington to raise awareness and call attention to the needs of so many.

First of all, call attention and raise the awareness that there are in fact orphans in America, children whose parental rights have been terminated, or

children who literally lost both parents and do not have an able or willing relative and are in great need of a family. The Presiding Officer knows these children as he has been very active in the issue of child welfare.

So we have several events throughout this month. One of them is National Adoption Day. That is going to take place this month, always the Saturday before Thanksgiving, where, happily, thousands of children—I think last year we had over 4,000, and since 2000, when it started, over 40,000 children have moved from foster care to a forever family on adoption day, which is quite a happy celebration. I have attended several of them myself with my local judges. There is nothing more exciting than a packed room of parents and grandparents and aunts and uncles and sometimes siblings waiting to receive these young children in some cases, and teenagers in some cases, and even young adults in some cases being adopted.

I like to say one is never too old to need a family. There are holidays that happen every year. With whom do we celebrate those? There are joys and setbacks in life that occur throughout every decade of a person's life. A person needs a family there with them. I am of the opinion that a person is never too old to be adopted. In fact, I have known individuals adopted in their twenties and thirties. I actually met a woman from California, as crazy as this might sound, who was adopted in her forties because she was reunited with a woman who used to care for her when she was very young. She grew up in foster care, amazingly became very successful, but when they were reunited, they loved each other as they had 40 years earlier and decided to become a family. It is a bonding of love through adoption.

My husband Frank and I are proud to be the parents of extraordinary children who happen to be adopted. We built our family through adoption. My husband was adopted out of an orphanage from Ireland when he was 5 years old. He still remembers the day when the matron of this little Protestant home for children came up to him and said: Ernest—that was his name—pack your bags. Your mom and dad are here to take you home. He walked to the front of the orphanage and saw his adoptive mother and father, brother and sister, and the rest is history. He came to America, received an excellent education, and has gone on to be a wonderful citizen and, of course, a great father and a loving husband. I am so grateful for that opportunity for him.

I think about the millions of children in orphanages where no one ever knocks on their door to say your mother and father are here to take you home. No one ever comes to call for them. No one ever provides them an op-

portunity for loving arms and a comforting and safe place.

That is why we fight. That is why we debate. Happily, we never fight about this among ourselves because there is so much unity in the Senate and in this Congress about promoting adoption. It is one of the issues where there is virtually no partisan view.

I wish to thank my colleagues for joining me in the resolution. We want to recognize this day, the Saturday before Thanksgiving, as National Adoption Day. I thank the hundreds of cities and hundreds of organizations, hundreds of communities that are going to be celebrating National Adoption Day, where groups of children—sometimes dozens, sometimes hundreds of children—will, in fact, be adopted on National Adoption Day, and I thank those who started this day many years ago.

We want to remember November as the month. It began in 1995 under President Clinton and his then-First Lady Hillary Clinton, both of whom put such an emphasis on adoption. This is one of their initiatives that has gone on and on and has become bigger and bigger and we are excited about it.

Let me say for the record again that there are over 400,000 children in foster care in America today, and over 100,000 of them are, in fact, orphans. Their parents are either deceased or the parental rights were terminated. Many of these children have siblings who are still looking and hoping to be matched with families. The great thing people might not realize since our efforts of almost 15 years ago is that we have increased the number of adoptions in America out of foster care from 14,000 children a year out of 100,000 15 years ago, and from 500,000 to 700,000 in foster care currently. We have reduced the number of children in foster care which overall is very good but, most importantly, we have substantially increased the number of children adopted from 14,000 to 50,000 a year. So we are moving in the right direction, but we will not rest until we have placed every child with a responsible and loving family to call their own forever.

The sad news—and I have to unfortunately have a little sad point of this speech—is that internationally the numbers are going in the wrong direction. America used to adopt about 20,000 children a year from around the world. We are the largest receiving country on Earth. Americans feel strongly, Americans of all races and backgrounds and religious affiliations feel strongly that children should be raised in families. Americans have such open hearts and room in their hearts and in their homes for children and through many of our faith-based organizations have stepped up to adopt. Unfortunately, policies within our own executive branch of government and decisions that are being made are constricting the number of children who

are eligible for adoption or who are being adopted by Americans, and that number has fallen dramatically, unfortunately, from about 20,000 children down to 9,000 children. I am going to redouble my efforts every year to find the problem areas and identify them, whether something has to be changed legislatively or whether some additional funding can be found to increase efforts not just by the Federal Government but States and local governments and nonprofits. We are going to turn the corner and accelerate this situation.

Let me conclude by showing some wonderful examples of families who have stepped up. First, this is the Morrison family. Fran is from Louisiana. She has fostered over 22 children. She is a professional. This is what she does in her professional life. She has fostered 22 children. But these five she has adopted out of the dozens of children whom she has fostered. This one little baby, the latest one whom she adopted, has a very special need. He was shaken as an infant. He was born completely healthy, but because an adult lost their temper and didn't know what to do—adults sometimes may shake infants because they are angry, because children cry when they are hungry or they are cold or they are tired, and sometimes adults don't like to hear that crying. Sometimes babies get shaken or thrown against walls, and that is what happened to this little child. This child is seriously disabled but has now been adopted by Fran Morrison, and she says she has been blessed. The Lord led her to become a foster parent and then, just one step at a time, she became an adoptive mom. As we can see, she has her hands very full, but she has a great heart and she, similar to so many other Americans, is trying to make a way for these children and give them a place.

The next family is the Roberts family. Former foster youth Marchelle Roberts was one of my interns in my office just last year, so this is such a personal and touching story. She was a former participant in our foster youth intern program. Her parent is Lisa Roberts from Camden, NJ. She is adopted. Marchelle is now 22 years old and is attending Temple University studying broadcast journalism. Besides Marchelle, her mother has adopted four other children out of foster care. What an extraordinary family, built by a mom who just had a great heart, had the will and the opportunity to adopt these four beautiful girls, and they are now a wonderful family, truly loving the children to help them succeed in a world they were born into that had a very sad beginning but a very happy ending.

The third family I wish to share with my colleagues is the Johnson family. This is Senator THUNE's 2012 Angel. The parents are Ryan and Amber Johnson from Sioux Falls, SD. Two boys

were adopted out of foster care. They have one biological child, a little girl. These two little boys were adopted out of foster care. What a beautiful family and what a way to build a family. That is what I am saying; that I wish we could eliminate every barrier. There are cultural barriers. There are financial barriers. There are legal barriers. If we could just eliminate those barriers and let Americans do what they do best, which is to love children, we would be a lot better off. So this is a beautiful family from Sioux Falls, SD.

Our next family is the Duhon family. The parents, Troy and Tracy Duhon, are from New Orleans. I know this family well and I am very proud of them. Their little adopted child Annahstasia Grace was born in China last year. They have three biological children, but they traveled to China just last month to pick up this little baby girl. They have waited for her for quite some time. We are very grateful that the Chinese Government has been cooperative. China is placing more children domestically, which is good, because many years ago they didn't have any process for domestic adoption. Of course, with their one-child policy, there were literally millions of children in orphanages, many little girls because they weren't as valued as little boys. But now that is changing. China is doing more domestic adoptions, but there are still children who need to have loving parents and many of them are finding them in the United States.

Then, finally, the last family is Jake and Amy Glover from Hays, KS. They have four adopted children, three from Haiti and one from China. What a cute holiday card this is going to be for all their friends who will receive it. Since adopting three children from Haiti, the Glovers are committed to raising awareness about the many daily challenges faced by the Haitians post-earthquake. So not only did these individuals turn out to be great parents for these children, but they also—I know because I talk to so many of them—help these children understand and appreciate and respect the culture from which they came, and it builds awareness in America about the greatness of our whole planet. Of course, we are proud of America, but there are many other countries where these children come from, and I know the adoptive parents are very respectful of the sending countries.

So on behalf of the children who are still waiting, I hope people who have heard this can respond in some way. There are many opportunities for people to reach out to our national organizations, nonprofits, churches in communities, and people can always go to our Web site and we have some additional information about how to connect if people are thinking about how to adopt or people who want to support the work of adoption and preservation of families such as these.

Again, I urge my colleagues to pass S. Res. 595 as quickly as possible. I thank those colleagues who have joined with me in cosponsoring this. We wish everybody a great day on Saturday for National Adoption Day, and we look forward to the continued work to promote laws and policies that help every child find a forever family.

Thank you. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNIZING CAMPBELLVILLE UNIVERSITY ATHLETICS

Mr. MCCONNELL. Mr. President, I rise today to salute Campbellville University in Campbellville, KY, for what is quite a long list of achievements they have received recently. Campbellville athletics has taken the country by storm. Recently, four Campbellville students won national championships in track and field, and the Campbellville men's tennis team won a national championship. A school would be proud of having any one of these winning student-athletes as part of its number—for Campbellville University to have them all is quite a feat.

Campbellville's mascot is the Tigers, and the school is part of the National Christian College Athletic Association. Four students on the Tigers track and field team won five individual national titles this year. P.J. Randles won the triple-jump title at the NCCAA Men's Indoor Track & Field National Championships in February. Tiana Benjamin won the javelin title at the NCCAA Women's Outdoor Track & Field National Championships in May. Nathelie Zetrenne won the 100-meter hurdles title at the NCCAA Women's Outdoor Track & Field National Championships this May. And Tiosha Beasley won both the long-jump and triple-jump titles at the NCCAA Women's Outdoor Track & Field National Championships in May.

P.J. Randles is the first student at Campbellville to win an indoor track and field national title. Tiana Benjamin is the first women's track and field athlete to win a national title. And Tiosha Beasley was also an NAIA

All-American at both the NAIA Indoor National Championships and NAIA Outdoor National Championships.

The four women's national titles are the most individual national titles won in one meet by any sport. They are also the most individual national titles of any sports program at Campbellville University. Since 2009, Campbellville's men's and women's track and field has won eight individual NCCAA national titles.

On top of these achievements are the tennis champions. The Campbellville Tigers men's tennis team are the 2012 National Christian College Athletic Association national champions, and they are the first Tigers' program to win a team national championship, after the school reached the semifinals in 2009 and 2010. They swept through the NCCAA Tournament in Mobile, Ala., with a 5-0 record in the tournament after finishing the 2012 season with a school-record 19 wins and a 19-7 overall record.

In addition to its NCCAA championship, this is the first time a Campbellville University men's tennis qualified for the NAIA Tournament as a team. The team finished runner-up in the Mid-South Conference.

I want to particularly congratulate head coach Kyle Caven, who was honored as the Mid-South Conference Coach of the Year and NCCAA National Coach of the Year. Several tennis team members received honors as well. Carlos Anton was named to the NAIA All-America Second Team and the NCCAA All-America First Team. Pablo Numbela and Sebastian Marot were named to the NCCAA All-America First Team. Pontus Blom, Zac Maylon, and Alberto Diaz were all named to the NCCAA All-America Second Team. John Harbold was named a Mid-South Conference Champion of Character.

The assistant coaches were Kelly Anderson and Phil Carlisle. The team also includes Terry Caven, Austin Colvier, Alfredo Bencid, David Castillo, Tyler Hyatt, Bradley Jeffries, Chase Padgett, and Austin Spalding.

Campbellville University is a leading Christian university of more than 3,500 students that is dedicated to educating its students and preparing them to be servant leaders. Their excellence in athletics is only matched by their dedication to instilling character and a love of learning. I want to congratulate Campbellville University president Dr. Michael V. Carter, the school's faculty and staff, the athletics department, and all these wonderful student athletes for representing the very best of what Kentucky has to offer.

#### NATIVE AMERICAN HERITAGE MONTH

Mr. JOHNSON of South Dakota. Mr. President, each November we recognize National Native American Heritage

Month to honor the tradition, culture, contributions, achievements, and sacrifices of those that originally inhabited this great Nation. With over five million individuals of Native American descent in the United States, it is important to celebrate the instrumental impact Native American culture has had on American history. National Native American Heritage Month is an opportunity to focus our attention on the beliefs of tribal sovereignty by ensuring trust responsibilities and strengthening government-to-government relationships with tribes across the Nation.

Representing a State that is home to nine treaty tribes, this month has added significance to me. I would like to personally acknowledge and honor South Dakota's nine treaty tribes: the Cheyenne River Sioux, the Crow Creek Sioux, the Flandreau Santee Sioux, the Lower Brule Sioux, the Oglala Sioux, the Rosebud Sioux, the Sisseton-Wahpeton Oyate, the Standing Rock Sioux, and the Yankton Sioux. South Dakota greatly benefits from the rich heritage and culture each tribe brings to our State.

It is fitting that President Obama has declared November 23, 2012, the day after Thanksgiving, as Native American Heritage Day in an effort to fully appreciate the legacy American Indian culture has had on our Nation since its infancy. I am pleased we have honored our Native American Indian and Alaska Native people with a day, week, and month of observance every year since 1976.

During this month's commemoration, we must not only celebrate our Native American Indian and Alaska Native's past, but also emphasize where improvements are needed for their future well-being. I am proud the Indian Affairs Committee has recently approved my legislation to reauthorize the Native American Languages Preservation Act, and I hope my colleagues will consider this important measure, as it is critical to preserve Native languages that have long influenced our history and culture. We should promote diversity rather than suppress it, as the foundation of the United States is built on diverse cultures and backgrounds. While we pause to recognize the strong contributions our tribes have made to this Nation, the Federal government must uphold its responsibilities to our tribal communities.

I hope students around the United States take the opportunity this month to learn about the Thanksgiving story from the American Indian point of view. By observing and celebrating National Native American Heritage Month, we are reaffirming our Nation's respect for American Indian people. I would like to acknowledge and praise the more than 70,000 American Indians in South Dakota who bring a unique and enriching culture to our commu-

nities. I urge everyone in America to participate in our celebration of American Indians, not only during the month of November, but through a daily commitment to advancing the quality of life of American Indians, in an effort for our Nation to move forward with strength and resolve.

#### TRIBUTE TO DR. TAYLOR W. LAWRENCE

Mr. SHELBY. Mr. President, today I wish to pay tribute to Dr. Taylor Lawrence, Jr. who, on Friday, October 12, 2012, was honored as one of four "Hometown Heroes" at the City of Montevallo's 2nd Annual Mayor's Breakfast Honoring Hometown Heroes.

Taylor, who grew up in Montevallo, AL, was the keynote speaker at the event and was honored along with former Montevallo Mayor Sharon Anderson, World War II veteran Grady Parker, and former University of Montevallo English professor Dr. Elizabeth "Libbie" Rodgers.

He graduated first in his class from the California Institute of Technology with a bachelor's degree in physics and from Stanford University with a master's degree and doctorate, both in applied physics.

Taylor has had an accomplished professional career in the defense field and has held positions as vice president of Raytheon's Engineering, Technology and Mission Assurance and a vice president and general manager for the C4ISR and Space Sensors division for Northrop Grumman Electronic Systems. He served as my staff director when I was chairman for the Select Committee on Intelligence and prior to that position, as the deputy director of the Information Systems Office of the Defense Advanced Research Projects Agency.

Currently, Taylor serves as the president of Raytheon Company's Missile Systems business, the world's leading producer of weapons systems for the United States military as well as allied forces of more than 50 countries.

In 1996, Taylor was awarded the Secretary of Defense Medal for Meritorious Civilian Service due to his exemplary work in his field. He is a former member of the Defense Science Board and vice chairman emeritus of the Air Force Studies Board of the National Academies, as well as a fellow at the American Institute of Aeronautics and Astronautics.

Taylor is extremely bright, highly respected, and committed to excellence in his field. I feel privileged to have had the opportunity to work with him during his time as my staff director in the Senate, and am proud to represent a State that so many of today's professional leaders, Taylor included, also call home.

I congratulate Taylor on his "Hometown Hero" award, and know that it was well-deserved.

#### REMEMBERING PAUL DAVIS

Mr. SHELBY. Mr. President, today I wish to pay tribute to Paul Davis, who passed away in his home on Sunday, September 23, 2012, at the age of 74. He was an award-winning journalist whose contributions to the journalism industry him the deepest respect from his peers and community. I am grateful that I was able to call Paul a longtime friend and mourn his passing.

Born on September 3, 1938 in Clanton, AL, Paul enjoyed a long career as not only a journalist and publisher, but as an advocate for those who did not have a voice. He served as the owner and publisher of the Auburn Bulletin and Tuskegee News for 25 years and for many years authored a Sunday column in the Opelika-Auburn News. Under his watch, the Auburn Bulletin and Tuskegee News won dozens of awards for their quality news coverage.

One of Paul's greatest achievements was his impeccable reporting on cases of negligence and abuse of mentally disabled patients at the Partlow School and Bryce Hospital for the mentally ill. His stories on these injustices led to a decision by the Federal court that required patients with disabilities receive an equal standard of care. For this work he was nominated for a Pulitzer Prize and appointed by Governor Bob Riley to the Alabama Department of Mental Health Board of Directors.

Throughout his life and established career, Paul was honored with numerous awards, among them the Alabama Press Association's Lifetime Achievement Award, the Community Service Journalism Award from Auburn University, a Lifetime Achievement Award from the Alabama Disabilities Advocacy Program, and the Meritorious Service Award from the Auburn University Chapter of the American Association of University Professors.

Outside of the newspaper business, Paul was one of the founding members of the Food Bank of Lee County and served as the president of the organization for 2 years. He continued to serve on its board as it expanded into five additional counties. He was also a member of the Auburn Church of Christ.

Paul was one of my most trusted friends. An outstanding writer, thorough reporter, and advocate for the less fortunate, he was a man of the highest integrity and was an inspiration to me and to many in the journalism and mental health communities. My thoughts and prayers are with his family and friends, especially his wife, Gayle, his children, Alan, Susan, and Chris, and his stepchildren, Roger, Keith, and Scott, as they mourn the loss of this irreplaceable man.

Paul's legacy will no doubt live on in the community and in the hearts of those who knew him. His contributions to journalism in Alabama and to the causes that he believed in will forever be remembered.



## ADDITIONAL STATEMENTS

RECOGNIZING THE JUNEAU  
EMPIRE'S CENTENNIAL

• Mr. BEGICH. Mr. President, today we celebrate the 100th anniversary of the Juneau Empire, a Morris Communications publication that has been providing news to southeast Alaska since long before Alaska secured statehood. The newspaper was established in 1912, a year before Alaska's territorial legislature first convened. Originally called the Alaska Daily Empire, this newspaper has documented Alaska history as it happened and continues to be a reliable, prominent source of information.

The city and borough of Juneau is the capital of Alaska and covers more area than the entire State of Delaware. The Juneau Empire is an important chronicler of government and tribal affairs in this city accessible only by airplane or ferry. For decades, there have been efforts to move the capital closer to Anchorage, and the Empire has been a strong and successful advocate of preserving Juneau's status as Alaska's capital. In a State with such vast geographic distances, responsible and accurate news reporting from the capital is imperative, and the Juneau Empire has risen to that challenge time after time.

Over the years, contributors to the Juneau Empire have won journalism awards from the Alaska Press Club and the Society of Professional Journalism. Past editors and leadership at the paper have included territorial governors and other prominent political figures in Alaska history, making the Empire an historical figure in its own right.

As media has changed, so has the Juneau Empire. Its graceful transition into the digital age has kept the publication relevant and accessible. While Alaska develops and builds a national and global presence, the importance of reliable news and information about our great State is vital. Today, I honor the hard work and dedication of the many Alaskans who have worked for and contributed to the Juneau Empire over the past century. I hope the Empire will be documenting history for another 100 years.●

TRIBUTE TO JACKIE KERBY  
MOORE

• Mr. BINGAMAN. Mr. President, today I wish to recognize Jackie Kerby Moore for being named one of the 2012 Distinguished Alumni from New Mexico State University. This is an honor given by the New Mexico State University Alumni Association to individuals who have distinguished themselves and thus bring honor and distinction to NMSU.

Moore received an athletic scholarship to play at NMSU and continued on

teams after college, winning the Women's Fastpitch National Championship in 1984 with the Arrow Butane Flames from Las Cruces.

I have had the honor to work with Moore in her role as the executive director of the Sandia Science & Technology Park since its inception in 1998. This 200+ acre technology community is located adjacent to and affiliated with Sandia National Laboratories in Albuquerque, NM. In her role as executive director, she oversees all aspects of the park—including the management, marketing, recruiting of tenant companies, and securing of funding for infrastructure improvements. The park now serves as home for 25 companies employing almost 1,500 people, and total investment in the Park exceeds \$253 million.

Under Moore's leadership, the Sandia Science & Technology Park has received the Technology-Led Economic Development Award from the U.S. Department of Commerce Economic Development Administration, Outstanding Partnership Award from the Federal Laboratories Consortium Mid-Continent Region, President's Award from the National Association of Industrial and Office Properties, and Roadrunner and Piñon Awards from Quality New Mexico. The park has also been recognized with Public/Private Partnership Awards from the New Mexico State Land Office, Mid-Region Council of Governments, and the International Economic Development Council.

Moore serves as an advocate for New Mexico State University and lends her expertise for the advancement of the Arrowhead Research Park. She is a strong supporter of Arrowhead's Entrepreneurship Center and mentors staff and faculty. She has been an involved alumna by supporting College of Business endeavors and engaging with faculty.

I ask that my colleagues join me in congratulating Jackie Kerby Moore and thanking her for her commitment to education and technology. It gives me great pleasure to acknowledge her years of service and much deserved success.●

## TRIBUTE TO MATT WILLIAMS

• Mr. JOHANNIS. Mr. President, today I wish to congratulate and commend Matt Williams, a life-long Nebraskan, as he recently began his term as chairman of the American Bankers Association.

Mr. Williams is the president and chairman of Gothenburg State Bank, in Gothenburg, NE. Matt has led the bank for 39 years, an institution founded by his great-grandfather. I am fully confident that his strong work ethic, fostered by working summers on the family ranch, and his wealth of knowledge of banking issues will lead him to much success in his new position.

An extremely active member of the community, Mr. Williams has taken a personal role in growing the local economy. He has joined forces with other local leaders to promote Gothenburg, a small town of less than 4,000 people which is now home to operations of 4 Fortune 500 companies. Matt's solid understanding of how access to capital can cultivate economic development and job growth will be essential as he promotes the values of the banking community.

Matt is also no stranger to advocating on behalf of the banking industry. In 2003 and 2004, he served as chairman of the Nebraska Bankers Association and currently serves on the FDIC Advisory Committee on Community Banking. The American Bankers Association is fortunate to have someone with Matt Williams' knowledge and leadership skills at the helm. He understands the important role banks can play in an economic recovery.

I am confident Matt will tackle the obligations of this new position with the same tenacity that has brought him so much success in his past endeavors. I wish him nothing but the best and look forward to working with him on the issues of the day.●

RECOGNIZING PROFESSORS OF  
THE YEAR

• Mr. SCHUMER. Mr. President, today I wish to congratulate the four national winners of the Council for Advancement and Support of Education and the Carnegie Foundation for the Advancement of Teaching's 2012 United States Professors of the Year Award. Since 1981, this program has saluted outstanding undergraduate instructors throughout the country. In addition to the national winners, a State Professor of the Year was also recognized in 31 States. New York's 2012 State winner is Rees Shad, who is coordinator of the Media Design Programs at Hostos Community College of the City University of New York.

These awards are recognized as one of the most prestigious honors bestowed upon a professor. To be nominated for this award requires dedication to the art of education and excellence in every aspect of the profession. Professors personally vested in each student shape the leaders of tomorrow. These individuals and every one of us should be proud of their accomplishment.

I am also particularly proud that one of the four national winners is from my State of New York. Professor Todd Pagano, associate professor and director of the Laboratory Science Technology Program at the National Technical Institute for the Deaf at the Rochester Institute of Technology, is the 2012 Outstanding Master's Universities and Colleges Professor of the Year. In recognizing Professor Pagano, judges admired Todd Pagano's program

for deaf students in laboratory science technology, which he helped to design, implement, and lead, coupled with the opportunities he has created for undergraduate research and internships that are critical to his students' success. Not only has Professor Pagano helped open up a new profession for an under-represented group, but he is also a scholar of science education for deaf students, an editor of a leading journal in the field, and an advocate in the professional chemistry community for students, scientists and technicians with special needs.

We need more professors and educators like Todd Pagano. He is a native of Rochester, NY, and decided to come home to educate the next generation of New Yorkers and Americans. He has instilled not only a love and passion for science, but he has given hope and direction to students who are deaf or hard of hearing. His work typifies the high educational standards at National Technical Institute for the Deaf, which is a stellar institution that leads the Nation in the technical education of all students, especially those that are deaf or hard of hearing.

Mr. President, I urge my colleagues to join me in recognizing and thanking Professor Pagano and all the winners for their leadership and passion for educating. They have undoubtedly inspired an untold number of students. I again offer my congratulations and best regards.

The four national award winners are as follows:

Outstanding Baccalaureate Colleges Professor of the Year: Christy Price, professor of psychology, Dalton State College.

Outstanding Community Colleges Professor of the Year: Lois Roma-Deeley, professor of creative writing, Paradise Valley Community College.

Outstanding Doctoral and Research Universities Professor of the Year: Autar Kaw, professor of mechanical engineering, University of South Florida.

Outstanding Master's Universities and Colleges Professor of the Year: Todd Pagano, associate professor of science and mathematics, director of laboratory science technology program, Rochester Institute of Technology/National Technical Institute for the Deaf.

The 31 State winners are as follows:

Arkansas—Stephanie Vanderslice, professor, Department of Writing, University of Central Arkansas;

Arizona—Albrecht Classen, university distinguished professor of German studies, University of Arizona;

Colorado—Barry Fagin, professor of computer science, U.S. Air Force Academy;

Connecticut—Deborah A. Carroll, professor of psychology and director, B.S. psychology, research specialization, Southern Connecticut State University;

Washington, DC—Patrick Thaddeus Jackson, associate dean for undergraduate studies, School of International Service, American University;

Florida—Pat Anderson, professor of aerospace engineering, Embry-Riddle Aeronautical University;

Georgia—Judith Lupo Wold, clinical professor and interim associate dean for educational innovation, Nell Hodgson Woodruff School of Nursing, Emory University;

Idaho—Daniel Bukvich, distinguished professor, University of Idaho;

Illinois—Gary Creasey, professor of psychology, assistant director, U.S. Department of Education, TEACHER+PLUS Project, Illinois State University;

Indiana—Michele T. Villinski, Hiram L. Jome professor and associate professor of economics and management, codirector of the Environmental Fellows Program, DePauw University;

Kentucky—Tom McCollough, Nelson and Martha McDowell Rodes professor of Religion Centre College;

Massachusetts—Michael Barnett, associate professor of science education and technology, Lynch School of Education, Boston College;

Maryland—John Hamman, professor and chair, Germantown Mathematics Department, Montgomery College;

Michigan—Stephen DeBacker, Arthur F. Thurnau professor of mathematics, University of Michigan, Ann Arbor;

Missouri—Eric William Nelson, professor of history, Missouri State University;

Montana—Michael W. Morrow, professor of biology, University of Montana Western;

Nebraska—Rita M. Lester, professor of religion, Nebraska Wesleyan University;

New Jersey—Kent Fairfield, associate professor, Fairleigh Dickinson University;

New Mexico—Kenneth J. Martin, regents professor of finance, New Mexico University;

Nevada—Alfredo Fernández-González, associate professor of architecture; director, Natural Energies Advanced Technologies Laboratory, University of Nevada, Las Vegas;

New York—Rees Shad, coordinator of the Media Design Programs, Hostos Community College of the City University of New York;

Ohio—Gillian Oakenfull, associate professor and director of experiential learning, Department of Marketing, Miami University;

Oregon—Juliet W. Brosing, professor of physics, Pacific University;

South Carolina—Alliston K. Reid, Reeves family professor of psychology, Wofford College;

Tennessee—Michael Pinter, director of the Teaching Center and professor of mathematics, Belmont University;

Texas—Greg Sherman, professor of physics, Collin College;

Utah—Michael Christiansen, professor of music, Utah State University; Virginia—Robert Swap, associate professor, University of Virginia;

Washington—Karl Fields, professor of politics and government and Asian studies, University of Puget Sound;

Wisconsin—Gregory S. Aldrete, Frankenthal professor of history and humanistic studies, University of Wisconsin-Green Bay; and

West Virginia—Dan Hollis, associate professor of journalism and mass communications, Marshall University.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 10:06 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5934. An act to amend title 18, United States Code, to include certain territories and possessions of the United States in the definition of State for the purposes of chapter 114, relating to trafficking in contraband cigarettes and smokeless tobacco.

H.R. 6116. An act to amend the Revised Organic Act of the Virgin Islands to provide for direct review by the United States Supreme Court of decisions of the Virgin Islands Supreme Court, and for other purposes.

H.R. 6570. An act to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements.

#### ENROLLED BILLS SIGNED

At 12:25 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 743. An act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 1956. An act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

H.R. 2606. An act to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

H.R. 4114. An act to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

The enrolled bills were subsequently signed by the Acting President pro tempore (Mr. BLUMENTHAL).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5934. An act to amend title 18, United States Code, to include certain territories and possessions of the United States in the definition of State for the purposes of chapter 114, relating to trafficking in contraband cigarettes and smokeless tobacco; to the Committee on the Judiciary.

H.R. 6116. An act to amend the Revised Organic Act of the Virgin Islands to provide for direct appeals to the United States Supreme Court of decisions of the Virgin Islands Supreme Court; to the Committee on the Judiciary.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-7985. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2017 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions and Corporate Average Fuel Economy Standards" (FRL No. 9706-5) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Environment and Public Works.

EC-7986. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Pennsylvania; Section 110(a)(2) Infrastructure Requirements for the 1997 8-Hour Ozone and the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards" (FRL No. 9731-9) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Environment and Public Works.

EC-7987. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Disapproval and Promulgation of Air Quality Implementation Plans; State of Utah; Revisions to Open Burning Regulations" (FRL No. 9732-1) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Environment and Public Works.

EC-7988. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmit-

ting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Alabama: General and Transportation Conformity and New Source Review Prevention of Significant for Fine Particulate Matter (PM2.5)" (FRL No. 9731-5) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Environment and Public Works.

EC-7989. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland-Revision for the Control of Volatile Organic Compounds Emissions from Vehicle Refinishing" (FRL No. 9731-7) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Environment and Public Works.

EC-7990. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Adhesives and Sealants Rule" (FRL No. 9731-6) received in the Office of the President of the Senate on September 20, 2012; to the Committee on Environment and Public Works.

EC-7991. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Revised RD/RA Negotiations Timeline; to the Committee on Environment and Public Works.

EC-7992. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard" (FRL No. 9749-4) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Environment and Public Works.

EC-7993. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Idaho; Regional Haze State Implementation Plan" (FRL No. 9750-1) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Environment and Public Works.

EC-7994. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Reasonably Available Control Technology Update to Address Control Techniques Guidelines Issued in 2006, 2007, and 2008" (FRL No. 9749-8) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Environment and Public Works.

EC-7995. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Requirements for Prevention of Significant Deterioration and Nonattainment New

Source Review; Fine Particulate Matter (PM2.5)" (FRL No. 9747-9) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Environment and Public Works.

EC-7996. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California; Revisions to the California State Implementation Plan Pesticide Element" (FRL No. 9723-1) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-7997. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; San Joaquin Valley Unified Air Pollution Control District; Prevention of Significant Deterioration" (FRL No. 9726-3) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-7998. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources" (FRL No. 9746-4) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-7999. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin; Infrastructure SIP Requirements for the 2006 PM2.5 National Ambient Air Quality Standards; Indiana NSR/PSD" (FRL No. 9742-4) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-8000. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Missouri: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9744-4) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-8001. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to West Virginia's Ambient Air Quality Standards" (FRL No. 9745-7) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-8002. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland;

Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area" (FRL No. 9746-2) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-8003. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg 8-Hour Ozone Maintenance Area Revision to Approved Motor Vehicle Emissions Budgets" (FRL No. 9746-3) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-8004. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District" (FRL No. 9737-2) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-8005. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>): Amendment to the Definition of 'Regulated NSR Pollutant' Concerning Condensable Particulate Matter" (FRL No. 9742-8) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-8006. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Antibacksliding of Major NSR SIP Requirements for the One-Hour Ozone National Ambient Air Quality Standards (NAAQS); Major Nonattainment NSR (NNSR) SIP Requirements for the 1997 Eight-Hour Ozone NAAQS; and Major NSR Reform Program" (FRL No. 9743-6) received during adjournment of the Senate in the Office of the President of the Senate on October 23, 2012; to the Committee on Environment and Public Works.

EC-8007. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Partial Approval and Disapproval of Air Quality Implementation Plans; Arizona; Infrastructure Requirements for Ozone and Fine Particulate Matter" (FRL No. 9745-8) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Environment and Public Works.

EC-8008. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County: Motor Vehicle Inspec-

tion" (FRL No. 9747-2) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Environment and Public Works.

EC-8009. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality and Maricopa County Air Quality Department" (FRL No. 9740-2) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Environment and Public Works.

EC-8010. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Deferral for CO<sub>2</sub> Emissions from Bioenergy and other Biogenic Sources Under the Prevention of Significant Deterioration Program" (FRL No. 9745-5) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Environment and Public Works.

EC-8011. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard" (FRL No. 9746-1) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Environment and Public Works.

EC-8012. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the One-Hour Ozone Standard for the Portsmouth-Dover-Rochester and Manchester Areas" (FRL No. 9744-6) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Environment and Public Works.

EC-8013. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Additional Air Quality Designations for the 2006 24-Hour Fine Particle National Ambient Air Quality Standards" (FRL No. 9746-6) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Environment and Public Works.

EC-8014. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the South Coast Portion of the California State Implementation Plan, CPV Sentinel Energy Project AB 1318 Tracking System" (FRL No. 9751-3) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Environment and Public Works.

EC-8015. A communication from the Chief of the Recovery and State Grants Branch,

Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Removal of the Gray Wolf in Wyoming from the Federal List of Endangered and Threatened Wildlife and Removal of the Wyoming Wolf Population's Status as an Experimental Population" (RIN1018-AX94) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Environment and Public Works.

EC-8016. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Broward County Water Preservation Areas project in Broward and Miami-Dade Counties, Florida; to the Committee on Environment and Public Works.

EC-8017. A communication from the Deputy Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's Annual Report of Payment Recapture Audits; to the Committee on Finance.

EC-8018. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates" (Notice 2012-66) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Finance.

EC-8019. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs: Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment Systems and Quality Reporting Programs; Electronic Reporting Pilot; Inpatient Rehabilitation Facilities Quality Reporting Program; Revision to Quality Improvement Organization Regulations" (RIN0938-AR10) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Finance.

EC-8020. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Salvage Discount Factors and Payment Patterns for 2012" (Rev. Proc. 2012-45) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Finance.

EC-8021. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule, DME Face-to-Face Encounters, Elimination of the Requirement for Termination of Non-Random Prepayment Complex Medical Review and Other Revisions to Part B for CY 2013" (RIN0938-AR11) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Finance.

EC-8022. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Payments for Services Furnished by Certain Primary Care Physicians and Charges for Vaccine Administration

under the Vaccines for Children Program" (RIN0938-AQ63) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Finance.

EC-8023. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report consistent with the Authorization for Use of Military Force Against Iraq Resolution of 1002 (P.L. 107-243) and the Authorization for the Use of Force Against Iraq Resolution (P.L. 102-1) for the June 25, 2012 through August 23, 2012 reporting period; to the Committee on Foreign Relations.

EC-8024. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-8025. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-121); to the Committee on Foreign Relations.

EC-8026. A communication from the Executive Secretary, U.S. Agency for International Development (USAID), a report relative to a vacancy in the position of Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency for International Development (USAID), received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Foreign Relations.

EC-8027. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the status of the Government of Cuba's compliance with the United States-Cuba September 1994 "Joint Communiqué" and on the treatment of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement"; to the Committee on Foreign Relations.

EC-8028. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, a notice of an addendum to a certification of the proposed sale or export of defense articles and/or defense services to a Middle East country; to the Committee on Foreign Relations.

EC-8029. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period June 1, 2012 through July 31, 2012; to the Committee on Foreign Relations.

EC-8030. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, a correspondence from the President of the Lebanese National Assembly; to the Committee on Foreign Relations.

EC-8031. A communication from the Secretary General of the Inter-Parliamentary Union, transmitting, a report entitled "Raising the Profile of HIV and AIDS in Your Parliament"; to the Committee on Foreign Relations.

EC-8032. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-140); to the Committee on Foreign Relations.

EC-8033. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-0138); to the Committee on Foreign Relations.

EC-8034. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-133); to the Committee on Foreign Relations.

EC-8035. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-071); to the Committee on Foreign Relations.

EC-8036. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-146); to the Committee on Foreign Relations.

EC-8037. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-134); to the Committee on Foreign Relations.

EC-8038. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-144); to the Committee on Foreign Relations.

EC-8039. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-136); to the Committee on Foreign Relations.

EC-8040. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-131); to the Committee on Foreign Relations.

EC-8041. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-135, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8042. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-126, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible effects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8043. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a pe-

tition to add workers who were employed at the Ventron Corporation in Beverly, Massachusetts, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-8044. A communication from the Assistant General Counsel for Regulatory Services, Office of Elementary and Secondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Race to the Top—Early Learning Challenge; Phase 2 Notice of Final Requirements" (RIN1810-AB15) received during adjournment of the Senate in the Office of the President of the Senate on October 31, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8045. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Part 4022) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8046. A communication from the Assistant General Counsel for Regulatory Services, Office of Postsecondary Education, Department of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program" (RIN1840-AD05) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8047. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the completion and release of the Department of Defense (DoD) Agency Financial Report (AFR); to the Committee on Homeland Security and Governmental Affairs.

EC-8048. A communication from the Chairman of the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the Inspector General's Semiannual Report for the six-month period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8049. A communication from the Associate General Counsel for General Law, Department of Homeland Security, transmitting, pursuant to law, a report relative to a vacancy in the position of General Counsel, Department of Homeland Security, received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8050. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the Gallery's Performance and Accountability Report for the year ended September 30, 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-8051. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report relative to the Administration's Fiscal Year 2012 Commercial Activities Inventory and Inherently Governmental Inventory; to the Committee on Homeland Security and Governmental Affairs.

EC-8052. A communication from the Special Inspector General for Iraq Reconstruction, transmitting, pursuant to law, the

Quarterly Report for the period through October 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8053. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-467, "Meridian Public Charter School-Harrison Campus Property Tax Exemption Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8054. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-470, "Career and Technical Education Plan Establishment Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8055. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-478, "Verizon Center Graphics and Entertainment Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8056. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-479, "Compassionate Release Authorization Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8057. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-471, "Health Benefits Plan Grievance Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8058. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-473, "District of Columbia School Reform Extension of Time Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8059. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-472, "Cogeneration Equipment Personal Property Tax Exemption Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8060. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-474, "District of Columbia Public Schools Partnership Temporary Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8061. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-468, "Department of Health Functions Clarification Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8062. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-469, "District Department of Transportation Bicycle Sharing Fund Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8063. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-480, "Retention Incentives for Chief of Police Cathy L. Lanier Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-8064. A communication from the Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, a report on a proposed archival depository for the Presidential records, artifacts and other historical materials of the George W. Bush administration; to the Committee on Homeland Security and Governmental Affairs.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Mr. GRAHAM):

S. 3631. A bill to prohibit and deter the theft of metal, and for other purposes; to the Committee on the Judiciary.

By Mrs. GILLIBRAND:

S. 3632. A bill to amend the Emergency Food Assistance Act of 1983 to provide for the increased purchase of Kosher and Halal food and to modify the labeling of the commodities list under the emergency food assistance program to enable Kosher and Halal food bank operators to identify which commodities to obtain from local food banks; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MURKOWSKI:

S. 3633. A bill to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City; to the Committee on Energy and Natural Resources.

By Mr. TOOMEY (for himself and Mr. CASEY):

S. 3634. A bill to require a report on the establishment of a joint Army-Navy storage and preservation facility at the United States Army Heritage and Education Center, Carlisle, Pennsylvania; to the Committee on Armed Services.

By Mr. COONS (for himself and Mr. WARNER):

S. 3635. A bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration; to the Committee on Rules and Administration.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. MURRAY (for herself and Mr. BURR):

S. Res. 597. A resolution to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 598. A resolution commending and congratulating the San Francisco Giants for winning the 2012 World Series; considered and agreed to.

By Mrs. GILLIBRAND (for herself, Mr. KIRK, Mr. LIEBERMAN, Mr. RUBIO, Ms. MIKULSKI, Mr. RISCH, Mr. UDALL of Colorado, Mr. WICKER, Mrs. FEINSTEIN, Mr. MORAN, Mr. COONS, Mr. CRAPO, Mr. WARNER, Mr. HOEVEN, Ms.

CANTWELL, Mr. COATS, Mr. NELSON of Florida, Ms. COLLINS, Mr. CARDIN, Mr. GRAHAM, Mr. CASEY, Mr. ROBERTS, Mr. CORKER, Mr. MENENDEZ, Mr. BOOZMAN, Mr. ISAKSON, Mr. TOOMEY, Mr. BLUNT, Mr. COCHRAN, Mr. CORNYN, Ms. KLOBUCHAR, Mr. SCHUMER, Mr. BURR, Mr. FRANKEN, Mr. KYL, Mr. JOHNSON of South Dakota, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. HELLER, Mr. BROWN of Ohio, Mr. JOHANNES, Mr. MANCHIN, Mrs. HAGAN, Mr. WYDEN, Mr. LAUTENBERG, Mr. BAUCUS, Mr. WHITEHOUSE, Mr. VITTER, Mr. THUNE, Mrs. SHAHEEN, Ms. STABENOW, Mr. PORTMAN, Ms. LANDRIEU, Mr. GRASSLEY, Mr. TESTER, Ms. MURKOWSKI, Mr. DURBIN, Mr. BENNET, Mr. KOHL, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. PRYOR, Mr. BEGICH, Mr. REED, Mrs. HUTCHISON, and Mr. LEVIN):

S. Res. 599. A resolution expressing vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizing and strongly supporting its right to act in self-defense to protect its citizens against acts of terrorism; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 60. A concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 154

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 154, a bill to authorize the Secretary of Education to make grants to support early college high schools and other dual enrollment programs.

S. 254

At the request of Mr. FRANKEN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 254, a bill to reduce the rape kit backlog and for other purposes.

S. 629

At the request of Ms. MURKOWSKI, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 629, a bill to improve hydropower, and for other purposes.

S. 648

At the request of Mrs. GILLIBRAND, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 648, a bill to require the Commissioner of Social Security to revise the medical and evaluation criteria for determining disability in a person diagnosed with Huntington's Disease and to waive the 24-month waiting period for Medicare eligibility for individuals disabled by Huntington's Disease.

S. 1102

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S.



1102, a bill to amend title 11, United States Code, with respect to certain exceptions to discharge in bankruptcy.

S. 1872

At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3237

At the request of Mr. WHITEHOUSE, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3338

At the request of Mr. ENZI, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3338, a bill to amend the Public Health Service Act and title XVIII of the Social Security Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly.

S. 3343

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3343, a bill to amend the Consumer Product Safety Act to require residential carbon monoxide detectors to meet the applicable ANSI/UL standard by treating that standard as a consumer product safety rule, to encourage States to require the installation of such detectors in homes, and for other purposes.

S. 3407

At the request of Mr. WYDEN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 3407, a bill to amend the Public Health Service Act to increase the number of permanent faculty in palliative care at accredited allopathic and osteopathic medical schools, nursing schools, and other programs, to promote education in palliative care and hospice, and to support the development of faculty careers in academic palliative medicine.

S. 3538

At the request of Mr. JOHANNIS, the name of the Senator from Missouri

(Mr. BLUNT) was added as a cosponsor of S. 3538, a bill to reform laws relating to small public housing agencies, and for other purposes.

S. 3542

At the request of Ms. KLOBUCHAR, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 3542, a bill to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

S. 3567

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 3567, a bill to establish the Commission to Study the Potential Creation of a National Women's History Museum, and for other purposes.

S. RES. 453

At the request of Mr. HARKIN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 453, a resolution expressing the sense of the Senate that supporting seniors and individuals with disabilities is an important responsibility of the United States, and that a comprehensive approach to expanding and supporting a strong home care workforce and making long-term services and supports affordable and accessible in communities is necessary to uphold the right of seniors and individuals with disabilities in the United States to a dignified quality of life.

S. RES. 595

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. Res. 595, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 2874

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of amendment No. 2874 intended to be proposed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 2913

At the request of Mr. LAUTENBERG, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2913 intended to be proposed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI:

S. 3633. A bill to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation to clear the title to three small parcels of land owned by the Municipality of Anchorage, in Alaska, my home State, so that the land can be put to more productive uses in the future.

At different times between 1922 and 1982, these three parcels of land, located in downtown Anchorage, comprising 2.65 acres in total, were conveyed to either the former "City of Anchorage" or more recently the "Municipality of Anchorage." They were transferred by the Federal government to the local government for a wide variety of specific purposes, but all were transferred for the overarching purpose of helping the then nascent City of Anchorage, which was, and largely still is, surrounded by Federal lands, have sufficient land resources to provide municipal services to the growing community. For reasons that made sense decades ago, all of the deeds for these properties contain reversionary clauses, that should the land not be used for various general "municipal purposes" their ownership would revert to the Federal Government. The problem is that in each case, the tracts are no longer useful for the purposes originally intended, the lands are not needed by the Federal Government, the public purpose for which the reversion clause was put in place has long ago been fulfilled, and in any case, if they were to be returned to the federal estate, it would cost the Federal Government substantial sums to maintain the properties or prepare them for future sale.

These small tracts are not practical for the federal government to repossess for several reasons: the Federal Government is barely able to manage all the land it currently owns in Alaska, including in Anchorage, let alone adding small tracts to burden its responsibility. After more than 50 years since the Statehood Act, and more than 40 years since the Alaska Native Claims Settlement Act's passage, the State and our Native People still have not received final patent to all their lands. The public purposes for which the Federal reversionary clauses were put in place have been met. These clauses were added to insure that during its earlier, developmental stages, Anchorage would use the federal land conveyed to it to build the city and the municipal and public infrastructure of the community. After decades of dedicated public use of these properties,



the “public purpose” basis for the clauses has been fulfilled. For these properties, my legislation addresses the question of how long is long enough for a reversionary clause to have served its purpose, by recognizing that after decades of living up to its obligations under what are now outdated restrictions from the last century, it's time to let the city move forward with its vision for the new one. The commercial use of the properties will add to the public municipal treasury, and to the Federal treasury, hence continuing the public benefit of the lands, albeit in a different way.

In 1922 the City of Anchorage received a number of properties around Anchorage for municipal/school purposes. One of the properties was the 1.93-acre site in Block 42 downtown that since the early 1980s has been the site of the William A. Egan Convention Center. With the completion in 2010 of the larger Dena'ina Civic and Convention Center, the tract is surplus to municipal needs, and could best be utilized for sale to the private sector that would then be best able to afford the cost of conversion of the property for future use, adding to the Federal income tax base and local property tax base.

The second tract is a lot of .48 acres at Seventh and I Streets downtown, currently being used as a municipal parking lot. The land, obtained by the city as part of a 1982 land exchange that cleared the site for a major office building across the street, is too small for municipal or federal office space use, or for park construction, but might be properly sized for a commercial enterprise. It is zoned for business, but cannot be used for business that would contribute to the local property tax based or federal income tax base, because of the inability of the Municipality to sell the property due to the federal reversion clause.

The third site at the corner of H Street and Christiansen Drive, .24 acres in size and obtained by the city in 1963, again is too small for municipal or federal office space, and unneeded for park space, but might be of use for a retail establishment given its location near a municipal parking facility. Likewise, it is zoned for business/commercial, but cannot be used and potentially contribute to the local and federal tax bases due to the federal reversion requirement. It currently sits vacant and idle.

In all cases, the best municipal use of the lands would be for sale to provide revenues to the Municipality of Anchorage that could be used for provision of municipal social services. In each case, reversion of the lands to the federal government would result in federal ownership of tracts unneeded for federal purposes, but lands that would produce greater conveyance and management costs to the federal treasury

than are likely to be recovered through fair market sales.

The Municipality of Anchorage and its Mayor Daniel Sullivan have asked that the reversionary clauses be repealed on the three tracts, the city absorbing all costs connected with surveying, recording and other costs connected with the properties. In these cases, lifting of the reversionary clauses on three of the literally thousands of acres conveyed to Anchorage, partially as a result of the Alaska Statehood Act, makes for good land use, and economic and public policy sense for both the local government and the Federal Government. The Municipality of Anchorage has already established 223 parks containing 82 playgrounds and 250 miles of trails, encompassing 10,946 acres inside its boundaries. There is no shortage of park and open space in the municipality. There is no public policy purpose in the 21st Century not to permit these very limited Federal reversion extinguishments.

Passage of this act would cost the Federal Government nothing, but would aid the citizens of Anchorage by allowing lands to be put on the city's tax rolls. I am introducing this bill now to allow plenty of time for everyone to review the merits of this bill prior to hopefully serious consideration of this issue in the 113th Congress.

By Mr. COONS (for himself and Mr. WARNER):

S. 3635. A bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration; to the Committee on Rules and Administration.

Mr. COONS. Mr. President, like so many Americans, I stayed up late last Tuesday night to watch the election returns come in.

It was 11:38 pm on the East Coast when the Associated Press called the election for President Obama, but at that late hour, Andre Murias, an 18-year-old first-time voter in Miami-Dade County, Florida, was still waiting in line to cast his ballot. Andre had been in line at the South Kendall Community Church for nearly five hours by the time he voted, just before midnight. Five hours—that is appalling. Yet, some Florida voters waited even longer—as much as 7 or 8 hours—during the State's condensed early-voting period.

Rashell Hobbs, another first-time voter, waited for five hours in Chesapeake, Virginia. “This is just horrible,” Rashell said. “There is no reason it should take this long.”

Rashell, I agree.

Voting machine irregularities were experienced in States across the country by voters of both political parties. In Colorado, voters said they checked the box on the touchscreen panel to

vote for Mitt Romney, but that the machine kept switching their pick to President Obama, while in Pennsylvania, voters reported the same problem in reverse, that their selection of President Obama was registered as a vote for Governor Romney.

It wasn't just new technology that caused issues. Poll-watchers in Davidson County, Tennessee, could only stand by as would-be voters saw the long line of people waiting to cast their ballots and drove away. In Philadelphia, long-time registered voters who showed up to cast their ballots discovered their names simply weren't on the rolls any more.

More than a dozen states, including Ohio, Wisconsin, South Carolina, New York and Montana, experienced some kind of breakdown in the administration of their elections.

This is the United States of America. The right to vote is in our DNA. We have to get this right.

That is why today, I am introducing the Fair, Accurate, Secure and Timely Voting Act of 2012—the FAST Voting Act.

Making it harder for citizens to vote is a violation of voters' civil rights. Long lines are a form of voter disenfranchisement. Running out of ballots is a form of voter suppression. The fact is, access is denied when registration is cut off months before the election and where early vote and vote-by-mail options are not widely available. This particularly matters for the men and women of our armed services, who are currently stationed overseas and have no choice but to vote by mail.

As widespread as the problem is, there are States that are getting it right. These states continue to be laboratories of democracy, and we need to learn from them.

The FAST Voting Act creates a competitive grant program in the model of Race to the Top, which has encouraged states to aggressively pursue education reform. The states that demonstrated the most comprehensive and promising reform plans win a greater portion of the grant funding.

Instead of spurring education reform, the FAST Voting Act would inspire election reform.

This bill authorizes a federal program that would award grants based on how well states improve access to the ballot in at least nine ways: flexible registration opportunities, including same-day registration; early voting, at a minimum of 9 of the 10 calendar days preceding an election; no-excuse absentee voting; assistance to voters who do not speak English as a primary language or who have disabilities, including visual impairment; effective access to voting for members of the armed services; formal training of election officials, including State and county administrators and volunteers; audited

and reduced waiting times at the poorest performing polling stations; contingency plans for voting in the event of a natural or other disaster, such as Superstorm Sandy, which impacted voting in New York and New Jersey, and would have only needed to take a slight turn to dramatically impact my home State of Delaware.

The stakes are high, and the importance of achieving these electoral reforms is paramount. When tens of thousands, or even hundreds of thousands, of Americans have their right to vote denied or compromised, we have to take action.

The implications of these voting irregularities are felt far beyond our shores. I am the chair of the Senate Foreign Relations Subcommittee on African Affairs, and I worked and studied in South Africa during its apartheid regime. One of the most inspiring sights I have ever seen was during the first ever free and fair election in that nation, when South Africans stood in line for up to two days to cast their votes. Members of our subcommittee meet regularly with African heads of State, and all of us, Democrats and Republicans alike, stress with these leaders the vital importance of free and fair elections. So when we still have substantial voting issues in our own elections, that is a cause for deep concern.

We have the opportunity to send a message to first time voters here at home, as well as those fighting for democracy overseas, that every vote counts and every voter will be counted.

When States prevent their citizens from exercising their fundamental right of ballot access, whether deliberately through the law or regulations, or accidentally because of incompetence or lack of preparedness, it is a violation of voters' civil rights.

The FAST Voting Act is one way to try to fix our elections and make sure what happened across our country last week does not happen again. I look forward to working with my colleagues of both parties to move this important solution forward.

Mr. WARNER. Mr. President, I rise today to join my colleague and friend, the Senator from Delaware, CHRIS COONS, in introducing legislation that would make voting faster and more accessible to all voters. Here we are, barely a week after a historic election in 2012. I can't speak about North Carolina, but in Virginia it is remarkable that in 2012 people had to wait for hours in line to vote. In Prince William County, folks waited for up to 3 hours. In Chesapeake, VA, folks waited for up to 4 hours. It was remarkable that it was 5 days after the fact before we even knew the results in Florida. In the 21st century, in the greatest democracy in the world, voting should not be this much of a burden.

In many ways, when you have those kinds of extraordinary lines, particu-

larly when you are working, what we have in effect created is a 21st-century poll tax. Those of us in the South have a history where poll taxes were used to restrict voters. What you in effect have by having these extensive lines is when, if you work on an hourly basis or can only get off a bit of time, you cannot afford to wait 3, 4, or 5 hours in line to vote.

This legislation, the Fair, Accurate, Secure and Timely Voting Act of 2012—the so-called FAST Act—creates a competitive grant program to encourage States to aggressively pursue election reforms. It would provide incentives for States such as Virginia to invest in practices and technology designed to expedite voting at the polls and simplify voter registration.

The FAST Voting Act addresses this issue in a responsible way. It doesn't add new mandates; it authorizes simply additional resources for those States which step up with commonsense reforms to make voting faster and more accessible to voters. This is a relatively very small program, but a few dollars spent to both improve the access and increase the number of voting machines at those polling places which are so restricted would, I believe, remove some of the embarrassment Virginia and so many other States saw last week when people had to wait so long.

I encourage Virginia's elected leaders to embrace this opportunity to improve access for Virginia voters, who should not have to wait in line for hours to exercise their most basic constitutional right—the right to vote.

As I mentioned, this bill authorizes a Federal program that would award grants based on how well applicant States—again, States will be the decisionmakers on whether they would want to apply for this program—are able to improve access to the polls in at least nine specific ways. Let me mention three of those.

No. 1, provide absentee voting, including no-excuse absentee voting. We in Virginia still have restrictions on absentee voting.

No. 2, provide assistance to voters who do not speak English as a primary language. Virginia and North Carolina and other States are becoming more diverse, and we need to accommodate those voters.

No. 3, audit and reduce waiting time in polling stations. No one in the 21st century should have to wait 4 or 5 or, as in some reported cases in Florida, up to 7 or 8 hours to vote.

This voluntary grant program also requires the establishment of performance measures and reporting requirements to ensure a State's progress in eliminating statutory, regulatory, procedural, and other barriers to expedited voting and accessible voter registration.

This is a relatively small bill. I commend my colleague from Delaware,

Senator COONS, for taking the lead. I join him as a cosponsor. Regardless of which side of the aisle you stand on in 2012—and surely before 2016—we ought not to have a repeat of this 21st-century poll tax that is imposed on folks all across America by not being able to exercise their vote, having to pay too high a price, or having the kind of embarrassment where it takes us literally days and days for the public to get the results.

I hope my colleagues will join me in supporting this legislation.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 597—TO PERMIT THE COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS

Mrs. MURRAY (for herself and Mr. BURR) submitted the following resolution; which was considered and agreed to:

*Resolved,*

#### SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Forces and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the second session of the 112th Congress.

#### SENATE RESOLUTION 598—COMMENDING AND CONGRATULATING THE SAN FRANCISCO GIANTS FOR WINNING THE 2012 WORLD SERIES

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 598

Whereas the San Francisco Giants defeated the American League champions, the Detroit Tigers, 4 games to none to win the seventh World Series championship in the history of the Giants franchise, and the second World Series championship in 3 years;

Whereas the San Francisco Giants won the 2012 National League West Division title with 94 wins;

Whereas the San Francisco Giants won 6 straight elimination games in the 2012 post-season, rallying from being down two games to none to defeat the Cincinnati Reds in the National League Division Series, and from being down three games to one to defeat the defending World Series champions, the St. Louis Cardinals, for the National League championship;

Whereas the San Francisco Giants won 7 straight post-season games and allowed just 7 runs in that span;

Whereas third baseman Pablo Sandoval received the World Series Most Valuable Player award after hitting .500 during the World Series and hitting 3 home runs in Game 1, becoming just the fourth player to do so in World Series history;

Whereas all 25 players on the playoff roster should be congratulated, including Jeremy Affeldt, Joaquin Arias, Brandon Belt, Gregor Blanco, Madison Bumgarner, Matt Cain, Santiago Casilla, Brandon Crawford, Aubrey Huff, George Kontos, Tim Lincecum, Javier Lopez, Jose Mijares, Guillermo Mota, Xavier Nady, Angel Pagan, Hunter Pence, Buster Posey, Sergio Romo, Hector Sanchez, Pablo Sandoval, Marco Scutaro, Ryan Theriot, Ryan Vogelsong, and Barry Zito;

Whereas the 2012 San Francisco Giants will be remembered for overpowering starting pitching, unflappable relief pitching, steady defense, and timely hitting;

Whereas the San Francisco Giants are superbly led by President and Chief Executive Officer Larry Baer, General Manager Brian Sabean, and Manager Bruce Bochy;

Whereas San Francisco is a city with a rich baseball tradition, where players such as Willie Mays, Willie McCovey, Orlando Cepeda, Juan Marichal, Monte Irvin, and Gaylord Perry displayed exceptional skill that eventually took them to the National Baseball Hall of Fame in Cooperstown, New York; and

Whereas the San Francisco Giants inspired the city of San Francisco and all Giants fans by showing unprecedented determination, resolve, and teamwork in winning the 2012 World Series: Now, therefore, be it

*Resolved*, That the Senate commends and congratulates the San Francisco Giants for winning the 2012 World Series.

**SENATE RESOLUTION 599—EXPRESSING VIGOROUS SUPPORT AND UNWAVERING COMMITMENT TO THE WELFARE, SECURITY, AND SURVIVAL OF THE STATE OF ISRAEL AS A JEWISH AND DEMOCRATIC STATE WITH SECURE BORDERS, AND RECOGNIZING AND STRONGLY SUPPORTING ITS RIGHT TO ACT IN SELF-DEFENSE TO PROTECT ITS CITIZENS AGAINST ACTS OF TERRORISM**

Mrs. GILLIBRAND (for herself, Mr. KIRK, Mr. LIEBERMAN, Mr. RUBIO, Ms. MIKULSKI, Mr. RISCH, Mr. UDALL of Colorado, Mr. WICKER, Mrs. FEINSTEIN, Mr. MORAN, Mr. COONS, Mr. CRAPO, Mr. WARNER, Mr. HOEVEN, Ms. CANTWELL, Mr. COATS, Mr. NELSON of Florida, Ms. COLLINS, Mr. CARDIN, Mr. GRAHAM, Mr. CASEY, Mr. ROBERTS, Mr. CORKER, Mr. MENENDEZ, Mr. BOOZMAN, Mr. ISAKSON, Mr. TOOMEY, Mr. BLUNT, Mr. COCHRAN, Mr. CORNYN, Ms. KLOBUCHAR, Mr. SCHUMER, Mr. BURR, Mr. FRANKEN, Mr. KYL,

Mr. JOHNSON of South Dakota, Mr. BARRASSO, Mr. BLUMENTHAL, Mr. HELLER, Mr. BROWN of Ohio, Mr. JOHANNES, Mr. MANCHIN, Mrs. HAGAN, Mr. WYDEN, Mr. LAUTENBERG, Mr. BAUCUS, Mr. WHITEHOUSE, Mr. VITTER, Mr. THUNE, Mrs. SHAHEEN, Ms. STABENOW, Mr. PORTMAN, Ms. LANDRIEU, Mr. GRASSLEY, Mr. TESTER, Ms. MURKOWSKI, Mr. DURBIN, Mr. BENNET, Mr. KOHL, Mrs. MURRAY, Mr. UDALL of New Mexico, Mr. PRYOR, Mr. BEGICH, Mr. REED, Mrs. HUTCHISON, and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 599

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization;

Whereas Hamas refuses to recognize Israel's right to exist, renounce violence, and accept previous agreements between Israel and the Palestinians;

Whereas Hamas has launched thousands of rockets and missiles since Israel dismantled settlements and withdrew from Gaza in 2005;

Whereas terrorists in the Hamas-controlled Gaza Strip have fired approximately 900 rockets and missile shells into Israel this year, an increase from roughly 675 attacks in 2011 and 350 in 2010;

Whereas Hamas has increased the range of its rockets, reportedly with support from Iran and others, putting additional large numbers of Israelis in danger of rocket attacks from Gaza;

Whereas, on November 14, 2012, President Barack Obama condemned the rocket fire from Gaza into Israel and reiterated Israel's right to self-defense; and

Whereas Israel, a fellow democracy, has an inherent right to self defense in the face of terrorist attacks: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses unwavering commitment to the security of the State of Israel as a Jewish and democratic state with secure borders, and recognizes and strongly supports its inherent right to act in self-defense to protect its citizens against acts of terrorism;

(2) reiterates that Hamas must end Gaza-linked terrorist rocket and missile attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

(3) urges the United Nations Security Council to condemn the recent spike in Gaza-linked terrorist missile attacks against Israel, which risk causing civilian casualties in both Israel and Gaza; and

(4) encourages the President to continue to work diplomatically with the international community to prevent Hamas and other Gaza-based terrorist organizations from retaining or rebuilding the capability to launch rockets and missiles against Israel.

**SENATE CONCURRENT RESOLUTION 60—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES**

Mr. REID for himself and Mr. McCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 60

*Resolved by the Senate (the House of Representatives concurring)*, That when the Senate recesses or adjourns on any day from Thursday, November 15, 2012, through Friday, November 16, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, November 26, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, November 16, 2012, through Friday, November 23, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, November 27, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

**AMENDMENTS SUBMITTED AND PROPOSED**

SA 2923. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2924. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2925. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2926. Ms. LANDRIEU (for Mr. ALEXANDER) proposed an amendment to the bill S. 1440, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

SA 2927. Mr. KYL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

**TEXT OF AMENDMENTS**

SA 2923. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. INDEMNIFICATION OF TRANSFEREES OF PROPERTY AT ANY CLOSED MILITARY INSTALLATION.**

Section 330 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 10 U.S.C. 2687 note) is amended—

(1) in subsection (a)(1), by striking “pursuant to a base closure law” and inserting “after October 24, 1988, the date of the enactment of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note)”;

(2) in subsection (f), by striking paragraph (3).

**SA 2924.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 175, line 10, insert after “in order” the following “to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations and”.

**SA 2925.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 577. REPORT ON CONTINUING MAINTENANCE OF ARMY FAMILY READINESS SUPPORT ASSISTANTS THROUGH DURATION OF COMBAT OPERATIONS IN AFGHANISTAN.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report on the feasibility and advisability of maintaining the Family Readiness Support Assistant position at the battalion level for all battalion-sized units of the Army, regardless of deployment status, until the date that is 180 days after the end of combat operations in Afghanistan.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the costs associated with maintaining the Family Readiness Support Assistant position at the battalion level for all battalion-sized units of the Army, regardless of deployment status, until the date that is 180 days after the end of combat operations in Afghanistan.

(2) An assessment of the costs and other consequences associated with the elimination of the Family Readiness Support Assistant position for non-deployed battalion-sized unit of the Army, including an assessment of the costs associated with the turnover of Family Readiness Support Assistants between deployments and an assessment of the processes to be required to hire new Family Readiness Support Assistants for units being deployed.

(3) A description of the programs to be funded using amounts, if any, saved through the elimination of the Family Readiness Support Assistant position for non-deployed battalion-sized units of the Army.

(4) The rationale for the determination of the Army to classify Family Readiness Support Assistant positions for non-deployed units as non-mission essential.

(5) A detailed description of the employment status of spouses of members of the Army who are eligible for service as Family Readiness Support Assistants for battalion-sized units, including a detailed description of the manner in which the employment status of such spouses was ascertained.

(6) An assessment of the anticipated effects of the use of volunteers as Family Readiness Support Assistants on non-deployed units of the Army.

(7) A description of the input from commanders relied upon by the Army to cease the use of Readiness Support Assistant positions for non-deployed units, including the command level from which such input arose.

(8) An assessment of levels of stress among families of members of the Army, including information on divorce rates, suicide rates, and domestic violence and abuse.

**SA 2926.** Ms. LANDRIEU (for Mr. ALEXANDER) proposed an amendment to the bill S. 1440, to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; as follows:

On page 16, strike line 11 and all that follows through line 6 on page 17.

On page 17, line 17, strike “shall” and insert “may”.

**SA 2927.** Mr. KYL (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

**Subtitle D—Other Matters**

**SEC. 3141. CONGRESSIONAL ADVISORY PANEL ON THE GOVERNANCE STRUCTURE OF THE NATIONAL NUCLEAR SECURITY ADMINISTRATION AND ITS RELATIONSHIP TO OTHER FEDERAL AGENCIES.**

(a) **ESTABLISHMENT.**—There is established a congressional advisory panel (in this section referred to as the “advisory panel”) to assess the feasibility and advisability of, and make recommendations with respect to, revising the governance structure of the National Nuclear Security Administration (in this sec-

tion referred to as the “Administration”) to permit the Administration to operate more effectively and independently of the Department of Energy while reporting to the President through the Secretary of Energy.

(b) **COMPOSITION.**—

(1) **MEMBERSHIP.**—The advisory panel shall be composed of 12 members appointed as follows:

(A) Three by the chairman of the Committee on Armed Services of the House of Representatives.

(B) Three by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(C) Three by the chairman of the Committee on Armed Services of the Senate.

(D) Three by the ranking minority member of the Committee on Armed Services of the Senate.

(2) **CHAIRMAN; VICE CHAIRMAN.**—

(A) **CHAIRMAN.**—The chairman of the Committee on Armed Services of the House of Representatives and the chairman of the Committee on Armed Services of the Senate shall jointly designate one member of the advisory panel to serve as chairman of the advisory panel.

(B) **VICE CHAIRMAN.**—The ranking minority member of the Committee on Armed Services of the House of Representatives and the ranking minority member of the Committee on Armed Services of the Senate shall jointly designate one member of the advisory panel to serve as vice chairman of the advisory panel.

(3) **PERIOD OF APPOINTMENT; VACANCIES.**—Each member of the advisory panel shall be appointed for a term of one year and may be reappointed for an additional term of one year. Any vacancy in the advisory panel shall be filled in the same manner as the original appointment.

(c) **COOPERATION FROM FEDERAL AGENCIES.**—

(1) **COOPERATION.**—The advisory panel shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and any other Federal official in providing the advisory panel with analyses, briefings, and other information necessary for the advisory panel to carry out its duties under this section.

(2) **ACCESS TO INFORMATION.**—Members of the advisory panel shall have access to all information, including classified information, necessary to carry out the duties of the advisory panel under this section. The security clearance process shall be expedited for members and staff of the advisory panel to the extent necessary to permit the advisory panel to carry out its duties under this section.

(3) **LIAISON.**—The Secretary of Defense and the Secretary of Energy shall each designate at least one officer or employee of the Department of Defense and the Department of Energy, respectively, to serve as a liaison officer between the department and the advisory panel.

(d) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the advisory panel shall submit to the President, the Secretary of Defense, the Secretary of Energy, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the feasibility and advisability of revising the governance structure of the Administration to permit the Administration to operate more effectively and independently of the Department of Energy while reporting to the President through the Secretary of Energy. The report shall include the following:

(1) Recommendations with respect to the following:

(A) The organization and structure of the Administration, including the roles, responsibilities, and authorities of the Administration and mechanisms for holding the Administration accountable.

(B) The allocation of roles and responsibilities with respect to the safety and security of the nuclear weapons complex.

(C) The relationship of the Administration to the National Security Council, the Nuclear Weapons Council, the Department of Energy, the Department of Defense, the national security laboratories, and other Federal agencies, as appropriate.

(D) The role of the Administration in the interagency process for planning, programming, and budgeting with respect to the nuclear weapons complex.

(E) Legislative changes necessary for revising the governance structure of the Administration.

(F) The appropriate structure for oversight of the Administration by congressional committees.

(G) The length of the term of the Administrator for Nuclear Security.

(H) The authority of the Administrator to appoint senior members of the Administrator's staff.

(I) Whether the nonproliferation activities of the Administration on the day before the date of the enactment of this Act should remain with the Administration or be transferred to another agency.

(J) Infrastructure, rules, and standards that will better protect the safety and health of nuclear workers, while also permitting those workers the appropriate freedom to efficiently and safely carry out their mission.

(K) Legislative or regulatory changes required to improve contracting best practices in order to reduce the cost of programs without eroding mission requirements.

(2) An assessment of how revisions to the governance structure of the Administration will lead to a more mission-focused management structure capable of keeping programs on schedule and within cost estimates.

(3) An assessment of the disadvantages and benefits of each organizational structure for the Administration considered by the advisory panel.

(4) An assessment of how the national security laboratories can expand basic science in support of ancillary national security missions in a manner that mutually reinforces the stockpile stewardship mission of the Administration and encourages the retention of top performers.

(5) An assessment of how to better retain and recruit personnel, including recommendations for creating an improved professional culture that emphasizes the scientific, engineering, and national security objectives of the United States.

(6) Any other information or recommendations relating to revising the governance structure of the Administration that the advisory panel considers appropriate.

(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2013 and made available to the Department of Defense pursuant to this Act, not more than \$1,000,000 shall be made available to the advisory panel to carry out this section.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ARMED SERVICES

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 15, 2012, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 15, 2012, at 10:30 a.m. in Dirksen 406 to conduct a hearing entitled, "A Legisla-

tive Hearing on the Water Resources Development Act of 2012."

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. LEAHY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet, during the session of the Senate, to conduct a hearing entitled "Pharmacy Compounding: Implications of the 2012 Meningitis Outbreak" on November 15, 2012, at 9:45 a.m. in room 106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. LEAHY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 15, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SPECIAL COMMITTEE ON AGING

Mr. LEAHY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on November 15, 2012, at 2 p.m. in room 562 of the Dirksen Senate Office Building to conduct a hearing entitled "America's Invisible Epidemic: Preventing Elder Financial Abuse."

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Whitney Rice be granted floor privileges for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

##### CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Jason W. Maroney:									
United States .....	Dollar .....				12,559.10				12,559.10
Japan .....	Yen .....		1,838.68						1,838.68
William K. Sutey:									
United States .....	Dollar .....				12,828.20				12,828.20
Israel .....	Shekel .....		873.54						873.54
Germany .....	Euro .....		769.34						769.34
France .....	Euro .....		1,072.98						1,072.98
United Kingdom .....	Pound .....		842.59						842.59
Senator Jim Webb:									
United States .....	Dollar .....				10,218.00				10,218.00
Turkey .....	Lira .....		1,920.00						1,920.00
Germany .....	Euro .....		904.00						904.00
David Bonine:									
United States .....	Dollar .....				10,218.00				10,218.00
Turkey .....	Lira .....		1,920.00						1,920.00
Germany .....	Euro .....		904.00						904.00
Senator John McCain:									
United States .....					11,872.00				11,872.00
Lebanon .....	Dollar .....		182.62						182.62
Libya .....	Dollar .....		82.94						82.94

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Monaco .....	Dollar .....		631.85						631.85
Senator John Cornyn:									
England .....	Pound .....		1,395.00						1,395.00
Beth Jafari:									
England .....	Pound .....		1,395.00						1,395.00
Lucian L. Niemyer:									
United States .....	Dollar .....				12,720.10				12,720.10
Japan .....	Yen .....		1,312.57						1,312.57
Daniel A. Lerner:									
Greenland .....	Dollar .....		75.50						75.50
Jonathan S. Epstein:									
Greenland .....	Dollar .....		78.50						78.50
Adam J. Barker:									
United States .....	Dollar .....				5,744.90				5,744.90
Peru .....	Dollar .....		918.51						918.51
Honduras .....	Dollar .....		438.00						438.00
Mexico .....	Dollar .....		892.38						892.38
United States .....	Dollar .....				9,320.30				9,320.30
Germany .....	Dollar .....		450.00						450.00
Kosovo .....	Dollar .....		180.00						180.00
Daniel A. Lerner:									
United States .....	Dollar .....				11,615.10				11,615.10
Norway .....	Krone .....		790.27		1,423.20				2,213.47
United Kingdom .....	Pound .....		201.25						201.25
Germany .....	Euro .....		105.71						105.71
Jonathan S. Epstein:									
United States .....	Dollar .....				11,615.10				11,615.10
Norway .....	Krone .....		747.97		1,423.20				2,171.17
United Kingdom .....	Pound .....		201.25						201.25
Germany .....	Euro .....		62.32						62.32
Senator Lindsey Graham:									
United States .....	Dollar .....				12,658.82				12,658.82
United States .....	Dollar .....				16,119.40				16,119.40
Iraq .....	Dollar .....		14.20						14.20
Italy .....	Dollar .....		272.97						272.97
Ozge Guzelsu:									
United States .....	Dollar .....				11,163.20				11,163.20
Germany .....	Dollar .....		710.20						710.20
Senator John McCain:									
United States .....	Dollar .....				10,773.30				10,773.30
Turkey .....	Dollar .....		782.12						782.12
Iraq .....	Dollar .....		14.20						14.20
Georgia .....	Dollar .....		201.28						201.28
Italy .....	Dollar .....		2,020.27						2,020.27
Senator James Inhofe:									
United Kingdom .....	Pound .....		269.79		153.61				423.40
Anthony Lazarski:									
United Kingdom .....	Pound .....		270.89		183.39				454.28
Joseph M. Bryan:									
United States .....	Dollar .....				1,966.20		8.00		1,974.20
Germany .....	Dollar .....		1,023.10						1,023.10
William G.P. Monahan:									
United States .....	Dollar .....				9,480.03				9,480.03
Germany .....	Euro .....		430.00						430.00
Kosovo .....	Dollar .....		165.00						165.00
Michael J. Kuiken:									
United States .....	Dollar .....				5,905.00				5,905.00
Peru .....	Neuvo Sol .....		827.00						827.00
Honduras .....	Lempira .....		572.00						572.00
Mexico .....	Peso .....		881.00						881.00
Senator Joseph I. Lieberman:									
United States .....	Dollar .....				15,088.00				15,088.00
Morocco .....	Dollar .....		48.00						48.00
France .....	Dollar .....		550.92						550.92
Czech Republic .....	Dollar .....		2,144.26						2,144.26
Margaret Goodlander:									
United States .....	Dollar .....				15,175.60				15,175.60
Morocco .....	Dollar .....		447.00						447.00
France .....	Dollar .....		562.00						562.00
Czech Republic .....	Dollar .....		774.84						774.84
Senator Joseph I. Lieberman:									
United States .....	Dollar .....				11,094.30				11,094.30
Turkey .....	Dollar .....		835.03						835.03
Iraq .....	Dollar .....		14.20						14.20
Georgia .....	Dollar .....		201.28						201.28
Italy .....	Dollar .....		2,097.67						2,097.67
Margaret Goodlander:									
United States .....	Dollar .....				11,242.30				11,242.30
Turkey .....	Dollar .....		905.00						905.00
Iraq .....	Dollar .....		95.00						95.00
Georgia .....	Dollar .....		313.28						313.28
Italy .....	Dollar .....		978.42						978.42
Jason W. Maroney:									
United States .....	Dollar .....				11,065.20				11,065.20
Germany .....	Dollar .....		735.88						735.88
Vance Serchuk:									
United States .....	Dollar .....				15,088.80				15,088.80
France .....	Dollar .....		204.00						204.00
Morocco .....	Dollar .....		274.00						274.00
Czech Republic .....	Dollar .....		272.00						272.00
United States .....	Dollar .....				11,242.30				11,242.30
Turkey .....	Dollar .....		362.00						362.00
Iraq .....	Dollar .....		115.00						115.00
Georgia .....	Dollar .....		148.00						148.00
Italy .....	Dollar .....		681.00						681.00
Christian D. Brose:									
United States .....	Dollar .....				11,872.00				11,872.00
Afghanistan .....	Dollar .....		20.00						20.00
Lebanon .....	Dollar .....		163.00						163.00
Libya .....	Dollar .....		70.00						70.00
Monaco .....	Dollar .....		189.00						189.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Total .....	.....	.....	42,841.57	.....	281,828.75	.....	8.00	.....	324,678.32

SENATOR CARL LEVIN,  
Chairman, Committee on Armed Services, Oct. 3, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick Toomey:									
Ireland .....	Euro .....	.....	668.91	.....	.....	.....	.....	.....	668.91
United States .....	Dollar .....	.....	.....	.....	1,864.40	.....	.....	.....	1,864.40
Dina Ellis Rochkind:									
Ireland .....	Euro .....	.....	1,083.94	.....	.....	.....	.....	.....	1,083.94
United States .....	Dollar .....	.....	.....	.....	1,057.90	.....	.....	.....	1,057.90
William D. Duhnke III:									
United Kingdom .....	Pound .....	.....	574.20	.....	.....	.....	.....	.....	574.20
Kevin Kane:									
United Kingdom .....	Pound .....	.....	900.00	.....	.....	.....	.....	.....	900.00
Total .....	.....	.....	3,227.05	.....	2,922.30	.....	.....	.....	6,149.35

SENATOR TIM JOHNSON,  
Chairman, Committee on Banking, Housing, and Urban Affairs,  
Sept. 30, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), BUDGET COMMITTEE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Kent Conrad:									
Ireland .....	Euro .....	.....	415.75	.....	.....	.....	.....	.....	415.75
Greece .....	Euro .....	.....	513.29	.....	.....	.....	.....	.....	513.29
Italy .....	Euro .....	.....	542.31	.....	.....	.....	.....	.....	542.31
Spain .....	Euro .....	.....	339.82	.....	.....	.....	.....	.....	339.82
Portugal .....	Euro .....	.....	234.94	.....	.....	.....	.....	.....	234.94
Sara Garland:									
Ireland .....	Euro .....	.....	323.98	.....	.....	.....	.....	.....	323.98
Greece .....	Euro .....	.....	400.82	.....	.....	.....	.....	.....	400.82
Italy .....	Euro .....	.....	471.29	.....	.....	.....	.....	.....	471.29
Spain .....	Euro .....	.....	240.41	.....	.....	.....	.....	.....	240.41
Portugal .....	Euro .....	.....	252.40	.....	.....	.....	.....	.....	252.40
Mary Naylor:									
Ireland .....	Euro .....	.....	323.98	.....	.....	.....	.....	.....	323.98
Greece .....	Euro .....	.....	363.62	.....	.....	.....	.....	.....	363.62
Italy .....	Euro .....	.....	471.29	.....	.....	.....	.....	.....	471.29
Spain .....	Euro .....	.....	240.41	.....	.....	.....	.....	.....	240.41
Portugal .....	Euro .....	.....	252.40	.....	.....	.....	.....	.....	252.40
Joel Friedman:									
Ireland .....	Euro .....	.....	337.18	.....	.....	.....	.....	.....	337.18
Greece .....	Euro .....	.....	392.68	.....	.....	.....	.....	.....	392.68
Italy .....	Euro .....	.....	483.64	.....	.....	.....	.....	.....	483.64
Spain .....	Euro .....	.....	240.41	.....	.....	.....	.....	.....	240.41
Portugal .....	Euro .....	.....	258.57	.....	.....	.....	.....	.....	258.57
Brian Scholl:									
Ireland .....	Euro .....	.....	323.98	.....	.....	.....	.....	.....	323.98
Greece .....	Euro .....	.....	372.33	.....	.....	.....	.....	.....	372.33
Italy .....	Euro .....	.....	471.29	.....	.....	.....	.....	.....	471.29
Spain .....	Euro .....	.....	240.41	.....	.....	.....	.....	.....	240.41
Portugal .....	Euro .....	.....	184.20	.....	.....	.....	.....	.....	184.20
Brian Monahan:									
Ireland .....	Euro .....	.....	323.98	.....	.....	.....	.....	.....	323.98
Greece .....	Euro .....	.....	363.62	.....	.....	.....	.....	.....	363.62
Italy .....	Euro .....	.....	471.29	.....	.....	.....	.....	.....	471.29
Spain .....	Euro .....	.....	240.41	.....	.....	.....	.....	.....	240.41
Portugal .....	Euro .....	.....	317.50	.....	.....	.....	.....	.....	317.50
*Delegation Expenses:									
Ireland .....	Euro .....	.....	.....	.....	.....	.....	2,699.10	.....	2,699.10
Greece .....	Euro .....	.....	.....	.....	.....	.....	2,116.62	.....	2,116.62
Italy .....	Euro .....	.....	.....	.....	.....	.....	2,316.00	.....	2,316.00
Spain .....	Euro .....	.....	.....	.....	.....	.....	1,274.04	.....	1,274.04
Portugal .....	Euro .....	.....	.....	.....	.....	.....	1,704.36	.....	1,704.36
Total .....	.....	.....	10,408.20	.....	.....	.....	10,110.12	.....	20,518.32

\* Delegation expenses include payments and reimbursements to the Department of State under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Section 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR KENT CONRAD,  
Chairman, U.S. Senate Budget Committee, Oct. 26, 2012.



CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert W. King:									
United States .....	Dollar .....				637.40				637.40
Panama .....	Dollar .....		1,282.60						1,282.60
Senator John Boozman:			498.29						498.29
United Kingdom .....	Pound .....								
Senator Mark Pryor:									
Panama .....	Balboa .....		304.97		195.50		710.76		1,211.23
Colombia .....	Peso .....		921.33		112.00		335.70		1,369.03
Senator John Boozman:									
Panama .....	Balboa .....		294.97		195.50		710.76		1,201.23
Colombia .....	Peso .....		850.33		112.00		335.70		1,298.03
Andrew York:									
Panama .....	Balboa .....		294.97		195.50		710.76		1,201.23
Colombia .....	Peso .....		964.78		112.00		335.70		1,412.48
Matthew Sagely:									
Panama .....	Balboa .....		294.97		195.50		710.76		1,201.23
Colombia .....	Peso .....		1,010.58		112.00		335.70		1,458.28
Ryan Vaart:									
Viet Nam .....	Dong .....		1,061.00						1,061.00
*Delegation Expenses:									
Viet Nam .....	Dong .....						220.11		220.11
Total .....			7,778.79		1,867.40		4,405.95		14,052.12

\* Delegation expenses include payments and reimbursements to the Department of State under authority 502(b) of the Mutual Security Act of 1954.

SENATOR JOHN D. ROCKEFELLER IV,  
Chairman, Committee on Commerce, Science, and Transportation,  
Nov. 7, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON ENERGY AND NATURAL RESOURCES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Isaac Edwards:									
Republic of Palau .....	Dollar .....		499.60						499.60
United States .....	Dollar .....				5,083.90				5,083.90
Allen Stayman:									
Republic of Palau .....	Dollar .....		497.23						497.23
United States .....	Dollar .....				5,143.74				5,143.74
Senator Lisa Murkowski:									
Iceland .....	Krona .....		306.32						306.32
United States .....	Dollar .....				1,608.66				1,608.66
Isaac Edwards:									
Iceland .....	Krona .....		358.71						358.71
United States .....	Dollar .....				3,501.97				3,501.97
*Delegation Expenses:									
Iceland .....	Krona .....						2,228.68		2,228.68
Total .....			1,661.86		15,338.27		2,206.00		19,206.13

\* Delegation expenses include: interpretation, transportation, embassy overtime as well as official expenses in accordance with host country.

SENATOR JEFF BINGAMAN,  
Chairman, Committee on Energy and Natural Resources,  
Oct. 17, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Max Baucus:									
New Zealand .....	Dollar .....		1,076.03						1,076.03
Japan .....	Yen .....		1,517.34						1,517.34
United States .....	Dollar .....				16,798.00				16,798.00
Amber Cottle:									
New Zealand .....	Dollar .....		97.80						97.80
Japan .....	Yen .....		172.20						172.70
United States .....	Dollar .....				17,384.20				17,384.20
Chelsea Thomas:									
New Zealand .....	Dollar .....		1,096.49						1,096.49
Japan .....	Yen .....		1,678.53						1,678.53
United States .....	Dollar .....				17,384.20				17,384.20
Sean Neary:									
New Zealand .....	Dollar .....		98.70						98.70
Japan .....	Yen .....		1,766.91						1,766.91
United States .....	Dollar .....				17,384.20				17,384.20
Bruce Hirsh:									
New Zealand .....	Dollar .....		1,040.74						1,040.74
Japan .....	Yen .....		1,707.01						1,707.01
United States .....	Dollar .....				17,384.20				17,384.20
*Delegation Expenses:									
New Zealand .....	Dollar .....						7,447.19		7,447.19
Japan .....	Dollar .....						6,533.32		6,533.32
Total .....			10,252.25		86,334.80		13,980.51		110,567.56

\* Delegation expenses include: interpretation, transportation, embassy overtime, as well as other official expenses in accordance with the responsibilities of the host country.

SENATOR MAX BAUCUS,  
Chairman, Committee on Finance, Oct. 26, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Corker:									
Egypt .....	Pound .....		227.00						227.00
Turkey .....	Lira .....		518.00						518.00
United States .....	Dollar .....				6,079.20				6,079.20
Todd Womack:									
Egypt .....	Pound .....		321.00						321.00
Turkey .....	Lira .....		1,052.00						1,052.00
United States .....	Dollar .....				11,833.70				11,833.70
*Delegation Expenses:									
Egypt .....	Pound .....						841.99		841.99
Turkey .....	Lira .....						2,804.00		2,804.00
Senator Johnny Isakson:									
Germany .....	Euro .....		907.67						907.67
Sweden .....	Krona .....		1,281.24						1,281.24
Norway .....	Krone .....		729.79						729.79
Joan Kirchner:									
Germany .....	Euro .....		907.67						907.67
Sweden .....	Krona .....		1,395.24						1,395.24
Norway .....	Krone .....		729.29						729.29
*Delegation Expenses:									
Germany .....	Euro .....						978.96		978.96
Sweden .....	Krona .....						2,581.48		2,581.48
Norway .....	Krone .....						1,091.60		1,091.60
Senator Richard Lugar:									
Russia .....	Ruble .....		884.80						884.80
Ukraine .....	Hryvna .....		733.82						733.82
Georgia .....	Lari .....		265.43						265.43
Thomas Moore:									
Russia .....	Ruble .....		1,087.98						1,087.98
Ukraine .....	Hryvna .....		745.55						745.55
Georgia .....	Lari .....		400.43						400.43
Belgium .....	Euro .....		257.82						257.82
Kenneth Myers:									
Russia .....	Ruble .....		916.88						916.88
Ukraine .....	Hryvna .....		825.18						825.18
Georgia .....	Lari .....		249.44						249.44
Belgium .....	Euro .....		333.77						333.77
*Delegation Expenses:									
Russia .....	Ruble .....						1,194.57		1,194.57
Ukraine .....	Hryvna .....						3,744.57		3,744.57
Georgia .....	Lari .....						188.01		188.01
Belgium .....	Euro .....						199.05		199.05
Senator Jeanne Shaheen:									
Ireland .....	Euro .....		289.85						289.85
Greece .....	Euro .....		371.29						371.29
Italy .....	Euro .....		493.31						493.31
Spain .....	Euro .....		318.07						318.07
Portugal .....	Euro .....		283.84						283.84
Chad Kreikemeier:									
Ireland .....	Euro .....		384.75						384.75
Greece .....	Euro .....		574.29						574.29
Italy .....	Euro .....		524.31						524.31
Spain .....	Euro .....		363.32						363.32
Portugal .....	Euro .....		256.34						256.34
*Delegation Expenses:									
Ireland .....	Euro .....						889.70		889.70
Greece .....	Euro .....						705.52		705.52
Italy .....	Euro .....						772.00		772.00
Spain .....	Euro .....						424.68		424.68
Portugal .....	Euro .....						568.12		568.12
Paul Foldi:									
Guatemala .....	Quetzal .....		353.19						353.19
United States .....	Dollar .....				1,442.40				1,442.40
*Delegation Expenses:									
Guatemala .....	Quetzal .....						362.00		362.00
Paul Foldi:									
Lebanon .....	Pound .....		242.00						242.00
Jordan .....	Dinar .....		1,530.00						1,530.00
Turkey .....	Lira .....		1,234.65						1,234.65
United States .....	Dollar .....				7,091.90				7,091.90
Lara Talverdian:									
Lebanon .....	Pound .....		222.00						222.00
Jordan .....	Dinar .....		1,534.00						1,534.00
Turkey .....	Lira .....		1,239.65						1,239.65
United States .....	Dollar .....				7,091.90				7,091.90
*Delegation Expenses:									
Jordan .....	Dinar .....						202.80		202.80
Turkey .....	Lira .....						411.00		411.00
Chad Kreikemeier:									
Russia .....	Ruble .....		1,145.17						1,145.17
United States .....	Dollar .....				2,150.00				2,150.00
*Delegation Expenses:									
Russia .....	Ruble .....						182.72		182.72
Alex Lee:									
Guatemala .....	Quetzal .....		609.51						609.51
El Salvador .....	Dollar .....		520.59						520.59
Honduras .....	Lempira .....		1,022.80						1,022.80
United States .....	Dollar .....				1,108.93				1,108.93
*Delegation Expenses:									
Guatemala .....	Quetzal .....						303.00		303.00
Shannon Smith:									
Dem. Republic of Congo .....	Dollar .....		1,208.00						1,208.00
Rwanda .....	Dollar .....		528.00						528.00
Burundi .....	Dollar .....		324.00						324.00
United States .....	Dollar .....				9,492.00				9,492.00
*Delegation Expenses:									
Dem. Republic of Congo .....	Dollar .....						228.00		228.00
Rwanda .....	Dollar .....						536.47		536.47
Burundi .....	Dollar .....						275.20		275.20
Fatema Sumar:									
India .....	Rupee .....		1,355.78						1,355.78

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nepal .....	Rupee .....		358.00						358.00
Bangladesh .....	Taka .....		277.10						277.10
United States .....	Dollar .....				14,985.00				14,985.00
*Delegation Expenses:									
India .....	Rupee .....						112.36		112.36
Nepal .....	Rupee .....						77.35		77.35
Bangladesh .....	Taka .....						73.08		73.08
Total .....			32,333.81		61,275.03		19,748.23		113,357.07

\*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR JOHN F. KERRY,  
Chairman, Committee on Foreign Relations, Oct. 26, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Vance Serchuk:									
United States .....	Dollar .....				2,150.00				2,150.00
Russia .....	Ruble .....		1,152.98						1,152.98
Margaret Goodlander:									
United States .....	Dollar .....				2,150.00				2,150.00
Russia .....	Ruble .....		1,177.98						1,177.98
Total .....			2,330.96		4,300.00				6,630.96

SENATOR JOSEPH I. LIEBERMAN,  
Chairman, Committee on Homeland Security and Governmental Affairs,  
Nov. 7, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), AMENDED 2ND QUARTER, COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM APR. 1 TO JUNE 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter Todd Webster:									
Uganda .....	Shilling .....		161.82						161.82
Kenya .....	Shilling .....		271.50						271.50
Tanzania .....	Shilling .....		69.66						69.66
Egypt .....	Pound .....		63.45						63.45
*Delegation Expenses:									
Uganda .....	Shilling .....				414.29		489.57		903.86
Kenya .....	Shilling .....						1,034.81		1,034.81
Tanzania .....	Shilling .....						253.55		253.55
Egypt .....	Pound .....						556.25		556.25
Greece .....	Euro .....				40.57				40.57
Total .....			566.43		454.86		2,334.18		3,355.47

\*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, Oct. 31, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Patrick Leahy:									
Ireland .....	Euro .....		465.75						465.75
Greece .....	Euro .....		613.29						613.29
Italy .....	Euro .....		592.31						592.31
Spain .....	Euro .....		389.82						389.82
Portugal .....	Euro .....		284.94						284.94
John Dowd:									
Ireland .....	Euro .....		465.75						465.75
Greece .....	Euro .....		613.29						613.29
Italy .....	Euro .....		592.31						592.31
Spain .....	Euro .....		389.82						389.82
Portugal .....	Euro .....		284.94						284.94
Kevin McDonald:									
Ireland .....	Euro .....		465.75						465.75
Greece .....	Euro .....		613.29						613.29
Italy .....	Euro .....		592.31						592.31
Spain .....	Euro .....		389.82						389.82
Portugal .....	Euro .....		284.94						284.94
*Delegation Expenses:									
Ireland .....	Euro .....						1,349.55		1,349.55

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON THE JUDICIARY FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Greece .....	Euro .....						1,058.31		1,058.31
Italy .....	Euro .....						1,158.00		1,158.00
Spain .....	Euro .....						637.02		637.02
Portugal .....	Euro .....						852.24		852.24
Total .....			7,038.33				5,055.12		12,093.45

\*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR PATRICK J. LEAHY,  
Chairman, Committee on the Judiciary, Oct. 25, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Michael B. Enzi:									
Germany .....	Euro .....		326.00				671.83		997.83
Sweden .....	Krona .....		633.00				1,312.96		1,945.96
Norway .....	Krone .....		452.00				472.18		924.18
Beth Buehlmann:									
Germany .....	Euro .....		379.25				671.83		1,051.08
Sweden .....	Krona .....		633.00				1,220.82		1,853.82
Norway .....	Krone .....		452.00				472.18		924.18
*Delegation Expenses:									
Germany .....	Euro .....						978.96		978.96
Sweden .....	Krona .....						2,581.48		2,581.48
Norway .....	Krone .....						1,091.60		1,091.60
Total .....			2,875.25				9,473.84		12,349.09

\*Delegation expenses include payments and reimbursements to The Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954 as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR TOM HARKIN,  
Chairman, Committee on Health, Education, Labor and Pensions,  
Oct. 24, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Olympia Snowe:									
Ireland .....	Euro .....		323.98						323.98
Greece .....	Euro .....		387.06						387.06
Italy .....	Euro .....		498.57						498.57
Spain .....	Euro .....		240.41						240.41
Portugal .....	Euro .....		245.76						245.76
John Richter:									
Ireland .....	Euro .....		323.98						323.98
Greece .....	Euro .....		370.51						370.51
Italy .....	Euro .....		471.29						471.29
Spain .....	Euro .....		240.41						240.41
Portugal .....	Euro .....		245.76						245.76
Scott McCandless:									
Ireland .....	Euro .....		415.75						415.75
Greece .....	Euro .....		375.59						375.59
Italy .....	Euro .....		542.31						542.31
Spain .....	Euro .....		339.82						339.82
Portugal .....	Euro .....		234.94						234.94
*Delegation Expenses:									
Ireland .....	Euro .....						1,349.55		1,349.55
Greece .....	Euro .....						1,058.31		1,058.31
Italy .....	Euro .....						1,158.00		1,158.00
Spain .....	Euro .....						637.02		637.02
Portugal .....	Euro .....						852.18		852.18
Total .....			5,256.14				5,055.06		10,311.20

\*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

SENATOR MARY L. LANDRIEU,  
Chairman, Committee on Small Business and Entrepreneurship,  
Oct. 26, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22  
U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kim Lipsky:									
Vietnam .....	Dong .....		891.00						891.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMITTEE ON VETERANS' AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Dahlia Melendrez:									
Vietnam .....	Dong .....		815.24						815.24
Ryan Evans:									
Vietnam .....	Dong .....		677.44						677.44
John Crown:									
Vietnam .....	Dong .....		811.00						811.00
Diane DiSanto:									
Vietnam .....	Dong .....		811.00						811.00
*Delegation Expenses:									
Vietnam .....	Dong .....						1,100.54		1,100.54
Total .....			4,005.68				1,100.54		5,106.22

\*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384, and S. Res. 179 agreed to May 25, 1977.

SENATOR PATTY MURRAY,  
Chairman, Committee on Veterans' Affairs, Nov. 1, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Fred Turner:									
Austria .....	Euro .....		1,418.00						1,418.00
United States .....	Dollar .....				4,712.00				4,712.00
Robert Hand:									
Monaco .....	Euro .....		387.00						387.00
United States .....	Dollar .....				2,535.90				2,535.90
Total .....			1,805.00		7,247.90				9,052.90

SENATOR BENJAMIN L. CARDIN,  
Chairman, Commission on Security and Cooperation in Europe,  
Oct. 11, 2012.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22  
U.S.C. 1754(b), THE MAJORITY LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2012

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Nancy Erickson:									
Germany .....	Dollar .....		875.07						875.07
Sweden .....	Dollar .....		1,442.82						1,442.82
Norway .....	Dollar .....		622.18						622.18
*Delegation Expenses:									
Germany .....	Dollar .....						489.48		489.48
Sweden .....	Dollar .....						1,290.74		1,290.74
Norway .....	Dollar .....						545.80		545.80
Total .....			2,940.07				2,326.02		5,266.09

\*Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95-384.

SENATOR HARRY REID,  
Majority Leader, Nov. 6, 2012.

## EXECUTIVE SESSION

### EXECUTIVE CALENDAR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 345 and 519; that the nominations be confirmed en bloc; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; that

the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

#### FEDERAL DEPOSIT INSURANCE CORPORATION

Martin J. Gruenberg, of Maryland, to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term of five years.

Thomas Hoenig, of Missouri, to be Vice Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now resume legislative session.

### PREEMIE REAUTHORIZATION ACT

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 516, S. 1440.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1440) to reduce preterm labor and delivery and the risk of pregnancy-related

deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Health, Education, Labor, and Pensions, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act” or the “PREEMIE Reauthorization Act”.

#### SEC. 2. RESEARCH AND ACTIVITIES AT THE NATIONAL INSTITUTES OF HEALTH.

The Secretary of Health and Human Services may, subject to the availability of appropriations, expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research, including transdisciplinary research, on the causes of preterm labor and delivery, tools to detect, prevent, or reduce prevalence of preterm labor and delivery, and the care and treatment of preterm infants. Such activities may include—

(1) investigating problems in clinical obstetrics, particularly those related to prevention of low birth weight, prematurity, and medical problems of pregnancy;

(2) improving the care and outcomes of neonates, especially very-low-birth weight infants; and

(3) enhancing the understanding of genetics as they relate to the underlying processes that lead to preterm birth to aid in formulating more effective interventions to prevent preterm birth.

#### SEC. 3. RESEARCH AND ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) **EPIDEMIOLOGICAL STUDIES.**—Section 3 of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b-4f) is amended by striking subsection (b) and inserting the following:

“(b) **STUDIES AND ACTIVITIES ON PRETERM BIRTH.**—

“(1) **IN GENERAL.**—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall, subject to the availability of appropriations—

“(A) conduct epidemiological studies on the clinical, biological, social, environmental, genetic, and behavioral factors relating to prematurity, as appropriate;

“(B) conduct activities to improve national data to facilitate tracking the burden of preterm birth; and

“(C) continue efforts to prevent preterm birth, including late preterm birth, through the identification of opportunities for prevention and the assessment of the impact of such efforts.

“(2) **REPORT.**—Not later than 2 years after the date of enactment of the PREEMIE Reauthorization Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).”

(b) **REAUTHORIZATION.**—Section 3(e) of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b-4f(e)) is amended by striking “2011” and inserting “2017”.

#### SEC. 4. ACTIVITIES AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) **TELEMEDICINE AND HIGH RISK PREGNANCIES.**—Section 3301(i)(1)(B) of the Public Health Service Act (42 U.S.C. 254c-14(i)(1)(B)) is

amended by striking “or case management services” and inserting “case management services, or prenatal care for high-risk pregnancies”;

(b) **PUBLIC AND HEALTH CARE PROVIDER EDUCATION.**—Section 399Q of the Public Health Service Act (42 U.S.C. 280g-5) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (F) and inserting the following:

“(A) the core risk factors for preterm labor and delivery;

“(B) medically indicated deliveries before full term;

“(C) the importance of preconception and prenatal care, including—

“(i) smoking cessation;

“(ii) weight maintenance and good nutrition, including folic acid;

“(iii) the screening for and the treatment of infections; and

“(iv) stress management;

“(D) treatments and outcomes for premature infants, including late preterm infants;

“(E) the informational needs of families during the stay of an infant in a neonatal intensive care unit; and

“(F) utilization of evidence-based strategies to prevent birth injuries.”; and

(B) by striking paragraph (2) and inserting the following:

“(2) programs to increase the availability, awareness, and use of pregnancy and post-term information services that provide evidence-based, clinical information through counselors, community outreach efforts, electronic or telephonic communication, or other appropriate means regarding causes associated with prematurity, birth defects, or health risks to a post-term infant.”; and

(2) in subsection (c), by striking “2011” and inserting “2017”.

#### SEC. 5. OTHER ACTIVITIES.

(a) **INTERAGENCY COORDINATING COUNCIL ON PREMATURE AND LOW BIRTHWEIGHT.**—The Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act is amended by striking section 5 (42 U.S.C. 247b-4g).

(b) **ADVISORY COMMITTEE ON INFANT MORTALITY.**—

(1) **ESTABLISHMENT.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may establish an advisory committee known as the “Advisory Committee on Infant Mortality” (referred to in this section as the “Advisory Committee”).

(2) **DUTIES.**—The Advisory Committee shall provide advice and recommendations to the Secretary concerning the following activities:

(A) Programs of the Department of Health and Human Services that are directed at reducing infant mortality and improving the health status of pregnant women and infants.

(B) Strategies to coordinate the various Federal programs and activities with State, local, and private programs and efforts that address factors that affect infant mortality.

(C) Implementation of the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c-8) and Healthy People 2020 infant mortality objectives.

(D) Strategies to reduce preterm birth rates through research, programs, and education.

(3) **PLAN FOR HHS PRETERM BIRTH ACTIVITIES.**—Not later than 1 year after the date of enactment of this section, the Advisory Committee (or an existing advisory committee designated by the Secretary) shall develop a plan for conducting and supporting research, education, and programs on preterm birth through the Department of Health and Human Services and shall periodically review and revise the plan, as appropriate. The plan shall—

(A) examine research and educational activities that receive Federal funding in order to enable the plan to provide informed recommendations to reduce preterm birth and address racial and ethnic disparities in preterm birth rates;

(B) identify research gaps and opportunities to implement evidence-based strategies to reduce preterm birth rates among the programs and activities of the Department of Health and Human Services regarding preterm birth, including opportunities to minimize duplication; and

(C) reflect input from a broad range of scientists, patients, and advocacy groups, as appropriate.

(4) **MEMBERSHIP.**—The Secretary shall ensure that the membership of the Advisory Committee includes the following:

(A) Representatives provided for in the original charter of the Advisory Committee.

(B) A representative of the National Center for Health Statistics.

(c) **PATIENT SAFETY STUDIES AND REPORT.**—

(1) **IN GENERAL.**—The Secretary shall designate an appropriate agency within the Department of Health and Human Services to coordinate existing studies on hospital readmissions of preterm infants.

(2) **REPORT TO SECRETARY AND CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the agency designated under paragraph (1) shall submit to the Secretary and to Congress a report containing the findings and recommendations resulting from the studies coordinated under such paragraph, including recommendations for hospital discharge and follow-up procedures designed to reduce rates of preventable hospital readmissions for preterm infants.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the committee-reported substitute amendment be agreed to and that the Alexander amendment at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The amendment (No. 2926) was agreed to, as follows:

(Purpose: To strike provisions relating to the National Institutes of Health)

On page 16, strike line 11 and all that follows through line 6 on page 17.

On page 17, line 17, strike “shall” and insert “may”.

Ms. LANDRIEU. Mr. President, I know of no further debate on this measure and ask that the bill be read for a third time and the Senate proceed to a vote.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. Hearing no further debate, the bill having been read the third time, the question is, Shall the bill pass?

The bill (S. 1440), as amended, was passed, as follows:

S. 1440

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Prematurity Research Expansion and Education for Mothers who deliver Infants Early Reauthorization Act” or the “PREEMIE Reauthorization Act”.

#### SEC. 2. RESEARCH AND ACTIVITIES AT THE CENTERS FOR DISEASE CONTROL AND PREVENTION.

(a) **EPIDEMIOLOGICAL STUDIES.**—Section 3 of the Prematurity Research Expansion and

Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b-4f) is amended by striking subsection (b) and inserting the following:

“(b) STUDIES AND ACTIVITIES ON PRETERM BIRTH.—

“(1) IN GENERAL.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, may, subject to the availability of appropriations—

“(A) conduct epidemiological studies on the clinical, biological, social, environmental, genetic, and behavioral factors relating to prematurity, as appropriate;

“(B) conduct activities to improve national data to facilitate tracking the burden of preterm birth; and

“(C) continue efforts to prevent preterm birth, including late preterm birth, through the identification of opportunities for prevention and the assessment of the impact of such efforts.

“(2) REPORT.—Not later than 2 years after the date of enactment of the PREEMIE Reauthorization Act, and every 2 years thereafter, the Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall submit to the appropriate committees of Congress reports concerning the progress and any results of studies conducted under paragraph (1).”

(b) REAUTHORIZATION.—Section 3(e) of the Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act (42 U.S.C. 247b-4f(e)) is amended by striking “2011” and inserting “2017”.

### SEC. 3. ACTIVITIES AT THE HEALTH RESOURCES AND SERVICES ADMINISTRATION.

(a) **TELEMEDICINE AND HIGH RISK PREGNANCIES.**—Section 330I(i)(1)(B) of the Public Health Service Act (42 U.S.C. 254c-14(i)(1)(B)) is amended by striking “or case management services” and inserting “case management services, or prenatal care for high-risk pregnancies”;

(b) **PUBLIC AND HEALTH CARE PROVIDER EDUCATION.**—Section 399Q of the Public Health Service Act (42 U.S.C. 280g-5) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking subparagraphs (A) through (F) and inserting the following:

“(A) the core risk factors for preterm labor and delivery;

“(B) medically indicated deliveries before full term;

“(C) the importance of preconception and prenatal care, including—

“(i) smoking cessation;

“(ii) weight maintenance and good nutrition, including folic acid;

“(iii) the screening for and the treatment of infections; and

“(iv) stress management;

“(D) treatments and outcomes for premature infants, including late preterm infants;

“(E) the informational needs of families during the stay of an infant in a neonatal intensive care unit; and

“(F) utilization of evidence-based strategies to prevent birth injuries;” and

(B) by striking paragraph (2) and inserting the following:

“(2) programs to increase the availability, awareness, and use of pregnancy and post-term information services that provide evidence-based, clinical information through counselors, community outreach efforts, electronic or telephonic communication, or other appropriate means regarding causes as-

sociated with prematurity, birth defects, or health risks to a post-term infant;” and

(2) in subsection (c), by striking “2011” and inserting “2017”.

### SEC. 4. OTHER ACTIVITIES.

(a) **INTERAGENCY COORDINATING COUNCIL ON PREMATURETY AND LOW BIRTHWEIGHT.**—The Prematurity Research Expansion and Education for Mothers who deliver Infants Early Act is amended by striking section 5 (42 U.S.C. 247b-4g).

(b) **ADVISORY COMMITTEE ON INFANT MORTALITY.**—

(1) **ESTABLISHMENT.**—The Secretary of Health and Human Services (referred to in this section as the “Secretary”) may establish an advisory committee known as the “Advisory Committee on Infant Mortality” (referred to in this section as the “Advisory Committee”).

(2) **DUTIES.**—The Advisory Committee shall provide advice and recommendations to the Secretary concerning the following activities:

(A) Programs of the Department of Health and Human Services that are directed at reducing infant mortality and improving the health status of pregnant women and infants.

(B) Strategies to coordinate the various Federal programs and activities with State, local, and private programs and efforts that address factors that affect infant mortality.

(C) Implementation of the Healthy Start program under section 330H of the Public Health Service Act (42 U.S.C. 254c-8) and Healthy People 2020 infant mortality objectives.

(D) Strategies to reduce preterm birth rates through research, programs, and education.

(3) **PLAN FOR HHS PRETERM BIRTH ACTIVITIES.**—Not later than 1 year after the date of enactment of this section, the Advisory Committee (or an existing advisory committee designated by the Secretary) shall develop a plan for conducting and supporting research, education, and programs on preterm birth through the Department of Health and Human Services and shall periodically review and revise the plan, as appropriate. The plan shall—

(A) examine research and educational activities that receive Federal funding in order to enable the plan to provide informed recommendations to reduce preterm birth and address racial and ethnic disparities in preterm birth rates;

(B) identify research gaps and opportunities to implement evidence-based strategies to reduce preterm birth rates among the programs and activities of the Department of Health and Human Services regarding preterm birth, including opportunities to minimize duplication; and

(C) reflect input from a broad range of scientists, patients, and advocacy groups, as appropriate.

(4) **MEMBERSHIP.**—The Secretary shall ensure that the membership of the Advisory Committee includes the following:

(A) Representatives provided for in the original charter of the Advisory Committee.

(B) A representative of the National Center for Health Statistics.

(c) **PATIENT SAFETY STUDIES AND REPORT.**—

(1) **IN GENERAL.**—The Secretary shall designate an appropriate agency within the Department of Health and Human Services to coordinate existing studies on hospital readmissions of preterm infants.

(2) **REPORT TO SECRETARY AND CONGRESS.**—Not later than 1 year after the date of the enactment of this Act, the agency designated

under paragraph (1) shall submit to the Secretary and to Congress a report containing the findings and recommendations resulting from the studies coordinated under such paragraph, including recommendations for hospital discharge and follow-up procedures designed to reduce rates of preventable hospital readmissions for preterm infants.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDING THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND THE EMERGENCY ECONOMIC STABILIZATION ACT OF 2008

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6570, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 6570) to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements.

There being no objection, the Senate proceeded to consider the bill.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6570) was ordered to a third reading, was read the third time, and passed.

### NATIONAL MITOCHONDRIAL AWARENESS WEEK

Ms. LANDRIEU. Mr. President, I ask unanimous consent the HELP Committee be discharged from further consideration of S. Res. 490, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 490) designating the week of September 16, 2012, as “Mitochondrial Disease Awareness Week,” reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.



There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be considered made and laid upon the table, with no intervening action or debate and that any statements relating to this measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 490) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 490

Whereas Brittany Wilkinson, the first Youth Ambassador of the United Mitochondrial Disease Foundation, joined other Youth Ambassadors of the United Mitochondrial Disease Foundation in working tirelessly to raise awareness about mitochondrial diseases;

Whereas mitochondrial diseases result from a defect that reduces the ability of the mitochondria in a cell to produce energy;

Whereas, as mitochondria fail to produce enough energy, cells cease to function properly and eventually die, leading to the failure of organ systems and possibly the death of the affected individuals;

Whereas mitochondrial diseases can present themselves at any age, and mortality rates vary depending upon the particular disease;

Whereas the most severe mitochondrial diseases result in the progressive loss of function in multiple organs, including the loss of neurological and muscle function, and death within several years;

Whereas mitochondrial diseases are a relatively newly identified group of diseases, first recognized in the late 1960s, and diagnosis of mitochondrial diseases is extremely difficult;

Whereas there are more than 100 identified primary mitochondrial diseases, but researchers believe there are several hundred other types of unidentified mitochondrial diseases and further research is necessary to help identify those diseases;

Whereas mitochondrial dysfunction is associated with many diseases, such as Parkinson's disease, Alzheimer's disease, amyotrophic lateral sclerosis, autism, diabetes, cancer, and many other diseases associated with aging;

Whereas research into primary mitochondrial diseases can provide applications to biomedical research and a window into our understanding of many other diseases, including possible treatments and cures for diseases such as Parkinson's disease, Alzheimer's disease, amyotrophic lateral sclerosis, autism, diabetes, cancer, and many other diseases associated with aging;

Whereas researchers estimate that one in 4,000 children will develop a mitochondrial disease related to an inherited mutation by 10 years of age, and recent studies of umbilical cord blood samples show that one in 200 people could develop a mitochondrial disease in their lifetime;

Whereas researchers also believe that those numbers could be much higher, given the difficulty associated with diagnosing mitochondrial disease and the many cases that are either misdiagnosed or never diagnosed;

Whereas there are no cures for mitochondrial diseases, nor are there specific treatments for any of those diseases;

Whereas human energy production involves multiple organ systems, and therefore primary mitochondrial diseases research involves many Institutes at the National Institutes of Health;

Whereas, according to the National Institutes of Health, more than \$600,000,000 is being spent on research related to mitochondrial functions, of which \$18,000,000 is being spent on actual primary mitochondrial diseases research;

Whereas the National Institutes of Health has taken an increased interest in primary mitochondrial diseases and has sponsored a number of activities in recent years aimed at advancing mitochondrial medicine, including incorporating research into functional variations in mitochondria in the Transformative Research Awards Initiative;

Whereas, in March 2012, the National Institutes of Health convened a 2-day symposium entitled "Translational Research in Primary Mitochondrial Diseases: Obstacles and Opportunities", which brought together leading government and private sector researchers and drug developers to share information related to primary mitochondrial diseases, develop systems to facilitate future collaboration, survey obstacles, needs, and priorities of primary mitochondrial diseases research, and develop mechanisms to enhance translation of basic science discoveries to diagnostics and therapeutics; and

Whereas, as a consequence of the symposium, a white paper has been developed that identifies current research challenges and impediments and a suggested course of action to address those challenges: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of September 16, 2012, as "Mitochondrial Disease Awareness Week";

(2) reaffirms the importance of an enhanced and coordinated research effort aimed at improving the understanding of primary mitochondrial diseases and the development of treatments and cures;

(3) commends the National Institutes of Health for its efforts to organize the symposium entitled "Translational Research in Primary Mitochondrial Disease: Obstacles and Opportunities" to improve the understanding of mitochondrial diseases and to enhance collaboration and chart a course for the future with respect to research on mitochondrial diseases;

(4) encourages the National Institutes of Health to place a greater priority on research into primary mitochondrial diseases, to continue to explore the connections between mitochondrial dysfunction and other systemic diseases, and to promote collaboration and coordination among the Institutes of the National Institutes of Health and with other organizations; and

(5) encourages the National Institutes of Health to consider the recommendations and address research directions identified in the white paper developed from the symposium described in paragraph (3), including—

(A) enhanced emphasis on research regarding basic mitochondrial physiology, variations in mitochondrial function in different body tissues, and improvements in the manipulation of mitochondrial DNA;

(B) supporting research that will provide the basis for drug development, including improved mouse models, efforts to achieve breakthroughs in in vivo research capability, consensus development around assays, and next generation sequencing;

(C) expansion and support of stable, long-term patient registries and biospecimen repositories in collaboration with patient advocacy groups to promote enrollment and ultimately pave the way for natural history trials; and

(D) the establishment of a working group to develop a system for the continued interaction among the Institutes within the National Institutes of Health and with other organizations and the establishment of a website on research on primary mitochondrial diseases.

#### PERMITTING THE USE OF SENATE OFFICE BUILDINGS FOR CHARITABLE PURPOSES

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 597, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 597) to permit the collection of clothing, toys, food, and housewares during the holiday season for charitable purposes in Senate buildings.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 597) was agreed to, as follows:

#### S. RES. 597

*Resolved*,

#### SECTION 1. COLLECTION OF CLOTHING, TOYS, FOOD, AND HOUSEWARES DURING THE HOLIDAY SEASON FOR CHARITABLE PURPOSES IN SENATE BUILDINGS.

(a) IN GENERAL.—Notwithstanding any other provision of the rules or regulations of the Senate—

(1) a Senator, officer of the Senate, or employee of the Senate may collect from another Senator, officer of the Senate, or employee of the Senate within Senate buildings nonmonetary donations of clothing, toys, food, and housewares for charitable purposes related to serving persons in need or members of the Armed Forces and the families of those members during the holiday season, if the charitable purposes do not otherwise violate any rule or regulation of the Senate or of Federal law; and

(2) a Senator, officer of the Senate, or employee of the Senate may work with a nonprofit organization with respect to the delivery of donations described under paragraph (1).

(b) EXPIRATION.—The authority provided by this resolution shall expire at the end of the second session of the 112th Congress.

#### CONGRATULATING THE 2012 WORLD SERIES CHAMPION SAN FRANCISCO GIANTS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate

proceed to the immediate consideration of S. Res. 598 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative read as follows:

A resolution (S. Res. 598) commending and congratulating the San Francisco Giants for winning the 2012 World Series.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, I am thrilled, along with my friend and fellow Giants fan Senator BOXER, to support a resolution honoring Major League Baseball's 2012 World Series champions, the San Francisco Giants.

Behind the best starting pitching in baseball, a shutdown bullpen, brilliant defense and timely hitting, our Giants are, once again, kings of the baseball world.

They defeated the American League Champion Detroit Tigers 4 games to none in the 108th World Series to win their second title in just 3 years.

It is the seventh title in the long, storied history of the franchise, and their second since moving to San Francisco in 1958.

Indeed, these are truly the glory days of Giants baseball in San Francisco.

The 2010 Giants were known as a band of misfits and castoffs who shocked the baseball world by winning the Giants' first World Series title in 56 years.

This Giants team can only be described as resilient, a diverse collection of veterans, rookies, and midseason acquisitions who banded together with a "never-say-die" spirit to overcome the greatest of odds to win it all.

Down two games to none in the best of five Division Series against the Cincinnati Reds, outfielder Hunter Pence gathered his teammates together before the third game and urged them not to give up, to play for each other, win each moment, and leave it all on the field so they could spend another day together.

He was not ready to go home, and neither were the Giants. They won that game and the next two, stunning the Reds and advancing to the National League Championship Series against the defending World Series champion St. Louis Cardinals.

In that series, the Giants once again found their backs against the wall, down three games to one in the best-of-seven series. In game 5 at St. Louis, Giants pitcher Barry Zito overcame years of adversity to pitch the game of his life, bringing the series back to San Francisco.

The Giants won the next two games to clinch the National League pennant in front of their loyal and passionate fans.

They became the first team in more than 25 years to win six elimination games in one postseason.

So it was on to the World Series against the Tigers, a formidable team that looked unbeatable to most baseball experts.

But with all due respect to the Tigers—and my friends and colleagues from Michigan—after the adversity they had faced against the Reds and the Cardinals, nothing was going to stop the Giants.

In game 1, World Series Most Valuable Player Pablo Sandoval became just the fourth player in World Series history to hit three home runs in one game as the Giants won 8 to 3.

In games 2 and 3, starting pitchers Madison Bumgarner and Ryan Vogelsong were dominant as the Giants both games by a score of 2 to 0.

And in the deciding game 4, the Giants rallied as National League Series MVP Marco Scutaro gave the Giants a 4 to 3 lead in the 10th inning, knocking home Ryan Theriot with a two-out base hit. In the bottom of the inning, Sergio Romo struck out the side and the Giants were champions once again.

And what a run it was.

The Giants closed out the post-season by winning seven straight games, beating the Cardinals and Tigers by a combined score of 36 to 7 with four shutouts.

In the World Series, Giants pitchers limited the Tigers to just six runs in four games and held them to a .159 batting average.

I congratulate all the Giants players for their heart, determination and teamwork.

When your backs were up against the wall, you epitomized the best of San Francisco and came together as a team, setting aside egos, sacrificing individual glory and battling for each other, one game at a time, until you were the last team standing.

I would also like to congratulate president and CEO Larry Baer, general manager Brian Sabean, manager Bruce Bochy and the rest of the coaching staff for putting together this team and establishing a culture of excellence that is the envy of all of baseball.

Mr. President, I was privileged to be mayor of San Francisco when the 49ers—led by Eddie DeBartolo, Bill Walsh, Joe Montana, Ronnie Lott and many others—began their run of five Super Bowl titles that established the 49ers as a dynasty.

With their second World Series win in just 3 years, the Giants are on their way to establishing their own dynasty, once again solidifying San Francisco's status as not just a world-class city but a city of champions.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 598) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 598

Whereas the San Francisco Giants defeated the American League champions, the Detroit Tigers, 4 games to none to win the seventh World Series championship in the history of the Giants franchise, and the second World Series championship in 3 years;

Whereas the San Francisco Giants won the 2012 National League West Division title with 94 wins;

Whereas the San Francisco Giants won 6 straight elimination games in the 2012 postseason, rallying from being down two games to none to defeat the Cincinnati Reds in the National League Division Series, and from being down three games to one to defeat the defending World Series champions, the St. Louis Cardinals, for the National League championship;

Whereas the San Francisco Giants won 7 straight post-season games and allowed just 7 runs in that span;

Whereas third baseman Pablo Sandoval received the World Series Most Valuable Player award after hitting .500 during the World Series and hitting 3 home runs in Game 1, becoming just the fourth player to do so in World Series history;

Whereas all 25 players on the playoff roster should be congratulated, including Jeremy Affeldt, Joaquin Arias, Brandon Belt, Gregor Blanco, Madison Bumgarner, Matt Cain, Santiago Casilla, Brandon Crawford, Aubrey Huff, George Kontos, Tim Lincecum, Javier Lopez, Jose Mijares, Guillermo Mota, Xavier Nady, Angel Pagan, Hunter Pence, Buster Posey, Sergio Romo, Hector Sanchez, Pablo Sandoval, Marco Scutaro, Ryan Theriot, Ryan Vogelsong, and Barry Zito;

Whereas the 2012 San Francisco Giants will be remembered for overpowering starting pitching, unflappable relief pitching, steady defense, and timely hitting;

Whereas the San Francisco Giants are superbly led by President and Chief Executive Officer Larry Baer, General Manager Brian Sabean, and Manager Bruce Bochy;

Whereas San Francisco is a city with a rich baseball tradition, where players such as Willie Mays, Willie McCovey, Orlando Cepeda, Juan Marichal, Monte Irvin, and Gaylord Perry displayed exceptional skill that eventually took them to the National Baseball Hall of Fame in Cooperstown, New York; and

Whereas the San Francisco Giants inspired the city of San Francisco and all Giants fans by showing unprecedented determination, resolve, and teamwork in winning the 2012 World Series: Now, therefore, be it

*Resolved*, That the Senate commends and congratulates the San Francisco Giants for winning the 2012 World Series.

**EXPRESSING VIGOROUS SUPPORT  
AND UNWAVERING COMMITMENT  
TO THE WELFARE, SECURITY,  
AND SURVIVAL OF THE STATE  
OF ISRAEL**

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 599 submitted earlier today by Senator GILLIBRAND and Senator KIRK.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 599) expressing vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizing and strongly supporting its right to act in self-defense to protect its citizens against acts of terrorism.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 599) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 599

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization;

Whereas Hamas refuses to recognize Israel's right to exist, renounce violence, and accept previous agreements between Israel and the Palestinians;

Whereas Hamas has launched thousands of rockets and missiles since Israel dismantled settlements and withdrew from Gaza in 2005;

Whereas terrorists in the Hamas-controlled Gaza Strip have fired approximately 900 rockets and missile shells into Israel this year, an increase from roughly 675 attacks in 2011 and 350 in 2010;

Whereas Hamas has increased the range of its rockets, reportedly with support from Iran and others, putting additional large numbers of Israelis in danger of rocket attacks from Gaza;

Whereas, on November 14, 2012, President Barack Obama condemned the rocket fire from Gaza into Israel and reiterated Israel's right to self-defense; and

Whereas Israel, a fellow democracy, has an inherent right to self defense in the face of terrorist attacks: Now, therefore, be it

*Resolved*, That the Senate—

(1) expresses unwavering commitment to the security of the State of Israel as a Jewish and democratic state with secure borders, and recognizes and strongly supports its inherent right to act in self-defense to protect its citizens against acts of terrorism;

(2) reiterates that Hamas must end Gaza-linked terrorist rocket and missile attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

(3) urges the United Nations Security Council to condemn the recent spike in Gaza-linked terrorist missile attacks against Israel, which risk causing civilian casualties in both Israel and Gaza; and

(4) encourages the President to continue to work diplomatically with the international community to prevent Hamas and other

Gaza-based terrorist organizations from retaining or rebuilding the capability to launch rockets and missiles against Israel.

#### PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 60, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 60) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid on the table, with no intervening action or debate, and that any statements relating to the matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 60) was agreed to, as follows:

#### S. CON. RES. 60

*Resolved by the Senate (the House of Representatives concurring)*, That when the Senate recesses or adjourns on any day from Thursday, November 15, 2012, through Friday, November 16, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, November 26, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any recess or adjourn pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, November 16, 2012, through Friday, November 23, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, November 27, 2012, or until the time of any recess or adjourn pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

#### ORDERS FOR FRIDAY, NOVEMBER 16, 2012, THROUGH MONDAY, NOVEMBER 26, 2012

Ms. LANDRIEU. Finally, Mr. President, I ask unanimous consent that

when the Senate completes its business today, it adjourn and convene for pro forma session only, with no business conducted, on the following dates and times, and that following each pro forma session the Senate adjourn until the next pro forma session: Friday, November 16, at 9:30 a.m.; Tuesday, November 20, at 12 p.m.; Friday, November 23, at 3 p.m.; that the Senate adjourn on Friday, November 23, until 2 p.m. on Monday, November 26, unless the Senate has received a message from the House that it has adopted S. Con. Res. 60, which is the adjournment resolution, and if the Senate has received such a message, the Senate adjourn until Monday, November 26, at 2 p.m. under the provisions of S. Con. Res. 60; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and Senators be permitted to speak for up to 10 minutes each; and that all postcloture time on S. 3525, the Sportsmen's Act, be considered expired at 5:30 p.m. and the Senate proceed under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Ms. LANDRIEU. The next rollcall votes will be on Monday, November 26, at 5:30 p.m.

#### CONDITIONAL ADJOURNMENT UNTIL FRIDAY, NOVEMBER 16, 2012, AT 9:30 A.M.

Ms. LANDRIEU. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow, unless the Senate receives a message from the House that it has adopted S. Con. Res. 60, in which case the Senate stands adjourned until 2 p.m. on Monday, November 26, 2012, under the provisions of S. Con. Res. 60.

Thereupon, the Senate, at 6:01 p.m., adjourned until Friday, November 16, 2012, at 9:30 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

ROBERT F. COHEN, JR., OF WEST VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF SIX YEARS EXPIRING AUGUST 30, 2018. (REAPPOINTMENT)

##### DEPARTMENT OF JUSTICE

TIMOTHY J. FEIGHERY, OF NEW YORK, TO BE CHAIRMAN OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR A TERM EXPIRING SEPTEMBER 30, 2015. (REAPPOINTMENT)

## THE JUDICIARY

WILLIAM S. GREENBERG, OF NEW JERSEY, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF FIFTEEN YEARS, VICE A NEW POSITION CREATED BY PUBLIC LAW 100-389, APPROVED OCTOBER 10, 2008.

## CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, November 15, 2012:

## FEDERAL DEPOSIT INSURANCE CORPORATION

MARTIN J. GRUENBERG, OF MARYLAND, TO BE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION FOR A TERM OF FIVE YEARS.

THOMAS HOENIG, OF MISSOURI, TO BE VICE CHAIRPERSON OF THE BOARD OF DIRECTORS OF THE FEDERAL DEPOSIT INSURANCE CORPORATION.

## HOUSE OF REPRESENTATIVES—Thursday, November 15, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FARENTHOLD).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, November 15, 2012.

I hereby appoint the Honorable BLAKE FARENTHOLD to act as Speaker pro tempore on this day.

JOHN BOEHNER,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 6118. An act to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

H.R. 6131. An act to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, this afternoon, a group of Members from both parties are going to meet together to discuss the possible legislative options to start a process of bringing our troops home from Afghanistan in 2013.

Yesterday I was on the floor speaking about Army Specialist Joshua Nelson, from my home county, who was killed by the very Afghans he was sent to train. Specialist Nelson is just one of 60 U.S. servicemembers who have been

killed this year by the Afghans that they were sent to train.

I don't know where the outrage is by the United States Congress. I am very disappointed in both parties and their leadership to allow our young men and women to stay in a war that has no end to it. This makes no sense to the American people. In fact, Mr. Speaker, the American people have said time after time, in poll after poll, that they want to bring our troops home now—not in 2014, but now.

On October 7, there was a national article written, and the title was, "A Mother Mourns a Grim Milestone," referring to the 2,000th American casualty from the Afghan war. Lisa Freeman, who was interviewed in the article, lost her son Captain Matthew Freeman in 2009. He was shot by a sniper in Afghanistan. Ms. Freeman said:

I just sat here, reliving the pain and wondering: Where is America's outrage? Where is America's concern that we're still at war.

And, Mr. Speaker, I made reference to this yesterday. The October 14 New York Times editorial, "Time to Pack Up," with the subtitle, "It should not take 2 more years for the United States to leave Afghanistan."

"It should not take 2 more years for the United States to leave Afghanistan." Since I strongly agree with that statement, I have started an online petition to start bringing our troops home in the summer or fall of 2013. The petition can be signed through my Web site at [jones.house.gov](http://jones.house.gov). And, Mr. Speaker, I am pleased to tell you that in just 3 weeks, we have over 2,000 Americans that have signed this petition. Our goal is to reach as many people as possible to put the pressure on our leadership to stop the loss of life and treasure in Afghanistan.

Congress, let's get together and work on legislation to bring our troops home before the current timeline of December 2014.

Mr. Speaker, before I close, this is one of the many posters that I have that I bring to the floor. There's a flag-draped coffin. There's a group of Army officers. There's a woman holding the hand of a child. And you can see in the face of the child, Why is my daddy in that flag-draped coffin?

Congress, let's wake up. Let's come together. Let's start the process of bringing our troops home in 2013. Please, God, continue to bless our men and women in uniform. Please, God, continue to bless America.

### BEYOND "BIKE-PARTISANSHIP"

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. For years, I have traveled the country preaching "bike-partisanship," using bicycle and pedestrian facilities to help people burn calories, not fossil fuel, improve their health, have fun, and enrich the community. Red State, blue State, Republican, Democrat, Independent, it doesn't matter; the public gets it and has been part of an amazing renaissance. Let's redouble our efforts at creating a stronger Federal partnership to help more communities realize this vision.

But let's not stop with bike-partisanship. Are there other areas that are low or no cost that enjoy broad public support, solve problems, and bring people together rather than divide them? What about rebuilding and renewing America? Certainly the need is there.

Until recently, the T&I Committee was an island of congressional consensus. Since we merely extended the last transportation reauthorization and the new Congress must act in about 97 weeks, let's work on a bolder vision of investing in America, one that puts people to work, improves the economy, the environment, and saves money in the long run. Congress can begin on this now.

In the aftermath of Hurricane Sandy, Congress can't ignore the near bankrupt flood insurance program. While we fix the short-term problems, however, let's make it more effective, efficient, and actuarially sound so that it will spare lives, property, and the Federal Treasury. Overhauling the flood insurance program would solve the most immediate challenges caused by extreme weather events likely due to global warming. We may even be able to discuss climate change in a more thoughtful and rational way.

Based on the work I've done in the past with Congressman PAUL RYAN and Senator-elect JEFF FLAKE, I know agricultural reform is a ripe opportunity. Taxpayers cannot afford to lavish unnecessary subsidies on large agribusiness while harming the environment and shortchanging small farmers and ranchers.

Surely Tea Party Republicans and members of the Progressive Caucus can come together to improve nutrition, wildlife habitats, hunting, and fishing while strengthening family farms.

And since Big Bird dodged a bullet during the Presidential campaign,

maybe it's time to address the vital role that the Federal support for public broadcasting plays, which we all rely on—not just for news and information, but education for our kids and, as illustrated by Hurricane Sandy, emergency communication.

With incredibly broad public support from Americans regardless of political party, Congress should make a long-term financial commitment to funding the most trusted brand in broadcasting so it can plan for the future.

The last 10 years have been characterized by bipartisan cooperation to promote access to safe drinking water and sanitation around the globe. My 2005 legislation, cosponsored by Henry Hyde, Bill Frist, HARRY REID, saved lives and made friends for America.

In this Congress we have another bipartisan bill, Water for the World, which is cosponsored by my friend TED POE, which would build on that foundation and accelerate progress. It's all teed up and ready to go and could be easily passed next week.

Mr. Speaker, 86 percent of Americans think getting full information about their situation as a loved one faces the end of life should be a top priority for health care. Before the 2009 political "lie of the year" about "death panels," this provision in the health care reform enjoyed broad bipartisan support.

There is new legislation to personalize people's health care so that they get the information they need to make these difficult, sometimes painful, decisions and make sure their decisions, whatever they are, are respected by doctors and hospitals. This refined legislation could easily be achieved now that we're implementing health care reform.

These are all bipartisan, cost-effective initiatives that are overwhelmingly embraced by the public. Is it perhaps time to have a Legislators' Caucus, where Members in both parties who just want to get something done can come together with ideas like these? Who knows? Working together to get something done might become habit-forming.

#### LOOK OUT FOR OUR FINANCIAL FUTURE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. OLSON) for 5 minutes.

Mr. OLSON. Mr. Speaker, I want to share a plea from home, from Tony, about the impending fiscal cliff.

Tony writes:

We are going to have to go over the fiscal cliff and see the economy crumble before the majority of the people realize how much trouble we are really in.

I have end-stage renal failure, am on Medicare, and receive disability each month. I do dialysis three times a week. That said, I will willingly and gladly take a reduction in my benefits if it means we can reduce our deficit. I have two young nieces, and I am look-

ing out for their financial future. In fact, if I knew that taking away all my benefits would get rid of our debt, I would do that today.

Mr. President, hear Tony's plea. Don't take us over the fiscal cliff. Tony and his nieces need you to lead. They need it now.

□ 1010

#### AMERICA'S LATINOS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, I'm here today to make an introduction. I would like the Republican Party to meet America's Latinos. It's hard to meet us all at once—there are more than 53 million of us—but let me tell you a little bit about who we are and what we do.

First of all, most Latinos are citizens; and, in fact, most of us have been here for many generations. We live all over the United States, and our population is growing fast. In fact, every single year, 500,000 young Latino citizens turn 18 and become eligible to vote. Of Latinos under the age of 18, 93 percent are already citizens of the United States of America. In this last election, one in 10 voters were Latino. In another decade, we will be 25 percent of the voting age population in this great Nation of ours.

Here's a key fact about the more than 16 million Latino immigrants. They work; and they work hard, often in jobs that are the hardest to fill, picking grapes and garlic, caring for young children in day care centers, sweeping and cleaning as janitors, and, yes, digging ditches and making sure our dishes are washed. You know what else they do? They pay taxes, regardless of their legal status.

But here's one last fact you should know about Latinos. They love America. And, my Republican friends, I promise you, in time, you'll love us, too.

I hope this introduction is helpful, but I know it's a little late. The Republican Party really met Latinos on Election Day. At about 11 p.m., when the race was over, pundits, political strategists, and Republican candidates opened their eyes to discover who really lives and votes in the U.S. It looked like we were watching Columbus stumble across America. Latino voters, who knew? Demographic changes moving as slow as glaciers, but this one seemed to sneak up on the news media like a sudden thunderstorm.

I've been trying to introduce my colleagues to real Latinos and immigrants for some time. I've worked on bipartisan comprehensive immigration reform bills and stayed at the table to work out a compromise even after all Republicans had left the table. But the Republican Party seemed much more

interested in the imaginary Latinos they tried to use as a wedge issue, so they crafted messages aimed at the very few Americans who are not offended when immigrants are referred to as criminals, gang-bangers, freeloaders, and lawbreakers whenever they are spoken about in America.

The party nominated a Presidential candidate who carried around a to-do list of creative ways to offend Latinos. It called for the deportation of more than 10 million families and say to self-deport, check; celebrate the extreme Arizona approach to immigration laws, check; threaten to veto the DREAM Act and let hundreds of thousands of young people who have applied for deferred action fear for their future, check; stand with other Republicans and beg for their endorsement when they have called for electrified fencing to keep out immigrants because "that works on livestock," check, check, check.

I believe Election Day was a checkmate for extreme, unfair, and intolerant anti-immigrant policies. Now, we need to come together to make progress.

In truth, some Democrats did not seem to really see this new electorate either or see the change coming. Too many Democrats did not see immigration reform as an urgent issue or recognize the need for change in a country that deports 1,000 people a day.

We need to set aside the mistakes of both parties and do what is right for the American people, including Latinos and immigrants. We need to invite Democrats and Republicans to sit at a big table to work out immigration reform as soon as possible.

I have suggested that President Obama set up that big table at Camp David and invite leaders from both parties to discuss how we forge the coalition to pass comprehensive immigration reform. I think after the Election Day wake-up call, there are more and more of us willing to come to that table and negotiate, including friends in the Republican Party.

We have heard from Republican leaders who want to be at that table. I know some Republicans want to come to the table because they want the immigration issue off the table. They want it off the table because they are worried about Democrats running the table in statewide and national elections for the foreseeable future.

But listen, whatever your reason for coming to the table, please come. Together, we can fight for justice for immigrants. Together, we can reestablish the rule of law. Together, we can make immigration one of the greatest and most defining aspects of American society instead of something that divides us. Together, we can make Americans see that we can work together—Republicans and Democrats—as Americans first. So, please, join us and do what's right for this great Nation of ours.

## THANKSGIVING

□ 1020

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. AKIN) for 5 minutes.

Mr. AKIN. Mr. Speaker, in just about a week or so, we're going to be sitting down at tables celebrating Thanksgiving and eating turkey and getting a little sleepy maybe afterwards. But as we think about Thanksgiving and we think about the holiday of Thanksgiving Day, it may be interesting and it may add a little richness to that holiday if we remember how it came about and what we have to be thankful for.

There were originally a group of people that came to this country on the *Mayflower*, and a number of them on-board had the dream of building a new kind of country, something that Europe had never seen before. They believed that they would take principles that they found in the Bible and that they would apply them in a new way and create a new structure of what a country could look like.

So they came to America. And after landing, within the first 4 months, half of them had died. And you would think they would pretty much give up on a dream at that point. The *Mayflower* had stayed to give them some protection and shelter, so it was in the early springtime that this group of the people that were left—about 55 of the Pilgrims—had to make a decision. You could think of it as actually voting, only voting with their feet.

They were approached by the captain of the *Mayflower*, and the captain of the *Mayflower* said, Things aren't going so well. I've lost half my crew, and half of you are dead, and we are going to be heading back to England. And I recommend that you get on the *Mayflower* because you don't have adequate supplies, and you don't have really a knowledge of how you're going to be able to deal with the wilderness that you are living in.

So it was that the *Mayflower's* captain gave the commands, the old seaweed-covered anchor cable was hauled onboard, the yardarms were trimmed to the wind, and first large and then small, the *Mayflower* disappears over the horizon. The wind is blowing through the trees, and 55 courageous men, women, and children stood on the beach.

Why did they stay? They stayed because they believed in the dream that they had in their hearts, of making a new nation. And by staying, they gave us some things that we should be thankful for, not just the Thanksgiving turkey.

First of all, they came with the idea that civil government and church government were separate types of governments, and the civil government shouldn't run the church or the other way around.

So they were what was called in those days "separatists" because they wanted to separate from the King of England who was running the Church.

So the first thing they gave us was the concept of separating civil and church governments. But the second thing that happened was, when they arrived in Massachusetts, they were blown off course by the storms; and so they had no government. So a group of free people, under God, wrote a document called the Mayflower Compact. It starts: "In the name of God," and it goes on to say to frame just and equal laws.

So what happened was a group of free people, under God, created a civil government, and that of course was the foundation of our Declaration of Independence. And all of American civil government we can trace back to these courageous 55 people who stayed on the beach.

So as you're having your turkey, think about how they gave us the idea of separating civil and church governments, and also how it was that they gave us the idea that our Creator gives us life, liberty, and the pursuit of happiness.

Have a great Thanksgiving. God bless you.

## OLD REPUBLICAN REFRAIN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Well, the Republican refrain is quite familiar: these tax increases will cause economic devastation, a recession, millions of lost jobs. Is that today's fiscal cliff? No. Actually, that's the Republicans in opposing the Clinton-era tax increases, 1993, opposed by every Republican.

Did their predicted doom and gloom come true? Well, kind of not, actually. We balanced the budget, we paid down debt, and we had 3.8 percent unemployment while the millionaires and billionaires were paying a slightly higher rate of taxes.

Fast forward to today's debate: restore the Clinton-era tax rates to millionaires and billionaires. Republicans have dusted off the nineties rhetoric—economic collapse, devastation, at least 700,000 jobs. The job-creator millionaires and billionaires, they're living on the edge. They have no discretionary income. Any modest increase in taxes to them will stop them from making productive, job-creating investments, like the hundreds of millions of dollars they spent on super PACs in the last election to try and elect a President and a Congress that will bend to their will and lower their taxes even further while cutting middle-income families' programs that are essential, like Social Security and student financial aid.

Now, after their impassioned defense of tax breaks for millionaires and billionaires, Republicans do have a second priority—they're not a one-note party, so you've got to give them credit for that—and that is to somehow kill Social Security, which they've never supported. They think it makes people lazy. Well, there are millionaires and billionaires that don't ever expect they will need it, so they don't care.

And under the guise of deficit reduction, the Republicans are saying, well, we've either got to privatize Social Security, got to increase the retirement age, or we've got to reduce the already inadequate COLA that seniors get. Let's chain the CPI. That's their refrain: we must cut entitlements. Well, guess what, Social Security has never contributed one penny to the deficit or the debt of the United States of America. It is a program which pays for itself.

So why this single-minded focus on cutting Social Security? Yeah, it does have a projected problem of about 23 percent to pay full benefits starting in 2036. So, yeah, there's a long-term problem; but, actually, that's quite easily fixed. All we have to do is close the tax loophole. And maybe we agree there.

Here's a loophole I'd like to close: Why does a millionaire pay one-tenth the rate of taxes to Social Security of a cop on the beat, or a soldier in the field, or a teacher in the classroom? I don't know. That's what the law says. Well, how about we lift the cap and have the millionaires and billionaires pay the same percent of their income to Social Security as cops and teachers and soldiers in the military. Seems fair to me. There's a loophole we could close. And that would give Social Security assets adequate to pay 100 percent of benefits for at least 75 years into the future, as far as the actuaries will guarantee. So there's a loophole we can agree on closing, hopefully.

But they are going to have to give up on this lame argument that somehow making millionaires and billionaires pay taxes at the rate of the Clinton era, when we had record low unemployment, will hurt our economy.

## GRANTING PERMANENT NORMAL TRADE RELATIONS TO RUSSIA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Mr. Speaker, as the Representative of a district that recorded more than \$2 billion in exports last year, I know full well the significance of expanding market access for American companies and ensuring that our businesses are competing on a level playing field. That's why I believe it's important to support passage of H.R. 6156, which will grant permanent normal trade relations to Russia.



This past August, Russia joined the World Trade Organization, giving its members full access to Russia's rapidly growing market, reduced tariffs, and ensured transparency when implementing trade measures. However, while foreign competitors are currently benefiting, the U.S. will not receive any of these benefits until Congress authorizes the President to grant Russia permanent normal trade relations. Simply put, American companies, workers, and farmers are being put at a competitive disadvantage.

Last year, my home State of Michigan exported \$225 million worth of goods to Russia, despite many of its best products facing tough competition from foreign competitors. With this agreement in place, farmers and producers in my district will be assured of more predictable market access for their crops and agricultural goods, while manufacturers will enjoy reduced tariff rates for Michigan-made vehicles and equipment.

As a World Trade Organization member, Russia has agreed to comply with the rule of law. Though these reforms won't happen overnight, Russia's accession to the World Trade Organization requires their compliance with all of the organization's rules and duties. This includes addressing discriminatory practices, enforcing intellectual property rights, and increasing transparency. If it does not comply, members can enforce them through dispute mechanisms.

Of further importance, this legislation includes critical human rights provisions which will hold foreign officials accountable for gross human rights abuses and prevent them from entering the U.S. or accessing our financial systems.

House Republicans have worked tirelessly during the 112th Congress to advance pro-growth legislation which provides greater certainty for American companies and helps our Nation's businesses hire more American workers. We've made great gains in advancing trade interests for the U.S. and promoting new market opportunities for our companies.

An ambitious trade agenda must continue for us to successfully lower the unemployment rate and restore our place as the global economic leader, and I'm glad we have the opportunity to pass another part of that plan today. If we're going to jump-start our economy and get Americans back to work, we have to find ways to increase global market access for American companies and to advance economic freedom.

I encourage my colleagues to support this legislation today.

#### CALLING FOR AN END TO WAR IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from

California (Mr. GARAMENDI) for 5 minutes.

Mr. GARAMENDI. Mr. Speaker, I join my colleagues here in Congress from both sides of the aisle to call for an end to the war in Afghanistan. After more than a decade of war, with now more than 2,000 lives lost and hundreds of billions of American tax dollars spent, it's time for our troops to come home to their families.

I represent the military communities of Travis Air Force Base, and come January I will represent the community of Beale Air Force Base as well. I can tell you from firsthand experience that the men and women who serve in our Nation's military and their families are America's finest. They are not afraid of sacrifice. They joined the armed forces because they love our country and they are willing to give everything to keep our Nation safe, but their sacrifice must be for a reason. If we're going to ask them to risk life and limb on the other side of the world, it must be for a mission that is vital to our Nation's security. We can no longer say that about the mission in Afghanistan.

Our brave soldiers are continuing to die in Afghanistan for what is now a war of choice. We sent them to eliminate the terrorists responsible for the terrible 9/11 tragedy, and they did it with remarkable courage and competence. The al Qaeda training camps have long been eliminated; most of al Qaeda's top leaders have been killed or captured; Osama bin Laden is long dead.

□ 1030

Terrorism remains a global threat, and we must combat it. But keeping tens of thousands of troops in a country the size of Texas is no way to achieve this objective. Rather, we must continue to use our superb intelligence capabilities and our special operation forces to root out the terrorist networks and destroy their leaderships wherever they may be.

When we do bring our troops home, we must ensure that our returning heroes receive the support that is their due when they get back. We must make sure that they have access to housing, medical care, employment, educational opportunities that they deserve, and we must take care of all of our veterans.

The war in Afghanistan has lasted 11 long years, and it must not last another. It's time to bring our troops home. And as we do so, we must turn our attention to rebuild America's economy. One way to do this is to focus on enhancing our green energy sector.

The American wind energy industry is in jeopardy. The production tax credit will end December 31, 2012. It must be extended or else 30,000 jobs will be lost and 450 manufacturing businesses will close.

Two additional measures must also be considered. First, we could apply the master limited partnership and the real estate investment tax programs to the green energy sector and, thereby, bring significant financing opportunities along with the production tax credit.

#### AVOIDING THE FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Mr. Speaker, while the President returned from the campaign trail last week with a slightly more conciliatory tone, his insistence on a year-end tax hike on small businesses is unchanged, and frankly, that is completely unacceptable.

It is unacceptable for more than 23 million Americans struggling for work right now. It's unacceptable for millions of middle class Americans struggling to support their families with rising gas prices and higher health insurance costs. And it's unacceptable because it will destroy jobs and hurt our economy.

Yesterday, the President said that his reelection victory is a mandate to help the middle class. He can start with helping the middle class by stopping his job-killing tax hike on small businesses.

The President continues to call for increased tax rates for the top two brackets, which hit more than 1 million small businesses and 53 percent of all small business income. That's a big problem, considering that small businesses create two out of every three jobs in America.

According to the Ernst & Young report, the President's plan will result in the elimination of 700,000 jobs.

The position of the congressional Republicans on extending current income tax rates for all Americans is far from extreme. It is actually the same exact position that President Obama espoused 2 years ago when he agreed to extend all Bush-era tax rates for 2 years on the basis that raising tax rates would hurt our weak economy.

That logic still stands. In fact, our economy is even weaker today than it was in 2010. GDP growth is lower than in 2010, in large part due to the looming cost of the President's health care law and his administration's dramatic increase in regulations.

With more than 23 million Americans struggling to find work, that is not the time to be raising taxes on anyone, period.

We must also find common ground on the defense sequester to ensure that spending cuts are implemented, but in a way that does not weaken our military or threaten our national security.

Both the tax and spending issues we face in lame duck are a microcosm of our Nation's massive fiscal and economic long-term challenges. Entitlement reform and comprehensive, pro-

growth tax reform in the 113th Congress are key to addressing our Nation's greatest challenges.

The policy outcome and the narrative that transpire from this lame duck session will set the stage for what is possible in 2013 and beyond. We have a critical opportunity right now to avert the fiscal cliff and lay the groundwork for bipartisanship with policies that reflect our economic and our fiscal realities.

#### DELIVERING ON VOTERS' DEMAND FOR BOTH PARTIES TO COMPROMISE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Those of you watching on C-SPAN just heard from my friend from Tennessee the unwillingness of the Republican side of the aisle to even recognize that elections have consequences, that, in fact, the President won reelection decisively. Democrats made gains in the Senate and gains here in the House.

It's time to put aside the talking points. It's time to come together for this country.

Mr. Speaker, Speaker BOEHNER actually said it well. He said the mandate from the election of last week is "for us to find a way to work together on solutions to the challenges we face as a Nation."

I can't agree more. Elections have consequences, and our ability to avert the fiscal cliff, in which expiring tax cuts and across-the-board spending cuts are on a collision course to derail this economy, requires us to respect that directive from voters.

Yet, once again, lines are being drawn—you just heard it—over what types of revenue will be considered or what cuts are considered too steep. I hope I was not the only one astounded by the comments of the CEO of the American Petroleum Institute, who recently said, "the oil and gas industry will not be singled out for punitive treatment."

How fascinating. Perhaps I could introduce him to the Federal workforce, our Federal employees who are, so far, the only group to be singled out for punitive treatment, to the tune of \$75 billion of deficit reduction. They understand the principle of shared sacrifice and have patiently been waiting for everybody else to actually share in it.

Mr. Speaker, our chances for success in fending off the fiscal cliff become even slimmer if we start removing options from the table, as my friend from Tennessee just did, before we've even sat down at that table. America voted for and deserves a divided government that actually works.

The last time I checked, divided government doesn't mean it's going to be my way or the highway, or your way or

the highway, or Grover Norquist's way or the highway. Divided government can and has succeeded in the past when leaders have done that thing which we have not been able to achieve very often in these last 2 years: compromise.

That is the singular message from our voters this year, compromise. Work together to move the economy, our families, and our Nation forward. I've repeatedly heard that mantra from across my community, whether it's from seniors, teachers, small businesses or my own neighbors.

And now the Nation's business leaders are starting to echo that call. In fact, the head of the Business Roundtable, the former Republican Governor of Michigan, and other top CEOs are asking Congress to do just that, compromise.

In addition, the Task Force of American Innovation, comprised of our Nation's top technology companies, is urging us to preserve Federal investments in education and R&D, which are the bedrock of future innovation and competitiveness. And this week even the U.S. Chamber of Commerce said it was open to a compromise that included revenue.

These are the constructive voices I hope my colleagues listen to as we approach negotiations on the fiscal cliff. Politics is the art of compromise and, working together, we can reduce our Nation's deficit and preserve strategic investments in those programs that fuel economic growth and competitiveness.

Even in the midst of the Civil War, President Lincoln and the 38th Congress authorized the Transcontinental Railroad, the Homestead Act, and the land grant college and university system. They understood we had to invest in the future, while also dealing with the crisis of the present.

No doubt, we all have something to lose if we do not succeed. So perhaps, by each of us giving a little, we can revive this economic recovery, restore faith in our ability to govern responsibly, and deliver on that mandate we just got last week from the voters.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair and not to a perceived viewing audience.

□ 1040

#### POISONOUS PARTISANSHIP

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. CLEAVER) for 5 minutes.

Mr. CLEAVER. Mr. Speaker, one of the reasons I rarely come to the floor to make such comments is that it is so troublesome to me that we will have fact-free debates. One of the problems is that we are talking in a parallel universe. There are small businesses that

will pay more taxes, but I think it is important to say to you that the top hedge fund managers last year earned \$22 billion and then paid a 15 percent tax rate as small businesses. So I am troubled when we are not being accurate and factual with the American public.

Mr. Speaker, my concern today—and I believe it is the concern of many Americans—is the situation in which we find ourselves. The American people have elected a government wherein only cooperation can bring progress. We have a House of Representatives that is predominantly Republican, and we have a Democratically controlled Senate. It would not take a 3-year-old a great deal of time to figure out that the only way we can do the work of the American people is if we stop this ridiculous partisanship—this poisonous partisanship—that is damaging the country and creating a level of anger. There are State legislators in at least 13 States who have introduced legislation for secession from the Union based on the fact that they didn't particularly like the President who was elected. One of the reasons, I think, is that we are exporting hate. If it's not hate, it's certainly anger, and "anger" is just one letter short of "danger."

The American people gave us a mandate to do the simple things, and that is to lead. We understand that the challenge before Congress in the coming weeks is no simple task. I would be wrong if I said that what we need to do is simple. We have some major challenges:

The Postal Service is losing \$25 million a week, and we are running around here acting as if the most important thing in the world is remaining faithful to our ideology. Ideology, tragically, has trumped logic in this place, and that cannot continue. Right now, we are facing hundreds of billions of dollars in expiring tax cuts. It might be important, Mr. Speaker, for all of us to keep in mind that, if we fail to deal with the sequestration issue, 90 percent of the people in this country will have their taxes raised.

But there is another problem.

We have three major credit rating agencies in this country—actually, for the world, essentially—Standard & Poor's, Moody's and then Fitch. We have been warned as a Congress and as a Nation that if we walk up to this precipice again as we did two Augusts ago that we will suffer another downgrading of our credit rating. The United States of America—the most technologically powerful and economically powerful Nation on the planet—will have a credit downgrading.

This should cause every American to be angry enough to put aside petty partisanship and understand that this body will not function and that our government will not function unless we work together. We've got to come to

the conclusion that compromise does not equal capitulation.

#### POVERTY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. LEE) for 5 minutes.

Ms. LEE of California. As the founder of the Congressional Out of Poverty Caucus, I rise today to continue talking about the ongoing crisis of poverty in our country.

Yesterday, unfortunately, with the supplemental poverty report, we learned that poverty continues to impact nearly 50 million Americans, including 16 million children all across our country and in every congressional district. My home State of California tops the list, followed by our Nation's capital—the District of Columbia—Arizona, Florida, and Georgia.

On this election day, low-income Americans, the working poor, middle-income Americans—every American—spoke loudly and clearly. They voted for strengthening the middle class and for putting people back to work, and they voted for Congress to get back to doing the work of the American people: to strengthen our economy for all Americans and to create economic opportunities that will lift millions of families out of poverty and into the middle class. Most importantly, the American people voted to reject job-killing cuts and a tax on Medicare, Medicaid, and Social Security.

What they don't want is for our country to be rushed into urgent budget decisions by the false threat of a so-called "fiscal cliff." Mr. Speaker, I don't buy it, and the American people don't believe it either.

This economic and political gridlock is just another political cliff created by the hostage-taking obstructionism of the Tea Party-controlled Congress. The real cliff that anyone is facing today is a human cliff, and far too many American families are standing on the edge as I speak. If we don't strengthen our economy for all Americans, millions will be cut off from the only lifeline keeping them from falling off that human cliff and into poverty—unemployment compensation. Far too many people will be cut off from vital programs like employment insurance, the Child Tax Credit and the Earned Income Tax Credit if this Congress fails to act.

It is long past time to come together, to work to find a balanced approach and, as Chairman CLEAVER just said, to get past the partisan obstructionism that has kept us from moving our economy and our country forward. We have got to stop this. Just 10 years ago, in the year 2000, our Nation had a balanced budget, projected surpluses, and a robust economy. The passage of a serious tax cut rapidly ended those surpluses and began to, quite frankly, ex-

plode the debt. The Bush-era tax cuts have already cost over \$2.2 trillion in Federal revenue since they were enacted, and we cannot afford to allow them to be made permanent. Let's not forget, Mr. Speaker, that this Congress has already voted to cut \$1.5 trillion in discretionary spending enacted through the 2011 Budget Control Act.

Low-income Americans are already hurting from multiple rounds of cuts to programs and benefits that they rely on. Our middle class and our working poor have already done their part, and we cannot continue to attempt to balance the budget on the backs of the most vulnerable Americans—our poor, our seniors, our children, and our disabled.

So I hope all Members of Congress will follow the President's lead and support his call for ending the Bush tax cuts above \$250,000, ending the billions in subsidies for Big Oil, and closing the countless loopholes that allow huge corporations and the super rich to avoid paying what they owe. In addition, we can find billions in additional savings by making smart and targeted cuts to our defense budgets. Our military leaders have already outlined cuts that will not put at risk our brave men and women in harm's way or weaken the national security of our Nation. We know that there are billions in waste, fraud, and abuse in the defense budgets that can be saved if we can just account for the hundreds of billions in spending by ensuring the Pentagon can pass an audit.

□ 1050

Mr. Speaker, we face many challenges, but we must not allow our political crisis to create an economic crisis for millions of Americans who are struggling. Now is not the time to turn our backs on struggling families just to preserve tax giveaways to millionaires and billionaires. We must come together to wage a war on poverty and end the war on the poor.

Finally, as 350 economists have said, we need jobs first. With recovery, deficit reduction will come by its own accord thanks to increased revenues in an improving economy. They went on to say that public outlay for jobs and recovery come first, growth is restored, and revenues follow. Budget cuts only lead to a deeper slump.

CENSUS: FULLER POVERTY PICTURE FINDS 49.7M ARE POOR, FACTORING IN MEDICAL AND WORK EXPENSES

(By Associated Press, November 14, 2012)

WASHINGTON—The ranks of America's poor edged up last year to a high of 49.7 million, based on a new census measure that takes into account medical costs and work-related expenses.

The numbers released Wednesday by the Census Bureau are part of a newly developed supplemental poverty measure. Devised a year ago, this measure provides a fuller picture of poverty that the government believes can be used to assess safety-net programs by

factoring in living expenses and taxpayer-provided benefits that the official formula leaves out.

Based on the revised formula, the number of poor people exceeded the 49 million, or 16 percent of the population, who were living below the poverty line in 2010. That came as more people in the slowly improving economy picked up low-wage jobs last year but still struggled to pay living expenses. The revised poverty rate of 16.1 percent also is higher than the record 46.2 million, or 15 percent, that the government's official estimate reported in September.

Due to medical expenses, higher living costs and limited immigrant access to government programs, people 65 or older, Hispanics and urbanites were more likely to be struggling economically under the alternative formula. Also spiking higher in 2011 was poverty among full-time and part-time workers.

As a result, the portrait of poverty broken down by state notably changes. California tops the list, hurt by high housing costs, large numbers of immigrants as well as less generous tax credits and food stamp programs to buoy low-income families. It is followed by the District of Columbia, Arizona, Florida and Georgia.

In the official census tally, it was rural states that were more likely to be near the top of the list, led by Mississippi, New Mexico, Arizona and Louisiana.

"We're seeing a very slow recovery, with increases in poverty among workers due to more new jobs which are low-wage," said Timothy Smeeding, a University of Wisconsin-Madison economist who specializes in poverty. "As a whole, the safety net is holding many people up, while California is struggling more because it's relatively harder there to qualify for food stamps and other benefits."

Broken down by group, poverty was disproportionately affecting people 65 and older—about 15.1 percent, or nearly double the 8.7 percent rate calculated under the official formula. That's because they have higher medical expenses, such as Medicare premiums, deductibles and drug costs, that aren't factored into the official rate.

While poverty rates for older Americans as a whole are higher, the new measure does show improvement in their income levels—about 15.1 percent were poor last year, down from 15.8 percent in 2010. Smeeding attributes that to a wave of more affluent, still-working baby boomers in dual-income households who are beginning to turn 65 and, as a result, are slowly raising overall income levels for seniors.

Working-age adults ages 18–64 saw an increase in poverty from 13.7 percent based on the official calculation to 15.5 percent, due mostly to commuting and child care costs.

In contrast, the new measure showed declines in poverty for children, from 22.3 percent under the official formula to 18.1 percent. Still, they remained the age group most likely to be economically struggling by any measure.

"These new numbers only reinforce what AARP and AARP Foundation hear from real people every day: older Americans are struggling to make ends meet," said Deb Whiteman, executive vice president of AARP, an advocacy group. "Policymakers need to understand that not every senior is well off and the critically important role Social Security or Medicare plays as providing a safety net to keep even more older Americans out of poverty. As Washington debates what should happen during the lame duck, we cannot afford to undermine the current safety net that allows many to live with dignity."

Hispanics and Asians also saw much higher rates of poverty, 28 percent and 16.9 percent, respectively, compared with rates of 25.4 percent and 12.3 percent under the official formula. Their poverty levels rose after the government took into account safety-net programs such as food stamps and housing, which have lower participation among immigrants and non-English speakers.

In contrast, African-Americans saw a modest decrease in poverty, from 27.8 percent under the official rate to 25.7 percent based on the revised numbers. Among non-Hispanic whites, poverty rose from 9.9 percent to 11 percent.

Economists long have criticized the official poverty rate as inadequate. Based on a half-century-old government formula, the official rate continues to assume the average family spends one-third of its income on food. Those costs have actually shrunk to a much smaller share, more like one-seventh.

The official formula also fails to account for other expenses such as out-of-pocket medical care, child care and commuting, and it does not consider noncash government aid, such as food stamps and tax credits, when calculating income.

In reaction to some of the criticism, the government in 2010 asked the Census Bureau to develop a new measure, based partly on recommendations made by the National Academy of Sciences. It released national numbers based on that formula for the first time last year. This year's release features a 50-state breakdown on poverty, prompted in part by local officials such as New York City Mayor Michael Bloomberg who have argued that the official measure does not take into account urban costs of living and that larger cities may get less federal money as a result.

The goal is to help lawmakers to better gauge the effectiveness of anti-poverty programs, although it does not replace the Census Bureau's official poverty formula.

Among the findings:

—If it weren't for Social Security payments, the poverty rate would rise to 54.1 percent for people 65 and older and 24.4 percent for all age groups.

—Without refundable tax credits such as the earned income tax credit, child poverty would rise from 18.1 percent to 24.4 percent.

—Without food stamps, the overall poverty rate would increase from 16.1 percent to 17.6 percent.

“These figures are timely given the looming expiration of two key measures that account for part of these programs' large anti-poverty impact: federal emergency unemployment insurance and improvements in refundable tax credits” such as the Earned Income Tax Credit, said Arloc Sherman, a senior researcher at the Center for Budget and Policy Priorities, a liberal-leaning think-tank. “Letting these measures expire at year's end could push large numbers of families into poverty.”

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 50 minutes a.m.), the House stood in recess.

□ 1200

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mr. BASS of New Hampshire) at noon.

## PRAYER

Reverend Dr. Alan Keiran, Office of the United States Senate, offered the following prayer:

Father God, as the Psalmist says, “I will extol the Lord at all times; His praise will always be on my lips. My soul will boast in the Lord; let the afflicted hear and rejoice. Glorify the Lord with me; let us exalt His name together.” (Psalm 34:1-3)

We depend on You, King of Heaven's armies, to reveal to our Nation's leaders Your plans to prosper our Nation and its people, Your plans to give us hope and a bright future. Inspire every public servant to seek Your wisdom and pray for Your daily favor to fall upon our country and our world.

And may You, Lord, be with those who are in harm's way and their families. This I ask in the Name above every name.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Illinois (Mrs. BIGGERT) come forward and lead the House in the Pledge of Allegiance.

Mrs. BIGGERT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to 15 requests for 1-minute speeches on each side of the aisle.

## ISRAEL TO THE RESCUE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, as waves crashed across the east coast a few weeks ago, taxpayer dollars were still being funneled as foreign aid around the globe. And while families watched as superstorm Sandy washed away their homes and the livelihoods they had built for many years, over 158 countries were still busy cashing checks from America.

Mr. Speaker, out of all the countries we give aid to, I understand Israel was the only country to send a lifeboat in the wind and rain and flood to help our victims in America. Israel took the initiative to help the victims during this natural disaster. The Israel Flying Aid organization has been giving gas to hospitals and batteries, food, and generators to superstorm Sandy victims.

We've been there for many countries in the world. We send them our money, but it's no secret that many of them hate us. They betray us, and yet we still write them checks. While the United States needs to reevaluate giving foreign aid to nations that hate us, thanks should be given to our faithful ally Israel.

And that's just the way it is.

## COMBAT DRONE PROGRAMS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. American drones in Pakistan have killed as many as 3,378 people. Drones in Yemen have killed as many as 1,952 people. Drones in Somalia have killed as many as 170 people. We've not declared war on any of these nations, but our weapons have killed innocent civilians in all of them. Highly reputable research shows that the number of high-level targets killed as a percentage of total casualties is estimated at about 2 percent.

According to The Washington Post, the Obama administration is working on efforts to institutionalize the practice of targeted killings by unmanned drones abroad. The volume of these killings challenges the morality and the legality of the attacks. We are creating a precedent for other nations that are developing the same technology. China has just unveiled a new drone.

The drone program has thus far been conducted with no oversight from Congress or any judicial body. Congress has a constitutional responsibility to ensure that programs that are being conducted in the name of our Nation are legal, transparent, and accountable. We are holding a briefing tomorrow about this exact matter.

## NICHOLAS DOMINGUEZ, A TRUE HOMETOWN HERO

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, today I rise to applaud a true hometown hero—Nicholas Dominguez of Lockport, Illinois—for saving a woman who nearly drowned in Lake Michigan.

Earlier this year, Nicholas was enjoying time with his mother on a beach on the Indiana shore when he noticed an empty raft and swimmers in distress.

Thanks to his quick thinking and selfless instincts, Nicholas was able to rescue Evelyn Hernandez, pulling her safely to a sandbar.

Several years ago, I had the privilege of nominating Nicholas to the U.S. Naval Academy, and I was pleased to congratulate him on his recent graduation. Today, as a second lieutenant in the Marines, he has already put on full display his commitment and dedication as a U.S. officer. His actions in Lake Michigan reflect the marine motto "Semper Paratus"—or "always faithful." I applaud Lieutenant Dominguez for making his country and his Corps proud.

#### ISRAEL'S RIGHT TO DEFEND HERSELF

(Mr. DEUTCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTCH. Mr. Speaker, in the past 24 hours alone, terrorists along the Gaza Strip have launched more than 250 rockets into southern Israel. That's 250 rockets in 1 day since Hamas began its strikes.

Imagine 250 rockets raining down in 1 day on your community anywhere in the United States. We would expect our government to act to protect our citizens. Israel is acting to protect her citizens. Israel has the right to protect her citizens from terrorist attacks. In the early hours of this morning, three Israeli civilians died when a rocket from Gaza struck the top floor of an apartment building. Later in the day, a rocket hit just 10 miles from Tel Aviv.

The United States mourns the loss of life at the hands of Hamas terrorists. We will not waver in our support of Israel's right to defend herself against these and other attacks. The right of any nation to defend its citizens can never be called into question. Mr. Speaker, at this challenging time for our great ally, the United States stands with Israel.

#### ISRAEL'S RIGHT TO DEFEND ITSELF

(Mr. DOLD asked and was given permission to address the House for 1 minute.)

Mr. DOLD. I rise today to address the recent events in the Middle East. Our ally Israel, like every nation, must have the right to defend itself and its citizens against ongoing acts of terror.

We know now that the international community frequently looks for opportunities to delegitimize Israel's actions, which is why it is essential that we here in the United States of America loudly and publicly express our support for Israel's right to defend itself in the face of Hamas' terror.

Hamas is responsible for over 800 rocket attacks on Israel in 2012—with

over 250 rockets indiscriminantly fired on Israel's citizens in the past 5 days alone. Because of this escalation, 1 million men, women and children in southern Israel have been forced to live under the threat of attacks and must now know where the nearest rocket shelter is located. As I speak, thousands of Israelis are sleeping in bomb shelters out of fear for their lives and the lives of their children.

Mr. Speaker, no nation would sit back and tolerate its population living under such threatening conditions. Certainly, we here in the United States would not.

#### PASS THE FARM BILL

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, it's time to get to work. When Congress recessed for the election, we left much undone, including the farm bill, which is critical to the economy of my district and to our country.

Just this weekend, The Fresno Bee got it right when they wrote:

There are some in Congress who suggest delaying the farm bill until after new Members begin serving in January. That's the easy way out, but it does not serve the interests of the Nation's farmers.

It also doesn't serve the families in need and children who depend upon the nutrition programs in the farm bill. It's time to get back to representing the interests of our constituents, not partisan politics. Dairymen are having a tough time in California. Our farmers need certainty, and only a 5-year farm bill can provide that. Both versions of the farm bill also save billions of dollars.

We have bipartisan agreement on this bill. We need to pass this bill so that we can go to conference committee to resolve the differences.

□ 1210

#### WE CAN AVOID THE FISCAL CLIFF

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, the American people are breathing a cautious sigh of relief now that the long election season is finally over. The House and Senate are both in session, and the American people are watching. We have much work to do and not much time to do it.

With unemployment hovering near 8 percent, our economy is still struggling. To get America back on track, we must work together, Democrats and Republicans, to find solutions to our economic challenges.

We all know it's not until small businesses begin growing and creating jobs

that our economy will recover. The key to our future lies in new start-ups, innovators, and entrepreneurs.

Working together in a bipartisan way, we can avoid the fiscal cliff, provide certainty to these small businesses, remove barriers to success, and help renew the prosperity of the American people.

Last week our constituents spoke, and the mandate they gave us was a mandate to work together. We must listen to them and work with open ears and open minds to arrive at bipartisan solutions to the very serious issues facing our country.

#### THE COUNTRY NEEDS TAX RELIEF

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, we are indeed back here in a lame-duck session with the most important issue facing us, which is a deadline on taxes and revenue. By previous action, we have to act or certain conditions will be created that will cause us to lose jobs and hurt our economy and raise taxes on everybody.

The President, the Senate, the Democrats, and the House are all in agreement that 98 percent of the country needs tax relief that has been given through the Bush tax cuts, and they should be extended.

I think everybody agrees that we don't need to make draconian cuts to services for people, Social Security or Medicare, or defense. The only issue is my colleagues on the other side, the Republicans in the House, who seem to continue to want to give tax relief to the upper 2 percent. That's what divides this Nation and this Congress right now, tax cuts for the richest 2 percent.

I call on my Republican colleagues to work with Speaker BOEHNER and allow him to lead this country in working with President Obama and to resolve this situation.

#### RECOGNITION OF DAVE WHITE, CHIEF OF THE NATURAL RESOURCES CONSERVATION SERVICE

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise to recognize Mr. Dave White, chief of the Natural Resource Conservation Service at the U.S. Department of Agriculture. After a career with NRCS that spanned nearly four decades, this week he announced his plans to retire.

Chief White has spent his career working to improve the Nation's land management policies and practices. Over the years, Dave has been an indispensable resource of experience and

knowledge, from helping to craft the 2008 farm bill conservation title, to his leadership in implementing and improving these programs at NRCS.

Dave's work has helped the Nation achieve our shared objectives for sustaining agriculture and the natural resources upon which we all depend.

One area in particular is voluntary incentive-based conservation programs where Chief White has delivered a demonstrated track record in leveraging resources to maximize limited resources. In my home State of Pennsylvania, these efforts are helping to improve the health of the Chesapeake Bay Watershed, while also keeping farms profitable and ensuring that these farms remain in agriculture over the long term.

I want to thank Dave White for his dedicated service. Best of luck in your retirement, Chief.

#### A TRAGIC MARKER: 2,000-PLUS U.S. FATALITIES IN AFGHANISTAN

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MCGOVERN. Mr. Speaker, on October 2, while Congress was campaigning, the Pentagon registered the 2,000th fatality in Afghanistan, the longest war in American history. Today, that number has risen to 2,026.

It is imperative that we all remember the terrible human price that has been paid, is being paid, and will continue to be paid by our troops in Afghanistan and their families.

This year there have been 60 so-called "blue on green" killings of U.S. troops by Afghan soldiers that we're training. Veterans of Iraq and Afghanistan kill themselves at a rate of one every 80 minutes. More Active Duty U.S. military personnel have died by suicide since the war in Afghanistan began than have died fighting there. Nearly 18,000 have been wounded in Afghanistan alone.

Let us bring them all home. Let us provide our veterans and active military the care and benefits that they have so bravely earned. Let's end the war in Afghanistan now.

#### DOING WHAT IS RIGHT FOR THE AMERICAN PEOPLE

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Mr. Speaker, we have just a few short weeks left in the 112th Congress, but our work here is far from done.

Sadly, partisan games and gridlock have made this Congress one of the least productive in history; but with the election finally behind us, I hope we will put aside our differences and get back to work.

That means passing a bipartisan farm bill to support our farmers and ranchers. It means extending the production tax credit to create jobs in a growing wind industry and reduce electricity bills for consumers. It means passing the Violence Against Women Act to protect women from abuse. And it means extending tax cuts for middle class families and small businesses now and passing a balanced plan to avert sequestration.

We must address these critical issues, and the only way to do that is by coming together and doing what's right for the American people.

Mr. Speaker, the election is over. It's time to get back to work.

#### LET'S GET THE PEOPLE'S WORK DONE

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, the election is over for this cycle, and it is time to do the people's work.

The President is reelected, and he is our President for the next 4 years. Our constituents are tired and upset with our dysfunction. They can't begin to comprehend how we've allowed the fiscal cliff to happen. Many of them don't even understand what the fiscal cliff is about. All they know is that things like unemployment can rise to 9.1 percent unless we act. It is time to put the elections behind us and work together.

Mr. Speaker, we must focus on the people, especially the constituents of our colleagues who are suffering from the aftermath of Hurricane Sandy. We have got to work together and do the people's work. Isn't that what we've been sent here to do?

Mr. Speaker, let's get the people's work done.

#### LET'S GET THIS THING DONE

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Mr. Speaker, last Tuesday, our President said something that I think this Congress needs to hear: the people of our districts sent us here to focus on their jobs, not our own.

We're racing towards a serious deadline, towards higher taxes on struggling families and slashed investments in things like food for mothers and infants, education, and our infrastructure. We're dragging people's jobs toward the brink and playing chicken with workers' and entrepreneurs' livelihoods.

I know I'm not the only one here who spent time with the families that missing this deadline will hurt. I know I'm not the only one who has visited the businesses that would collapse if this happened. The people in our districts need us to come together. They're

counting on us to do the right thing, to leave our partisanship at the ballot box and to get to work.

So I say to all my friends and colleagues, Democrats and Republicans, let's get this thing done.

#### THE LEAST, THE LAST, AND THE LOST

(Mr. AL GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. AL GREEN of Texas. Mr. Speaker, we hear a lot of talk about the consequences of the fiscal cliff on the wealthy, the well-off, the well-heeled, and the well-to-do. We don't hear a lot of talk about how it will impact the least, the last, and the lost. Permit me today to share just a bit of information.

Rental assistance for the poor would fall by \$2.3 billion. Nutrition programs for women, infants, and children would lose \$543 million. Those who provide services to persons who get Medicare—doctors—would lose about \$4 billion.

Mr. Speaker, if we are to have an act of Congress, we have to have a Congress willing to act. It is time for us to act, to protect the least, the last, and the lost, as well as others.

□ 1220

#### AVOIDING THE FISCAL CLIFF

(Mr. JOHNSON of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Georgia. Mr. Speaker, I rise to urge Congress to deal with the fiscal cliff. The majority of Americans cast their ballots in support of the President and a balanced solution to our fiscal challenges that protects the middle class by asking everyone to pay their fair share.

Our job is to act. We should extend the middle class tax cuts now while we work on a long-term solution. We must work together because failure would have dire consequences for middle class jobs, the military, and crucial programs that help the middle class and the poor.

#### FIXING OUR ECONOMY

(Mrs. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CHRISTENSEN. Mr. Speaker, the election is over. The people of this country have spoken and said loudly and clearly that they want us to work together to create jobs and fix our economy.

I agree with economists who say that the threat of a fiscal cliff, like the need to immediately reduce the deficit, is



being overblown. And it is done like the debt ceiling debacle to create a do-or-die situation where it is hoped that Democrats would agree to cuts in programs that would lose jobs and lock more people into poverty. That is unacceptable in this, the greatest country in the world, and we cannot agree to it.

We are being asked to cut the deficit by \$4 trillion over 10 years. Through cuts and caps put in place already, over the next 10 years we are projected to cut that deficit by \$1.7 trillion. That leaves \$2.3 trillion. If we allow the growth in the economy to continue, even at its present slow pace, that can help to reduce the need for that level of cuts even more.

The poor and the middle class are already doing their part through the cuts that are already in place. Now it is time for everyone else to do theirs. The rest of the deficit reduction must come primarily from eliminating tax cuts for the wealthy who have continued to do very well during the recession while everyone else suffered.

This Congress can avoid taking us to yet another fiscal cliff and avoid sequestration by working together in the balanced way that the American people have asked us to.

#### RESOLVING ISSUES AND WORKING TOGETHER

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise today to say to our colleagues that it is very gratifying that in just a few minutes we are going to begin to address the first issue that will come before us as a lame-duck Congress, and it's an issue that is going to be addressed in a bipartisan way. I'm very happy to see my friend from Worcester here, who has joined with me in doing a "Dear Colleague" in support of passage of permanent normal trade relations for Russia and Moldova. Our commitment to economic growth and human rights is one which has led us to this point, Mr. Speaker.

And I think that the idea with the mandate from the election was for us to resolve issues and work together, and we are going to have a chance to do that. And so as I get ready to call up the rule in just a moment, Mr. Speaker, I want to say to my colleagues that this is a great day for us to take on the very, very serious challenges. And I believe that the success we are going to have, with the bipartisanship that is going to be demonstrated on this issue, should lay the groundwork for the work of the rest of this Congress and I hope very much for the next Congress as well.

#### SUPPORTING WIND PRODUCTION TAX CREDIT

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, let me thank Mr. ISRAEL, Mr. CONNOLLY, and Mr. TONKO, as well as all of the members of the Sustainable Energy and Environment Coalition, for being such strong advocates for a responsible and sustainable energy future.

Today I rise to speak in favor of the wind production tax credit and urge my colleagues to support its extension. Wind power and other sources of renewable energy are a vital and central part of a sustainable energy future, and they can be harvested right here in America.

In my own district, for example, I am very proud to say that there are currently six companies operating wind power plants. These power plants not only generate energy but also jobs and manufacturing right here at home.

I urge this Congress to support the extension here because it will put people to work in good paying jobs, help rebuild our manufacturing base, and help us achieve energy independence.

#### PROVIDING FOR CONSIDERATION OF H.R. 6156, RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 808 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 808

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-33 shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) 90 minutes of debate, with 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs; and (2) one motion to recommit with or without instructions.

SEC. 2. On any legislative day during the period from November 19, 2012, through No-

vember 23, 2012—(a) the Journal of the proceedings of the previous day shall be considered as approved; (b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment; and (c) bills and resolutions introduced during the period addressed by this section shall be numbered, listed in the Congressional Record, and when printed shall bear the date of introduction, but may be referred by the Speaker at a later time.

SEC. 3. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 2 of this resolution as though under clause 8(a) of rule I.

The SPEAKER pro tempore. The gentleman from California is recognized for 1 hour.

Mr. DREIER. Mr. Speaker, let me say how great it is to see you in the Chair, and I wish you well.

Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my very good friend from Worcester, pending which I yield myself such time as I may consume.

Mr. Speaker, let me say, as I just mentioned in my 1-minute, it is very gratifying that, as we look at this election, we have many people who have used the term "mandate" to describe what it is they have gotten. The President says he has a mandate to increase taxes. Some Republicans say we have a mandate to not increase taxes. Lots of people throw this word "mandate" around.

I believe that the mandate is for us to focus on job creation and economic growth. And while we still embrace the Madisonian vision of the clash of ideas—it's a very, very important notion put forward by the author of the U.S. Constitution—at the end of the day, it's important for us to do something. And I think that the mandate from the election is that the American people want us to do everything that we can to create jobs, get the economy growing, and deal with many of the societal challenges that we face.

Mr. Speaker, that's why I say it is very gratifying that the first item out of the chute after the election is something we will be able to do in a bipartisan way. Not that it hasn't been controversial, and I will admit, Mr. Speaker, that there is controversy that surrounds this issue, and I'm going to talk about it, but I will say that it is great that we'll be able to do something, with Republicans and Democrats in the House, Democrats and Republicans in the Senate, and the President of the United States on the same page in support of Russia's accession to the WTO and, most particularly, the opportunity for the United States of America, our workers, to have access to 142 million consumers in that country.

So, Mr. Speaker, on August 22, Russia became a member of the World Trade Organization. Again, a huge economy. In fact, the last large economy to actually become a member of



the WTO, and that's a good thing. It's a good thing because Vladimir Putin is not a good guy. It's a good thing because we are going to, not only with accession of the WTO but also with the multifarious provisions that are included in this measure, call on the United States Trade Representative, call on the State Department, and call on other entities to focus on things like intellectual property violations, negotiations, sanitary and phytosanitary agreements, the information technology agreement, and the government procurement agreement.

□ 1230

There are a wide range of provisions in here that will force Russia to live with a structure that it does not have today and will not have until we take this very important action.

Now one of the reasons that I have been such a strong proponent of this issue has to do with a name, and it's not the name we're going to be talking about in a minute. The name is Mikhail Khodorkovsky.

Mikhail Khodorkovsky is a businessman who was jailed and at this moment is incarcerated in the midst of a 7-year additional extension of his sentence for so-called "tax evasion."

Now I mention those two words in explaining why I'm here because I met Mr. Khodorkovsky, who was the head of Yukos Oil and was widely respected. I'm sure he was a great businessman. But he was widely respected and was a great philanthropist in Russia. He was a critic of Vladimir Putin's. And as we all know, and as I said, he is incarcerated today for one thing and one thing only: being a critic of Vladimir Putin's. That's really why he's in prison.

Well, the reason I am standing here and am such a strong proponent of the action that we're about to take is that after I had met with Mr. Khodorkovsky in Moscow, he sat in my office right upstairs here in the Rules Committee. And in that meeting that I had with him, Mr. Khodorkovsky—a great philanthropist, one of the wealthiest people in Russia—said to me, I'm concerned about my safety and well-being. I think that there might be action taken against me.

Mr. Speaker, I am embarrassed to say that my reaction was to laugh at him. I said, There's no way that a man of your stature, doing the kinds of good things that you've been doing in Russia, will face anything other than broad-based support.

Mr. Speaker, I was wrong. The human rights violations which have taken place against Mikhail Khodorkovsky and a wide range of other people are one of the other reasons that we are here, pushing very, very strongly for permanent normal trade relations to force Russia to do something that they might not want to do, and that is to live with a rules-based trading system.

The other name that leads us here, of course, is Sergei Magnitsky, a young lawyer who was simply raising questions, a so-called whistleblower, a whistleblower who was beaten to death 3 years ago tomorrow. Tomorrow marks the third anniversary of Sergei Magnitsky's death. And it is outrageous, Mr. Speaker, that this kind of action in this 21st century still exists in a country that claims to be a democracy. It is horrendous, and it is unacceptable. And that's why I believe coupling the permanent normal trade relations for Russia and Moldova along with the Magnitsky language—and I want to congratulate our Senate colleagues BEN CARDIN and JON KYL, and I know my colleague from Massachusetts (Mr. MCGOVERN) has been involved in pushing this. I strongly support the effort that we have had that will ensure that those who are responsible for Sergei Magnitsky's tragic, brutal beating, which led to his death 3 years ago tomorrow, will be followed and be brought to justice.

So, Mr. Speaker, this is a great bipartisan effort. It's one that I think will inure to the benefit of the people of Russia and the people of the United States. And I would like to say that, remember, we're not giving up a thing. We're not lowering a single tariff. There is not a single sacrifice that's being made here in the United States of America. What we're doing is we're breaking down the barriers there.

Last year, we exported \$11 billion to Russia. The projection is that by 2017, our exports will be \$22 billion, twice what we have today. And there are a number who anticipate that they will go actually beyond that.

So, Mr. Speaker, let me just say that this is a win-win all the way around. It's a win for the cause of human rights. It's a win for the cause of those of us—Democrats and Republicans alike—who want to create good American jobs so that we can have access to 142 million consumers. And it's a win for the people of Russia, who deserve better than they have gotten and, through the U.S. access to that market, will have an opportunity to see their standard of life and quality of life improve, because I believe passionately in the interdependence of economic and political liberalization.

This accession to the WTO will enhance economic liberalization, and it will create an opportunity. I hope and pray for the kind of political reform that is desperately needed.

With that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from California, the honorable chairman of the Rules Committee, for yielding me the customary 30 minutes.

I want to thank him for his eloquent statement, and I want to thank him for

bringing this to the floor. As he mentioned, he and I both coauthored a Dear Colleague and supported the underlying legislation. And it was a pleasure to work with him on this important bill.

And I know that there will be other opportunities to say this before he departs. But I want to thank him for his service to this House of Representatives, which I know he loves very deeply. And I want to thank him for his service to our country.

Mr. Speaker, H.R. 6156 joins together two pieces of legislation that deal with trade and human rights in the Russian Federation. The distinguished chairman has provided a clear description of the provisions in this bill that grant permanent normal trade relations, or PNTR, to the nations of Moldova and the Russian Federation. It is fairly straightforward.

Simply put, after 18 years of negotiations, Russia joined the World Trade Organization in August. That membership will require Russia—for the first time—to play by the same rules of trade as the United States and virtually every other nation in the world.

But under WTO rules, the United States cannot take advantage of Russia's WTO membership unless and until Congress grants Russia permanent normal trade relations, replacing the 1974 special bilateral agreement with Russia known as the Jackson-Vanik amendment.

The United States is not required to change any U.S. law as a result of Russia's WTO membership other than this change to the 1974 trade law. This is in contrast to bilateral free trade agreements where the United States is required to provide duty-free treatment.

If that were all there was to H.R. 6156, it would pass or fail along familiar lines of trade-related legislation. But, Mr. Speaker, H.R. 6156 will become known as a landmark piece of trade legislation not because it grants PNTR for Russia and Moldova but because it includes title IV, the Sergei Magnitsky Rule of Law Accountability Act of 2012.

Let me share with my colleagues just a little bit about the life and death of Sergei Magnitsky, in whose honor this section of the bill is named.

After exposing the largest tax fraud in Russian history, tax lawyer Sergei Magnitsky was wrongly arrested and tortured in a Russian prison. Six months later, he became seriously ill. He was denied medical attention despite 20 formal requests. On the night of November 16, 2009—3 years ago tomorrow—his condition became critical. Instead of being treated in a hospital, he was taken to an isolation cell, chained to a bed, and beaten by eight prison guards for 1 hour and 18 minutes, which resulted in his death.

Sergei Magnitsky was 37 years old. He left behind a wife and two children.

Those responsible for his abuse and murder have yet to be punished. And sadly, he is not alone. His story is emblematic of corruption, human rights abuses, and impunity in Russia.

Since the death of Sergei Magnitsky, the human rights situation inside the Russian Federation has continued to deteriorate.

Russia's parliamentary elections last December were marked by mass protests over alleged electoral fraud. Since Vladimir Putin was reelected president in May of 2012, his government has taken a harsh and confrontational approach to ongoing protests, cracking down on the Russian people's growing discontent with corruption and creeping authoritarianism. Russian authorities have used excessive force to break up peaceful demonstrations and detained and raided the homes of opposition leaders.

Russian civil society has also been a target of increasing repression. Beginning in June and with astonishing speed, the Russian Duma passed a series of draconian laws that restrict freedom of expression, freedom of association, and freedom of assembly. Many observers fear that these laws will be used as a political weapon to stifle criticism of the government. They make it harder for Russian civil society to operate effectively and create a climate of fear and self-censorship. Civil society's sense of isolation is only compounded by the Russian Government's recent decision to expel organizations like USAID from the country.

□ 1240

In addition, journalists and human rights activists continue to face grave dangers in pursuing their work. Just last month, Tanya Lokshina with the Moscow office of Human Rights Watch received a series of threats to herself and her unborn child, most likely in connection to her efforts to expose impunity for human rights abuses. Her experience is not unique. While Russian authorities have tried to silence critics, NGOs, and independent media, the world is still awaiting justice for many violent attacks on dissidents and journalists.

I would like to note for my colleagues that today at 2 p.m. the Tom Lantos Human Rights Commission will be holding a hearing on human rights in the Russian Federation, and Ms. Lokshina will be one of the witnesses.

In this context, the story of Sergei Magnitsky remains especially important. At a time when the human rights situation in the country is going from bad to worse, it is all the more important to hold Russian human rights violators accountable.

Mr. Speaker, the Sergei Magnitsky Rule of Law Accountability Act, which is title IV of H.R. 6156 as reported by the Rules Committee, places an asset

freeze and visa ban on those individuals responsible for Sergei Magnitsky's torture and death, as well as on Russian officials engaged in corruption and gross violations of human rights. This is beyond just Sergei Magnitsky. These measures provide a degree of accountability and reinforce the administration's toolkit to respond to crimes by individual government officials.

Passage of the Magnitsky act sends a clear message to the Russian people that we support their fundamental human rights. Importantly, it also sends a strong message to those Russian officials who support the rule of law and who reject corruption and human rights abuses. It lets them know that their efforts and their achievements are valued by the United States and the international community. Only individuals within the Russian Government who abuse their office and engage in corruption and human rights crimes will find their assets and visas under scrutiny and subject to U.S. sanction.

So let me be clear, Mr. Speaker. I would not be supporting PNTR for the Russian Federation if it did not include title IV, the Sergei Magnitsky Rule of Law Accountability Act.

And, Mr. Speaker, let me just close by again thanking not only the gentleman from California, the distinguished chairman of the Rules Committee, but I want to thank the Republican leadership, the Speaker of the House; the Democratic leadership, the minority leader and our minority whip; as well as the chairwoman of the Foreign Affairs Committee and the ranking member of the Foreign Affairs Committee for working together to come up with an agreement here that I think deserves bipartisan support.

So I urge all my colleagues to support the Magnitsky act by voting for the underlying legislation, H.R. 6156, and I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, let me again express my appreciation to my good friend from Worcester, and it's been a great honor and privilege to work in a bipartisan way with him on this, as I've been privileged to work with many Democrats in this House on many different bipartisan issues over the years.

And I'm getting ready to leave this place, Mr. Speaker. I'll be in January, as you will, moving on to another life. For me, it's after nearly three-and-a-half decades, and we've got lots of work ahead in the next 4 weeks. To have this trade issue as one there is something that is very gratifying for me.

As I mention that I'm leaving, for his first speech since being named chairman of the Rules Committee for the next Congress, I'm very happy to yield such time as he may consume to the very thoughtful, dedicated, and hard-working gentleman from Dallas (Mr. SESSIONS).

Let me say, Mr. Speaker, that there are lots of hard workers in this House, and we all learned as kids there is a differentiation between a workhorse and a show horse. And I've got to tell you something, Mr. Speaker—and you know this very well—there is no Democrat or Republican in the United States House of Representatives who works any harder than PETE SESSIONS, and I'm very pleased, Mr. Speaker, that he is going to be succeeding me as chairman of the House Rules Committee.

Mr. SESSIONS. Mr. Speaker, to my dear and distinguished friend, the gentleman, the young chairman of the Rules Committee, DAVID DREIER, thank you very much.

It is DAVID's leadership, not just in the Rules Committee but, I believe, to all of us here in the House of Representatives, that DAVID has led us to be a more open, thoughtful body; a person who used his time and position, power of the Rules Committee in the committee that's upstairs, to speak with all the Members of this body about their ideas that they represent and to make this a more open body. This institution is better because of DAVID DREIER. And I am very aware of what lies ahead for me, but, DAVID, you have done a great job, and thank you. Thank you very much.

Mr. Speaker, I rise today really to support what Chairman DREIER and the gentleman, Mr. MCGOVERN, have been speaking for, and that is a rule and the underlying legislation.

There are over 23 million Americans right now looking for work that are either over- or underemployed in our country, Mr. Speaker. So today is a jobs bill, another jobs bill that is important, and permanent normalized trade relations with Russia and Moldova will provide that much-needed boost, just a little bit. But a boost to the direction of adding jobs and making sure that the jobs we have here in this country to provide goods and services to another country are on an equal basis is important.

This PNTR vote will mean that we're expected to double exports to Russia in just 5 years and to help create and strengthen jobs in this country while providing Russia with a great product at the right price, whether it's in manufacturing, agriculture, or the service industry. I believe this is an important bill for us to move on a bipartisan basis.

Russia is the ninth largest economy and has a population of about 142 million people. It has a large and growing middle class. And Russia holds outstanding potential for the United States, not just in the business interests, but also for goods and services to make the lives of the Russian people even better.

My home State of Texas is the top exporter to Russia among U.S. States, and Texas imports to Russia are growing faster than its exports for the rest

of the world. Specifically, Texas exported \$1.6 billion worth of goods to Russia in 2011. We, in Texas, value this relationship, the jobs, the exporting, and the ability to have better products and services in Russia, with the Russian people making those decisions to buy these products and services. This legislation today will only help us build on that success, growing not just more jobs, but, really, the American economy.

So I will say this on behalf of all of us. This is an important bill. We need to work together. We need leadership of this body, all the Members, as well as the Senate and the President to make this happen.

Mr. DREIER. Will the gentleman yield?

Mr. SESSIONS. I will yield to the gentleman.

Mr. DREIER. I thank my friend for yielding.

And, Mr. Speaker, as I was sitting here listening to the very thoughtful remarks of my successor as chairman of the House Rules Committee, it reminded me of what really got him onto the Rules Committee and got him engaged with me, and interesting enough, Mr. Speaker, it was this issue. It was the issue of breaking down barriers to allow for the free flow of goods and services and capital.

When he first came to this body, Mr. Speaker, we were in the midst of our battle on China's accession to the World Trade Organization and establishing PNTR at that juncture, which has been a great thing; not that it's been problem free—I acknowledge that—but it's been a great thing to be able to take the steps that we have. And it was PETE SESSIONS, Mr. Speaker, who came to me and said, I want to help you with this. I actually gave him an assignment, and it was to talk to a half dozen Members about how important this was.

Mr. Speaker, in less than an hour he came back to me, having done the job right then, and that's why I describe him as the person—as I say, there are a lot of hardworking people here, there are a lot of hardworking people on both sides of the aisle, but no one has been more diligent and worked harder than my friend PETE SESSIONS, and I thank my friend for yielding.

Mr. SESSIONS. I thank the gentleman.

And reclaiming my time, this is the kind of energy and leadership that DAVID DREIER expects from Members as he gives them not just tasks but opportunities, and the young chairman gave me that opportunity, and I took full advantage of that. As I recall, we were 10 out of 10. All of them voted for it. So I didn't just make up "all of them."

Mr. Speaker, this is an important bill we're doing today. This is worthy of our time, and I'm delighted that we're joined by our friends.

□ 1250

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume first of all to thank the gentleman from Texas for his statement, but also to take this opportunity to publicly congratulate him on his new appointment. I look forward to working with him. So congratulations.

Mr. Speaker, I just want to again point out that trade bills oftentimes are very controversial. There's often a resistance to attach any additional language, whether it be human rights language or labor rights language, to trade bills. But in this case, again, working in a bipartisan way, I think the attachment of the Sergei Magnitsky bill to this trade bill is probably the most significant piece of human rights legislation attached to any trade bill since I've been here in Congress.

This is a big deal. This sends a message to human rights violators in Russia, those who are guilty of corruption, that there's a consequence. And even if that consequence is not bringing you to justice within Russia, the United States—and we will be joined, hopefully, by our allies—will make sure that there are visa bans that are put in place and that assets are frozen, that there is a consequence. Again, our hope is that this language will prop up those in Russia who want to push for reform, who believe in accountability and believe in tackling issues like impunity.

Mr. Speaker, at this time I'd like to yield 4 minutes to the gentleman from Michigan (Mr. LEVIN), who is the ranking member of the Ways and Means Committee, who was incredibly helpful to me in making sure that these two pieces of legislation were brought together and I think in a way that makes it possible for me to be able to support this bill.

Mr. LEVIN. First, if I might, let me congratulate Mr. DREIER on your service of many years. You believe in this institution.

Mr. DREIER. Will the gentleman yield?

Mr. LEVIN. I will yield to the gentleman.

Mr. DREIER. When you said "many years," you are my junior colleague by one term.

I thank my friend for yielding.

Mr. LEVIN. You believe in this institution, and I think that's been reflected.

So let me just say a few words—we'll debate it, perhaps, longer tomorrow—why this trade bill should be passed. I think we need to take each trade bill on its own merits. When you look at the need to move here today to grant PNTR, I think the answer is we clearly should.

First of all, Russia is now in the WTO, and it has gone in with certain requirements; for example, no export subsidies are allowed. That's a change,

and that's beneficial to those of us who want to trade with them so they don't rig the deck against us and for them. And there are major reductions in tariffs.

Also, now that they're in the WTO, there is a dispute settlement system. So when they violate the requirements, there's a dispute settlement system that can be enforced. If we don't grant PNTR, we can't access that dispute settlement system.

Also, it's so important that there be strong enforcement. A number of my colleagues put forth some legislation that proposed that we beef up the enforcement provisions within this bill, and that's been done. Our staff on the Democratic side worked assiduously with the Senate, and the essence of those provisions are now in this bill. So that's another reason to vote for it, because strong enforcement is critical to good trade legislation.

Also, I would urge everybody to look at what are the exports from this country and the imports from Russia. When you look at those, it's a good reason for us to vote for this legislation, because the top three exports from the U.S. are machinery, motor vehicles, and aircraft—made in America by American workers. And so, in a sense, this is a "Make It in America" piece of legislation.

The dominant import from Russia is in petro, in oil, and in that sense, they're not directly competing with our workers. So we have, in terms of what flows, an advantage being a full partner.

But let me say one other thing, because I think those of you who have followed this know I don't believe that trade legislation is only about flow of goods. It also has to be embedded in a structure to make sure that there are benefits for our companies and for our workers and that there is a structure to try to make sure there's a rule of law, because if there isn't a rule of law in another country, it is not beneficial for their citizens or for our companies.

So here I want us to pay attention to the Magnitsky legislation, because no one should think that it's easy to do business in any country where there isn't a rule of law. It isn't easy to do business—and we should hesitate to simply blindly do business—with a country which really imposes restrictions on the rights of their citizens. That's what Mr. MCGOVERN has done and what Mr. CARDIN and others have done. And there has been bipartisan cooperation on this point, strong bipartisan cooperation, to place in this bill the Magnitsky legislation that sends a clear signal to the Russian Government and to everybody in Russia that we care about the rights of the citizens there, and as we do business, we care about the rights of others. That's the strength of this legislation, in addition to opening their markets for goods made in America.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. LEVIN. So I really urge that everybody look at this legislation on its own merits. Whatever the feelings are about other trade agreements, we need to take each of them on their own, the pluses and the minuses. In this case, I think—especially now that Russia is in the WTO—it works so much to our advantage in terms of the economy here, in terms of jobs here, in terms of our businesses and our workers. And also, I think we can vote for this legislation, if I might say so, with good conscience.

Mr. MCGOVERN, you have led. It's a tribute to your devotion to the human rights of people as we advance trade not only in this legislation, but in other legislation. I think it's also a recognition of our ability to work together.

So I urge passage, and tomorrow we speak together to urge passage of the legislation.

Mr. DREIER. Mr. Speaker, I want to thank my friend, Mr. LEVIN, for his very thoughtful comments and to say I was very pleased to join with Mr. MCGOVERN—as Mr. MCGOVERN has mentioned and as I did earlier—a joint Dear Colleague to focus on the benefits of this legislation as we tackle this important challenge of human rights.

I happen to believe very fervently that economic liberalization is a key part of ensuring the ability of human rights to be recognized. That's why I think this legislation is very, very complementary in addressing not just job creation, economic growth, and improving quality of life for people, but I believe both aspects—the Magnitsky aspect and the permanent normal trade relations—together work to enhance the human rights situation that is as devastating as it is.

Mr. Speaker, I know I have talked about a number of other Members, but I'd like to say that for nearly a decade and a half I've been very privileged to work on a wide range of issues, but one of the most important has been the issue of trade liberalization with my friend from Hinsdale, Illinois. She is going to be leaving this institution, as you, Mr. Speaker, are and as I will as well. But I've got to say that this institution is a better place. The issue of ensuring economic opportunity here in the United States and around the world is brighter for the work that has been done by JUDY BIGGERT. I'm happy to yield 2½ minutes to the gentlewoman from Illinois (Mrs. BIGGERT), Mr. Speaker.

□ 1300

Mrs. BIGGERT. Thank you so much, Mr. Chairman, for your kind words, but also for what you have done for this country as far as trade and how you have really worked so hard to make

sure that all of the Members of Congress realize the impact that trade has for our economy and for our place in the world. Either bilateral agreements, multilateral commitments, you were always there to make sure that we moved forward on that, and I really thank you.

I do rise in support today of this rule and H.R. 6156, to grant permanent normal trade relations to Russia. This important legislation is a small step toward a big reward. Without it, the United States exporters and service providers will continue to lose business to our foreign competitors that already have trade relationships with Russia. And once we lose those markets, our competitors will only become stronger and better-positioned to surpass the U.S. in a critical marketplace of the 21st-century global economy.

According to the National Association of Manufacturers, Russia imported over \$500 billion in goods last year; and of that total, only 5 percent came from U.S. exports.

This bill will lift outdated policies that restrict American access to Russian markets. As a result, studies show that U.S. producers can expect to achieve double-digit increases over the next decade in exports of heavy machinery, agricultural machinery, chemicals and services. This is particularly critical for my home State of Illinois, where we have fallen behind Japan and Korea in these export categories.

Most importantly, granting Russia permanent normal trade relations gives the U.S. a level playing field on which we can compete from a position of strength in terms of intellectual property and agricultural exports, and it will provide a reliable forum for trade dispute resolution.

I would urge my colleagues to vote for the rule and the bill, to grow American exports and create good jobs here in the United States by supporting this rule and the underlying bill.

Mr. MCGOVERN. Mr. Speaker, it's my pleasure to yield 3 minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. I want to thank the gentleman for his great work on this legislation; and also my colleague, who will be leaving us, the chairman of the Rules Committee, who's done some great work over his many years.

I rise in support of this legislation. I think it is important to see, as this continuum moves, our relationship with Russia change and now moving into a circumstance of additional trade and enhanced trade.

I'm one that's very focused on improving manufacturing here in the United States, and this is going to open up tremendous opportunities for our manufacturers. So I want to commend those who've worked together on this and the Obama administration for

their continuing efforts to open up trade opportunities so that we can make it here and sell it everywhere, which I think should be our focus.

In addition to that, I think it shows how, over time, old wounds can be healed and new relationships can be built.

I spoke earlier today with the consulate general for the State of Israel in Philadelphia, offering my support and concern for the unfortunate circumstances that are taking place in the Middle East now, in which hundreds of bombs or rockets have been shot at Israel, some of its largest cities as the targets. This is a matter for obviously much higher levels in our government. There have been communications and the assurance that Israel has the right to defend itself.

But I think that we can see in this Russia trade agreement that if we can get to the point where there can be relationships that are built on self-interest and economic development, that we can put the weapons aside and move toward a circumstance in which people are focused on economic activity.

So we see in this crisis a circumstance that we hope will resolve itself. Obviously, we stand with our ally, but we also hope for a day in which peace will reign, and economic opportunities, I agree with DAVID DREIER, really is the way in which eventually we can create a circumstance in which people will not have the necessity to resort to violence.

So I thank the gentleman for yielding me the time, and I thank the House. And I hope that we will favorably pass this bill.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. FATTAH. I will be glad to yield to the gentleman.

Mr. DREIER. I just wanted to express to my very dear friend from Philadelphia, express my appreciation, Mr. Speaker, for his very kind words and to say that the recognition that economic liberalization is one of the greatest keys to our goal of enhancing human rights, the standard of living, and the quality of life for our fellow human beings is a very, very important point; and I just want to underscore that point that was made.

Yes, the Magnitsky legislation is important, but I'm going to talk in just a moment about what some leaders in Russia have had to say specifically about PNTR and its impact on human rights.

I thank my friend for yielding.

Mr. Speaker, with that I'm very happy to yield 3 minutes to my very good friend from Huntington Beach, my fellow Californian, Mr. ROHR-ABACHER. And pending that, let me say that he and I have been great friends since he was a speech writer for Ronald Reagan. We've worked closely on a

wide range of things. And I just told him, Mr. Speaker, since I'm leaving Congress, he's taught me one thing and one thing only and that is how to make margaritas.

So with that, I'm happy to yield to my friend, Mr. ROHRABACHER.

Mr. ROHRABACHER. I rise in support of the rule and of this legislation, and note that the classified nature of that margarita formula should never be disclosed to an enemy of the United States, of course; but we will be glad to transmit that information to colleagues on the other side of the aisle in a spirit of bipartisanship.

I do rise in support of this rule and H.R. 6156, the legislation to grant permanent normal trade relations status to Russia.

During the 1980s, as it was just mentioned, I worked for Ronald Reagan in the White House and was part of a team dedicating ourselves to bringing down the Soviet dictatorship. I might add that DAVE DREIER was an ex officio member of that team.

Today's Russia is not yesterday's Soviet Union. That's the most important message. Over 20 years of reform have created an imperfect country, yes, but also a new Russia with a relative free press and churches that were once closed by the Communists which are now filled with those who would gather to worship God.

Many here in the United States have not appreciated the dramatic change and continue to view Russia as if it were the Soviet Union 30 years ago.

Well, what we do today is long overdue. Our protracted refusal to grant Russia permanent normal trade relation status has been counterproductive and hypocritical. Counterproductive for years because it's been an unnecessary barrier to better bilateral relations between our two countries. Hypocritical because over a decade ago we had rushed to give most favored nation status to Communist China, which still continues to be the world's worst human rights abuser.

All the arguments made to refuse it to Russia have always applied one hundredfold to Communist China. However, I have not heard the critics of this bill calling for an end to our trade status with Communist China, which I might add, human rights in China is worse today than when we granted most favored nation status to them.

If we want to have a real debate about trade, the place to start is with Communist China and not be looking at a democratic Russia. PNTR for China has cost millions and millions of jobs over the decade. Our trade relations with Russia will benefit both of us, both the people of the United States, as well as the Russian people.

So how then can we justify such a pro-Communist China policy, which has had no political reform, and not giving it to Russia, which has had dramatic political reform?

Two decades ago, while I was working in the White House, I was arguably one of the Soviet Union's worst enemies. But my boss, Ronald Reagan, never wanted the people of Russia and the people of the United States to be enemies. He envisioned, once the Communist Party had been discarded, that our two peoples would one day be friends and trading partners and, yes, even allies.

Russian society has moved far from the Cold War. It is past time that we do the same. We need to reach out to them, stand together against an alarming rise of power in Communist China and against radical Islamic terror, which targets Russians as well as Americans.

Thus, I encourage my colleagues to join me in voting and pass this legislation.

□ 1310

Mr. MCGOVERN. Mr. Speaker, at this time, it is my pleasure to yield 2 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. I thank my colleague from Massachusetts. I also want to praise my colleague from California. This is one of the last rules Mr. DREIER will be managing here on the floor.

Mr. DREIER. Will the gentleman yield?

Mr. CONNOLLY of Virginia. I yield to the gentleman from California.

Mr. DREIER. I'd like to ask my friend if he has looked at the schedule that we have for the next 4 weeks. I think it's light years away until I deal with the last rule here if you look at our legislative schedule. I thank my friend for yielding.

Mr. CONNOLLY of Virginia. When it comes to the fiscal cliff, I actually hope you're right. I hope you will be so busy that you will have no time to think of anything else. But I do want to congratulate you on this rule and on your tenure here in the House. You will be missed.

The Jackson-Vanik amendment, Mr. Speaker, was a product of the Cold War when the Communist threat was ever-present and when Communist countries had little or no emigration rights. As our friend from California, Mr. ROHRABACHER, just said, we need to recognize that today's Russia, while hardly a perfect place when it comes to human rights and political expression, is not the Soviet Union. We need a positive framework—economic, political, social—to move forward.

This PNTR, normalizing trade relations, allows us to wrangle with Russia when we think they're wrong in trade disputes at the World Trade Organization. Absent this normalization, we don't have that leverage. Furthermore, the committee needs to be really commended, as does my colleague from Massachusetts (Mr. MCGOVERN), for

creating a statutory framework for addressing one of the most egregious human rights violations in modern Russian history. It involves Sergei Magnitsky.

Now, this framework could ultimately be a model, frankly, as we move forward in other parts of the world as well, but it certainly marries a positive trade relationship possibility with vigilant and vigorous human rights enforcement and vigilance. So I commend the committee for marrying the two, for allowing us positively to go forward in our relationship—troubles and all—with modern-day Russia. I urge the passage of the underlying legislation, H.R. 6156.

Mr. DREIER. Mr. Speaker, at this juncture, I have no further requests for time. If the gentleman would like to close, I will then offer some closing remarks.

Mr. MCGOVERN. I yield myself the balance of the time.

Mr. Speaker, I would like to insert two articles into the CONGRESSIONAL RECORD—one of The New York Times, entitled, "Russia plans to retry dead lawyer in tax case," and the other from The Washington Post, entitled, "The Kremlin's blacklist."

Mr. Speaker, from the beginning, the Magnitsky Act has been a bipartisan and bicameral effort. The final Magnitsky language in title IV of H.R. 6156 is the result of genuine collaboration and compromise. I want to again thank the chairman of the Rules Committee, Mr. DREIER. I would like to thank Speaker BOEHNER, Majority Leader CANTOR, Majority Whip MCCARTHY, Democratic Leader PELOSI, Democratic Whip HOYER, House Foreign Affairs Committee chairwoman LEANA ROS-LEHTINEN, and our ranking member, Mr. BERMAN of California, as well as Mr. LEVIN, who has been so very helpful on the Ways and Means Committee, for all of their support in drafting the bill under consideration by the House this week. It has been a pleasure to work with all of these individuals.

Mr. Speaker, I believe the Magnitsky provisions are strong, flexible enough to be well implemented and will allow us to have a cooperative relationship with Russia on trade and other issues while holding human rights violators accountable, including those responsible for the brutal treatment and death of Sergei Magnitsky. As I stated earlier, I would not be supporting PNTR for the Russian Federation if this bill did not include a Sergei Magnitsky Rule of Law Accountability Act.

I agree with what has been said about the importance of increased trade in terms of promoting more positive reforms in countries like Russia, but there is always a problem when you have a country that doesn't abide by the rule of law, where impunity rules the day. In cases like that, I think it is

important to have a tool like the Magnitsky legislation to make it clear to those in Russia—not just those involved with the Sergei Magnitsky tragedy, but with other terrible human rights crimes, those who are involved in corruption—to make it clear to them that there is a consequence and that, even if within their own countries they are not brought to justice, the world will know who they are and take appropriate action. There will be visa bans, and we will go after their assets. To me, this is a very, very powerful tool that complements the benefits of PNTR for Russia.

I would say to my colleagues that this does represent a genuine compromise—the Sergei Magnitsky Act, which I am the author of in the House and Senator CARDIN is the author of in the Senate. In the House, we originally wanted this to be global in its approach, but in the spirit of compromise, it has been narrowed down to Russia. I think, if this proves to be a good tool and if it is implemented properly, hopefully, we can broaden it, because I do think that it is important for the United States to make it clear to the world that, if we stand for anything, we stand out loud and four-square for human rights.

With regard to the rule, I just want to say that I'm a little bit disappointed that this rule on a bipartisan bill includes lockdown provisions that restrict the rights of the minority in this body. I would have preferred that this rule have only included procedures for the bipartisan PNTR-Magnitsky bill, but in the spirit of bipartisanship, I'm not going to dwell on that. I'm just going to point it out for the record.

In conclusion, let me just make this one observation. This is an example of bipartisanship, of people coming together and of our supporting an important piece of legislation. I hope that some of this rubs off on some of the bills that we're going to be considering in the days and weeks to come, but this really is how this House of Representatives should be run.

Again, my compliments to the leadership of the Republican Party and to the leadership of my own party. It was not just gratuitous. I meant it. This was a process by which those of us who care about the issue of human rights felt that we were included. As a result, I think we've come up with a bill that deserves support. I think it will make a positive difference in the lives of a lot of people in Russia. In terms of trade, I think it will result in a situation where there is a more level playing field, where we have an agreement that just doesn't benefit the few at the expense of the many; we may have an agreement here that will help benefit the many.

Mr. Speaker, I urge my colleagues to support the bill, and I yield back the balance of my time.

[From the New York Times, Feb. 7, 2012]

# RUSSIA PLANS TO RETRY DEAD LAWYER IN TAX CASE

(By Andrew E. Kramer)

MOSCOW.—The police in Russia plan to re-submit for trial a tax evasion case in which the primary defendant died in detention more than two years ago, his former employer said Tuesday.

The trial of the defendant, Sergei L. Magnitsky, would be the first posthumous prosecution in Russian legal history, according to a statement by the former employer, Hermitage Capital.

The death of Mr. Magnitsky, a lawyer, in November 2009 drew international criticism over Russia's human rights record, especially after accusations arose that he had been denied proper medical care. The State Department has barred officials linked to Mr. Magnitsky's prosecutions from entering the United States. Parliaments in nine European countries are considering similar bans.

Police officials reopened the case against Mr. Magnitsky last summer, saying it would provide a chance for relatives and supporters to clear his name.

Relatives, though, said they had not asked for that, and executives at Hermitage said the motive was something else entirely: to vindicate the officials Mr. Magnitsky had accused of corruption.

Hermitage Capital's executive director, William F. Browder, who lives in London, will be a co-defendant in the case; he will be tried in absentia, a procedure used only intermittently in the post-Soviet period but restored under a Russian law that took effect in 2006.

The statement from Hermitage said that even in the Soviet period, no defendant had been tried after death. But a Russian Supreme Court ruling last summer allowed the police to conduct posthumous investigations.

Calls to the press service of the Investigative Committee of the Interior Ministry, which is handling the case, were not answered on Tuesday.

Mr. Browder maintains that the posthumous case against Mr. Magnitsky, who died in pretrial detention when he was 37, is intended to intimidate his family and discourage them from pressing for the prosecution of the police and tax officials who they say orchestrated his imprisonment. A conviction of Mr. Magnitsky might also appear to vindicate the officials he had accused of wrongdoing.

The Hermitage statement said a police investigator had offered to drop the case in a letter to Mr. Magnitsky's mother last week, but only if relatives stated that they had no "desire to protect the honor and dignity of the deceased."

Mr. Browder said in the statement, "If the Russian Interior Ministry thinks that running a show trial against me and Sergei will stop our campaign for justice, they are dead wrong."

Mr. Magnitsky was detained in 2008 on suspicion of helping Hermitage Capital evade \$17.4 million in taxes. That accusation came after Mr. Magnitsky testified against Interior Ministry officials, saying they had used Hermitage companies to embezzle \$230 million from the Russian Treasury by filing false corporate tax returns.

Mr. Magnitsky's supporters say they believe that the prosecution was retaliatory, and that investigators assigned to his case, including individuals he had accused, denied him medical care before his death.

[From the Washington Post, July 26, 2012]

# THE KREMLIN'S BLACKLIST

(By Vladimir V. Kara-Murza)

On July 12, as I stopped at the gate of the Russian Embassy compound in northwest Washington, the on-duty officer had some unexpected news. "I cannot let you in," he said through an intercom. "You are forbidden to enter the embassy." Being a Russian citizen and a credentialed Russian journalist, and having been to my country's embassy on numerous occasions, I was naturally curious. Yevgeny Khorishko, the embassy's press secretary, whom I called for an explanation, was brief: The directive to "strike" my name from the list of credentialed Russian journalists came from Ambassador Sergei Kislyak. No reason was given. In an interview later with Slon.ru, a Moscow news Web site, the press secretary explained that the decision reflected the fact that I am "no longer a journalist."

The explanation would seem passable, except for one detail: The ambassador's directive came before it was publicly announced that I had been dismissed as Washington bureau chief of RTVi, as Russian Television International is known, effective Sept. 1. How Kislyak could have known this in advance remains a mystery.

Around the same time, two trustworthy sources in Moscow informed me that my name has been placed on a "blacklist," making me unemployable not only by RTVi but also by other, even privately owned, Russian media outlets. This was quickly verified, as one editor after another indicated that cooperation at this stage is impossible. From his own sources, opposition leader and former deputy prime minister Boris Nemtsov found out the name of the Kremlin official who has supposedly blacklisted me: Alexei Gromov, President Vladimir Putin's first deputy chief of staff. As for the reason for the Berufsverbot, my interlocutors were unequivocal: It was my advocacy for the Sergei Magnitsky Rule of Law Accountability Act, currently being considered by the U.S. Congress.

This bill, a rare example of congressional bipartisanship, proposes to introduce a targeted visa ban and asset freeze for Russian officials "responsible for the detention, abuse, or death of Sergei Magnitsky"—an anticorruption lawyer tortured to death in a Moscow prison in 2009—as well as for any "extrajudicial killings, torture, or other gross violations of internationally recognized human rights" (among them, "the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections"). The Magnitsky Act would bring a much-needed measure of accountability to corrupt Russian officials and human rights violators who prefer to rule in the manner of Zimbabwe or Belarus but opt for such destinations as the United States or Britain when it comes to storing and spending their ill-gotten gains.

Along with many other representatives of Russia's civil society, political opposition and independent media, I have been a vocal supporter of the legislation, urging its passage in public speeches and in private meetings with Washington policymakers. In authoritarian systems that maintain their power by stifling free initiative and free speech, the line between journalism and civic activism is not—and cannot be—as rigid as it is in democratic societies. Colleagues have long warned that my support for the bill would, sooner or later, catch the Kremlin's attention. The timing is not surprising, as the bill is nearing passage.



My case is just one in a series of “retaliatory” measures Putin’s regime has taken against Russian supporters of the Magnitsky legislation. Other examples include the recent early-morning raids on the homes of opposition leaders and a series of new repressive laws directed against Russia’s already-besieged civil society, including the 150-fold increase in fines for “violations” at public rallies and the requirement that Russian nongovernmental organizations that receive funding from abroad be tagged as “foreign agents.” That the targets of retaliation are Russian is hardly surprising: A “reciprocal” visa ban for U.S. sponsors of the Magnitsky Act would have drawn only laughter. Officials in Moscow had long promised that the response to the bill would be “asymmetrical.”

The Kremlin’s blackmail must not be allowed to succeed. The hysterical reaction from Putin’s regime shows beyond doubt that the legislation hits precisely where it hurts. The prospect of losing access to the West and its financial systems (initiatives similar to the U.S. bill are already being considered in European Union parliaments and in Canada) may well be, for now, the only serious disincentive to corruption and human rights violations by Russian officials. Symbolically, the adoption of the Magnitsky Act has been tied to the repeal of the antiquated Jackson-Vanik Amendment, thus replacing trade sanctions against a nation with personal sanctions against specific criminals. Perhaps the most pro-Russian piece of legislation ever put before the U.S. Congress, the Magnitsky Act offers Washington an opportunity to speak with a unified voice and with unquestioned moral clarity. I hope that it will be signed into law before the end of the year.

Mr. DREIER. I yield myself the balance of my time.

Mr. Speaker, let me offer some closing remarks and say that, as I reminisce, having spent virtually my entire adult life as a Member of this body, privileged to stand in this well for nearly three-and-a-half decades—making arguments, engaging in debate—as I said, I’m very gratified that we were able to work on one of the many final issues, which is the first issue of the lame duck session, in a bipartisan way as my friend from Worcester just said. I was privileged to work with him and to have him as a cosigner of this Dear Colleague letter that we sent out in support of this legislation.

I am reminded, in having listened to remarks from both sides of the aisle—my California colleague (Mr. ROHRABACHER) and others—that on the 6th of November 1979, Ronald Reagan announced his candidacy for President of the United States. He offered lots of eloquence and lots of brilliance, but he said something that at the time was seen as absolute heresy, not only here in the United States but around the world and within this hemisphere.

On the 6th of November 1979, Reagan envisaged this notion of eliminating tariff barriers among all of the Americas so that we could have the free flow of goods and services and capital and ideas, and yes, people as well. That’s aspirational. That’s a notion that he put forward. A few years later in the

Congress, I was privileged to be elected the day Ronald Reagan was elected President. I joined with my colleagues Mr. Colby and Mr. Lewis, and introduced legislation calling for the elimination of tariff barriers among Canada, the United States, and Mexico, which led to the North American Free Trade Agreement.

□ 1320

Mr. Speaker, the idea behind this diminution—in fact, elimination—of tariff and nontariff barriers is so we can enhance freedom, enhance opportunity, and improve the quality of life and the standard of living for people not only here in the United States, but around the world, as well. We understand that even in repressive societies, that if we can proceed with economic liberalization, political liberalization will follow.

I have to counter the statement that was made by my California colleague, Mr. ROHRABACHER, about China. I am not going to stand here on the day that Xi Jinping has become the new leader of China and claim that things are perfect in China, but I will argue that permanent normal trade relations and China’s accession to the World Trade Organization has been beneficial. Why? Because if one looks at the great leap forward in China, there were tens of millions of people who were killed. During the cultural revolution, well over a million people were starved to death.

So you look at the great leap forward, you look at the cultural revolution in China, and you look today at the horrendous human rights violations that exist in China, and my goal is still to see us move towards political pluralism, the development of democratic institutions, a greater sense of the rule of law. But there are a few thousand political prisoners in China. It’s horrible. It’s not acceptable. But, Mr. Speaker, I argue that that is progress.

It was 10 years ago that I was very privileged to work with President Clinton in seeing China’s accession to the World Trade Organization and permanent normal trade relations established. We were able to do that right here in a bipartisan way, and things are better than they were. They’re not great; they’re not acceptable; but, Mr. Speaker, they are better than they were.

I know there are some who—and Mr. ROHRABACHER thoughtfully did point to the fact that Russia is obviously not what it was like under the Soviet Union. I mean, we can all think back to the refuseniks. I remember adopting refuseniks, Jews who were unable to emigrate from Russia. You think about all of the military expenses that were involved throughout the Cold War, stories—I just came back from Georgia and the Ukraine, overseeing their elec-

tions, having been throughout Eastern Europe and Central Europe and heard stories about the kind of repression that existed. As bad as Russia is today, it’s still a marked improvement over what existed during the Cold War and the time of the Soviet Union.

A lot of us held out a great deal of hope for Russia, more so than we have right now, just a few years ago, and because we’ve seen backward steps. I’ve talked about my friend Mikhail Khodorkovsky, who, at this moment, is languishing in a Russian prison for simply criticizing Vladimir Putin. I’m here today in large part because I want Mikhail Khodorkovsky to be freed. I want to see an end to that kind of treatment of individuals.

Similarly, tomorrow marks the third anniversary of the tragic death of Sergei Magnitsky. It was absolutely horrible that this 37-year-old lawyer, a young man with, as my friend pointed out, a wife and small children, was imprisoned for simply being a whistleblower. He was tortured, abused, and left to die 3 years ago tomorrow. Again, in the 21st century, that is intolerable. It can’t be accepted. That’s why we need to continue to pursue this effort on economic liberalization.

I’m not going to counter what my friend said about the importance of the Magnitsky component to this legislation, but I would like to share the words of some formerly incarcerated Russians, some of whom were incarcerated human rights leaders in Russia who long before we did the Magnitsky language talked about how important this is. Let me just read a bit of this letter that is signed by seven human rights activists. It goes down the line of these Russians who have been opposition leaders in the forefront.

Before we did this, understanding how important PNTR and China’s accession to the WTO would be, they said:

The persistence on the books of the Jackson-Vanik amendment does not help to solve the problems with democracy and human rights in modern Russia at all. Moreover, it brings direct harm. This helps Mr. Putin and his cronies.

He is basically saying that repeal of Jackson-Vanik is something that is going to help undermine Putin and his cronies.

They go on to say:

Those who defend the argument that Jackson-Vanik’s provisions should still apply to Russia in order to punish Putin’s antidemocratic regime only darken Russia’s political future, hamper its economic development, and frustrate its democratic aspirations.

We, leading figures of the Russian political opposition, strongly stand behind the efforts to remove Russia from the provisions of the Jackson-Vanik amendment.

This is exactly what this measure has done before.

While I’m gratified that we’ve been able, in a bipartisan way to include Magnitsky, there is recognition that



simply repeal of Jackson-Vanik would go a long way towards undermining the political repression that exists in Russia today.

Mr. Speaker, I also have to say on this overall issue of trade, thanks are being spread around. I want to express my appreciation to my very good friends and colleagues, DAVE CAMP, the chairman of the Ways and Means Committee, and KEVIN BRADY, who chairs the Trade Subcommittee. I've worked with them for many years on the important issue of trade liberalization and in our pursuit of ensuring that we can create good American jobs, union and nonunion jobs, by opening up these markets.

I also have to say that I know people like to malign the 87 newly elected Republican Members, this Tea Party class of crazy people. You read that. You hear that in the media on a regular basis. Frankly, I have to say, Mr. Speaker, the leadership that they have shown on this issue and on the issues of Colombia, Panama, and South Korea are very important issues. Mr. Speaker, let me just say that I express my appreciation to the fact that 73 of them signed a letter to the President saying that this needed to be brought forward. We want to work in a bipartisan way to make this happen.

I urge support of this rule, and then tomorrow when we have the vote on PNTR, a strong bipartisan support in behalf of the efforts of Messrs. CAMP and LEVIN and BRADY and others.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 1 o'clock and 26 minutes p.m.), the House stood in recess.

□ 1705

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DOLD) at 5 o'clock and 5 minutes p.m.

## PROVIDING FOR CONSIDERATION OF H.R. 6156, RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on the resolution (H. Res. 808) providing for consideration of the bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minute votes on adoption of House Resolution 808, if ordered, and suspending the rules and concurring in the Senate amendments to H.R. 2453.

The vote was taken by electronic device, and there were—yeas 243, nays 164, not voting 25, as follows:

[Roll No. 605]

YEAS—243

Adams	Costa	Guinta
Aderholt	Cravaack	Guthrie
Alexander	Crawford	Hall
Altmire	Crenshaw	Hanna
Amash	Culberson	Harper
Amodei	DeGette	Harris
Austria	Denham	Hartzler
Bachmann	Dent	Hastings (WA)
Bachus	DesJarlais	Hayworth
Barletta	Diaz-Balart	Heck
Barton (TX)	Dold	Hensarling
Bass (NH)	Donnelly (IN)	Herger
Benishek	Dreier	Herrera Beutler
Berg	Duffy	Himes
Biggert	Duncan (SC)	Huelskamp
Bilbray	Duncan (TN)	Huizenga (MI)
Bilirakis	Ellmers	Hultgren
Bishop (UT)	Emerson	Hunter
Black	Eshoo	Hurt
Blackburn	Farenthold	Issa
Bonner	Fincher	Jenkins
Bono Mack	Fitzpatrick	Johnson (IL)
Boustany	Flake	Johnson (OH)
Brady (TX)	Fleischmann	Johnson, Sam
Brooks	Fleming	Jordan
Broun (GA)	Flores	Kelly
Brown (FL)	Fortenberry	Kind
Bucshon	Fox	King (IA)
Buerkle	Frank (MA)	King (NY)
Burgess	Franks (AZ)	Kingston
Burton (IN)	Frelinghuysen	Kinzing (IL)
Calvert	Gardner	Kline
Camp	Garrett	Labrador
Campbell	Gerlach	Lamborn
Canseco	Gibbs	Lance
Cantor	Gibson	Landry
Capito	Gingrey (GA)	Lankford
Carter	Gohmert	Latham
Cassidy	Goodlatte	LaTourette
Chabot	Gosar	Latta
Chaffetz	Gowdy	Lewis (CA)
Coble	Granger	LoBiondo
Coffman (CO)	Graves (GA)	Long
Cole	Graves (MO)	Lucas
Conaway	Griffin (AR)	Luetkemeyer
Connolly (VA)	Griffith (VA)	Lummis

Lungren, Daniel E.	Poe (TX)	Shuster
Mack	Pompeo	Simpson
Marchant	Posey	Smith (NE)
Marino	Price (GA)	Smith (NJ)
Massie	Quayle	Smith (TX)
Matheson	Reed	Southerland
McCarthy (CA)	Rehberg	Stark
McCaul	Reichert	Stearns
McClintock	Renacci	Stivers
McHenry	Ribble	Stutzman
McIntyre	Rigell	Sullivan
McKeon	Rivera	Terry
McKinley	Roby	Thompson (PA)
McMorris	Roe (TN)	Thornberry
Rodgers	Rogers (AL)	Tiberi
Meehan	Rogers (KY)	Tipton
Mica	Rogers (MI)	Turner (NY)
Miller (FL)	Rohrabacher	Turner (OH)
Miller (MI)	Rokita	Upton
Miller, Gary	Rooney	Walberg
Mulvaney	Ros-Lehtinen	Walden
Murphy (PA)	Roskam	Walsh (IL)
Myrick	Ross (FL)	Webster
Neugebauer	Royce	West
Noem	Runyan	Westmoreland
Nugent	Ryan (WI)	Whitfield
Nunes	Scalise	Wilson (SC)
Nunnelee	Schilling	Wittman
Olson	Schmidt	Wolf
Palazzo	Schock	Womack
Paulsen	Schweikert	Woodall
Pearce	Scott (SC)	Yoder
Petri	Scott, Austin	Young (AK)
Pitts	Sensenbrenner	Young (FL)
Platts	Sessions	Young (IN)
	Shimkus	

NAYS—164

Ackerman	Fattah	Pallone
Andrews	Fudge	Pascarell
Baca	Garamendi	Pastor (AZ)
Baldwin	Gonzalez	Paul
Barber	Green, Al	Pelosi
Barrow	Green, Gene	Perlmutter
Bass (CA)	Gutierrez	Peters
Becerra	Hahn	Peterson
Berkley	Hanabusa	Pingree (ME)
Berman	Hastings (FL)	Polis
Bishop (GA)	Higgins	Price (NC)
Bishop (NY)	Hinchey	Quigley
Blumenauer	Hinojosa	Rahall
Bonamici	Hiron	Rangel
Boswell	Hochul	Reyes
Brady (PA)	Holden	Richardson
Braley (IA)	Honda	Richmond
Butterfield	Hoyer	Ross (AR)
Capps	Israel	Roybal-Allard
Capuano	Johnson (GA)	Ruppersberger
Carnahan	Johnson, E. B.	Ryan (OH)
Carney	Jones	Sánchez, Linda T.
Carson (IN)	Kaptur	Sarbanes
Castor (FL)	Keating	Schakowsky
Chandler	Kildee	Schiff
Chu	Kissell	Schrader
Cicilline	Kucinich	Schwartz
Clarke (MI)	Langevin	Scott (VA)
Clarke (NY)	Larsen (WA)	Scott, David
Clay	Larson (CT)	Serrano
Cleaver	Lee (CA)	Sewell
Clyburn	Levin	Sherman
Cohen	Lipinski	Sires
Conyers	Loeb sack	Slaughter
Cooper	Lofgren, Zoe	Smith (WA)
Costello	Lowey	Speier
Courtney	Lujan	Sutton
Critz	Lynch	Thompson (CA)
Crowley	Maloney	Thompson (MS)
Cuellar	Markey	Tierney
Cummings	Matsui	Tonko
Curson (MI)	McCarthy (NY)	Tsongas
Davis (CA)	McCollum	Van Hollen
Davis (IL)	McDermott	Velázquez
DeFazio	McGovern	Visclosky
DeLauro	McNerney	Walz (MN)
DelBene	Michaud	Wasserman
Deutch	Miller (NC)	Schultz
Dicks	Moore	Waters
Dingell	Moran	Watt
Doggett	Murphy (CT)	Waxman
Doyle	Nadler	Welch
Edwards	Napolitano	Wilson (FL)
Ellison	Neal	
Engel	Olver	
Farr	Owens	

## NOT VOTING—25

Akin	Heinrich	Pence
Bartlett	Holt	Rothman (NJ)
Boren	Jackson (IL)	Rush
Buchanan	Jackson Lee	Sanchez, Loretta
Filner	(TX)	Shuler
Forbes	Lewis (GA)	Towns
Gallegly	Manzullo	Woolsey
Grijalva	Meeks	Yarmuth
Grimm	Miller, George	

□ 1729

Messrs. CUELLAR, GARAMENDI, SMITH of Washington, LARSON of Connecticut, ISRAEL, JONES, MURPHY of Connecticut, CLAY and CARNEY, and Ms. PINGREE of Maine changed their vote from “yea” to “nay.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 605, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

# COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 8, 2012.

Hon. JOHN BOEHNER,  
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a scanned copy of a letter received from The Honorable Kimberly M. Guadagno, Lieutenant Governor/Secretary of State, State of New Jersey, indicating that, according to the unofficial returns of the Special Election held November 6, 2012, the Honorable Donald M. Payne, Jr. was elected Representative to Congress for the Tenth Congressional District, State of New Jersey.

With best wishes, I am

Sincerely,

KAREN L. HAAS,  
Clerk.

Enclosure.

STATE OF NEW JERSEY,  
DEPARTMENT OF STATE,  
Trenton, NJ, November 8, 2012.

Hon. KAREN L. HAAS,  
Clerk, House of Representatives, The Capitol, Washington, DC.

DEAR MS. HAAS: This is to advise you that the unofficial results of the Special Election held on Tuesday, November 6, 2012, for Representative in Congress from the Tenth Congressional District of New Jersey, show that Donald M. Payne, Jr. received 141,714 of the total number of voters cast for that office.

It would appear from these unofficial results that Donald M. Payne, Jr. was elected as Representative in Congress from the Tenth Congressional District of New Jersey.

To the best of our knowledge and belief at this time, there is no contest to this election.

As soon as the official results are certified, to this office by the Essex, Hudson and Union County Clerks involved, an official Certifi-

cate of Election will be prepared for transmittal as required by law.

Sincerely,

KIMBERLY M. GUADAGNO,  
Lieutenant Governor/  
Secretary of State.

# SWEARING IN OF THE HONORABLE DONALD M. PAYNE, JR., OF NEW JERSEY, AS A MEMBER OF THE HOUSE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey, the Honorable DONALD M. PAYNE, JR., be permitted to take the oath of office today.

His certificate of election has not arrived, but there is no contest and no question has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER. Will Representative-elect PAYNE and the members of the New Jersey delegation present themselves in the well.

All Members will rise and the Representative-elect will please raise his right hand.

Mr. PAYNE appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, you are now a Member of the 112th Congress.

# WELCOMING THE HONORABLE DONALD M. PAYNE, JR., TO THE HOUSE OF REPRESENTATIVES

The SPEAKER. Without objection, the gentleman from New Jersey (Mr. SMITH) is recognized for 1 minute.

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I just want to say how happy I am, and the New Jersey delegation, and what a privilege it is to welcome DON PAYNE to the U.S. House of Representatives, a Member from the 10th Congressional District.

DON is a former city councilman where he served in Newark as president of that council, a county freeholder. And of course he takes over after the very tragic passing of his dad, Don Payne, who all of us have worked with over the years. I personally, as chairman of the Africa Committee, Don before me, we worked side by side on issues related to Africa. Again, I will be very brief, but he takes over, of

course, after the tragic passing of Don Payne, who all of us loved, admired and respected.

I sat next to Don for years on the Foreign Affairs Committee. He was the chairman of Africa, I chaired it and do so today; and we worked side by side on malaria and a whole host of other very important issues relevant to the health and well-being of the people of Africa, global health, and human rights. So, DON, you have very big shoes to fill. I'm sure you'll do it, and it is a great pleasure.

Members should know DON has been an activist on a number of issues, including Embracing Arms. He works very strongly on job creation in Newark, which has been very hard hit by the recession. So it's great to welcome you, DON. And, again, I look forward to serving with you in this Congress and the next.

I yield to my friend and colleague, FRANK PALLONE.

Mr. PALLONE. I want to thank my colleague for those remarks. And just very briefly, if I can say as a senior Member of the Democrats, DON, Jr. has excelled in his own right. As was mentioned, he's been a councilman in the city of Newark for a while. He has also been a county freeholder in Essex County, New Jersey. And I could go through the long list of accomplishments that he's made himself for the city of Newark and the other towns that he now represents in the congressional district.

But I do have to say your father would be so proud. He's looking down today. And you must know, for all of you who loved his dad so much, that he is very much like his father in every respect in that he respects everyone. He has the sympathy—your father always talked about simpatico, the Italian sympathy, because he grew up in the Italian section of Newark, and that's something that's shared very much by DON as well. He will be someone that you will all learn to love the way you learned to love his father.

Congratulations.

Mr. SMITH of New Jersey. I yield to the gentleman from New Jersey.

□ 1740

Mr. PAYNE. Mr. Speaker, it is an honor and a privilege to be a Member of the U.S. House of Representatives and to represent the people of the 10th Congressional District of the State of New Jersey.

I'd like to take this opportunity to thank my wife, Beatrice, for being here, my three children, who did not come, my triplet children, who were the apple of my father's eye, Donald III, Jack, and Yvonne, for always supporting me and encouraging me. I could not have done this without you.

I also want to thank my uncle, the former assemblyman William Payne, who gave my father his undying love,

guidance, and strong support his entire life. Without his encouragement, I would not be standing here today.

Our Nation faces many challenges, both at home and abroad, but the most immediate concern for all of us is to help New Jersey recover from the devastating effects of Hurricane Sandy. You have my word that I will continue to work every day to ensure that the 10th Congressional District of the State of New Jersey and the entire State receives all the Federal support we need until we reach full recovery.

Nearly 2 years ago, my father was sworn into his 11th and final term in Congress. I look forward to continuing to build on his legacy and serving the people of the 10th Congressional District of New Jersey, the Nation, and the world. And finally, I look forward to working with all of my colleagues on both sides of the aisle.

For those of you that knew my father, I'd just like to end, and it'll probably be the last time I mention it. As I went through the campaign and was successful in my candidacy, after the campaign I had time to reflect on what all of this meant to me, and I realized that there were many parallels in our lives, and I'll just end with this.

When my father was 8 years old, his mother died. My mother died when I was 4. He was first elected an Essex County freeholder. That was my first elected office. He then went on to the Newark Municipal Council in the city of Newark. That was my next elected office.

He won his first time in Congress in the middle of his second term as a Newark municipal councilman. I'm in the middle of my second term as a Newark municipal councilman.

And when he was sworn into Congress he was 54 years old. When I'm sworn in for the 113th Congress I will be 54 years old. We will both be fortunate and privileged to serve in the 112th Congress, and we have both been privileged to serve with President Obama.

When his father died he was 77 years old, and he died on March 6. My father was 77 years old, and he died on March 6. So God has a plan for your life. And I think if I am half the man he was and the public servant, I'll consider myself a success.

Thank you very much.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

#### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the administration of the oath to the gentleman from New Jersey, the whole number of the House is 434.

#### PROVIDING FOR CONSIDERATION OF H.R. 6156, RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore (Mr. DOLD). Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution, H. Res. 808.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

#### RECORDED VOTE

Mr. MCGOVERN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 253, noes 150, not voting 30, as follows:

[Roll No. 606]

#### AYES—253

Adams	Dold	Jordan
Aderholt	Donnelly (IN)	Kelly
Alexander	Dreier	Kind
Amash	Duffy	King (IA)
Amodei	Duncan (SC)	King (NY)
Austria	Duncan (TN)	Kingston
Bachmann	Ellmers	Kinzinger (IL)
Bachus	Emerson	Kissell
Barletta	Eshoo	Kline
Barton (TX)	Farenthold	Labrador
Bass (NH)	Fattah	Lamborn
Benishek	Fincher	Lance
Berg	Fitzpatrick	Landry
Berman	Flake	Lankford
Biggert	Fleischmann	Latham
Bilbray	Fleming	LaTourette
Bilirakis	Flores	Latta
Bishop (UT)	Fortenberry	Levin
Black	Fox	LoBiondo
Blackburn	Franks (AZ)	Long
Blumenauer	Frelinghuysen	Lucas
Bonner	Gardner	Luetkemeyer
Bono Mack	Garrett	Lummis
Boustany	Gerlach	Lungren, Daniel
Brady (TX)	Gibbs	E.
Brooks	Gibson	Lynch
Brown (GA)	Gingrey (GA)	Mack
Brown (FL)	Gohmert	Marchant
Bucshon	Goodlatte	Marino
Buerkle	Gowdy	Massie
Burgess	Gowdy	Matheson
Burton (IN)	Granger	McCarthy (CA)
Calvert	Graves (GA)	McCaul
Camp	Graves (MO)	McClintock
Campbell	Griffin (AR)	McGovern
Canseco	Griffith (VA)	McHenry
Cantor	Guinta	McIntyre
Capito	Guthrie	McKeon
Carney	Hall	McKinley
Carter	Hanna	McMorris
Cassidy	Harper	Rodgers
Chabot	Harris	Meehan
Chaffetz	Hartzler	Mica
Coble	Hastings (WA)	Miller (FL)
Coffman (CO)	Hayworth	Miller (MI)
Cole	Heck	Miller, Gary
Conaway	Hensarling	Moran
Connolly (VA)	Herger	Mulvaney
Cooper	Herrera Beutler	Murphy (PA)
Costa	Huelskamp	Myrick
Cravaack	Huizenga (MI)	Neal
Crawford	Hultgren	Neugebauer
Crenshaw	Hunter	Noem
Crowley	Hurt	Nugent
Culberson	Issa	Nunes
Denham	Jenkins	Nunnelee
Dent	Johnson (IL)	Olson
DesJarlais	Johnson (OH)	Palazzo
Diaz-Balart	Johnson, Sam	Paulsen

Pearce  
Peterson  
Petri  
Pitts  
Platts  
Poe (TX)  
Pompeo  
Posey  
Price (GA)  
Quayle  
Reed  
Rehberg  
Reichert  
Renacci  
Ribble  
Rigell  
Rivera  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen

Roskam  
Ross (AR)  
Ross (FL)  
Royce  
Runyan  
Ryan (WI)  
Scalise  
Schilling  
Schmidt  
Schock  
Schrader  
Schweikert  
Scott (SC)  
Scott, Austin  
Sensenbrenner  
Sessions  
Shimkus  
Shuler  
Shuster  
Simpson  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Southerland  
Stearns  
Stivers

Stutzman  
Sullivan  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)  
Turner (OH)  
Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

#### NOES—150

Ackerman	Garamendi	Pastor (AZ)
Altmire	Gonzalez	Paul
Baca	Green, Al	Payne
Baldwin	Green, Gene	Pelosi
Barber	Gutierrez	Perlmutter
Barrow	Hahn	Peters
Bass (CA)	Hanabusa	Pingree (ME)
Becerra	Hastings (FL)	Polis
Berkley	Higgins	Price (NC)
Bishop (GA)	Himes	Quigley
Bishop (NY)	Hinchey	Rahall
Bonomi	Hinojosa	Rangel
Boswell	Hirono	Reyes
Brady (PA)	Hochul	Richardson
Braley (IA)	Holden	Richmond
Butterfield	Honda	Roybal-Allard
Capps	Hoyer	Ruppersberger
Capuano	Israel	Ryan (OH)
Carnahan	Johnson (GA)	Sarbanes
Carson (IN)	Johnson, E. B.	Schakowsky
Castor (FL)	Jones	Schiff
Chandler	Kaptur	Schwartz
Chu	Keating	Scott (VA)
Ciulline	Kildee	Scott, David
Clarke (MI)	Kucinich	Serrano
Clarke (NY)	Langevin	Sewell
Clay	Larsen (WA)	Sherman
Cleaver	Larson (CT)	Sires
Clyburn	Lee (CA)	Slaughter
Cohen	Lipinski	Smith (WA)
Conyers	Loeback	Speier
Courtney	Lofgren, Zoe	Stark
Critz	Lowey	Sutton
Cuellar	Lujan	Thompson (CA)
Cummings	Maloney	Thompson (MS)
Cusor	Markey	Tierney
Davis (CA)	Matsui	Tonko
Davis (IL)	McCarthy (NY)	Tsongas
DeFazio	McCollum	Van Hollen
DeLauro	McDermott	Velázquez
DeBene	McNerney	Visclosky
Deutch	Michaud	Walz (MN)
Dicks	Miller (NC)	Wasserman
Dingell	Moore	Schultz
Doggett	Murphy (CT)	Waters
Doyle	Nadler	Watt
Edwards	Napolitano	Waxman
Ellison	Olver	Welch
Engel	Owens	Wilson (FL)
Farr	Pallone	
Fudge	Pascrell	

#### NOT VOTING—30

Grijalva	Miller, George
Grimm	Pence
Heinrich	Rothman (NJ)
Holt	Rush
Jackson (IL)	Sánchez, Linda
Jackson Lee	T.
(TX)	Sanchez, Loretta
Lewis (CA)	Towns
Lewis (GA)	Woolsey
Manzullo	Yarmuth
Meeks	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1750

Mr. CROWLEY changed his vote from “no” to “aye.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 606, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

## MOMENT OF SILENCE IN REMEMBRANCE OF VICTIMS OF HURRICANE SANDY

(Mr. CROWLEY asked and was given permission to address the House for 1 minute.)

Mr. CROWLEY. Thank you to all of my colleagues from the Northeast who stand with us today. I want to particularly thank my colleague from New York (Mr. TURNER) for helping to arrange this bipartisan moment of support and to demonstrate to our country how we should all come together at a time of crisis.

This storm, known as Sandy, was utterly devastating, not only to property and to homes but to families, communities and neighborhoods—entire neighborhoods. Our hearts are with those in places like City Island, Edgewater and Locust Point, which is in my district in the Bronx, for those in lower Manhattan, Staten Island, Hoboken, coastal New Jersey, Fairfield County, parts of Philadelphia, and other parts that were affected by this horrific storm.

For many, recovery has already begun; but as they begin to piece their lives and their communities back together, they need a united Congress behind that effort. For others, the rebuilding has not yet begun as they still wait more than 2 weeks for power and fuel to be restored to them. For far too many, we grieve at the ultimate loss—precious men, women and, yes, children who are no longer with us as a result of this storm.

Lastly, we must acknowledge the constant heartfelt support from all of our public servants, including all the firefighters and volunteer fire departments, the police departments, the National Guard, FEMA, and particularly our sanitation workers, who are cleaning the mounds of sand and debris from people's homes. We continue to learn of incredible heroic acts that are moving but that are in keeping with the best of America's traditions.

I also want to point out that my mother's hometown of Rockaway Beach was devastated by this storm and, particularly, a community known

as Breezy Point, where our good friend and our colleague BOB TURNER lost his entire home. It burned to the ground.

Please join me in keeping all of those we have lost in your thoughts and prayers, and remember them in the weeks and the months ahead as they begin to rebuild their lives.

I now yield to my colleague, my friend from New York, BOB TURNER.

Mr. TURNER of New York. Mr. Speaker, I rise to recognize those who lost their homes, livelihoods and, most tragically, their lives during the most devastating storm ever to hit the Northeast. For the heroic efforts of New York's police, fire department and sanitation workers, who were on the scene immediately, forsaking their own personal interests and safety, and for all of those affected by the hurricane, I ask that the House stand and engage in a moment of silence.

## MARK TWAIN COMMEMORATIVE COIN ACT

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendments to the bill (H.R. 2453) to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and concur in the Senate amendments.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 370, nays 19, not voting 44, as follows:

[Roll No. 607]

YEAS—370

Ackerman	Bonamici	Chaffetz	Davis (IL)	Kildee	Price (NC)
Adams	Bonner	Chu	DeFazio	Kind	Quayle
Aderholt	Bono Mack	Cicilline	DeLauro	King (IA)	Quigley
Alexander	Boswell	Clarke (MI)	DelBene	King (NY)	Rahall
Altmire	Boustany	Clarke (NY)	Denham	Kingston	Rangel
Amodei	Brady (PA)	Clay	Dent	Kinzinger (IL)	Reed
Austria	Braley (IA)	Cleaver	DesJarlais	Kissell	Rehberg
Baca	Brown (GA)	Clyburn	Deutch	Kline	Reichert
Bachmann	Brown (FL)	Coble	Diaz-Balart	Labrador	Renacci
Bachus	Bucshon	Coffman (CO)	Dicks	Lamborn	Reyes
Baldwin	Buerkle	Cohen	Dingell	Lance	Richardson
Barber	Burgess	Cole	Doggett	Landry	Richmond
Barletta	Burton (IN)	Conaway	Dold	Langevin	Rivera
Barrow	Butterfield	Connolly (VA)	Donnelly (IN)	Lankford	Roby
Barton (TX)	Calvert	Conyers	Doyle	Larsen (WA)	Roe (TN)
Bass (NH)	Camp	Cooper	Dreier	Larson (CT)	Rogers (AL)
Becerra	Campbell	Costa	Duffy	Latham	Rogers (MI)
Benishek	Canseco	Courtney	Duncan (SC)	LaTourette	Rooney
Berg	Cantor	Cravaack	Duncan (TN)	Latta	Ros-Lehtinen
Berkley	Capito	Crawford	Edwards	Lee (CA)	Roskam
Biggert	Capps	Crenshaw	Ellison	Levin	Ross (AR)
Bilbray	Capuano	Critz	Ellmers	Lipinski	Roybal-Allard
Bilirakis	Carnahan	Crowley	Emerson	LoBiondo	Royce
Bishop (GA)	Carson (IN)	Cuellar	Engel	Lofgren, Zoe	Runyan
Bishop (NY)	Carter	Culberson	Eshoo	Long	Ryan (OH)
Bishop (UT)	Cassidy	Cummings	Farenthold	Lowey	Ryan (WI)
Black	Castor (FL)	Curson (MI)	Farr	Lucas	Sarbanes
Blumenauer	Chabot	Davis (CA)	Fattah	Luetkemeyer	Scalise
			Fincher	Lujan	Schakowsky
			Fitzpatrick	Lummis	Schiff
			Flake	Lungren, Daniel	Schilling
			Fleischmann	E.	Schmidt
			Fleming	Lynch	Schock
			Fortenberry	Mack	Schrader
			Fox	Maloney	Schwartz
			Frelinghuysen	Marchant	Scott (SC)
			Fudge	Marino	Scott (VA)
			Garamendi	Markey	Scott, Austin
			Gardner	Matheson	Scott, David
			Gerlach	McCarthy (CA)	Sensenbrenner
			Gibbs	McCarthy (NY)	Serrano
			Gibson	McCauley	Sessions
			Gingrey (GA)	McClintock	Sewell
			Gohmert	McCollum	Sherman
			Gonzalez	McDermott	Shimkus
			Goodlatte	McGovern	Shuler
			Gosar	McHenry	Shuster
			Gowdy	McIntyre	Simpson
			Granger	McKeon	Sires
			Graves (MO)	McKinley	Slaughter
			Green, Al	McMorris	Smith (NE)
			Green, Gene	Rodgers	Smith (NJ)
			Griffin (AR)	McNerney	Smith (TX)
			Griffith (VA)	Meehan	Smith (WA)
			Guinta	Mica	Southerland
			Guthrie	Michaud	Speier
			Gutierrez	Miller (FL)	Stark
			Hahn	Miller (MI)	Stearns
			Hall	Miller (NC)	Stivers
			Hanabusa	Miller, Gary	Sutton
			Hanna	Moore	Terry
			Harper	Moran	Thompson (CA)
			Harris	Murphy (CT)	Thompson (MS)
			Hartzler	Murphy (PA)	Thompson (PA)
			Hastings (FL)	Myrick	Tiberi
			Hastings (WA)	Nadler	Tierney
			Hayworth	Napolitano	Tipton
			Heck	Neal	Tonko
			Hensarling	Neugebauer	Tsongas
			Herrera Beutler	Noem	Turner (NY)
			Higgins	Nugent	Upton
			Himes	Nunes	Van Hollen
			Hinche	Nunnelee	Velázquez
			Hinojosa	Olson	Visclosky
			Hirono	Olver	Walberg
			Hochul	Owens	Walden
			Holden	Palazzo	Walsh (IL)
			Honda	Pallone	Walz (MN)
			Hoyer	Pascrell	Wasserman
			Huizenga (MI)	Pastor (AZ)	Schultz
			Hultgren	Paulsen	Waters
			Hunter	Payne	Watt
			Hurt	Pearce	Waxman
			Israel	Pelosi	Peters
			Issa	Perlmutter	Peterson
			Jenkins	Peters	Petri
			Johnson (GA)	Pingree (ME)	Pitts
			Johnson (IL)	Platts	Polis
			Johnson (OH)	Pompeo	Posey
			Johnson, E. B.	Pompeo	Price (GA)
			Johnson, Sam	Pompeo	
			Jones	Pompeo	
			Jordan	Pompeo	
			Kaptur	Pompeo	
			Kelly	Pompeo	

Womack  
Woodall

Yoder  
Young (AK)

Young (FL)  
Young (IN)

# NAYS—19

Amash  
Blackburn  
Brady (TX)  
Brooks  
Flores  
Franks (AZ)  
Garrett

Graves (GA)  
Huelskamp  
Kucinich  
Massie  
Mulaney  
Paul  
Poe (TX)

Ribble  
Rigell  
Ross (FL)  
Schweikert  
Thornberry

# NOT VOTING—44

Akin  
Andrews  
Bartlett  
Bass (CA)  
Berman  
Boren  
Buchanan  
Carney  
Chandler  
Costello  
DeGette  
Filner  
Forbes  
Frank (MA)  
Gallegly  
Grijalva

Grimm  
Heinrich  
Henger  
Holt  
Jackson (IL)  
Jackson Lee  
(TX)  
Keating  
Lewis (CA)  
Lewis (GA)  
Loebbeck  
Manzullo  
Matsui  
Meeke  
Miller, George  
Pence

Rogers (KY)  
Rohrabacher  
Rothman (NJ)  
Ruppersberger  
Rush  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Stutzman  
Sullivan  
Towns  
Turner (OH)  
Woolsey  
Yarmuth

# ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1802

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendments were concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 607, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

# GENERAL LEAVE

Mr. POE of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Res. 808.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

# URGING PASSAGE OF FARM BILL

(Mr. JOHNSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to urge this House to come together and support a new comprehensive farm bill. Farmers in my district are the most efficient producers in the world; however, their productivity and efficiency could be hindered if this body does not act on a new farm bill.

After facing a historic drought this year, farmers saw a tremendous drop in yields. Crop insurance was there to keep them afloat; however, there is so much uncertainty that, if we don't act soon, the producers in my district and across the country could be facing un-

just consequences when going to buy their seed, fertilizer, and other inputs for the 2013 crop.

There are differences between the bill that was passed by the House Ag Committee, of which I'm a member, as compared to that of the Senate. That's why we need to bring the House bill to the floor for a vote, so that we can go to conference committee and work out our differences just as we did last year in the highway bill.

Certainty is what the farmers need right now in order to continue to produce the safest and most affordable food in the world. I urge both sides to come together and pass a new 5-year farm bill before the end of the year.

□ 1810

# VIOLENCE IN THE MIDDLE EAST

The SPEAKER pro tempore (Mr. TIP-TON). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mr. Speaker, violence is continuing to erupt in the Middle East. Unfortunately, it remains true that for every action there is a reaction. So when this administration decided to push its ally, President Mubarak, out of leadership in Egypt, it was assisting in creating instability around our other ally, Israel. And that instability continues to grow.

One of the things that was helpful from Egypt while President Mubarak was in charge, at least there were some efforts to restrict the transfer of rockets into the Gaza Strip. So there were some tunnels that would be found. The tunnels had to be kept small, so they were able to get smaller rockets into Gaza. But now that there is a new regime, apparently the bigger rockets are getting into Gaza, and they pose more and more of a threat as they continue to be fired into Israel.

The action is not only the fall of an ally, President Mubarak, but the assistance in bringing to power in Egypt the Muslim Brotherhood. They want to see Israel gone, and they would also not mind seeing the United States gone.

It's important when formulating foreign policy that the United States, particularly the Obama administration, decide are we going to be assisted with our own personal security here in the United States by the actions that we take, or are the reactions that are going to be caused by our actions actually going to cause greater threats to our closest allies and to ourselves. And, unfortunately, that's what we're seeing. In fact, I saw an article in May of 2010 which indicated that this administration, the Obama administration, sided with Israel's enemies in demanding that Israel disclose any nuclear

weapons. We'd never sided with Israel's enemies in trying to push Israel into doing something against its own interests. When you're a very small country surrounded by countries that want to see you go away, it is important that they not know all of your defenses.

Going back in the Old Testament, you find history, King Hezekiah showing all of their treasure and all of their defenses. All of their defenses they had in their armory, he showed them to the leaders of Babylon. As a result, ultimately that kingdom was lost to the Babylonians.

You don't show other nations, even people you think are friends at the moment; they may turn into enemies. It is important that your enemies, and even your friends, not know all of your defenses. And yet we sided with Israel's enemies, or at least this administration did.

The result we saw within 2-3 days, the flotilla head from Turkey to challenge the blockade of the Gaza Strip. It was a legitimate, lawful blockade that was trying to keep rockets out of Gaza that would inflict death and terror upon Israel. A legitimate blockade. The only things being kept out were weapons, rockets, things that would kill the Israelis and terrorize our ally. But that's what happens. You have challenges to a nation when that nation's enemies see their strongest ally pull away and siding with that nation's enemies.

That's why it was so important, and I began pushing at that time, to have Prime Minister Netanyahu invited to speak here in this Chamber. And a year later, to his great credit, Speaker BOEHNER, at the urging of many of us, invited Prime Minister Netanyahu, and he gave the best speech I've heard here in Congress. It helps when a nation's enemy sees their strongest ally siding with them.

On the other hand, when a nation's enemies see the strong ally, in this case the United States, turning on an ally, as this administration had with President Mubarak, and helping people who want to see Israel gone from the map take power, it encourages Israel's enemies.

This administration also had relations with Qadhafi, who had opened up—he had blood on his hands from prior years, not a good man, but he had opened up his country, abandoned any nuclear weapons pursuit, and become an ally. I have seen individual family members of Muammar Qadhafi here in Washington to meet with administration officials. And then, lo and behold, a year and a half or so ago, this administration sides with the enemies. And at the time we knew al Qaeda was contained within the revolt, and we sided with the al Qaeda-backed revolt to drive out Qadhafi. That appears to have inspired the violence in Tunisia.

And so we have seen Israel's enemies and our own enemies actually grow in

strength—Tunisia, Libya, Egypt—coming on to surround Israel, and any threat to Western values that are found in Israel is a threat to our own existence. And it's important that someone in this administration make repeated note of that because the result here recently has been further violence to our friend and ally, Israel.

So we have this report, November 15, 2012, three people were killed as rockets fired from Gaza struck southern Israel escalating violence. They died when a four-story building in the town of Kiryat Malachi was hit. There had been about 200 rockets fired into Israel. Israel's Iron Dome was able to intercept many of them, but couldn't possibly intercept as many as 200.

□ 1820

"' Hamas' political leader Khaled Mashaal vowed to continue the 'resistance' against Israel," Reuters news agency reported.

This "resistance" is just another word for "violence." They're inflicting violence on Israel and then turning around and blaming Israel for defending itself and trying to continue to grow world opinion against the tiny nation of Israel when it's not Israel that is demanding the total annihilation of its enemies in surrounding countries. They just want to live in peaceful coexistence. But this administration has helped its enemies take over the countries surrounding it.

And now we're aware of enemies coming into Jordan, beginning to incite a potential revolt there against another ally who must wonder is this administration going to turn on him next.

King Abdullah has not been someone with whom we've agreed on all things, but he has kept a relatively very peaceful border with Israel. So necessarily he would wonder, Because I've kept the peace with Israel on their border, am I going to be targeted next? And the answer needs to come very loudly and very clearly—and it doesn't seem to be much of a muffle at all—that we support those who will prevent violence against Israel, against their Western values, against their desire to just live in peace and be left alone. And yet we've helped their enemies build violence and potential for more violence around it.

This story from Sky News reported that the rockets hit near Tel Aviv deeper into Israel. Palestinian militants target Israel with nearly 150 rockets, striking the outskirts of Tel Aviv as Israel continues airstrikes.

And there has been a problem: Since this administration helped create the environment in north Africa and in the Middle East where those who want to see Israel destroyed could take power, more violence has occurred, not less; more people's lives are in danger, not less. There's less freedom of worship, not more. The things that we believe

in—freedom of worship of all people or no worship if people choose not to worship—these kinds of things should be kept inviolate.

And yet we've seen, as this Nation took over Afghanistan, more Americans have died in about half the time under Commander in Chief Obama as died during the 7 years and 3 months under President Bush in Afghanistan, American military. Over 70 percent of those killed in Afghanistan have been under Commander Obama in about half the time. We've seen violence escalating against Americans in Afghanistan. We've seen the last Christian church, public Christian church pull out of Afghanistan.

This administration should be encouraging freedom of worship, encouraging the liberation of women, of children. And yet for all its help, it's created environments in Libya, in Egypt, in Afghanistan, in Iraq where there is more and more violence, more and more oppression against women, against children, against Christians, against Jews, against anyone who wants to worship other than in a radical Islamist way.

Sometimes we wonder who's in charge in this administration because somebody's got to figure it out. So I was glad to hear President Obama say yesterday, Don't be accusing Ambassador Rice of going out and lying.

And we know that something is not a lie unless somebody knows that it's not true when they say it. The President apparently indicated that she was given the information that was untrue, to go out and spread those untruths. And if she didn't know that the statements she was told by the White House to go out and tell were not truths, then she was not lying. And she should be given credit for not lying if she didn't know those untruths she was telling were not true.

But then it raises more and more questions. You know, who is in charge there?

Woodward's book raises the issue of the President coming to meetings over crises and not even knowing who's going to be coming to brief him on things; whereas, a strong leader would come in and, I want to hear from this person, this person, this person.

Who's making the decisions? Who does know what's true and not true in this administration? Who can we depend on at 3 in the morning when we have public servants who have been sent into harm's way to do this administration's bidding, who is going to answer that phone and say, The people that we ordered into harm's way on our behalf are in trouble? Right now, get them all the help we can give them. Who's going to answer that call? Why does it take 8 hours to get the people ordered into harm's way some help? We're stronger than that. We've got vehicles, planes, things that can get there faster.

So why are people trying to cover up who makes those decisions? Who decides not to help the people we have in harm's way? And if we don't figure that out, how can we expect anybody to ever come forward and sign up to put their lives on the line for their country?

We have the greatest military in the history of this country. The men and women who have served this country throughout our history have been extraordinary, but never with the power and the ability of the military that we have now. It's extraordinary.

But when this administration creates rules of engagement that even go one step worse than telling our people, When you're fired on, you can defend yourself, but if you're not fired on and somebody raises a weapon and they're going to shoot at you, they look like they're going to shoot at you, you have got to wait to make sure they're going to shoot at you before you shoot back, that's the kind of impression our military has gotten in the field in the past.

But as I've talked to military members in Afghanistan, it's their impression that the rules of engagement are such that now when they're fired at, they can't fire back if they think there might be a civilian somewhere that might get hit, because if they do and they hit a civilian, even defending themselves in what in America would be self-defense, sent into harm's way might get them sent to prison when they get home. So they are tasked with an unenviable position of deciding, Do I want to defend myself against death and risk going to prison when I get home, being jailed by the country that I'm trying to defend, to serve?

We've got to get some answers of who's making the decisions that are getting our military killed, that have gotten an Ambassador killed, that got two former SEALs killed. We have got to get some answers. Who's covering this stuff up? Somebody is. We can't get the story straight.

□ 1830

General Petraeus is supposed to appear tomorrow.

We need an independent prosecutor to do an investigation, not with the intention, as apparently Fitzgerald had, of "getting somebody," so that he goes into the investigation into whether or not Valerie Plame was outed and he finds out the answer and decides to do what he can to get somebody inside the Bush administration, even though he knew that Scooter Libby was not responsible and was set up. He should have been truthful. You should always be truthful. But the prosecutor was not honorable in the way that that was pursued. If he knew the answer as to who had outed Valerie Plame, that it was not Scooter Libby, it was not Karl Rove, he should have been honorable enough to own up to that instead of

asking for more money and trying to set up other individuals.

So with those kinds of things going on, it's understandable how people would suspect that having an independent counsel might not be a good idea. But when there are clearly conflicts of interest, when you have an FBI that is investigating information that involves the Director of the CIA, when you have an Attorney General that has information that needs to go immediately to the Commander in Chief, to the President of the country, we need to find out, did it go there, and if not why not. And, if so, what in the world is the President doing with this information because now he's saying they didn't get it until after the election. Why so long? Where are the problems here? Why are the stories different? Why are the stories that were told different from the evidence those people had in their hands when they told their stories? The answers need to be found, and there's clearly a conflict of interest.

We do not need to return to the days of an FBI Director who investigates, not to report to the Commander in Chief, but to gather information so that he can get it and use it or provide it to someone else who can use it to force people to do what they want.

So what happens when an FBI Director comes into office honorably, with the best of intentions, as it appears J. Edgar Hoover did, to battle organized crime that was such a blot on this country. When you're in power too long, as Stalin, who should have known, said, With power dizziness.

So there has to be accountability. It's what the Founders had in mind. Checks and balances. We've seen with the Supreme Court's decision in *ObamaCare* that they're going to allow unconstitutional laws to go forward. They're not going to be the ones to rein in violations of the Constitution that are contained in bad legislation: You guys in Congress need to figure that out. Our Chief Justice punted on that one.

So it's back to us. Members of Congress have the purse strings. And if the administration will not properly appoint a special prosecutor to investigate, not with the intent of putting someone in jail but to see if there is something that needs to be prosecuted, if they're not willing to do that, then we need to cut off funds to those areas that are refusing to do justice. Because an Injustice Department should not be funded, at least the parts of it that are doing injustice. There are parts that are serving nobly and well. Fund those parts.

We have the power of the purse to check and balance an administration running amok. So when an administration takes actions to make sure that people who are illegally voting have the chance to illegally vote, we need to

look at what areas we are funding there. Because if there's a Justice Department that is assisting—complicit—in seeing that people not legally allowed to vote, vote, then we have the power of the purse strings to do something about it, and we should. And if the Senate fails to rein in injustice, they need to be exposed, those who stand in its way. Because that's the great thing about America. When Americans get the truth, they stand on the truth and stand for justice. They always have. But they've got to get the truth.

And sometimes these days it's hard to know what's true. When you have an administration sending out different stories, and then we find out that they knew all along that it was a violent, coordinated attack on our Ambassador, that the two former SEALs that were killed were not killed seeking cover, as this administration released that they were. You had one on the top of a building using a machine gun, fighting to the end to protect others. That's not a man seeking cover. That's a man giving cover to others. That's a man laying down his life for his country. And this administration did not serve him as he served it.

We need to get to the bottom of what's going on. Whatever it takes, lawfully, ethically, we need to get to the bottom of it. We need to require that if this administration is going to continue getting funding, it better start protecting those who are protecting it. And if that means that in order to protect those who are in harm's way, then let's fund those who are in harm's way protecting us and not fund the rest until they are committed to protecting those of us who are in harm's way. We can do that.

Social Security, despite the lies that were told by some in the last couple of years that, oh gee, if there's a shutdown, Social Security recipients, you're not going to get a dime. Garbage. Those are lies. And people need to know if and when those things start getting told, they are lies, whoever would tell them, because the law has been passed previously that if there is a government shutdown, Social Security recipients will get their Social Security checks. They will be coming. Because the money will continue to come in. Just because there has been a government shutdown in the past did not mean that people didn't have to send in their tax payments. They have to come. You commit a crime if you intentionally refuse to pay taxes.

So the money comes in. Social Security checks will go out. We've had bills in the past, and we'll have them as soon as we start a new Congress, that will ensure that those Americans who are standing in the gap, who are in harm's way for us, those men and women wearing uniforms, should never have to worry about whether or not

their paycheck will be forthcoming; that regardless of what kind of games get played here in Washington, they're going to get paid. They ought to know that. We ought to pass that bill like we have with Social Security to make sure those in harm's way don't have to worry about that.

And then the message needs to be loud and clear that an administration that refuses, whether it's intentional or neglect, negligence, that fails to ensure the protection of those protecting us, you're not going to get funded until we get commitments to make sure it's done in the future. And when you obfuscate the truth and you keep us from finding out who made these decisions that got our people killed, what in the heck were they doing over there in the first place?

Our embassy's not in Benghazi. What was going on? Who gave the order for Ambassador Stevens to be there in harm's way? Until we can start finding out those answers, it's going to be impossible to make sure that we protect those who are protecting us in the future. And what kind of message does that send to our allies?

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In Israel, a year ago, a minister told me that they routinely get visits from Chinese diplomats who say: Hey, have you figured out you can't trust the United States yet? Because we'll be your great ally. We'll be a lot better ally than the United States has been. All you've got to do is let us know when you figure it out. You can't trust the United States; they'll break their word, you can't count on them. When you find that out, let us know. We'll keep coming around because you'll find out at some time.

Listen, there never needs to be a time again ever when a United States ally is betrayed by the United States. When we make an agreement with an ally, with a friend, that agreement needs to be kept. People need to know that this country keeps its word. Even when it hurts, we keep our word. And that seems to be a problem lately.

You want to go back to when America began to grow economically and become a power economically? After the War of 1812 that dragged on for 2 years really destroyed so much, including the fire in this very building—this section was not here yet, but the central part of the Capitol, fires were set. The smaller Federal offices out here in what we now consider the Mall, they were burned. The White House was set on fire—even though the interior was completely destroyed, the exterior shell was left in place. But that also was true of much of the country, devastated. But there were loans that had been taken out by Americans from British banks before the War of 1812. Those in British banks might have suspected that as a result of our war with



Great Britain, 1812 to 1814, that at the end of the war we would not pay our debts. But instead what happened, those American forefathers, foremothers, they agreed, look, we made a promise to pay back our loans to the banks in England, we're going to stand good for our word, despite the fact that their country destroyed so much of ours.

And it was after the world took note that Americans had such incredible honor, that even after a war with Great Britain they would stand behind their commitments to pay back their loans to the British banks, people said: Wow, this is a country we can do business with, and American economic power began to grow to where it is now the strongest economic power in the world.

Now, people are beginning to wonder: Should we end the dollar as an international currency because we're not sure you can trust the United States? It's time people quit wondering whether they can trust the United States. There's only one way that will happen, and that is when we have an administration—and this one's been reelected for 4 years, so it has to be this one—stops playing games, stops covering up truth, stops giving mixed signals, and is forthcoming: Here are our policies; we have made agreements; we stand by our agreements. King Abdullah, we may disagree with you on a bunch of things, but we have agreements, and we will keep our agreements. This administration needs to make those things clear.

When someone attacks an ally of ours with whom we have agreements, we stand by our agreements. That's the way you prevent wars. Because what we're seeing right now in Israel, with this enhanced and heightened violence that's beginning to occur, people have seen this administration pulling back from our commitments to Israel. That's the way it appears to Israel's enemies. So of course the rockets have gotten bigger that they've been able to smuggle in and construct there in Gaza. The rockets are flying farther into Israel—right now up to their capital at Tel-Aviv—because this administration has not stood firmly enough with our ally. We need to make that clear.

This Secretary of State should not be authorized by the President to tell Egypt, sure, the Muslim Brotherhood appears to be back in charge; sure, Israel is our ally; sure, you want to see Israel wiped off the map; but here's a billion and a half dollars. That's not the message that should be coming. The message that should be coming from this administration is: not one more dime until you start keeping your agreement to protect the border of Israel, not another dime. That ought to be the message. Because Israel is our ally. And if you, Egypt, are going to be our ally, you're going to have to pro-

tect our allies as well. That's not an entangling alliance; that's a country that stands by its agreements. Don't make agreements unless we intend to keep them. Yet we've seen this administration repeatedly throw our allies under the proverbial bus. It's got to stop. People have got to know in other countries they can trust our word.

And just like the West African told me when I was there 2 years ago, you've got to tell the people in Washington to quit getting weaker. We were so excited when you elected a black President, but we've seen America get weaker. You've got to tell people in Washington to quit letting your country get weaker, because if America grows weak, we have no chance of peace in this life. That was echoed by others, other West Africans.

It's time to stop growing weaker. It's time to stop breaking our word to our allies. It's time to make clear to Israel's enemies that Israel is our friend, you better back off or you're going to have us militarily to answer to.

Is it any surprise more rockets are flying at Israel? This administration wins 4 more years and the violence just gets greater against Israel, Israel then forced to defend itself when they just want to live in peace. They want the countries around them to stop demanding their obliteration from the map.

If the U.N. is going to persist in helping those who want to see a member of the United Nations wiped off the map, then the U.N. does not need to continue to have the United States as a member. That's the way it ought to be. It ought to be clear. We joined the U.N. The U.N. has a charter that will protect its member states. And if you're going to assist those who want to obliterate Israel, then we will no longer be a part of the United Nations because it's not united, it's anti-Semitic. It's not united, and we will not be part of an un-United Nations.

It's time to get serious because people are dying around the world, including our own Ambassador. It's time to quit covering for the truth. Let us get down to what the truth is. Let the chips fall where they may. Let us find out who did what wrong so we can correct it for the future. And I hope and pray there was no criminal activity—certainly there was negligence, but you don't know until we get a proper investigation.

An Attorney General cannot properly investigate himself. An Attorney General cannot properly investigate his boss. One department, the FBI, cannot properly investigate another agency unless that department's ultimate boss, the President, is aware and coordinates. And now that we know that did not happen—according to the President, he knew nothing. Like Sergeant Schultz from the old Hogan's Heroes, I know nothing, I know nothing, not

until after the election. My administration kept me from knowing anything that was going on so I didn't make these decisions, somebody else made those decisions. I didn't know anything until after the election. They kept all this stuff from me, so I had plausible deniability. I didn't know of this stuff.

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It's time somebody knew, but we're not going to get to the bottom of it until we have an independent investigation by someone with the power to do that properly. And if the executive branch will not do what the Constitution would require in a conflict of interest situation like this, then we need a select committee to do the investigation, get to the bottom of it, just as the Watergate committee did.

Let the chips fall where they may, because when people, in government and out of government, see that the government is actually interested in truth, then government gets the truth. People have more faith in the government, and we have a better country. And I hope and pray that day will come.

Mr. Speaker, I yield back the balance of my time.

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 6511

Mr. DUNCAN of South Carolina (during the Special Order of Mr. GOHMERT). Mr. Speaker, I ask unanimous consent that Representative MIKE ROGERS from Michigan be removed from H.R. 6511 as an original cosponsor.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HEINRICH (at the request of Ms. PELOSI) for today and November 16.

Mr. HOLT (at the request of Ms. PELOSI) for today and November 16.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of business in the district.

#### ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2606. An act to authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

H.R. 4114. An act to increase, effective as of December 1, 2012, the rates of compensation

for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

#### SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 743. An act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 1956. An act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 51 minutes p.m.), the House adjourned until tomorrow, Friday, November 16, 2012, at 9 a.m.

#### OATH OF OFFICE—MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

"I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 112th Congress, pursuant to the provisions of 2 U.S.C. 25:

DONALD M. PAYNE, Jr., New Jersey Tenth.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8337. A letter from the Director, Policy Issuance Division, Office of Policy and Pro-

gram Development, Department of Agriculture, transmitting the Department's final rule—Summary of the Final Rule, Additional Changes to the Schedule of Operations Regulations received October 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8338. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Investment Management (RIN: 3052-AC50) received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8339. A letter from the Acting Principal Deputy, Department of Defense, transmitting a proposed change to the Fiscal Year 2011 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

8340. A letter from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Defining Larger Participants of the Consumer Debt Collection Market [Docket No.: CFPB-2012-0040] (RIN: 3170-AA30) received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8341. A letter from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's final rule — Electronic Fund Transfers (Regulation E) [Docket No.: CFPB-2011-0009] (RIN: 3170-AA15) received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8342. A letter from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting the Bureau's "Major" final rule — Electronic Fund Transfers (Regulation E) [Docket No.: CFPB-2011-0009] (RIN: 3170-AA15) received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8343. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Agency's final rule — Suspension of Community Eligibility (Region III, Philadelphia City, Philadelphia County, PA) [Docket ID: FEMA-2008-0020] [Internal Agency Docket No.: FEMA-8093] received October 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8344. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Germany pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

8345. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Annual Stress Test (RIN: 3064-AD91) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8346. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Clearing Agency Standards (RIN: 3235-AL13) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8347. A letter from the Administrator, Department of Energy, transmitting A report on "The Availability and Price of Petroleum and Petrol Products Produced in Countries Other Than Iran", pursuant to 22 U.S.C. 68513(a) Public Law 112-81, section 1245(d)(4); to the Committee on Energy and Commerce.

8348. A letter from the Assistant Secretary, Office of Electricity Delivery and Energy Reliability, Department of Energy, transmitting the Department's 2011/2012 report on the economic dispatch of electricity, "Economic Dispatch and Technological Change"; to the Committee on Energy and Commerce.

8349. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule — Energy Conservation Program Test Procedures for Residential Dishwashers, Dehumidifiers, and Conventional Cooking Products [Docket No.: EERE-2010-BT-TP-0039] (RIN: 1904-AC01) received October 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8350. A letter from the Director, Sustainability Performance Office, Department of Energy, transmitting copy of the Department's Energy Fleet Alternative Fuel Vehicle Acquisition Report for Fiscal Year 2008; to the Committee on Energy and Commerce.

8351. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina Portion of the Charlotte-Gastonia-Rock Hill, North Carolina-North Carolina 1997 8-Hour Nonattainment Area; Reasonable Further Progress Plan [EPA-R04-OAR-2010-0019(a); FRL-9741-2] received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8352. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Portion of York County, South Carolina Within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Nonattainment Area; Reasonable Further Progress Plan [EPA-R04-OAR-2008-0177; FRL-9740-9] received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8353. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Connecticut, Maine, Massachusetts, New Hampshire; Infrastructure SIPs for the 1997 and 2006 Fine Particulate Matter Standards [EPA-R01-OAR-2011-0317 and EPA-R01-OAR-2011-0321 (CT); EPA-R01-OAR-2011-0318 and EPA-R01-OAR-2011-0322 (ME); EPA-R01-OAR-2009-0459 and EPA-R01-OAR-2011-0323 (MA); EPA-R01-OAR-2009-0460 and EPA-R01-OAR-2011-0324 (NH); A-1-FRL-9740-1] received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8354. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Pittsburgh-Beaver Valley Nonattainment Area Determinations of Attainment of the 1997 Annual Fine Particulate Standard [EPA-R03-OAR-2012-0370; FRL-9738-3] received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8355. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Alabama; Disapproval of 110(a)(2)(E)(ii) Infrastructure Requirement for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality

Standards [EPA-R04-OAR-2012-0343; FRL-9739-3] received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8356. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; North Carolina 110(a)(1) and (2) Infrastructure Requirements for the 1997 and 2006 Fine Particulate Matter National Ambient Air Quality Standards [EPA-R04-OAR-2010-1015; FRL-9739-2] received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8357. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan Sacramento Metropolitan Air Quality Management District [EPA-R09-OAR-2012-0754; FRL-9740-7] received October 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8358. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-57, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8359. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-0138, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8360. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-071, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8361. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-146, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8362. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-133, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8363. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-144, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8364. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-140, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8365. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-130, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8366. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-121, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

8367. A letter from the Executive Director, Federal Retirement Thrift Investment Board, transmitting the Board's Report of FY 2012 Audits and Significant Findings; to

the Committee on Oversight and Government Reform.

8368. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the System's Semiannual Report to Congress for the six-month period ending September 30, 2012, as required by the Inspector General Act of 1978, as amended; to the Committee on Oversight and Government Reform.

8369. A letter from the Associate General Counsel for General Law, Department of Homeland Security, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

8370. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Review of the District of Columbia's Performance Measurement System"; to the Committee on Oversight and Government Reform.

8371. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of the Accounts and Operations of ANC 2D for Fiscal Years 2009 through 2011"; to the Committee on Oversight and Government Reform.

8372. A letter from the Director, Office of Financial Management, United States Capitol Police, transmitting the semiannual report of receipts and expenditures of appropriations and other funds for the period April 1, 2012 through September 30, 2012, pursuant to Public Law 109-55, section 1005; (H. Doc. No. 112—155); to the Committee on House Administration and ordered to be printed.

8373. A letter from the Acting General Counsel, National Indian Gaming Commission, transmitting the Commission's final rule — Definition of Enforcement Action received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8374. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Amendment 97 [Docket No.: 110620343-2450-02] (RIN: 0648-BB18) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8375. A letter from the Clerk, Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit, *Duron-Ortiz v. Holder*, No. 11-3851, (October 15, 2012); to the Committee on the Judiciary.

8376. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Commercial Acquisition; Anchor Tenancy (RIN: 2700-AD64) received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

8377. A letter from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Cross Waivers of Liability Clauses (RIN: 2700-AD55) received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. UPTON: Committee on Energy and Commerce. H.R. 1206. A bill to amend title XXVII of the Public Health Service Act to preserve consumer and employer access to licensed independent insurance producers (Rept. 112-694). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. S. 285. An act for the relief of Sopuruchi Chukwueke; with an amendment (Rept. 112-695). Referred to the private calendar and ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CONNOLLY of Virginia (for himself and Mr. LANGEVIN):

H.R. 6590. A bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Mr. LEWIS of Georgia, Mr. BRADY of Pennsylvania, Mr. CONYERS, Ms. FUDGE, Mr. BLUMENAUER, Ms. BONAMICI, Mrs. CAPPS, Ms. CASTOR of Florida, Mr. CLEAVER, Mr. COSTA, Mr. CUMMINGS, Mr. DAVIS of Illinois, Ms. DELAUNO, Ms. ESHOO, Mr. FALLOMAVAEGA, Mr. FARR, Mr. FILNER, Mr. GARAMENDI, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. HAHN, Mr. HONDA, Mr. JOHNSON of Georgia, Mr. KILDEE, Mr. LARSEN of Washington, Mr. LARSON of Connecticut, Ms. LEE of California, Ms. ZOE LOFGREN of California, Ms. MATSUI, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MOORE, Mrs. NAPOLITANO, Ms. NORTON, Mr. PETERS, Ms. PINGREE of Maine, Mr. POLIS, Mr. RANGEL, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. RYAN of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SARBANES, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SMITH of Washington, Mr. STARK, Mr. VAN HOLLEN, Mr. WAXMAN, Mr. WELCH, Mr. LUJÁN, Mr. HASTINGS of Florida, Ms. DEGETTE, Mr. COHEN, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. TONKO, Mr. HIMES, and Mr. DINGELL):

H.R. 6591. A bill to amend the Help America Vote Act of 2002 to require States to establish a minimum period of 15 days for early voting prior to the date of an election for Federal office and to ensure that no individual will be required to wait for longer than one hour to cast a ballot at a polling place in an election for Federal office; to the Committee on House Administration.

By Ms. NORTON:

H.R. 6592. A bill to ensure that the Metropolitan Washington Airports Authority complies with the Federal Acquisition Regulation; to the Committee on Transportation and Infrastructure.

By Mrs. BACHMANN (for herself, Ms. BASS of California, Mr. LANGEVIN, Mr. CRENSHAW, Mr. CONYERS, Mr.

GARY G. MILLER of California, Mr. BRADY of Texas, Mr. DAVIS of Illinois, Mr. GARRETT, Mrs. CHRISTENSEN, Ms. ROYBAL-ALLARD, Mr. FRANKS of Arizona, Ms. LEE of California, Mr. RANGEL, Mrs. HARTZLER, Mr. GRIMM, Mr. WILSON of South Carolina, Mr. COBLE, Mr. WITTMAN, Mr. HANNA, Mr. THOMPSON of Pennsylvania, Ms. CLARKE of New York, Mr. JONES, Mr. GALLEGLY, Ms. JENKINS, Mr. ROGERS of Michigan, Mr. FARENTHOLD, Mr. SESSIONS, Mr. KING of New York, Mr. NUNNELEE, Mr. ROSS of Florida, Mr. WOLF, Mr. TOWNS, Mr. CICILLINE, Mr. GRIJALVA, Ms. JACKSON LEE of Texas, Mr. CASSIDY, Mr. LUTKEMEYER, Mr. HUIZENGA of Michigan, Mr. MCGOVERN, Mr. FITZPATRICK, Mr. WAXMAN, Mr. COOPER, and Mr. YOUNG of Alaska):

H. Res. 809. A resolution supporting the goals and ideals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children in foster care awaiting families, celebrating children and families involved in adoption, recognizing current programs and efforts designed to promote adoption, and encouraging people in the United States to seek improved safety, permanency, and well-being for all children; to the Committee on Education and the Workforce.

By Ms. SCHAKOWSKY:

H. Res. 810. A resolution urging the Federal Aviation Administration to continue its cooperation with airports across the United States seeking to implement noise mitigation plans, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. BIGGERT (for herself, Mr. KILDEE, Mr. MEEHAN, Mr. GRIMM, and Mr. PLATTS):

H. Res. 811. A resolution supporting the goals and ideals of American Education Week; to the Committee on Oversight and Government Reform.

By Mr. ROHRABACHER (for himself and Mr. NADLER):

H. Res. 812. A resolution commending the Albanian people on the 100th anniversary of the declaration of their independence from the Turkish Ottoman Empire on November 28, 1912, and commending Albanians in Albania and Kosovo for protecting and saving the lives of all Jews who either lived in Albania or sought asylum there during the Holocaust; to the Committee on Foreign Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CONNOLLY of Virginia:

H.R. 6590.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4.

By Mr. GEORGE MILLER of California:

H.R. 6591.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4 of the Constitution of the United States grants Congress the authority to enact this bill.

By Ms. NORTON:

H.R. 6592.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 321: Mr. CARSON of Indiana.  
H.R. 718: Mr. COOPER.  
H.R. 1041: Mr. GRIFFIN of Arkansas.  
H.R. 1044: Mrs. HARTZLER.  
H.R. 1054: Mr. BRADY of Pennsylvania.  
H.R. 1498: Ms. LINDA T. SÁNCHEZ of California.  
H.R. 1675: Mr. DIAZ-BALART.  
H.R. 1802: Mr. GUTHRIE, Mr. LOEBSACK, and Mr. ISRAEL.  
H.R. 1810: Ms. RICHARDSON.  
H.R. 1833: Mr. CICILLINE.  
H.R. 1897: Mr. MARINO.  
H.R. 2257: Mr. GUTHRIE.  
H.R. 2514: Mr. WOMACK.  
H.R. 2524: Mr. COHEN.  
H.R. 2547: Mr. FITZPATRICK.  
H.R. 2679: Ms. WATERS, Mr. GONZALEZ, Mr. ANDREWS, and Mrs. DAVIS of California.  
H.R. 2885: Mr. LABRADOR.  
H.R. 2950: Mr. COURTNEY.  
H.R. 3032: Ms. BORDALLO.  
H.R. 3053: Mr. CICILLINE.  
H.R. 3102: Mr. MORAN and Mr. DAVID SCOTT of Georgia.  
H.R. 3238: Mr. SARBANES, Mr. PETERS, Ms. SEWELL, and Mr. OLVER.

H.R. 3506: Mr. PERLMUTTER.  
H.R. 3679: Mr. CICILLINE and Mr. DOGETT.  
H.R. 3713: Mr. HARRIS.  
H.R. 4077: Mr. LANCE.  
H.R. 4122: Mr. NADLER.  
H.R. 4137: Mr. YOUNG of Alaska.  
H.R. 4165: Mr. MARCHANT.  
H.R. 4202: Mr. RUSH.  
H.R. 4228: Mr. FORBES.  
H.R. 4296: Mr. BASS of New Hampshire and Ms. TSONGAS.  
H.R. 4306: Mr. GALLEGLY.  
H.R. 4323: Mr. GRIFFIN of Arkansas.  
H.R. 5817: Mr. POE of Texas.  
H.R. 5871: Ms. NORTON, Mrs. DAVIS of California, Mr. LARSEN of Washington, Mr. CARSON of Indiana, Mr. CLAY, and Mrs. MALONEY.  
H.R. 5903: Mr. AKIN.  
H.R. 5943: Mr. GARDNER.  
H.R. 5969: Mr. SMITH of Nebraska.  
H.R. 5970: Mr. SMITH of Nebraska.  
H.R. 6047: Mr. ROSS of Florida.  
H.R. 6107: Ms. LEE of California and Mr. ROE of Tennessee.  
H.R. 6149: Mr. DOYLE, Ms. CHU, and Mr. FARR.  
H.R. 6209: Mr. THORNBERRY.  
H.R. 6273: Mr. COURTNEY.  
H.R. 6299: Mr. FLORES.  
H.R. 6311: Mr. MICHAUD.  
H.R. 6388: Ms. SPEIER, Ms. JENKINS, and Mr. McKEON.  
H.R. 6439: Mr. WOMACK.  
H.R. 6441: Mr. SABLAN.  
H.R. 6445: Mr. BARLETTA.  
H.R. 6454: Mr. LUJÁN.  
H.R. 6470: Mrs. HARTZLER.  
H.R. 6482: Mr. McKEON.  
H.R. 6524: Mr. McKEON.  
H.R. 6575: Mr. McKEON.  
H.R. 6579: Mr. PALAZZO.  
H.R. 6587: Mr. THOMPSON of California, Mr. ROHRABACHER, Mr. GARY G. MILLER of California, Mrs. NAPOLITANO, Mr. SCHIFF, and Ms. WOOLSEY.  
H.R. 6588: Mr. MORAN and Mr. McDERMOTT.  
H.J. Res. 13: Mr. LAMBORN.  
H.J. Res. 106: Mr. JONES.  
H. Con. Res. 116: Mr. GERLACH, Mr. CROWLEY, and Mr. GARDNER.  
H. Res. 583: Mr. GENE GREEN of Texas.  
H. Res. 774: Mr. GEORGE MILLER of California, Mr. BUCHANAN, Mr. BASS of New Hampshire, and Mr. BARLETTA.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 6511: Mr. ROGERS of Michigan.

## EXTENSIONS OF REMARKS

### TRIBUTE TO SHIRLEY FORD

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor several of the volunteers who have served in my District office over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and these volunteers have assisted my staff in providing the excellent assistance so many have come to expect in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

These volunteers have always treated our constituents with the utmost respect and always made sure their needs were met in a timely fashion. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Shirley Ford has played a valuable role as a volunteer from the very beginning of my time in Congress. Shirley had a special ability to work with seniors in our District who were having difficulty with Medicare. Shirley's wealth of knowledge about the Medicare system gave our constituents a much-needed assurance that their claims would be handled appropriately. Shirley also shared my desire to help eliminate waste and fraud in the system and tirelessly worked with individuals to identify cases in these areas.

Shirley should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Shirley and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Shirley Ford for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

### HONORING THE NATIONAL CHARLESTON DAY ORGANIZATION FOR THEIR SERVICE TO THE COMMUNITY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today in honor of the National Charleston Day Organization and its commitment towards conveying the belief that we all

have some social and civic responsibility to our fellow man.

Founded in 1974 by Dr. Ethel Greene and her husband Mack Greene, the National Charleston Day Organization (NCDO) is a nonprofit organization that has provided assistance to communities around the country. Thus far the organization has ten chapters in the United States in Atlanta, Georgia; Chicago, Illinois; Cincinnati, Ohio; Cleveland, Ohio; Detroit, Michigan; Indianapolis, Indiana; Memphis, Tennessee; Milwaukee, Wisconsin; St. Louis, Missouri and Charleston, Mississippi.

The NCDO's mission is "to contribute to the education, cultural development, health and welfare of the citizens of Charleston, Mississippi and the surrounding area." Since 1980 the NCDO has annually awarded two education scholarships to graduates of Charleston High School. Over seventy thousand dollars has been contributed to students, sports teams, and civic groups in Tallahatchie County, through the NCDO.

For the past three years the NCDO has sponsored an event in Charleston called "Humility Day," that gathers all influential segments of the community in a proactive effort designed to inspire character in individuals and overcome the mindsets that leads to violence and erratic behavior.

During the NCDO's thirty-eight year history, leaders within the organization have worked hard inspiring people to provide philanthropic assistance to the residents of the Charleston area.

Mr. Speaker, I ask my colleagues to join me in recognizing The National Charleston Day Organization, a social and civic conscious group of residents who are committed towards serving their community and the country.

### HONORING WORK OF DISTRICT V SUPERVISOR, JIM ALLEN

#### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to honor the dedicated work of District V Supervisor, Jim Allen. Jim began his long and dedicated career in law enforcement with the Mariposa County Sheriff's Department in May of 1976 as a Reserve Deputy Sheriff. He became a fulltime employee as a Jail Officer/Dispatcher in July 1977; and in December 1979, Jim became a Deputy Sheriff/Coroner. In May of 2003, he was appointed Sheriff/Coroner by the Board of Supervisors. Finally, in June 2006, he was elected as Sheriff/Coroner/Public Administrator, where he retired in 2007.

After Jim's successful career with Mariposa County law enforcement, he was elected as District V Supervisor from 2009–2012. In 2011, he also served as Chair of the Mariposa

County Board of Supervisors. Beyond Jim's work as Supervisor, he served as a member of the Local Agency Formation Commission (LAFCo).

Jim's sense of community service and hard work ethic is evident through his work with many county committees including: Fish Camp Community Planning Advisory Council, Wawona Appeals Board, Wawona Town Planning Advisory Committee, Juvenile Justice Coordinating Council, and Law Library Trustees, and the In Home Supportive Services (IHSS). He served the county on the following agencies and Board of Directors: Area 12 Agency on Aging Joint Powers Authority Governing Board, California State Association of Counties, County Medical Services Program Governing Board, Mountain Valley Emergency Medical Services Agency as Chair, Regional Advisory Board, and the San Joaquin Valley Regional Association of California Counties. In addition, Mr. Allen has also served on the Mariposa County High School Student Loan Association and oversaw the establishment of a separate Human Resources/Risk Management department. Additionally, he helped implement the paperless agenda management system.

Mr. Allen played an integral and significant role on the following county projects: Yosemite West Community Plan, Wawona Specific Plan, Catheys Valley Community Plan, SilverTip Resort project amended site plan application, construction of the new Human Services facility, acquisition of new fire engines and water tenders, funding and construction of three new fire stations, obtaining a Fixed Base Operator to oversee the Mariposa/Yosemite Airport, Airport improvement projects, fuel load reduction projects, road maintenance projects, Agriculture and Agri-tourism policy, Williamson Act/historical parcels, Tenaya Lodge wastewater treatment facility approval, and the Mariposa Creek Parkway project.

In 2010 and 2011, Jim helped his community rebuild after heavy winter rains and a motor fire in El Portal.

Mr. Speaker, please join me in honoring District V Supervisor Jim Allen for his outstanding commitment to serve the community. Mr. Allen is a true public servant, and I wish him continued success in his future endeavors.

### HONORING CHARLIE DAVIS

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. ALEXANDER. Mr. Speaker, I rise today in gratitude to honor the career of a man who has given his whole professional life to serving the people of the United States.

Charlie D. Davis, a Shreveport, Louisiana, native was so bright he graduated from high

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

school at the young age of 16. In 1974, he made the decision to join the U.S. Army that would shape the rest of his career. Davis was in the Army until 1977, and he then enlisted in the Navy from 1982 to 1985. He spent the next 11 years with the Department of Defense in New Orleans, and then transferred to the Department of Transportation, Federal Aviation Administration in Monroe, LA. in 1996. He has been serving in this capacity ever since.

Charlie D. Davis is an exemplary public servant, and on the occasion of his retirement, I ask my colleagues to join me and the people of Louisiana in extending our thanks and recognition for the many years of hard work he gave to keep our State and Nation strong and secure.

#### TRIBUTE TO SUSANNA EUSTON

##### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my Staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Susanna Euston was an original member of my District staff and worked tirelessly to serve the veteran community. Susanna developed immediate relationships with individual veterans and leaders of veteran organizations and quickly became the go-to person in Western North Carolina when any of our veterans needed assistance. I could always count on Susanna to make sure each one of our veteran constituents was treated fairly and with the utmost respect. Susanna was a devoted member of the team, often arriving first in the morning and staying as one of the last ones out the door at the end of the day.

Susanna should be proud of the service she provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Susanna and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Susanna Euston for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

#### TRIBUTE TO WILL ALLEN AND GROWING POWER

##### HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Ms. MOORE. Mr. Speaker, I rise today to recognize a mentor, former professional basketball player, community leader, educator, author, and one of the most influential leaders in the food security and urban farming movement nationally and internationally. On November 17, 2012, Will Allen will be honored for his many years of service and contributions to the Greater Milwaukee Community by the Community Brainstorming Conference.

Mr. Allen was born in South Carolina to sharecropper parents. He grew up in Rockville, Maryland where his parents relocated and owned and operated a vegetable farm. He relocated to Milwaukee, his wife's hometown, after completing both a professional basketball and business career. In 1993, he began Growing Power, a national nonprofit organization and land trust. Growing Power is the last working farm inside the Milwaukee city limits, with six historic greenhouses, year-round hoop-houses and farm animal pens, all organized within three acres.

The recipient of numerous awards and honors including: the MacArthur Foundation "Genius Grant" in 2008 for his work on urban farming and sustainable food production; in 2010, Allen was named one of Time magazine's 100 Most Influential People and worked with Michelle Obama to launch, "Let's Move!" a program to fight childhood obesity. In 2012, Allen was presented the Security Benefits Corporation Award for Outstanding Service to Public Education by the National Education Association Foundation; an honorary Doctor of Agriculture degree from the University of Wisconsin-Milwaukee; and also opened Growing Power's Deli and Food Market in Milwaukee's inner city. Will Allen is co-author of the book *The Good Food Revolution: Growing Healthy Food, People and Communities*.

Will Allen teaches inner-city youth the entire farming process from planting seeds to selling produce at farmers' markets. Partnerships with Milwaukee Public School (MPS) and Growing Power have supplied 40,000 MPS school children in 75 elementary schools with the food it grows. Over the past 20 years, Allen and his team have been traveling the globe setting up "hoop houses" that produce nutritious food and create inner city jobs. The hoop houses are home to peppers, cabbage, mushrooms and sprouts as well as Tilapia, Yellow Perch, Lake Perch and Coy. The headquarters and main hoop house in Milwaukee feeds 10,000 people and uses renewable energy. Every January through June, people from all around the world attend informational and hands-on training sessions to learn the techniques and skills involved with creating and maintaining a green house. Growing Power currently has growing operations all across the United States and has made its presence felt outside the states as well, establishing farms in Kenya, Ukraine, central London and the Netherlands.

Mr. Speaker, for these reasons, I am honored to pay tribute to Will Allen and Growing

Power, whose contributions have greatly benefited the citizens of the Fourth Congressional District and the world.

#### HONORING ALPHA DELTA ZETA OF ZETA PHI BETA SORORITY, INCORPORATED FOR THEIR CONTINUED DEDICATION TOWARDS SERVING IN THE COMMUNITY

##### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the Alpha Delta Zeta Chapter of Zeta Phi Beta Sorority, Incorporated. Organized and chartered on October 14, 1938, it remains the oldest chapter of Zeta Phi Beta Sorority, Inc. in the State of Mississippi.

The Alpha Delta Zeta chapter, working in conjunction with the sorority's national programs, has contributed much of the cultural, educational, religious, civic and social development of the State of Mississippi through various activities in the Greater Jackson Metropolitan Area. Since its inception in 1938, the Alpha Delta Zeta chapter has chartered seven graduate chapters: Beta Xi Zeta-Biloxi, Mississippi; Nu Zeta-Meridian, Mississippi; Delta Chi Zeta-Lorman, Mississippi; Gamma Gamma Zeta-Columbus, Mississippi; Zeta Upsilon Zeta-Holly Springs, Mississippi; Zeta Psi Zeta-Clarksdale, Mississippi and (7) Gamma Beta Zeta-Brookhaven, Mississippi.

The Alpha Delta Zeta chapter also sponsors two undergraduate chapters: Lambda Beta Chapter on the campus of Jackson State University (1948) and Nu Beta Chapter (1950) on the campus of Tougaloo College. In addition to undergraduate and graduate chapters, Alpha Delta Zeta Chapter has sponsored four auxiliary groups in the community.

Over the years the chapter has been proactive in providing service to those in the community. The Alpha Delta Zeta Chapter has made contributions through everything from dental health programs to a community center. Thereby, continuing to use their organization as a beacon of service to all who seek help.

Mr. Speaker, I ask my colleagues to join me in recognizing the Alpha Delta Zeta Chapter of Zeta Phi Beta Sorority, Incorporated for their continued dedication towards serving others in need.

#### HONORING WORK OF MARIPOSA COUNTY CLERK OF THE BOARD MARGIE WILLIAMS

##### HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to honor the dedicated work of Mariposa County Clerk of the Board Margie Williams. Since 1983, Margie has dedicated her professional life to this position and has whole heartedly served the Mariposa community.

In 1974, Margie began as a Justice Court part-time Clerk in Mariposa County. In that same year, she was appointed by the Board of Supervisors as Clerk of the Court and oversaw all operations. In 1976, Margie worked in the Comprehensive Employment Training Act (CETA) Administration in Mariposa. She oversaw employment grants and the adult and youth programs during her time there.

Later in her career, Margie worked for the Monterey County CETA Administration, where she did analysis work on various grant programs and helped to prepare a one million dollar grant Monterey County received. This grant award is just one example of how invaluable Margie's work has been. In addition to her dedicated public service, she has also served in private sector capacities throughout her career. In 1979, she was part of Red Carpet Real Estate's office and property management team.

As Clerk of the Board, Margie has attended thousands of Board meetings—including an 18-hour General Plan hearing. She has been responsible for agendas; minutes; records management; processing documents, ordinances and contracts; and maintaining Board-appointed committee records of over 55 committees with over 550 positions. She was available for emergency declarations as the Assessment Appeals Clerk, and her knowledge of applicable local and state laws and regulations was often used.

Margie has been a vital link in providing services to the Board of Supervisors, County Departments, and the public. Her additional duties expanded over the years to include: LAFCo Secretary, Proposition 218 ballot processing, maintaining the website for the Board, posting the agenda and minutes to the website, and scheduling public hearings.

Margie's accomplishments are varied and rich. They include the implementation of the MinuteTraq agenda management program and the summary ordinance process, all while working with a limited number of staff and an increased workload. Margie's efforts have resulted in a several thousand dollar savings in publication costs.

Mrs. Williams has been responsible for processing thousands of projects approved by the Board, including but not limited to: formal resolutions; ordinances; General Plan updates; Title 17 updates; the construction of the new Government Center, new County Library, and the new Human Services building; declarations of local emergencies; special meetings; emergency meetings; public hearings; community plans and service districts; Zones of Benefit; land divisions; a multitude of annual agreements and budget adjustments; the annual mid-year and final budgets; the funding and construction of three new fire stations; construction of the new adult detention facility; creation of the Mining and Mineral Museum; the acquisitions of fire trucks and water tenders; the MOU with the Administrative Office of the Courts and the County of Mariposa for the continued use of the historic Mariposa County Courthouse Superior Court; countless other county facility construction and re-modeling projects; the creation of new county departments (Technical Services, Child Support Services, Human Resources/Risk Manage-

ment, Fire, County Administration); and the reorganization of numerous county departments.

It's remarkable to note that Margie began her career prior to the use of copy machines. Even after their introduction to the workplace, there were still forms in triplicate that were typed on the typewriter. She worked with no voicemail and all notes were handwritten. Margie has been relied upon by all for her decade's worth of institutional knowledge and steel trap memory.

Mrs. Williams has been married to her husband Tom for thirty-seven years and finds joy in their daughter, Michelle Williams, son, Tom and his wife, Dr. Jamie Williams, and their grandson, Tommy.

Mr. Speaker, please join me in honoring Mariposa County Clerk of the Board Margie Williams for her outstanding commitment to serve her community. Mrs. Williams is a true public servant, and I wish her continued success in her future endeavors.

#### HONORING THE LIFE OF ROSCOE A. BOLTON

#### HON. RODNEY ALEXANDER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. ALEXANDER. Mr. Speaker, I rise today to honor the long life of Mr. Roscoe A. Bolton, who passed away on Wednesday, September 26, 2012, at the age of 99. He was a deep-rooted Alexandria, LA. businessman and one we shall never forget.

Mr. Bolton was born in March of 1913, before the First World War. A home-grown son of Alexandria, he attended West End Grammar School, Bolton High School, Culver Military Academy and Louisiana College. Additionally, he studied at the University of Pennsylvania Wharton School of Business during the Great Depression, but returned home to work alongside his father in the insurance business. The only leave he took from this venture was in 1942, when he volunteered for the U.S. Navy after the bombing of Pearl Harbor. Mr. Bolton served in the Pacific Theater as a Lt. Commander and later as a Commanding Officer of the U.S. Naval Section Base in Burwood, LA.

As well as his selfless service to our country, Mr. Bolton loyally served the people of his beloved community. Among the world's 1.2 million Rotarian members, he was recently honored as the longest-serving as he marked his 77th year. Moreover, he was a member of the Board of Directors of the Louisiana-based Rapides Bank & Trust Company and Oliver Lodge No. 874 F&A.M., past-president of the First Charter Commission of the City of Alexandria, Director of the Industrial Development Board, and a Trustee of the Central Cities Development Corporation. It is plain to see that as we reflect on Mr. Bolton's fulfilling life, we see an overriding theme of true altruism.

A lifelong member of Emmanuel Baptist Church, Mr. Bolton was also a faithful servant to his church and to his family. A devoted husband and father, he will be dearly missed by his wife, Sue, two children and step-child, eight grandchildren, and 10 great-grandchildren.

Mr. Speaker, I ask my colleagues to join me today in honoring the life of Roscoe A. Bolton. To say that Mr. Bolton left his fingerprint on the world would be an understatement. He was a leader, teacher, parent, husband, friend, and example to all of us. Countless lives have been changed for the better by his efforts, and he will remain in our hearts forever.

#### HONORING WENDELL WHITE

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Wendell White joined my Washington, D.C. office in November 2011. As the Coordinator of Special Projects, Wendell has performed with precision and care and sees every task through with a careful eye for detail. I have also entrusted Wendell with the management of one of my chief initiatives, our business outreach program. Wendell has demonstrated extraordinary resourcefulness and commitment to the outreach effort, which has yielded unparalleled results under his care. Moreover, Wendell has shown a great deal of dedication to understanding the intricacies of his legislative portfolio and has proven his ability to successfully multi-task high priority projects. Wendell is focused and employs a strong work ethic, often keeping long hours to ensure that his job is done to the very best of his ability.

Wendell should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Wendell and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Wendell White for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.



HONORING U.S. DISTRICT JUDGE  
GLEN WILLIAMS

**HON. H. MORGAN GRIFFITH**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. GRIFFITH of Virginia. Mr. Speaker, I, along with Representatives BOB GOODLATTE and ROBERT HURT, honor U.S. District Judge Glen Williams, a devoted public servant to the Commonwealth of Virginia, who passed away on November 4, 2012.

Born in Jonesville, Virginia, Judge Williams spent his childhood in his father's grocery store listening to stories of coal miners and farmers from across the region. It was these stories which helped instill Judge Williams with an understanding about the lives of everyday people. Undoubtedly, he maintained this foundation throughout his life and career.

Judge Williams courageously put his college education on hold when we were attacked at Pearl Harbor. The day after that horrible event, he joined the U.S. Navy. He served in the Atlantic, Pacific, and Mediterranean theaters as well as in the Allied invasion of southern France during WWII. After the war, he went back to school and received his bachelor's degree from Milligan College, and in 1948 received his law degree from the University of Virginia's School of Law.

Above all else, Judge Williams was dedicated to his work. He was a Commonwealth's Attorney for Lee County, Virginia, and later served as a Magistrate Judge for the U.S. District Court for the Western District of Virginia from 1963 until 1975. In 1976, he was nominated by President Gerald Ford to serve as a federal judge for the United States District Court for the Western District of Virginia, where he served until 2010. He also served as a member of the Virginia State Senate from 1953–1955.

Judge Williams had a tremendous impact on our communities—in the Ninth District, the Sixth District, and the Fifth District—as well as upon countless individuals all across the region. Judge Williams was a man we all greatly respected, a courageous public servant, and an honorable defender of the rule of law. May his spirit of strength and resilience continue with us. He will be greatly missed, but his legacy and influence will be long remembered across the entire western region of Virginia.

Our thoughts and prayers go out to Judge Williams' wife, Jane; his four daughters, Susan, Judith, Rebecca, and Melinda; his family, friends, and many loved ones. May God give them comfort during this difficult time.

IN TRIBUTE TO JAMES M. AND  
JAMES L. NEDERLANDER ON  
THE OCCASION OF THEIR RECOGNITION BY THE NEW YORK  
LANDMARKS CONSERVANCY AS  
LIVING LANDMARKS

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mrs. MALONEY. Mr. Speaker, I rise to pay tribute to James M. and James L. Nederlander

who are being honored by the New York Landmarks Conservancy at its Living Landmarks Celebration 2012. The Nederlander family has been a symbol of Broadway theater for three generations. This year marks the 100th Anniversary of The Nederlander Organization. James M. Nederlander, who celebrates his 90th birthday this year, is Chairman of the Nederlander Producing Company. James L. Nederlander serves as President of The Nederlander Organization.

James M. Nederlander, affectionately known as Jimmy, has had a remarkable 70-year career in theater production and management. The Nederlander Organization, founded by his father, David T. Nederlander in Detroit, Michigan, now owns and operates nine theaters in New York City. Five of them—Brooks Atkinson, Neil Simon, The Palace, Lunt-Fontanne, and Richard Rodgers—have been named New York City landmarks. The Nederlander Organization also owns several venues across the United States and in London. James M. Nederlander is credited with establishing the concept of an outdoor amphitheater. He has succeeded in drawing new audiences and has worked to keep a loyal audience through an Audience Rewards program.

Mr. Nederlander moved The Nederlander Organization to New York in 1964, recognizing that there was greater opportunity for expansion outside of Michigan. He became one of New York's preeminent producers, earning 11 Tony Awards, including a Lifetime Achievement Award he received on June 6, 2004. He has also produced ballets, operas, and concerts. Dedicated to the support of young performers, Mr. Nederlander established The National High School Musical Theater Awards (NHSMTA). The national competition, known as the "The Jimmy Awards" in his honor, is being documented in a new PBS television series called Broadway or Bust.

Under the leadership of Jimmy's son, James L. "Jimmy, Jr." Nederlander, the Nederlander Organization continues to maintain its trademark standards of excellence. The production company is responsible for putting on some of Broadway's most famous shows, including La Cage Aux Folles, Hairspray, Wicked, Rent, Thoroughly Modern Millie, Chicago, and The Lion King among many others. The company has long-standing relationships with some of the greatest companies and composers in show business, including Lord Andrew Lloyd Webber, Jerry Herman, and Disney. The Nederlanders have produced over 100 theatrical productions enjoyed by thousands of New York City tourists and residents every year, and have invested in, co-produced and booked countless others.

James L. Nederlander has been a theater owner since 1970 and has produced plays since 1984. Former New York Mayor Rudolph Giuliani appointed Mr. Nederlander to the Trust for Cultural Resources of the City's Visitors and Convention Bureau, the Mayor's Theatre Advisory Council, and the Mayor's Office of Film, Theatre, and Broadcasting. He is also a member of several charitable and philanthropic organizations. He is on the Executive Committee of the League of American Theatre, the Board of Trustees of the Intrepid Sea, Air & Space Museum, the Board of the Fisher Center for Alzheimer's Research Founda-

tion, and the Board of the Wake Forest University Baptist Medical Center Comprehensive Cancer.

The Nederlanders continue to present some of the most popular plays on Broadway in the culture capital of the world. Current shows include Peter and the Starcatcher, Evita, Newsies, and Annie. Their contributions to Broadway and the broader theater community across the country are truly legendary. The achievements of the Nederlander family have earned them the distinction of being the Landmarks Conservancy's first father-son Living Landmark honorees.

Mr. Speaker, I ask my colleagues to join me in congratulating my good friends, James M. and James L. Nederlander on this remarkable honor. They have entertained audiences for 100 years, and made significant contributions to the arts and to New York City that will last for many years to come.

IN HONOR OF INTERNATIONAL  
EDUCATION WEEK

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. FARR. Mr. Speaker, I rise in recognition of International Education Week which is a joint initiative created by the U.S. Department of State and U.S. Department of Education 12 years ago and, as of today, is celebrated in more than 100 countries. Schools throughout the United States and the world are celebrating this week to promote and celebrate the benefits of international education and global exchange.

I saw firsthand the value of building international relationships during my time with the Peace Corps. Learning a foreign language opens minds to other worlds, builds lasting positive relationships, and has been scientifically proven to generate more flexibility in thinking—something we are in great need of today. During all of my years representing the Central Coast of California, I have been an ardent supporter of culturally-based foreign language education within our schools, universities, and within our government institutions. Our future leaders must have strong global skills which are best attained by learning a foreign language and by studying or volunteering abroad. I am proud to say that Monterey, California, in particular is a great talent bank rich in foreign language and cultural expertise thanks in much part to our secondary school teachers, the Monterey Institute of International Studies, the Defense Language Institute, the Joint Foreign Area Officers program at the Naval Post Graduate School, and the National Virtual Translation Center.

Mr. Speaker, I am confident that the Secretary of State Hilary Clinton and the Secretary of Education Arne Duncan would agree with me that to compete in today's global economy, students need an international education paired with studying foreign languages. The State Department and the Department of Education should be commended for developing and supporting International Education Week.

## HONORING STEVE STANFIELD-SWITZER

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor several of the volunteers who have served in my District office over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide excellent constituent services and these volunteers have assisted my staff in providing the exceptional assistance so many have come to expect from our District team. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

These volunteers have always treated our constituents with the utmost respect and always made sure their needs were met in a timely fashion. I owe a debt of gratitude to each one of them for the support and friendship they have shown to me during my years of service in Congress.

Steve Stanfield-Switzer played a valuable role as a volunteer in my District office. I could always count on Steve to make sure visitors to our District office knew they were respected and recognized. Constituents were often comforted by Steve's calm confidence when they visited or called in need of critical assistance. Steve showed a particular interest in assisting our veterans and became a valuable resource to our staff in diagnosing their problems and helping to point them in the right direction.

Steve should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Steve Stanfield-Switzer for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

## HONORING WORK OF CHARLES "CHUCK" MOSHER

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to honor the dedicated work of Charles "Chuck" Mosher, M.D., M.P.H. as the County Health Officer for Mariposa County. Serving in this position since 1988, Dr. Mosher has worked vigorously to make positive changes in the community.

Dr. Mosher is a graduate of the University of Notre Dame. He received his Medical Degree from the New York Medical College and continued his education at the University of Washington. While there, he earned his Master's in Public Health.

Chuck has dedicated his career to improving the health of those around him. While he

was a physician, he volunteered for the Peace Corps in both Paraguay and Washington, D.C. He served as the Director of Emergency Medicine for the State of Georgia; and here in the Central Valley, he continued his career as the Emergency Medical Services Medical Director and Health Officer for Merced County. In addition, Chuck has passionately met the needs of his community through his general private practice in Mariposa County. He also served as Chief of Staff for the John C. Fremont Hospital.

On November 7, 1988, Dr. Mosher was appointed Mariposa County Health Officer. In this position, he dedicated his time to managing the day-to-day operations and budget of the Health Department, serving the public health needs of the residents and tourists in Mariposa County. This dedication to fulfill the public health needs of so many people makes Dr. Mosher an invaluable asset to the community.

As Public Health Officer, Dr. Mosher's duties not only covered infectious and communicable diseases, including measles and whooping cough outbreaks, Hantavirus, and H1N1 influenza; but everything from hazardous materials, air quality, aging septic systems, toxic chemicals, underground storage tanks, endemic rabies, several wildfires, sewage spills into the Merced River, floods, and anthrax exposure. He even increased public awareness by writing a regular column in the local newspaper and speaking to local service clubs and schools.

During Chuck's long, distinguished career, he has accomplished ambitious changes in the emergency medical services, which include contracting with professional ambulance companies, and coordinating and conducting emergency drills along with other public agencies. He is a member of the Mariposa Emergency Medical Care Committee and the Quality Improvement Subcommittee. Chuck has overseen and maintained involvement and communications with numerous regional health and safety related committees and agencies.

Working within a community facing many unique challenges, Dr. Mosher directed the enforcement of state and county health and sanitation laws and regulations and oversaw environmental health. He worked to educate and protect rural areas with the state's implementation of septic tank regulations and effectively transitioned the environmental and nursing staff from the state to the county with the reorganization of the department.

Dr. Mosher's sense of citizenship and volunteerism was recognized for his role in maintaining public safety during the post 9/11 events of 2001. He organized clinic services, dental health programs, community health resources, emergency medical services, and public health education—including the Child Health and Disability Prevention Program. He wrote grants and contributed to the Smart Start Visiting Nurse program and Tobacco Cessation program. His dedicated work to these programs, as well as others, has improved the lives of countless individuals.

Mr. Speaker, please join me in honoring Dr. Charles Mosher for his outstanding commitment to serve the health needs of those in his community. In his retirement, he plans to con-

tinue with his passion of writing and possibly travel to serve in other less developed countries. Dr. Mosher is a true public servant, and I wish him continued success in his future endeavors.

## HONORING WALTER HILGART

**HON. GUS M. BILIRAKIS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. BILIRAKIS. Mr. Speaker, I rise today to honor Walter Hilgart both for his service to our nation and for his continued service to the community.

Growing up during the Great Depression in Wisconsin, Mr. Hilgart began his service career in the U.S. Army. By the end of World War II, he had flown 22 combat missions with the Army Air Forces. He then left the service but quickly enlisted again—this time with the U.S. Air Force. By the end of his service with the Air Force, he had risen to the top enlisted grade of chief master sergeant.

Mr. Hilgart's service did not end there. As a retiree, he began substitute teaching in Pasco County, Florida. He is now a familiar face on Gulf High School's campus, even celebrating his 90th birthday in conjunction with the school's 90th birthday. During his time in the classroom, he encourages students to make the most of their education. Many students are so captivated by his life experiences that they work to quickly complete their assignments so there is time to hear his stories.

Mr. Hilgart's dedication to country and community are truly inspiring. Throughout his life, he has selflessly demonstrated qualities of putting others before himself. His legacy will certainly live on through the many students he has inspired for years to come.

## PERSONAL EXPLANATION

**HON. XAVIER BECERRA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. BECERRA. Mr. Speaker, I was unavoidably detained and missed rollcall vote 604. If present, I would have voted "yea" on rollcall vote 604.

## HONORING THE JACKSON ADVOCATE NEWSPAPER FOR YEARS OF SERVICE TO THE COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable newspaper, the Jackson Advocate. Established in 1938 by Mr. Percy Greene, the Jackson Advocate is a weekly newspaper covering issues affecting the African-American community.

Founder, Mr. Greene was a veteran of World War I and a Civil Rights leader in the

1940s and 1950s. Mr. Greene was determined to make a contribution to the struggle of African-American people in the South during a time when they were severely oppressed by legal segregation and Jim Crow.

In 1940 Mr. Greene and thirty other publishers formed a consortium of African American newspapers to bring relevant information to black readers in the United States of America. That consortium led to the Negro Newspaper Publishers Association, which promoted coverage of injustices against African Americans as well as their accomplishments. In 1978, Mr. Charles Tisdale became the owner and publisher of the Jackson Advocate and remained the owner and publisher until he passed in 2007.

The paper has received numerous awards and citations in its 68 years of service in reporting news and events relevant to the African-American community, including the Mississippi Legislative Black Caucus Award for Excellence, the Southern Christian Leadership Conference Journalism Award, and the National Black Chamber of Commerce Newspaper of the Year. In 1988 the magazine Newsday referred to the Advocate as a "national treasure."

Mr. Speaker, I ask my colleagues to join me in recognizing Jackson Advocate for their dedication to serving and educating those in Mississippi and around the country.

#### TRIBUTE TO ERNEST A. SAMPSON III

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Ernest A. Sampson III, a man dedicated to serving God, his family, and the community. Ernest Sampson is the youngest of three children born to Ernest Jr. and Fay Sampson. As a young child, Mr. Sampson would often spend time with his maternal grandparents, James and Winona Willie of Brooklyn, NY. While there he learned to emulate the caring nature of his grandmother and the respect his grandfather earned from the surrounding community as the head of James H. Willie Funeral Home, Inc. As a result, an honest interest in service for young Mr. Sampson was born.

Receiving his early education in the New York Public School system, Mr. Sampson graduated from Cardinal Hayes High School in 1982 and went on to obtain his Bachelor's of Science degree in Funeral Service Administration from St. John's University in 1986. In 1986, after taking several exams and serving in a one year apprenticeship with the James H. Willie Funeral Home, Mr. Sampson achieved his lifelong goal of becoming a licensed funeral director. Many of life's challenges would come the young man's way, yet he pursued his dreams and aspirations and established Sampson Funeral Service in 1993. Since that time, Mr. Sampson has expanded his ministry of comfort throughout the Brooklyn, Bronx, and Queens communities. Mr. Sampson has conducted numerous educational

seminars on the topics of funerals, consolation, and city, state, and federal burial assistance programs. These seminars have been piloted on Career Days at schools, community events, and at youth organizations.

Mr. Sampson currently serves on the ministerial and teaching staffs of the First Baptist Full Gospel Church of Brownsville, NY. He has received awards from Brooklyn Borough President Marty Markowitz as well as the New York Men of Distinction award, and also served as a sponsor for Operation Get Ahead in 2003, Annual Youth Explosion in 2003, and the Coney Island Youth Alive sponsor in 2012.

Mr. Speaker, I would like to recognize Mr. Sampson for his extraordinary accomplishments as a funeral director in New York City. Appreciation, comfort, and professionalism are paramount in his life and serve as guiding posts for the families and communities he serves.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Mr. Sampson.

#### TRIBUTE TO TOM JONES

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my Staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Tom Jones served on my District staff during my first term in Congress. Tom was instrumental in helping to establish our office's outreach program with the local business community. Tom also performed extensive research into grant opportunities for the District and was a valuable resource to local governments and non-profits in realizing assistance available to them from the Federal government. Tom established our office as a vital resource to the region in helping to grow the local and state economies.

Tom should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Tom and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Tom Jones for his

hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

#### HONORING GILDA GONZALES UPON HER RETIREMENT

#### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary career of Ms. Gilda Gonzales and the tremendous accomplishments of the Spanish Speaking Unity Council under her leadership. For nearly five decades, the Unity Council has continued to enrich families' quality of life by helping them build wealth and assets through comprehensive programs of sustainable economic, social and neighborhood development. We honor the Unity Council along with its fearless leader, Mrs. Gilda Gonzales, who is stepping down from her duties as Chief Executive Officer.

This evening, supporters and friends gather in the Fruitvale District of Oakland to bid farewell to Ms. Gonzales and to congratulate the Unity Council for all of its many accomplishments. In 1964, what started as a political action group soon evolved into a social services assistance program to aid Latinos in the Fruitvale district. By 1967, the organization had become incorporated as a nonprofit organization and service agency. And, in the years that followed, the Unity Council became a powerful catalyst for pervasive social change.

In addition to securing resources for the Fruitvale district, the Unity Council gained respectability and credibility within the Latino community, as well as among local, state and federal officials and private funding sources. As a result of the Unity Council's trailblazing role in the Fruitvale area, public and private social services agencies began to locate offices there for the first time. Furthermore, Unity Council representatives moved onto a variety of advisory groups in the East Bay, influencing policy, funding and resource allocation decisions while providing an empowering voice for Oakland's Latino community.

Ms. Gonzales' prolific career includes three decades of inspired leadership and advocacy. Raised in a small town in California's Central Valley, Gilda Gonzales is the youngest of five children. From an early age, Ms. Gonzales knew she wanted to go to college and enter public service. Her first government job was an internship in the office of Congressman Ron Dellums. Then, when 500 people applied for one-year fellowships at the California State Assembly, she was one of 12 selected. After working for several state assembly members, she left Sacramento in 1991 to assume the position of policy analyst with former Oakland Mayor Harris' office.

During her 14-year tenure in City Hall, Ms. Gonzales served in several capacities, including budget analyst, Assistant to the Finance Agency Director, and dual Chief of Staff for then-City Manager Robert Bobb and Mayor Jerry Brown. In 2001, she was named the City of Oakland's Director of Intergovernmental Affairs. In this capacity, she was the City of Oakland's state legislative lobbyist and managed

the City's contracted federal lobbyists. Throughout Ms. Gonzales' successful government career, where she was one of the highest-level Latinos working in City Hall, she maintained strong personal connections with community-based organizations in Fruitvale.

In December of 2004, when Ms. Gonzales became the Chief Executive Officer of the Unity Council, she brought to the position invaluable experience, an incredible vision, a penchant for creativity and an expertise in managing finances. As a result of her leadership, the Unity Council was able to overcome and stabilize a dire financial situation. Ms. Gonzales' quick thinking and strategic planning helped to create the solid foundation that the Unity Council enjoys today.

Therefore, on behalf of the residents of California's 9th Congressional District, Ms. Gilda Gonzales, I salute you. I am proud to call you a colleague, a constituent, and, most importantly, my friend. Thank you for your countless contributions and your never-ending commitment to our communities. I congratulate you on your many achievements, and I wish you and your loved ones all the best in this next chapter of life.

#### HONORING THE SERVICE OF ARMY SPECIALIST ERIC HUNTER

##### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to an American hero in the truest sense of the word. This weekend, 24-year-old U.S. Army Specialist Eric Hunter returns home to Monroeville, Alabama for the first time since he sustained serious injuries from an improvised explosive device in Afghanistan.

The day before his one-year wedding anniversary, Specialist Hunter was on patrol when he stepped on an IED. The May 31, 2012 blast took his right foot and eventually his right leg. He also suffered a shattered right wrist and left leg, as well as a broken forearm. The service and the sacrifice of this country's military personnel is both moving and inspiring. Specialist Hunter's dedication to his country is equally matched by his remarkable determination to recover from his wounds.

For Specialist Hunter, the road to recovery has been a long one. He was transported to three different hospitals in five days before being flown to Walter Reed National Military Medical Center in Bethesda, Maryland. During his recovery at Walter Reed, he was visited by President Obama and other notables, including singer Neil Diamond.

It was also at Walter Reed that Specialist Hunter joined a special program that pairs famous musicians with wounded soldiers to assist their recovery. As a part of Musicorps, Specialist Hunter played his guitar with former Pink Floyd bassist Roger Waters and G.E. Smith, former lead guitarist of Hall & Oates and Bob Dylan's touring band.

On November 8, 2012, Specialist Hunter took a seat on stage in the Beacon Theatre in New York City at the 6th Annual Stand Up for Heroes benefit playing alongside fellow

wounded warriors and music legends Waters, Smith and Bruce Springsteen. The Annual Stand Up for Heroes event, sponsored by the Bob Woodruff Foundation, has so far raised over \$12 million for wounded soldiers.

In September 2012, I was honored to join Specialist Hunter, his wife, Kenna, and their children Kensley and Jayce for breakfast in the U.S. Capitol, where I personally thanked him for his service to our country. Specialist Hunter also served a 2010–2011 tour in Iraq before his recent posting in Afghanistan.

On behalf of the people of Alabama and the United States, I offer deep gratitude to Specialist Hunter for both his sacrifices for the security of America and his example to fellow wounded warriors as they return to their families and communities to re-enter civilian life. We are proud to welcome him home to Alabama.

#### HONORING ROB ELLSWORTH

##### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Rob Ellsworth served as a member of my Washington, D.C. staff for my entire first term. Although still a college student when he started, Rob's intelligence and deep understanding of complex issues was rivaled by few. Rob helped draft the SAVE Act, the most comprehensive piece of legislation I introduced in my first term. His ability to help me garner bipartisan support for a bill that excited deep and passionate public debate is a testament to his skill and value as a policy expert. Since his departure from my office, I have continued to lean on Rob for advice and support.

Rob should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Rob and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Rob Ellsworth for

his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

#### IN SUPPORT OF AMERICAN EDUCATION WEEK

##### HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to recognize this week, November 11 through November 17, 2012, as American Education Week. I would like to take this opportunity to thank the millions of Americans who work every day to give our youth a world class public education.

American Education Week was first observed in 1921 by the National Education Association and the American Legion. Representatives of these organizations were concerned that a quarter of World War I draftees were illiterate, and they began a movement to raise awareness of the needs of public schools. Now in its 91st year, American Education Week is an annual reminder of the importance of community involvement in education.

As a former preschool teacher, I know firsthand of the challenges that face educators today. As classes grow and budgets shrink, teachers are often asked to do more with less. Nevertheless, millions of devoted Americans continue to serve our Nation's youth as teachers, administrators, and school personnel. I am continually impressed by their hard work and the tremendous impact they have on shaping future generations.

Ultimately, it is all of our responsibility to give our children a bright and well-rounded education. We all play a role in educating our Nation's children, from the parents who volunteer at school to community members who mentor and lead by example. During this month, let us also thank these dedicated individuals and encourage others to become similar community leaders as well.

Mr. Speaker, I urge my colleagues to join me in giving a heartfelt thank you to the hard-working teachers, school employees, mentors and parents of the 37th Congressional District as well as those across the nation. I encourage students, parents, and school officials to participate in the local events of American Education Week.

#### TRIBUTE TO ALBERT TERRY

##### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to and honor Albert Terry, for his track record in public service and his commitment to charity.

Albert Terry came to Brooklyn by way of North Carolina in January 1936 with his parents Martha and Caswell Terry and three sisters, Lucy, Dorothy, and Ethel. Shortly after

settling in Brooklyn, he joined Mt. Lebanon Baptist Church and became active in the usher board, male chorus, senior choir, and briefly served as trustee.

Albert graduated from Boys High School in 1948. In September 1950 he met and married Zenith Tatum and had three children, Laura Denise, Albert Jr. and Douglas Clayton. He and the family settled on Decatur Street where he joined the Decatur-Howard-Saratoga Block Association in October 1953. He was elected president, serving 1958–1959, then served again from 1983–1985.

From 1959 to 1967, Albert worked for the New York Transit Authority as a bus driver. In 1983 Albert was selected to join the Prince Hall Masonic Lodge. In July 1985, he joined the Ancient Egyptian Arabic Order Knights of the Mystic Shrine, Abu Bekr Temple No. 61 and served until 2005. He later worked briefly for Assemblyman William Boyland, Sr., going around to the various schools and day care centers to find out what they needed in the way of assistance or participating in events such as graduations and other affairs. Albert and Zenith celebrated 62 years of marriage on September 17, 2012.

Mr. Speaker, I would like to recognize Mr. Albert Terry for his successful career and continued work in service to the community.

#### HONORING MARILYN R. FELTON

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a Librarian, Marilyn Rankin Felton, who was born on July 30, 1962 in Natchez, Mississippi to Mr. Judge Rankin and Mrs. Annie James Rankin of Fayette, Mississippi. Her father worked as a farmer planting and growing the food that would feed the family, while her mother was an active part of the Civil Rights Movement in the 1960s, faithfully fighting to secure the civil rights so that her children and others would have the right to a prosperous life. As a child being reared by a father who spent most of his life as a sharecropper and a mother who believed in fighting for the rights of others, she knew that hard work and dedication would play a significant role in her life.

She graduated from Jefferson County High School in 1980, after which she attended Copiah-Lincoln Community College in Natchez, Mississippi for a short time. She set aside obtaining a college degree to work at a Wire Harness Plant in Fayette, Mississippi. She married Lee Felton in March 1984 and at the age of twenty-one, she realized the importance of the family. In doing so, she was blessed with three children to instill those same values in.

For the next six years, she would work at the Wire Harness, where she endured long hours of standing on concrete floors while working in a humid building that was sizzling hot during summer months and frigid cold during winter months. The Wire Harness Plant closed its door in 1990 and she used the fact that she was unemployed as an opportunity to continue her education.

Nevertheless, continuing her education was gradual because she worked at local stores as a cashier for the next few years; however, that did not fulfill her dream. In 1996 she returned to Copiah-Lincoln Community College to obtain a degree in Business Technology. In September 1997 her professional life provided her with an avenue to fulfill her dream of helping others when she was hired as a substitute Librarian with the Copiah-Jefferson Regional Library System (Fayette Branch). In September 1998, she was hired as the Branch Manager/Librarian.

In 1998, her mother, Mrs. Annie V. Rankin suddenly passed away and Marilyn knew she had to find a way to keep her mother's beliefs known, which she did by helping others. She successfully founded the Jefferson County Library Christmas Toy Drive in 2001 for underprivileged children of Jefferson Co. and surrounding areas. For ten years, the annual toy drive has been instrumental in providing an average of 200 children per year with toys for Christmas.

Her career as a Librarian has provided her an opportunity to visit libraries in the state of Mississippi, New Orleans, Louisiana, LaCrosse, Wisconsin and Rome, Italy. As a librarian, she has worked effortlessly to provide programs for children and adults at the Jefferson County Library as well as expose the patrons to various authors from Mississippi, Georgia, and Pennsylvania.

Marilyn cherishes the belief that learning is an ongoing process because she is presently a sophomore at Walden University, majoring in Child Development as she has maintained a 4.0 GPA since enrollment.

Nevertheless, the success of her life and career is to freely give of your wisdom and knowledge to those who need it and desire it.

Mr. Speaker, I ask my colleagues to join me in recognizing a librarian, Marilyn Rankin Felton, for her dedication to serving others.

#### TRIBUTE TO JULIE FISHMAN

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Julie Fishman served as a member of my Washington, D.C. staff for almost four years, beginning in 2008. Managing my schedule and daily functions in both D.C. and in the District requires a great deal of organization and attention to detail, and Julie performed the role with precision and skill. Often the first point of contact for folks in the District, Julie endeared herself to the countless constituents with whom she interacted. During her tenure, Julie served in various roles, always willing and eager to learn new skills and further her professional development. Above all, Julie was a trusted, loyal and dedicated member of the team.

Julie should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Julie and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Julie Fishman for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

IN HONOR OF THE REVEREND DR.  
J.H. FLAKES, JR.

#### HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, it is with a heavy heart and solemn remembrance that I rise today to pay tribute to the Reverend Dr. Johnny H. Flakes, Jr., an inspiring spiritual and community leader and the beloved Pastor of Fourth Street Missionary Baptist Church in Columbus, Georgia for fifty-one years and Good Hope Missionary Baptist Church in Phenix City, Alabama for fifty-three years.

Sadly, Dr. Flakes passed away on Monday, November 12, 2012. His passing leaves a tremendous void in the hearts of his family, friends, and the Columbus and Phenix City communities. On Friday, November 16, 2012, a funeral service will be held in his honor at Fourth Street Baptist Church in Columbus, Georgia.

Dr. Flakes was born on January 12, 1934 in Phenix City, Alabama. His story is a truly inspiring one. As a young man, he dropped out of high school, married young, and was unable to adequately provide for his family due to alcohol and gambling addictions. However, he heard the sound of God's voice and answered the call, surrendering his life to Jesus Christ. He was called to the monumental task of pastoring two rapidly-growing churches in two different states. Even so, he still found the strength, discipline, and dedication to drive back and forth from Columbus to Nashville, Tennessee each week over four years to earn his GED and Bachelor of Arts degree from American Baptist College, for which he would later go on to serve as Chairman of the Board of Trustees and have the administration building on the school's campus named in his honor.

Throughout his pastoral career, always seeking to improve the craft of Christian ministry and discipleship, Dr. Flakes became a leader in the National Baptist Congress of Christian Education, served as President of the Congress of Christian Education for the General Missionary Baptist Convention of Georgia for many years and ultimately served on the Executive Committee Board of the National Baptist Convention. Dr. Flakes also received honorary doctorate degrees from A.B. Lee Theological Seminary in Jacksonville, Florida and his alma mater, American Baptist College.

A fierce believer in equality and justice for all, Dr. Flakes was not only a profound theologian but also a strong civic leader. He served as President of the Columbus branch of the National Association for the Advancement of Colored People (NAACP) for several years; was the President and Founder of "A Call To Talk" (ACTT); Chairman of One Columbus; and Chartering Pastor of the General Missionary Baptist Church Convention of West Germany.

He is also the recipient of the Outstanding Personality of the South Award; Ten Outstanding Ministers in the State of Georgia Award; Alpha Phi Alpha Martin Luther King Jr. Award; Operation PUSH Martin Luther King, Jr. Award; Jack T. Brinkley, Sr. Service Award, and the Knighthood Award from the Congress of Christian Education. In addition, Dr. Flakes was recently awarded the Whitney M. Young Service Award by the Boy Scouts of America Chattahoochee Council for his support of Scouting in the community.

On a personal note, I have been truly blessed by Dr. Flakes' spiritual counsel and guidance over the twenty-four years I was a member of Fourth Street Missionary Baptist Church. His courage, perseverance, and dedication to his church and his Savior will always be a source of inspiration for me. Dr. Flakes was an outstanding man of God who, through his deep and abiding faith, made a tremendous impact on his community. He will truly be missed but his unwavering spirit will live on through the many whose lives were touched and inspired by this remarkable man.

Dr. George Washington Carver once said, "No individual has any right to come into the world and go out of it without leaving behind distinct and legitimate reasons for having passed through it." We are so blessed that Dr. Johnny Flakes, Jr. passed this way and shared with us his legacy of service that will stand the test of time.

Mr. Speaker, my wife Vivian and I, along with the almost 700,000 people in the 2nd Congressional District of Georgia, would like to extend our deepest sympathies to Dr. Flakes' wife of more than fifty-seven years, Robena Gaines Flakes, their three children Sincera, Johnny and Merle, their grandchildren, and the members of Fourth Street Missionary Baptist Church and Good Hope Missionary Baptist Church during this difficult time. May they be consoled and comforted by their abiding faith and the Holy Spirit in the days, weeks and months ahead.

#### TRIBUTE TO PERCEL JONES

##### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. TOWNS. Mr. Speaker, I rise to pay tribute to Percel Jones. It is an honor to represent Mr. Jones in the House of Representatives and I call on my colleagues to join me in paying tribute to such an outstanding citizen.

Bro. Percel Jones was born in Camden, NC to the late Ida Mae Jones Gregory. He was raised by his great grandmother, Ida Mae Dough Jones who also raised his mother. He is the oldest of eight, with six sisters and one brother. He is the father of three sons and has seven grandchildren and three great-grandchildren. After attending public school in North Carolina, he served four years in the United States Air Force where he went to cooking school. With on the job training, he learned to cook for as many as 2,500 people.

In 1961, he moved to Brooklyn, NY where he applied his skills in restaurants, school lunchrooms and New York hospitals. In 1967, he began employment with the New York City Transit Authority as a conductor, was elevated to motorman and retired as a motor instructor after 24 years, 3 months, and 7 days on the job. He is a member of Berean Baptist church where he serves faithfully as an usher. In 1973, he entered, passed and was raised to a master mason in African 459 Lodge #63, PHA.

In 1974, he became a member of Long Island Consistory #61. In 1975, he joined Mt. Moriah Chapter #3 R.A.M. He was created in ABU BEKR Temple #91 A.E.A.O.N.M.S. of North and South American Jurisdiction. In August of 2009, he received his Honorary Past Potentate degree. In May of 2011, he was elevated to the 33rd and last degree of masonry, the United Supreme Council Ancient and Accepted Scottish Rite of Free Masonry P.H.A. of the Northern Jurisdiction in Denver, CO. At the 119th Imperial Council Session A.E.A.O.N.M.S. Inc. held in New Orleans, LA in August of 2012, he received his Legion of Honor Certificate.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Percel Jones.

#### TRIBUTE TO KELLY SHEEHAN MARTIN

##### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my Staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the

needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Kelly Sheehan Martin began serving on my District staff when I first took office. Kelly helped to establish our office early on as being a source of relief to those having trouble with the Social Security Administration. Kelly then moved into coordinating Grants and Special Projects. She did a tremendous job in leading such efforts as a Regional Jobs Fair that publicized well over 600 available jobs during the height of the recession, providing access and hope to constituents and many more throughout Western North Carolina.

Kelly should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Kelly and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Kelly Sheehan Martin for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

#### HONORING EURO-AMERICAN WOMEN'S COUNCIL CREATIVE DIRECTOR AND ARTIST KENYA R. TAYLOR

##### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mrs. MALONEY. Mr. Speaker, I honor Kenya R. Taylor, a hardworking and talented artist who also serves as the Euro-American Women's Council's Creative Director. The Euro-American Women's Council was founded sixteen years ago on the principles of endorsing high ranking professional women from around the world while promoting their strong family values. As a professional accomplished artist who took these values to heart, Kenya joined the Euro-American Women's Council in 2008, bringing his artistic, gifted, and innovative talent to the organization.

Kenya's talents were first recognized at the age of five, when he was enrolled in his first art program at the Edith K. Bergtraum Elementary School in Flushing, New York. It was at this school where Kenya first learned how to paint portraits and still-lives. Kenya quickly became known as an artist and was often asked to do special works for the school, some of which are still hanging today. However, this was just the beginning of Kenya's talent, continuing to middle school and influencing his later decision to enroll at the renowned High School of Art and Design in New York City where he studied Advanced Placement Environmental Science in addition to Architectural Design. During these high school years, Kenya also immersed himself in classes at the distinguished Parsons School of Design where he then continued his studies as

an undergraduate. It was at the Parsons School of Design where he began to branch out into other forms of design such as graphic design, web design, and industrial design.

Upon graduation, Kenya became a graphic designer, and further proved his artistic talent through a vast portfolio of work ranging from television to fashion. He has also designed pieces for a variety of American political families including the Clintons and the Bushes. But after the birth of his two children, Kenya chose to move out of the spotlight to start a career that allowed him to be closer with his family.

For the past four years, Kenya's role as the Euro-American Women's Council Creative Director has allowed him full oversight and vision of the organization's design components including invitations, programs, and the website. One of his most significant accomplishments since joining the Euro-American Women's Council was working on EAWC's Silk Books commemorating 16 years of the organization's accomplishments. These banners were on display at this year's Goddess Artemis Awards and Global Business Forum, allowing leaders from all over the world to see his amazing artwork. Kenya continues to work tirelessly as he continues to create beautiful designs as the Creative Director, often with his children by his side. In appreciation for all of the incredible work by Kenya R. Taylor, I am proud to honor him today in Congress and look forward to his future artistic and creative achievements.

**HONORING DOUBLE DY EXPRESS  
FOR ITS CONTINUED SUPPORT  
OF ITS COMMUNITY**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a minority-owned business, Double Dy Express of Tutwiler, Mississippi. Owned and operated by Ms. Diana Pimpton, this establishment has provided great services to the Tutwiler community for years.

As a lifelong resident of Tutwiler, Ms. Pimpton wanted to introduce something new to her community; therefore she combined the likes of a convenience store and soul food restaurant. Bringing Double Dy Express to Tutwiler not only provided the community with its first soul food eatery, but also helped bring new jobs to the area. Pimpton's restaurant provided jobs to residents as cooks, cashiers, and maintenance workers. In addition, she gave students within the community their first job experience.

Pimpton's will to give back and help her community is credited with inspiring other minorities in the area to open up their own businesses. Ms. Pimpton credits her own family and friends to her survival as a business owner. She has said, "This has not been an easy task but I am grateful and thank God for what I have already accomplished and continue to strive towards in future."

Mr. Speaker, I ask my colleagues to join me in recognizing Double Dy Express for its contributions to the community.

**TRIBUTE TO KELLY MISSELWITZ**

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Kelly Misselwitz joined my Washington, D.C. staff in January of 2011. I often receive thousands of pieces of constituent correspondence each week, and with Kelly's care and correspondence management, we were always able to ensure that constituents received responses to their ideas and concerns in a timely, thoughtful and thorough manner. I cannot count the number of times constituents approached me on the sidewalk, in church or at local events to express their gratitude for the personal and comprehensive responses they received. I was always quick to brag on Kelly's critical role in making our constituent correspondence program a success. Kelly also served as a Legislative Assistant, proving herself to have excellent research and analytical skills, key to advising any Member of Congress. What Kelly may be known for most, however, is her sharp sense of humor that we all have truly missed since her departure in August of this year.

Kelly should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Kelly and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Kelly Misselwitz for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

**HONORING WORK OF DISTRICT II  
SUPERVISOR, LYLE TURPIN**

**HON. JEFF DENHAM**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. DENHAM. Mr. Speaker, I rise today to honor the dedicated work of District II Super-

visor, Lyle Turpin. Lyle served as Mariposa County District II Planning Commissioner from 2001–2007. He was elected and served as District II Supervisor from 2005–2012 and was acting Chair in 2008. Lyle's list of service accomplishments attests to his commitment as a distinguished member of our community.

Mr. Turpin was a member of the Local Agency Formation Commission (LAFCo) and served the county as a member of the following committees: Coulterville Service Area Number One Advisory Board, Coulterville Town Planning Advisory Council, Greeley Hill Planning Advisory Committee, Lake Don Pedro Service Area 1–M Advisory Board, Local Transportation Commission Technical Advisory Committee, and Pedestrian and Equestrian Trails Advisory Board.

In addition to his tireless work on various county committees, Lyle served on the following agencies and Board of Directors: Calaveras-Mariposa Community Action Agency, Mountain Counties Air Basin, Sierra Nevada Conservancy, Yosemite/Sequoia Resource Conservation and Development Area, Tuolumne-Mariposa County Resource Advisory Committee, and Agriculture and the Natural Resources—CSAC.

Mr. Turpin has spent his time as Supervisor dedicated to the following county projects: The General Plan; Coulterville and Mariposa Town Drainage Study; Yosemite West Community Plan; SilverTip Resort project amended site plan, Catheys Valley Community Plan; construction of the new Human Services facility; zoning amendments; the acquisition of new fire trucks and water tenders; construction and funding for three new fire stations; obtaining a Fixed Base Operator to oversee the Mariposa/Yosemite Airport operations; construction of the Red Cloud Library; improvements to the Midpines Park; Airport improvement projects; the Seventh Day Adventist Camp project; Lake Don Pedro Wastewater Treatment Facility; the MOU with the Administrative Office of the Courts and the County of Mariposa for the continued use of the historic Mariposa County Courthouse Superior Court; completion of the Solid Waste Compost facility; fuel load reduction projects; road maintenance projects; Agriculture and Agri-tourism policy; Foresta Community Wildfire Protection Plan; Williamson Act/historical parcels; and the AB 885 statewide issue relative to well and septic inspections.

Lyle remains active in the community, attending many local community organization events and fundraisers. He has helped the community contend with the impacts of the Ferguson rock slide disaster of 2006, the horrific Oliver and Telegraph Fires of 2008, the Big Meadow Fire of 2009, the 2011 Motor Fire in El Portal, and damages associated with the rains in late December 2010—including Ben Hur Road. He also helped to establish the separate Human Services/Risk Management department and implement the paperless agenda management system for the Mariposa Board of Supervisors.

Mr. Speaker, please join me in honoring District II Supervisor Lyle Turpin for his outstanding commitment to serve his community. Mr. Turpin is a true public servant, and I wish him continued success in his future endeavors.



## TRIBUTE TO GARY A. WRIGHT

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Mr. Gary A. Wright. It is an honor to represent Mr. Wright in the House of Representatives and I urge my colleagues to join me in paying tribute to such an outstanding citizen.

Mr. Wright was born in Brooklyn, NY. He was the 3rd of six children of the late George Wright and Jerline Wright. He attended and graduated from Boy's High School. Following graduation, he took an interest in photography which gave him the opportunity to work in such communities as Brownsville, East New York and Bedford Stuyvesant. He also joined the New York City Auxiliary Police Force. In 1968, he joined the Port Authority of New York and New Jersey and worked at Kennedy Airport.

He received certificates of appreciation for providing technical instruction during the General Maintainer and Driver Training (CDL) programs, a World Trade Center Award for exceptional service and the World Trade Center 9/11 Responder Award. He currently resides with his wife Edith and family in New Jersey.

Mr. Wright was elevated and raised in African Lodge 459 #63 in 1979. Became a member of the Long Island Consistory No. 61 A.A.S.R. and is also a member of the Medina Temple No. 19 A.E.A.O.M.S.

May our country continue to benefit from the civic actions of committed and laudable citizens such as Mr. Wright.

Mr. Speaker, I would like to recognize Bro. Gary A. Wright for his tremendous contributions to the community.

## HONORING KEVIN O'HANLON

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Kevin O'Hanlon served in various positions both in my Washington, D.C. office and on my campaign, and has excelled in each capacity during his nearly four-year tenure. Kevin has earned a reputation for being dependable, meticulous and for always being willing to chip in however needed. While outside of his job description, Kevin was also appreciated for his technical expertise, which became invaluable to the office as he solved technical issue after technical issue, keeping our team up and running time and again. Above all, I could always count on Kevin to assist with a helping hand, regardless of the issue or the time of day or night that he was needed. I extend my thanks to his wife, Liz, for her patience for the many times Kevin worked long or irregular hours to keep our congressional office humming along smoothly.

Kevin should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Kevin and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Kevin O'Hanlon for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

## PERSONAL EXPLANATION

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Ms. DELAURO. Mr. Speaker, I was unavoidably detained and so I missed rollcall vote No. 604 regarding the "Streamlining Claims Processing for Federal Contractor Employees Act" (H.R. 6371). Had I been present, I would have voted "yes."

## HONORING TONY'S GROCERY FOR REMAINING A STAPLE IN THE MAYERSVILLE COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a thriving business in Mayersville, Mississippi for more than fifty years, Tony's Grocery.

Founded by husband and wife duo, Saul "Tony" and Edie B. Williams, Tony's Grocery has served as the oldest and only store in the town of Mayersville. With more than five decades in business, Tony's Grocery has employed many citizens of the Mayersville community.

Presently owned and operated by Mayor Linda Short, daughter of Saul and Edie B, and her husband Larry Short, Tony's Grocery is the classic example of a small business weathering the test of time and still managing to provide so much for the residents of its community.

Mr. Speaker, I ask my colleagues to join me in recognizing Tony's Grocery for its longevity and dedication to serving Mayersville, Mississippi.

## HONORING BOYCE DEITZ

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my Staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Boyce Deitz has served as a member of my District staff since I first took office. Boyce's presence in my life has been a blessing for years, beginning first as my high school football coach and mentor and now, more importantly, as a friend and confidant. As the roles reversed and Coach Deitz spent the past six years as a Field Representative in my Congressional District office, I was reminded daily of Coach's dedication and drive to do everything possible to always meet the need and fix the problem of everyone who walked into his office. We have spent many days traveling the rural areas of Western North Carolina knocking on doors, visiting farms, watching football practices, and just enjoying talking with the fine people who call Western North Carolina home. Without the support of people like Boyce the past six years would have never been possible.

Boyce should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Boyce and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Boyce Deitz for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

## HONORING TOM PLIMPTON

**HON. WILLIAM L. OWENS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. OWENS. Mr. Speaker, I rise today to recognize a constituent and friend, Tom Plimpton. I have known Tom for a number of years as a friend and former colleague, and I want to congratulate him on his induction into the St. Lawrence University Hall of Fame.

A distinguished lawyer in Upstate New York, I want to take this opportunity to not just acknowledge his academic, legal, and personal successes, but recognize his athletic achievements as a part of the 1987 Men's Track and Field Team at St. Lawrence University.

As a member of the St. Lawrence University 1987 Men's Track and Field team he contributed to their win in the second-ever New York State Collegiate Indoor Championship and the first New York State Outdoor title. He then went on to help his team finish second in the NCAA Division III Indoor Championship. For his efforts in the 400 meter team relay, Tom earned All American honors.

Again, I congratulate Tom on this prestigious distinction and wish him all the best.

## TRIBUTE TO ENRIQUE "TITO" OSBORNE

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Enrique Osborne.

Enrique, known affectionately as "Tito," migrated to Brooklyn, New York from Panama at the age of 13 in 1950. After Enrique graduated from High School he joined the United States Air Force and after his service he worked as a supervisor for the Advertising Distributors of America. He later worked for the New York City Transit Authority until his retirement.

In 1975, Tito was made a master mason in the Jessie Milton Lodge #70, King Solomon affiliation. Twelve years later, he joined African Lodge 459 #63, where he has served continuously and is currently a trustee.

A father of six, Gloria Louisa, Carlos, Antonio, Joseph, April and Gloria, and grandfather of ten, Tito still finds the time to be the President of the Bug Pack, a Philadelphia Volkswagen Club, and a member of the Ebony Rod and Gun Club.

Mr. Speaker, I would like to recognize Mr. Enrique "Tito" Osborne for his contribution to our community of Brooklyn.

## HONORING ANDREW TULLY

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Andrew Tully. An-

drew is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 414, and earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in many scout activities. Over the many years Andrew has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Andrew has earned the rank of Warrior in the Tribe of Mic-O-Say and the God and Country Award. Andrew has also contributed to his community through his Eagle Scout project. Andrew completed many renovations at the First Baptist Church of Bogard, Missouri, including a utility room, handrails, enclosed an exterior staircase, and other small projects to help congregants enter and use the church facility.

Mr. Speaker, I proudly ask you to join me in commending Andrew Tully for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

## HONORING DR. FRANK NICKELL

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mrs. EMERSON. Mr. Speaker, I rise today in honor of Dr. Frank Nickell, professor of history at Southeast Missouri State University in Cape Girardeau, Missouri. For four decades, he has served as an educator, a passionate chronicler of regional history, and an ambassador for the university in the surrounding community.

First hired by the university in 1969, Professor Nickell has won praise for his work in the classroom. After decades of inspiring students, he received statewide recognition in 1992, as one of 47 educators from Missouri higher education institutions awarded a Governor's Award for Excellence in teaching. In 2009, Southeast Missouri State honored him with the Provost's Research Instruction and Development for Excellence (PRIDE) Award. The latter award recognizes excellence in teaching, scholarship, and service.

In these last two categories, scholarship and service, Nickell has gone above and beyond his responsibilities in the classroom. An avid promoter of regional history, he helped initiate the university's Historic Preservation program, through which undergraduate and graduate students work to preserve the area's historic sites, artifacts, and cultures. In 2007, he helped launch and became host of Southeast Public Radio's "Almost Yesterday" series, which takes listeners back in time to specific moments in regional history. After just one year on air, the program won the station its first-ever Missouri Broadcaster Association Award.

For his many achievements and his unwavering commitment to the people and history of Southeast Missouri, I thank Frank and wish him well as he enjoys his retirement.

## RECOGNIZING HONDA ON THIRTY YEARS OF AUTOMOBILE MANUFACTURING IN THE UNITED STATES

**HON. JIM JORDAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. JORDAN. Mr. Speaker, on behalf of the people of Ohio's Fourth Congressional District, I congratulate Honda on its thirtieth anniversary as an automobile manufacturer in the United States.

Honda became the first Japanese automaker to manufacture cars in the U.S. on November 1, 1982, when the first U.S.-made Honda Accord rolled off the assembly line in Marysville, Ohio. In the three decades since, the company has become one of our Nation's most important job creators, investing more than \$12.5 billion in the U.S.—\$1.2 billion in just the last two years. This investment has supported not only Honda's 26,000 U.S. employees—more than 13,500 in Ohio alone—but also hundreds of thousands of jobs at suppliers and servicers nationwide.

Honda marked its anniversary by announcing more than \$200 million in new investments at its transmission manufacturing facility in Russells Point, Ohio, and its engine plant in Anna, Ohio. Two hundred new manufacturing jobs will be created at those plants as a result.

Mr. Speaker, Honda's commitment to Ohio dates back to 1979, when small-scale dirt bike production began in Marysville. The company has been a dedicated partner to communities throughout our State and Nation ever since, creating highly skilled jobs and revolutionizing domestic auto manufacturing.

I offer my congratulations to everyone at Honda as they celebrate this milestone. They have my very best wishes for continued excellence in automobile manufacturing and job creation.

## HONORING THE SERENE LODGE #567 IMPROVED BENEVOLENT PROTECTIVE ORDER OF ELKS OF THE WORLD

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the Serene Lodge #567 Improved Benevolent Protective Order of Elks of the World (I.B.P.O.E. of the W.). The Serene Lodge #567, Greenville, Mississippi was organized on March 10, 1924 by Carlos C. Valle Grand Organizer.

The Elks is the oldest African American, fraternal organization, which reaches from the Great Lakes to the Gulf of Mexico. The first Elks Home was at the Miller Home, corner of Nelson and Broadway Street. In later years the group moved to a number of places including 329 North Broadway, 346 Catley Street, 613 Nelson Street, 328 Theobald Street, 420 Muscadine Street, 727 Nelson Street, 349 Catley Street and thence to home

at 1822 East Alexander Street. The mortgage was burned in 1974. During the years of hard work, some of the accomplishments were: Membership of 300, the largest in history; and annual donations of \$100 for Christmas baskets for the aged and indent; and yearly donations of \$1,000 to sick and distress Brothers; and donations to the Community Fund Drive; and donations to park and playground projects; and sponsored a Little League Baseball Team; and presented a flag pole and plaques to Coleman High School; and donated towards the purchase of curtains and piano for Lucy Webb School.

Levy Chapple, at the age of 23 was the youngest Exalted Ruler in the United States. He was the first to place strong emphasis upon attracting young people into the Elklod and soared the membership far over 150 during his administration. It was during this period that the Daughter Elks Temple came into being with Daughter (Dtr.) Julia Thornton as the first Daughter Ruler whose emphasis upon young people was as equally strong.

Today, the Lodge continues to do work in the community and surrounding areas. Along with the Daughters, they have adopted a park and started a back to school supply give-away to over 300 children, this project was initiated approximately four years ago. Several of the Brothers have received their Past Grand Degree, which is the highest honor in Elklod. The Lodge continues to initiate young men into the organization.

Mr. Speaker, I ask my colleagues to join me in recognizing Serene Lodge #567 I.B.P.O. of the W. for their leadership and dedication to serving their community and surrounding areas.

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CELEBRATING THE CENTENNIAL  
OF CITYHOOD FOR BEAUMONT, CA

**HON. JERRY LEWIS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. LEWIS of California. Mr. Speaker, I rise today in recognition of the city of Beaumont, California, which will celebrate its centennial on Nov. 18, 2012.

In 1927, ten years after its incorporation, Beaumont boasted a population of 857. Today, it's a community of nearly 40,000 people, all of whom I've been proud to represent in Congress for the last ten years.

Much of this growth has happened in the last ten years. Residents flocked to Beaumont for its low housing costs, causing a 20% jump in the city's population, an increase that made it the fastest growing city in the State. What began as a railway outpost at the summit of San Geronio Pass has become a vibrant, progressive city that retains its small-town feel.

I proudly salute Beaumont's founders who laid the foundation for what has become a city that upholds the core values of public service. They're a shining example of local government at its best, and I hope my colleagues will join me in extending our best wishes to Beaumont on this most memorable occasion.

TRIBUTE TO CHAD EATON

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my Staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

I recruited Chad Eaton to join my District staff in January of 2009. Having first met Chad through his service to both our families' church as the Associate Pastor at Biltmore Baptist Church in Asheville, North Carolina, I was already well familiar with his commitment to personal and professional excellence. In the several years that have passed since we first met in 2005, I continue to be impressed by Chad's devotion to family, faith and public service. Chad's character and moral compass inspire his daily actions both inside and outside of our duties as a Congressional office, earning him my deepest respect and also the respect and appreciation of colleagues and constituents alike.

Not a day goes by without my leaning on Chad in some capacity. Chad is a loyal, honorable and trusted companion and I consider his counsel and friendship a blessing in my life. No matter where the Good Lord's plans take us in the future, I look forward to many more years of our continued friendship.

Chad should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Chad and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Chad Eaton for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

HONORING KOLBY DEAN GOFF

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Kolby Dean Goff.

Kolby is a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 418, and earning the most prestigious award of Eagle Scout.

Kolby has been very active with his troop, participating in many scout activities. Over the many years Kolby has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community. Most notably, Kolby has contributed to his community through his Eagle Scout project. Kolby designed and constructed an outdoor classroom at his sister's elementary school, building a nature learning center and an life-size outdoor checkerboard.

Mr. Speaker, I proudly ask you to join me in commending Kolby Dean Goff for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING ED PAVIA

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Ed Pavia joined my Washington, D.C. office in January 2012, as he was completing his Masters in Appropriate Technology (renewable energy engineering) from Appalachian State University. It became apparent immediately that because of his understanding of energy and agriculture issues he would be a valuable addition to our team. New to Capitol Hill, Ed quickly learned the ropes and has been entrusted to serve in a variety of capacities, including work as a Research Fellow, Legislative Assistant and Executive Assistant. Ed's attention to detail, knowledge of policy issues and disciplined work ethic have proven to be invaluable assets.

Ed should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Ed and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Ed Pavia for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

**HONORING HOPE ELEMENTARY  
SCHOOL IN HOPE, MAINE**

**HON. CHELLIE PINGREE**

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Ms. PINGREE of Maine. Mr. Speaker, I would like to congratulate a school in my district for being selected by the U.S. Department of Education as one of only 269 Blue Ribbon Schools nationwide this year.

With 176 students in kindergarten through eighth grade, Hope Elementary in Knox County, Maine, is a small school doing big things. Foremost, the school has consistently met high standards of academic excellence. In itself, this achievement is worthy of honors.

But Hope Elementary has also excelled in teaching lessons in leadership. The school has an active student council, a leadership group that focuses on community service, and a culture where older students are expected to be leaders for their younger peers. Moreover, staff and administration set a strong example of collaboration. Immersed in this kind of environment, Hope students learn from an early age the importance of working together to move the whole community forward. This is an essential lesson for our next generation of leaders, and I truly appreciate the school's commitment to fostering it.

Being named a Blue Ribbon School is a prestigious honor, and the entire Hope Elementary community should be proud. This achievement belongs to the administration, teachers, students, families, and town as a whole. I am proud to have this excellent school in my district and they have my warmest congratulations.

**HONORING UNITED MANAGEMENT  
& DEVELOPMENT ASSOCIATES,  
INC.**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to recognize a remarkable small family owned business, United Management & Development Associates, Inc. It is a real estate development and property management firm. The company's portfolio consists of properties that are financed by the United States Department of Agriculture—Rural Development, Housing and Urban Development, and properties that receive low income housing tax credits. They provide their residential clients with a multitude of services like budget counseling, GED preparation through a partnership with Coahoma Community College, life skills, health and wellness activities, and home ownership preparation.

Jeffrey Gooden is the president. He was educated in the Clarksdale Public School System. He received a Bachelors of Business Administration Degree majoring in Banking and Finance and Managerial Finance from the University of Mississippi in 1992. He is a licensed real estate broker in Mississippi, Tennessee, and Arkansas. He holds several real estate designations including the following: Certified Manager, Certified Property Manager, Certified Commercial Investment Member, National Association of Realtors, National Association of Realtors Green Resource Council, and Graduate of Realtor's Institute.

Jeffrey is a second generation real estate professional. His father, the late Bennie Stone Gooden, was a developer and manager of affordable housing properties, who started United Management & Development in the 1980s. His father's vision was to improve the quality of life in the Mississippi Delta. After his father's death, Jeffrey and his family continue the Gooden family's legacy.

Jeffrey works with his sister, Marian Gooden Miller, and his brother, James Norvell Gooden. The three of them have expanded the company's services and vision. Norvell is both a licensed real estate and insurance agent in Mississippi, Tennessee and Arkansas. Marian is a licensed real estate agent. United Management & Development Associates, Inc. provide full real estate brokerage services and insurance products.

Mr. Speaker, I ask my colleagues to join me in recognizing United Management & Development Associates, Inc. for providing decent and affordable housings for the Mississippi Delta.

**TRIBUTE TO DR. WELTON I.  
TAYLOR**

**HON. BOBBY L. RUSH**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. RUSH. Mr. Speaker, I rise today to pay tribute to Welton I. Taylor, Ph.D. A distinguished scientist, WWII liaison pilot, and civil rights advocate, Dr. Taylor died in Chicago on November 1, 2012, just 11 days shy of his 93rd birthday. Born November 12, 1919, in Birmingham, Alabama, to Frederick Enslen Taylor and Cora Lee Brewer, Taylor was still an infant when his family fled to Chicago as a result of an ultimatum his mother received from the Ku Klux Klan. Throughout Dr. Taylor's life, the story of his family's trauma fueled his desire to succeed in every endeavor and to fight racism wherever he found it.

Graduating from DuSable High School as class Valedictorian in 1937, Dr. Taylor attended the University of Illinois at Urbana-Champaign thanks to scholarships from the Kappa Alpha Psi fraternity. In his senior year he became the first black cadet in the University of Illinois' Advanced ROTC Field Artillery Unit. He graduated in 1941 with an A.B. in Bacteriology and a commission as a Second Lieutenant in the Field Artillery. Only 28 days after following orders to report for active duty at Fort Sill, Oklahoma, Taylor became the first black field artillery officer in the history of the post.

Taylor had always dreamt of becoming a pilot, however, and when a flight instructor at the Lawton, Oklahoma airfield offered to teach him, he jumped at the chance. Taylor took lessons during his off-duty hours and was rewarded when the Army subsequently sent him to the Second Army Air Force's Pittsburg, Kansas flight school to become a Field Artillery liaison pilot. Taylor was eventually deployed to the South Pacific with the all-black 596th Field Artillery Battalion, 93rd Infantry Division and flew liaison and reconnaissance missions in the South Pacific until the end of World War II.

During his 5½ years of service, Taylor boldly challenged institutional racism in the Army at every turn—most notably protesting the Army's discriminatory practices regarding the admission of black officers to the officers' clubs. Taylor suffered numerous racial affronts during active duty, but still joined the Illinois National Guard Reserves at the end of the war, rising to the rank of Major before resigning his commission in 1952.

Upon his return stateside, Taylor married his longtime girlfriend, Jayne Kemp Taylor, a graduate of Howard University. The couple entered the University of Illinois at Urbana-Champaign shortly thereafter to pursue their graduate degrees where Taylor earned his M.S. and Ph.D. in Bacteriology on the G.I. Bill. While on campus, the couple teamed with white veterans and their wives to force the integration of local restaurants, movie theaters, and swimming pools. Champaign-Urbana was changed forever by their efforts, and when the Taylors returned to Chicago after graduation, they continued their civil rights activism. They became one of the first black families to integrate the Chatham neighborhood on Chicago's South Side and Dr. Taylor played an active role in civic life. He served as President of the Chatham Avalon Park Community Council, founded the Episcopal Society for Cultural and Racial Unity, and received the Brotherhood Award of the National Conference of Christians and Jews.

As a scientist, Dr. Taylor had a remarkable career spanning close to fifty years. He taught microbiology at the medical schools of both the University of Illinois and Northwestern University, did ground-breaking research on bacteriological contamination in the nation's food supply, helped France and Britain eradicate Salmonella in their imported foods, became microbiologist-in-chief at Chicago's Children's Memorial Hospital, and served as consulting microbiologist to Resurrection Hospital and eleven other hospitals in the Chicago area. He earned four patents, published forty articles in scientific journals (becoming the first black editor of several of them), and developed a product adopted by the Food & Drug Administration, which is still used today by microbiology laboratories the world over to certify foods Salmonella-free. In 1985, the Centers for Disease Control in Atlanta named a bacterium *Enterobacter taylorae* in honor of Dr. Taylor and a British colleague.

Following the death of his wife, Jayne, in 2005, Dr. Taylor joined the Chicago "DODO" Chapter of the Tuskegee Airmen, Inc. to once again pursue his lifelong passion: flying. Always one of the organization's most vocal and articulate supporters, Taylor helped fellow pilots introduce inner-city children to the joys

and challenges of flight. He lectured extensively to corporate, civic, and academic groups across the Midwest and spoke passionately about the triumphs and frustrations faced by the Tuskegee Airmen and other black servicemen during World War II. Taylor received the Congressional Gold Medal with the Tuskegee Airmen in Washington, DC in 2006.

Fully committed to educating succeeding generations, Dr. Taylor published his long-awaited memoir and history, *Two Steps from Glory*, in July of 2012. He proudly unveiled it at the huge air show in Oshkosh, Wisconsin (EAA Airventure), just days before being diagnosed with the cancer that took his life.

Dr. Taylor is survived by his daughters, Karyn and Shelley, by his nephew, Herbert Wallace, and his niece, Frances Austin.

On behalf of my wife Carolyn and the constituents of Illinois' First Congressional District, I extend my condolences to Dr. Taylor's family and I want for them to know that they are in our thoughts and prayers.

#### HONORING DENNIS BERMAN

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor several of the volunteers who have served in my district office over the past 6 years while I have been in office. A Member of Congress' most important responsibility is to provide excellent constituent services and these volunteers have assisted my staff in providing the exceptional assistance so many have come to expect in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

These volunteers have always treated our constituents with the utmost respect and always made sure their needs were met in a timely fashion. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Dennis Berman played a valuable role as a volunteer during my first two terms in office. Dennis offered a calm and reassuring voice to constituents as they would call our District office with concerns and needs. His ability to quickly diagnose the problem the individual had encountered allowed him to connect constituents with the proper staff member to begin the task of resolving the issue.

Dennis should be proud of the service he has provided to our District and country. It has been an honor to serve with Dennis and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Dennis Berman for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,244,014,083,153.54. We've added \$5,617,137,034,240.46 to our debt in 3 years. This is \$5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### TRIBUTE TO DODIE COLLINS

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Dodie Collins has served as a member of my District staff since July of 2011. Dodie came out of retirement from a career with the State of North Carolina to bring added expertise to my District office in an array of areas. Dodie's addition enabled our office to provide increased and expedited assistance by working directly with our State of North Carolina contacts when casework called for a state-directed resolution. Through Dodie's strong grasp of casework management she was able to direct constituents in the appropriate direction, ensuring a more timely and successful outcome for many.

Dodie should be proud of the service she has provided to our District and country. It has been an honor to serve with Dodie and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Dodie and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Dodie Collins for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

THE INTRODUCTION OF A BILL TO ENSURE THAT THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY COMPLIES WITH THE FEDERAL ACQUISITION REGULATION

#### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Ms. NORTON. Mr. Speaker, I rise today to introduce a bill to require the Metropolitan Washington Airports Authority (MWAA) to adopt the Federal Acquisition Regulations, the set of rules that govern all aspects of the acquisition process for virtually every federal executive branch agency. Significant failures in MWAA's contracting policies and practices point to a need for substantial reform in MWAA's acquisition process. However, despite being created by Congress, leasing federally owned land, and benefiting from significant federal taxpayer funds, MWAA is not subject to federal procurement laws or regulation. This oversight has left MWAA without ample guidance for its board members and employees. Many of the problems that have drawn criticism of MWAA could be eliminated if the Federal Acquisition Regulations were made applicable.

MWAA is an independent public body created by Congress under the Metropolitan Washington Airports Act of 1986 (Airports Act), which authorized a compact between the Commonwealth of Virginia and the District of Columbia. MWAA, with 1,400 employees, leases and manages Ronald Reagan Washington National Airport and Washington Dulles International Airport. In addition to managing airports, MWAA is responsible for the Dulles Corridor Metrorail Project, with an estimated cost of \$5.8 billion, including \$977 million in federal funds.

A recent Department of Transportation (DOT) Inspector General report, "MWAA's Weak Policies and Procedures Have Led to Questionable Procurement Practices, Mismanagement, and a Lack of Overall Accountability" (Report Number: AV-2013-006) (IG Report), found that "MWAA's contracting policies and practices are insufficient to ensure compliance with the Airports Act and the lease agreement between DOT and MWAA." For example, the Airports Act and lease agreement require MWAA to award contracts over \$200,000 competitively to the maximum extent practicable. However, the IG Report found that MWAA recently awarded two-thirds of its contracts exceeding \$200,000 with limited competition. The IG Report also noted that MWAA awarded many contracts with no formal solicitation, and that MWAA's Contracting Manual does not require public notification of sole-source contracts over \$200,000.

The lack of transparency and competition on MWAA contracts is inconsistent with continuing ownership of the airports by the federal government, MWAA's creation by Congress, and the significant federal taxpayer dollars for which MWAA is responsible. The IG Report's conclusion that current procurement procedures are inadequate requires a response that definitively settles the procurement issues surrounding MWAA. It makes no sense for

MWAA to attempt to reinvent a new set of procurement procedures and ignore the very thorough and tested Federal Acquisition Regulations, which provides legal guidelines for every aspect of procurement and that maximizes fairness and transparency.

I urge my colleagues to support the bill. I will seek passage before the end of the lame duck.

TRIBUTE TO ARLENE GONZÁLEZ-SÁNCHEZ

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Commissioner Arlene González-Sánchez, a visionary leader in our community and an inspiration to all of New York.

Ms. González-Sánchez brings more than 30 years experience in the field of behavioral health administration, policy development, medical research, and expertise integrating accessible systems of care for New Yorkers. She is a Cabinet-level, Chief Executive Officer overseeing a premier addiction services system with more than 1,500 programs and 35,000 paid and volunteer professionals which serve 110,000 New Yorkers daily.

Ms. González-Sánchez possesses a Masters of Social Work degree in Administration/Community Organization from Hunter College School of Social Work, as well as a Masters of Science degree in Cell Biology and a Bachelor of Science degree in Biology from Fordham University. She is a licensed Masters Social Worker.

As Commissioner of the New York State Office of Alcoholism and Substance Abuse Services, OASAS, her overall vision is to transform the fragmented system of care to a comprehensive, integrated, patient-centered, family-focused system that is accessible and responsive to the multiple and complex needs of the behavioral health population of today. Under her executive leadership, she has established the Enhanced Oversight and Monitoring Initiative to improve programmatic and fiscal accountability and quality service delivery throughout the OASAS system.

Before coming to OASAS, Ms. González-Sánchez was Commissioner of the newly merged Nassau County Department of Mental Health, Mental Retardation and Development Disabilities with the Nassau County Department of Drug and Alcohol Addiction Services in Long Island. Ms. González-Sánchez also held a faculty appointment at Cornell University Medical College as an Associate Research Scientist where she spent eight years in the Department of Cell Biology and Anatomy working on cardiac and molecular biology research. She has numerous publications in medical journals and textbooks and has received recognition for her early work on DNA sequencing and cloning.

Mr. Speaker, I would like to recognize Commissioner González-Sánchez for her work ensuring high-quality care and services for the most vulnerable New Yorkers.

HONORING FIRST LIEUTENANT VERNELLA WELLS FOR HER DEDICATION AND COMMITMENT TO THIS COUNTRY

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to recognize a remarkable young woman, Lieutenant Vernella N. Wells of Clarksdale, Mississippi. Born to the proud parents of Troy and Arcola Holmes, Wells has dedicated her life to being a beacon of service to her community and country.

First Lieutenant Wells began her military career in August 2003 as a Private First Class in the Mississippi Army National Guard, assigned to the 155th Heavy Brigade Combat Team in Tupelo, Mississippi. Immediately after graduating high school, she was sent to Basic Training followed by Advanced Individual Training in Fort Lee, Virginia, before serving in Operation Iraqi Freedom from September 2004–January 2006.

Upon returning from Iraq, she enrolled at the University of Mississippi and joined their Army ROTC program, where she received a Bachelor's of Science degree in Exercise Science.

In 2010, Wells was commissioned as a 2nd Lieutenant in the Mississippi Army National Guard and is currently assigned to the Adjutant General's Branch, where she is the Strength Manager and Company Executive Officer for the 155th Brigade Combat Team of Tupelo, Mississippi.

She is responsible for the overall readiness of the Comprehensive Soldier Fitness Program in North Mississippi. Wells is also spearheading the development of a program that is designed to bring local community resources and volunteers in to help enrich the lives of the Citizen Soldiers on and off duty.

In addition to commitment towards her country, Wells is also very active in her community. Her humanitarian work has included; volunteering at the Veterans Administration Nursing Home, Baptist Memorial HealthPlex, Baptist Memorial Out-Patient Physical Therapy Clinic, United Way of Oxford-Lafayette County Food Pantry, the Special Olympics, Habitat for Humanity fundraising, and just recently as team leader for the "Big Event" community wide volunteer project. In addition, Wells is currently pursuing a MBA with a concentration in Healthcare Administration.

Lieutenant Wells has also garnered multiple awards and decorations from her tireless efforts in the National Guard. Some of these honors include the Army Commendation Medal, Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Iraqi Campaign Medal with Campaign Star, Global War on Terrorism Service Medal, Armed Forces Reserve Medal with "M" Device, Army Service Ribbon, Overseas Service Ribbon, Mississippi Medal of Efficiency, Mississippi War Medal, and the Mississippi Longevity Medal (1 Oak Leaf Cluster).

Mr. Speaker, I ask my colleagues to join me in recognizing 1st Lieutenant Vernella N. Wells for her dedication and commitment to this nation and her community.

TRIBUTE TO ERICA EDWARDS

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my Staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Erica Edwards has served as a member of my District staff since October of 2008. Erica provided valuable guidance to individuals seeking assistance from the Social Security Administration. Erica's background working with the Department of Social Services at the county level provided our constituents with an additional level of expertise and hands-on experience to effectively serve a broader spectrum of constituents in their greatest time of need.

Erica should be proud of the service she has provided to our District and country. It has been an honor to serve with Erica and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Erica and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Erica Edwards for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

HONORING MRS. NANCY PENN PENSON

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in honor of the life of Mrs. Nancy Penn Penson, a longtime lover of the arts and an acclaimed tennis player. Mrs. Penson, a Dallas native, passed away on Sunday, October 21, 2012 at the age of 88. Mrs. Penson is survived by her husband Lieutenant John G. Penson, three daughters, Annie Vreeland, Suki Jarzemsky, and Read Gendler, and five grandchildren.

Mrs. Penson was highly respected and well known throughout the Dallas community. She

graduated with a Degree in Classics from Wellesley College in 1945. Her love for the arts was ignited at an early age when her mother would take her to the symphony. Mrs. Penson held numerous leadership positions such as co-founder of the Dallas Tennis Association, President of the Junior League, and board member of the Dallas Bach Society, the New Dallas Conservatory, and the Southern Methodist University Meadows School of Arts.

In addition to her passion for the arts and her many philanthropic efforts, Mrs. Penson was an accomplished tennis player. She was nationally ranked #1 in Senior Women's Tennis and was inducted into the Texas Tennis Hall of Fame in 2002.

Mr. Speaker, I am saddened to lose such an integral member of the Dallas community. Her selfless contributions to arts and charity groups have touched the lives of many. While the Dallas community will certainly miss Mrs. Penson, her memory will live on in the hearts and minds of those whose lives she has touched over the years.

#### HONORING BLAKELY WHILDEN

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship they have shown me during my six years of service in the Congress.

Blakely Whilden was the Field Director for my first campaign in 2006. Following the campaign she served as a member of my D.C. staff for much of my first term. Blakely helped manage and organize the office, and always with efficiency and friendliness. Having grown up in the 11th Congressional District, Blakely was proud to help represent her hometown District in our nation's Capitol. She was especially passionate about issues surrounding higher education and focused on policies that would help to ensure that all students have access to a high-quality, affordable education.

Blakely should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the

memories of serving with Blakely and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Blakely Whilden for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

#### J.C. BURNHAM—TEXAN TO THE BONE

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. POE of Texas. Mr. Speaker, I rise today to pay tribute to a dear friend, JC Burnham of Liberty, Texas. A fine businessman, rancher, husband, father, friend and devoted family man, who spent his entire life serving his community while striving to make others happy. The City of Liberty and, indeed, the entire state of Texas lost a dedicated community leader, as well as friend, on October 30, 2012.

JC was born December 15, 1937, in Houston, Texas. He was truly a remarkable Texan who achieved extraordinary things in his career and for his community. Hard work and love of his community earned him enduring respect amongst the many touched by his deeds. It is an honor to recognize the great contributions that JC made to the city of Liberty, Liberty County, and the great State of Texas.

As a child, JC began his working life at Stubbs Grocery Store. In high school he was both a good student and athlete. He went on to attend College at my alma mater, the University of Houston. After graduation, JC got his foot in the door in the auto industry by working in the mailroom at General Motors. Through JC's hard work and dedication he held eleven different positions within General Motors, eventually owning his own dealership.

In 1973, he purchased Mearns Chevrolet in Liberty, Texas, a close-knit city near Houston. For over 30 years, his family owned business, thrived. He even added an Oldsmobile-Cadillac and a Buick-Pontiac-GMC store. JC was a man of true character and a Liberty resident for over 39 years, his Texas spirit and love of the community made him a natural promoter of Liberty, Texas.

Not only was JC a dedicated businessman, he also had a long career in public service. Throughout the years, he assisted and was recognized by numerous boards and organizations. He was a past board member of the Magnolia Ridge Country Club, Texas 4H Youth Development Foundation, Liberty Dayton Hospital, Liberty County Central Appraisal District and the Sam Rayburn Municipal Power Agency.

Always understanding the importance of education and our nation's youth, JC was a life time supporter of the Houston Livestock Show and Rodeo, Trinity Valley Exposition and 4H Alumni Association. He served and supported the Liberty-Dayton Chamber of Commerce, Liberty Rotary Club, 100 Club, Liberty Elks Club, Liberty County Texas Farm Bureau, Texas Thoroughbred Association and Southwest Cattle Raisers Association. He

started the Burnham Classic Golf Tournament which donated over \$450,000 for South Liberty State Center/Tri-County Services. The list of this model citizen's accomplishments will have lasting effects on the city of Liberty and surrounding areas. It is my hope that he will be remembered as a true visionary and strong community supporter, and that others will follow his lead.

My thoughts are with the love of JC's life, Kathleen—his wife of 21 years. They shared the same passion for their community, their farm and their love of slow race horses. Last spring, I visited JC at St. Luke's in Houston and I observed Kathleen in the caretaker role as she poured out her love, spirit and fight for JC. The passing of JC has left a son and daughter in mourning of their father—Bruce Burnham and Cyrese Jezek. His memory will live on, in the many lives he touched along the way.

On the evening of November 4, 2012, hundreds of Liberty, Texas residents waited in line at the First United Methodist Church of Liberty to pay their respects to the family of this honorable man. JC was a loyal friend to me, and although I am saddened by his loss, I feel very fortunate for the time and friendship we shared. He will be remembered by many as a devoted community leader, a genuine friend and a great Texan.

And that's just the way it is.

#### IN MEMORY OF LIZ IRWIN OF MENDOCINO COUNTY, CALIFORNIA

#### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of California. Mr. Speaker, I rise today to honor the memory of Liz Irwin, one of the Mendocino Coast's most outstanding community leaders, who passed away October 23, 2012, leaving an enduring legacy in the fields of rural health care and the needs of senior citizens.

Born on September 5, 1919 in Fort Pierre, South Dakota, Liz grew up in South Dakota, went to Minnesota State College and then to Colorado State College of Education, where she met her husband of 70 years, Horace "Ace" Irwin. The couple moved to southern California where Ms. Irwin received a master's degree in speech at California State University Northridge.

Liz was a teacher in Northridge and Long Beach before she and Ace retired to the Mendocino Coast in 1971. She immediately became an inspirational and dynamic force for change and social justice in this rural coastal community, always with a twinkle in her eyes. Over the years she tackled tough issues, serving as the director of the Bea Erikson Senior Center for seven years to ensure seniors received the services they needed. She was also on the Mendocino Coast District Hospital Board of Directors. One of her crowing achievements was the initiation of Health Watch, a group that persuaded the County Board of Supervisors to maintain health care on the coast by creating the Mendocino Coast Clinics, where she was the first Chair of the Board of Directors, continuing until 2004.



Liz motivated others with her sense of humor and radical, feminist spirit as she participated in the Gray Panthers, the "Do-Gooders" annual holiday luncheon benefitting the local food banks and Old Broads for Peace. Many on the coast remember Liz for the many years she authored her inspirational "Coasting" column in the Mendocino Beacon and her childhood reminiscences in her book, "Home of the Heart." Liz loved her small town upbringing in South Dakota and told her family she never felt entirely at home again until she moved to the Mendocino Coast.

The Mendocino community showed its love and respect for Liz by honoring her as Grand Marshal in both the Mendocino Fourth of July and the Fort Bragg Paul Bunyan Days Parades.

She is survived by Ace, whom she referred to as the "joint tenant" in her newspaper columns, by her children, Bill Irwin, an actor based in New York, his wife Martha Roth, Patrick Irwin in Montreal and Nan Irwin, also living in New York, as well as two grandsons.

Mr. Speaker and colleagues, please join me in recognizing and paying tribute to a friend, outstanding community member and role model, Liz Irwin.

**HONORING EPSILON KAPPA KAPPA  
CHAPTER OF OMEGA PSI PHI  
FRATERNITY, INCORPORATED  
FOR CONTINUED SERVICE TO  
THEIR COMMUNITY**

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the Epsilon Kappa Kappa Chapter of Omega Psi Phi Fraternity, Incorporated. Chartered in 1994, the Epsilon Kappa Kappa Chapter has been committed to providing public service to Madison County, Mississippi and surrounding areas.

Epsilon Kappa Kappa Chapter has executed a number of ongoing service projects, including community picnics, providing school supplies to area schools, and working with Habitat for Humanity to build homes for families in need. In addition, the Epsilon Kappa Kappa Chapter has orchestrated an annual scholarship boat ride to benefit surrounding residents. Finally, this chapter has been a ray of hope for many low income families during the holiday season by providing aid to the residents.

Epsilon Kappa Kappa Chapter has been named the "Chapter of the Year" for two consecutive years by Omega Psi Phi Fraternity, Incorporated, State of Mississippi Organization, for superior service to the fraternity and their communities.

In 2011, Omega Psi Phi fraternity celebrated 100 years of service at the local, national, and international levels. Epsilon Kappa Kappa Chapter are men of character and great faith. They envisioned a brotherhood founded upon Manhood, Scholarship, Perseverance, and Uplift.

Mr. Speaker, I ask my colleagues to join me in recognizing Epsilon Kappa Kappa Chapter of Omega Psi Phi Fraternity, Incorporated for

their continued dedication towards serving their community.

**HONORING CHRISTY HAYEK**

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship they have shown me during my six years of service in the Congress.

Christy Hayek, a senior at American University, joined the D.C. office as an intern in April of this year. Christy proved to be a quick learner and has done an exemplary job in assisting my Washington office fulfill its daily responsibilities. Articulate, intelligent and friendly, Christy is often the first point of contact constituents have with my office when they visit or call in need of assistance, and she handles each request with poise. I am confident that when Christy graduates she will succeed in whatever path she decides to pursue.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Christy Hayek for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

**HONORING VETERANS AND THE  
ARMED FORCES**

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. FITZPATRICK. Mr. Speaker, in honor of Veterans Day, I rise to honor all Veterans and the men and women of The Armed Forces and their families with a poetic tribute "Thank You" penned by Albert Carey Caswell.

THANK YOU

Thank . . .  
Thank you . . .  
Thank you,  
for all of your hearts so deep!  
So deep!  
Thank you,  
for all of your promises you did so keep!  
So keep!

And all of you,  
who so bled for you and me!  
You and me!  
And to all those Mothers who now so weep!  
So weep!  
And all of those Fathers,  
whose pain now runs so very deep!  
So deep!  
And all of those families,  
who can now not together ever be!  
Ever be!  
And all those children,  
whose mommies and daddies will never again  
so see!  
So see!  
Thank you!  
And for all of you heroes,  
for whom the battle does now so rage!  
Does rage!  
Who have so seen your Brothers and Sisters  
In Arms so die,  
with tears in eyes as all in your arms they  
now so lay!  
So lay!  
And watch them so lose,  
their fine strong arms and legs!  
Arms and legs!  
Teaching us all how heroes are made!  
Are made!  
Thank you!  
Thank you for all you gave!  
You gave!  
And all of you who must now so rebuild,  
where none lies left as all of the angels you  
so instill!  
Instill!  
And all the ones who now must so awake,  
all in sweats in the middle of the night as do  
they!  
Do they!  
Who far across the shores,  
must live without loved ones in arms on each  
new day!  
New day!  
Thank You one and all in every way,  
words can not all you repay!  
Repay!  
And all of those,  
who must now so live with the scars of war!  
Of war!  
Who come home with PTSD,  
and so much more!  
So much more!  
Carrying those dreaded dark scars of war!  
Of war!  
Who for all of us have so fought for!  
Fought for!  
But For The Greater Good,  
our most blessed freedoms do so insure!  
So insure!  
Thank you,  
one and all the more!  
For there are not greater Americans,  
than you and your loved ones all the more!  
The more!  
Is that not what heaven is for?  
Is for!  
So on this Veteran's day,  
fall to your knees and pray!  
And pray!  
And thank all of those members and families,  
of The Armed Forces who such magnificence  
do so display!  
Display!  
And remember why you are free this day!  
This day!  
And why your children in such a great country  
can so awake!  
Awake!  
For all they ask,  
is for you to stand behind them each day!  
In your hearts,  
make each day . . . Veterans Day!

And remember the cost of freedom,  
with each step you take!  
You take!  
Because the cost of Freedom,  
is not Free!  
Not Free!  
Thank You!

# SHIPLEY DONUTS

## HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. POE of Texas. Mr. Speaker, every morning, at the crack of dawn, there's a nostalgic aroma of warm donuts, fresh out of the oven, coming from a local Shipley Donuts. The smell takes me back through memories from when I was a boy, walking around the corner to a Shipley's in Houston, Texas, reaching into my pockets for some spare change to buy a donut. It was such a treat. I can still remember when there were only a few Shipley's in town. Only a few on each side of the city. And today, the evolution of this once small donut shop continues to amaze me.

The donut chain, now with more than 200 stores across the southern region of the United States, originated in Houston. In 1936, near the end of the Great Depression, Lawrence Shipley, Sr. stirred up some special ingredients and came up with his very own recipe for donuts. He cut them by hand and served them warm every day. There was no other way for him to serve the donuts but hot and fresh. It was his secret to loyal customers that would later grow his business.

Mr. Shipley became Houston's go-to man for donuts. People couldn't get enough; his donuts were such a hot commodity around the city that they began to sell in the retail markets in the 1940s. Through Mr. Shipley's strong vision of becoming a place for families to gather and enjoy a warm donut over a good conversation, that is what Shipley Donuts became.

When customers walked into the store, their eyes instantly traveled to the trays of fresh glazed, chocolate, strawberry, and golden glazed twist donuts behind the glass counters. The sweet smell of the round pieces of bread filled the air in the mornings and brought people in the shop. It was a well-known smell that people couldn't resist. When Mr. Shipley, Sr. passed away, his special recipe lived on through his son, Lawrence Shipley, Jr. He grew his family's business from just one store to several in Alabama, Arkansas, Louisiana, Mississippi, Tennessee, and Texas, with 86 in the Houston area alone.

Together with his son, Lawrence W. Shipley, III, Shipley Jr. perfected the donut and branched out to making kolaches, now one of their signature products. Shipley, III, is currently president of the Shipley Donuts company and strives to maintain the same gourmet donut products his grandfather worked hard to perfect for many years. And it wasn't something that happened overnight.

Shipley Donut means more than just a warm, glazed donut that slowly and sweetly dissolves in my mouth after every bite. This

fine company represents community, a strong business, and quality service. Of course, the irresistible, sweet smell of the donuts baking inside is what brings people inside, but customers are also always greeted with a warm smile behind the counter of donuts upon entering. And although it is a true Texas tradition, it is a model for businesses in the Houston area and states across the southern line of the country.

Shipley products are not only a Texas tradition but are also a personal tradition for me. When I drive down North Park Drive and pass a local store, the smell tempts me every time. I reflect on my childhood and can't help the urge to pull into what is now a Shipley Donuts drive thru. A trip to the donut shop is a personal tradition that I've passed onto my family, too. When my grandchildren tug away at my sleeve, begging me for a sweet treat, I tell them I know exactly the place to go.

And that's just the way it is.

# HONORING BILLY WOODY

## HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Mr. SHULER. Mr. Speaker, I rise today to honor several of the volunteers who have served in my District office over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and these volunteers have assisted my staff in providing the excellent assistance so many have come to expect from our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

These volunteers have always treated our constituents with the utmost respect and always made sure their needs were met in a timely fashion. I owe a debt of gratitude to each one of them for the support and friendship they have shown to me during my years of service in Congress.

Billy Woody has served in numerous roles as a volunteer in our District office. As retired military himself, Billy took special interest in making sure our veterans received exceptional representation as they sought needed benefits through the Veterans Administration. I could always count on a warm smile and kind words of affirmation each time I interacted with Billy. I know our local veterans share my sense of gratitude and recognize Billy's dedication for always putting them first and for making their mission his own.

Billy should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Billy and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Billy Woody for his hard work on behalf of all of western North Carolina and to wish him continued success in his future endeavors.

# IN RECOGNITION OF THE EAST BAY BICYCLE COALITION'S 40TH ANNIVERSARY

## HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 15, 2012

Ms. LEE of California. Mr. Speaker, I rise today with my East Bay colleagues, Representatives GEORGE MILLER, JOHN GARAMENDI, JERRY MCNERNEY, and PETE STARK on the occasion of the East Bay Bicycle Coalition's 40th anniversary celebration. In its 40 years of bicycle advocacy, the East Bay Bicycle Coalition has garnered an impressive list of victories and a vast network of supporters working toward the shared goal of promoting cycling as a sustainable, healthy, and safe form of transport in the San Francisco Bay Area.

On March 20, 1972, a group of cyclists created the East Bay Bicycle Coalition as a non-profit bicycle advocacy group with the simple mission of promoting bicycling for people of all ages and abilities in Alameda and Contra Costa Counties of California. One of the organization's first battles was for bicycle access on the then-new San Francisco Bay Area Rapid Transit (BART) system. By 1975, the coalition had succeeded in that goal and paved the way for BART's continued reputation as one of the most bike-friendly transit agencies in the country.

During the past 40 years, the East Bay Bicycle Coalition has also worked to expand and establish bikeways on Bay Area bridges, stripe hundreds of miles of bike lanes in East Bay cities, and complete 244 miles of the San Francisco Bay Trail. The organization's members have worked tirelessly for access to urban bicycle parking, inclusion of bicycle pathways in local and regional transit plans, and to establish an annual "Bike-to-Work Day" throughout the East Bay.

With growing awareness that an ever-increasing number of individual automobile commuters is neither sustainable nor responsible, there has been a national movement towards alternative forms of transportation. Thanks in great part to the work of the East Bay Bicycle Coalition, our East Bay Congressional districts are leading the way in this trend, with four cities certified "bike-friendly" by the League of American Bicyclists—Oakland, Emeryville, Brentwood and Alameda. Berkeley, in my district, ranks fourth in the nation amongst cities with the highest number of people bicycling.

We are pleased to see the role that federal investment has played in promoting and sustaining this transportation shift, beginning in 1991 with the walking and biking provisions of the Intermodal Surface Transportation Act. My colleagues and I look forward to continuing to work with the East Bay Bicycle Coalition and their allies around the country as we prepare in the coming years to develop a long-term Federal Transportation Bill that works for everyone, including those who find the bicycle to be a clean, healthy, and enjoyable form of transportation.

Therefore, on behalf of the residents of California's 9th, 7th, 10th, 11th, and 13th districts, we pay tribute to the East Bay Bicycle Coalition in recognition of their 40th anniversary.

We ask our colleagues to join with us in congratulating the East Bay Bicycle Coalition for its continued leadership and commitment to making the East Bay a wonderful place to ride, and we wish them success in the coming years.

HONORING JULIE B. FAGAN (U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, CONNECTICUT) ON HER RETIREMENT

### HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor Julie Fagan, a dedicated public servant, who will be retiring at the end of this month.

After 23 years of service with the U.S. Department of Housing and Urban Development, Julie B. Fagan is set to retire effective November 30th. Julie is currently the Field Office Director of the Hartford Field Office for the U.S. Department of Housing and Urban Development. She was previously the Director of the HUD Salt Lake City Field Office and the national director overseeing the Public and Assisted Housing Drug Elimination Program in Washington, DC. She also served on the senior management team for Governor Roy Romer (D) of Colorado.

Julie started her career at HUD following her passion to fight drug use in public and assisted housing. During her career she has played a critical role in preserving and redeveloping critical Federal public housing properties all over Connecticut, particularly in Hartford, New Haven and Bridgeport. Julie has also made it a top priority in her time as director of the Connecticut HUD office to collaborate with her peer Federal, State and local agencies. She has greatly improved the housing landscape for the people of Connecticut by initiating many vital working relationships with government, non-profit and private organizations that play a role in housing the people of Connecticut. In addition, Julie has been a leader in Connecticut by helping residents navigate the challenges presented by the foreclosure crisis. Her leadership and ability to train her staff to accommodate the many changes in the housing market allowed for constituents to have their needs addressed in as timely and professional a manner as possible. Julie is looking forward to spending more time with her husband Jack, her five wonderful children and nine grandchildren.

I applaud her hard work, time and dedication in serving the State of Connecticut and the country and thank her for her years of public service that has helped so many families. I know that our office will miss working with Julie and we wish her and her family all the best.

### HONORING BETH TIELKE

### HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to honor Beth Tielke and the many volunteers working with her to improve the lives of Nebraskans and our servicemen and women. Beth is a well known small businesswoman from O'Neill, Nebraska. She has owned a store, several restaurants, and a sandwich business. Her children now run these businesses, but Beth continues to work and devotes a significant amount of her time running Nebraska Troop Support and Share Our Dream.

Through Nebraska Troop Support, Beth assembles care packages for our soldiers, veterans and their families. She solicits small donations and gifts which are sent in about 40 care packages each month to let all of our servicemembers know how much their sacrifice is appreciated.

Share Our Dream, also run by Beth, has benefitted more than 1600 Nebraskans with small gifts such as cookies, flowers, and short notes to lift the spirit of someone in need. While most of the costs have been paid by Beth, the organization has made it possible for local businesses and citizens to donate small items to help their neighbors. These small gestures not only bring smiles, but also renew the spirit of giving in our State.

I hope all of my colleagues will join me in honoring Beth Tielke and her selfless work to bring joy to our troops, veterans, military families and all Nebraskans.

### TRIBUTE TO DON ARTHUR MCGRIFF

### HON. JO BONNER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. BONNER. Mr. Speaker, I rise to pay tribute to the memory of a beloved and respected Alabamian who passed away on October 2, 2012, at the age of 70. Don McGriff was a devoted public servant and a tireless advocate for safer communities at the state and local level.

Don McGriff was born in Mobile on April 22, 1942. He was a graduate of Murphy High School, the University of South Alabama, and the Jones School of Law at Faulkner University. Don also served his country honorably in the United States Marine Corps.

Active in state and local politics, Don was the Republican Nominee for Alabama Lieutenant Governor against Democrat Jim Folsom, Jr. in 1986. He served as Chairman of the Baldwin County Republican Party and on the Baldwin County School Board.

Don's reputation for fairness also earned him bipartisan respect in Montgomery. In 2004, Governor Bob Riley appointed him to serve on the newly expanded Alabama Board of Pardons and Paroles.

His long political career also included runs for State Senate and State Representative in

Baldwin County and service as an assistant district attorney.

Don's public service was marked by his unwavering dedication to fighting crime as well as the rehabilitation of those convicted of crimes. Don was a founding board member of We Care Prison Ministries and the Lovelady Center. He was a charter member of the Fairhope Sunset Rotary Club and a Paul Harris Fellow.

On behalf of the people of Alabama, I offer condolence to his wife of 46 years, Jeanne Kelly; their son, Kelly; their daughter, Heather; their eight grandchildren and their entire family and many friends. You are all in our thoughts and prayers.

### TRIBUTE TO LT. BOBBY PRICE

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor a great friend, an honorable man and a tireless champion for all veterans, Lt. Bobby Price. Bobby passed away on November 2, 2012 after many years battling cancer.

Throughout his 24 years of active duty service in the U.S. Navy, Bobby demonstrated tremendous zeal for getting the job done. As an advocate for veterans he brought the same zeal towards fighting on behalf of veterans and he never let up. He never gave up. His heart was in it all the way.

Mr. Speaker, I often credit Bobby with informing me of everything I needed to know to fight on behalf of veterans. He spent many, many hours going over everything that needed to be done legislatively, educating me on what veterans have to confront as individuals and how much we owe to them. His ambitious goals really personify what it means to be a champion for veterans. I hope through my work I was able to justify his confidence in me.

Bobby has received scores of awards recognizing his tremendous service throughout his life—including 2007 San Diego County Veteran of the Year. He was President of the nonprofit Chula Vista Veterans Home Support Foundation at the time of his death, having served on the charity's board for six years.

He was active in the VFW and other veteran's organizations locally, statewide, and nationally. Many of my successes on behalf of veterans came about because of Bobby Price's suggestions. He would say: "We got to do this. We got to do that. We can't have this offset. We have to do this!" I listened to every word, most of which we tried to enact. Bobby, I will miss you and I appreciate everything you did every single day.

Bobby is survived by his wife, Julia; his sons, Paul Hoch, Russ Price, Marcus Bush and Adam Price; and daughter Adriana Bush. Another daughter, Jennifer Crane, preceded him in death. He has five grandchildren, with another due soon.

Bobby will be truly missed by all who were touched by his love for life and his passion for his fellow veterans.

A TRIBUTE TO ST. SAVA SERBIAN  
ORTHODOX CATHEDRAL ON ITS  
100TH ANNIVERSARY

**HON. GWEN MOORE**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Ms. MOORE. Mr. Speaker, I rise in honor of St. Sava Serbian Orthodox Cathedral. I was so pleased to join members, friends and the community on October 7, 2012, to celebrate 100 years of St. Sava Serbian Orthodox Cathedral as a congregation.

It was also a time to give thanks for the spiritual leadership, generosity, dedication, and the sacrifices made by generations of your faithful members. Your congregation has contributed much to the religious, social, cultural and civic life of this city.

Your hard work and decades of effort culminated in this beautiful Cathedral, St. Sava. It demonstrates to your community and to people of faith throughout our area the dedication by people of faith, to honor their beliefs and holy traditions. I am particularly moved by the timeline of over 40 years to establish the first place of worship until the Cathedral's final completion—from 1912 to 1958. I wondered about this significant period of time and then realized that your grandfathers, fathers, sons, brothers and husbands, all who could serve, indeed did serve our country in two World Wars. It is a sacrifice that must always be honored and remembered; a sacrifice that many American immigrants have made in our history. We are so very proud and grateful to acknowledge this commitment.

You have accomplished much my friends. You have worked in our factories, our breweries, legislatures, schools and medical facilities to advance our city, state and country. We have all found a home at Serb Hall that was established by the St. Sava community as a welcoming place for all; it has served as a meeting place for Presidents, Senators, Congressmen, Congresswomen and elected leaders from all levels of government. You have shared in and contributed to the economic and political life of our community.

October 7, 2012, was a day for St. Sava members to celebrate a work well done and to consider the challenges ahead. Mr. Speaker, for these reasons, I am honored to pay tribute to St. Sava Orthodox Cathedral's 100th Anniversary. I extend my heartfelt thanks and deep appreciation for all they have done to enhance the quality of life throughout the Fourth Congressional District. I look forward to the Serbian community's continued involvement and leadership for many years to come.

PERSONAL EXPLANATION

**HON. BILL JOHNSON**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. JOHNSON of Ohio. Mr. Speaker, on rollcall No. 604 I was unavoidably detained and therefore was unable to vote. Had I been present, I would have voted "aye."

RECOGNIZING MS. KAREN THOMAS

**HON. JO ANN EMERSON**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mrs. EMERSON. Mr. Speaker, I rise today to recognize Ms. Karen Thomas, a member of the professional staff of the House Appropriations Subcommittee on Financial Services and General Government, and to congratulate her on her retirement at the end of this year. Karen has made invaluable contributions to the function of the Subcommittee, and she will be greatly missed by the Members and her colleagues.

During her nearly 40-year tenure in federal government, Karen has served in all three branches: In the Executive Branch for the U.S. Department of Transportation and the U.S. Department of Commerce, in the Judiciary for the Administrative Office of the U.S. Courts, and in the Legislative Branch as a detailee for the Appropriations Committee. Throughout her federal service, Karen has developed budgets, planned expenditures, facilitated transparency and fostered a team approach to solving some of the most difficult problems faced by agencies.

As a member of the Appropriations Committee's professional staff, Karen is a source of reliable information and trustworthy counsel. She approaches her job seriously, and she takes to heart the consequences of the decisions made in Congress for the public servants at dozens of federal agencies as well as the Americans who depend upon their good work.

Most of all, Karen's can-do attitude, her bright smile and warm welcomes, and her willingness to go the extra mile to get the answers not just right—but exactly right—have been instrumental to the proper functioning of the Subcommittee on Financial Services and General Government Appropriations during my two years as Chair. She will be greatly missed, and her presence and many noteworthy contributions to the work product of the Subcommittee will not soon be forgotten.

I encourage my colleagues to join me in thanking her for her excellent work and in wishing her well in a satisfying, hard-earned

retirement, one in which there are no budget cycles, appropriations deadlines, constantly-ringing phones or all-night weekend workdays. Thank you, Karen, and God bless.

HONORING ANDREW WHALEN

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 15, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship they have shown me during my six years of service in the Congress.

Andrew Whalen helped run my very first campaign and played an instrumental role in my election to Congress. Following the campaign, Andrew served as a member of my D.C. staff as Communications Director. With Andrew's talent for grasping the breadth and complexities of the day's leading issues, together we were able to sift through some of the most intricate legislation of the decade. Then, after successfully running my first reelection campaign, Andrew returned to the office to serve as my Senior Advisor for Policy and Communications. Andrew was an exceptional member of my staff in every position that he held, and his political acumen and masterful communication skills continued to be invaluable assets.

Andrew should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Andrew and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Andrew Whalen for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

**SENATE—Friday, November 16, 2012**

The Senate met at 9:30 and 22 seconds a.m., and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

APPOINTMENT OF ACTING  
PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant billing clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 16, 2012.

*To the Senate:*

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
*President pro tempore.*

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

ADJOURNMENT UNTIL MONDAY,  
NOVEMBER 26, 2012, AT 2 P.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands adjourned until Monday, November 26, 2012, at 2 p.m.

Thereupon, the Senate, at 9:30 and 50 seconds a.m., adjourned until Monday, November 26, 2012, at 2 p.m.

## HOUSE OF REPRESENTATIVES—Friday, November 16, 2012

The House met at 9 a.m. and was called to order by the Speaker.

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

We come to the end of a week during which some Members of this people's House have come to complete their service in the Congress, and others have come to prepare for their opportunity to serve this great Nation. It is a time of tremendous transition, a time fraught with trepidation and some uncertainty.

Send Your spirit of peace and calm, that all might have confidence in Your faithfulness to us, and that no matter what lies ahead, Your grace is abundantly available.

Now we approach a week during which all Americans will gather to remember who we are: a Nation generously blessed by not only You, our God, but by courageous ancestors, faithful allies, and the best good wishes of people everywhere who long for freedom, who would glory in the difficult work of participative government, and who do not enjoy the bounty we are privileged to possess.

Bless the Members of this assembly, and us all, that we would be worthy of the call we have been given as Americans. Help us all to be truly thankful and appropriately generous in our response.

May all that is done this day be for Your greater honor and glory.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. MCNERNEY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNERNEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain up to five 1-minute requests on each side of the aisle.

### THE AMERICAN PEOPLE DESERVE ANSWERS REGARDING BENGHAZI

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, members of the House Foreign Affairs Committee, led by Chairwoman ILEANA ROS-LEHTINEN, heard testimony regarding the terrorist attack on our United States consulate in Benghazi, Libya. This resulted in the death of four American heroes. Sadly, no substantial information was revealed.

The American people have legitimate questions and deserve answers as to what happened on the evening of September 11, 2012. Why did the administration not make an immediate response in the area of the consulate as requested during the 6-hour attack? Why did the administration place blame on a video rather than reveal that it was an organized terrorist attack? Why has the administration failed to provide answers to valid questions after 2 months of inquiry, as requested by House Armed Services Committee Chairman BUCK MCKEON?

It's my hope that the appropriate officials of this administration will appear before Congress and provide answers the American people deserve.

In conclusion, God bless our troops, and we will never forget September 11th in the global war on terrorism.

### HONORING OUR VETERANS

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, earlier this week, our Nation observed Veterans Day. As we honor all the brave men and women who have worn the uniform of the United States Armed Forces, we're especially mindful of all those who have laid down their lives in defense of our freedoms. In just the past year, Rhode Island families were forced to say goodbye to two loved ones taken from us while serving our country in Afghanistan. Sergeant Dennis Weichel and Lance Corporal Abraham Tarwoe are American heroes who made the ultimate sacrifice for a country they loved.

So now it falls to those of us privileged to serve in this Chamber to keep the commitments and promises that have been made to our veterans. For all the bravery and dedication that they have shown us, our veterans deserve to know that they will be able to support their families, send their children to college, and retire with economic security. As we continue discussing ways to reduce the size of our Federal deficit, it is absolutely critical that we maintain programs important to veterans and their families.

### ISRAEL UNDER ATTACK—AGAIN

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, sirens wailed the warning as over 300 rockets from Hamas in Gaza rained down on Israel this week. Israelis were injured—and at least one was killed. But ensuring its absolute right of self-defense, Israel responded to defend its people. Prime Minister Netanyahu said it best:

The terrorists are committing a double-war crime. They fire at Israeli citizens and they hide behind Palestinian civilians.

But the new Muslim Brotherhood government in Egypt, which was backed by the administration, has condemned Israel, not Hamas. The terrorist group Hamas doesn't want peace with Israel. It wants war. Hamas is the aggressor here. It kills Israeli citizens and then hides behind the skirts of Palestinian women. The world should condemn Hamas, not Israel. Israel has the moral right and legal duty to defend itself from the attacks by the barbarians Hamas. The United States should be bold in its total support of Israel, our ally. The United States should be bold in its condemnation of Hamas. And the United States should be bold in denouncing this continuing war by terrorists like Hamas on civilized nations.

And that's just the way it is.

### HONORING DR. JAMES BILLINGTON

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Perhaps one of the best parts of serving in Congress is the access to our Library, the Library of Congress, the dedicated staff at CRS, and the magnificent Members Reading Room. The Library of Congress is truly a national treasure; and leading the Library of Congress is another national

treasure, Dr. James Billington, who had a long and distinguished career as scholar and institutional leader before assuming leadership of the Library of Congress 25 years ago.

As chair of the Library of Congress Caucus, it's been a great pleasure to work with Dr. Billington and his outstanding staff on a variety of issues and activities for Members of Congress. The caucus urges you to join Speaker BOEHNER today in the Rayburn Room at 11 a.m. as he honors Dr. James Billington and his exemplary quarter century of leadership as the Librarian of Congress.

#### CONGRATULATING MR. WADE MARTIN OF MONTGOMERY TOWNSHIP

(Mr. LANCE asked and was given permission to address the House for 1 minute.)

Mr. LANCE. Madam Speaker, I rise today to congratulate Mr. Wade Martin of Montgomery Township, New Jersey, for being awarded the 2012 Land Trust Alliance's prestigious National Conservation Service Award for his significant contributions to the advancement of land conservation.

Using his position as a financial adviser, Mr. Martin is educating his clients to the benefits of land preservation. He's provided land trusts and landowners across New Jersey with financial advice and estate planning for the benefit of land conservation. Wade Martin has taken his model nationwide to help other financial advisers and their clients explore various options in preserving their land and their families' legacies, increasing the pace of land conservation.

I ask all of my colleagues to join me in honoring Wade Martin as one of the Nation's land conservation leaders and this year's National Conservation Service Award winner.

#### MATHEMATICS OF PLANET EARTH

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Madam Speaker, I rise today to bring your attention to an exciting new project, Mathematics of Planet Earth, which begins in 2013. More than 100 different organizations from around the world have come together to outline mathematics' integral role in solving real-world issues, including energy freedom, medical challenges, and weather events. As someone who has earned a Ph.D. in mathematics and went on to work in the renewable energy sector for two decades, I know mathematics can be an essential feature to finding solutions to many challenges facing humanity.

The Mathematics of Planet Earth projects will spotlight the importance of mathematics. A national focus on

science, technology, engineering, and mathematics education will ensure the United States remains a competitive force in the global marketplace. People across our Nation are working together to create a better world, and it is important that their efforts be recognized and supported. I encourage my colleagues to join me in recognizing the benefits and goals of the Mathematics of Planet Earth project.

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#### SUPPORT FOR ISRAEL

(Mr. MEEHAN asked and was given permission to address the House for 1 minute.)

Mr. MEEHAN. Madam Speaker, I rise to urge my colleagues here in the House of Representatives and citizens all across the United States to join in an unambiguous message of support for Israel in this time of great and dramatic concern and rising tensions in the Gaza Strip.

Look, the facts are clear: The 400 rockets that have been launched from Gaza into Israel over the last 48 hours represent a dramatic provocation of Israel and its people. Second, the use of long-range missiles—for the first time reaching into population centers like Tel Aviv—represents an irresponsible escalation of the acts of terrorism that have been generated by Hamas and underscored by Iran.

Today, we must send an unambiguous signal that we stand with Israel in the right to defend itself and make sure that we simultaneously call on those who are coming into Gaza from Egypt with a message that they have a responsibility to begin the process immediately of deescalating this conflict, standing shoulder to shoulder for peace, and making sure that this escalation does not lead to further provocation.

#### FARM BILL

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Madam Speaker, how does \$7 for a gallon of milk sound? Well, that's where we're headed on January 1 if we don't pass a farm bill.

Why haven't we passed a farm bill? Because the House Republican leadership has refused to bring it up for a vote on this floor despite the fact that the Senate, on June 19, passed a bipartisan farm bill that protects a safe, stable food supply for this country and saves \$23 billion for the Federal budget deficit.

In the meantime, we've had 13 weeks of recess, the 2008 bill has expired, and for dairy farmers who are facing record feed and fuel costs, they have had their complete market collapse beneath their feet. And we're going to have \$7 a

gallon milk on January 1 if we don't act.

Madam Speaker, let's look at the example of dairy farmers who get up every single day and engage in the hardest work in our economy. Let's get this House to work between now and December 16. Pass a farm bill. Provide a horizon for rural America.

#### FARM BILL

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALZ of Minnesota. Madam Speaker, I, too, echo the sentiments of my friend from New England. Those of us on the Great Plains out in Minnesota ask to pass a farm bill also.

The American people spoke last week and they were very clear. I didn't run into a single voter—and I don't know if you did, Madam Speaker—who said: What I want you guys to do is mess around some more, not do anything, and kick the can down the road; that's what we really enjoy. What they said was: Compromise, get something done, give us stability, and move forward.

As my colleague said, 6 months ago the Senate passed a bipartisan farm bill. They couldn't agree today was Friday in the Senate, and they passed a farm bill. We passed it out of the Ag Committee, 35-11. We have now sat and waited for 4 months to have a chance to vote "yes" for stability in rural America, "yes" for rural communities, "yes" for stable food prices, "yes" for support for drought-stricken farmers, or to sit here and do more of the gridlock, more of the do nothing.

When they spoke last week, they were very clear. They were not saying we're all for Democrats, we're all for Republicans. They said we're all for this country doing its business and moving forward.

I encourage our colleagues, get a farm bill on the floor, pass it, move on.

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

Mr. BURTON OF Indiana. Madam Speaker, pursuant to House Resolution 808, I call up the bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 808, the amendment in the nature



of a substitute consisting of the text of Rules Committee Print 112-33 is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 6156

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **SHORT TITLE.**—This Act may be cited as the “Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

## **TITLE I—PERMANENT NORMAL TRADE RELATIONS FOR THE RUSSIAN FEDERATION**

Sec. 101. Findings.

Sec. 102. Termination of application of title IV of the Trade Act of 1974 to products of the Russian Federation.

## **TITLE II—TRADE ENFORCEMENT MEASURES RELATING TO THE RUSSIAN FEDERATION**

Sec. 201. Reports on implementation by the Russian Federation of obligations as a member of the World Trade Organization and enforcement actions by the United States Trade Representative.

Sec. 202. Promotion of the rule of law in the Russian Federation to support United States trade and investment.

Sec. 203. Reports on laws, policies, and practices of the Russian Federation that discriminate against United States digital trade.

Sec. 204. Efforts to reduce barriers to trade imposed by the Russian Federation.

## **TITLE III—PERMANENT NORMAL TRADE RELATIONS FOR MOLDOVA**

Sec. 301. Findings.

Sec. 302. Termination of application of title IV of the Trade Act of 1974 to products of Moldova.

## **TITLE IV—SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012**

Sec. 401. Short title.

Sec. 402. Findings; Sense of Congress.

Sec. 403. Definitions.

Sec. 404. Identification of persons responsible for the detention, abuse, and death of Sergei Magnitsky and other gross violations of human rights.

Sec. 405. Inadmissibility of certain aliens.

Sec. 406. Financial measures.

Sec. 407. Report to Congress.

## **TITLE I—PERMANENT NORMAL TRADE RELATIONS FOR THE RUSSIAN FEDERATION**

### **SEC. 101. FINDINGS.**

Congress finds the following:

(1) The Russian Federation allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of those citizens to emigrate to the country of their choice.

(2) The Russian Federation has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) since 1994.

(3) The Russian Federation has received normal trade relations treatment since concluding a bilateral trade agreement with the United States that entered into force in 1992.

(4) On December 16, 2011, the Ministerial Conference of the World Trade Organization invited the Russian Federation to accede to the World Trade Organization.

### **SEC. 102. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO PRODUCTS OF THE RUSSIAN FEDERATION.**

(a) **PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.**—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to the Russian Federation; and

(2) after making a determination under paragraph (1) with respect to the Russian Federation, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Russian Federation.

(b) **EFFECTIVE DATE OF NONDISCRIMINATORY TREATMENT.**—The extension of nondiscriminatory treatment to the products of the Russian Federation pursuant to subsection (a) shall be effective not sooner than the effective date of the accession of the Russian Federation to the World Trade Organization.

(c) **TERMINATION OF APPLICABILITY OF TITLE IV.**—On and after the effective date under subsection (b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply to the Russian Federation.

### **TITLE II—TRADE ENFORCEMENT MEASURES RELATING TO THE RUSSIAN FEDERATION**

#### **SEC. 201. REPORTS ON IMPLEMENTATION BY THE RUSSIAN FEDERATION OF OBLIGATIONS AS A MEMBER OF THE WORLD TRADE ORGANIZATION AND ENFORCEMENT ACTIONS BY THE UNITED STATES TRADE REPRESENTATIVE.**

(a) **REPORTS ON IMPLEMENTATION.**—

(1) **IN GENERAL.**—Not later than one year after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report assessing the following:

(A) The extent to which the Russian Federation is implementing the WTO Agreement (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) and the following agreements annexed to that Agreement:

(i) The Agreement on the Application of Sanitary and Phytosanitary Measures (referred to in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3))).

(ii) The Agreement on Trade-Related Aspects of Intellectual Property Rights (referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))).

(B) The progress made by the Russian Federation in acceding to, and the extent to which the Russian Federation is implementing, the following:

(i) The Ministerial Declaration on Trade in Information Technology Products of the World Trade Organization, agreed to at Singapore December 13, 1996 (commonly referred to as the “Information Technology Agreement”) (or a successor agreement).

(ii) The Agreement on Government Procurement (referred to in section 101(d)(17) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(17))).

(2) **PLAN FOR ACTION BY TRADE REPRESENTATIVE.**—

(A) **IN GENERAL.**—If, in preparing a report required by paragraph (1), the Trade Representative believes that the Russian Federation is not fully implementing an agreement specified in subparagraph (A) or (B) of that paragraph or that the Russian Federation is not making adequate progress in acceding to an agreement specified in subparagraph (B) of that paragraph, the Trade Representative shall, except as provided in subparagraph (B) of this paragraph, include in the report a description of the actions the Trade Representative plans to take to encourage the Russian Federation to improve its implementation of the agreement or increase its progress in acceding to the agreement, as the case may be.

(B) **CLASSIFIED INFORMATION.**—If any information regarding a planned action referred to in subparagraph (A) is classifiable under Executive Order 13526 (75 Fed. Reg. 707; relating to classified national security information) or a subsequent Executive order, the Trade Representative shall report that information to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives by—

(i) including the information in a classified annex to the report required by paragraph (1); or

(ii) consulting with the Committee on Finance and the Committee on Ways and Means with respect to the information instead of including the information in the report or a classified annex to the report.

(3) **PUBLIC COMMENTS.**—

(A) **IN GENERAL.**—In developing the report required by paragraph (1), the Trade Representative shall provide an opportunity for the public to comment, including by holding a public hearing.

(B) **PUBLICATION IN FEDERAL REGISTER.**—The Trade Representative shall publish notice of the opportunity to comment and hearing required by subparagraph (A) in the Federal Register.

(b) **REPORT ON ENFORCEMENT ACTIONS TAKEN BY TRADE REPRESENTATIVE.**—Not later than 180 days after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the United States Trade Representative shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report describing the enforcement actions taken by the Trade Representative against the Russian Federation to ensure the full compliance of the Russian Federation with its obligations as a member of the World Trade Organization, including obligations under agreements with members of the Working Party on the accession of the Russian Federation to the World Trade Organization.

### **SEC. 202. PROMOTION OF THE RULE OF LAW IN THE RUSSIAN FEDERATION TO SUPPORT UNITED STATES TRADE AND INVESTMENT.**

(a) **REPORTS ON PROMOTION OF RULE OF LAW.**—Not later than one year after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the United States Trade Representative and the Secretary of State shall jointly submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report—

(1) on the measures taken by the Trade Representative and the Secretary and the results achieved during the year preceding the submission of the report with respect to promoting the rule of law in the Russian Federation, including with respect to—

(A) strengthening formal protections for United States investors in the Russian Federation, including through the negotiation of a new bilateral investment treaty;

(B) advocating for United States investors in the Russian Federation, including by promoting the claims of United States investors in Yukos Oil Company;

(C) encouraging all countries that are parties to the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organisation for Economic Co-operation and Development, done at Paris December 17, 1997 (commonly referred to as the "OECD Anti-Bribery Convention"), including the Russian Federation, to fully implement their commitments under the Convention to prevent overseas business bribery by the nationals of those countries;

(D) promoting a customs administration, tax administration, and judiciary in the Russia Federation that are free of corruption; and

(E) increasing cooperation between the United States and the Russian Federation to expand the capacity for civil society organizations to monitor, investigate, and report on suspected instances of corruption; and

(2) that discloses the status of any pending petition for espousal filed with the Secretary by a United States investor in the Russian Federation.

(b) **ANTI-BRIBERY REPORTING AND ASSISTANCE.**—

(1) **IN GENERAL.**—The Secretary of Commerce shall establish and maintain a dedicated phone hotline and secure website, accessible from within and outside the Russian Federation, for the purpose of allowing United States entities—

(A) to report instances of bribery, attempted bribery, or other forms of corruption in the Russian Federation that impact or potentially impact their operations; and

(B) to request the assistance of the United States with respect to issues relating to corruption in the Russian Federation.

(2) **REPORT REQUIRED.**—

(A) **IN GENERAL.**—Not later than one year after the effective date under section 102(b) of the extension of nondiscriminatory treatment to the products of the Russian Federation, and annually thereafter, the Secretary of Commerce shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives a report that includes the following:

(i) The number of instances in which bribery, attempted bribery, or other forms of corruption have been reported using the hotline or website established pursuant to paragraph (1).

(ii) A description of the regions in the Russian Federation in which those instances are alleged to have occurred.

(iii) A summary of actions taken by the United States to provide assistance to United States entities pursuant to paragraph (1)(B).

(iv) A description of the efforts taken by the Secretary to inform United States entities conducting business in the Russian Federation or considering conducting business in the Russian Federation of the availability of assistance through the hotline and website.

(B) **CONFIDENTIALITY.**—The Secretary shall not include in the report required by subparagraph (A) the identity of a United States entity that reports instances of bribery, attempted bribery, or other forms of corruption in the Russian Federation or requests assistance pursuant to paragraph (1).

**SEC. 203. REPORTS ON LAWS, POLICIES, AND PRACTICES OF THE RUSSIAN FEDERATION THAT DISCRIMINATE AGAINST UNITED STATES DIGITAL TRADE.**

Section 181(a) of the Trade Act of 1974 (19 U.S.C. 2241(a)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) **INCLUSION OF CERTAIN DISCRIMINATORY LAWS, POLICIES, AND PRACTICES OF THE RUSSIAN FEDERATION.**—For calendar year 2012 and each succeeding calendar year, the Trade Representative shall include in the analyses and estimates under paragraph (1) an identification and analysis of any laws, policies, or practices of the Russian Federation that deny fair and equitable market access to United States digital trade.”.

**SEC. 204. EFFORTS TO REDUCE BARRIERS TO TRADE IMPOSED BY THE RUSSIAN FEDERATION.**

The United States Trade Representative shall continue to pursue the reduction of barriers to trade imposed by the Russian Federation on articles exported from the United States to the Russian Federation through efforts—

(1) to negotiate a bilateral agreement under which the Russian Federation will accept the sanitary and phytosanitary measures of the United States as equivalent to the sanitary and phytosanitary measures of the Russian Federation; and

(2) to obtain the adoption by the Russian Federation of an action plan for providing greater protections for intellectual property rights than the protections required by the Agreement on Trade-Related Aspects of Intellectual Property Rights (referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15))).

**TITLE III—PERMANENT NORMAL TRADE RELATIONS FOR MOLDOVA**

**SEC. 301. FINDINGS.**

Congress finds the following:

(1) Moldova allows its citizens the right and opportunity to emigrate, free of any heavy tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of those citizens to emigrate to the country of their choice.

(2) Moldova has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) since 1997.

(3) Moldova acceded to the World Trade Organization on July 26, 2001.

**SEC. 302. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO PRODUCTS OF MOLDOVA.**

(a) **PRESIDENTIAL DETERMINATIONS AND EXTENSION OF NONDISCRIMINATORY TREATMENT.**—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Moldova; and

(2) after making a determination under paragraph (1) with respect to Moldova, proclaim the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Moldova.

(b) **TERMINATION OF APPLICABILITY OF TITLE IV.**—On and after the date on which the President extends nondiscriminatory treatment to the products of Moldova pursuant to subsection (a), title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.) shall cease to apply to Moldova.

**TITLE IV—SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012**

**SEC. 401. SHORT TITLE.**

This title may be cited as the “Sergei Magnitsky Rule of Law Accountability Act of 2012”.

**SEC. 402. FINDINGS; SENSE OF CONGRESS.**

(a) **FINDINGS.**—Congress finds the following:

(1) The United States aspires to a mutually beneficial relationship with the Russian Federa-

tion based on respect for human rights and the rule of law, and supports the people of the Russian Federation in their efforts to realize their full economic potential and to advance democracy, human rights, and the rule of law.

(2) The Russian Federation—

(A) is a member of the United Nations, the Organization for Security and Co-operation in Europe, the Council of Europe, and the International Monetary Fund;

(B) has ratified the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights, and the United Nations Convention against Corruption; and

(C) is bound by the legal obligations set forth in the European Convention on Human Rights.

(3) States voluntarily commit themselves to respect obligations and responsibilities through the adoption of international agreements and treaties, which must be observed in good faith in order to maintain the stability of the international order. Human rights are an integral part of international law, and lie at the foundation of the international order. The protection of human rights, therefore, particularly in the case of a country that has incurred obligations to protect human rights under an international agreement to which it is a party, is not left exclusively to the internal affairs of that country.

(4) Good governance and anti-corruption measures are instrumental in the protection of human rights and in achieving sustainable economic growth, which benefits both the people of the Russian Federation and the international community through the creation of open and transparent markets.

(5) Systemic corruption erodes trust and confidence in democratic institutions, the rule of law, and human rights protections. This is the case when public officials are allowed to abuse their authority with impunity for political or financial gains in collusion with private entities.

(6) The Russian nongovernmental organization INDEM has estimated that bribes by individuals and businesses in the Russian Federation amount to hundreds of billions of dollars a year, an increasing share of the country's gross domestic product.

(7) Sergei Leonidovich Magnitsky died on November 16, 2009, at the age of 37, in Matrosskaya Tishina Prison in Moscow, Russia, and is survived by a mother, a wife, and 2 sons.

(8) On July 6, 2011, Russian President Dmitry Medvedev's Human Rights Council announced the results of its independent investigation into the death of Sergei Magnitsky. The Human Rights Council concluded that Sergei Magnitsky's arrest and detention was illegal; he was denied access to justice by the courts and prosecutors of the Russian Federation; he was investigated by the same law enforcement officers whom he had accused of stealing Hermitage Fund companies and illegally obtaining a fraudulent \$230,000,000 tax refund; he was denied necessary medical care in custody; he was beaten by 8 guards with rubber batons on the last day of his life; and the ambulance crew that was called to treat him as he was dying was deliberately kept outside of his cell for one hour and 18 minutes until he was dead. The report of the Human Rights Council also states the officials falsified their accounts of what happened to Sergei Magnitsky and, 18 months after his death, no officials had been brought to trial for his false arrest or the crime he uncovered. The impunity continued in April 2012, when Russian authorities dropped criminal charges against Larisa Litvinova, the head doctor at the prison where Magnitsky died.

(9) The systematic abuse of Sergei Magnitsky, including his repressive arrest and torture in custody by officers of the Ministry of the Interior of the Russian Federation that Mr.

Magnitsky had implicated in the embezzlement of funds from the Russian Treasury and the misappropriation of 3 companies from his client, Hermitage Capital Management, reflects how deeply the protection of human rights is affected by corruption.

(10) The politically motivated nature of the persecution of Mr. Magnitsky is demonstrated by—

(A) the denial by all state bodies of the Russian Federation of any justice or legal remedies to Mr. Magnitsky during the nearly 12 full months he was kept without trial in detention; and

(B) the impunity since his death of state officials he testified against for their involvement in corruption and the carrying out of his repressive persecution.

(11) The Public Oversight Commission of the City of Moscow for the Control of the Observance of Human Rights in Places of Forced Detention, an organization empowered by Russian law to independently monitor prison conditions, concluded on December 29, 2009, “A man who is kept in custody and is being detained is not capable of using all the necessary means to protect either his life or his health. This is a responsibility of a state which holds him captive. Therefore, the case of Sergei Magnitsky can be described as a breach of the right to life. The members of the civic supervisory commission have reached the conclusion that Magnitsky had been experiencing both psychological and physical pressure in custody, and the conditions in some of the wards of Butyrka can be justifiably called torturous. The people responsible for this must be punished.”

(12) Sergei Magnitsky's experience, while particularly illustrative of the negative effects of official corruption on the rights of an individual citizen, appears to be emblematic of a broader pattern of disregard for the numerous domestic and international human rights commitments of the Russian Federation and impunity for those who violate basic human rights and freedoms.

(13) The second trial, verdict, and sentence against former Yukos executives Mikhail Khodorkovsky and Platon Lebedev evoke serious concerns about the right to a fair trial and the independence of the judiciary in the Russian Federation. The lack of credible charges, intimidation of witnesses, violations of due process and procedural norms, falsification or withholding of documents, denial of attorney-client privilege, and illegal detention in the Yukos case are highly troubling. The Council of Europe, Freedom House, and Amnesty International, among others, have concluded that they were charged and imprisoned in a process that did not follow the rule of law and was politically influenced. Furthermore, senior officials of the Government of the Russian Federation, including First Deputy Prime Minister Igor Shuvalov, have acknowledged that the arrest and imprisonment of Khodorkovsky were politically motivated.

(14) According to Freedom House's 2011 report entitled “The Perpetual Battle: Corruption in the Former Soviet Union and the New EU Members”, “[t]he highly publicized cases of Sergei Magnitsky, a 37-year-old lawyer who died in pretrial detention in November 2009 after exposing a multimillion-dollar fraud against the Russian taxpayer, and Mikhail Khodorkovsky, the jailed business magnate and regime critic who was sentenced at the end of 2010 to remain in prison through 2017, put an international spotlight on the Russian state's contempt for the rule of law. . . . By silencing influential and accomplished figures such as Khodorkovsky and Magnitsky, the Russian authorities have made it abundantly clear that anyone in Russia can be silenced.”

(15) The tragic and unresolved murders of Nustap Abdurakhmanov, Maksharip Aushev,

Natalya Estemirova, Akhmed Hadjimagomedov, Umar Israilov, Paul Klebnikov, Anna Politkovskaya, Saihadji Saihadjev, and Magomed Y. Yevloyev, the death in custody of Vera Trifonova, the disappearances of Mokhmadsalakh Masaev and Said-Saleh Ibragimov, the torture of Ali Israilov and Islam Umarpashaev, the near-fatal beatings of Mikhail Beketov, Oleg Kashin, Arkadiy Lander, and Mikhail Vinyukov, and the harsh and ongoing imprisonment of Mikhail Khodorkovsky, Alexei Kozlov, Platon Lebedev, and Fyodor Mikheev further illustrate the grave danger of exposing the wrongdoing of officials of the Government of the Russian Federation, including Chechen leader Ramzan Kadyrov, or of seeking to obtain, exercise, defend, or promote internationally recognized human rights and freedoms.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to strongly support, and provide assistance to, the efforts of the Russian people to establish a vibrant democratic political system that respects individual liberties and human rights, including by enhancing the provision of objective information through all relevant media, such as Radio Liberty and the internet. The Russian Government's suppression of dissent and political opposition, the limitations it has imposed on civil society and independent media, and the deterioration of economic and political freedom inside Russia are of profound concern to the United States Government and to the American people.

#### SEC. 403. DEFINITIONS.

In this title:

(1) ADMITTED; ALIEN.—The terms “admitted” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Committee on Homeland Security, and the Committee on the Judiciary of the House of Representatives; and

(B) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on the Judiciary of the Senate.

(3) FINANCIAL INSTITUTION.—The term “financial institution” has the meaning given that term in section 5312 of title 31, United States Code.

(4) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

#### SEC. 404. IDENTIFICATION OF PERSONS RESPONSIBLE FOR THE DETENTION, ABUSE, AND DEATH OF SERGEI MAGNITSKY AND OTHER GROSS VIOLATIONS OF HUMAN RIGHTS.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a list of each person who the President determines, based on credible information—

(1) is responsible for the detention, abuse, or death of Sergei Magnitsky, participated in efforts to conceal the legal liability for the detention, abuse, or death of Sergei Magnitsky, financially benefitted from the detention, abuse, or death of Sergei Magnitsky, or was involved in

the criminal conspiracy uncovered by Sergei Magnitsky;

(2) is responsible for extrajudicial killings, torture, or other gross violations of internationally recognized human rights committed against individuals seeking—

(A) to expose illegal activity carried out by officials of the Government of the Russian Federation; or

(B) to obtain, exercise, defend, or promote internationally recognized human rights and freedoms, such as the freedoms of religion, expression, association, and assembly, and the rights to a fair trial and democratic elections, in Russia; or

(3) acted as an agent of or on behalf of a person in a matter relating to an activity described in paragraph (1) or (2).

(b) UPDATES.—The President shall submit to the appropriate congressional committees an update of the list required by subsection (a) as new information becomes available.

(c) FORM.—

(1) IN GENERAL.—The list required by subsection (a) shall be submitted in unclassified form.

(2) EXCEPTION.—The name of a person to be included in the list required by subsection (a) may be submitted in a classified annex only if the President—

(A) determines that it is vital for the national security interests of the United States to do so;

(B) uses the annex in such a manner consistent with congressional intent and the purposes of this Act; and

(C) 15 days prior to submitting the name in a classified annex, provides to the appropriate congressional committees notice of, and a justification for, including or continuing to include each person in the classified annex despite any publicly available credible information indicating that the person engaged in an activity described in paragraph (1), (2), or (3) of subsection (a).

(3) CONSIDERATION OF DATA FROM OTHER COUNTRIES AND NONGOVERNMENTAL ORGANIZATIONS.—In preparing the list required by subsection (a), the President shall consider information provided by the chairperson and ranking member of each of the appropriate congressional committees and credible data obtained by other countries and nongovernmental organizations, including organizations inside Russia, that monitor the human rights abuses of the Government of the Russian Federation.

(4) PUBLIC AVAILABILITY.—The unclassified portion of the list required by subsection (a) shall be made available to the public and published in the Federal Register.

(d) REMOVAL FROM LIST.—A person may be removed from the list required by subsection (a) if the President determines and reports to the appropriate congressional committees not less than 15 days prior to the removal of the person from the list that—

(1) credible information exists that the person did not engage in the activity for which the person was added to the list;

(2) the person has been prosecuted appropriately for the activity in which the person engaged; or

(3) the person has credibly demonstrated a significant change in behavior, has paid an appropriate consequence for the activities in which the person engaged, and has credibly committed to not engage in the types of activities specified in paragraphs (1) through (3) of subsection (a).

(e) REQUESTS BY CHAIRPERSON AND RANKING MEMBER OF APPROPRIATE CONGRESSIONAL COMMITTEES.—

(1) IN GENERAL.—Not later than 120 days after receiving a written request from the chairperson and ranking member of one of the appropriate congressional committees with respect to whether a person meets the criteria for being added to

the list required by subsection (a), the President shall submit a response to the chairperson and ranking member of the committee which made the request with respect to the status of the person.

(2) **FORM.**—The President may submit a response required by paragraph (1) in classified form if the President determines that it is necessary for the national security interests of the United States to do so.

(3) **REMOVAL.**—If the President removes from the list required by subsection (a) a person who has been placed on the list at the request of the chairperson and ranking member of one of the appropriate congressional committees, the President shall provide the chairperson and ranking member with any information that contributed to the removal decision. The President may submit such information in classified form if the President determines that such is necessary for the national security interests of the United States.

(f) **NONAPPLICABILITY OF CONFIDENTIALITY REQUIREMENT WITH RESPECT TO VISA RECORDS.**—The President shall publish the list required by subsection (a) without regard to the requirements of section 222(f) of the Immigration and Nationality Act (8 U.S.C. 1202(f)) with respect to confidentiality of records pertaining to the issuance or refusal of visas or permits to enter the United States.

#### **SEC. 405. INADMISSIBILITY OF CERTAIN ALIENS.**

(a) **INELIGIBILITY FOR VISAS.**—An alien is ineligible to receive a visa to enter the United States and ineligible to be admitted to the United States if the alien is on the list required by section 404(a).

(b) **CURRENT VISAS REVOKED.**—The Secretary of State shall revoke, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)), the visa or other documentation of any alien who would be ineligible to receive such a visa or documentation under subsection (a) of this section.

(c) **WAIVER FOR NATIONAL SECURITY INTERESTS.**—

(1) **IN GENERAL.**—The Secretary of State may waive the application of subsection (a) or (b) in the case of an alien if—

(A) the Secretary determines that such a waiver—

(i) is necessary to permit the United States to comply with the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force November 21, 1947, or other applicable international obligations of the United States; or

(ii) is in the national security interests of the United States; and

(B) prior to granting such a waiver, the Secretary provides to the appropriate congressional committees notice of, and a justification for, the waiver.

(2) **TIMING FOR CERTAIN WAIVERS.**—Notification under subparagraph (B) of paragraph (1) shall be made not later than 15 days prior to granting a waiver under such paragraph if the Secretary grants such waiver in the national security interests of the United States in accordance with subparagraph (A)(ii) of such paragraph.

(d) **REGULATORY AUTHORITY.**—The Secretary of State shall prescribe such regulations as are necessary to carry out this section.

#### **SEC. 406. FINANCIAL MEASURES.**

(a) **FREEZING OF ASSETS.**—

(1) **IN GENERAL.**—The President shall exercise all powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (except that the requirements of section 202 of such Act (50 U.S.C. 1701) shall not apply) to the extent necessary to freeze and prohibit all transactions in all property and interests in

property of a person who is on the list required by section 404(a) of this Act if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) **EXCEPTION.**—Paragraph (1) shall not apply to persons included on the classified annex under section 404(c)(2) if the President determines that such an exception is vital for the national security interests of the United States.

(b) **WAIVER FOR NATIONAL SECURITY INTERESTS.**—The Secretary of the Treasury may waive the application of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States. Not less than 15 days prior to granting such a waiver, the Secretary shall provide to the appropriate congressional committees notice of, and a justification for, the waiver.

(c) **ENFORCEMENT.**—

(1) **PENALTIES.**—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of such section.

(2) **REQUIREMENTS FOR FINANCIAL INSTITUTIONS.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of the Treasury shall prescribe or amend regulations as needed to require each financial institution that is a United States person and has within its possession or control assets that are property or interests in property of a person who is on the list required by section 404(a) if such property and interests in property are in the United States to certify to the Secretary that, to the best of the knowledge of the financial institution, the financial institution has frozen all assets within the possession or control of the financial institution that are required to be frozen pursuant to subsection (a).

(d) **REGULATORY AUTHORITY.**—The Secretary of the Treasury shall issue such regulations, licenses, and orders as are necessary to carry out this section.

#### **SEC. 407. REPORT TO CONGRESS.**

Not later than one year after the date of the enactment of this Act and annually thereafter, the Secretary of State and the Secretary of the Treasury shall submit to the appropriate congressional committees a report on—

(1) the actions taken to carry out this title, including—

(A) the number of persons added to or removed from the list required by section 404(a) during the year preceding the report, the dates on which such persons have been added or removed, and the reasons for adding or removing them; and

(B) if few or no such persons have been added to that list during that year, the reasons for not adding more such persons to the list; and

(2) efforts by the executive branch to encourage the governments of other countries to impose sanctions that are similar to the sanctions imposed under this title.

The **SPEAKER** pro tempore. The bill shall be debatable for 90 minutes, with 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs.

The gentleman from Michigan (Mr. **CAMP**) and the gentleman from Michi-

gan (Mr. **LEVIN**) each will control 30 minutes. The gentleman from Indiana (Mr. **BURTON**) and the gentleman from California (Mr. **BERMAN**) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. **BURTON**).

Mr. **BURTON** of Indiana. Madam Speaker, I'm very happy to yield to the very competent leader of the Foreign Affairs Committee, Ms. **ROS-LEHTINEN**, for such time as she may consume.

Ms. **ROS-LEHTINEN**. I thank the gentleman from Indiana for the time.

I plan to vote for this bill, H.R. 6156, even though I remain strongly opposed to granting Russia permanent normal trade relations, or PNTR, at this time, and I would like to explain the reasons why.

Those who argue for granting Russia PNTR, which has, until now, been prevented by what is known as the Jackson-Vanik amendment, focus on the supposed bilateral trade benefits; but the issue that concerns me and many Members is not trade, but human rights.

Advocates of repeal say that the Jackson-Vanik amendment is outdated and purely symbolic and, therefore, should be disregarded. But in the area of human rights, Madam Speaker, symbols can have a very great importance.

Over the years, Jackson-Vanik has become a sign of the continuing U.S. commitment to human rights in Russia and elsewhere. Repealing the amendment could very well be interpreted as an indication that our commitment is now weakening. This would be a terrible signal to send at a time when Vladimir Putin is in the process of imposing ever-tighter restrictions on all opposition to his regime, especially democratic activists and any others who dare to defy the authorities.

I also oppose granting Russia PNTR at this time because it is but one more concession by the United States in pursuit of the President's failed reset of relations with Moscow, which among other measures includes the one-sided New START Treaty, the retrenching of NATO's planned missile defense system against Iranian missiles, and Russia's entry into the World Trade Organization. And now Moscow is being given PNTR even as it pursues policies in Iran and elsewhere that undermine U.S. interests.

Nevertheless, despite my objections, I will vote for the bill because it is the only way of securing passage for H.R. 4405, the Magnitsky Act, which has been incorporated into this bill as title IV.

By requiring the President to publicly identify and impose sanctions on human rights violators in Russia, especially those involved in the death of Sergei Magnitsky and the subsequent coverup, this legislation will make clear that the U.S. remains fully committed to advancing democracy and

human rights in that country. These are more than just symbolic steps. The proof comes from the threats by the Kremlin of retaliation if Congress dares to act because the regime fears that senior officials will be publicly implicated.

The administration tried very hard to prevent the Magnitsky Act from moving forward and gave way only when faced with overwhelming bipartisan support for it in both the House and the Senate, making it a precondition for passage of PNTR.

In particular, the administration has tried to remove a requirement that the list of officials and others be made public and has pushed hard to be allowed to keep some of those names classified. But keeping the names secret is exactly what the Kremlin hopes to do. Therefore, although the legislation does allow the President to put the names of some violators on a classified list, this exception can only be used when the President determines that it is vital to U.S. national security interests, and he must justify such action to us in the Congress.

So, to erase any doubt, let me state for the record that the clear intent of Congress is that this exception will be used only in rare cases, and that misuse by the administration will quickly prompt a strong response.

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Let me close by saying, Madam Speaker, that on this third anniversary of the death of Sergei Magnitsky, while in police custody, we in Congress are united in our support for those fighting for democracy and human rights in Russia, and will stand with them in this time of repression until they have triumphed and their country has taken its rightful place among the democracies of the world.

Mr. BERMAN. Madam Speaker, I yield myself 4 minutes.

Madam Speaker, I rise in support of H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012.

The Jackson-Vanik amendment is a good example of the power of legislation to promote positive change. In 1974, when it was adopted, the right to emigrate was being denied to many people in many non-market countries, most notably the Soviet Union.

By limiting normal trade relations, Jackson-Vanik helped pressure countries to change their restrictive immigration policies, and in the case of the Soviet Union, to allow the immigration of Soviet Jews and many other groups previously precluded from leaving to go to the United States to Israel and to other countries.

We continue to have very serious concerns about the human rights situation in Russia, but as the specific root causes of Jackson-Vanik no longer

exist, it has been waived for Russia every year since 1989.

The important piece of legislation we are considering today repeals the Jackson-Vanik amendment with respect to Russia and Moldova, grants Russia permanent normal trade relations, and includes an important new provision to address human rights violations in Russia. Adherence to accepted standards of both trade and human rights are important to America and to a fruitful U.S.-Russia relationship.

Russia joined the WTO in August of this year, and is now subject to WTO fair-trade disciplines and dispute resolution procedures. Enactment of this bill is necessary for U.S. exporters to benefit from the WTO rules and the enhanced market access in pursuing trade with Russia. It will also afford us an additional mechanism to protect intellectual property rights, including over the Internet.

Although Russia once was a small player in world trade, its imports have shot up by 80 percent since 2005, 20 percent just last year. If we don't pass this bill, American companies will be operating at a disadvantage and have a harder time tapping into this growing market.

This is also an important step for strengthening democratic norms in Russia. Over the past several years, the Russian people have demonstrated a new-found confidence in questioning their government. We hope that increased trade with Western nations, including the U.S., will bring greater transparency to the Russian economic system, and it will help grow the middle class, which is at the forefront of demanding improved democratic governance and the rule of law.

Regrettably, Russia remains one of the least free countries in Europe, and it is important that we continue to raise serious concerns about its dismal record on democracy, human rights, and the rule of law.

In addition to Sergei Magnitsky's tragic death, we are deeply concerned about a range of human rights violations including extrajudicial killings, detention, torture of those expressing opposing views, the serious irregularities in elections, and legislation enacted by several city councils, including Saint Petersburg, to restrict the rights of Russia's LGBT community.

The Magnitsky provisions would place restrictions on the financial activities and travel of Russians connected to various human rights violations. The names of these human rights violators would be publicly available, unless the administration determines that the individual must be placed on a classified list.

The intent of these provisions is for the administration to use the classified list only under the prescribed set of circumstances outlined in the bill, and our expectation is that the use of the

classified list will be the exception, not the rule.

Madam Speaker, I support this legislation and encourage my colleagues to support it as well.

I reserve the balance of my time.

GENERAL LEAVE

Mr. BURTON of Indiana. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material on the bill, H.R. 6156.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. BURTON of Indiana. Madam Speaker, I yield whatever time he may consume to the gentleman from California (Mr. ROYCE), a leader on the Foreign Affairs Committee.

Mr. ROYCE. Madam Speaker, please excuse my voice today, but I did want to rise in support of this legislation, and also to associate myself with the observations made by my colleague, Congressman BERMAN, and certainly with Congressman BURTON.

The legislation here that was originally enacted in 1974, Congressman HOWARD BERMAN is quite correct, this, during the Cold War, did play a very key role with respect to immigration. But today, that is long over. And with Russia joining the WTO in August, we have a problem here in the United States, and that is, Russia, in doing so, made tariff cuts for every country in the world except the United States. This bill would correct that. And of course, without this legislation, exporters here in the United States would lose.

I've never viewed Jackson-Vanik as an impediment to Russian relations today. But neither do I see it as very helpful in pressing Russia on issues like Iran or their conduct toward Syria. Russian opposition level leaders, however, and Russian civil society, and the Russian press, what free press remains in Russia today, really support this legislation.

I think what this legislation intends is sort of a mutually beneficial relationship with Russia, based on the rule of law, based on human rights. That's the hope. It includes the Sergei Magnitsky legislation that came out of the Foreign Affairs Committee, of which I'm an original cosponsor, and I do think we owe a debt of gratitude to Chairman ROS-LEHTINEN for her determination to have that provision in the legislation.

I think if we reflect on the words of the Russian opposition in their Parliament, one said recently, this provision is very pro-Russian. It helps defend us in Russia from criminals. It helps defend us from criminals who kill our citizens, who steal our money and then hide it abroad. And that's the point. That's what we're trying to do in that provision.

And this bill, liberalizing trade while at the same time staying true to human rights, should have passed months ago. Sometimes we have a debate with the administration, in this particular case it was over the question of sort of quiet diplomacy with Russia, or whether we were going to speak out forcefully on these human rights provisions. I do not prefer silence on issues such as this.

I think that the systemic corruption we're seeing today in Moscow, and the abuse of power we're seeing from the regime, really demand inclusion of these provisions. And I think, thankfully, a bipartisan group in Congress, including HOWARD BERMAN, including Congresswoman ROS-LEHTINEN and others, stuck it out, came together on this and insured the inclusion in this bill of these provisions in memory of Sergei Magnitsky, in order to take a stand. And I think that is the right course. I encourage all my colleagues to pass this legislation.

□ 0930

Mr. BERMAN. Madam Speaker, I yield myself 15 seconds.

The gentleman from Massachusetts is the cochair of the Tom Lantos Commission on Human Rights; but I think particularly I want to recognize him because, in addition to everyone named so far, a very key player in all of this has been this gentleman from Massachusetts, and he has made tremendous efforts on these Magnitsky provisions.

So as we now move this bill to passage, I recognize chairman of the Tom Lantos Commission on Human Rights, a gentleman who has worked on this bill for 3 years and who has been a leader on human rights issues all over the world. With thanks for his efforts and passion over this part of the legislation, I yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Madam Speaker, I want to thank the distinguished ranking member of the Foreign Affairs Committee for all of his efforts and support on this and on so many other issues. It is a privilege to serve with him. I also want to thank the chairwoman of the Foreign Affairs Committee, ILEANA ROS-LEHTINEN. Both of these individuals are responsible for making sure the final version of the Magnitsky Act included in this bill is strong, workable, and precedent-setting. It is a major piece of human rights legislation, and I am very, very grateful for their leadership.

Madam Speaker, today is the third anniversary of the death of Sergei Magnitsky, in whose honor title IV of this bill is named. He died on November 16, 2009, after enduring torture and beatings while being imprisoned for blowing the whistle on the largest tax fraud in Russian history. He did the right thing, and he paid for it with his

life at the hands of brutal and corrupt Russian officials. His case remains in impunity.

Yet, under title IV of this bill, the United States will not stand by silently and let his killers and abusers and those who covered up these crimes get away with it. Those identified as responsible for these crimes will be named, their assets frozen, and a visa ban imposed.

We won't be acting alone. On September 26, the European Parliament unanimously adopted a resolution recommending that the European Union establish a common list of officials responsible for the death and cover-up of Sergei Magnitsky and to impose an EU-wide visa ban on these officials and freeze any financial assets they may hold inside the European Union.

Let me be perfectly clear. This bill is not simply about the case of Sergei Magnitsky. It applies to all of those who engage in gross human rights violations or corruption. It is precedent-setting human rights legislation. The House should be proud of what it is accomplishing today for human rights and the rule of law for the Magnitsky family, for the Russian people, for honorable Russian officials, and for human rights defenders inside and outside Russia.

Because this bill includes the Magnitsky Act, I urge my colleagues to vote for H.R. 6156 and would like to insert the European Parliament's report and an article from the American Enterprise Institute in the RECORD at this point.

REPORT WITH A PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL ON ESTABLISHING COMMON VISA RESTRICTIONS FOR RUSSIAN OFFICIALS INVOLVED IN THE SERGEI MAGNITSKY CASE

PROPOSAL FOR A EUROPEAN PARLIAMENT RECOMMENDATION TO THE COUNCIL ON ESTABLISHING COMMON VISA RESTRICTIONS FOR RUSSIAN OFFICIALS INVOLVED IN THE SERGEI MAGNITSKY CASE (2012/2142(INI))

The European Parliament, having regard to Article 215 of the TFEU, having regard to the proposal for a recommendation to the Council by Guy Verhofstadt and Kristiina Ojuland, on behalf of the Aide Group (B7-0196/2012), having regard to its resolution of 17 February 2011 on the rule of law in Russia, having regard to its resolution of 16 December 2010 on the Annual Report on Human Rights in the World 2009 and the European Union's policy on the matter, having regard to its resolution of 14 December 2011 on the upcoming EU-Russia Summit on 15 December 2011 and the outcome of the Duma elections on 4 December 2011, having regard to its recommendation of 2 February 2012 to the Council on a consistent policy towards regimes against which the EU applies restrictive measures, having regard to the adoption of the Sergei Magnitsky Rule of Law Accountability Act by the US Senate's Foreign Relations Committee on 26 June 2012, seeking to impose visa bans and asset freezes on Russian officials allegedly involved in the detention, abuse and death of Sergei Magnitsky, having regard to the draft resolution entitled 'Rule of law in Russia: case of Sergei Magnitsky', which was presented to

the 2012 annual session of the OSCE Parliamentary Assembly, calling on national parliaments to take action to impose visa sanctions and asset freezes, having regard to Rule 121(3) of its Rules of Procedure, having regard to the report of the Committee on Foreign Affairs (A7-0285/2012),

A. whereas the arrest, conditions of detention and subsequent death in custody of Sergei Magnitsky represent a well documented and substantial case of disrespect for fundamental human rights;

B. whereas the posthumous prosecution of Sergei Magnitsky is a violation of international and national laws and clearly shows the malfunctioning of the Russian criminal justice system;

C. whereas the Russian Federation, as a member of the Council of Europe and of the Organisation for Security and Cooperation in Europe, has committed itself to fully respecting fundamental rights and the rule of law, and whereas the European Union has repeatedly offered additional assistance and expertise to help the Russian Federation modernise, and abide by, its constitutional and legal order;

D. whereas, despite the 2011 conclusions of the inquiry conducted by the Russian President's Human Rights Council on the illegality of Sergei Magnitsky's arrest, detention and being denied access to justice, the investigations are stalled and the officials involved have been exonerated and even assigned to the posthumous case; whereas such actions on the part of the authorities demonstrate the politically motivated nature of Magnitsky's prosecution;

E. whereas the European Union has urged the Russian authorities on many occasions and formats, from regular human rights consultations to summit-level meetings, to conduct thorough independent investigations in this special, well documented case, and to put an end to the current climate of impunity;

F. whereas the case of Sergei Magnitsky is only one but the most prominent and well documented case of abuse of powers by the Russian law enforcement authorities, heavily violating the rule of law; whereas a multitude of other juridical cases exist using systematically the pretext of economic crimes and alleged corruption for eliminating business competitors or political rivals;

G. whereas visa restrictions and other restrictive measures are not traditional judicial sanctions per se, but constitute a political signal of the EU's concern to a larger target audience and thus remain a necessary and legitimate foreign policy tool;

H. whereas EU sanctions on the Magnitsky case could prompt the Russian authorities to make genuine and fresh efforts to address, in a more concrete and convincing manner, the question of the rule of law in Russia and the current climate of impunity;

I. whereas several national parliaments of EU Member States—among them Italy, the Netherlands, the United Kingdom, Sweden and Poland—have already passed resolutions urging their governments to introduce sanctions on the Magnitsky case, while several other national parliaments, such as those in Portugal, France, Spain and Latvia, are at the initial drafting stage for such resolutions;

1. Addresses the following recommendations to the Council:

(a) to establish a common EU list of officials responsible for the death of Sergei Magnitsky, for the subsequent judicial cover-up and for the ongoing and sustained harassment of his mother and widow;



(b) to impose and implement an EU-wide visa ban on these officials and to freeze any financial assets they or their immediate family may hold inside the European Union;

(c) to call on Russia to conduct a credible and independent investigation encompassing all aspects of this tragic case, and to bring all those responsible to justice;

(d) to urge the Russian authorities to put an end to the widespread corruption and to reform the judicial system, and bring it into line with international standards, by creating an independent, just and transparent system that cannot, under any circumstances, be misused for political reasons;

(e) to raise, in the course of bilateral meetings with Russian authorities, this issue as well as the issue of intimidation and impunity in cases involving human rights defenders, journalists and lawyers, in a more determined, resolute and result-oriented manner;

2. Encourages the Council to take a coherent and proactive stance on other serious human rights violations in Russia, on the basis of well documented, converging and independent sources and convincing evidence, and to introduce similar restrictive measures against offenders as a last resort measure;

3. Underlines that the commitment of the Russian authorities to basic values such as the rule of law, and respect for human rights and basic freedoms, remains the main prerequisite for EU-Russia relations and for the

development of a stable and reliable partnership between the two parties;

4. Instructs its President to forward this recommendation to the Council and, for information, to the Commission, the Member States, the Russian State Duma and the Government of the Russian Federation.

PROPOSAL FOR A RECOMMENDATION B7-0196/2012

The European Parliament, having regard to Article 215 of the TFEU, having regard to the European Parliament recommendation to the Council on a consistent policy on restrictive measures, adopted on 2 February 2012, having regard to the decision by the United States to impose travel restrictions on 60 officials involved in the Sergei Magnitsky case and to similar considerations in a number of other countries, having regard to Rule 121(1) of its Rules of Procedure,

A. whereas the arrest and subsequent death in custody of Sergei Magnitsky represents a well documented and substantial case of disrespect for fundamental human rights in Russia, and serves as a chilling reminder of the many documented shortcomings in the respect shown for human rights and fundamental freedoms in Russia;

B. whereas Russia, as a member of the Council of Europe, has committed itself to fully respecting fundamental rights and the rule of law, and whereas the European Union has repeatedly offered additional assistance and expertise to help Russia modernise, and

abide by, its constitutional and legal order, in line with Council of Europe standards;

C. whereas there is an increasing need for a firm, robust and comprehensive EU policy towards Russia, offering support and assistance backed up by firm and fair criticism, including sanctions and restrictive measures when needed;

D. whereas visa restrictions and other restrictive measures are not traditional judicial sanctions per se, but constitute a political signal of the EU's concern to a larger target audience and thus remain a necessary and legitimate foreign policy tool;

1. Addresses the following recommendations to the Council:

(a) to establish a common EU list of officials responsible for the death of Sergei Magnitsky, for the subsequent judicial cover-up and for the ongoing and sustained harassment of his mother and widow;

(b) to impose and implement an EU-wide visa ban on these officials and to freeze any financial assets they or their immediate family may hold inside the European Union;

(c) to call on Russia to conduct a credible and independent investigation encompassing all aspects of this tragic case;

2. Instructs its President to forward this recommendation to the Council and, for information, to the Commission, the Member States, and the State Duma and Government of Russia.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted .....	20.9.2012
Result of final vote .....	+ : 62
	- : 2
	0 : 1
Members present for the final vote .....	Fransiska Katarina Brantner, Elmar Brok, Jerzy Buzek, Tarja Cronberg, Arnaud Danjean, Mário David, Michael Gahler, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Liisa Jaakonsaari, Jelko Kacin, Ioannis Kasoulides, Nicole Kii-Nielsen, Evgenii Kirilov, Maria Eleni Koppa, Pawel Robert Kowal, Eduard Kukan, Vytautas Landsbergis, Krzysztof Lisek, Sabine Lösing, Ulrike Lunacek, Francisco José Millán Mon, María Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Pier Antonio Panzeri, Ioan Mircea Pașcu, Alojz Peterle, Bernd Posselt, Hans-Gert Pötering, Cristian Dan Preda, Libor Rouček, Tokia Saïfi, José Ignacio Salafranca Sánchez-Neyra, Nikolaos Salavrakos, Jacek Saryusz-Wolski, György Schöpflin, Werner Schulz, Marek Siwiec, Sophocles Stachouras, Laurence J.A.J. Stassen, Charles Tannock, Inese Vaidere, Johannes Cornelis van Baalen, Geoffrey Van Orden, Sir Graham Watson, Boris Zala
Substitute(s) present for the final vote .....	Laima Liucija Andrikiene, Elena Băsescu, Marije Cornelissen, Jacek Protasiewicz, Teresa Riera Madurell, Carmen Romero López, Marietje Schaake, Helmut Scholz, Alf Svensson, Indrek Tarand, Traian Ungureanu, Ivo Vajgl, Luis Yáñez-Barnuevo García, Joachim Zeller, Janusz Władysław Zemke
Substitute(s) under Rule 187(2) present for the final vote .....	Maria Badia i Cutchet, Ivori Padar

[From the American Enterprise Institute, Nov. 15, 2012]

THREE CHEERS FOR THE MAGNITSKY ACT AND AMERICAN VALUES  
(By Leon Aron)

In the next few days, the House and the Senate will almost certainly vote on and pass the Sergei Magnitsky Rule of Law Accountability Act. The bill is named after a 37-year-old lawyer who was tortured to death in a Moscow prison after he uncovered an elaborate scheme that had defrauded the Russian treasury of \$230 million. November 16th will be the third anniversary of his death.

The Magnitsky Act would deny entry to the United States and freeze the assets and property of those individuals responsible for this embezzlement, the death of Sergei Magnitsky, and its cover up, as well as any current or future abuse of human and political rights.

The anti-Putin opposition in Russia has overwhelmingly supported the Magnitsky Act. Even leftists and nationalists have been ardently in favor. Just as vehemently, the Kremlin has denounced the legislation, crying "interference in its internal affairs" and threatening an "appropriate response."

The "interference" objection has not a leg to stand on. The legislation is directed not against Russia but against those who torment and defraud it. Moreover, Russia and the Soviet Union—to which Russia is the

legal successor—are party to multiple agreements, most notably the Helsinki Act of 1976 and its subsequent iterations that explicitly make human and political rights subject to international scrutiny.

As for the Kremlin's response, Russians on the internet have had tons of fun with it: "No more shopping trips to Moscow by the wives of US officials!" "No more Black Sea vacations for them!" "US officials will be prohibited from keeping their money in Russian banks and their children denied admissions to Russian colleges!"

Although it might precipitate a petty tit-for-tat, the Magnitsky Act is part of something far larger than mere ups and downs in US-Russian relations. It is a long overdue step reaffirming the core values that guide US foreign policy and advancing what is—or ought to be—one of its key, overarching geostrategic objectives: The emergence of a stable, free, and democratic Russian state at peace, in the long last, with its own people and the world.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman an additional 2 minutes.

Mr. MCGOVERN. Madam Speaker, I would like to enter into a colloquy with the majority and minority floor managers—the gentleman from Indiana (Mr. BURTON) and the gentleman from

California (Mr. BERMAN)—just to clarify the congressional intent regarding the use of the classified annex mentioned in section 404(c)(2) of H.R. 6156.

Section 404 of the bill would hold accountable Magnitsky's killers and other human rights violators by placing targeted sanctions on them. In particular, the bill imposes a visa ban and asset freeze on individuals responsible for participating in or for covering up Sergei Magnitsky's detention, abuse and death, and on individuals responsible for certain other gross violations of human rights. As part of that accountability, section 404 requires the President to publish a list of the people responsible for those particular abuses.

It is my understanding that the congressional intent behind title IV is for people subject to sanctions to be placed on an unclassified list in a transparent manner and that any classified annex may be used only as an exception and not the rule. The administration may list a person in the classified annex only if the President determines that it is absolutely vital to the national security interests of the United States and provides Congress with prior notice and justification.



□ 0940

I yield to the floor manager for the majority, Mr. BURTON, such time as he requires to clarify his own understanding.

Mr. BURTON of Indiana. Yes, Madam Speaker, I share in the gentleman's understanding of congressional intent as reflected in the text of section 404(c). The list of sanctionable individuals is meant to be unclassified, and any classified annex should be used only as an exception.

Mr. MCGOVERN. In reclaiming my time, I thank the gentleman.

I yield to the floor manager for the minority, Mr. BERMAN, such time as he requires to clarify his understanding.

Mr. BERMAN. I thank the gentleman for yielding.

Madam Speaker, that is also my understanding. The intent of Congress is to place people in the classified annex only if the President determines and justifies to the relevant committees that it is vital for the national security interests of the United States.

Mr. MCGOVERN. In reclaiming my time, I thank the gentlemen for their assurances and clarifications.

I want to thank this Congress for their bipartisan support of this Magnitsky Act, which, I think, makes it clear that, if the United States of America stands for anything, we stand out loud and foursquare for human rights.

Mr. BURTON of Indiana. Madam Speaker, I am very happy to yield 2 minutes to one of the real leaders on the Foreign Affairs Committee, the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Madam Speaker, almost 40 years ago, this body heard the cries of the Jewish refuseniks trapped behind the Iron Curtain, and it passed the Jackson-Vanik amendment, which brilliantly linked the free movement of goods with the free movement of people. It was a congressional initiative, opposed by the White House, which sought "reset" at all costs—at that time it was called "detente"—with Russia.

It's a sad commentary on what the Russian people continue to suffer that now, more than 40 years after the collapse of the Soviet Union, we meet in the same House Chamber to struggle with similar issues.

Russia is now a market economy and permits emigration, but human rights and the rule of law are trampled with impunity and often violence. Since Jackson-Vanik—a marvelous tool for promoting human rights in the seventies and eighties—doesn't address Russia's current problems, we need a new tool. The need for one should be evident to anyone who follows the news. Madam Speaker, the Magnitsky provisions of the trade bill we are considering provide such a tool.

These tools couldn't be timelier as some lament a perceived decline in

American influence abroad. The Magnitsky sanctions shouldn't cost us a dime—and the howls from the Kremlin suggest we are on to something. While threats like cutting off aid or military cooperation mean nothing to the Russians, its kleptocratic elite deeply value access to the West. The privilege of a U.S. visa affords a measure of respectability as well as a quick exit for those who worry daily that somebody may be held to account for the crimes against their countrymen. Further, corrupt Russian officials know better than to keep their fortunes inside Russia, risking confiscation by other corrupt officials.

The penalties imposed by Jackson-Vanik applied to the entire Russian economy, but those envisioned by the Magnitsky legislation look to personal responsibility and target the individual bad actor. What this bill is saying is that murderers and torturers are not welcome in this country. I would certainly hope that we are not so compromised in our security and commercial relations that to publicly name and shame these individuals would be seen to hurt our interests. It is a great bill, and it will have, hopefully, good, strong bipartisan support.

Mr. BERMAN. Madam Speaker, may I inquire as to how much time both sides have.

The SPEAKER pro tempore. The gentleman from California has 6¾ minutes remaining. The gentleman from Indiana has 4½ minutes remaining.

Mr. BERMAN. Madam Speaker, I yield 3 minutes to the ranking member of the Europe and Eurasia Subcommittee, my friend from New York (Mr. MEEKS).

Mr. MEEKS. I want to first thank ranking member HOWARD BERMAN for his leadership on this, as well as to thank Chairwoman ROS-LEHTINEN.

I urge my colleagues to support H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. Granting permanent normal trade relations with Russia and Moldova is long overdue; and with this vote we look to the future and put aside some longstanding vestiges of the Cold War.

I strongly endorse granting permanent normal trade relations to Moldova. Since 2001, when Moldova entered the World Trade Organization, the United States has been in non-compliance with WTO rules because Congress has failed to repeal the Jackson-Vanik amendment. Moldova is a Western-oriented, fully democratic country, and Moldova deserves to be treated as an economic partner so we can strengthen our ties to her further.

We will hear lots today about the economic, human rights, and foreign policy implications of this bill; and Russia will be at the center of the debate.

But I hope that we do not lose sight of this most basic point. At its core, today's vote on Russian PNTR is about an evolving relationship. The U.S.-Russia relationship has been at the top of our foreign policy agenda for more than half a century. The fact that the House has deliberated for so long to bring H.R. 6156 to the floor is an indication that this is still an important relationship.

In 1974, when the Jackson-Vanik amendment was enacted, there was a Soviet Union, and the purpose of the amendment was to end the Soviet Union's policy that prevented the immigration of Jews. The objective has long since been met, and since 1991, Russia terminated fees on Russian immigrants. This is why, since 1992, the United States has certified that Russia complies with Jackson-Vanik and we have normal trade relations with Russia.

The bill before us today simply makes that policy permanent. It also replaces the human rights policy of a bygone era with a more appropriate one for the issues in Russia today. In so doing, we allow U.S. businesses to take advantage of the many rules-based market opening and tariff reducing commitments that were part of the Russians' WTO accession package, and we uphold our longstanding commitment to protecting human rights and human dignity.

Madam Speaker, we are nearly 3 months behind our biggest global competitors. The U.S. is the only one of the over 150 WTO members that did not immediately benefit from Russia joining the WTO. We are the only one. Only until we repeal Jackson-Vanik, Russia has a right to suspend all agreed upon WTO trade concessions with regard to the U.S. We're talking about losing out on hundreds of millions of dollars in just tariff cuts alone. Passage of this bill will expand our engagement with Russia and better facilitate the exporting of our goods.

But trade is never just about the movement of goods and services. It is also about the transformative flow of people, ideas, best practices, and values. Increased trade may be the most efficient way yet to promote rule of law, fight corruption, support human rights, and inspire a civil society in Russia.

With passage of H.R. 6156, we get beyond the Jackson-Vanik amendment, a Cold War relic, and level the playing field for American businesses and provide encouragement for whistleblowers. Therefore, I ask my colleagues to support this bill.

Mr. BURTON of Indiana. Madam Speaker, I'm very happy to now yield 2 minutes to the gentleman from California, a member of the Foreign Affairs Committee, Mr. ROHRBACHER.

Mr. ROHRBACHER. The Soviet dictatorship collapsed over two decades

ago. Being someone who spent a considerable time of my life opposing Soviet communism, I have been disappointed to see that many of my own colleagues, on both sides of the aisle, have never gotten the Cold War out of their mind. So many of us in this body have been treating democratic Russia as if it is still the Soviet Union.

Over the years, we should have established this level of cooperation, especially the economic cooperation that we're codifying today. This should have been established long ago. Instead, what happened was the people stuck in the Cold War kept vilifying the Soviet Union and exaggerating every shortcoming while at the same time ignoring similar flaws, for example, in China. The human rights abuses in China are outrageous, but yet we have moved forward time and again to expand their ability to make money on us, even to steal our technologies with a one-way free trade policy with China.

We need to make sure that the people of Russia know what we're saying today: that the Cold War is over, that we need to march forward together to meet the challenges of both of our countries, and that we will open up our economy in economic cooperation with you so that we can stand together and prosper and so that we can also deal with the challenges of an ever more powerful and aggressive China and radical Islam, which is as great a threat and kills as many Russians as they do Americans. The Russian people have to know that after today we have left the Cold War behind; we will quit vilifying the Soviet Union and holding them to a different standard than we do other countries simply because in the past they were our enemies.

Madam Speaker, I gladly step forward to endorse this expansion of freedom of trade between our peoples.

Mr. BERMAN. Madam Speaker, I have no further requests for time and simply need time to close.

Mr. BURTON of Indiana. I reserve the right to close, so I yield to my colleague.

Mr. BERMAN. Madam Speaker, I yield myself such time as I may consume.

I think this is a very historic piece of bipartisan legislation. Just as Jackson-Vanik became a tool to deal with one aspect of a horrible set of policies by the Soviet Union during the Cold War, we now, using the Magnitsky legislation, deal with some very serious human rights issues remaining in Russia, but not in the context of restricting trade but in the context of deepening our economic relationship with Russia. I think what this legislation does altogether, in combination, is promote both that economic relationship and shared adherence to common standards of human rights democracy and the rule of law.

I urge its support, and I yield back the balance of my time.

Mr. BURTON of Indiana. Madam Speaker, I yield myself the balance of my time.

Russia joined the World Trade Organization this year. Russia's accession will bring 140 million new consumers into the WTO's international rules-based system. This will help U.S. companies who have been at a disadvantage in competing with their European and Asian counterparts in Russia.

In order to join the WTO, Russia has been required to make substantial reforms to open its economy to international investment. These reforms include significant cuts on tariffs impacting manufactured goods and agricultural products, as well as a pledge to cut farm subsidies in half by 2018. Russia must also allow 100 percent foreign ownership of companies in a diverse group of industries, including banking, telecommunications, and retail. More importantly, Russia will be bound to respect the WTO's intellectual property protections and will participate in the organization's system for settling trade disputes.

As chairman of the Subcommittee on Europe and Eurasia, I've visited Moscow and have met with representatives of the American Chamber of Commerce and many American businesses that are already active in Russia. Whether we pass this bill or not, these companies will remain in Russia, and the Russian market is too big to ignore. However, let's make it easier for U.S. companies to do business in Russia.

In addition, the Peterson Institute, a prominent economic think tank, estimates that if we pass this bill and Russia receives PNTR, U.S. exports to Russia will double over the next 5 years from \$9 billion to \$19 billion. This increased trade could support upwards of 50,000 new jobs here in the United States.

This legislation requires the Secretary of State and the trade representative to provide Congress with a number of reports that explain the steps that they've taken to ensure that Russia is in compliance with the WTO. These reports must include updates on what the administration is doing to advocate for American investors in Russia, including those investors in the Yukos Oil Company, who suffered about \$12 billion in losses when the Russian Government expropriated the company.

Regarding Moldova, this former state of the Soviet Union joined the WTO in 2001. However, because Jackson-Vanik applies to Moldova as well as Russia, the U.S. has not been able to offer that country PNTR, and this bill will fix that.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BURTON of Indiana. Madam Speaker, Moldova and Russia are now going to be able to participate with the United States in more free trade. I

think this is a great bill, and I urge my colleagues to support it.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6570. An act to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements.

The message also announced that the Senate has passed a bill and agreed to a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1440. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. Con. Res. 60. Concurrent Resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

□ 0950

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) is recognized.

Mr. CAMP. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I urge passage of this bipartisan legislation to ensure that American companies, workers, farmers, and ranchers benefit from Russia's accession to the World Trade Organization. Almost three months ago, Russia became the 156th member of the WTO. Since then, exporters from every WTO member but one—the United States—have been guaranteed the benefit from the concessions that Russia made to join the WTO. These benefits include increased access to Russia's growing market in goods and services, improved protection of intellectual property rights in Russia, Russian animal and plant health rules based on international standards and science, and binding dispute resolution if Russia does not live up to its WTO obligations. If U.S. exporters want to be guaranteed these benefits as well, we must pass this bipartisan legislation and establish permanent normal trade relations with Russia.

This bill would allow us to gain important rights and powerful new enforcement tools with respect to one of the world's largest economies without giving up a single tariff or other concession. We could double or even triple U.S. exports to Russia within 5 years. But until we do, these benefits will go to our foreign competitors while our exporters fall further behind.

With our high unemployment, we cannot afford to pass up any opportunity to increase our exports and create jobs. And the longer we delay in passing this legislation, the more ground our exporters will lose.

I don't dispute that our relationship with Russia has many challenges. On the commercial front, we face weak enforcement and protection of intellectual property rights, as well as discriminatory standards for U.S. agricultural products. Russia's recent adoption of the WTO's rules should address many of these issues, but this bill goes farther by requiring the administration to stay focused on Russia by making sure that it lives up to its WTO obligations, resolves outstanding trade issues with Russia, and improves the rule of law in Russia.

Many of us also have significant concerns with Russia's foreign policy. Much as I believe that Russia does not always act responsibly, I also believe that this legislation cannot be seen as rewarding Russia. Instead, any benefit that is conferred is on U.S. job creators. I also fully share the concerns of many of my colleagues on Russia's abysmal human rights record, and that's why I support adding the Magnitsky legislation to this bill, on the third anniversary of the murder of Sergei Magnitsky while imprisoned.

For all of these reasons, we urgently need to pass this important bipartisan legislation. I urge all of my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Madam Speaker, I yield myself such time as I may consume.

I want to make a number of points, but first to join with the chairman of the committee. We have worked hard on this legislation on a bipartisan basis, and also with the Senate.

I think these are the important points, if I might say so. First of all, I urge that we take each trade agreement very much on its own, maybe not completely looking at other agreements but assessing the merits of each particular agreement. And when you look at this agreement on its merits, it's clear, I urge, we should be supportive.

If you look at the flow of trade that will be enhanced by this legislation, it's clear that it will be beneficial to our country. The major exports from our country to Russia are machinery, motor vehicles, and aircraft. These are products made in America by American companies and by American workers. So essentially, this will enhance our ability. Russia, in terms of taking this on its own, is already in the WTO, and the question is whether we will be able to access their markets.

The next point: there is also a question of enforcement. Trade agreements by themselves will not be enough. There has to be built in strong enforce-

ment and a willingness to enforce. And this agreement, with the help of colleagues, some of whom will be here to speak today, this agreement has strengthened enforcement provisions. Those were worked out with the Senate, and I want to thank the Senators for working with us. So there is within this agreement not only a guarantee of more flow, but also a guarantee that we have access to the instrumentalities so that we can hold Russia's feet to the fire, if I might say so, in terms of their meeting their obligations.

The next point is this: we've been working on trade issues for a long time. For some of us, trade is more than the flow of goods; it's the structure within which the flow occurs and looking at the benefits of that flow so that we're sure that the impact is a positive one for our businesses and our workers.

Also, it's important to remember that the rule of law in another country is vital, otherwise investment is perilous. The Magnitsky legislation was added here in part in recognition that when you talk about trade, you have to look at a fuller picture. And I want to salute, if I might say so, especially JIM MCGOVERN for his work on this issue. And I also want to thank Mr. CAMP, our chairman. I also want to thank those in the Senate for working with us to make sure that this is in this bill, the chair of our Foreign Relations Committee, and also especially Mr. CARDIN, who once served on our committee and is now in the Senate and has made this a dedicated effort on his part.

This is a bipartisan effort. I hope that it will set the stage for a successful effort to deal with trade issues now and beyond on a bipartisan basis.

I reserve the balance of my time.

□ 1000

Mr. CAMP. I thank the gentleman for his comments. Also, I would yield 2 minutes to the gentleman from Texas (Mr. BRADY), the distinguished chairman of the Trade Subcommittee.

Mr. BRADY of Texas. Madam Speaker, this is a jobs bill, pure and simple. It levels the playing field in Russia for American energy, agriculture, manufacturing, services, and our growing technology industry to be able to compete on a level playing field in that country with our competitors: China, Europe, Brazil, and others.

This bill means more sales to the ninth largest economy in the world and more jobs here at home as a result. America gives up nothing in this legislation, but it stands to gain much. Creating that leveled playing field is important to job creation.

But this bill also holds Russia accountable to live up to its obligations, to play by the same trade rules everyone else in this world does as well. That means a chance to protect and

the means to insist that our intellectual property rights be protected, to insist that sound science be used on food safety, to insist, again, that there are not artificial barriers either at the front door or the back to American products and services being sold in Russia.

This legislation also creates important new tools to continue to pressure Russia to make progress on the important issue of human rights. For Texas, our State, this is an important issue because Russia is our fastest growing trade partner. We are the number one exporter. Our growth and sales grew by almost a third last year alone.

But it is broader than that. It's important to every State in the United States. It's important to our trading relationship. And again, the fact that we are able to hold Russia accountable should they violate their commitments, we have in law a process to resolve those disputes and re-create a level playing field.

I want to credit and thank Chairman DAVE CAMP of Michigan for his long leadership on trade. This is, by my account, the seventh bipartisan trade measure to pass this House, and we hope it will move to the President's desk. And I thank Ranking Member LEVIN for his outstanding work on this as well.

Mr. LEVIN. I now yield 3 minutes to the gentleman from the great State of Washington (Mr. McDERMOTT), the ranking member on Trade.

Mr. McDERMOTT. Madam Speaker, I rise in support of this bill to grant permanent normal trade relations to Russia and Moldova.

Let's begin with Russia. Russia joined the WTO this summer. Congress does not have veto power on that. All we can do here is decide whether to allow U.S. businesses and workers to see the benefits of Russia's WTO obligations.

Will Russia always honor these obligations on its own initiative? Probably not. But Russia's WTO membership means we can at least hold them to those obligations, and we must be prepared to enforce those obligations. That is a lesson we've learned the hard way over the last few years. This bill actually does that. This bill has strong antibribery and anticorruption provisions. It has mechanisms to help strengthen our intellectual property rights.

But that's not all. Another critical piece of this bill is the Magnitsky Act, placing real sanctions on those individuals who are complicit in human rights violations. This is a serious policy upgrade and a big win for human rights.

At the end of the day, Russia's entry into the WTO can be expected to create real jobs here in the U.S. by reducing tariffs and other barriers to U.S.-made goods and services. The tariffs on information technology products are completely eliminated. Russia's aircraft,

chemical, and pharmaceutical tariffs are heavily reduced. This means real job growth around the country in the coming years.

In many ways, this agreement is one-sided to our benefit. Our tariffs are not going down, but Russia's are. Russia is a WTO member regardless of what we do today, but with this bill, we can make sure that American businesses and workers get the benefits of Russian commitments.

Finally, this bill gives permanent normal trade relations to Moldova, a country that joined the WTO more than a decade ago. The Moldovans want closer ties with their friends in the United States and Europe. This bill demonstrates that we share that interest with our Moldovan partners.

I urge the passage of this bill unanimously by the Members here. Everyone in this country will benefit from it.

Mr. CAMP. At this time, I yield 2 minutes to the gentleman from California (Mr. NUNES), a distinguished member of the Ways and Means Committee.

Mr. NUNES. Madam Speaker, the 1974 Jackson-Vanik amendment effectively pressured the Soviet Union over its appalling human rights record. It was an important part of America's decades-long effort to contain and ultimately bring down an evil empire.

Times have changed. The Cold War is over, and the USSR has given way to the Russian Federation. Its ruler, Vladimir Putin, presides over an authoritarian regime that closely controls the key economic sectors, shackles the media, stamps out most dissent, and stage-manages the political process. Nevertheless, Putin's Russia is not the Soviet Union, and we should update our laws accordingly.

The Jackson-Vanik amendment addresses problems from a different era. By joining the WTO, Russia has undertaken new obligations to adhere to the rule of law. As we approve normal trade relations with Russia, we must verify that it adheres to its new responsibilities.

Furthermore, by approving the Magnitsky Act, we will signal that corrupt thugs who attack whistleblowers and human rights activists will be held to account—in America, if not Russia. That is why, Madam Speaker, I urge my colleagues to vote "yes" on this bill.

Mr. LEVIN. I now yield 9 minutes to the gentleman from Maine (Mr. MICHAUD) for a colloquy, a gentleman who has worked so hard on trade issues.

Mr. MICHAUD. I thank the gentleman for yielding.

Representative DELAURO of Connecticut and I introduced legislation to increase the specifics and the strength of U.S. enforcement efforts of Russia's WTO membership. As our experience with China has shown, if there isn't a

robust enforcement mechanism, American jobs will be lost.

I am pleased that the bill being debated today includes similar language to strengthen our enforcement of Russia's WTO membership, but I do have lingering concerns that USTR may be reluctant to fully implement these provisions, both in letter and in spirit.

First, I am worried that USTR may not interpret the bill's reporting requirements in a way that will make it possible for Members of Congress or American businesses to fully understand Russia's WTO commitment. The Working Party Report, alone, is hundreds of pages and is hard to decipher. In addition, I'm concerned that USTR may not include in their report when they decide not to take action against Russia, even when they are not in compliance.

Can you assure me that you will work with me to ensure that Members of Congress and our businesses are made aware of all of Russia's WTO commitments and whether or not they are in full compliance?

I yield to the gentleman.

Mr. LEVIN. I thank the gentleman for yielding.

I very much agree with my colleague from Maine that it's vital to monitor and fully enforce our trade agreements, and I will work with USTR to keep you and other Members of Congress informed when Russia has not fulfilled its commitment, regardless of whether or not the administration has taken formal notice.

Mr. MICHAUD. I thank the gentleman for his answer.

My next concern is that USTR's report that Congress may not give sufficient attention to Russia's compliance with their manufacturing-related commitments. I know you and I share a deep commitment to American manufacturing. Will my friend work with me to ensure that USTR reports to Congress include assessments on their compliance with manufacturing-related obligations?

Mr. LEVIN. As my colleague knows, today's legislation includes reporting requirements on all of Russia's commitments they made prior to joining the WTO, including the reduction of tariffs and other commitments related to manufacturing sectors. I will work with my colleague to make certain that USTR's reports include an evaluation of Russia's manufacturing-related commitments.

□ 1010

Mr. MICHAUD. I thank my friend for his response. And I know it will come as no surprise that I have approached this legislation and debate with skepticism. Since China joined the WTO more than 10 years ago, nearly 2 million U.S. jobs have been shipped overseas. Although I have advocated for and supported U.S. enforcement efforts

at the WTO, these actions have not been enough to counter China's persistent trade violation, including their currency manipulation. I do not want us to repeat this mistake with Russia.

I think the enforcement provisions in this legislation are a good start, but it will take a proactive Congress to make sure our businesses benefit from this agreement. Can my friend assure me that he will work with me to use all the tools at our disposal, including section 301 authority, if needed, to make sure that Russia lives up to the WTO commitment?

Mr. LEVIN. I very much agree with you that we must enforce our trading partners' commitments so that our American workers can compete on a level playing field, and I really believe that Mr. CAMP, our chairman, and others concur in that. I, too, have been concerned about the effect China's trade relations have had on the U.S. economy.

I will work with you to monitor Russia's compliance and to ensure that U.S. manufacturers get the full benefits of Russia's WTO membership, and I can assure you we will continue to work together to address China's violations as well. This administration has been active in that regard.

As for section 301, I wish to note that I and the ranking member on our Trade Subcommittee, Mr. McDERMOTT, exchanged letters with the U.S. trade rep in July, confirming our rights to request action under section 301. Under section 301, USTR is required to respond to our requests within a fixed timeline. That exchange of letters has already been incorporated into the legislative history of the bill before us today.

Mr. MICHAUD. I appreciate the gentleman's comment, and I look forward to working with him on these issues. You and I have worked closely together on trade enforcement over the past few years, and I sincerely hope this effort between our offices will further strengthen our dialogue and collaboration on trade policy going forward. It will be even more important that we work together to make sure that TPP is a good deal for American workers and that its implementation legislation as well, should it ever reach the floor, include strict enforcement measures.

This legislation represents an unprecedented step towards improving enforcement of our trade agreements. I want to thank you for working with us to improve this legislation and for agreeing to work with me on my outstanding concerns that we currently have. As a result of these improvements and the strong human rights language in the bill, I'll be supporting this legislation when the House votes on it today. And I want to thank the gentleman from Michigan very much for his efforts in that regard.

Mr. LEVIN. I want to thank you, Mr. MICHAUD, for your arduous efforts.

I reserve the balance of my time.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Thank you, Chairman CAMP.

Madam Speaker, the bill before us is about economic growth and job creation. It's about expanding U.S. exports to the ninth largest economy in the world. It's about making sure U.S. businesses receive the same treatment in Russia as their competitors in Europe. It's about ensuring we have the tools to hold an unreliable trading partner accountable.

This legislation is not a handout or gift to Russia. Maintaining Jackson-Vanik does not give us any leverage, as Russia is already a WTO member. A vote against this bill is a vote against U.S. employers. It's a vote against small businesses. It's a vote against farmers and a vote against ranchers.

I urge my colleagues to support legislation to give Americans fair access to an important market.

Mr. LEVIN. I yield 2 minutes to another Member who's been so active on trade policy, the gentleman from Massachusetts (Mr. NEAL).

Mr. NEAL. Thank you, Mr. LEVIN.

Madam Speaker, after more than 18 years of negotiations, Russia joined the World Trade Organization this past August. WTO membership will require Russia, for the first time, to play by the same rules of trade as the United States and virtually every other nation in the world. This is a significant development, and it's critical that Congress approve permanent normal trade relations with Russia so that U.S. companies can benefit from these reforms.

Russian PNTR also is a jobs bill. The President's Export Council estimates that U.S. exports of goods and services to Russia would double or triple once Russia joins WTO. Greater exports mean more jobs, and that's exactly what our economy needs right now. A reminder: Last year, the fastest growing part of the American economy was exports, which grew by almost 6 percent.

Let me conclude by expressing my support for important provisions in the PNTR legislation that address the Russian Government's expropriation of the large oil company, Yukos.

When Russian authorities dissolved Yukos and took over its assets, Yukos investors, including 20,000 individual American investors, many from my home State of Massachusetts, received nothing. I'm pleased that PNTR legislation requires USTR and the State Department to provide an annual report to Congress on the steps they are taking to advocate for American investors in Yukos. This reporting requirement is critical because Russia must be

pressed to make good on the money it owes American investors.

Madam Speaker, I actually, for a long period of time, had a bracelet that I wore and kept in my office—and still have—based upon one of the issues at the time that led to Jackson-Vanik, and it was the ability and right of Soviet Jewry to emigrate from Russia if they so desire, and we are addressing that issue today. It was one of the human rights champions that we're witnessing today that allowed this to happen. And I think that you can see how far diplomacy can extend when it's beneficial to the United States, but also on the issue of emigration at that particular time. It was America and the American dimension that helped to transform that particular moment.

Mr. CAMP. Madam Speaker, how much time remains?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 22 minutes remaining, and the gentleman from Michigan (Mr. LEVIN) has 14½ minutes remaining.

Mr. CAMP. Thank you.

I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Washington State (Mr. REICHERT).

Mr. REICHERT. I thank the gentleman for yielding.

Madam Speaker, I'm speaking in favor of granting Russia and Moldova permanent normal trade relations. I would like to emphasize this will hold only benefits, as was said, for the United States. There is no down side for us in this agreement, unless we fail to act.

Now the time has come for us to come together and pass this legislation. As the sponsor of the Moldova PNTR, I'm pleased that the long overdue graduation of Moldova from the Jackson-Vanik amendment is included in this bill. JIM MCDERMOTT and I have worked hard on the Moldovan agreement and are very proud and pleased to see that it's included in this bill.

Passing this bill will increase America's exports of goods and services substantially and will serve as a no-cost job creator. Currently, exports to Russia support over 1,400 jobs in my home State. In fact, in 1 year, exports from Washington State to Russia grew by 80 percent. If, however, we fail to act, U.S. companies, farmers, and workers will not receive the benefits of the Russian membership, nor will the United States Government have authority to hold Russia accountable to its WTO commitments.

So, Madam Speaker, it's my sincere hope that we can pass this legislation and grant Russia and Moldova permanent normal trade relations.

Mr. LEVIN. It is now my pleasure to yield 2 minutes to a gentleman who has served so long with distinction on our committee, the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. I rise on the floor because there have been so many people in my constituency that are wondering about why did I vote in support of China going into the WTO, and at the same time we all are complaining about our failure to abide by the rules.

□ 1020

I want to make it abundantly clear that we're in the same situation. SANDY and I, it was a profile in courage almost to support China, and we have consistently supported our position as most people are supporting the committee's position and the Congress' position as relates to allowing Russia to assume the responsibilities of joining the WTO. While we have no guarantees that she will abide by the rules, at least we do have that she recognizes that there are international rules.

For those people that are just monitoring the behavior of the People's Republic of China, we have to realize that in order to get people to cooperate and to find some discipline in international trade, they have to join. This goes a long way in making certain not only that we create the jobs and improve commercial trade with Russia, but also it encourages the administration now to see what works for the great United States, what really works to improve the quality of trade between all nations, and it gives us another tool to work with.

So I want to thank SANDY and the chairman of the committee for working together as closely as they have, and Mr. MCDERMOTT. And I do hope that we will be able to join these countries to say that even in America it's possible to work even with Communists and not sell out our principles of the great qualities of democracy that are prevalent with most people.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Minnesota (Mr. PAULSEN).

Mr. PAULSEN. I thank the gentleman for yielding.

I'd like to speak in favor of this legislation but also just talk a little bit about why this bill is so important to my home State in Minnesota.

Minnesota's economy has a stake in extending permanent normal trade relations with Russia. Last year, Minnesota exported about \$71 million worth of goods to Russia, directly supporting hundreds of jobs for Minnesotans. Now, with the world's ninth-largest economy and a growing middle class, the Russian marketplace holds great future potential for increased exports and more Minnesota jobs.

This August, Russia gained membership to the WTO, giving member economies around the globe increased access to nearly 142 million potential customers. But our failure to pass permanent normal trade relations with Russia means American job creators,

American employers can't take advantage of these new opportunities. There are large Minnesota job creators like Cargill, 3M, T&M Marine, TSC Container Freight, and Massman Automation that have all expressed their interest and how important it is that PNTR be extended for increased competition and job growth.

One great example of an industry that will benefit from extending PNTR to Russia is our Nation's medical device innovators. We understand the immense size of the Russian population, but only 20 percent of Russians currently have access to quality health care, and nearly two-thirds of Russia's medical equipment is becoming obsolete. There is an incredible opportunity, Madam Speaker, for U.S. medical technology. And now with its accession to the WTO, Russia has agreed to substantial tariff reductions for imported medical equipment, again, creating a great opportunity for American medical device innovators to increase exports, grow their businesses, and create many new jobs. But unless we pass this legislation, unless we move forward, our competitors will continue to have a distinct and unnecessary advantage.

We need to pass PNTR with Russia not only for countless Minnesota businesses trying to compete and win in today's marketplace, but also, more importantly, for 60,000 Minnesota jobs that are tied to a robust trade agenda.

Mr. LEVIN. Madam Speaker, I now yield 1½ minutes to another member of our committee from the great State of Oregon (Mr. BLUMENAUER), who is so active on trade issues.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy.

You have heard and you will continue to hear how important it is to pass this legislation to level the playing field for the United States and our businesses that seek to do business with Russia, one of the 10 largest economies in the world. This provides us an additional tool to make sure that our friends in Russia play by the rules.

Now, while one of the Presidential candidates talked about Russia being the greatest geopolitical threat to the United States, I think it's clear that times have in fact changed. The relationship between the United States and the former Soviet Union has been dramatically altered. Russia is an opportunity for us—it's a challenge. We have differences of opinion. There are issues that we, frankly, need their cooperation. There are others that we're pushing back a little bit. But it is far better to be engaged in economic competition and cooperation to help build those bridges.

Speaking of bridges, I think it's encouraging to watch the debate on this floor today. It's been my pleasure to be involved with a variety of them over the years, but this is one where there is

commonality, where there's consensus, where we're working together to move forward. I hope this forms a pattern by which we will be able to have future success in critical, thoughtful trade policy crafting in the future. The American economy needs it.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. ROSKAM).

Mr. ROSKAM. I thank the chairman.

Madam Speaker, a couple months ago I pick up the phone and I'm talking to one of your constituent companies in Naperville, Illinois. It's a company that you've represented well for the past 14 years. I was talking to the manufacturer, talking about Russian PNTR, and I posed a simple question: How much business are you doing now, and what kind of business would you be able to do in Russia if we normalize the trade relationships? Without batting an eye he said, currently, Congressman, we do \$15 million worth of exports into Russia. If Congress changes this and we regularize this status, that number overnight would jump to \$30 million.

Now, the State of Illinois currently is one of the largest States as it relates to exports to Russia—\$70 million worth of business, Madam Speaker, coming out of our home State. So we've got a chance today to do something great, and to do something great is to allow worldwide American companies to get a sure footing in a growing marketplace that's only going to get bigger, and to do it in a thoughtful way.

This helps to meet President Obama's goal of doubling exports in 5 years—this is inextricably linked to that goal—and this is an opportunity for us to create jobs where we want to create them, that is, here at home, exporting into markets abroad.

Mr. LEVIN. I now yield 1½ minutes to another active member of our committee on trade and every issue that comes before us, the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. I thank the gentleman for yielding me this time.

I want to first commend the chairman and the ranking member of the Ways and Means Committee, Mr. CAMP and Mr. LEVIN, for the work they did in getting this legislation to the floor.

I rise in strong support of extending permanent normal trade relations with Russia and Moldova. I also want to commend the chair and the ranking member of the subcommittee, Mr. BRADY and Mr. McDERMOTT, for the work that they've done, as well as a gentleman who's not on the floor today—we're going to miss his leadership, he's retiring at the end of this session—Mr. DREIER from California. He's been a great leader on trade policy. He's been a great colleague. We will miss that leadership, and I commend him for his one last lift that he

made into making this legislation possible.

In a lot of ways I wish we had passed this before the August recess because every day we delay right now we are losing market share in a large and expanding marketplace in Russia. Our goods, our services, our products, the Made in America goods that we should be exporting right now, we're not until we're able to pass this bill. Russia has already agreed to lower their trade barriers and other nontariff barriers for the entry of our goods.

Just as one example, Great Britain alone over the last couple of years has expanded their exports into the Russian market by over 80 percent. But this legislation will also allow us to enforce rules and have dispute resolution mechanisms that are available through the World Trade Organization, higher rules that Russia now has to comply with.

As another example from my home State of Wisconsin, Russia has, since 2010, shut out all dairy exports that we could make from our country into Russia due to phytosanitary concerns that we view as highly suspect and highly questionable. Now we'll have a mechanism in order to resolve that dispute through the WTO.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. KIND. Something that is not available to us until we're able to move this legislation here today.

Now, as was pointed out earlier, Governor Romney indicated that Russia, in his view, is America's greatest geostrategic adversary in the 21st century.

□ 1030

I don't know if that's true or not, but I do know that when goods and products cross borders, armies don't. This gives us another tool of diplomatic engagement with Russia, economic engagement with Russia, as well as another piece to what we need to do to get our economy fully functioning and creating the good-paying jobs that we need right here in America at this time.

So I encourage my colleagues to support this. Hopefully, we will have a wide bipartisan vote, and I thank the leadership on this issue.

Mr. CAMP. Madam Speaker, at this time I yield 2 minutes to the distinguished gentleman from New York (Mr. GRIMM).

Mr. GRIMM. Madam Speaker, I rise today to speak on H.R. 6156, Russia and Moldova Jackson-Vanik Repeal Act of 2012. And I'm very, very proud to join my friend and colleague, Congressman GREG MEEKS, and stand with him in strong support of this legislation. I look forward to serving with him as the cochair of the Congressional Russia Caucus in the 113th Congress.



Madam Speaker, Russia, as we've heard, is one of the largest economies in the world, and passing permanent normal trade relations with Russia is a move that would greatly benefit the United States.

The World Bank has estimated that more than half of Russia's 140 million-plus people are middle class consumers. This legislation creates great opportunities for Americans and New York companies. It creates jobs for small businesses in Staten Island and Brooklyn. It increases maritime jobs at the Port of New York and creates more jobs in the manufacturing and services sector in New York City.

New York and Russia have a special relationship. Last year, New York exported \$497 million worth of goods to Russia, which directly supported an estimated 1,400 jobs. Additionally, New York City is home to one of the largest Russian communities in the United States and that, I'm very proud to say, I represent.

So I urge my colleagues to vote in favor of American jobs and vote "aye" on H.R. 6156.

Mr. LEVIN. Madam Speaker, could you verify how much time there is on both sides.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 9 minutes, and the gentleman from Michigan (Mr. CAMP) has 15½ minutes.

Mr. LEVIN. Mr. Chairman, I think I'll proceed.

It's now my pleasure to yield 1½ minutes to the gentleman from New Jersey (Mr. PASCRELL), another vigorous member of our committee on all issues. We wish your State the best, by the way.

Mr. PASCRELL. Mr. CAMP, Mr. LEVIN, great job in putting this together. I didn't drink the Kool-Aid when I came to Ways and Means on trade, I can tell you that; but I think that this is a major effort on both sides of reconciliation and putting together a good trade deal, so I want to congratulate both of you sincerely.

I want to congratulate Mr. MICHAUD for seeking the inclusion of tough enforcement provisions. You can have all the trade deals in the world; but if you do not have tough enforcement, then they mean very, very, very little.

I'm very concerned about the imbalance in trade with Russia, which is trying to be our partner here. I mean, imports in 2011 were \$34.5 billion, and exports were only \$8.3 billion. I hope we reverse that, or we can change that dramatically, with so many items being reduced in terms of what the rates will be.

In New Jersey, it's very important for us. We export auto parts and medical equipment to Russia, for example; and by them joining the WTO, Russian tariffs will be lowered for our exports, and that helps our workers get to work.

This has always been the major issue in any trade deal: Does it hurt our jobs or does it help our jobs? And I'm convinced that this legislation will be of great help to get our trade imbalance down to where we want it to be.

But, Mr. Chairman and SANDY, I'm very concerned about using trade as leverage. The Russians have stuck their finger in our eye on the subject of Syria, and I'd like to use trade as leverage.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 10 seconds.

Mr. PASCRELL. I want to make sure that Russia does toe the line. This is very serious business. So if we can't get them to move on Syria, the situation only gets worse. Maybe it's hopeful that we have a coalition which was formed just a few days ago. So I hope that we will use trade as leverage not only in Russia.

Mr. CAMP. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. KELLY).

Mr. KELLY. Madam Speaker, I rise in strong support. Listen, this is what the country expects us to do; and today, you don't have to have on a red shirt or blue shirt. These are red, white, and blue jobs that we're talking about. And we're talking about our opportunity now to compete, and not just compete and not just participate, to actually dominate the world market.

I want to just read from a note from a friend of mine, Rick McNeel, who's the president and the chief executive officer of Lord Corporation. He says that outside our borders are markets that represent 80 percent of the world's purchasing power, 92 percent of the economic growth, and 95 percent of its consumers. One in three American manufacturing jobs depends on this.

In Lord Corporation alone, they increased their sales from \$67 million in 2001 to \$158 million in 2011.

Listen, this makes sense for America. This makes sense for the world. And when it talks about us not just participating, but dominating the world market, my goodness, does this give us a voice at the table when it comes to the discussion of human rights and personal liberty. We can be the strongest voice in the world, and we need to be that strongest voice in the world. There is no other place to look to now for leadership other than the United States. We can do that.

And by passing this today, we send a strong message not only to the world, but to our country, that we have joined hands, we are joining arm-in-arm, and we are going to dominate in the world markets and regain our position as the leader when it comes to human rights and personal freedoms and liberty.

I thank the gentleman, and I'd urge all our colleagues on both sides to pass this bill today.

Mr. LEVIN. I yield 3 minutes to the distinguished gentleman from Oregon (Mr. DEFAZIO), with his passion on all issues.

Mr. DEFAZIO. I thank my friend, the gentleman, for the time.

We could, today on the floor, just replay the debate from 11 years ago in the lame-duck session about China. It's about exporting U.S. goods to China. Just get them in the WTO, give them permanent normal trade relations, and they'll follow the rules. Well, when we adopted that, our trade deficit with China was \$84 billion. Today it's \$295 billion.

The issue isn't the tariffs the Russians have. The issue wasn't the tariffs that the Chinese had. It's all of their manipulation and nontariff barriers that go into these nonmarket economies. How is it going to be any difference with Russia?

The debate is disconnected from the reality. We're concerned about Syria, so let's reward them with permanent normal trade relations. You can't go to the WTO and complain about the Russians supporting a thug who's killing his people in Syria. That's not something you can use the WTO for.

We are giving up the tools we have to try and push Russia on economic issues; and we're binding ourselves to this international body, which has a secret dispute resolution process with unelected bureaucrats who have no conflict-of-interest rules. Now, that's a powerful tool we're going to use against those Russians. It worked real well against the Chinese. It doesn't work against the way the Chinese are manipulating their markets to keep out our goods, to steal our international property, and all the host of other unfair trade practices there that the Russians can just duplicate very easily. The WTO is not the solution to these issues.

We have more power today with a bilateral agreement. We have more power today with the capability of depriving them of a normal trade relation status with the United States. If we want to use our clout, we should vote this bill down.

And it's not just about Syria and human rights and a host of other abuses in Russia. It's about American jobs. Today, the biggest export under the WTO for the last 15 years has been American jobs. How is that going to change by binding us, one more time, to the WTO with one more nonmarket, essentially dictatorial economy with a corrupt regime running the country?

□ 1040

How is that going to work any differently than it has worked with China? It won't. This is a recipe for more job loss. It's not about saying, Oh, the terrorists will go away, and they're just going to start buying all our goods. No, it's not going to happen.



All the same abuses that we have seen in China will be replicated by the regime in Russia, and it will become, yet again, another large addition to the deficit side of our ledger on trade. I urge Members to oppose this.

Mr. CAMP. I yield 2 minutes to a distinguished gentleman from Missouri (Mr. LONG).

Mr. LONG. Madam Speaker, we are trading with Russia right now. This doesn't hurt Russia. This is to prevent hurting us. This is to help our manufacturers and our farmers. If you took manufacturing and farming out of the United States of America, you wouldn't have a whole lot left; and since Russia is in the World Trade Organization, we need to move past that. I support permanent normal trade relations with Russia because permanent normal trade relations is a great opportunity to create new jobs here in America.

American workers produce some of the highest-quality manufactured and agricultural goods in the entire world. PNTR will allow our workers to compete on a level playing field—and that's what I'm after—in a new market, and it will give people who are out of work new opportunities to get back on the job. Americans work hard, and they can compete with any nation in the world if given the chance; but there has got to be a fair playing field. PNTR will provide that chance for those to compete fairly in the Russian market. We shouldn't be hamstringing our Nation's workers over a technicality stemming from the Cold War.

Americans are suffering right now. They want jobs right now so that they can pay their mortgages and send their children to college and plan for retirement. Expanding opportunities for Americans to sell products in foreign markets is one of the best ways that we can help relieve Americans from the economic hardships that they are now facing.

Good jobs for Americans right here in America is not impossible to accomplish. We can make America the best place in the world to do business if we will remove unnecessary bureaucratic burdens off the backs of American workers. Passing PNTR will be a very good first step.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the gentleman from Virginia who is deeply involved in trade issues, Mr. MORAN.

Mr. MORAN. I thank my friend from Michigan. I thank him for his very genuine concern over the jobs and labor rights for American workers and for his support of this legislation.

Madam Speaker, today, countries all over the world are enjoying preferential treatment versus the United States with Russia. They have better intellectual property protections; they have lower tariff barriers; they have other open-market concessions. And

many of them are our allies, but all of them are our competitors.

Now, clearly, parts of Russia's economy is little better than a kleptocracy—with serious violations of human and political rights. Yet the Jackson-Vanik bill is in place today. This would repeal it, which needs to be done, and it would impose the Magnitsky bill, which would support human rights and political rights in Russia. I should share with my colleagues that Charlie Vanik, after he retired, became a constituent of mine. He wrote a letter to me, saying that the time for the Jackson-Vanik bill has passed and that, in fact, in many areas it's counterproductive.

We are doing the right thing—the right thing for America's workers and the right thing for America's economy in supporting this legislation today.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REED).

Mr. REED. Thank you, Mr. Chairman, for yielding time to me today.

I rise, Madam Speaker, in support of the proposed legislation to repeal Jackson-Vanik.

To me, what this represents is an opportunity for American manufacturers and American farmers to have access to the Russian market so that we can go about the number one priority of this Congress and the next Congress—getting people back to work. This represents an opportunity to potentially increase U.S. exports by doubling or even tripling those export levels over the next 5 years with PNTR status in place for Russia.

I strongly support the proposed legislation, and I take a point of disagreement with my good friend from Oregon, who was referencing his comments in opposition to the proposed legislation.

The fact is that Russia is now part of the WTO. They are a member after 18 years of negotiation, some of the negotiations being led by the United States in the most aggressive manner to hold them accountable to the rules of the WTO. By not supporting this legislation, we are handcuffing American manufacturers and farmers by not allowing them to take advantage of this opportunity that is there.

So I urge all of my colleagues to support the proposed legislation, and I urge our moving forward with expanding job opportunities for generations of Americans to come.

Mr. LEVIN. It is now my pleasure to yield 1 minute to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. I rise in strong support of this legislation because it will mean jobs in Memphis and will make Russia, which is potentially our most important bilateral relationship, a stronger one. I also rise as a cosponsor of the Magnitsky Rule of Law Accountability Act. We must hold Magnitsky's killers

accountable as well as others who have been responsible for human rights abuses in Russia.

I am particularly concerned about the case of an all-women's punk rock band that staged an unauthorized concert in a church to protest President Putin. They were arrested and charged with hooliganism, motivated by religious hatred. They were sentenced subject to a trial that was little more than a farce. They were not allowed to testify and weren't allowed testimony by witnesses on their side. They were sentenced to a 2-year prison sentence in a penal colony far away from their families and far away from Moscow.

I recently met with their legal team and with the husband of one of their members, and I found their story troubling as they are the latest victims of the Russian Government's brutal crackdown on dissent. Those responsible for this miscarriage of justice should be held accountable, which is why this bill is important. The band was prevented from exercising First Amendment rights and also from having a fair trial.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. COHEN. These are exactly the sorts of victims contemplated in this legislation. I hope the State Department will give strong consideration to their case when compiling the list called for in this legislation. Russia should be a partner and friend, but we cannot stand by while they continue to violate the rights of their people with these abuses.

I thank Mr. LEVIN, and I also want to thank the head of the Foreign Affairs Committee, Mr. BERMAN—a great Congressman. I urge my colleagues to support this legislation.

Mr. CAMP. I reserve the balance of my time.

Mr. LEVIN. It is now my pleasure to yield 1 minute to a gentleman who has just been sworn in, a colleague of ours from Michigan (Mr. CURSON).

This is your maiden speech, and it is my special pleasure to yield to you.

Mr. CURSON of Michigan. Today, I will vote in favor of H.R. 6156 and to change Russia's trading status from conditional to permanent normal trade relations. By doing so, we will ensure that American businesses, workers, and farmers will receive the same competitive access to Russia's markets that all other countries receive in the WTO. It is my hope that H.R. 6156 will provide growth opportunities for American businesses and will create jobs for our workers here at home. However, while expanding trade with Russia, we must not lose sight of our American values and our commitment to human rights.

H.R. 6156 has been updated and significantly improved by the adoption of

the Sergei Magnitsky Rule of Law Accountability Act of 2012. Sergei Magnitsky was a 37-year-old Russian lawyer and father of two, who was tortured to death after he exposed an elaborate tax fraud scheme—the largest in Russian history—that defrauded the Russian people of \$230 million. November 16 will be the third anniversary of Sergei's death; and, to date, no one has been punished for this crime.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. CURSON of Michigan. The act will finally hold those responsible for the embezzlement and Sergei's death accountable by denying them entry into the United States and by freezing their assets. The bill would also hold accountable anyone believed to be responsible for killing, torturing, or committing other human rights violations against anyone seeking to expose corruption or to expand human rights and freedoms.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. LEVIN. I yield the gentleman an additional 15 seconds.

Mr. CURSON of Michigan. The act requires the executive branch to publish a list of people who are to be punished under its sanctions, and it gives key Members of Congress the ability to request that the names of other human rights violators be added to the list. Diligent enforcement of the provisions of this act is critical for its success, however, and the State Department must do what is right and hold human rights violators accountable. H.R. 6156 is a powerful statement of support for freedom and democracy. It is a good bill for Americans and Russians alike.

□ 1050

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has 10½ minutes remaining, and the gentleman from Michigan (Mr. LEVIN) has 15 seconds.

Mr. CAMP. At this time, I have no further speakers, and I am prepared to close.

Mr. LEVIN. I would ask Mr. CAMP if you would yield me an additional 1½ minutes.

Mr. CAMP. Yes, I yield 1 minute to the gentleman from Michigan.

Mr. LEVIN. Madam Speaker, I yield myself the balance of my time.

I wanted Mr. CURSON to finish his statement because of his roots in the labor movement and beyond. We're proud to have you here, and we welcome your statement.

As I close, I want to congratulate everybody who worked on this to try to strengthen it. I also want to say just a word about Jackson-Vanik because this terminates that provision that was a part of the trade bill.

I want to salute everybody over the years who worked to implement what Senator Jackson and Congressman Vanik undertook. Many of us, my late wife and myself, and so many others went to Russia to try to make real that amendment. It showed that trade is more than the flow of goods. We have to look at the structure within which trade operates.

So I close again by attributing so much to people who worked so hard to try to make sure that those who wanted to leave Russia, the Jewish community and beyond, had a chance to live elsewhere and to pursue their lives with dignity.

This is an important moment.

I yield back the balance of my time.

Mr. CAMP. I yield myself the balance of my time.

I too want to thank Mr. LEVIN for his work on this legislation and for his long-time work on Jackson-Vanik. Those were very different times. His leadership there, I think, has paved the way for the effort that we're going to see today—I think a very large bipartisan vote. I appreciate the bipartisanship on this bill.

I also want to thank the gentleman from California (Mr. DREIER), who will be retiring at the end of this Congress, who is the chairman of the Rules Committee, who has been a leader on trade, trade issues, and has really been a mentor to me on these issues since I came to Congress. His leadership will be missed both in the Rules Committee and his intelligent contribution to debate on the floor, as well as his leadership on trade issues.

This truly is, as Mr. LEVIN said earlier, a bipartisan effort, and many brought it forward: Mr. MCGOVERN, Ms. ROS-LEHTINEN, Mr. CARDIN, a former member of the Ways and Means Committee now in the Senate. This is the seventh bipartisan trade bill we've had this Congress. Also, not to be forgotten, this moves Moldovan PNTR. Moldova joined the WTO 11 years ago. Finally, we're seeing a resolution and some movement there.

As others have said, Russia is and will be a member of the WTO, regardless of whether or not the United States grants Russia PNTR. The commercial benefits, the jobs that will be created here in the United States because of Russia's accession, are significant if we do grant PNTR. As a WTO member, Russia will be subject to rules and regulations that the WTO creates that they're not subject to now. They must comply with all of their rules and regulations. It helps level the playing field for our workers, our employers, our exporters, and particularly in the areas of discriminatory practices, intellectual property rights, more transparency, implementing uniform rules and customs, all the things that are needed to have a viable economic—a dynamic and equal relationship are important there.

Also, it's important to note that our employers, workers, farmers, ranchers, and employees will not get any benefits of having Russia into the WTO unless we grant this.

This is an important step. It will bring us big gains. As has been said, this establishes tools that will help us ensure Russia's enforcement. And I think particularly also in the area of human rights, it's important that the Magnitsky legislation is a part of this legislation.

I urge support for this bill, and I yield back the balance of my time.

Mr. VAN HOLLEN. Madam Speaker, I rise in support of H.R. 6156, which would extend to the Russian Federation and the Republic of Moldova permanent normal trade relations (PNTR). While Russia completed its ascension to the World Trade Organization (WTO) earlier this year, U.S. businesses are currently at a competitive disadvantage to world competitors and we cannot utilize WTO dispute mechanisms because of a Cold War-era law that has outlived its purpose. The Jackson-Vanik amendment rightly restricted trade relations with the former Soviet Union until it allowed Jews to emigrate freely—and it accomplished that objective.

Now, it is important that we extend PNTR to Russia to allow our businesses to compete in the Russian market and to make use of WTO mechanisms that will force Russia to play by the rules. There are enormous opportunities for American exporters in the Russian market, especially for manufacturers of machinery, aircraft, and computer and electronic parts.

While this bill is not perfect, it sets strong enforcement procedures by requiring the U.S. Trade Representative (USTR) to report annually to Congress on Russia's implementation of its WTO obligations (including food safety issues, intellectual property protections, and implementation of the WTO Information Technology Agreement and Agreement on Government Procurement). This legislation also requires the USTR and State Department to report on Russia's promotion of the rule of law, which must improve to provide certainty to investors, curb bribery and corruption, and most importantly improve human rights.

That is why I am pleased that this legislation also includes provisions from the Sergei Magnitsky Rule of Law Accountability Act, which hold accountable those responsible for the detention and death of Russian activist Sergei Magnitsky. This sends a message to Russia that ascension to the WTO comes with responsibilities, including compliance with international trade agreements, enforcement of the rule of law, and protection of human rights—especially those of political dissenters.

Again, this bill is not perfect and could have included stronger enforcement provisions to ensure the protection of labor groups in Russia. Unfortunately, it was considered under a closed rule and no amendments were permitted. It is essential, however, that we extend PNTR to allow our businesses to compete and WTO enforcement mechanisms to function.

I urge my colleagues to support this legislation.

Mr. PAUL. Madam Speaker, I rise to strongly oppose this legislation. Unfortunately, Congress has ruined an opportunity to overturn an

anachronistic impediment to free trade with Russia by attaching to it an interventionist and provocative "human rights" bill that will worsen U.S./Russia relations.

With Russia's recent accession to the WTO Congress is obligated to repeal the "Jackson-Vanik Amendment," a 1974-era piece of legislation that sought to condition normal trade relations with the Soviet Union (which no longer exists) upon liberalization of emigration rules for Soviet Jews. WTO members are obliged to eliminate trade barriers with other members. So the repeal and extension of normal trade relations simply should have been a formality. Unfortunately Congress instead took this as an opportunity to meddle in the internal affairs of Russia, which will worsen U.S./Russia relations and have a negative economic impact on the United States.

By attaching the so-called "Magnitsky" bill to the Jackson-Vanik repeal, Congress will direct the State Department to draw up a list of Russians it believes are responsible for human rights abuses. These people will be denied entry into the United States and have their assets seized by the U.S. government. The implications of this reckless move are stunning.

What is even more dangerous is that the bill directs the U.S. government to also consider "evidence" provided by international non-governmental organizations when it determines who should be sanctioned by the U.S. government. Non-governmental organizations are not legal tribunals, and in fact many are politically-motivated pressure groups. Many are funded by governments or political parties and in exchange do their bidding. This ironically reminds one of the "people's tribunals" set up under the Soviet system, where evidence was considered irrelevant.

These sanctions in this bill against individuals are the economic equivalent of President Obama's "kill list." Individuals will be placed on this list under dubious and ill-defined criteria, without due process or sound evidentiary requirements.

If this bill becomes law, we should expect a response from Russia and perhaps other of our trading partners—particularly as many of our colleagues have suggested that the Magnitsky bill should serve as a model for our relations with the rest of the world. We might imagine the Russians or the Chinese passing similar legislation, banning Americans from entry and seizing the assets of Americans allegedly involved in "human rights violations." What if they considered the U.S. bombing of Libya, which resulted in the death of thousands of civilians from NATO bombs, such a violation?

If Congress really is concerned about the human rights of prisoners, perhaps they might take a look at the terrible treatment of U.S. Army Private Bradley Manning while incarcerated and awaiting trial. Last year Amnesty International wrote to then-Defense Secretary Robert Gates that Manning's "inhuman" treatment while in custody "undermines the United States' commitment to the principle of the presumption of innocence." Congress remains silent.

In reality, this bill is about politics more than human rights. Listening to the debate it is obvious that many supporters of this legislation

simply do not like the democratic choices that the Russian people made in recent elections. Therefore they do what they can to undermine the Russian government and encourage "regime change." Again, how would we react?

I encourage my colleagues to join me in opposing this legislation in its current form and to push for a bill that simply extends normal trade relations with Russia without meddling or provoking. When it comes to human rights, the United States should most definitely lead the world by its own example. On that measure, we still have a lot of work to do.

Mr. MARCHANT. Madam Speaker, I rise in support of the Russia and Moldova Jackson-Vanik Repeal Act, which strengthens U.S. trade and helps American businesses stay competitive in a challenging global economy. The bill accomplishes these goals by granting permanent normal trade relations, or PNTR, with one of the leading economies in the world. Texas, in particular, stands to benefit.

First, granting PNTR grows new markets. In Texas, my State exported \$1.6 billion worth of goods to Russia in 2011. That makes Texas the leading State in the country that trades with Russia. PNTR will allow Texas, and all U.S. businesses, to further expand into emerging markets.

Second, PNTR helps create jobs. In 2011, trade with Russia directly supported over 4,000 jobs in Texas. That number will only grow as new markets create new business opportunities.

Third, PNTR ensures U.S. businesses get equal protection with Russia under WTO obligations. Our foreign competitors can already use WTO mechanisms to enforce Russia's trade commitments. With this bill, so can America.

Madam Speaker, this bill promotes free trade, creates new jobs, and ensures protections for American workers. I proudly support this bill and urge my colleagues to do the same.

Ms. HIRONO. Madam Speaker, I support H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal Act of 2012, with some reservations. Russia became a member of the World Trade Organization (WTO) in August of this year. If the United States is to benefit from the non-discriminatory treatment of goods and services required by Russia's membership in the WTO, we must grant permanent normal trade relations with Russia. The WTO provides a forum and process for requiring Russia to comply with its trade obligations.

Russia is currently the United States' 20th largest trade partner. My concern is that Russia might not live up to its trade commitments and here enforcement is key. This bill does have provisions that will strengthen our ability to make sure Russia complies with its obligations and directs the U.S. Trade Representative to pay special attention to Russia's compliance. Congress also has a role; we must exercise robust oversight to ensure that Russia lives up to its obligations and that we use all the enforcement mechanisms available to us.

I am also supporting and have cosponsored H.R. 6149, which would further strengthen requirements on the U.S. Trade Representative to monitor and pursue enforcement of Russian commitments under the WTO.

I am also supporting this bill because it includes the Sergei Magnitsky Rule of Law Accountability Act, which strengthens the ability of the U.S. government to hold Russian nationals who have engaged in human rights violations accountable for their crimes.

Ms. MCCOLLUM. Madam Speaker, I rise in strong opposition to H.R. 6156, the Russia and Moldova Jackson-Vanik Repeal Act of 2012. This legislation sends the wrong message, rewarding President Putin with trade privileges at a time when he is crushing pro-democracy voices at home and arming the murderous Assad regime in Syria.

Russia has repeatedly and deliberately blocked international efforts to bring an end to the violence in Syria. The Russian government continues to arm President Bashar al-Assad as he murders his own people. Just last month, the Turkish government seized munitions from a Russian flight intended for the Syrian Army. The violence has had a devastating impact on Syrian civilians, with 2.5 million internally displaced and over 400,000 registered refugees living in neighboring countries. By early next year, 4 million Syrians will need humanitarian assistance. Russia's support of the Syrian Army is extending the conflict, which increases the risks of destabilization within the region. The conflict has already spilled over Syria's borders into Turkey and Lebanon. Before I support any legislation favorable to Russia, that country's leaders must stop arming the Syrian regime and allow the international community to take action to end the violence.

Proponents of this legislation argue it is time for Russia to graduate from Jackson-Vanik. This graduation, however, would take place in the middle of a serious crackdown on human rights in Russia. In the past year, the Russian government has forced international non-governmental organizations out of the country and imposed harsh sentences on individuals for peaceful protest. Just three days ago, President Putin signed a law that expands the definition of treason so broadly that any individual working with an international organization is at risk of being jailed for treason. These repressive tactics signal a serious step backward for Russia's human rights record.

H.R. 6156 contains the Sergei Magnitsky Rule of Law Accountability Act, which would require President Obama to publically name those responsible for Mr. Magnitsky's torture and murder. The President would then be able to address those persons and other human rights abusers with individual sanctions, including prohibitions on travel to the United States and the use of American banking facilities. Those responsible for Mr. Magnitsky's murder should be brought to justice. While I support this provision, it is not enough to justify voting for the bill, which ignores the continued suffering of millions in Russia and Syria. I urge my colleagues to join me in opposing H.R. 6156.

The SPEAKER pro tempore. All time for debate on the bill has expired.

Pursuant to House Resolution 808, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution:

S. CON. RES. 60

*Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Thursday, November 15, 2012, through Friday, November 16, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, November 26, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, November 16, 2012, through Friday, November 23, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Tuesday, November 27, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.*

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 11:30 a.m. today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess.

□ 1130

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mrs. BIGGERT) at 11 o'clock and 30 minutes a.m.

#### RUSSIA AND MOLDOVA JACKSON-VANIK REPEAL AND SERGEI MAGNITSKY RULE OF LAW ACCOUNTABILITY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on passage of the bill (H.R. 6156) to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill.

The vote was taken by electronic device, and there were—yeas 365, nays 43, not voting 25, as follows:

[Roll No. 608]

YEAS—365

Ackerman	Cassidy	Fortenberry
Adams	Castor (FL)	Foxx
Aderholt	Chabot	Frank (MA)
Akin	Chaffetz	Franks (AZ)
Alexander	Chandler	Frelinghuysen
Altmire	Clay	Garamendi
Amash	Cleaver	Gardner
Amodei	Clyburn	Garrett
Andrews	Coble	Gerlach
Austria	Coffman (CO)	Gibbs
Bachmann	Cohen	Gibson
Bachus	Cole	Gingrey (GA)
Baldwin	Conaway	Gohmert
Barber	Connolly (VA)	Gonzalez
Barletta	Conyers	Goodlatte
Barrow	Cooper	Gosar
Barton (TX)	Costa	Gowdy
Bass (CA)	Courtney	Granger
Bass (NH)	Cravaack	Graves (GA)
Becerra	Crawford	Graves (MO)
Benish	Crenshaw	Green, Al
Berg	Critz	Griffin (AR)
Berkley	Crowley	Griffith (VA)
Berman	Cuellar	Grimm
Biggert	Culberson	Guinta
Bilbray	Cummings	Guthrie
Bilirakis	Curson (MI)	Gutierrez
Bishop (NY)	Davis (CA)	Hall
Bishop (UT)	Davis (IL)	Hanabusa
Black	DeGette	Hanna
Blackburn	DelBene	Harper
Blumenauer	Denham	Harris
Bonamici	Dent	Hartzler
Bonner	DesJarlais	Hastings (FL)
Bono Mack	Deutch	Hastings (WA)
Boswell	Diaz-Balart	Hayworth
Boustany	Dicks	Heck
Brady (TX)	Dingell	Hensarling
Braley (IA)	Doggett	Herger
Brooks	Dold	Herrera Beutler
Brown (GA)	Donnelly (IN)	Higgins
Brown (FL)	Dreier	Himes
Buchanan	Duffy	Hinojosa
Bucshon	Duncan (SC)	Hirono
Buerkle	Duncan (TN)	Hochul
Burgess	Edwards	Honda
Burton (IN)	Ellison	Hoyer
Butterfield	Ellmers	Huelskamp
Calvert	Emerson	Huizenga (MI)
Camp	Engel	Hultgren
Campbell	Eshoo	Hunter
Canseco	Farenthold	Hurt
Cantor	Farr	Israel
Capito	Fattah	Issa
Capps	Fincher	Jenkins
Carnahan	Flake	Johnson (GA)
Carney	Fleischmann	Johnson (IL)
Carson (IN)	Fleming	Johnson (OH)
Carter	Flores	Johnson, E. B.

Johnson, Sam	Mulvaney	Sarbanes
Jordan	Murphy (CT)	Scalise
Kelly	Murphy (PA)	Schakowsky
Kind	Myrick	Schiff
King (IA)	Neal	Schilling
King (NY)	Neugebauer	Schmidt
Kingston	Noem	Schock
Kinzinger (IL)	Nugent	Schrader
Kissell	Nunes	Schwartz
Kline	Nunnelee	Schweikert
Labrador	Olson	Scott (SC)
Lamborn	Olver	Scott (VA)
Lance	Owens	Scott, Austin
Landry	Palazzo	Scott, David
Langevin	Pascrell	Sensenbrenner
Lankford	Pastor (AZ)	Sessions
Larsen (WA)	Paulsen	Sewell
Larson (CT)	Payne	Sherman
Latham	Pearce	Shimkus
Latta	Pelosi	Shuster
Levin	Perlmutter	Simpson
Lewis (CA)	Peters	Sires
Lewis (GA)	Peterson	Slaughter
Loebsack	Petri	Smith (NE)
Long	Pitts	Smith (NJ)
Lowey	Platts	Smith (TX)
Lucas	Poe (TX)	Smith (WA)
Luetkemeyer	Polis	Southerland
Lujan	Pompeo	Speier
Lummis	Posey	Stearns
Lungren, Daniel	Price (GA)	Stivers
E.	Price (NC)	Stutzman
Lynch	Quayle	Terry
Mack	Quigley	Thompson (CA)
Manzullo	Rangel	Thompson (PA)
Marchant	Reed	Thornberry
Marino	Rehberg	Tiberi
Markey	Reichert	Tipton
Massie	Renacci	Tonko
Matheson	Reyes	Tsongas
Matsui	Ribble	Turner (NY)
McCarthy (CA)	Richardson	Turner (OH)
McCarthy (NY)	Richmond	Van Hollen
McCauley	Rigell	Walberg
McClintock	Rivera	Walden
McDermott	Roby	Walsh (IL)
McGovern	Roe (TN)	Walz (MN)
McHenry	Rogers (AL)	Wasserman
McIntyre	Rogers (KY)	Schultz
McKeon	Rohrabacher	Watt
McKinley	Rokita	Waxman
McMorris	Rooney	Webster
Rodgers	Ros-Lehtinen	Welch
McNerney	Roskam	West
Meehan	Ross (AR)	Westmoreland
Meeks	Ross (FL)	Whitfield
Mica	Roybal-Allard	Wilson (SC)
Michaud	Royce	Wittman
Miller (FL)	Runyan	Womack
Miller (MI)	Ruppersberger	Woodall
Miller (NC)	Ryan (WI)	Yoder
Miller, Gary	Sánchez, Linda	Young (AK)
Moore	T.	Young (FL)
Moran	Sanchez, Loretta	Young (IN)

NAYS—43

Baca	Kaptur	Rahall
Capuano	Keating	Rogers (MI)
Chu	Kildee	Ryan (OH)
Ciulline	Kucinich	Serrano
Clarke (MI)	LaTourette	Stark
Clarke (NY)	Lee (CA)	Sutton
DeFazio	Lipinski	Thompson (MS)
DeLauro	LoBiondo	Tierney
Doyle	Lofgren, Zoe	Upton
Fudge	McCollum	Velázquez
Green, Gene	Nadler	Visclosky
Grijalva	Napolitano	Waters
Hahn	Pallone	Wilson (FL)
Hinchey	Paul	
Jones	Pingree (ME)	

NOT VOTING—25

Bartlett	Heinrich	Rothman (NJ)
Bishop (GA)	Holden	Rush
Boren	Holt	Shuler
Brady (PA)	Jackson (IL)	Sullivan
Costello	Jackson Lee	Towns
Filner	(TX)	Wolf
Fitzpatrick	Maloney	Woolsey
Forbes	Miller, George	Yarmuth
Gallegly	Pence	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1159

Messrs. UPTON, ROGERS of Michigan, STARK, KEATING, TIERNEY, and Mrs. NAPOLITANO changed their vote from "yea" to "nay."

Messrs. HASTINGS of Florida and CUMMINGS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FITZPATRICK. Madam Speaker, regretfully I was out of town due to a family funeral. If I had been present to vote I would have voted "yea" on final passage of H.R. 6156—Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012.

Mr. WOLF. Madam Speaker, due to a long-scheduled obligation in northern Virginia this morning, I was unable to be present for the vote on the Russia and Moldova Jackson-Vanik Repeal and Sergei Magnitsky Rule of Law Accountability Act of 2012. I would have voted "yea" for this legislation if I was present because the Magnitsky Rule of Law provisions are essential to hold those who violate human rights and freedom of speech accountable.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall 608, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

#### PERSONAL EXPLANATION

Mr. GEORGE MILLER of California. Madam Speaker, on November 15, 2012, I was unavoidably detained and missed roll Nos. 605, 606, and 607. Had I been present, I would have voted "nay" on roll Nos. 605 and 606 and "yea" on Roll No. 607.

On November 16, 2012, I was unavoidably detained and missed Roll No. 608. Had I been present, I would have voted "yea" to approve H.R. 6156.

**EXPRESSING VIGOROUS SUPPORT AND UNWAVERING COMMITMENT TO THE WELFARE, SECURITY, AND SURVIVAL OF THE STATE OF ISRAEL AS A JEWISH AND DEMOCRATIC STATE WITH SECURE BORDERS, AND RECOGNIZING AND STRONGLY SUPPORTING ITS RIGHT TO ACT IN SELF-DEFENSE TO PROTECT ITS CITIZENS AGAINST ACTS OF TERRORISM**

Mr. BURTON of Indiana. Madam Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of House Resolution 813, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The text of the resolution is as follows:

#### H. RES. 813

Whereas Hamas was founded with the stated goal of destroying the State of Israel;

Whereas Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization;

Whereas Hamas refuses to recognize Israel's right to exist, renounce violence, and accept previous agreements between Israel and the Palestinians;

Whereas Hamas has launched thousands of rockets and missiles since Israel dismantled settlements and withdrew from Gaza in 2005;

Whereas terrorists in the Hamas-controlled Gaza Strip have fired approximately 900 rockets and missile shells into Israel this year, an increase from roughly 675 attacks in 2011 and 350 in 2010;

Whereas Hamas has increased the range of its rockets, reportedly with support from Iran and others, putting additional large numbers of Israelis in danger of rocket attacks from Gaza;

Whereas, on November 14, 2012, President Barack Obama condemned the rocket fire from Gaza into Israel and reiterated Israel's right to self-defense; and

Whereas Israel, a fellow democracy, has an inherent right to self defense in the face of terrorist attacks: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses unwavering commitment to the security of the State of Israel as a Jewish and democratic state with secure borders, and recognizes and strongly supports its inherent right to act in self-defense to protect its citizens against acts of terrorism;

(2) reiterates that Hamas must end Gaza-linked terrorist rocket and missile attacks against Israel, recognize Israel's right to exist, renounce violence, and agree to accept previous agreements between Israel and the Palestinians;

(3) urges the United Nations Security Council to condemn the recent spike in Gaza-linked terrorist missile attacks against Israel, which risk causing civilian casualties in both Israel and Gaza; and

(4) encourages the President to continue to work diplomatically with the international community to prevent Hamas and other Gaza-based terrorist organizations from retaining or rebuilding the capability to launch rockets and missiles against Israel.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### RUSSIA PNTR

(Mrs. BLACK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACK. Mr. Speaker, last year, U.S. exports to Russia exceeded \$11 billion. In my home State of Tennessee, companies such as International Paper, Cummins, and DuPont exported nearly \$162 million in goods and services to Russia last year. We need to continue to build on our strong trade relations, and passing H.R. 6156, which will permanently normalize trade relations with Russia, will do just that.

By joining the rest of the members of the World Trade Organization, we will

put America on a level playing field with those already reaping the benefits from Russia's accession to the WTO last August. This will enable American companies to anywhere from double to triple their number of exports, which in turn will stimulate economic growth and job creation in America.

I applaud the House for passing H.R. 6156, a commonsense jobs bill that won't cost taxpayers a dime, and I urge the Senate to follow our lead and pass this important legislation without delay.

#### SUPPORT OF ISRAEL AND OPERATION PILLAR OF DEFENSE

(Ms. WASSERMAN SCHULTZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today in defense of our ally, Israel, and her sovereign right to self-defense.

As we all know, Israel lives in a difficult neighborhood of instability, violence, and uncertainty. In the towns of Israel's southern border, families have become unacceptably accustomed to running for shelter to avoid rocket attacks from the Gaza Strip. But nothing could provide preparation or justification for the onslaught of missile fire raining down on Israeli towns and cities over the past few months, nor the escalated barrage of the last few days.

Since the beginning of 2012, Hamas has launched more than 900 rockets at the State of Israel; 340 of these were in the past few days alone. In the face of this brutality, Israel, like any nation, has the right and the duty to protect her citizens from unwarranted violence and destruction.

Two days ago, Israel launched Operation Pillar of Defense, a legal, proportionate, and surgical strike aimed exclusively at Hamas' missile stockpile and terrorist leadership.

We watch with deep concern for the people of Israel as these events continue to unfold, and we remain united in our support of Israel's sovereign right to self-defense.

I am proud that the Iron Dome missile defense system has provided a bulwark of support in this tragic and frightening time.

We mourn the loss of life and send our deepest condolences to the families of victims. We reject Hamas' call to violence, pray for the most minimal of casualties, and remain ever hopeful for a return to common peace.

#### FEED MY STARVING CHILDREN

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to commend a Minnesota service

organization that has, for 25 years, fought against childhood malnutrition in every corner of the globe and in communities across our Nation.

Since its inception, Feed My Starving Children has tirelessly worked to provide lifesaving meals for millions of children, shipping an astounding 600 million meals to individuals in nearly 70 countries around the world and here in the United States. The true effect of the work they do for severely malnourished children is immeasurable.

Several times I have volunteered personally with my staff and packed meals which Save My Starving Children sends to malnourished children in places like Haiti and Sudan. But we're not alone, as nearly 670,000 volunteers have joined Feed My Starving Children in fulfilling their vital mission.

Feed My Starving Children's commitment to fighting childhood hunger for the past quarter century has been steadfast and has positively impacted the lives of millions in Minnesota and around the world. I would like to commend all of those involved in Feed My Starving Children for their hard work, and I look forward to another successful 25 years.

□ 1210

#### ADDRESSING CHILDHOOD OBESITY

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, Members of Congress, as Congress goes into the Thanksgiving holiday, we are going to be deliberating what we can do to help our Nation avoid the perilous financial condition we're headed towards. I have a suggestion that in a small way can make a contribution towards saving billions of dollars.

Everyone here knows the problem we have with childhood obesity in America. Childhood obesity is at an epidemic level. We all know young people who have consumed various types of food that has left them in a condition that is unhealthy. And yet did you know that we are actually giving tax deductions out to big companies that go ahead and advertise and market products that contribute to childhood obesity? So what I'm doing is introducing a bill right now that would protect children's health by denying any deduction for advertising and marketing that's directed at children to promote the consumption of food at fast-food restaurants or of any kind of food that's of poor nutritional quality.

In this way, if this bill becomes law, or if it is adopted in the negotiations to try to avoid the fiscal cliff, we can find a way to not only reduce childhood obesity by blocking these deductions for the advertising, but we can also enable our children's health to be put on a better path and our country's health to be put on a better path.

#### SUPPORTING ISRAEL'S RIGHT TO DEFEND ITSELF

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I join my colleagues today from both sides of the aisle to stand with the people of Israel in support of their sovereign right to defend themselves against Hamas terror. Over the past year alone, Hamas has launched approximately 900 rockets and artillery shells from Gaza into Israeli civilian neighborhoods. My colleagues, think for just a minute: if rockets were coming from Mexico or from Canada, we would not stand for it for one minute.

This week, we saw Hamas fire rockets that struck as far north as Tel Aviv. And today, we have disturbing reports that at least one rocket hit near Jerusalem—the seat of Israel's government and a city holy to Jews, Muslims, and Christians alike. That Hamas would specifically target Israel's Parliament building, as reports indicate, shows the great disregard Hamas has for the very idea of democracy, which does not exist in Gaza.

By strengthening the United States relationship with Israel, this Congress will send a powerful message to Hamas and all in the region who would cause Israel harm. The right of self-defense cannot be allowed to go unexercised by a government dedicated to the protection of its people. We will stand with Israel. And we also, Mr. Speaker, lament the loss of life of Palestinians. Every life is important, so it is not that we stand insensitive to the lives of Palestinians, but they need to stop the violence and the attacks. Israel has the right to defend itself, and we will stand with them.

#### REMEMBERING STEVE VERMILLION

(Mr. RIVERA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIVERA. Mr. Speaker, it is with great sadness that I take to the floor of the House of Representatives today to inform my colleagues and the entire Capitol Hill family of staff of the passing of my dear friend and chief of staff, Steve Vermillion. For nearly 25 years, I have known Steve as a friend, family man, and committed public servant. My service in Congress has been greatly enhanced by Steve's invaluable advice and knowledge regarding all aspects of the legislative process. As a 17-year veteran of Capitol Hill, Steve will be dearly missed by the Capitol family for his warmth and his sense of service to this institution and our Nation.

Steve began his service in the House of Representatives in 1986, serving as communications director for then-Con-

gressman Bob Livingston. He subsequently served as a legislative assistant for Congressman JAMES SENSENBRENNER, as chief of staff to former Congressman Lincoln Diaz-Balart, and most recently as my chief of staff. An avid and champion rower who also received a degree from the U.S. Naval War College, Steve was recognized for his work throughout his years in Congress with such distinctions as the Congressional Staff Leadership Award from the Congressional Hispanic Leadership Institute.

Steve demonstrated his commitment to service with great dignity these past two years as he simultaneously battled health problems while dutifully fulfilling his professional obligations with excellence and distinction. His family can take great pride in the manner in which Steve honored us all with his unwavering strength of character, his dedication to the work of the American people, and his civic virtue.

His wife, Jennifer; his daughter, Sarah; his son, Joe, and his entire family should know that Steve made great contributions to the United States Congress and to our Nation.

Steve was indeed a man of the House. Those who worked and served with him over the years are blessed to have had the opportunity to share in his life, a life that has left a lasting impact on so many. Today our country has indeed lost a great American, a great patriot, a great friend, a great husband, and a great father.

So while we here in the United States Congress bid farewell to our friend and colleague, we do so always remembering the enduring spirit and sense of service that Steve imparted on every life that he touched. Steve Vermillion's life serves as an inspiration to all of us who knew and loved him. May God receive him mercifully into His glory and bless the family, the Nation, and everyone that he leaves behind.

Steve, we'll miss you, Big Man.

#### MOURNING THE PASSING OF STEVE VERMILLION

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, I rise today to join the gentleman from Florida (Mr. RIVERA) in mourning the passing of Steve Vermillion. I gave Steve Vermillion one of his first jobs on Capitol Hill and taught him about the legislative process. He was a man of unquestioned ability, a man of deep integrity, and a man of great commitment to his principles and love of this country and the democracy that we have built and nurtured over the last 230-plus years.

His service to other Members of Congress, as well as in the private sector,



was marked by making a difference. No one who worked with Steve Vermillion or who was touched by his life came away a poorer person from it. He enriched all of our lives. He made a great contribution, and I join with the gentleman from Florida in expressing our sympathies to his wife, Jennifer, and to his two children on his passage.

May his soul rest in peace.

#### ACCELERATING END TO AFGHANISTAN WAR

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, as we gather here for the first time since the election, it's important that we continue to talk about and work to resolve the questions that cannot wait until the 113th Congress. President Obama will soon be meeting with his military advisers and considering various plans for Afghanistan.

My Republican colleague, Congressman WALTER JONES, and I will be sending a letter to the President renewing our call for an accelerated withdrawal from Afghanistan. I encourage all Members to join us on this letter. Keeping our troops in Afghanistan through 2014 will not bring about a meaningful difference on the ground.

Mr. Speaker, it is really time that we catch up with the American people, who are calling for an accelerated end to the war in Afghanistan. Let's bring our troops home, end the war in Afghanistan, and invest in jobs and nation building here.

□ 1220

#### AMERICA'S TO-DO LIST

The SPEAKER pro tempore (Mr. WALBERG). Under the Speaker's announced policy of January 5, 2011, the gentleman from Connecticut (Mr. COURTNEY) is recognized for 60 minutes as the designee of the minority leader.

Mr. COURTNEY. Mr. Speaker, as is obvious in this room, the business for the week has now concluded. This is a week which commenced on Tuesday; and prior to that, the Congress, the House, had not been in session for 7 weeks despite the fact that this country has a to-do list a mile long in terms of the critical issues that affect our health care system.

Whether it's doctors' fees that are going to hit a cliff on January 1, a 37 percent cut for Medicare providers of all stripes, particularly in the physician community, we have the fiscal cliff, where tax rates are going to go up for almost every American wage earner if Congress fails to act. We have the sequestration, which is a measure which will be the equivalent of a chain saw going through the government, cutting .2 percent from every budget, whether it's defense or nondefense issues.

We have a farm bill which needs to be acted upon. We have, again, the 2008 farm bill which was a 5-year measure that has expired; and it's critical for rural America. We need to renew the farm bill. And to give one small example, which the dairy industry has reminded people of, that the price of a gallon of milk starting in January could potentially go as high as \$7 if we don't restore and reauthorize the system of price supports that we have in our dairy industry.

The Violence Against Women Act expires. Again, a critical measure so that law enforcement officials all across the country can continue the progress that we're making in terms of the issue of domestic violence and violence against children.

Again, the list goes on and on.

And, incredibly, despite the fact that we have been out of town for 7 weeks—this House convened on Tuesday and is recessing again today for another week's break. And Thanksgiving is obviously an important national holiday for our country and is certainly something that is important to my family, just like every other Member's family—but the fact of the matter is, if you look at the number of legislative days between right now and Christmas—where, again, Congress has never been in session beyond that date—there are literally only 17 potential days; and the Speaker's Office has only scheduled 12.

This is not the way to run a government. And I would just say—as someone who, again, was grateful about the support I received from my congressional district in eastern Connecticut on election day a few days ago—the message that I heard loud and clear is that it's time for this body to knock it off, to start working together, and to try to start getting some of these critical measures dealt with so that the U.S. economy can have a horizon so that employers can make investment decisions, so that employers can make hiring decisions, so that issues of tax policy and budget can give, again, sectors all across the U.S. economy the confidence to move forward.

We have a very fragile recovery that we're going through right now. We are roughly averaging about 100,000 to 200,000 jobs a month, which is not enough to make a real dent in the unemployment rate in this country. And part of the reason, I believe—and I think, frankly, many economists and observers of the U.S. economy today believe—that we have not gotten a faster recovery is because of the uncertainty that surrounds the failure of Congress to act in terms of the fiscal cliff and sequestration.

Again, going back to the farm bill, as one example of a huge sector of America's economy, our agriculture, the Senate passed a farm bill, a bipartisan farm bill on June 19. This was a meas-

ure that was a 5-year authorization bill that sets food policy, food security policy, food safety policy. Republicans and Democrats in the Senate—which is, again, one of the most difficult legislative bodies in the world—actually came together and passed a farm bill. It will reduce the Federal deficit by \$23 billion. It reforms the whole system of commodities support so that we're not going to be sending cash payments to farmers but, instead, modify the system in favor of a risk insurance so that producers actually have a little more skin in the game, which is a healthy thing and is a much more market-oriented approach to having a safety net for agriculture.

In the area of dairy, which is unlike almost every other commodity, it is harvested every day—actually two or three times a day. In terms of the herds of cows, the dairy farmers are out there working hard every day with, again, a very challenging market environment. We have a solid reform in the farm bill in terms of setting up a risk-insurance plan. For the first time in American history, we had full support from the dairy industry and dairy providers. Lots of compromise and negotiation. And, again, a \$23 billion reduction to the deficit in terms of the last farm bill. That was done on June 19.

Since then, the House leadership has refused to bring a farm bill to the floor despite the fact that the House Agriculture Committee, which I sit on, actually passed a bipartisan measure. So it was teed up and ready for action here on the House floor, and yet we have gone 5 months since the Senate acted. We had 7 weeks of recess prior to this past Tuesday. We have American farmers who are sitting out there trying to figure out what on Earth is going to be the future in terms of their production and their businesses.

And as I said, if you just look at the one example of milk, without having a farm bill in place on January 1, we are going to see basically the price of milk spin out of control and all the other sorts of ripple effects it would have on cheese products, dairy, dry dairy products, export products. In my opinion, this is not the way to treat some of the hardest working people in America who, by the way, have actually been one of the brightest spots in terms of our economy and economic growth since 2009.

Again, rather than leaving today, what we ought to be doing is taking the Senate bill, which was a bipartisan bill, putting it on the floor, doing our job, working at least partially as hard as the dairy farmers and other farmers across America who don't have the luxury of calling a recess in terms of their operations, and get this done. Just having that one measure would, in my opinion, give us some momentum in trying to start moving forward on the larger issue of the fiscal cliff.



Now, the Senate has also passed a measure regarding the Bush tax cuts. The Senate passed a bill with, again, all the difficulty of the Senate rules which would extend the Bush tax cuts for all income earned up to \$250,000, which covers 98 percent of tax filers in America, and would allow the Clinton-era tax rates to revert for income above that level, for income above \$250,000. That would reduce the Federal deficit by over \$800 billion over the next 10 years. That's from the Congressional Budget Office. That's not partisan talking points. That's actual real nonpartisan data from the Congressional Budget Office. That is sitting, waiting for the House to take it up.

If it was passed, President Obama has indicated that he would sign it within minutes. And that would basically diffuse sequestration, which is that chain saw that's sitting out there which, if we don't get \$1.2 trillion of deficit reduction in place by January 1, sectors and programs, critical programs—whether it's FEMA, whether it's the Department of Defense—will no longer be subject to that cut, that cutting process which is going to go into effect on January 1.

I am proud to represent eastern Connecticut, home of the Navy base in Groton, Connecticut, a submarine base that's been in operation for 100 years. We have 8,000 sailors who do incredible work in terms of operating some of the most sophisticated equipment and platforms that the world has ever seen in terms of nuclear submarines.

□ 1230

We have a shipyard, Electric Boat, which has, again, been a proud shipyard that produced submarines during World War II and continues, to this day, to produce the *Virginia*-class submarine, is now going to be working on the next generation of ballistic submarines, the *Ohio* replacement program. Again, these are critical workforces, critical infrastructure, which today does not know what the reality is they're going to wake up to on January 2 if we don't deal with sequestration.

But it's not only defense which is subject to the sequestration provision of the Budget Control Act that was passed in August of last year, the preceding year. It's also non-defense that will be subject to cuts and sequestration. And one that is quite relevant to the Northeast is the Federal Emergency Management Agency, FEMA, which is the agency that America always looks to at times of natural disasters and catastrophes.

Again, approximately 2 weeks ago, the State of Connecticut, along with New York, New Jersey, and other parts of our country, were struck by one of the largest hurricanes in the history of recorded weather. The size of Hurricane Sandy was a thousand miles wide.

When it hit Long Island Sound, where my district is, wind speeds gusted, in some instances, to almost 100 miles per hour at exactly the same time high tide was hitting communities like Stonington, Connecticut; Eastline, Connecticut; New London; and Madison, but all the way down the coastline to New Jersey. The calculation of damages from that storm, which no one could really insure for because an event like that has almost never been recorded, is going to be in the tens of billions of dollars. It may rival Katrina in terms of the need for recovery and infrastructure replacement as a result of that storm.

FEMA, today, has roughly about \$12 billion in its account. If sequestration were to go through, the White House estimates that FEMA would lose about \$878 million at a time when FEMA emergency centers are being set up from Rhode Island all the way down to southern New Jersey. These are centers where people who have lost their homes, in some instances lost their businesses, have lost equipment, are now flooding in to try and get relief and help, like any other natural disaster in the past. These are people who have paid their taxes year in and year out and made sure that FEMA was there when the folks down in Louisiana and Mississippi were hit by Katrina.

FEMA is the agency which helps communities pay for police overtime, fire overtime, sanitation worker overtime. These are the folks that we always call on at times of emergency. Yet sequestration, which this Congress has failed to address, is now sitting out there, really putting at risk the ability of FEMA to do its critical job.

Another program which is now subject to sequestration is the Medicare program—the Medicare program which serves our population of seniors over age 65, people on disability. Again, it would lose \$4 billion under sequestration. Again, an across-the-board chain saw that would go through reimbursements to hospitals, nursing homes, providers of every stripe.

Education, K-12, higher education, Pell Grants, Stafford student loans, all subject to a sequestration cut of 20 percent over time, according to the Congressional Budget Office, if this body does not act.

Rental assistance for the poor would fall by \$2.3 billion; nutrition programs for women, the WIC program, would lose \$543 million; the Border Patrol's budget would fall by \$823 million. Anybody think that's a good idea? The budget for the border fence would drop by \$33 million.

NIH, which is doing critical research for cures to cancer and genome research, is showing incredibly promising results that really, I think, give a lot of folks over there hope that we're going to be able to really eradicate or at least treat cancer as we've never

done before, again, NIH, National Science Foundation, all of these programs would be subject to sequestration if we don't act by January 1. Now, again, there is clearly sitting out there opportunities for us to avoid that from happening.

I mentioned the farm bill, which would put a dent in the deficit target that the sequestration law requires us to hit; the tax measure, which has already passed the Senate, which would put a huge dent in hitting that target; and a recognition that both Mitt Romney, when he was running for President, and President Obama, during their last debate, acknowledged the need for us to be funding the war in Afghanistan at the rate of \$100 billion a year, which is roughly what is the price tag of that measure. If you can actually put those pieces together, we can avoid having sequestration take effect.

We can make sure that FEMA is able to do its job without worrying about whether or not the rug is going to be pulled out from them on January 1. We can make sure that defense workers, whether it's a shipyard in Groton or a shipyard in San Diego, are going to be able to continue to do their work after January 1. We're going to make sure that hospitals and doctors who would be subject to these cuts are not going to basically wake up on January 2 realizing that they lose money every time they treat their patients.

This is not rocket science. The pieces that overlap on a bipartisan basis to solve the sequestration problem are sitting out there. This is not rocket science to say that the Senate, which passed a bipartisan farm bill, can be acted upon in this body so that farmers in rural America can actually have a horizon ahead of them so that they can continue to do their hard work to make sure that America's food supply stays secure and safe.

What's missing is the political will to get this done. And as I mentioned at the outset, we have very little time to get this done, if you look at the calendar, in terms of how many legislative days are possible between now and January 1.

Again, Mr. Speaker, there obviously are a lot of pundits that are spending a lot of time trying to decipher the results of the election on November 6. But I think every person in America knows in their heart and in their soul that really what the people of this country are looking for is to have a government which functions, to have a government which does its job, a government which is willing to spend the time and not keep going into recess when so many critical measures have to be acted upon to make sure that this country, again, continues the path of recovery and growth and that our citizens are safe and secure.

That's what people were looking for on November 6. And I think any Republican and any Democrat—and as somebody who grew up in a proud Republican family and ended up as a Democrat, I feel like I have some ability to talk like this. The fact of the matter is that that's what this country is looking for. They're looking for people to work—and particularly to work together—to try and solve these problems. We can do this.

Unfortunately, we're not coming back here until the Monday after Thanksgiving. But, hopefully, folks who are listening here this afternoon are going to take the time to contact their Congressman to say: It's time to knock it off. It's time to get the work done. It's time to stop this part-time schedule that makes it impossible for people to sit down and work together and work out the issues that must get worked out between now and January 1 and allow this country's recovery to move forward.

If we just get that cloud of uncertainty moved out of the way, the fact of the matter is the American people can do the rest of the job easily in terms of making sure that our future is going to continue to be as bright as I think the wonderful people that make up this country give us that opportunity and that blessing.

With that, Mr. Speaker, I yield back the balance of my time.

#### GIVING THANKS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

There's so many problems in the world. There's so many problems here in America. There's so many things that are being hidden, kept secret, that need to have sunlight hit them and come to be known, because sunlight truly is an illumination of not only facts, but creates cleanliness when shining light comes upon things that have been hidden.

We have so many things yet to resolve, so many people that are now in poverty that have not been in the past, an economy that's in trouble, a Congress that can't seem to find its way to reduce spending, so we keep digging deeper and deeper holes. But with all the problems in this Nation, we are the most blessed nation in the history of mankind.

Solomon's Israel did not have the liberties for the individuals that we have. It didn't have the assets that we have. It didn't have obesity as a major health problem for the nation's poor, as we do.

□ 1240

We are so richly blessed. So amidst all the skirmishing, debating, fussing

and arguing, we are about to go out of session for the last few moments before we hit Thanksgiving. It's a time when people should pause and understand, without dwelling on our problems, that we are so richly blessed. It's time—as the Founders and as those leaders throughout our great history have every year paused—to thank God for the blessings which we have.

Some people see us fussing and debating and getting angry at times. We have such different views of the way to fix things. I see my friend, ELIOT ENGEL. We don't vote on a lot of things the same way, but I know his heart and I know he's a great, honorable man. I don't agree with ED MARKEY very often; in fact, we are usually crossways in our Committee on Natural Resources. He and I think we can reach some agreements on some issues regarding natural gas. LOUISE SLAUGHTER, she didn't let a bunch of my amendments through when she was Rules chair, but I like her very much and she is a friend. CAROLYN MALONEY, she thinks we should eliminate private guns and I believe the Second Amendment should be enforced, but she's a friend. Having friends in a body in which we disagree over things on the best way forward is another one of those blessings.

So before we recess for Thanksgiving, it is such an honor to get to remind people, you know, we have so many people who have blessed our Nation who were not born here. There are people like the President, who was born in Hawaii but was not educated for his early years, is not aware so much of the history that many of us grew up being taught. So it's a real honor for me to get to share some of our history as we approach the Thanksgiving holiday.

For example, James Madison was given credit as having more to do with our Constitution than any of the other Founders. When he was President, March 4, 1815, he had this proclamation—a guy that should know what the Constitution means and that it was never intended to prevent a people from prayer and thanking God for our blessings, either in a governmental setting or a nongovernmental setting. It was never meant to force people to pray, but never intended to prevent governmental leaders from leading prayers. This was James Madison, March 4, 1815. He said:

No people ought to feel greater obligation to celebrate the goodness of the Great Disposer of Events and of the Destiny of Nations than the people of the United States.

And to the same Divine Author of every good and perfect gift we are indebted for all those privileges and advantages, religious as well as civil, which are so richly enjoyed in this favored land.

I now recommend a day on which the people of every religious denomination may in their solemn assemblies unite their hearts and their voices in a freewill offering to

their Heavenly Benefactor of their homage of thanksgiving and of their songs of praise.

Abraham Lincoln, in the midst of the worst war in American history—more Americans died in the Civil War than in any other war of this Nation—in July of 1863, the middle of the Civil War, our President, Abraham Lincoln, provided these official words. For those who are on the Supreme Court and did not have a proper education about our history, these words might be surprising, but Abraham Lincoln made these an official proclamation when he said:

It is meet and right to recognize and confess the presence of the Almighty Father, and the power of His Hand equally in these triumphs and in these sorrows. I invite the people of the United States to assemble on that occasion in their customary places of worship and in the forms approved by their own consciences to render the homage due to the Divine Majesty for the wonderful things He has done in this Nation's behalf, and invoke the influence of His Holy Spirit to subdue the anger which has produced and so long sustained a needless and cruel rebellion.

Andrew Johnson, October 28, 1865, as President of the United States, he succeeded Abraham Lincoln, as we all know, after the terrible atrocity of Abraham Lincoln's assassination; came at the end of such a cruel war that saw family member fighting and killing family member, and so much destruction, so much hate. Andrew Johnson's official words as President of the United States in 1865:

Whereas it has pleased Almighty God, during the year which is now coming to an end, to relieve our beloved country from the tearful scourge of civil war, and to permit us to secure the blessings of peace, unity and harmony, with great enlargement of civil liberty; and

Whereas, our Heavenly Father has, also, during the year graciously averted from us the calamities of foreign war, pestilence and famine, while our granaries are full of the fruits of an abundant season; and

Whereas, righteousness exalteth a nation, while sin is a reproach to any people.

I recommend to the people thereof that they do set apart and observe the first Thursday of December next as a day of national thanksgiving to the Creator of the Universe for those great deliverances and blessings.

Ulysses S. Grant, as President, responding as did those already mentioned—and actually every President each and every year—I'm just selecting specific official proclamations. This one was President Ulysses S. Grant, 1869. He said:

I, Ulysses S. Grant, President of the United States, do recommend that Thursday, the 18th day of November next, be observed as a day of thanksgiving and of praise and of prayer to Almighty God, the Creator and the Ruler of the universe; and I do further recommend to all the people of the United States to assemble on that day in their accustomed places of public worship and to unite in homage and praise due to the bountiful Father of All Mercies in fervent prayer for the continuance of the manifold blessings he has vouchsafed to us as a people.

Rutherford B. Hayes, 1877, said these in his official proclamation:

The completed circle of summer and winter, seed time and harvest, has brought us to the accustomed season at which a religious people celebrates with praise and thanksgiving the enduring mercy of Almighty God. Let us with one spirit and with one voice lift up praise and thanksgiving to God for his manifold goodness to our land, his manifest care for our Nation.

I earnestly recommend that, withdrawing themselves from secular cares and labors, the people of the United States do meet together on that day in their respective places of worship, there to give thanks and praise to Almighty God for His mercies, and to devoutly beseech their continuance.

□ 1250

Chester A. Arthur, November 1881:

It has long been the pious custom of our people, with the closing of the year, to look back upon the blessings brought to them in the changing course of the seasons, and return solemn thanks to the All-giving source from whom they flow.

The countless benefits which have showered upon us during the past 12 months call for our fervent gratitude, making it fitting that we should rejoice with Thanksgiving, that the Lord, in His infinite mercy, has most signally favored our country and our people.

That was Chester A. Arthur.  
Grover Cleveland in 1885:

The American people have always abundant cause to be thankful to Almighty God, whose watchful care and guiding hand have been manifested in every stage of their national life, guarding and protecting them in time of peril and safely leading them in the hour of darkness and danger.

It is fitting and proper that a Nation thus favored should, on one day in every year, for that purpose especially appointed publicly acknowledge the goodness of God and return thanks to him for all his gracious gifts.

That was Grover Cleveland in his official proclamation of 1885.

And again, there were proclamations every year by every President. So we're selecting just a few, as it being fit and proper, as our country has done every year of its existence since we had a Constitution in 1789, to declare a time of thanksgiving to God for our blessings.

Benjamin Harrison. This is November 1, 1889:

Now therefore, I, Benjamin Harrison, President of the United States of America, do earnestly recommend that Thursday, the 28th day of this present month of November, be set apart as a day of national thanksgiving and prayer, and that the people of our country, ceasing from the cares and labors of their working day, shall assemble in their respective places of worship and give thanks to God, who has prospered us on our way and made our paths the paths of peace, beseeching him to bless the day to our present and future good, making it truly one of thanksgiving for each united home circle as for the Nation at large.

Benjamin Harrison, November 1889.

Grover Cleveland, November 1893, said:

While the American people should every day remember with praise and Thanksgiving

the divine goodness and mercy which have followed them since their beginning as a Nation, it is fitting that one day in each year should be especially devoted to the contemplation of the blessing we have received from the hand of God and to the grateful acknowledgment of His loving kindness.

On that day, let us forego our ordinary work and employments and assemble in our usual places of worship, where we may recall all that God has done for us, and, where, from grateful hearts, our united tribute of praise and song may reach the throne of grace.

Let the reunion of kindred and the social meeting of friends lend cheer and enjoyment to the day. And let generous gifts of charity for the relief of the poor and needy prove the sincerity of our thanksgiving.

Can't help but parenthetically note that the greatest blessing in giving comes not from a government that forcibly takes people's money but from people who give from the bounty of their own hearts to those in need. It makes us better people.

Another, William McKinley, in 1897 officially proclaimed, "In remembrance of God's goodness to us during the past year, which has been so abundant"—he put in quotes—"Let us offer unto him our Thanksgiving and pay our vows unto the Most High."

McKinley went on:

Under his watchful providence, industry has prospered. The conditions of labor have been improved. The rewards of the husbandman have been increased, and the comforts of our homes multiplied. His mighty hand has preserved peace and protected the Nation. Respect for law and order has been strengthened, love of free institutions cherished, and all sections of our beloved country brought into closer bonds of fraternal regard and generous cooperation.

For these great benefits, it is our duty to praise the Lord in a spirit of humility and gratitude, and to offer up to Him our most earnest supplications, that we may acknowledge our obligation as a people to Him who has so graciously granted us the blessing of free government and material prosperity.

William McKinley, October 1897.

Theodore Roosevelt, as President of the United States, said these words in 1903, officially proclaiming:

The season is at hand, when according to the custom of our people, it falls upon the President to appoint a day of praise and thanksgiving to God.

During the last year, the Lord has dealt bountifully with us, giving us peace at home and abroad, and the chance for our citizens to work for their welfare unhindered by war, famine, or plague. It behooves us not only to rejoice greatly because of what has been given us, but to accept it with a solemn sense of responsibility, realizing that under heaven, it rests with us ourselves to show that we are worthy to use aright what has been entrusted to our care.

In no other place, and at no other time has the experiment of government of the people, by the people, for the people been tried on so vast a scale as here in our own country in the opening years of the 20th century. Failure would not only be a dreadful thing for us, but a dreadful thing for all mankind because it would mean loss of hope for all who believe in the power and the righteousness of liberty.

Therefore, in thanking God for the mercies extended to us in the past, we beseech Him that He may not withhold them in the future.

□ 1300

That was Theodore Roosevelt, 1903.

William Howard Taft, 1909:

The people of the United States are wont to meet in their usual places of worship on a day of thanksgiving appointed by the civil magistrate to return thanks to God for the great mercies and benefits which they have enjoyed. During the past year, we have been highly blessed . . . It is altogether fitting that we should humbly and gratefully acknowledge the Divine source of those blessings.

Therefore, I hereby appoint . . . a day of general thanksgiving, and I call upon the people on that day, laying aside their usual vocations, to repair to their churches and unite in appropriate services of praise and thanks to Almighty God.

William Howard Taft in 1912, without any problem from the Supreme Court, officially proclaimed:

A God-fearing nation, like ours, owes it to its inborn and sincere sense of moral duty to testify its devout gratitude to the All-giver for the countless benefits it has enjoyed. For many years, it has been customary at the close of the year for the national Executive to call upon his fellow countrymen to offer praise and thanks to God for the manifold blessings vouchsafed to them . . .

Wherefore, I, William Howard Taft, President of the United States of America, in pursuance of long-established usage and in response to the wish of the American people, invite my countrymen, whosoever they may sojourn, to join on Thursday, the 28th day of this month of November, in appropriate ascription of praise and thanks to God for the good gifts that have been our portion and in humble prayer that His great mercies toward us may endure.

It's worth noting that William Howard Taft was the only person in American history to have been elected to Congress, to have been elected President of the United States, and after making these official proclamations every year as President of the United States, where he officially chided Americans to thank God for our blessings, he then became Chief Justice of the Supreme Court. He is the only one in our history to have been in Congress, President, and on the Supreme Court, and in his case, he was actually Chief Justice. He never failed to thank God officially, publicly, as President of the United States.

Woodrow Wilson, October of 1913, officially proclaimed this:

The season is at hand in which it has been our long respected custom as a people to turn in praise and thanksgiving to Almighty God for His manifold mercies and blessings to us as a Nation. The year that has just passed has been marked in a peculiar degree by manifestations of His gracious and beneficent providence . . . We have seen the practical completion of a great work at the Isthmus of Panama, which not only exemplifies the Nation's abundant resources to accomplish what it will and the distinguished skill and capacity of its public servants, but also promises the beginning of a new age, of

new contacts, new neighborhoods, new sympathies, new bonds, and new achievements of cooperation and peace.

Then Woodrow Wilson put these words in quotes as he quoted from the Holy Bible, "Righteousness exalteth a Nation." Then Wilson put in quotes, "Peace upon Earth, good will towards men," which is also from the Holy Bible, "furnish the only foundations upon which can be built the lasting achievements of the human spirit . . . Now, therefore, I, Woodrow Wilson, President of the United States of America, do hereby designate Thursday, the 27th of November next, as a day of thanksgiving and prayer."

Apparently, he didn't know to say "a moment of silence." He, as every President before him, commended a time to prayer and invited "the people throughout the land to cease from their wonted occupations and in their several homes and places of worship render thanks to Almighty God."

John F. Kennedy, October of 1961, officially proclaimed these words. Having become President some 9 months earlier, this was President Kennedy's first Thanksgiving proclamation:

The pilgrims, after a year of hardship and peril, humbly and reverently set aside a special day upon which to give thanks to God . . . I ask the head of each family to recount to his children the story of the first New England Thanksgiving, thus to impress upon future generations the heritage of this Nation born in toil, in danger, in purpose, and in the conviction that right and justice and freedom can, through man's efforts, persevere and come to fruition with the blessing of God.

This will be the next to last, Mr. Speaker. Yet it is important, just as every President every year has proclaimed a day of thanksgiving to God, to our eternal and omnipotent source of all blessing, so every President has done it. President Obama has done it. It is just so important. We see surveys done of schoolchildren in America—of high school students, of college students. They're asked, To whom did the original pilgrims give thanks? So many say the Indians, say each other, and do not understand what has been part of our history since that early Thanksgiving with the pilgrims when they set it aside to celebrate with the Indians, in gratitude to the Indians; but the purpose was a proclamation of thanksgiving by every heart to Almighty God. As some try to rewrite our history, it must be said that, for the Nation's whole history, each year was a proclamation of thanksgiving to God.

It's even worth noting, Mr. Speaker, that here in the House Chamber—where you and I are dwelling right now—above all the doors in the gallery, it has the side profile of the greatest lawgivers in the history of man. Some are sometimes surprised to see Napoleon, but he gave us the Napoleonic Code. Louisiana still uses that as the basis of its law. There are Popes who

were considered great lawgivers of mankind.

□ 1310

Some have heard of Hammurabi. We have him up there. The Justinian Code, he's up there. But the only one who is considered a great lawgiver, who does not have a side profile is directly in front of you and above you, Mr. Speaker, because he was considered the greatest human lawgiver. He is faced as a full face, not a side profile, and around which all the other great lawgivers as thought when this Chamber was built, he was thought to be the greatest. He had 10 pretty good ones apparently, and that is the face of Moses.

I was noting, as I listened in recent years, to oral argument before the Supreme Court as lawyers argued, including my friend TED CRUZ, who was arguing on behalf of the State of Texas. They were arguing as to why Texas should be allowed to keep a monument on its State capitol grounds to the Ten Commandments. It was combined with a case from Kentucky as to whether or not Kentucky should be allowed to keep a posting of the Ten Commandments publicly posted.

As I listened to this great oral debate before the Supreme Court on whether or not there could be a calling out, a noting of the Ten Commandments, and as I looked at the Court, I looked up on the marble wall to my right. There, looking down on us, carved into the marble wall was Moses holding two tablets with Hebrew written on the tablets. I have been told by people who have gotten tours over there—one individual said their official tour guide said Moses is holding the 10 Bill of Rights, but, Mr. Speaker, you and I know those were not the Bill of Rights. Moses was holding and depicted as holding the Ten Commandments. It has been a part of our history.

I want to close before we conclude here with the first Thanksgiving proclamation since we had a Constitution. It was written in 1787. It was ratified in 1789. As it says, as it is dated in the year of our Lord, 1787, Washington had a Thanksgiving proclamation that he made October 14, 1789. Mr. Speaker, I will conclude with this before recessing for an official Thanksgiving, the first Thanksgiving proclamation by the Father of our Country, George Washington.

Some have tried to rewrite history and say he was a deist. We know a deist is one who thinks there is some force that set things in motion and then lets nature take its course. They believe that if such deity of such force still exists, such force never interferes with the ways of nature or man. That's a deist.

George Washington was not a deist. His own words, official as they were, make that very clear. His words, his of-

ficial proclamation, given the third day of October, A.D., 1789, Washington said:

Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits—

That means he is not a deist. He believed God provided this Nation benefits.

Washington goes on to say:

—and humbly to implore His protection and favor; and whereas both Houses of Congress have, by their joint committee, requested me to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness.

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being Who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquility, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been able to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our national government a blessing to all the people by constantly being a government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations (especially such as have shown kindness to us); and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and, generally to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

George Washington's official Thanksgiving proclamation, October 14, in the year of our Lord 1789.

And as we finish and recess for Thanksgiving, the official day this year proclaimed by this year's President, President Barack Obama, I am, Mr. Speaker, profoundly grateful and, as all these Presidents mentioned, thankful to God for my blessing. I know they're not earned.

□ 1320

There was nothing I ever did in the womb to deserve to be born in the

greatest country in history, but I was blessed because generations before were blessed, and it is an honor to rise up and call them blessed for the opportunities that were given us through their devotion and thanksgiving and hard work and acknowledgment to God for our blessings.

Mr. Speaker, I was blessed with an older sister, whom I love. I'm blessed with two younger brothers, one who died a couple of years ago, and for my youngest brother, Bill, whose birthday we'll celebrate November 17 as a Baptist pastor and my friend.

With that, Mr. Speaker, I yield back the balance of my time.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FITZPATRICK (at the request of Mr. CANTOR) for today on account of attending a family funeral.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of business in the district.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1440. An act to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity; to the Committee on Energy and Commerce.

#### ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, pursuant to Senate Concurrent Resolution 60, 112th Congress, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 21 minutes p.m.), the House adjourned until Tuesday, November 27, 2012, at 2 p.m.

#### OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Gary L. Ackerman, Sandy Adams, Robert B. Aderholt, W. Todd Akin, Rodney Alexander, Jason Altmire, Justin Amash, Mark E. Amodei, Robert E. Andrews, Steve Austria, Joe Baca, Michele Bachmann, Spencer Bachus, Tammy Baldwin, Ron Barber, Lou Barletta, John Barrow, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Karen Bass, Xavier Becerra, Dan Benishek, Rick Berg, Shelley Berkley, Howard L. Berman, Judy Biggert, Brian P. Bilbray, Gus M. Bilirakis, Rob Bishop, Sanford D. Bishop, Jr., Timothy H. Bishop, Diane Black, Marsha Blackburn, Earl Blumenauer, John A. Boehner, Suzanne Bonamici, Jo Bonner, Mary Bono Mack, Madeleine Z. Bordallo, Dan Boren, Leonard L. Boswell, Charles W. Boustany, Jr., Kevin

Brady, Robert A. Brady, Bruce L. Braley, Mo Brooks, Paul C. Broun, Corrine Brown, Vern Buchanan, Larry Bucshon, Ann Marie Buerkle, Michael C. Burgess, Dan Burton, G. K. Butterfield, Ken Calvert, Dave Camp, John Campbell, Francisco "Quico" Canseco, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Dennis A. Cardoza\*, Russ Carnahan, John C. Carney, Jr., André Carson, John R. Carter, Bill Cassidy, Kathy Castor, Steve Chabot, Jason Chaffetz, Ben Chandler, Donna M. Christensen, Judy Chu, David N. Cicilline, Hansen Clarke, Yvette D. Clarke, Wm. Lacy Clay, Emanuel Cleaver, James E. Clyburn, Howard Coble, Mike Coffman, Steve Cohen, Tom Cole, K. Michael Conaway, Gerald E. "Gerry" Connolly, John Conyers, Jr., Jim Cooper, Jim Costa, Jerry F. Costello, Joe Courtney, Chip Cravaack, Eric A. "Rick" Crawford, Ander Crenshaw, Mark S. Critz, Joseph Crowley, Henry Cuellar, John Abney Culberson, Elijah E. Cummings, David Alan Curson, Danny K. Davis, Geoff Davis\*, Susan A. Davis, Peter A. DeFazio, Diana DeGette, Rosa L. DeLauro, Suzan K. DelBene, Jeff Denham, Charles W. Dent, Scott DesJarlais, Theodore E. Deutch, Mario Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Robert J. Dold, Joe Donnelly, Michael F. Doyle, David Dreier, Sean P. Duffy, Jeff Duncan, John J. Duncan, Jr., Donna F. Edwards, Keith Ellison, Renee L. Ellmers, Jo Ann Emerson, Eliot L. Engel, Anna G. Eshoo, Eni F.H. Faleomavaega, Blake Farenthold, Sam Farr, Chaka Fattah, Bob Filner, Stephen Lee Fincher, Michael G. Fitzpatrick, Jeff Flake, Charles J. "Chuck" Fleischmann, John Fleming, Bill Flores, J. Randy Forbes, Jeff Fortenberry, Virginia Foxx, Barney Frank, Trent Franks, Rodney P. Frelinghuysen, Marcia L. Fudge, Elton Gallegly, John Garamendi, Cory Gardner, Scott Garrett, Jim Gerlach, Bob Gibbs, Christopher P. Gibson, Gabrielle Giffords\*, Phil Gingrey, Louie Gohmert, Charles A. Gonzalez, Bob Goodlatte, Paul A. Gosar, Trey Gowdy, Kay Granger, Sam Graves, Tom Graves, Al Green, Gene Green, Tim Griffin, H. Morgan Griffith, Raúl M. Grijalva, Michael G. Grimm, Frank C. Guinta, Brett Guthrie, Luis V. Gutierrez, Janice Hahn, Ralph M. Hall, Colleen W. Hanabusa, Richard L. Hanna, Jane Harman\*, Gregg Harper, Andy Harris, Vicky Hartzler, Alcee L. Hastings, Doc Hastings, Nan A.S. Hayworth, Joseph J. Heck, Martin Heinrich, Dean Heller\*, Jeb Hensarling, Wally Herger, Jaime Herrera Beutler, Brian Higgins, James A. Himes, Maurice D. Hinchey, Rubén Hinojosa, Mazie Hirono, Kathleen C. Hochul, Tim Holden, Rush D. Holt, Michael M. Honda, Steny H. Hoyer, Tim Huelskamp, Bill Huizenga, Randy Hultgren, Duncan Hunter, Robert Hurt, Jay Inslee\*, Steve Israel, Darrell E. Issa, Jesse L. Jackson, Jr., Sheila Jackson Lee, Lynn Jenkins, Bill Johnson, Eddie Bernice Johnson, Henry C. "Hank" Johnson, Jr., Sam Johnson, Timothy V. Johnson, Walter B. Jones, Jim Jordan, Marcy Kaptur, William R. Keating, Mike Kelly, Dale E. Kildee, Ron Kind, Peter T. King, Steve King, Jack Kingston, Adam Kinzinger, Larry Kissell, John Kline, Raúl R. Labrador, Doug Lamborn, Leonard Lance, Jeffrey M. Landry, James R. Langevin, James Lankford, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, Robert E. Latta, Barbara Lee, Christopher J. Lee\*, Sander M. Levin, Jerry Lewis, John Lewis, Daniel Lipinski, Frank A. LoBiondo, David Loebsack, Zoe Lofgren, Billy Long, Nita M. Lowey, Frank D. Lucas, Blaine Luetkemeyer, Ben Ray Lujan, Cynthia M. Lummis, Daniel E. Lun-

gren, Stephen F. Lynch, Connie Mack, Carolyn B. Maloney, Donald A. Manzullo, Kenny Marchant, Tom Marino, Edward J. Markey, Thomas Massie, Jim Matheson, Doris O. Matsui, Kevin McCarthy, Carolyn McCarthy, Michael T. McCaul, Tom McClintock, Betty McCollum, Thaddeus G. McCotter\*, Jim McDermott, James P. McGovern, Patrick T. McHenry, Mike McIntyre, Howard P. "Buck" McKeon, David B. McKinley, Cathy McMorris Rodgers, Jerry McNERney, Patrick Meenan, Gregory W. Meeks, John L. Mica, Michael H. Michaud, Brad Miller, Candice S. Miller, Gary G. Miller, George Miller, Jeff Miller, Gwen Moore, James P. Moran, Mick Mulvaney, Christopher S. Murphy, Tim Murphy, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, Randy Neugebauer, Kristi L. Noem, Eleanor Holmes Norton, Richard Nugent, Devin Nunes, Alan Nunnelee, Pete Olson, John W. Olver, William L. Owens, Steven M. Palazzo, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Erik Paulsen, Donald M. Payne\*, Donald M. Payne, Jr., Stevan Pearce, Nancy Pelosi, Mike Pence, Ed Perlmutter, Gary C. Peters, Collin C. Peterson, Thomas E. Petri, Pedro R. Pierluisi, Chellie Pingree, Joseph R. Pitts, Todd Russell Platts, Ted Poe, Jared Polis, Mike Pompeo, Bill Posey, David E. Price, Tom Price, Benjamin Quayle, Mike Quigley, Nick J. Rahall II, Charles B. Rangel, Tom Reed, Denny Rehberg, David G. Reichert, James B. Renacci, Silvestre Reyes, Reid J. Ribble, Laura Richardson, Cedric L. Richmond, E. Scott Rigell, David Rivera, Martha Roby, David P. Roe, Harold Rogers, Mike Rogers, Mike Rogers, Dana Rohrabacher, Todd Rokita, Thomas J. Rooney, Ileana Ros-Lehtinen, Peter J. Roskam, Dennis Ross, Mike Ross, Steven R. Rothman, Lucille Roybal-Allard, Edward R. Royce, Jon Runyan, C. A. Dutch Ruppersberger, Bobby L. Rush, Paul Ryan, Tim Ryan, Gregorio Kilili Camacho Sablan, Linda T. Sánchez, Loretta Sanchez, John P. Sarbanes, Steve Scalise, Janice D. Schakowsky, Adam B. Schiff, Robert T. Schilling, Jean Schmidt, Aaron Schock, Kurt Schrader, Allyson Y. Schwartz, David Schweikert, Austin Scott, David Scott, Robert C. "Bobby" Scott, Tim Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, Terri A. Sewell, Brad Sherman, John Shimkus, Heath Shuler, Bill Shuster, Michael K. Simpson, Albio Sires, Louise McIntosh Slaughter, Adam Smith, Adrian Smith, Christopher H. Smith, Lamar Smith, Steve Southerland, Jackie Speier, Cliff Stearns, Steve Stivers, Marlin A. Stutzman, John Sullivan, Betty Sutton, Lee Terry, Bennie G. Thompson, Glenn Thompson, Mike Thompson, Mac Thornberry, Patrick J. Tiberi, John F. Tierney, Scott Tipton, Paul Tonko, Edolphus Towns, Niki Tsongas, Michael R. Turner, Robert L. Turner, Fred Upton, Chris Van Hollen, Nydia M. Velázquez, Peter J. Visclosky, Tim Walberg, Greg Walden, Joe Walsh, Timothy J. Walz, Debbie Wasserman Schultz, Maxine Waters, Melvin L. Watt, Henry A. Waxman, Daniel Webster, Anthony D. Weiner\*, Peter Welch, Allen B. West, Lynn A. Westmoreland, Ed Whitfield, Frederica Wilson, Joe Wilson, Robert J. Wittman, Frank R. Wolf, Steve Womack, Rob Woodall, Lynn C. Woolsey, David Wu\*, John A. Yarmuth, Kevin Yoder, C.W. Bill Young, Don Young, Todd C. Young

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8378. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Calcium Gluconate; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2012-0131; FRL-9362-4] received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8379. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Residues of Fatty Acids, Tall-Oil, Ethoxylated Propoxylated; Tolerance Exemption [EPA-HQ-OPP-2012-0278; FRL-9365-4] received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8380. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Trifloxystrobin; Pesticide Tolerances [EPA-HQ-OPP-2012-0225; FRL-9360-9] received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8381. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluoxastrobin; Pesticide Tolerances [EPA-HQ-OPP-2009-0677; FRL-9365-7] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8382. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — a-(p-Nonylphenyl)poly(oxypropylene) block polymer with poly(oxyethylene); Tolerance Exemption [EPA-HQ-OPP-2012-0279; FRL-9365-3] received October 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8383. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8251] received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8384. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; The 2002 Base Year Emissions Inventory for the Washington DC-MD-VA Nonattainment Area for the 1997 Fine Particulate Matter National Ambient Air Quality Standard [EPA-R03-OAR-2020-0152; FRL-9746-1] received October 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8385. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Significant New Use Rules on Certain Chemical Substances [EPA-HQ-OPPT-2012-0740; FRL-9366-7] (RIN: 2070-AB27) received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8386. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Michigan; Detroit-Ann Arbor Nonattainment Area; Fine Particulate Matter 2005 Base Year Emissions Inventory [EPA-R05-OAR-2008-0520; FRL-9748-9] received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8387. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Michigan; Determination of Attainment of the 1997 Annual Fine Particle Standard for the Detroit-Ann Arbor Nonattainment Area [EPA-R05-OAR-2012-0467; FRL-9748-8] received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8388. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Reasonably Available Control Technology for the 1997 8-Hour Ozone Standard [EPA-R01-OAR-2009-0451; A-1-FRL-9748-2] received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8389. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [EPA-R09-OAR-2012-0266; FRL-9736-9] received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8390. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Texas; Revisions to the New Source Review (NSR) State Implementation Plan (SIP); Antbacksliding of Major NSR SIP Requirements for the One-Hour Ozone National Ambient Air Quality Standards (NAAQS); Major Nonattainment NSR (NNSR) SIP Requirements for the 1997 Eight-Hour Ozone NAAQS; and Major NSR Reform Program [EPA-R06-OAR-2011-0332; FRL-9743-6] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8391. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Implementation of the New Source Review (NSR) Program for Particulate Matter Less Than 2.5 Micrometers (PM<sub>2.5</sub>); Amendment to the Definition of Regulated NSR Pollutant; Concerning Condensable Particulate Matter [EPA-HQ-OAR-2003-0062; FRL-9742-8] (RIN: 2060-AR30) received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8392. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District [EPA-R09-OAR-2012-0089; FRL-9737-2] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8393. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Fredericksburg 8-Hour Ozone Maintenance Area Revision to Approved Motor Vehicle Emission Budgets [EPA-R03-OAR-2012-0444; FRL-9746-3] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8394. A letter from the Director, Regulatory Management Division, Environmental

Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Attainment Demonstration for the 1997 8-Hour Ozone National Ambient Air Quality Standard for the Philadelphia-Wilmington-Atlantic City Moderate Nonattainment Area [EPA-R03-OAR-2008-0929; FRL-9746-2] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8395. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to West Virginia's Ambient Air Quality Standards [EPA-R03-OAR-2012-0608; FRL-9745-7] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8396. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Missouri: Final Authorization of State Hazardous Waste Management Program Revisions [EPA-R07-RCRA-2012-0719; FRL 9744-4] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8397. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Illinois; Indiana; Michigan; Minnesota; Ohio; Wisconsin; Infrastructure SIP Requirements for the 2006 PM<sub>2.5</sub> National Ambient Air Quality Standards; Indiana NSR/PSD [EPA-R05-OAR-2009-0805; EPA-505-OAR-2012-0567; FRL-9742-4] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8398. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources [EPA-HQ-OAR-2008-0334; FRL-9746-4] (RIN: 2060-AQ89) received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8399. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; California; San Joaquin Valley Unified Air Pollution Control District; Prevention of Significant Deterioration [EPA-R09-2012-0408; FRL-9726-3] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8400. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; Revisions to the California State Implementation Plan Pesticide Element [EPA-R09-OAR-2012-0194; FRL-9723-1] received October 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8401. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Additional Air Quality Designations for the 2006 24-Hour Fine Particle National Ambient Air Quality Standards [EPA-HQ-OAR-2007-0562; FRL-9746-6] received October 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.



8402. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Determination of Attainment of the One-hour Ozone Standard for the Portsmouth-Dover-Rochester and Manchester Areas [EPA-R01-OAR-2012-0229; A-1-FRL-9744-6] received October 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8403. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Deferral for CO<sub>2</sub> Emissions from Bioenergy and other Biogenic Sources Under the Prevention of Significant Deterioration Program [EPA-R03-OAR-2012-0169; FRL-9745-5] received October 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8404. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality and Maricopa County Air Quality Department [EPA-R09-OAR-2012-0470; FRL-9740-2] received October 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8405. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New Mexico; Albuquerque/Bernalillo County: Motor Vehicle Inspection [EPA-R06-OAR-2011-0695; FRL-9747-2] received October 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8406. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Partial Approval and Disapproval of Air Quality Implementation Plans; Arizona; Infrastructure Requirements for Ozone and Fine Particulate Matter [EPA-R09-OAR-2012-0398; FRL-9745-8] received October 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8407. A letter from the Acting General Counsel, National Indian Gaming Commission, transmitting the Commission's final rule — Minimum Internal Control Standards (RIN: 3141-AA27) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8408. A letter from the Acting General Counsel, National Indian Gaming Commission, transmitting the Commission's final rule — Minimum Technical Standards for Class II Gaming Systems and Equipment (RIN: 3141-AA27) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8409. A letter from the Acting General Counsel, National Indian Gaming Commission, transmitting the Commission's final rule — Appeal Proceedings Before the Commission (RIN: 3141-AA47) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8410. A letter from the Acting General Counsel, National Indian Gaming Commission, transmitting the Commission's final rule — Facility License Notifications and Submissions (RIN: 3141-AA48) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8411. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions #15 through #21 [Docket No.: 120424023-1023-01] (RIN: 0648-XC223) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8412. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC278) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8413. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 3 [Docket No.: 0907301205-0289-02] (RIN: 0648-XC157) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8414. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — 2012-2013 Accountability Measure and Closure for Commercial Black Sea Bass in the South Atlantic [Docket No.: 0907271173-0629-03] (RIN: 0648-XC152) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8415. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; 2012-2013 Accountability Measure and Closure for Gulf King Mackerel in Northern Florida West Coast Subzone [Docket No.: 001005281-0369-03] (RIN: 0648-XC273) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8416. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska [Docket No.: 111207737-2141-02] (RIN: 0648-XC270) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8417. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Silky Shark Management Measures [Docket No.: 120416016-2469-02] (RIN: 0648-BB96) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8418. A letter from the Acting Deputy Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2012 Commercial Accountability Measure

and Closure for South Atlantic Vermilion Snapper [Docket No.: 040205043-4043-01] (RIN: 0648-XC134) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8419. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30864; Amdt. No. 3499] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8420. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30865; Amdt. No. 3500] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8421. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30862; Amdt. No. 3497] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8422. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30863; Amdt. No. 3498] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8423. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Use of Additional Portable Oxygen Concentrators on Board Aircraft [Docket No.: FAA-2012-0928; Amdt. No. 121-361] (RIN: 2120-AK18) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8424. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Rescission of 10-Day Agency Discretionary Period in Assigning Unsatisfactory Safety Ratings [Docket No.: FMCSA-2012-0262] (RIN: 2126-AB55) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8425. A letter from the Deputy Director, Reg Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Veterans' Group Life Insurance (VGLI) No-Health Period Extension (RIN: 2900-AO24) received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8426. A letter from the Federal Register Liaison Officer, Department of the Treasury, transmitting the Department's final rule — Establishment of the Ancient Lakes of Columbia Valley Viticultural Area [Docket No.: TTB-2012-0003; T.D. TTB-108; Ref. Notice No. 128] (RIN: 1513-AB85) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8427. A letter from the Associate Director, Internal Revenue Service, transmitting the Service's final rule — Cost Segregation



Audit Techniques Guide — Chapter 8 — Electrical Distribution System [LB&I-4-1012-012] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8428. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — 2013 Cost-of-Living Adjustments to Certain Tax Items (Rev. Proc. 2012-41) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8429. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Concise General Statement Concerning 2012 National Pool (Revenue Procedure 2012-42) received October 24, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8430. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule — Rules of Practice received October 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and the Judiciary.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the Matter of Joy Henrichs (Rept. 112-696). Referred to the House Calendar.

### DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Agriculture discharged from further consideration. H.R. 1838 referred to the Committee of the Whole House on the state of the Union.

## TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 940. Referral to the Committee on Ways and Means extended for a period ending not later than November 30, 2012.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. OLSON:

H.R. 6593. A bill to amend the National Voter Registration Act of 1993 to increase the penalties imposed for intimidating, threatening, or coercing any person from engaging in voter registration activities or for procuring, submitting, or casting false voter registration applications or ballots, to amend the Uniformed and Overseas Citizens Absentee Voting Act to require election officials to transmit balloting materials to absent uniformed services voters using the automated tagging and tracing services provided by the United States Postal Service, and for other purposes; to the Committee on House Administration.

By Mr. OLSON:

H.R. 6594. A bill to amend the Uniformed and Overseas Citizens Absentee Voting Act

to require States which fail to transmit validly requested absentee ballots in an election for Federal office to absent uniformed services voters within the deadline established under the Act to delay certifying the results of the election, to establish a private right of action to enforce the requirements of such Act, and for other purposes; to the Committee on House Administration.

By Mr. BARLETTA (for himself, Mr. SHUSTER, and Mr. PLATTS):

H.R. 6595. A bill to require a report on the establishment of a joint Army-Navy storage and preservation facility at the United States Army Heritage and Education Center, Carlisle, Pennsylvania; to the Committee on Armed Services.

By Mr. AMODEI:

H.R. 6596. A bill to direct the Secretary of the Interior to transfer to the Secretary of the Navy certain Federal land in Churchill County, Nevada; to the Committee on Natural Resources.

By Mrs. BIGGERT (for herself, Mr. BOREN, Mr. BURTON of Indiana, Mr. AKIN, Mr. CLARKE of Michigan, Mr. CLAY, Mr. COFFMAN of Colorado, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mr. CRENSHAW, Mr. DEFAZIO, Mr. FRANK of Massachusetts, Ms. GRANGER, Mr. GRIFFITH of Virginia, Mr. HARRIS, Ms. HIRONO, Mr. KEATING, Mrs. MALONEY, Mr. MCGOVERN, Mr. MILLER of North Carolina, Mr. MORAN, Mr. PEARCE, Mr. PERLMUTTER, Mr. ROYCE, Mr. SCHIFF, Mrs. SCHMIDT, Mr. SCHOCK, Mr. STIVERS, Mr. WHITFIELD, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Florida, Mr. YOUNG of Alaska, Ms. LEE of California, Mr. RUPPERSBERGER, Ms. MOORE, Ms. ESHOO, Mr. COHEN, Mr. SMITH of Texas, Mr. HIMES, Mr. KILDEE, Mr. SMITH of Washington, Mr. PAUL, Mr. CARNAHAN, Mr. BURGESS, Mr. ROHRBACHER, Ms. PINGREE of Maine, Mr. MICHAUD, Ms. WOOLSEY, Mr. CALVERT, Mr. CAPUANO, Mr. COURTNEY, Mr. POLIS, Mr. PETRI, Mr. HULTGREN, Mr. WELCH, Mr. FORBES, and Mr. ROSKAM):

H.R. 6597. A bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate; to the Committee on Ways and Means.

By Mrs. BLACK (for herself, Mr. ROSKAM, Mr. CHABOT, and Mr. BROUN of Georgia):

H.R. 6598. A bill to amend certain requirements and penalties implemented under the Medicare and Medicaid programs by the HITECH Act of 2009, which would otherwise impede eligible professionals from adopting electronic health records to improve patient care; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MOORE, Mr. CONYERS, Mr. HINCHEY, Mr. FILNER, Ms. WOOLSEY, Mr. NADLER, Mr. HONDA, Mr. GRIJALVA, Mr. MORAN, and Mr. JACKSON of Illinois):

H.R. 6599. A bill to amend the Internal Revenue Code of 1986 to protect children's health by denying any deduction for advertising and marketing directed at children to promote the consumption of food at fast food res-

taurants or of food of poor nutritional quality; to the Committee on Ways and Means.

By Mr. CROWLEY:

H.R. 6600. A bill to amend the Emergency Food Assistance Act of 1983 to provide for the increased purchase of Kosher and Halal food and to modify the labeling of the commodities list under the emergency food assistance program to enable Kosher and Halal food bank operators to identify which commodities to obtain from local food banks; to the Committee on Agriculture.

By Mr. DEUTCH (for himself and Mrs. MYRICK):

H.R. 6601. A bill to establish programs in the executive branch to permit the labeling of certain products that do not contain any carcinogens as "Carcinogen-Free", and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself and Mr. CONYERS):

H.R. 6602. A bill to make revisions in title 36, United States Code, as necessary to keep the title current and make technical corrections and improvements; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself and Mr. BERMAN):

H. Res. 813. A resolution expressing vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizing and strongly supporting its right to act in self-defense to protect its citizens against acts of terrorism; to the Committee on Foreign Affairs; considered and agreed to.

By Mr. KELLY (for himself, Mr. JONES, Mr. SMITH of Texas, Mr. KISSELL, Mr. CHABOT, Mr. CONAWAY, Mr. GARDNER, Mr. ALTMIRE, Mr. BISHOP of Utah, Mr. HUELSKAMP, Mr. GARRETT, Mr. THOMPSON of Pennsylvania, Mr. DUNCAN of Tennessee, Mr. WESTMORELAND, Mr. SMITH of Nebraska, Mr. OLSON, Mr. BOUSTANY, Mr. GRAVES of Missouri, Ms. BUEKLE, Mr. CANSECO, Mrs. HARTZLER, Mr. NUNNELEE, Mr. BILIRAKIS, Mr. GIBBS, Mr. JOHNSON of Ohio, Mr. UPTON, Mr. SOUTHERLAND, Mr. MARINO, Mr. GUTHRIE, Mr. MULVANEY, Mr. DENHAM, Mr. YOUNG of Alaska, Mr. GRIFFIN of Arkansas, Mr. BARLETTA, Mrs. BLACKBURN, Mr. FORBES, Mr. GOSAR, Mr. RIVERA, Mr. LAMBORN, Mr. HULTGREN, Mr. FLEISCHMANN, Mr. GINGREY of Georgia, Mr. MANZULLO, Mrs. ELLMERS, Mr. BROUN of Georgia, Mr. JORDAN, Mr. MCKINLEY, Mr. MCCAUL, Mr. HARRIS, Mr. REED, Mr. BURTON of Indiana, Mr. GRIFFITH of Virginia, Mr. LANDRY, Mr. POMPEO, Mr. POE of Texas, Mr. ROGERS of Michigan, Mr. MCHENRY, Mr. SESSIONS, Mr. MILLER of Florida, Mr. ROSS of Florida, Mr. OWENS, Mr. SCHWEIKERT, Mrs. BACHMANN, Mr. TIPTON, Mr. DUNCAN of South Carolina, Ms. JENKINS, Mr. BROOKS, Mr. LOBIONDO, Mr. FRANKS of Arizona, Mr. FLORES, Mr. BARTON of Texas, Mr. HUIZENGA of Michigan, Mr. ADERHOLT, Mr. GOHMERT, Mr. MICHAUD, Mr. HURT, Mr. GRAVES of Georgia, Ms. HAYWORTH, and Mr. BURGESS):

H. Res. 814. A resolution expressing the sense of the House of Representatives regarding the conditions for the United States becoming a signatory to the United Nations Arms Trade Treaty, or to any similar agreement on the arms trade; to the Committee on Foreign Affairs.

By Mr. FATTAH (for himself and Mr. HULTGREN):

H. Res. 815. A resolution expressing the sense of the House of Representatives that Federal laboratories have been and continue to be on the cutting edge of scientific and technological advancement and supporting the designation of 2013 as the "Year of the Federal Lab"; to the Committee on Science, Space, and Technology.

By Mr. ISRAEL (for himself, Mr. PASCRELL, and Mr. TIBERI):

H. Res. 816. A resolution recognizing September 2012 as the 160th anniversary of the arrival in the United States of Constantino Brumidi, the artist who painted the Apotheosis of Washington; to the Committee on Oversight and Government Reform.

By Mr. MULVANEY:

H. Res. 817. A resolution expressing support for the designation of the Friday after Thanksgiving as the National Day of Recognition for Veterans' Families; to the Committee on Armed Services.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. OLSON:

H.R. 6593.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 4, Clause 1—The times, places, and manner of holding elections for senators and representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

Article I, Section 8, Clause 7—The Congress shall have power to establish Post Offices and post roads.

By Mr. OLSON:

H.R. 6594.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 14—The Congress shall have power to make rules for the government and regulation of the land and naval forces.

By Mr. BARLETTA:

H.R. 6595.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, 16, and 18), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; to provide for organizing, arming, and disciplining the militia; and to make all laws necessary and proper for carrying out the foregoing powers.

By Mr. AMODEI:

H.R. 6596.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress to make rules for the government and regulation of the land and naval forces, as enumerated in Article I, Section 8, Clause 14 of the United States Constitution.

By Mrs. BIGGERT:

H.R. 6597.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mrs. BLACK:

H.R. 6598.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Business Regulation

Article I, Section 8, Clause 3

The Congress shall have Power \* \* \* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. KUCINICH:

H.R. 6599.

Congress has the power to enact this legislation pursuant to the following:

Congress' Article One power to tax.

By Mr. CROWLEY:

H.R. 6600.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution

By Mr. DEUTCH:

H.R. 6601.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8, Clause 3 of the United States Constitution, which grants Congress the power to regulate commerce among the several States.

By Mr. SMITH of Texas:

H.R. 6602.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 18 of the Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 1116: Ms. WATERS.

H.R. 1653: Mr. LATTA.

H.R. 2267: Mr. PEARCE and Mr. CUMMINGS.

H.R. 2655: Mr. OWENS.

H.R. 2679: Mr. GUTHRIE.

H.R. 2705: Mr. BUTTERFIELD.

H.R. 3032: Mr. KING of Iowa.

H.R. 3269: Mr. RUSH.

H.R. 3364: Mr. PETERS, Mr. NEAL, and Mr. DENT.

H.R. 3522: Mr. VAN HOLLEN and Mr. BILBRAY.

H.R. 3553: Mr. MICHAUD.

H.R. 3710: Ms. NORTON.

H.R. 3790: Mr. BUTTERFIELD and Mr. KILDEE.

H.R. 3831: Mr. MICHAUD and Ms. RICHARDSON.

H.R. 4083: Mr. WELCH.

H.R. 4122: Mrs. NAPOLITANO.

H.R. 4215: Mr. GUTHRIE.

H.R. 4290: Mr. ELLISON and Mr. LANGEVIN.

H.R. 4378: Mr. CUMMINGS.

H.R. 4385: Mr. WOMACK.

H.R. 5817: Ms. PINGREE of Maine.

H.R. 5839: Ms. DELAURO.

H.R. 5846: Mr. BACHUS.

H.R. 5873: Mr. BACHUS.

H.R. 6149: Ms. HIRONO.

H.R. 6155: Mr. HIGGINS, Mr. RANGEL, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. SHERMAN, Mr. CONYERS, and Mr. STARK.

H.R. 6223: Mr. SMITH of Texas.

H.R. 6242: Mr. HIMES.

H.R. 6273: Ms. BONAMICI.

H.R. 6304: Mr. POLIS.

H.R. 6385: Mr. CONYERS, Mr. ROGERS of Michigan, and Mr. PETERSON.

H.R. 6388: Mr. POLIS.

H.R. 6411: Mr. GARAMENDI.

H.R. 6419: Mr. KILDEE, Ms. SPEIER, and Ms. WILSON of Florida.

H.R. 6437: Mr. WELCH.

H.R. 6444: Mr. LATTA.

H.R. 6446: Mr. NUNES.

H.R. 6470: Mr. KING of Iowa.

H.R. 6494: Mr. GOSAR, Mr. COHEN, and Mr. HASTINGS of Florida.

H.R. 6567: Mr. LAMBORN.

H.R. 6575: Mrs. HARTZLER.

H.R. 6591: Mr. HINCHEY, Mr. THOMPSON of California, Ms. EDWARDS, Ms. CHU, Mr. ELLISON, Mr. MICHAUD, Ms. WILSON of Florida, Ms. WASSERMAN SCHULTZ, Ms. BROWN of Florida, Mr. TOWNS, Mr. MORAN, Mrs. LOWEY, Mrs. MALONEY, and Mr. COURTNEY.

H.R. 6592: Mr. LARSEN of Washington, Mr. CUMMINGS, Ms. RICHARDSON, and Ms. EDWARDS.

H.J. Res. 96: Mr. LANDRY.

H. Res. 763: Mr. POE of Texas.

H. Res. 793: Mr. BARBER, Mr. GIBSON, Ms. CLARKE of New York, Mr. BUCHANAN, Mr. LOEBSACK, Mr. PETERS, Mr. SCHOCK, Ms. SPEIER, and Mrs. DAVIS of California.

#### PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the Clerk's desk and referred as follows:

63. The SPEAKER presented a petition of City of Miami, Florida, relative to Resolution R-12-0168 supporting the securing of vacant and abandoned private buildings as a U.S. HUD CDBG funding eligible activity; to the Committee on Financial Services.

64. Also, a petition of Westel County Chamber of Commerce, West Virginia, relative to resolution urging the Congress to immediately initiate contact with the Ormet Corporation to negotiate possible resolution to their financial issues; to the Committee on Financial Services.

## EXTENSIONS OF REMARKS

### HONORING THE SERVICE AND THE MEMORY OF REVOLUTIONARY WAR SOLDIER PVT. JAMES ANDERSON

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the service and the memory of Revolutionary War Soldier James Anderson, Sr. of Buncombe County, North Carolina.

On Sunday, November 11, 2012 in the Western North Carolina town of Mars Hill, the memory of Private James Anderson, Sr., a Patriot and Revolutionary War Soldier, was honored by the dedication of hallowed ground and his final resting place. The ceremony was conducted by descendants of Pvt. Anderson, and honored guests, members of the Edward Buncombe Chapter National Society Daughters of the American Revolution and the Blue Ridge Mountains Chapter of the Georgia Society of the Sons of The American Revolution.

Private Anderson was a true American Patriot and a proud North Carolinian. He served under Captain James Bonnell Company which was part of Spencers New Jersey Regiment under Major General John Sullivan. James Anderson Sr. was engaged for service on June 26th, 1778 and served 159 days at the rank of Private.

It is with great respect that I commend and remember this brave soldier who joined hands with countless other patriots to achieve American independence. I hope that today's generation of young men and women will follow the shining example of patriotism and dedication to freedom modeled by Pvt. James Anderson and other Revolutionary War heroes.

### CONGRATULATING THE 2012 GOLD MEDAL WINNERS IN THE INTERNATIONAL BIOLOGY OLYMPIAD

#### HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. HONDA. Mr. Speaker, I rise today with my colleagues Mr. STARK, Mr. CARNEY, and Mr. HOLT, to recognize the fine academic accomplishments of four of our constituents who were awarded gold medals at the International Biology Olympiad held in Singapore in July 2012. Nikhil Buduma of Bellarmine College Preparatory School in San Jose, CA; Jing "Raymond" Liu of Mission San Jose High School in Fremont, CA; Lei "Jerry" Ding of the Charter School of Wilmington, DE; and Kevin Ma of East Brunswick High School in East Brunswick, NJ competed against secondary students from over 59 countries in this prestigious international competition.

These talented students began their journey in the USA Biology Olympiad, which aims to enhance the life sciences education of nearly 10,000 students annually across the United States each year. The competition provides the motivation, curricular resources, and skills training to take them beyond their classroom experience and enhances their adaptability, inventiveness, creativity and collaboration in this content area.

After being selected among the twenty finalists, they participated in a residential training program at Purdue University where they learned advanced biological concepts and exacting laboratory skills and earned the right to represent the United States at the International Biology Olympiad.

We congratulate and salute these fine young students and commend their accomplishments in the biological sciences. We look forward to reading about their future contributions to our society and to the international community.

### HONORING MAJOR EDWARD (ED) KENNEDY

#### HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. PLATTS. Mr. Speaker, it is with tremendous respect and gratitude that I rise to honor MAJ Edward (Ed) Kennedy, United States Army, for his extraordinary dedication to duty and service to the United States of America. Major Kennedy has recently moved on from his assignment as an Army Congressional Liaison to the House of Representatives to become a Battalion Operations Officer in the 3rd Infantry Division.

A native of Danbury, Connecticut, Major Kennedy graduated from the United States Military Academy in May of 2000 and was commissioned in the Infantry Branch. After his first assignment as an Infantry Platoon Leader in Hawaii, he commanded both Infantry and Armor units in the 4th Infantry Division at Fort Hood, TX. During that time he deployed once in support of Operation Enduring Freedom, and twice in support of Operation Iraqi Freedom.

In July 2009, Major Kennedy was selected for the highly competitive Joint Chiefs of Staff Internship program. During the internship, he earned a Master's degree at Georgetown University, and then served a one year tour on the Joint Staff as the Action Officer for the Special Assistant to the Chairman of the Joint Chiefs of Staff with principle focus on Warrior and Family Support. His next year was spent on the Army Staff as a Congressional Liaison to the United States House of Representatives working for the Office of the Chief Legislative Liaison.

Mr. Speaker, it was during his assignment as a Congressional Liaison that I had the honor of getting to know this great patriot personally. It has been a true pleasure and privilege to work closely with Major Kennedy during the 112th Session of Congress.

On behalf of a grateful Nation, I join my colleagues in recognizing and commending Major Kennedy for his meritorious service to our country. For all that he and his family have given and continue to give to our country; we are forever in their debt. But for the courageous service of our Nation's heroic military personnel such as Major Kennedy and the selflessness of military families such as his, the unparalleled freedoms and security that I and all Americans enjoy every day would not be. On behalf of the United States House of Representatives, I extend heartiest best wishes to Major Kennedy, his wife Jacey, and his daughter Katelyn as they continue on their journey of service.

### HONORING THE LIFE AND SERVICE OF NATHAN B. "NAT" HENRY

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to recognize SSgt. Nathan B. "Nat" Henry, U.S. Army, (Ret.) for his service to our country and the sacrifices he has endured. A lifelong resident of Macon County, North Carolina, Henry left the peace and tranquility of Western North Carolina to serve in the U.S. Army during the Vietnam War.

Facing overwhelming odds, Henry survived a battle in the infamous Ia Drang Valley in 1967. His subsequent capture by enemy forces, however, left him in North Vietnamese prison camps until Operation Homecoming in 1973. His nearly six years in captivity holds the unenviable distinction of being one of the longest serving prisoners of the Vietnam War. Along with numerous other medals, Henry is the recipient of two Silver Stars, two Bronze Stars and two Purple Hearts.

Henry served his country valiantly during the war and has continued to show dedication to his country and community since. Upon returning home to his community, Henry continued in the path of service by serving as an original member of the Burningtown Volunteer Fire Department. Additionally, remaining ever steadfast in his commitment to the veterans community in Macon County, he continues to be active in almost all veteran-related activities in the area including serving as both President and Chairman for the Smoky Mountain Vietnam Veterans Chapter 994.

Mr. Speaker, today I offer thanks from a grateful nation for SSgt. Nathan B. "Nat" Henry's (Ret.) distinguished service and sacrifice. It is service such as Henry's that allows

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

us to continue to enjoy the freedom that he fought to protect.

IN OPPOSITION TO H.R. 6190 "THE  
ASTHMA INHALERS RELIEF ACT  
OF 2012"

**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise in opposition to H.R. 6190, the Asthma Inhalers Relief Act, introduced by Congressman BURGESS. This legislation would authorize the distribution and sale of one million asthma inhalers that use over-the-counter epinephrine, named Primatene Mist. This product was sold in aerosol canisters containing CFC's, or chlorofluorocarbons. CFC products have been banned under the Clean Air Act and the Montreal Protocol on Substances that Deplete the Ozone Layer. Consequently, this legislation is opposed by many organizations because it involves the widespread use of a CFC product.

Mr. Speaker, I stand with Ranking Member WAXMAN as well as with the American Lung Association, the American Academy of Pediatrics, and other national public health organizations in opposition to this bill. I strongly believe in ensuring affordable, quality health care options for all Americans who suffer from asthma; however, I am opposed to legislation that would undermine our commitment to international treaty and that would continue to deplete the ozone. There are safer and more effective ways of safeguarding public health. One way to do this is for Congress to take up and pass H.R. 6284, the Breath of Fresh Air Act, which I introduced earlier this year.

Across the United States, nearly 25 million people have been diagnosed with asthma, including 7 million children. This serious disease impacts every district in every state, and its effects are far-reaching. I have been particularly concerned with the issue of asthma, especially as it affects my home district in California. The Ports of Long Beach and Los Angeles operate within and near the 37th Congressional District, and if left unregulated, the California Air Resources Board estimates that the ports will be the largest source of pollution in the state by 2020 greater than the impact of every car on the road in California. The neighborhoods of Los Angeles and Long Beach rank as one of the U.S. cities most polluted by Particle Pollution.

Low-income and minority communities are disproportionately affected by this chronic respiratory disease, and their health outcomes are likely to be worse. For instance, the Environmental Protection Agency reports that black children are twice as likely to be hospitalized and four times as likely to die from asthma as white children. Low-income and minority communities also disproportionately live in areas afflicted with high levels of air pollution, allergens, and other environmental factors that trigger asthma attacks. They may also have limited resources to direct toward asthma management or to deal with the financial challenges of medical bills and missed days at school and work.

Authorizing the sale of epinephrine will not address the challenges that asthma patients face. National health organizations have repeatedly issued expert guidelines that advise patients on how to manage their asthma, and none of them recommend the use of over-the-counter medications. In addition, Primatene Mist has been banned since December 31, 2011. This means that patients have already transitioned away from this medicine and have been using alternative medications for almost a full year. A temporary reversal of this ban would be confusing to patients and would not provide them with a sound long-term plan for asthma management. In fact, the only group that stands to profit from such a reversal is the manufacturing company, not asthma patients.

I do agree with Congressman BURGESS when he says that Congress must be on the side of asthma patients, and I am working hard to make sure that Americans have access to quality and timely care. That is why in August, I introduced H.R. 6284, the Breath of Fresh Air Act, which has been endorsed by the Allergy & Asthma Network/Mothers of Asthmatics. This legislation would establish a grant program to make funds available to elementary and secondary schools to purchase nebulizers. A nebulizer is an extremely easy-to-use medical device that delivers medicine in the form of a mist directly to the person's lungs. Oftentimes it is the best remedy for young children who may not cooperate in their time of distress. By making these devices available at local schools and treating symptoms as soon as they present themselves, we can take significant steps toward reducing the number of asthma-related emergency room visits each year.

Mr. Speaker, it is critical that Americans who suffer from asthma have access to life-saving medications and health care. I am glad to see Congress recognize the challenges that Americans with asthma face, and it is my hope that we can continue making this a legislative priority. I urge my colleagues to vote no on H.R. 6190 and instead support the Breath of Fresh Air Act and other legislation that directly improves the lives of asthma patients without sacrificing environmental standards.

HONORING SARAH WARRICK

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor several of the volunteers who have served in my district office over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and these volunteers have assisted my staff in providing the excellent assistance so many have come to expect from our district. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

These volunteers have always treated our constituents with the utmost respect and always made sure their needs were met in a timely fashion. I owe a debt of gratitude to

each one of them for the support and friendship they have shown to me during my years of service in Congress.

Sarah Warrick volunteered on my campaigns and served as an intern in my Washington, DC, office on multiple occasions. Through her many years of involvement, Sarah has proven to be a hard working and committed public servant to the people of the 11th District. She and her family have been among my most steadfast supporters from the beginning, and I am thankful for their loyalty and friendship.

Sarah has been a standout in my office and an important part of my team over the years. She has a bright future ahead of her regardless of what career path she chooses to take.

Sarah should be proud of the service she has provided to our district and country. It has been an honor to serve with Sarah and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Sarah and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Sarah Warrick for her hard work on behalf of all of western North Carolina and to wish her continued success in her future endeavors.

HONORING TUNICA 10 POINT COALITION, INC. FOR THEIR CONTINUED SERVICE TO THEIR COMMUNITY

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to recognize the Tunica 10 Coalition, Inc. Established in 2004, the Tunica 10 Coalition has been working tirelessly within their community to address important issues and start improving the quality of life.

The Tunica 10 Point Coalition has attended many strategic conferences and worked closely with the Memphis 10 Point Coalition to ensure they developed smart initiatives and projects to tackle the problems in their community.

After working closely on the ground with the influential civic and social leaders of Tunica County, the coalition has come up with a structure built to address the needs of the residents, with the youth being at the forefront of their efforts.

The Tunica 10 Point Coalition has blossomed into a well organized group with zone leaders throughout the community bringing support wherever it is needed. The coalition has also widened its scope of services to include health and wellness in an effort to combat obesity and other health related issues. Tunica 10 Coalition has never stepped away from their goal of "Working Together to Make a Difference".

Mr. Speaker, I ask my colleagues to join me in recognizing the Tunica 10 Point Coalition in their continued dedication towards developing the lives of the people of Tunica County, Mississippi.

HONORING SMALL BUSINESS  
SATURDAY**HON. DANIEL LIPINSKI**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. LIPINSKI. Mr. Speaker, I rise today to praise small business owners and employees who contribute so much to their local communities. Through the Small Business Saturday event to be held on November 24th, 2012, people around the country will demonstrate their appreciation for the businesses that make their communities unique.

The days following Thanksgiving have become a time of windfall sales revenue for many retail businesses. In the past, however, small businesses without large advertising budgets have not seen the same success as their larger counterparts. In 2010, Small Business Saturday was created to encourage consumers to utilize their local vendors. I commend the communities that participate every year and especially those who will begin this year.

This will be the first year the Village of Oak Lawn formally participates in Small Business Saturday. Thanks to the work of the Oak Lawn Chamber of Commerce, Small Business Saturday Oak Lawn will no doubt be a hugely successful event, highlighting the local flavor that these establishments provide. A trolley will shuttle shoppers along Oak Lawn's bustling 95th Street to visit the various businesses and the village will simultaneously hold its annual Santa on the Green for local youth. This is a great event not only for Oak Lawn businesses but also for residents of the village and surrounding communities.

Small businesses represent the hopes and dreams of so many hard working and creative entrepreneurs, and have long been the backbone of the American economy. The individuals who create and work at small businesses represent half of all private sector American jobs and generate over 60% of the new jobs in our recovering economy. In many cities and villages, small businesses are what keep Main Street communities alive and thriving. Such vendors are best suited to cater to the unique needs of these small and distinctive towns, and so our continued support is more important than ever.

Please join me in honoring those who have worked hard to start Small Business Saturday around the country and of course the small businesses that make it all possible. May the event be a resounding success.

## 2012 WINGS OVER HOUSTON, TEXAS

**HON. TED POE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. POE of Texas. Mr. Speaker, today, I want to recognize a unique event in the state of Texas that attracts more than 85,000 people from Houston and around the globe. The Wings Over Houston Airshow showcases the best of American aerial military might in a

thrilling display of everything from vintage World War II aircraft to the marvels of modern aviation.

A non-profit event produced by a collaborative volunteer effort of the Gulf Coast Wing and West Houston Squadron of the Commemorative Air Force, this year's Wings Over Houston Airshow dazzled the crowds with several new additions, including the U.S. Air Force's newest fighter aircraft, the F-22 Raptor, the U.S. Marine Corp MV-22 Osprey demonstration and the Air National Guard Flash Fire Jet Truck. The biggest feature this year was the Navy's Blue Angels, which is the second oldest flying aerobatic team. They impressed bystanders with their daring and impressive routines, at one point even flying only 18 inches from each other during their four-jet Diamond Formation.

For 28 years, Wings Over Houston has benefited a variety of nonprofit organizations and charities. This year's air show benefitted the Wings Over Houston Airshow Scholarship Program, Aviation Career Education Academy, Exchange Club of Sugar Land, Westchase Rotary Club and the Commemorative Air Force aircraft restoration and flying historical programs.

As a spectacular aerial show and an impressive charitable community effort, the Wings Over Houston Airshow inspires both charity and patriotism in Houstonians and all Americans. It's a significant part of Texas history, as the event conserves a little piece of our military's aviation history and ensures that it'll be around for years to come.

And that's just the way it is.

## IN TRIBUTE TO ARNIE GODMINTZ

**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Ms. MATSUI. Mr. Speaker, I rise today in tribute to Mr. Arnie Godmintz, an activist and well-known Sacramento community leader who passed away on October 4th. Arnie was a prominent progressive leader in the Sacramento region, and his death leaves a great void in the community. As his family and friends gather to honor and remember his life, I ask all my colleagues to join me in saluting a committed and well-respected figure in Sacramento.

Arnie led a fascinating life, devoted to fighting for progressive causes. Most of his work was done on his own free time and focused on the rights of the underserved and needy. Arnie's roots in activism began at a young age. After earning an economics degree from Harvard University, he worked as an organizer for auto workers. He later worked for the U.S. Bureau of Indian Affairs encouraging companies to find work for unemployed American Indians on reservations in Arizona and New Mexico.

Arnie had to go through a lot to help those whose voices were often unheard. At one time, during the civil rights movement, Arnie was arrested while driving supplies to "freedom schools" for African-American children in the South. His advocacy led him to the same

location where FBI agents discovered the bodies of murdered activists James Chaney, Andrew Goodman and Michael Schwerner. Those events became a part of Arnie, deeply affecting him and became his motivation to continue to advocate for the less privileged. Throughout all of his efforts, Arnie stayed humble and never spoke about himself, although he was always a passionate advocate for the underdog and often unpopular causes.

Arnie was also greatly involved in local politics, donating his time, energy and enthusiasm for causes near to his heart. He was a leader in the Sacramento County Democratic Party, often organizing meetings and coordinating campaign events. He donated his time, marched at rallies, worked phone banks and walked door to door for issues he believed would improve our country.

Mr. Speaker, I am honored to recognize the numerous contributions made by Mr. Arnie Godmintz during his lifetime of service to the people of Sacramento and our Nation. As his family and friends gather to honor his wonderful legacy and countless contributions, I am honored to pay tribute to him. I ask all my colleagues to pause and join me in paying respect to an extraordinarily loving man, Arnie Godmintz.

## HONORING MYRNA CAMPBELL

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me the over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Myrna Campbell was among the first individuals to join me on the campaign trail and to serve as a member of my original District staff team. Myrna has been a steady force in making sure no constituent or issue ever slips through the cracks of bureaucracy. Her organizational skills and commitment to excellence on the job have served as a model for all of our staff. The words "commitment" and "dependable" immediately come to mind when I think of Myrna's work ethic.

It is no secret that Myrna is the glue that holds our District operation together. Myrna is loved and revered by her colleagues, and anyone who has ever worked with her can attest to her loyalty and kindness.

Myrna should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Myrna and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Myrna Campbell for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

**ACCELERATING END TO  
AFGHANISTAN WAR**

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Ms. LEE of California. Mr. Speaker, as we gather back in Washington for the first time since the election, it is important that we work to resolve the questions that cannot wait until the new 113th Congress is sworn in. President Obama will soon be meeting with his military advisors and considering various plans in Afghanistan. My Republican colleague WALTER JONES and I will be sending a letter to the President renewing our call for an accelerated withdrawal from Afghanistan.

I encourage all Members to join us on this letter. Keeping our troops in Afghanistan through 2014 will not bring about a meaningful difference on the ground.

Mr. Speaker, it is time that we catch up with the American people who are calling for an accelerated end to the war in Afghanistan.

Let's bring our troops home, end the war in Afghanistan, and invest in jobs and nation-building here at home.

**IN HONOR OF CLEVELAND DIVISION OF POLICE 2012 POLICE OFFICER OF THE YEAR, PATROL OFFICER DANIEL L. BAILLIS**

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Patrol Officer Daniel L. Baillis, the Cleveland Division of Police 2012 Police Officer of the Year.

Officer Baillis is a lifelong resident of Cleveland, Ohio who attended Cleveland Public Schools and graduated from Lincoln West High School. He studied Applied Sciences/Law Enforcement at Cuyahoga Community College where he earned an Associate's Degree. He also studied at Cleveland State University.

On July 23, 1979, Patrol Officer Daniel L. Baillis began his career as a Cleveland police officer in the 5th District, where he spent his entire 33-year career. Officer Baillis served on the Basic Patrol, Vice and Strike Force units and spent nearly 20 years as a detective in the Strike Force Unit. Officer Baillis retired

from the Cleveland Police Department on August 2, 2012.

The Cleveland Division of Police's Police Officer of the Year award is bestowed upon an officer who demonstrates an outstanding devotion to duty, and consistently performs to the highest degree, beyond standards established by their peers. Police Officer of the Year is not Officer Baillis' first honor. He has previously been awarded the Medal of Honor, three Distinguished Service Medals, four special commendations, two Chief's Commendations and the Rotary Club Valor Award.

Mr. Speaker and colleagues, please join me in congratulating Patrol Officer Daniel L. Baillis on being named the 2012 Cleveland Division of Police Officer of the Year.

**HONORING THE CENTENNIAL OF  
THE TOWN OF HAYESVILLE,  
NORTH CAROLINA**

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the town of Hayesville, located in Clay County North Carolina surrounded by mountains and views of the Hiwassee River, Tusquittee Bald, Nantahala Forest and other picturesque scenery of Western North Carolina.

Hayesville has been the active center of Clay County since it was established in the 1800s. In 1860 George Hayes ran for a seat in the North Carolina House of Commons on a platform for creating a new county from the neighboring boundaries of Cherokee and Macon Counties. After his election, Rep. Hayes introduced a bill in February 1861 to establish Clay County and later received recognition for his efforts when Hayesville was named in his honor.

Small communities flourished as more settlers moved into the hills and valleys along streams and rivers of Clay County. The County Courthouse was constructed in 1888 on a knoll overlooking scenic mountain valleys as a center of commerce surrounded by a bank, hotel, churches, Tiger's Store and other merchants that formed a village square and the only town in Clay County. Finally in March of 1913, fifty years after the county was established, Hayesville was officially recognized as an "incorporated town" and County Seat of Clay County.

Hayesville continued to be the central mark of the county as roads were built and neighboring farmers would let others know they were making a trip to town and offered to bring back supplies. Eventually the population grew and Hayesville became a flourishing small town reflecting North Carolina mountain culture, hometown values and rural area accomplishments with Appalachian and Americana flavor that continues today.

The historic Courthouse Square is still the center of activity and a special public gathering will be held in March 2013 at Town Hall in celebration of the 100th anniversary of the designation of the town of Hayesville as the County Seat of Clay County. Mr. Speaker, I

ask my colleagues to join me in Hayesville's Centennial recognition and contributions to our national heritage and the great state of North Carolina.

**RECENT EVENTS IN SOUTHERN  
ISRAEL AND GAZA**

**HON. PETE OLSON**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. OLSON. Mr. Speaker, I rise today to express my fears about the events occurring in southern Israel and Gaza. Last Saturday, Hamas-affiliated militias began firing rockets from Gaza into Israel. These attacks, directed at Israeli civilians, are acts of war. Israel has every right and a solemn duty to protect her citizens. The rocket attacks have continued all week, and yesterday, three Israeli civilians were killed in an attack on Kiryat Malakhi.

Regrettably, Israel was forced to take a necessary and appropriate step in defending her citizens by launching an offensive against Palestinian militants in Gaza. During the attacks, Israeli defense forces killed the military commander of Hamas in an air strike. Israel has clearly told those who kill the innocent that Israel will use whatever force necessary to protect her citizens.

Mr. Speaker, the people of Israel live in constant fear of rocket attacks from Gaza. In 2009, I visited the Israeli village of Sderot that borders on Gaza. I'll never forget talking to an Israeli mother who is always within arm's reach of her young children. Any time the air raid sirens scream a warning of an incoming barrage of rockets, she must be ready to grab her children and take cover in the family's bomb shelter. This has to be done within seconds or her family may be killed.

Mr. Speaker, the United States must continue to fully support Israel's right to defend herself against the constant threat of terrorist attacks by Hamas from Gaza. This is also a critically important moment for Egypt to step up as a responsible mediator to end the violence. The new Egyptian government has a chance to show its acceptance of the 1979 peace treaty. It is their choice, but whatever they decide, America will stand firmly beside our ally Israel.

**IN RECOGNITION OF THE 80TH  
BIRTHDAY OF JANE SHEATS**

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Jane Sheats on the occasion of her 80th birthday.

Born and raised in Northeast Ohio, Mrs. Sheats is a lifelong resident of the Glenville area. Upon graduating from John Hay High School, she immediately began working as a clerk with the Internal Revenue Service. Mrs. Sheats began her role with Cleveland's Democratic Party in 1965 when she began her ten-

year tenure as a Precinct Committeeman for Cleveland's Ward 20.

In 1975, Mrs. Sheats was appointed as a Board Member of the Cuyahoga County Board of Elections by the Executive Committee of the Democratic Party. In 1976, she became the first African American woman in the U.S. to chair a county board of elections. Her public service continued in 1983, when she was appointed Regional Manager Cleveland Region of the Ohio Lottery Commission; she was later re-appointed in 1991 by Former Governor Voinovich. Ultimately, Mrs. Sheats served as Regional Manager for 12 years. In 1999, she came out of retirement to serve as a Deputy Clerk in the City of Cleveland's Clerk of Courts.

In addition to her long career in the public sector, Mrs. Sheats has been a selfless leader in her community. She was a longtime trustee and corporate board member of the Ohio Motorist Association, a Sunday School teacher at Mt. Nebo Missionary Baptist Church and the first woman to chair the Glenville YMCA Board of Managers.

Mr. Speaker and colleagues, please join me in recognizing the life of Jane Sheats and wishing her a joyous 80th birthday.

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**RECOGNIZING THE FOUNDERS OF  
OUTSMART OFFICE SOLUTIONS,  
GEORGE PIEPER AND DAWN  
ACKERMAN**

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**HON. ADAM SMITH**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the founders of OutSmart Office Solutions, George Pieper and Dawn Ackerman, for being honored with the National Gay and Lesbian Chamber of Commerce's 2012 LGBT Supplier of the Year Award. George and Dawn have dedicated themselves and their careers to creating and strengthening an economy that fosters equality for all people.

George and Dawn founded OutSmart Office Solutions in 2007. They brought a combined twenty-three years of experience to provide office products that are environmentally sustainable and built a business that expands opportunities for lesbian, gay, bisexual and transgender business owners.

As a certified Lesbian, Gay, Bisexual, Transgender-owned Business Enterprise (LGBTBE), OutSmart Office Solutions partnered with Office Depot to distribute office furniture and supplies. Office Depot's Tier One Supplier Diversity Partnership enables OutSmart Office Solutions to provide the highest quality products and top-notch service to corporations and individuals while promoting workplace diversity.

Mr. Speaker, it is with great pleasure that I recognize George Pieper and Dawn Ackerman. Businesses like OutSmart Office Solutions play a vital role in stimulating our economy and ensuring equality for all members of our communities.

**HONORING BRUCE PETERSON**

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my congressional staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my staff is second to none in providing the best assistance to everyone in our district. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Bruce Peterson served as my first District Director. In this key role, Bruce was the driving force behind establishing every detail of our district operation. Bruce's knowledge of local government and officials proved invaluable as we developed relationships and methods for providing top-notch services to folks across western North Carolina. Bruce used his extensive background as a school administrator to help develop the excellent constituent services that our office has been recognized for during these past six years of service.

Bruce should be proud of the service he has provided to our district and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Bruce and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Bruce Peterson for his hard work on behalf of all of western North Carolina and to wish him continued success in his future endeavors.

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**A TRIBUTE TO THE SACRAMENTO  
JAPANESE AMERICAN CITIZENS  
LEAGUE**

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**HON. DORIS O. MATSUI**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Ms. MATSUI. Mr. Speaker, I rise today to recognize and honor the Sacramento Chapter of the Japanese American Citizens League, and congratulate the chapter as they celebrate their 17th annual community awards dinner.

Through their long history, the Sacramento JACL has been dedicated to advancing the civil rights of all Americans, deterring hate crimes across the Nation, and helping to lead the Japanese-American community to social

and economic equality. On Thursday, November 15, 2012, the Sacramento Japanese American Citizens League will host its 17th annual community awards dinner.

During the dinner, the Sacramento JACL will honor: the Sacramento Japanese United Methodist Church, one of the oldest Japanese-American congregations in Northern California; the Sacramento Senator Lions Club, a civic organization that provides its members with opportunities to serve the community through fundraising and hands-on projects; and the Sakura Minyo Doo Koo Kai, a troupe that performs traditional Japanese folk song and dance. These three organizations and their members have worked diligently to serve the community, teach others about the history of Japanese-Americans, and help preserve the Japanese culture. They stand as organizations that truly embrace the dinner's theme of "Bunka Isan," helping the community honor the lives of their ancestors and celebrating their own lives as Americans.

During the dinner, the Sacramento JACL will also honor my friend and colleague, California Assemblywoman Mariko Yamada. Mariko has dedicated her life to serving the public in many capacities: working as an investigator for the U.S. Department of Commerce's Office for Civil Rights; as a member of the Yolo County Board of Supervisors; and now representing her constituents in the California State Assembly. She has had tremendous success in the California Assembly, passing landmark bills that imposed greater criminal penalties on assailants that abuse the elderly and disabled, provided increased housing and employment opportunities for our veterans, and reformed government policies to protect consumers from negligence and fraud. Mariko has made California and our Nation a better place for all, and is truly worthy of tonight's honoring.

Mr. Speaker, I hereby recognize and commend the Sacramento Chapter of the Japanese American Citizens League and their honorees for their continued service to Sacramento, California and our Nation. I ask all my colleagues to join with me in wishing them continued success and support as they work to protect the civil rights of all our citizens, and preserve the history of Japanese-Americans.

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**PERSONAL EXPLANATION**

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**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. PENCE. Mr. Speaker, I was unavoidably absent on November 15, 2012, and missed rollcall votes 605, 606, and 607. Had I been present, I would have voted "aye" on rollcall votes 605, 606, and 607.

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**HONORING ERIN "DOTY" GEORGES**

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**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff



who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship they have shown me during my six years of service in the Congress.

A very special thank you goes to Erin "Doty" Georges, who is the longest serving staff member in my Washington, D.C. office and has been a member of my team since day one. After contributing to my first campaign's victory, Erin took on a number of portfolios and responsibilities in my Washington office, excelling at each and eventually rising to the influential position of Legislative Director. Erin has served as a trusted advisor on a broad range of issues, but none more so than health care policy. In this, Erin is regarded as one of the best and most capable among her colleagues, and her expertise was critical to my active participation in the great health care reform debate of 2008.

As Legislative Director, Erin has done an outstanding job leading and mentoring the legislative staff, all of whom hold her in the highest regard and trust and respect her guidance.

Erin is one of the most loyal and dedicated legislative staff members on Capitol Hill. She has proven her talents and capabilities again and again over the years, and I am grateful to have had the opportunity to work alongside her and blessed to call her a friend.

Erin should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Erin and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Erin "Doty" Georges for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

IN RECOGNITION OF MR. JAMES C. BOLAND

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. James C. Boland, who is being honored as the Mayo Society of Greater Cleveland's Mayo Person of the Year.

Founded in 2004, the Mayo Society of Greater Cleveland is a forum for information

and activities of interest to individuals of Irish descent, particularly those with ancestral ties to County Mayo. Its members are dedicated to promoting cultural, charitable, scientific and/or literary exchanges between the United States and Ireland, with particular emphasis on County Mayo, including but not limited to research into the life and times of Irish immigration to America and the study of Irish and Irish-American history.

A native Clevelander, James Boland has a long and storied history in the Northeast Ohio community. He is a graduate of John Carroll University and later earned degrees with George Washington University and the Harvard Business School. He served with the U.S. Army before joining Ernest & Young in 1964 for 34 years, when he retired in 1998 as a partner with the firm. Following his retirement, Boland was named the President and Chief Executive Officer of the Cavaliers/Gund Arena Company in 1998 and became the Vice Chairman in 2003; he retired in 2007. Boland has also served on the boards of Developers Diversified Realty Corporation, Invacare, the Sherwin-Williams Company and the Goodyear Tire and Rubber Company.

He is not only legendary in the business community, but has also been a philanthropic leader. He has played an integral role in the Leadership Cleveland program since it was established in 1977. He is involved with the United Way, Cleveland Tomorrow, The Ohio Business Roundtable, University Circle, The Cleveland Health and Education Museum, Hawken School, Bluecoats, the Great Lakes Science Center and the Harvard Business School Club. He has chaired the YMCA Corporate Challenge, the March of Dimes "Walk-a-thon," the Olympic Torch Relay Committee and has played essential role in numerous other events that empower groups in Northeast Ohio.

Mr. Speaker and colleagues, please join me in congratulating Mr. James C. Boland on being named the Mayo Society of Greater Cleveland's Mayo Person of the Year.

IN RECOGNITION OF NORTHERN OHIO LEBANESE AMERICAN ASSOCIATION, FADY CHAMOUN AND GEORGE CODY

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Mr. Fady Chamoun and Mr. George Cody, Ph.D, who are being honored by the Northern Ohio Lebanese American Association.

The Northern Ohio Lebanese American Association (NOLAA) was founded in 1931 as a social and charitable organization. NOLAA's original purpose was to promote an understanding and unity among its members, act as a resource to better the conditions of its members and to foster unity among Lebanese Americans and their families in Cleveland and neighboring cities. In 2005, the Lebanese American Christian Society (LACS) was established in conjunction with NOLAA. Today

NOLAA and LACS are dedicated to preserving, enriching, and promoting Lebanese heritage and traditions through cultural, educational, humanitarian and social activities.

NOLAA annually honors those who have made significant contributions to the community. This year's celebration will honor Mr. Fady Chamoun and Mr. George Cody. Mr. Chamoun is the founder and CEO of Aladdin's Eatery and Jasmine's Bakery, a restaurant chain and bakery that specializes in Lebanese cuisine. Mr. Cody serves as the Executive Director of the American Task Force for Lebanon, an organization dedicated to expanding awareness of the economic and political conditions in Lebanon and encouraging U.S. government entities and the Lebanese-American community to provide much needed assistance to Lebanon. Additionally, NOLAA will be paying tribute to their special guest, Mr. Boutros Harb, a member of the Lebanese Parliament.

Mr. Speaker and colleagues, please join me in recognizing the Northern Ohio Lebanese American Association, and Mr. Fady Chamoun and Mr. George Cody as they come together to celebrate at the Annual Lebanese Heritage Ball.

HONORING BISHOP GEORGE W. BROOKS

**HON. MELVIN L. WATT**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. WATT. Mr. Speaker, today I rise to recognize a friend, supporter, mentor and trusted advisor to me, both spiritually and politically, Bishop George Wilbert Brooks. After 37 years of service, Bishop Brooks will retire as Senior Pastor of Mount Zion Baptist Church in Greensboro, North Carolina on December 31, 2012.

A native of Hillsborough, North Carolina, Bishop Brooks moved to Greensboro to attend North Carolina A&T State University where he earned his Bachelor's degree in Industrial Technology. He received a Master of Divinity degree from Shaw University in Raleigh and a Doctorate of Ministry degree from Friends International Christian University in Merced, California. After being licensed to preach the gospel in March 1975, Bishop Brooks moved back to Greensboro to begin his service as Pastor of Mount Zion Baptist Church.

Since accepting the call to lead Mount Zion Baptist Church, Bishop Brooks has set an example for community and civic leadership and involvement that others can only aspire to match. In addition to his important religious role as the leader of a dynamic congregation, he is recognized as a leader in community based self-sufficiency initiatives. He also serves on numerous local, national and international boards and has been named among the "Most Influential Persons in the Triad" by The Triad Business Journal each year since 2005.

In addition to his church and community involvement he is a devoted husband of 44 years to Edna Brooks, father of two children and grandfather of five grandchildren.

Bishop Brooks' service to Mount Zion Baptist Church and the Greensboro community is unmatched. He has been a leader and a real inspiration to countless others in word and deed and in other ways that we can only imagine. As I often tell people, he is a "one-of-a-kind guy".

Mr. Speaker, I'm sure my colleagues will join me in wishing Bishop George W. Brooks the very best in retirement, although I'm not about to let him retire from the roles he plays in my life as friend, advisor and mentor. I thank him for all he has done for me and for our community.

#### HAMAS ATTACKS ON ISRAEL

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to bring to this chamber's attention the on-going attacks taking place in Israel.

Over the past several days, Hamas militants in Gaza have launched a concerted offensive against Israel, our partner in peace in the region.

Nearly 350 rockets have landed in Israel from Gaza in the past three days. Three Israelis were killed in a rocket attack on Thursday.

Yesterday and today, warning sirens rang in Tel Aviv, Israel's largest city, for the first time since the Gulf War.

As the right of any country to protect its people from attacks, such as Turkey has taken in recent weeks in response to Syria's civil war, Israel has initiated Operation Pillar of Defense to halt the rockets being launched from Gaza. Israeli Defense Minister Ehud Barak has already announced that 30,000 reservists would be called up to help protect innocent civilians from these attacks.

I condemn these heinous attacks on innocent Israeli civilians and ask our country to support action to bring these terrorist actions to a swift and immediate end.

#### HONORING RYAN FITZPATRICK

### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, DC office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Ryan Fitzpatrick served as a member of my team from 2006 to March 2011. After helping lead me to victory during my first campaign, Ryan quickly ascended the ranks in my Washington office and became one of my most trusted and hardest working legislative assistants.

During his time in my office, Ryan played an integral role in shaping my legislative portfolio and in helping me achieve many of my proudest legislative accomplishments. Ryan's knowledge of Western North Carolina, combined with his determination and in-depth understanding of energy, environmental, and conservation issues, proved critical in securing the North Shore Road settlement agreement and negotiating key provisions in the American Clean Energy Security Act of 2009.

Ryan should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Ryan and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Ryan Fitzpatrick for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

#### IN COMMEMORATION OF WORLD DAY OF REMEMBRANCE

### HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. VAN HOLLEN. Mr. Speaker, as a co-chair of the Congressional Caucus on Global Road Safety, I rise today in commemoration of the World Day of Remembrance for Road Traffic Victims.

In 2005, the U.N. General Assembly adopted a Resolution that calls for a worldwide recognition of the third Sunday in November each year as the World Day of Remembrance for Road Traffic Victims. Each year on this day we remember the victims of road crashes and the difficulties faced by their loved ones who must cope with the awful emotional and practical consequences of these tragedies.

Road crashes are a critical public health issue. According to the 2009 Global Status Report on Road Safety, road crashes contribute to approximately 1.3 million deaths around the world each year. By 2030, the number of fatalities is projected to increase exponentially, making road crashes the fifth leading cause of death in the world.

This year's theme for World Remembrance Day—"Now is the time to learn from the past"—focuses on the need for organizations and nations around the world to join in the discussion of prevention programs and methods. We must examine failed strategies and devise

stronger and more effective road safety policies.

I am honored that ASIRT—the Association for Safe International Road Travel—is headquartered in my congressional district. ASIRT is a non-profit organization that emphasizes the importance of global road safety through education, advocacy, and road safety projects. Over the years, ASIRT has done extraordinary work to keep travelers safe on the world's roads. Its efforts have saved countless lives as it draws attention to this critical public health issue.

As we observe the 2012 World Day of Remembrance, I ask my colleagues to join me in a moment of reflection, remembering the lives affected by road crashes and the continued need to do all we can to make the world a safer place.

#### A TRIBUTE TO HONOR THE LIFE OF RICHARD F. CHAPMAN, M.D.

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Ms. ESHOO. Mr. Speaker, I rise to honor the life of an extraordinary man, Dr. Richard F. Chapman, who passed away on October 12, 2012, in Menlo Park, California, after decades of living and adjusting to life with multiple sclerosis.

Dr. Chapman was the son of a pediatrician whose father was a Congregational Church minister with deep roots in Old Saybrook, Connecticut. His mother graduated from Vassar and taught mathematics. Dr. Chapman graduated from Yale University, as did his two brothers, Rob and Ned, and he received his M.D. from Northwestern University in 1959.

Following his internship at Highland Hospital in Alameda County, California, he took his residency training in psychiatry at the Menninger School of Psychiatry. Dr. Chapman served as a Captain in the U.S. Army at Fort Sill where he developed a program of group mental health consultation that was used as a model for the delivery of mental health services to U.S. forces in Vietnam.

He moved to the Bay Area in 1966 with his young family and established a private practice, helping to found one of the first approved psychiatry training programs within a community mental health center. The center was an early model for the national community mental health center movement. He later became a clinical professor of psychiatry and behavioral sciences at Stanford University.

He served as President of the San Francisco Psychoanalytic Institute, and later as Dean of Faculty of the Pacific Graduate School of Psychology, now known as Palo Alto University. He was known by many for his soft spoken manner, his enthusiastic laugh, and more than anything else his ability to inspire and encourage those around him to pursue their dreams, hopes and aspirations.

He leaves his loving daughter, Karen, who cared for him daily with great devotion for the last several years of his life, and his dear son Eric (Sarah) Chapman; his grandchildren, Ryan, Katie and Jack; his brother, Robert, and

sister-in-law, Virginia; his nieces, Lucia and Sarah (Barry); his nephew, Robert (Laurie); as well as his devoted caregivers, Mercedes, Mildred, Marcia and Ricky.

Mr. Speaker, I ask my colleagues to join me in extending our condolences to Dr. Chapman's family, and honoring this great and good man who gave so much of himself in service to his country and his community. He will be missed by all who had the good fortune to know him, and I count myself privileged to be among that special group.

#### HONORING FRANKIE BERGER

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, DC office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Frankie Berger joined my Washington, DC office in 2009. She performed each of her roles with a dedication to success and was instrumental in making sure that constituents who wrote to me with issues or concerns understood that we valued their input by helping me to provide a timely and thorough response to all. Frankie also had a great reputation in the District for always looking out for constituent job opportunities in Western North Carolina. No matter the day, one thing I could always count on was Frankie's cheerful disposition and optimistic outlook on life.

Frankie should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Frankie and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Frankie Berger for her hard work on behalf of all of Western North Carolina and to wish her continued success in her future endeavors.

#### KOREAN WAR SOLDIER REMAINS RETURNED HOME TO UPSTATE NEW YORK

#### HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. REED. Mr. Speaker, I rise today to remember a Korean War soldier whose remains were returned home to Seneca Falls in New York's Finger Lakes Region.

Army Cpl. Elmer Kidd was 26 years old when he died in 1950 at the Battle of the Chosin Reservoir in North Korea.

Cpl. Kidd's 80-year-old sister welcomed home her brother's remains at Hancock Airport in Syracuse, New York last week for a funeral and military burial at Sampson Veterans Memorial Cemetery in Romulus. We are thankful that his remains are home and we maintain hope that all of our soldiers who die in war are also returned home to their final resting place.

We owe a world of gratitude to the men and women who have stepped forward and offered themselves for our nation. From Lexington and Concord to the present day, hundreds of thousands of men and women died in the defense of human rights both here and in foreign lands. We are here today in an open society because of brave individuals like Cpl. Kidd. He represents the best of the Finger Lakes and of the United States. He paid the highest price so that the idea of freedom for all people will continue to move forward.

May we humbly honor and remember Elmer Kidd's sacrifice for our nation.

#### TRIBUTE TO RONALD HAMOWY

#### HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. PAUL. Mr. Speaker, I rise to ask unanimous consent to enter "Ronald Hamowy, R.I.P." by Stephen Cox of Liberty Unbound into the CONGRESSIONAL RECORD. The piece pays tribute to Ronald Hamowy, one of the libertarian movement's most gifted scholars, who passed away on September 8 of this year.

As a student in New York, Ronald Hamowy attended the seminar of the great Austrian economist Ludwig Von Mises. While attending the Mises seminar, Hamowy became friends with a group of other young libertarian scholars. These young scholars banded together in the "Circle Bastiat," named after the great 19th century French free-market economist. The Circle Bastiat served as a combination intellectual support group and social club for the handful of libertarian scholars studying, working, and living in New York City in the late forties and fifties. Members of the Circle Bastiat, whose leader was Mises' heir and founder of the modern libertarian movement Murray Rothbard, would go on to play key roles in developing and popularizing the ideas of liberty.

In the 1960s, Hamowy studied under future Nobel Laureate F.A. Hayek at the University of Chicago's School of Social Thought. While at

Chicago, Hamowy was one of the founders and editors of the New Individualist Review. This publication, which lasted from 1961–1968, featured contributions from almost every leading libertarian and conservative thinker of the time.

In addition to helping edit the publication, Ronald Hamowy wrote several significant pieces for New Individualist Review. Of particular relevance to today is Hamowy's article on how conservative's support for a militaristic foreign policy was causing them to abandon their commitment to limited, constitutional government and individual liberty. I believe history has shown that Hamowy was correct to warn conservatives that allowing claims of "national security" to justify enormous intrusions into our economic and personal lives, would inevitably lead conservatives to abandon all pretense of supporting limited government.

Hamowy was a lonely voice in the sixties. At that time most professed believers in free-markets supported an interventionist foreign policy, while most professed supporters of peace supported the welfare-regulatory state. In fact, the majority of support for the view that one should oppose both the warfare and the welfare state came from members of the Circle Bastiat and those influenced by their writings. Fortunately, a new generation of conservative activists has rediscovered the truths kept alive by thinkers like Hamowy and his Circle Bastiat colleagues regarding the link between free-markets, limited government, and a non-interventionist foreign policy.

From 1969 to 1998, Ronald Hamowy was a professor of intellectual history at the University of Alberta. During this time, he was also associated with a number of free-market institutions, including the Ludwig Von Mises Institute, the CATO Institute, and the Independent Institute. During the early eighties, Ronald Hamowy edited CATO's magazine Inquiry and more recently he served as distinguished fellow of social thought at CATO. He also wrote many articles and monographs for the Frazer Institute, Canada's leading free-market think-tank.

One of Ronald Hamowy's most significant contributions to the liberty movement was his work undermining the intellectual jurisdiction for the nonsensical and disastrous drug wars. Hamowy also produced important work concerned the dangers of allowing government to control health care. His interest, and expertise, in the dangers of government health care should come as no surprise. After all, here was a leading liberation scholar, a student of Mises and Hayek and a close friend of Rothbard's, living with Canadian socialized medicine. Hamowy thus combined his knowledge of Austrian economics and libertarian politician theory with his own observations on the failures of the Canadian system. Those looking for intellectual ammunition in the fight to repeal the Patient Protection and Affordable Care Act and replace it with true free-market health care policies certainly can benefit from reading Hamowy's work on the subject, such as his 2007 book Government and Public Health in America and his 1984 book Canadian Medicine: a Study in Restricted Entry.

Ronald Hamowy will be missed by his many friends in the liberty movement. Fortunately, he leaves behind a substantial body of work

promoting the ideas of liberty that can benefit future scholars and activists interested in advancing liberty.

[From Liberty, Sept. 9, 2012]

RONALD HAMOWY, R.I.P.

(By Stephen Cox)

Ronald Hamowy, who honored Liberty by becoming one of its Contributing Editors, died at 11:30 a.m. on September 8, in a hospital in Baltimore. The final cause of death was sepsis. Ronald had suffered for years from heart and kidney problems, and he had been hospitalized for several months.

He was one of the libertarian movement's most important and vital scholars. An historian of the 18th century, he was known for his impeccable standards of research and writing. To discerning researchers of the Enlightenment—left, right, or center—his word was law. If there was a scholarly myth or illusion, he was the one who was trusted to puncture it. He was the person who meticulously set things straight. Many times, when I have mentioned his name in an academic conversation, the reply has been, “Ronald Hamowy! You know him?!”

For libertarians, Ronald will always be recognized as a bright star of the post-World War II generation—but unlike many other grand old men of this or that era, he never became a Grand Old Man. He retained to the end his youthful joy and sense of first discovery. To him, any new fact—or any old movie, viewed on his constant friend, Turner Classics—was a pleasure to be greeted as if it were the first one in the universe. Even when ensconced as chairman of an august intellectual conference, Ronald let his eyes sparkle and his mouth crinkle with laughter, and with some little Count Basie-like verbal gesture he set the whole house laughing with his infectious wit.

Ronald was born in 1937, in Shanghai, China, the scion of a cosmopolitan Jewish family. His father was born in Syria; his beautiful and beloved mother in Egypt. He grew up in New York, where he supported himself with a number of jobs (one of them was running the streets, selling pop records). During his graduate work at the University of Chicago, he co-edited (with Ralph Raico) the *New Individualist Review*, a lively, beautifully produced libertarian intellectual journal. If you read it today, you will be sure to enjoy every word of it. Liberty—this journal—was consciously modeled on the *American Mercury* and the *New Individualist Review*.

The most important thing was Ronald's ability to distinguish pseudo-individualism from the real thing. Nothing could be too real for him.

Ronald's advisor at Chicago was Fredrich Hayek, but Hayek contributed little to Ronald's studies. Hayek was above it all. Ronald was on his own, as students of Great Academics always are. His first dissertation topic required him to do research at the Bibliothèque National in Paris, where he found the research conditions impossible. Migrating to Oxford, which had resources adequate to another topic in which he was interested, he needed the sponsorship of some Oxford academic, to get permission to exploit the library. He approached Sir Isaiah Berlin, who rebuffed him. Berlin was “taking no more students.”

Ronald, who was only half as tall as other people, looked up at the great Sir Isaiah. “Listen,” he said. “I'm very smart. I'm very hard-working. And I'm funny.” All that was true. Sir Isaiah looked down at the small student in front of him, laughed, and said, “All right.”

Ronald was hard to resist. And he knew it. But he was one of the funniest people I've ever known. If Ronald couldn't make you laugh, you really weren't worth the effort. And his wit was always . . . intellectually understood. No vulgarity. No easy laughs. Nothing but fun. But not coy, either.

One person who resisted Ronald was Ayn Rand. As one of the young libertarians (Ronald's friend Murray Rothbard was another) who were invited to her apartment for intellectual discussions, he was cast into oblivion after a difference of opinion about . . . Rachmaninoff. Guests were asked to say who their favorite composers were, and when Rand's turn came, she said “Rachmaninoff,” with specific reference to his second piano concerto. “Why?” Ronald asked. “Because he was the most rational,” Rand responded. At which Ronald laughed, thinking it must be a joke. He knew that the composer had dedicated that concerto to his psychiatrist—and anyway, rationality had nothing to do with its greatness. But Ronald's laughter resulted in exile, and the loss of friends who were dear to him.

Ronald was a professor in the Department of History at the University of Alberta from 1969 until his retirement in 1998, at which time he immediately moved back to the United States. He detested conformist cultures, and he regarded both his department and, it is fair to say, Canada itself as epitomes of conformism. I once asked him what was wrong with Canada, and he said, “I'll tell you. If you walk into a store in Canada, and you find a customer having a dispute with a sales clerk, 90% of the other customers will immediately side with the clerk. That person is regarded as an official, and therefore the one to obey.” He attributed this defect of Canadian culture in large part to the migration to Canada of people opposed to the American Revolution. They set the tone.

Ronald himself was always a revolutionary. He was outraged by any offense to individualism, so much so that he engaged in a ferocious online conflict with other gay libertarians, who regarded the movie *Braveheart* as a tribute to the heroic individual. Ronald pointed out that the movie was historically ridiculous and anti-homosexual to boot. He argued, convincingly, that works of art really do need to be judged by their fidelity to historical truth, whenever they recommend themselves as historically true. But the most important thing was Ronald's ability to distinguish pseudo-individualism from the real thing. Nothing could be too real for him. One day, when he and I were discussing various versions of libertarian thought, I asked him where he stood, and he replied (knowing I would not sympathize entirely), “Basically, I agree with Murray”—meaning with Murray Rothbard's very radical libertarianism.

I believe that the antiwar strain of libertarian thought was important for Ronald. I remember accompanying him, when he visited San Diego, to the Adams Avenue (used) Bookstore (where else would you entertain Ronald Hamowy?). While browsing the stacks, I heard a voice muttering curses, somewhere else in the establishment. I found Ronald in a side room, seated amid stacks of books he was examining, and holding a copy of Barbara Tuchman's *The Guns of August* in his hand. Tuchman justified British intervention in World War I. “Damned British crap,” Ronald exclaimed, putting the book down as if he were giving long-overdue punishment to a whole school of thought. Which he was.

His life demonstrated that we libertarians are right: the individual, complex and whole, is the mysterious and unending source of all that is vital in our world.

Ronald's works include *The Scottish Enlightenment and the Theory of Spontaneous Order* (University of Southern Illinois Press, 1987), *Canadian Medicine: A Study in Restricted Entry* (Fraser Institute, 1984), *Dealing with Drugs: Consequences of Government Control* (edited, Lexington Books, 1987), *Government and Public Health in America* (Edward Elgar, 2007), *The Encyclopedia of Libertarianism* (edited, Sage Publications, 2008), and many articles, including one that was especially valuable for Liberty, on the intellectual argument about the American Revolution (Liberty, July 2008, pp. 37–42).

After his retirement, Ronald and his companion Clement Ho moved into a pretty, three-story house in the Washington suburb of Rockville, MD. There Ronald completed his magisterial edition of Hayek's *The Constitution of Liberty* (University of Chicago Press, 2011), which straightens out a great deal that Hayek left, shall we say, unstraightened. Ronald was already in poor health, requiring the use of a cane and, eventually, one of those personal elevators that take you from the first floor of your house to another floor. He had countless near-death experiences—frequently being rushed to the hospital, with only a half hour available to save his life. Yet he bravely undertook a long journey to Greece and Italy, which he enjoyed, and he lived with equivalent bravery from day to day. To see Ronald sitting at his desk, surrounded with computer wires, like a snake-charmer among his clients, watching his computer with one eye and Cary Grant (Turner Classics, again) with the other, was to imagine a cultural world that was, for once, under intelligent control.

Ronald was a combination of supposed opposites. He was a fiery combatant, yet a generous and lenient friend. He was sensitive and nostalgic, often to the point of tears, yet an unflinching judge of the written word. He struggled, year after year, against the uncountable illnesses that racked his body; yet he was always as valiant as a soldier undertaking his first combat mission. But there was no contradiction. His life demonstrated that we libertarians are right: the individual, complex and whole, is the mysterious and unending source of all that is vital in our world.

Ronald is survived by his friend Clement Ho, who was with him every step of the way. Anyone wishing to contact him is invited to do so, at [cho@american.edu](mailto:cho@american.edu).

HONORING JED BHUTA

HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2012

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, DC office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask

for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Jed Bhuta joined our Washington, DC team as Legislative Director in 2009. Jed helped to shape my legislative agenda and managed the responsibilities associated with my role as Co-Chair of the Blue Dog Coalition. During Jed's tenure in the office, Congress considered several comprehensive and controversial pieces of legislation. Jed was a valued advisor as we navigated our way through the details of deeply complicated issues. Jed also demonstrated great leadership in the way he helped mentor the rest of the legislative staff, who both respected and trusted his guidance.

Jed should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Jed and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Jed Bhuta for his hard work on behalf of all of western North Carolina and to wish him continued success in his future endeavors.

IN RECOGNITION OF THE OPENING  
OF THE SUPERMAN EXHIBIT IN  
CLEVELAND HOPKINS INTERNATIONAL AIRPORT

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the opening of a new Superman exhibit in Cleveland Hopkins International Airport.

The history of Superman dates back to the 1930s when it was created by Glenville, Ohio natives, Jerry Siegel and Joe Shuster. The Superman exhibit will be a permanent display located in Cleveland Hopkins International Airport's baggage claim area. The exhibit will be highlighted by a Superman statue and the words "Welcome to Cleveland—Where the Legend Began" and "Superman, World's Greatest Super Hero." The display was created by the Siegel & Shuster Society and designed by Studio Graphique.

The Siegel & Shuster Society is a non-profit organization dedicated to commemorating and celebrating the creation of Superman in Cleveland, Ohio by Jerry Siegel and Joe Shuster. The Society creates events and activities which celebrate Cleveland as the "Birthplace of Superman" and the importance of Superman to the community.

The dedication ceremony of the exhibit will be celebrated on October 11, 2012 and will

feature a speech by the daughter of Superman co-creator Jerry Siegel, Laura Siegel. Cleveland Mayor Frank Jackson, Airport Director Ricky Smith and other relatives of Siegel and Shuster will also speak. Additionally, Sean Jones from the Cleveland Jazz Orchestra will be performing.

Mr. Speaker and colleagues, please join me in recognizing the opening of the Superman Exhibit in Cleveland Hopkins International Airport.

INTRODUCTORY REMARKS FOR  
"CARCINOGEN-FREE LABEL ACT"

**HON. THEODORE E. DEUTCH**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. DEUTCH. Mr. Speaker, exposure to cancer-causing agents increases every American's risk of cancer, and they are found in everyday products and in the environment.

Since only 5 percent of cancer is caused by genetic factors, people can reduce their risk of getting cancer by the other 95 percent of causes by reducing their exposure to carcinogens.

We all know that we can reduce our risk of getting cancer by wearing sunscreen, quitting smoking, and steering clear of asbestos. But what about everyday products? Which make-up has carcinogens? Which pesticides? Which air fresheners, carpet cleaners, flea collars, and yes, food items, increase your family's risk of cancer? Which baby shampoos?

The reality is consumers do not know. Even if our constituents memorized the list of known and probable carcinogens, many substances in consumer products remain hidden. Words like "fragrance" and "artificial flavoring" are used in place of specific ingredients to protect companies' trade secrets, and they should. But there is no denying that this protection makes it harder for consumers to make fully informed choices.

And even if known carcinogens were not part of a product's ingredient list, certain manufacturing or storage practices can result in the introduction of carcinogens into a product, which then can pass into your body.

Today, along with my distinguished colleague, the gentlewoman from North Carolina (Mrs. MYRICK), I am introducing legislation called the "Carcinogen-Free Label Act." Under this bipartisan bill, manufacturers who would like to market their products as being completely free of all known carcinogens would be allowed to seek a "carcinogen-free" label. By submitting a confidential application to be evaluated by the agency that regulates its specific product, a manufacturer could provide consumers assurance that the product is free of known carcinogens without having to divulge valuable trade secrets. The voluntary application would protect manufacturers' hard-earned intellectual property and could not be used by any agency of government for any reason other than determining the product's "carcinogen-free" status.

The application would simply include a full list of substances and a demonstrated adherence to best carcinogen-avoidance practices

in manufacture, storage, and transportation. In addition, this program would not mandate any new bureaucracy to evaluate carcinogens; it simply creates a process for agencies to compare ingredients lists against existing government lists of known and probable carcinogens.

Unlike other well-intentioned efforts to get carcinogens out of consumer products, this legislation would not rely on mandates or bans. If a manufacturer does not choose to apply, there is no penalty. The labeling program is 100 percent voluntary. It would simply harness the power of the free market, enabling consumers to choose safer products for themselves and their families.

I urge my colleagues to pass this market-driven legislation and give consumers and families across America the power to opt-out of cancer-causing substances in everyday products.

HONORING BRANDI LOWELL

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship they have shown me during my six years of service in the Congress.

Brandi Lowell has been an invaluable asset to my office since joining our team in 2011. Brandi quickly became one of my closest and most trusted advisors in her capacities as Legislative Director and later as Chief of Staff. Her extensive policy knowledge, keen political instincts, professionalism and commitment to excellence are unrivaled.

As Chief of Staff, Brandi has done an outstanding job leading, managing, and motivating our office team. Brandi has been the driving force behind many of my major legislative achievements in the 112th Congress. She has been a key player in bipartisan, bicameral deficit reduction efforts throughout her time in my office and played a major part in the success of the "Go Big" Coalition. Brandi is regarded as one of the sharpest and most capable, most loyal legislative staff members on Capitol Hill, and I am grateful to have had the opportunity to work alongside her and blessed to call her a friend.

Brandi should be proud of the service she has provided to our District and country. It has

been an honor to serve with Brandi and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Brandi and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Brandi Lowell for her hard work on behalf of all of western North Carolina and the United States and to wish her continued success in her future endeavors.

A TRIBUTE TO HONOR THE LIFE  
OF GARY PATRICK FAZZINO

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor the life of my dear friend and colleague, Gary Fazzino. He was born on June 15, 1952, and died on October 30, 2012, at his Palo Alto home following a 2½-year battle with multiple myeloma.

Gary Fazzino was a genuinely kind man. He was learned, curious, inquisitive, fun loving and serious. In all my years of knowing him, I never heard him say an unkind word about anyone. He was multi-faceted and represented many good things to so many people. First and foremost, Gary was a loving husband and devoted father. He came late to the calling of parenthood, often joking that he did things backward, becoming a city councilmember at the age of 24 and a father at 56. Late or not, he adored his children and loved being a father. In the short time he had with his twins, Julia and Matthew, he imparted his deep love for them, his love for life, and his love of learning. He adored his beautiful wife Annette, and the glow of strength that she emits comes in part from knowing how well and fully she was loved by Gary.

In addition to his family, the list of Gary's passions is a long one, but the first of these is the city his parents brought him to when he was a freshman in high school. Sal and Dolores Fazzino packed three children into the family station wagon and drove from Connecticut to California, with no job waiting, in search of a better life for all of them. They found it, and Gary found a community that he was proud of and loved deeply all the days of his life.

Gary was a graduate of Palo Alto High School, and received his undergraduate degree with a major in Theology from Stanford University. He received a master's degree in public policy from Occidental College and earned an MBA degree from the University of Washington.

Gary Fazzino was Palo Alto's unofficial historian, knowing more about the city and its history than anyone else. In fact, he was working on a history of the city at the time of his death. He became one of the youngest elected leaders in Palo Alto history when he joined the City Council in 1977 at the age of 24, and served on the Council from 1977 to 1983, and from 1989 to 2001, and as Mayor in 1992 and 1999.

Gary was also an ardent sports fan. He knew statistics for soccer teams on many continents, often making friends through his knowledge. He loved to run, ride bicycles, and travel, particularly to his beloved Italy. He loved people and maintained many friendships over many years and great distances.

Gary had many and diverse interests, enough to occupy an average man's every waking hour, but Gary was not an average man. He worked for almost three decades at Hewlett Packard, rising to the top position of Vice President of Government Affairs, and moved on to lead as Vice President of Applied Materials. The offices he held at these major companies paint a picture of his business success, and are very much a part of his Silicon Valley story. Gary was a leader in the Valley whose opinion was sought and whose ideas and creativity were always valued. He knew that technology and innovation were key to changing the world for the better, and founded TechNet to be the voice of the innovation economy in Washington, D.C. He was recognized by all as a voice for the Valley and two years ago was the inspiration for the Information Technology Industry (ITI) Council's Gary P. Fazzino Award for Innovation Excellence.

Dean Garfield, President and CEO of ITI, wrote recently of Gary that "In truth, for the tech sector, there is no better definition of consistent leadership, no better demonstration of exemplary service than the work and the life of Gary Fazzino. A poet once called for men with 'strong minds, great hearts, true faith, and ready hands.' Gary was one of those men, in a class by himself."

Mr. Speaker, I ask my colleagues to join me in expressing our deepest condolences to Annette, Julia and Matthew Fazzino, as well as the entire Fazzino family. It is fitting for the U.S. House of Representatives to honor the life of this extraordinarily brilliant, kind, honest and capable man who loved his community and his country so deeply. I count among the greatest blessings of my life my friendship with Gary Fazzino.

HONORING GRANT CARLISLE

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constitu-

ency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Grant Carlisle has been a part of my Washington, D.C. office since August 2010. From the very beginning, I have been impressed with his work ethic and attention to detail. Grant has proven himself to have a comprehensive understanding of every issue for which he is responsible, as well as the ability to efficiently and effectively communicate details of an issue, both verbally and in writing. Each of Grant's various roles has required expediency and precision, and he has proven himself to be a dedicated member of the staff in every capacity.

Grant should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Grant and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Grant Carlisle for his hard work on behalf of all of western North Carolina and to wish him continued success in his future endeavors.

TRIBUTE TO BARBARA  
CARMICHAEL

**HON. KEN CALVERT**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to Barbara Carmichael who passed away on October 17, 2012. Barbara was a pillar of the community in Norco, California and she will be deeply missed.

Barbara Carmichael moved to Norco in 1980 and served three terms on the Norco City Council starting in November 1990. She was mayor in 1992 and 1998, and left the council in 2003. In order to be closer to family, she moved to the small town of Mantion in Northern California in 2005. During her time there, Barbara became active in local organizations and sat on the Mantion Joint Unified School District Board of Trustees last year.

Barbara also was a 4-H leader for 22 years, honorary Future Farmers of America chapter farmer, a Norco Chamber of Commerce Fair Committee member for 10 years, Corona Regional Hospital Foundation Board member, a Riverside City College advisory board member, and was active in many other community groups. According to Norco Mayor Kevin Bash, Barbara was instrumental in securing national historical status for the former Norconian hotel and was involved in the initial planning stages of the Silverlakes equestrian and sports park. The way in which Barbara lived her life should serve as reminder to others that the power of an individual with drive, perseverance and a stellar work ethic can do great things.

Barbara is survived by daughters Bree Zimmerman and Brittney Mailhes, and five grandchildren.

On Sunday, November 18, 2012, a memorial service celebrating Barbara's extraordinary life will be held. Barbara will always be remembered for her contributions to the community, work ethic, generosity, and love of family. Her dedication to her work, family and community are a testament to a life lived well and a legacy that will continue. I extend my condolences to Barbara's family and friends; although Barbara may be gone, the light and goodness she brought to the world remains and will never be forgotten.

RECOGNIZING TOM KAISER FOR  
HIS COMMITMENT AND DEDICATION  
TO HIS FELLOW VETERANS

**HON. ALLEN B. WEST**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. WEST. Mr. Speaker, it is my honor to stand today and recognize Tom Kaiser for his selfless devotion to his fellow veterans and brothers in arms.

Mr. Kaiser is a proud member of the American Legion, Disabled American Veterans, Jewish War Veterans, Korean War Veterans, Veterans of Foreign Wars and Sons of the American Legion.

As a member of these veterans organizations, Mr. Kaiser has displayed an unyielding sense of duty in making the sacrifice that our veterans have displayed throughout the years known to south Florida residents.

Mr. Kaiser, as the head of the Boynton Beach Veterans Council, was able to establish the Boynton Beach Veterans Park and oversaw many dedications at the park to veterans of all wars. The park now has 32 monuments and benches to honor the branches of service. Further, Mr. Kaiser has arranged to have local schools visit the park to learn about our history and the many ways it has taken to promote the freedoms that we hold so dear.

He also helped many World War II Veterans obtain the French Medal of Honor. At this time, they have honored at least 300 veterans.

Mr. Speaker, I drive down Federal Highway almost daily when I am home in south Florida, and not a day goes by when I do not see the POW/MIA signs along the road. We all have Mr. Kaiser to thank for installing those onto such a busy highway for all to see. We hope that these signs will one day stretch from Key West to the Georgia state line.

As a 22-year active duty retired Army Lieutenant Colonel, I know the sacrifice and sense of duty that all veterans feel. I know that many of our veterans do their job, not for recognition, but for love of country and selfless devotion to their fellow brother in arms.

Mr. Speaker, today, however, Tom Kaiser deserves this recognition for all the hard work he has displayed throughout the years, ensuring that our veterans' sacrifices are never forgotten, and that our future generations may carry the torch that he has helped carry. May Mr. Kaiser always remain steadfast and loyal in these altruistic pursuits.

TRIBUTE TO KEVIN KESTER

**HON. KEVIN MCCARTHY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. MCCARTHY of California. Mr. Speaker, I rise today to recognize my good friend, Kevin Kester, on his retirement as President of the California Cattlemen's Association (CCA). He has been an effective and passionate advocate for ranching and the cattle industry in our local community, our State of California, and across the United States.

Kevin hails from a long line of ranchers, and his family has been in the business for almost 150 years—running cattle since 1867. A graduate of California Polytechnic State University, San Luis Obispo, with a degree in agriculture management, he served in the City of Paso Robles Police Department for several years and later as a San Luis Obispo County Sheriff's deputy. Upon returning to help run his family's Bear Valley Ranch, today he operates the ranch with his wife, June, and their three children, Kayleen, Kody, and Kara, ensuring another generation of Kester leadership in California agriculture.

As President of CCA, Kevin was one of the unique individuals who was able to advocate for issues critical to the ranching and cattle industry, fighting to maintain and promote, as well as educate, policymakers both in Washington and Sacramento on the importance of ranching heritage and how California cattlemen and cattlemen are proud stewards of the environment. Understanding the link between rangeland conservation, environmental management, and running cattle, he was successful in working with both sides of the aisle on a variety of issues, be it on taxes, trade or regulatory issues important to ranchers.

During his tenure as CCA President, Kevin was also able to better coordinate with and involve all the local and county cattle associations in California to more effectively promote issues of importance to them. Prior to being elected CCA President, he served as the CCA Wildlife Management Committee Chairman and is a past president of the San Luis Obispo County Cattlemen's Association. Kevin is also a past chairman of the California Mid-State Fair Heritage Foundation Board of Directors and the California Mid-State Fair Agriculture Committee, as well as a member of the Shandon Joint Unified School District Board of Trustees.

I always enjoy meeting with Kevin and getting his counsel, whether it be on important policies facing ranchers or for advice on the best cut of steak for dinner. When we meet in San Luis Obispo, he's usually right off Bear Valley in his ranching uniform. When in Washington, he may put on a coat and tie, but true to his ranching heritage, I can always spot him amongst all the dark suits in the hallways of the Capitol in his cowboy hat, cowboy boots and belt buckle.

Kevin's dedication to ranching and our community continue to be exemplified through his commitment to service, and while he may be leaving CCA's top post, I look forward to working with him on issues of importance to agriculture in our community, California, and across the country.

HONORING JACK MCCARTHY

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor several of the volunteers who have served in my district office over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide excellent constituent services and these volunteers have assisted my staff in providing the exceptional assistance so many have come to expect in our district. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

These volunteers have always treated our constituents with the utmost respect and made sure their needs were met in a timely fashion. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Jack McCarthy played a valuable role as a volunteer from the very beginning of my time in Congress. I could always count on Jack to make sure visitors to our District office felt genuinely respected and listened to. Jack's calming voice and demeanor provided confidence to the countless constituents who called in need of critical assistance. Jack's friendship and support over these past six years have been invaluable, and I will take with me his many wise and uplifting affirmations.

Jack should be proud of the service he has provided to our District and country. It has been an honor to serve with Jack and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Jack McCarthy for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

RECOGNIZING COLONEL CLARENCE  
E. "BUD" ANDERSON (USAF, RET.)

**HON. TOM McCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. McCLINTOCK. Mr. Speaker, we are met here today on several items of important business.

First, we are here to dedicate Col. Bud Anderson Way as a permanent and daily reminder to all of us how honored our community is to be the home of Bud Anderson.

But more importantly, we name this street after Bud Anderson as a lesson to succeeding generations in matters of courage and sacrifice and duty and patriotism, in the hope and expectation that these generations will find inspiration and instruction in Col. Anderson's life story.

He grew up in the little California town of Newcastle, in the 1920's and 30's—an age



and a place where uniquely American values of individual responsibility, self-reliance, love of liberty, sense of duty, and love of country were very real, very strong, and inculcated into the very souls of America's greatest generation.

When our nation, and all that it stood for, came under attack by foreign tyrants, that Greatest Generation knew instantly what was at stake and could see clearly what had to be done.

President Roosevelt sounded the clarion call with these words: "No matter how long it may take us to overcome this premeditated invasion, the American people, in their righteous might, will win through to absolute victory."

The whole might and fury of the nation was committed to the cause, and from little towns like Newcastle, courageous young men like Bud Anderson stepped forward—indeed, rushed forward—to defend not only our country, but what Lincoln had called the last best hope of mankind.

Today, it is hard to imagine a time when an attack on our country was met with the complete and total resolve of the entire nation—where every citizen set aside their daily lives and indeed devoted themselves to, "absolute victory." Because people like Bud Anderson did just that, 3½ years later, the enemies of our nation had been utterly vanquished.

Bud Anderson shot down more than 16 German fighters in 116 combat missions. But what he really did was far more important. At great personal risk, he saved countless American bomber crews, making it possible to deliver justice to what Churchill called the "foulest and most soul-destroying tyranny in the history of the human race," and ultimately to fulfill the Liberty Bell's proud mandate from Leviticus: "to proclaim liberty throughout all the land and unto all the inhabitants thereof."

That's why we're really here. Not just to honor Bud Anderson. Lincoln was right that there's no way that we can add or detract from the honor that his deeds already earned him.

We're really here because we want to know that in this nation there once existed an American spirit that compelled us to recognize moral imperatives, to destroy absolute evil with absolute victory, and to celebrate American exceptionalism without reservation or hesitation.

We have in Bud Anderson a great example of these virtues, a great reminder that they are real, and a great teacher from whom we can recover these virtues in a world that is once again piled high with difficulties at home and abroad.

That's why we're naming this road in his honor—because we are desperately searching for the qualities that defined his deeds and his times and we have found in him a guide back to America's greatness.

Every person who travels this road, and who reflects on the story of Bud Anderson and his times, who learns that story and learns it well, will know that it is a road that can take us to better and brighter days ahead.

## HONORING MIKE LUKSO

### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2012

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Mike Lukso has served as a member of my Washington, D.C. staff since April of this year. In his first role, Mike coordinated and managed our constituent mail system in addition to handling a full portfolio of legislative issues. To perform these two jobs simultaneously is no small task, but Mike succeeded handily at both. Mike was quickly promoted to Legislative Assistant where he continued to prove his strengths, including the ability to rapidly research and synthesize broad sources of information while at the same time successfully repackaging complicated information into more understandable parts, the latter a critical skill to effectively communicate policy to our various constituent groups. Further marking Mike as a staff member valued by all is his sharp sense of humor and dedication to teamwork.

Mike should be proud of the service he has provided to our District and county. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Mike and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Mike Lukso for his hard work on behalf of all of Western North Carolina and to wish him continued success in his future endeavors.

## SUPPORT FOR SUSAN RICE

### HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to declare that I stand with Susan Rice.

Just as I stood in line, and my constituents stood in line, for hours on Election Day to vote, I stand here today.

But only stronger.

Just as we stood for and with President Obama on November 6th, we stand with him today as he stands up for Susan Rice our young, gifted Ambassador.

We must continue to stand for what is right in this nation Mr. Speaker, and that is what I have come here to do.

Susan Rice deserves respect, not the questioning of her integrity.

I applaud President Obama for standing for what is right and what is just.

I applaud President Obama for standing in support of Ambassador Rice.

We all need to continue to stand for truth. We need to stand for transparency.

We do not need to impugn our officials over rumors, dangerous hearsay, or conspiracy theories.

We must not allow the post of Ms. Rice to be politicized as it has been, Mr. Speaker.

We must not allow Susan Rice to be a fall guy for the failed election bid of Mitt Romney and his Republican cronies.

## PERSONAL EXPLANATION

### HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2012

Mr. MANZULLO. Mr. Speaker, I regretfully missed recorded votes earlier this week. If I had been here, I would have voted "yea" on rollcall No. 604; "yea" on rollcall No. 605; "yea" on rollcall No. 606; and "yea" on rollcall No. 607.

## HONORING THE SANDERSON LODGE #22 FOR ITS DEDICATION TO SERVICING THE COMMUNITY

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, November 16, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor the Sanderson Masonic Lodge #22, which has been a staple of the Copiah County community for over 30 years.

Built in 1979 in Crystal Springs, Mississippi, the lodge has maintained a rich history of strong leadership and commitment to extending a helping hand to all those who need assistance in the community. Sanderson Lodge has been recognized as one of the best in the State of Mississippi. For years, this lodge has steadily recruited some of the best and brightest members of the community. They have worked effortlessly to ensure that the lives of the residents would get better.

The Sanderson Masonic Lodge #22 continues to convey a message of hard work and service, always extending a helping hand to those in need.

Mr. Speaker, I ask my colleagues to join me in recognizing the Sanderson Lodge #22 for its dedication to serving others and giving back to the community.

HONORING DIANA MCCARTHY

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor several of the volunteers who have served in my district office over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide excellent constituent services and these volunteers have assisted my staff in providing the exceptional assistance so many have come to expect in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

These volunteers have always treated our constituents with the utmost respect and always made sure their needs were met in a timely fashion. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Diana McCarthy played a valuable role as a volunteer when I first took office. Diana provided valuable assistance to individuals who were struggling with cases before the Internal Revenue Service. Diana's ability to look at complex circumstances and provide wisdom and knowledge enabled constituents to feel confident that their voices were being heard and issues were being resolved.

Diana should be proud of the service she has provided to our District and country. It has been an honor to serve with Diana and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Diana McCarthy for her hard work on behalf of all of western North Carolina and to wish her continued success in her future endeavors.

IN SUPPORT OF NATIONAL  
FAMILY CAREGIVERS MONTH**HON. LAURA RICHARDSON**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Ms. RICHARDSON. Mr. Speaker, I rise today to honor the 65 million Americans who spend on average 20 hours per week selflessly caring for family members or friends who, through age, disability, or illness, have lost the ability to care for themselves.

For most of us, the act of caring for those in need is a basic aspect of what it means to be human. Compassion, either through charitable giving or community service, is inseparable from American ideals of human rights for every member of our society. Whenever we treat those around us as we want to be treated, we contribute to a culture of responsibility and respect for life that leads us to do great things in the name of humanity.

Two weeks ago, President Barack Obama proclaimed November 2012 as National Fam-

ily Caregivers Month. Anyone who spends time caring for a loved one in need is considered a family caregiver. Let us use this occasion to honor these everyday heroes and raise awareness of the profound contributions they make to society.

Family caregivers save taxpayers hundreds of billions of dollars each year through their efforts.

According to studies compiled by the National Family Caregivers Association, the value of the unpaid services provided each year is estimated to be \$375 billion, which is almost twice as much as the \$158 billion spent in 2009 on homecare and nursing home services combined.

In my home state of California alone there were 3,419,481 family caregivers in 2004 providing over \$36 billion worth of care. Though they are mostly untrained, family caregivers now provide about 80% of all long-term care in the United States.

Imagine if taxpayers had to foot the full bill. Now, more than ever, family caregivers are essential to providing the best services and deserve the support of government and the medical community.

As you know, Mr. Speaker, the U.S. Census projects a massive growth in the number of Americans 65 and older as the baby-boomer generation ages. Populations in this age bracket will double in 23 states by 2030.

As medical progress means longer lives, families struggle to provide long-term family care than they did in past decades. Families are smaller and more spread out, and many family caregivers must juggle work and raising children in addition to their caregiving responsibilities. Family caregivers may need to operate complex medical equipment or practice delicate procedures without any formal training.

The "graying of America" will have a tremendous impact on families providing care for their older members.

Many public health officials are concerned that we may not be ready to assume the roles of family caregivers. Studies suggest that many Americans have not spent much time thinking about or preparing for long-term care. People who have no experience as a family caregiver may have extreme difficulty in approaching such a responsibility.

Mr. Speaker, the fact is that most of us will find ourselves in a similar situation, either giving or requiring long term care at various points in our lives.

Family caregivers often put themselves second as they balance competing commitments to their jobs, families, and communities. Tragically, more than 1 in 10 family caregivers report that their physical health has deteriorated as a result of extreme stress.

Family caregivers experiencing extreme stress have been shown to age prematurely. This level of stress can take as much as 10 years off a family caregiver's life.

Mr. Speaker, 40 to 70 percent of family caregivers have clinically significant symptoms of depression with approximately a quarter to half of these caregivers meet the diagnostic criteria for major depression.

We must also remember that many disabled veterans are supported by family caregivers. Having given so much for their country, I be-

lieve that they and their family members should not have to struggle to live out a full, dignified life.

Therefore, we should do everything possible to support family caregivers and lighten their burdens.

It begins with encouraging people to take adequate steps to prepare for their future care. This means setting aside funds to cover unforeseen medical expenses, signing a living will, and making preparations with family and friends. Health professionals must be sensitive to the needs of family caregivers and enlist them in formulating a patient's long-term care plan.

We also need to make sure that family caregivers have access to information and resources that can help them meet their responsibilities with minimal strain and unnecessary cost.

Finally, we must ensure that the concerns of family caregivers are reflected in all major healthcare legislation.

We are all family caregivers, Mr. Speaker. I urge my colleagues to work together to support human dignity and the American family.

RECOGNIZING THE 100TH ANNIVER-  
SARY OF STOCKTON GURDWARA**HON. TOM McCLINTOCK**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. McCLINTOCK. Mr. Speaker, this is the story of a small group of families who long ago crossed a great ocean in search of religious tolerance and economic liberty; a land where people were free to enjoy the fruit of their own labor, to raise their children according to their own values, to practice their religious beliefs openly, to express their opinions without fear of retribution, to live their lives according to their own best judgment, and not according to the whims and mandates of the powerful.

That is the story of the pilgrims who crossed the Atlantic Ocean on the *Mayflower* in 1620 seeking a better future in a free land for their descendants. It is the very same story of pilgrims like Baba Vasakha Singh and Baba Jawala Singh Thathian who founded the Stockton Gurdwara Sahib a century ago, and all those who have followed since.

One hundred and fifty years ago, Abraham Lincoln said that although many people who were then in America could trace their families back to the American founding, many more had come since then, and could not. But, he said, "when they look through that old Declaration of Independence they find that those old men say that 'We hold these truths to be self-evident, that all men are created equal,' and then they feel that that moral sentiment taught in that day evidences their relation to those men, that it is the father of all moral principle in them, and that they have a right to claim it as though they were blood of the blood, and flesh of the flesh of the men who wrote that Declaration, and so they are."

There is no religion more attuned to the principles of the American Declaration of Independence than the Sikh religion.

Both reject the idea of aristocracy and social class and instead judge every individual on his or her own merit and character.

Both embrace the unique notion that we are born with equal claim to unalienable rights that come directly from the "laws of nature and of nature's God," and not from government—rather, we create governments to protect these God-given rights and that whenever any form of government becomes destructive of these rights, it renounces its legitimacy.

And both have inspired and animated the aspirations of those around the world seeking to reclaim, protect and enjoy these God-given rights.

Individual liberty, personal responsibility, Constitutionally limited government—these are fundamental both to the Sikh Religion and to the American Founding.

Today, we celebrate not only a century of Sikh immigration and integration into America, together, we celebrate the immortal inscription on the American Liberty Bell, to "Proclaim Liberty Throughout ALL the Land, and Unto ALL the INHABITANTS Thereof."

#### HONORING PAUL FORD

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor several of the volunteers who have served in my District office over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and these volunteers have assisted my staff in providing the excellent assistance so many have come to expect in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

These volunteers have always treated our constituents with the utmost respect and always made sure their needs were met in a timely fashion. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Paul Ford has played a valuable role as a volunteer from the very beginning of my time in Congress. Paul's background as an attorney was especially beneficial in assisting constituents in resolving issues with the Office of Personnel Management. Paul was able to guide constituents through the often difficult and bureaucratic process required to resolve their disputes with the agency. Many throughout western North Carolina are grateful for Paul's assistance.

Paul should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Paul and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Paul Ford for his hard work on behalf of all of western North

Carolina and to wish him continued success in his future endeavors.

IN RECOGNITION OF THE 110TH ANNIVERSARY OF ST. JOHN NEPOMUCENE PARISH IN CLEVELAND, OHIO

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of St. John Nepomucene Parish of Cleveland, as they celebrate 110 years of worship and service. St. John Nepomucene is one of only two Czech congregations left in the Cleveland Catholic Diocese.

In 1898, 200 Catholic Americans of Czech heritage met at the East 52nd Street home of Frank Stepanik. The gathering, organized by John Jira and Charles Vana, sparked the beginnings of a new parish. In 1902, St. John Nepomucene Parish was established. Parish members were also focused on the welfare of their children. To preserve the culture, history and language of their Eastern European homeland for their children, members organized again to establish a school. In 1903, St. John Nepomucene School was established, with an enrollment of 300 students.

As immigrants navigated their way through the difficult transition toward assimilation in America, St. John Nepomucene served as a haven of security, faith, support and assistance. As immigrants embraced the freedoms and ideals of their new nation, St. John Nepomucene served as a bridge between two worlds—connecting Fleet Avenue to their homeland across the ocean.

Mr. Speaker and colleagues, please join me in honor, recognition and celebration of the generations of spiritual leaders and parishioners who founded, supported and sustained St. John Nepomucene Church for 110 years. The leaders and members of St. John Nepomucene Parish, past and present, continue their tradition of providing faith and hope to individuals and families throughout Slavic Village.

#### HUDSON RIVER SCHOOL OF PAINTING

#### HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. MORAN. Mr. Speaker, I rise today to call attention to the Hudson River School of Painting. The Hudson River School is the first American art movement. Begun in the early 1800s, the movement comprised three themes of American life at the time—discovery, exploration, and settlement. The style originally focused on landscape paintings of the Hudson River Valley and surrounding areas, before expanding to the nearby Catskill, Adirondack, and White Mountain ranges, eventually including locales far outside this narrow slice of upstate New York.

One of the Hudson River School's leading painters, Sanford Robinson Gifford, served in the New York State National Guard's Seventh Regiment during the Civil War. Mustered into service in defense of the Union, the Seventh Regiment's stay while in Virginia inspired Gifford to paint several scenes of the enlisted life. One of these paintings, "Bivouac of the Seventh Regiment, Arlington Heights, Virginia," captures a scene at the heart of Virginia's 8th Congressional District.

The legacy of the Hudson River School, however, is much greater than the paintings hanging on museum and gallery walls across the nation. These paintings, depicting historical landscapes across our country, captured the hearts of the American people. The majestic landscapes, seen by millions of Americans, fueled an interest in the conservation movement as the public demanded that many of the sites depicted by the Hudson River School be preserved for future generations. This conservation movement quickly led to the establishment of the first national park in 1872, giving rise to the creation of the National Park Service in 1916. Hundreds of millions of visitors travel, explore, and enjoy these parks every year.

Adding to the legacy of the Hudson River School is New York's Metropolitan Museum of Art. This landmark cultural institution was established with the help of artists from the Hudson River School of Painting, including Mr. Gifford. In addition to donating time, funds, and some paintings, these Hudson River School artists served as trustees and committee members.

Mr. Speaker, the impact of the Hudson River School is much greater than simply beautiful paintings of the mountainous river valley in New York. Its legacy can be found in our National Park system, our commitment to conservation and in our museums and cultural institutions enjoyed and appreciated by Americans all over the country.

#### SUPPORTING OUR CLOSEST ALLY, ISRAEL

#### HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SMITH of New Jersey. Mr. Speaker, this week and even today Israel's terrorist enemies massively escalated their rocket attacks on our country's closest ally, Israel— Hamas has fired its rockets at large cities whose population has not been under attack for decades, including Tel Aviv and Jerusalem, the latter of which had never been subject to rocket attack. Sadly, three people have been killed.

Words cannot express the inhumanity and barbarity of these rocket attacks. The number of Israelis who live under daily threat of air attack has increased exponentially: more than a third of Israel's population lives in the Tel Aviv metropolitan area alone, which was last under rocket fire during the first Gulf War.

This is the moment for America to send a clear message: Hamas's rocket attacks are completely and totally unacceptable and unjustified and intolerable, their escalation even

more so. The Israeli government has not only the right but the duty to defend its people. I want to recognize and applaud Israel for vigorously doing so, and for taking every reasonable precaution to avoid civilian casualties. I want to remind my colleagues that Hamas's goal is not to avoid civilian casualties, but to initiate conflict that will cause it, so that all the people killed, whether Israeli or Palestinian, are in fact Hamas's victims. Our hearts and prayers go out to their families.

#### HONORING WHITNEY MITCHELL

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship they have shown me during my six years of service in the Congress.

Whitney Mitchell has been an invaluable asset to my office since joining our team in February of 2009. Whitney's talents as a skilled and effective communicator were quickly recognized and rewarded with a series of promotions, ultimately achieving Press Secretary and Communications Director status. Few individuals on Capitol Hill have so effortlessly and skillfully developed a political acumen as sharp as Whitney's, or mastered the complexities of political nuance and communication as she has. Marking Whitney's strengths further still, she is also responsible for a broad portfolio of legislative issues for which she has proven her ability to rapidly research and synthesize voluminous amounts of information while also successfully reinterpreting complicated information into clearer, more comprehensible parts, the latter a critical skill to effectively communicate policy to our various constituent groups. In all, Whitney has been a trusted, loyal and exceptional member of my staff.

Whitney should be proud of the service she has provided to our District and country. It has been an honor to serve with Whitney and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Whitney and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Whitney Mitchell

for her hard work on behalf of all of western North Carolina and the United States and to wish her continued success in her future endeavors.

#### HONORING THE 120TH ANNIVERSARY OF THE FRIENDLY SONS OF ST. PATRICK OF MORRIS COUNTY

#### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor The Friendly Sons of St. Patrick of Morris County, Morristown, New Jersey as they celebrate their 120th Anniversary this year.

The Friendly Sons of St. Patrick is a national network of social organizations of men of Irish ancestry and affinity. Each local organization takes an active role in their community preserving the Irish history and heritage of its members while also participating in acts of charity. The purpose of each local Sons of St. Patrick organization is to provide an opportunity for Irish-Americans to meet in a spirit of comradeship for the common purpose of promoting, cultivating, celebrating and preserving interest in Irish arts, literature, history and culture.

The Friendly Sons of St. Patrick of Morris County was founded in the spirit of the first truly American St. Patrick's Day celebration which was held at George Washington's camp at Jockey Hollow, Morristown in 1780. Since that day, the Irish have continued to play an important role in Morris County's social, economic and political fabric.

Originally founded on March 14, 1892, the Friendly Sons of St. Patrick of Morris County have aimed to create a social group for the large community of Irish-Americans within Morris County while also assisting the county's neediest residents through charitable works. With 300 members today, the Friendly Sons of St. Patrick of Morris County is open to all men of Irish descent, the group is non-political and non-sectarian.

The Friendly Sons meet monthly to promote faith, heritage and fellowship, and they are noted for their charity work including the annual Morris County St. Patrick's Day Parade. Organized by their membership, the parade is attended by over 50,000 people and raises over \$10,000 for local charities, including Employment Horizons and Cheshire House. The Friendly Sons have also been integral in the recognition and preservation of several historically important Irish-American buildings and sites throughout New Jersey and New York.

The mission and work of the Friendly Sons of St. Patrick of Morris County has made the group an important asset to Morris County. Their continued support of local charities and preservation of Irish-American history and heritage are to be commended.

Mr. Speaker, I ask you and my colleagues to join me in congratulating The Friendly Sons of St. Patrick of Morris County as they celebrate their 120th Anniversary.

#### AMERICAN EDUCATION WEEK

#### HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. PLATTS. Mr. Speaker, I rise today in support of House Resolution 811, supporting the goals and ideals of American Education Week, which this year celebrates its 91st annual observance. As a proud father of two children enrolled in public schools and a member of the House Education and Workforce Committee, I recognize the critical role public schools play in providing our young people the intellectual and practical skills necessary to become functioning and productive members of our society.

American Education Week, to be recognized from November 11 through November 17, 2012, provides our Nation the opportunity to recognize the importance of public education and honor those individuals who each and every day strive to provide a quality education to every child. Each day of this week features a special observance dedicated to five critically important groups within the public education sphere. Specifically, armed service veterans (especially student and teacher veterans), parents, education support professionals, educators, and substitute educators, as well as the countless individuals who devote their time to our public schools but are not mentioned here, should be all recognized and honored for their hard work and the services they provide to our Nation's youth.

Today, I express my strong support for American Education Week and encourage all schools, teachers and staff, universities, and citizens to recognize this occasion as well. I support the resolution and ask my colleagues to please do the same.

#### REP. BARLETTA STANDS WITH ISRAEL

#### HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. BARLETTA. Mr. Speaker, I rise today in solidarity with our friends in Israel.

We've recently seen Hamas, the Palestinian terrorist organization, target Israeli cities with large civilian populations, like Tel Aviv. Since last Wednesday, more than 500 rockets have been fired at Israel generally targeting schools, playgrounds, homes, and other civilian targets. Innocent civilians trying to live in peace are purposely placed in the middle of the violence. This ratchets up the conflict, and brings both sides to the brink of a dangerous confrontation. Israel has the right to defend itself, particularly when its civilian population is directly targeted by Hamas. Americans must stand with Israel as it confronts these terrorists.

Mr. Speaker, I condemn the evil actions of Hamas, and I pray for the safety of all innocent civilians caught in the middle of this escalating violence.

## HONORING SHELLEY TOWNLEY

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Shelley Townley has served as member of my District staff since the fall of my first term. Shelley's work in constituent services has been invaluable to thousands across western North Carolina as they attempted to navigate the often difficult processes of the U.S. Department of State and Immigration Services. I cannot count the number of times people have stopped me and thanked me for the work she did in expediting their passport application to make sure they were able to attend that special family vacation or participate in a mission trip to help others abroad.

Shelley should be proud of the service she has provided to our District and country. It has been an honor to serve with her and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Shelley and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Shelley Townley for her hard work on behalf of all of western North Carolina and to wish her continued success in her future endeavors.

IN MEMORY OF ANTHONY LAINO  
AND SAFAR SHAFINOORI—VIC-  
TIMS OF SUPERSTORM SANDY**HON. GARY L. ACKERMAN**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. ACKERMAN. Mr. Speaker, I rise today with a heavy heart. Tragically, two constituents from my congressional district perished due to Superstorm Sandy hitting the New York area. While unfortunately many people lost property, or lost power due to Sandy, we cannot forget that many people and their families lost much, much more: they lost their lives and their loved ones. These people were just in the

wrong place at the wrong time—a minute or two earlier or later, a foot or two closer or farther—and perhaps their lives would not have been tragically cut short. They were our neighbors, our friends, our brothers, our sisters; they were part of our community.

Anthony Laino was in his home in Flushing, waiting out the storm in his bedroom when a tree fell onto his home, taking his life. Tony, as his friends and family called him, was only 30 years old and a graduate student at St. John's University. He had his whole life to live; friends and family described Tony as larger than life, a "pillar of Flushing." His family and friends will truly miss him as they grapple with their unspeakable loss.

Safar Shafinoori of Roslyn was just moving his car. Just as any of us would have that night of the storm. Heartbreakingly, a falling tree struck and killed him. My heart goes out to Mr. Shafinoori's family.

Mr. Speaker, I ask that all of my colleagues join me and rise in remembrance of Anthony Laino and Safar Shafinoori. They will be missed by their family, friends and our entire community.

IN RECOGNITION OF THE 100TH AN-  
NIVERSARY OF THE ANNUN-  
CIATION GREEK ORTHODOX  
CHURCH**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 100th anniversary of the Annunciation Greek Orthodox Church, "Mother Church," in Cleveland, Ohio.

Annunciation Greek Orthodox Church was founded in 1912 by Greek immigrants in the Cleveland area. Since its establishment, it has fostered a strong Greek School program. Following World War II, the Greek population in Northeast Ohio began to grow and the Greek Orthodox Church of the Annunciation was no longer able to cope with the number of parishioners. The result was four new churches, St. Spyridon, Sts. Constantine and Helen, St. Demetrios and St. Paul. Annunciation Greek Orthodox Church became the Metropolis or "Mother Church" for the new parishes and has brought together the Greater Cleveland Greek American community and Northeast Ohio's Greek American societies.

The centennial celebration of the Mother Church has been led by Fr. Dean Dimon Proistamenos, Fr. Peter Metallinos, Gust Sevastos, Chris Boukis, Pam Petsas, Antoinette Geanneses and Stelios Vitakis. Some of the events that have highlighted this year-long celebration include a Sunday School Reunion, Three Hierarchs Greek Letter's Day, the Tremont Greek Fest, the Centennial Banquet Celebration, and the upcoming Philoptochos Celebration.

Mr. Speaker and colleagues, please join me in recognizing 100 years of service and worship of Cleveland's Annunciation Greek Orthodox Church.

## HONORING RANDY FLACK

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my Staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication in meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Randy Flack was the first individual to join me on the campaign trail and to serve as a member of my original District staff team. Randy's friendship and companionship have been a blessing in my life since my college days at the University of Tennessee. Randy has always been ready and willing to do anything I asked and then some more. His knowledge of issues and people in the District has been invaluable to me.

Randy has been so much more than an employee, he is a trusted friend, a counselor and a confidant. Without the support of people like Randy the past six years would have never been possible.

Randy should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Randy and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Randy Flack for his hard work on behalf of all of western North Carolina and to wish him continued success in his future endeavors.

HONORING CONGRESSMAN  
CHARLIE ROSE**HON. DAVID E. PRICE**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. PRICE of North Carolina. Mr. Speaker, I rise to honor a distinguished representative from my home state of North Carolina, Congressman Charlie Rose. Charlie passed away in September at the age of 73 in Albertville, Alabama. Along with many others in this body, I valued him as a mentor and friend, an innovative and effective legislator, and a member

who combined international leadership with assiduous attention to agriculture and other North Carolina interests.

Charlie was elected to Congress in 1972 after an early career in law, and he went on to serve North Carolina's 7th Congressional District in the House for 24 years. He ably represented a large district which at the time stretched from Wilmington to Fayetteville. In between those two cities there were farms, and lots of farmers, and Charlie took seriously the hard work of getting around to every community to talk about what he was doing in Congress to help them. He not only took seriously the hard work of explaining legislation to his constituents—he relished it. Charlie was a man with the proverbial “gift of gab.” He had insights on important legislation before Congress, but also a way of explaining the complexities that led you to realize his position was the common-sense one.

Even though he may have been more progressive than his constituents on some issues, such as civil rights, they knew that Charlie would look out for them. As the chairman of the House Agriculture Subcommittee of Peanuts and Tobacco, Charlie forged bipartisan coalitions to help farmers time and time again. As a former Republican colleague recently recalled, “Charlie was a master at building coalitions. A devout Democrat, he worked assiduously, often behind the scenes, with Republicans on matters of consequence.”

Among his colleagues, Charlie was a favorite. He had a great sense of humor and could deliver a punch line with natural comedic timing. But he wasn't just fun to be around. Charlie worked hard, and he devoted much time and effort to the workings of this institution. As the chairman of the House Administration Committee, Charlie acquired the nickname “the Mayor of Capitol Hill” for running a tight ship and attending to detail. “He hears the soup is bad in the kitchen, he goes in the kitchen with a spoon to find out why,” a colleague told the Washington Post. “You feel he's on your problem, no matter what it is. And you're grateful.”

Charlie had an abiding fascination with technology and was instrumental in ushering in such innovations as live television coverage of House proceedings and computerized record keeping. Today we take websites, Twitter, and social media for granted, but this heightened engagement with constituents started with Charlie's efforts to make the work of the People's House more transparent and more inclusive.

Charlie was of great help to me when I joined him in the House in 1987. He made certain I was warmly welcomed, gave much savvy advice, and especially encouraged my growing involvement in foreign affairs. Charlie's work with the NATO Parliamentary Assembly was not as well known as his other endeavors, but it was important to him and important to the organization. He organized our delegations to Assembly meetings very effectively, and I greatly enjoyed helping him gain election as Assembly President in 1991. It was instructive to see how little he altered his down-home style in dealing with European notables—and how well it worked!

Shortly before leaving Congress in 1997, Charlie married Stacy Hefner, the daughter

of our beloved North Carolina colleague, Representative Bill Hefner. They had a wonderful life together in DC and, in recent years, Alabama. Charlie is also survived by a brother and sister and five children, Charles, Louise, Kelly, Parker, and Joseph. To all of them we express our sympathy and good wishes, and our admiration for a life dedicated to public service.

#### IN RECOGNITION OF ST. COLMAN PARISH

#### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of St. Colman Parish as they gather to celebrate the November 23 feast day of St. Colman of Cloyne and honor the trades that built their historic church and community.

Born in Ireland, St. Colman converted to Christianity at the age of 52. Being quite devout, he quickly became a priest and later a bishop, establishing monasteries all over Ireland. St. Colman of Cloyne Cathedral in Cobh, County Cork, Ireland sits high above the harbor from which most late 19th and early 20th century emigrants departed. The cathedral is likely the last thing they saw of their home country. How reassuring it was to those immigrants who made their way to Northeast Ohio and found their new St. Colman Parish to be a welcoming place for worship, education, community celebrations and comfort.

Founded in 1880, construction began on the current church building in 1914. With skill, talent and dedication, the men and women in the building and construction trades completed the beautiful landmark St. Colman Church in 1918. Established in 1912, their Construction and Building Trades Council was responsible for some of Northeast Ohio's most beautiful structures. St. Colman Parish, in addition to the celebration of St. Colman's feast day, is also recognizing the contributions of the Construction and Building Trades Council to the City of Cleveland throughout the past 100 years and honoring Executive Secretary, Loree Soggs, who is retiring this year.

Pastor Bob Begin and the parishioners of St. Colman are very giving to those in need. Annually, parishioners donate approximately \$40,000 to prevent evictions; provide housing; help to prevent utility disconnections; provide bus passes to work or school; pay for tuition and books and distribute school supplies. The funds also assist with obtaining birth certificates and state IDs, medical prescriptions, clothing and uniforms for new jobs and many other emergencies. Church volunteers dedicate their time to serving meals and to teaching computer, literacy, GED classes and English classes for immigrants and refugees.

The celebration will be held on November 3, 2012 and will be co-celebrated by Fr. Jim O'Donnell and Fr. Bob Begin, with Bishop Anthony Pilla delivering the homily.

Mr. Speaker and colleagues, please join me in recognizing St. Colman Parish as they gather to celebrate St. Colman's feast day and honor Cleveland's construction and building trades.

#### HONORING SEAN O'BRIEN

#### HON. HEATH SHULER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Sean O'Brien served as a member of my Washington, D.C. staff as my first Legislative Director. When I entered Congress, Sean led the office in navigating the intricacies of this complex and parliamentary institution. Sean's legislative experience proved to be invaluable, and he taught the staff how to effectively and successfully do their jobs. Sean was critical in helping me shape my legislative agenda, a particularly challenging demand for any freshman Member. Appreciation for Sean's abilities did not end in our office—he was well known for his comedic talents all through the Capitol's corridors and was often called upon by other Members of Congress in need of assistance writing humorous speeches.

Sean should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Sean and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Sean O'Brien for his hard work on behalf of all of western North Carolina and to wish him continued success in his future endeavors.

#### TRIBUTE TO MRS. HELEN JACOBSON

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Helen Jacobson, an inspiring woman of service, and a dear friend. Mrs. Jacobson lived to be 104 years old and spent her lifetime helping others.

In addition to living a full life as a beloved family member and friend, she was also an advocate for civil rights and women's equality. Helen Jacobson was involved with UNICEF, the United Negro College Fund, the South Texas Coalition for Juvenile Justice, Sunshine Cottage School for Deaf Children, and the Cancer Therapy and Research Center, as well as many other organizations. She used her resources to touch many different lives, and during the fight for civil liberties in the 1950s and 60s, she used her power as a San Antonio Library Board Member to ensure that public libraries remained unsegregated.

The commitment and service of Helen Jacobson will affect generations of citizens, and her memory will not be forgotten. She impacted this world, and sought to better the lives of the less fortunate and the down-trodden. Once again, I ask my colleagues to join with me in remembering and recognizing a wonderful woman and the contributions she made to our great nation.

HONORING CORNING-PAINTED  
POST EAST HIGH SCHOOL GRAD-  
UATE KILLED IN AFGHANISTAN

**HON. TOM REED**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. REED. Mr. Speaker, I rise today to remember and honor Spc. Ryan Jayne and express my sincere condolences to his family and friends.

Spc. Ryan Jayne, a 2008 graduate of Corning-Painted Post East High School, joined the Army in 2010 and was deployed to Afghanistan in March 2012. Jayne was killed in Afghanistan November 3, 2012 at the age of 22. His service to our country led to the ultimate sacrifice and for that, we are eternally grateful.

Jayne was one of three upstate New York servicemen who were identified by the Department of Defense as those killed when a roadside bomb struck their vehicle. The other two were identified as Spc. Brett E. Gorniewicz and Staff Sgt. Dain Venne.

We are here today in an open society because of Ryan Jayne. He represents the best of the Southern Tier and the United States. While we are all poorer for the loss of Ryan, he has given something to all of us. Ryan paid the highest price so that the idea of freedom for all people will continue to move forward.

We must always remember Ryan and all those who have fallen in defense of freedom. We keep Ryan's family and friends in our thoughts and prayers.

HONORING HAYDEN ROGERS

**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six

years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and my team is second to none in providing the best assistance to all in our District. My Washington, D.C. office is also tasked with researching, processing, analyzing, and making recommendations on an infinite number of reports, policies, and legislation. I could not ask for a more talented or dedicated team, and I take great pride in the work that each staff member has done not only on my behalf, but also on behalf of the 11th Congressional District of North Carolina and the United States.

My team has shown a strong sense of dedication to meeting the needs of our constituency. I owe a debt of gratitude to each one of them for the support and friendship they have shown me during my six years of service in the Congress.

Hayden Rogers has been my closest advisor and most trusted confidant from the very beginning of our first campaign in 2006. He has successfully led my team through three campaigns and three sessions of Congress.

Hayden is from Robbinsville, North Carolina, in the next county over from where I grew up. Throughout his time as my Chief of Staff and Campaign Manager, Hayden remained true to the values we learned growing up in the mountains and could always be depended on as the voice of reason. Moreover, Hayden is without question one of the most intelligent and skillful professional and entrepreneurial individuals I have had the pleasure of working with. All who meet him make a friend of him, and I consider it a privilege to call him one of my closest and dearest friends.

A loyal, honorable and steadfast companion, Hayden has been there for the good times and the bad and right at my side through our toughest battles. If not for Hayden, I would not have been able to achieve all that I had during my three terms in the U.S. House of Representatives. I am incredibly grateful for the leadership he has provided me, and I look forward to many more years of continued friendship.

Hayden should be proud of the service he has provided to our District and country. It has been an honor to serve with him and as I retire from office I wish him the very best in the future. Western North Carolina is a better place because of his efforts and I will cherish the memories of serving with Hayden and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Hayden Rogers for his hard work on behalf of all of western North Carolina and to wish him continued success in his future endeavors.

TEXAS STATE SENATOR MARIO  
GALLEGOS, JR.

**HON. GENE GREEN**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today with a heavy heart to honor Texas State Senator Mario Gallegos, Jr. For many years, we have worked side by side to help

improve the quality of life for many people around the Houston area. He was a champion for education and Latino rights, along with many other numerous issues. Senator Gallegos passed away on October 16th, and the Houston Chronicle printed his obituary. In honor of Senator Gallegos, I would like to submit the text.

State Sen. Mario Gallegos, 62, a Democratic lawmaker whose 22-year career in the Texas Legislature was marked by courage, controversy and dogged commitment to issues of importance to the Hispanic community, died Tuesday afternoon at Methodist Hospital in Houston from complications of liver disease.

Gallegos, the first Hispanic elected to the state Senate from Harris County, took a special interest in public education, redistricting and other issues he believed would have an effect on the lives of the predominantly working-class residents in Senate District 6.

In 2007, only weeks after undergoing a liver transplant, a sick and weakened Gallegos ignored a doctor's call to return to Houston and installed a hospital bed in the office of the Senate sergeant-at-arms so he could cast his vote against a bill requiring voters to show photo identification. Gallegos argued the bill would discriminate against minority voters.

In 2011, Gallegos opposed a measure sponsored by state Sen. Dan Patrick, R-Houston, requiring women seeking an abortion to undergo a sonogram. Gallegos told his fellow senators that although he opposed abortion, he didn't believe he should impose legislative restrictions on a woman about "how to govern her body."

"There were few issues that Mario and I agreed upon," Patrick said, "but throughout my six years in the state Senate he always treated me with kindness and courtesy and professionalism. And he was a friend."

State Sen. Leticia Van de Putte, D-San Antonio, described Gallegos as "a man of matchless generosity who worked tirelessly for his district. I've never known anyone who fought harder for the underdog—for the most vulnerable in our state."

Mario Valentin Gallegos Jr. was born in Houston on Sept. 8, 1950, and grew up in Magnolia Park, an East End neighborhood near the Ship Channel. He graduated from Milby High School and received his undergraduate degree from the University of Houston-Downtown in 2001.

Gallegos joined the Houston Fire Department at 18 and served for 22 years, rising to the rank of senior captain. His involvement in union affairs as a firefighter whetted his interest in politics.

"As a union member working with (former Houston City Councilman) Ben Reyes, he fell in love with politics," said Marc Campos, a Houston political consultant who met Gallegos in 1979. "He made a number of trips to Austin to lobby for firefighter issues."

In 1990, Gallegos was elected to the Texas House of Representatives, where he served for two terms before being elected to the state Senate in 1994. Never a legislative tactician or policy expert, Gallegos was a reliable liberal vote on most issues.

Suffering from cirrhosis of the liver a few months later, he received last rites and made plans for his body to be displayed near the Capitol Rotunda before being transported to his grave in a fire truck.

With about a month to live, he received a phone call on Jan. 18, 2007, informing him that the unexpected death of a teenage boy meant he would get a liver transplant.



Sworn in as president pro tempore later that year, he told his colleagues that he intended to run for office until he died.

Survivors include his mother, Olga Gallegos; his wife, Theresa Gallegos; three children, Ali Templer, Melissa Gallegos and Mario Elias Gallegos; four sisters and two brothers; and five grandchildren.

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HONORING SANDY ZIMMERMAN

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**HON. HEATH SHULER**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Friday, November 16, 2012*

Mr. SHULER. Mr. Speaker, I rise today to honor the members of my Congressional Staff who have served with me over the past six years while I have been in office. A Member of Congress' most important responsibility is to provide exceptional constituent services and

my staff is second to none in providing the best assistance to everyone in our District. I take great pride in the work that each one has done on my behalf and on behalf of everyone in the 11th Congressional District of North Carolina.

Each District Staff member has shown a strong sense of dedication to meeting the needs of each and every one of our constituents. They often go well beyond the call to make sure each constituent is treated fairly and respectfully by our government agencies and that they receive appropriate resolution. I owe a debt of gratitude to each one of them for the support and friendship which they have shown me while I have served in Congress.

Sandy Zimmerman has served as a member of my District staff since May of 2007. Sandy has provided valuable assistance to individuals living in the far western counties of our District. Often times in the past these individuals have felt overlooked and forgotten be-

cause of their remote location to the rest of the District but Sandy has worked tirelessly to attend meetings and forums and make sure that these valuable members of our community have their voices heard and problems addressed. Sandy has time and again stood in the gap for our Western counties and I have been blessed to call her friend and teammate.

Sandy should be proud of the service she has provided to our District and country. It has been an honor to serve with Sandy and as I retire from office I wish her the very best in the future. Western North Carolina is a better place because of her efforts and I will cherish the memories of serving with Sandy and the team by my side.

Mr. Speaker, I ask my colleagues to join me in recognizing and thanking Sandy Zimmerman for her hard work on behalf of all of western North Carolina and to wish her continued success in her future endeavors.

**SENATE—Monday, November 26, 2012**

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, You give light to those who are in darkness. Shine Your light in this Chamber so that our lawmakers may do Your will. As they search for common ground, guide their feet into the way of peace. Lord, give our Senators a heightened sense of the special role You have for them to play in the unfolding drama of American history. Use them this day for Your glory.

Lord, we ask that You would comfort the families who lost loved ones in the tragic west Texas train collision.

We pray in Your sacred Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,

Washington, DC, November 26, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

**SCHEDULE**

Mr. REID. Mr. President, at 5:30 today, all postcloture time on S. 3525, the Sportsmen's Act, will have expired. There will be two rollcall votes at that time. The first vote will be on a motion to waive the Budget Act. The second will be on passage of the bill, as amended.

**COMPROMISE**

Mr. REID. Mr. President, in the weeks since our country voted to return President Obama to the White House and a Democratic majority in the Senate, I have spoken often about compromise. I remain optimistic that when it comes to our economy, when it comes to protecting middle-class families from a whopping tax hike come January 1, Republicans and Democrats will be able to find common ground.

President Dwight Eisenhower, a Republican, once said:

People talk about the middle of the road as though it were unacceptable. . . . There have to be compromises. The middle of the road is all of the usable surface.

So said Dwight Eisenhower. Too often Republicans and Democrats in Washington face off from our entrenched positions, never realizing the solutions to this country's problems rest not on one side of the aisle or the other but somewhere in the middle.

However, as we continue negotiating a responsible path forward, I remind everyone within the sound of my voice of one fact: This Congress is already one vote away from avoiding the fiscal cliff for middle-class families and small businesses. We could solve the greatest economic emergency facing the Nation today if only the House would consider the Senate-passed bill freezing tax rates for 98 percent of American families and 97 percent of small businesses.

As Thomas Jefferson said, "We should not put off tomorrow what we can do today." Our legislation would give economic certainty to the middle class, protect important tax deductions for families and businesses, and restore balance by asking the most fortunate among us to pay a little extra to reduce the debt.

It is also the only bill with a chance of being signed into law by President

Obama. I was dismayed to hear Speaker BOEHNER once again urge the Senate to take up the House-passed bill extending more tax breaks for millionaires and billionaires. The Senate has already considered that bill. We rejected it on a bipartisan basis.

So for the Speaker to say, bring it up, we already have. It was voted down in this Congress. The Senate has spoken. President Obama has spoken. He has promised he will not sign any bill that mortgages our future to pay for handouts for the wealthiest 2 percent of Americans.

I only hope the House Republicans have been listening. I also hope my colleagues, Republican and Democratic Members of the House and the Senate, used the Thanksgiving break not only to give thanks but also to reflect on the monumental tasks ahead. I hope they took time to reflect, too, on the effort it will take to complete these tasks.

As President Eisenhower said, there will have to be compromises, and seeking the middle of the road is not just acceptable, it is the only way forward.

**ORDER OF BUSINESS**

Mr. President, let me say a few words about the schedule. Discussions continue on the Defense authorization bill. I just finished a conversation with the chairman of the committee, Senator LEVIN. Republican Senators have been having disagreements among themselves on what they want to do on the Defense bill. Thus, while these discussions are going on, I intend to move to proceed to the Carcieri decision affecting Native Americans. I will file cloture on the motion to proceed on the motion to invoke cloture on Wednesday.

Tomorrow, I intend to move to proceed to executive session to consider the disability treaty. We will seek a reasonable agreement on amendments to this matter. If on Wednesday cloture is not invoked on the Carcieri matter, I would intend to figure out some way, with the help of Senator MCCAIN and others on the other side, to return to the Defense bill under the tentative agreements we have had on that before. It is up to Senator LEVIN and Senator MCCAIN to figure out a way forward on that. I am willing to work with them as to what is reasonable this late in the game.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

## REAL AND LASTING REFORMS

Mr. McCONNELL. Mr. President, as most Americans know by now, the next few weeks are critically important in the life of our Nation. Unless the President leads and Congress acts, the combination of automatic tax hikes and spending cuts will go into effect that could have a devastating effect on our national defense and on an already painfully slow economy.

What is more, the Nation's finances are teetering on the edge, threatening even greater hardship for literally millions unless we bring Federal spending into balance. The question is, What are we going to do about all of this? How do we face up to the fiscal irresponsibility and can kicking that got us here and finally do what is right for the country?

I do not think it is a secret that for our part the Republicans have shown a clear willingness to make tough choices in order to find a solution to the trillion-dollar deficits of the last 4 years. We have been open to revenue by closing loopholes, as long as it is tied to spending cuts and progrowth tax reform that broadens the base and lowers rates.

This is the model laid out by the Bowles-Simpson Commission, and it is a model both parties should step forward and embrace. Without compromising our principles, we have put skin in the game and recognition of that while Democrats do not run this town, neither do we. We have been responsible even as we have remained firm on this point: No tax increases now for promised spending cuts that will not materialize later. The American people have seen that game before and they will not be fooled again.

The only balanced approach is one that includes real and lasting reforms. So Republicans have stepped out of our comfort zone. We have been clear about what we will do and what we will not. Yet we remain at an impasse, leading us to ask why. Because a vocal minority on the hard left continues to argue to leaders of their party, from the President on down, that Democrats in Washington should do absolutely nothing about short-term or long-term spending problems.

This is the "Thelma and Louise" crowd, the ones who dream about higher taxes and the bigger government it will pay for, regardless of the impact on jobs or the economy or America's standing in the world. These are the ones who recklessly ignore the fact that we cannot continue running trillion-dollar deficits every year and throw a tantrum if somebody suggests that maybe the taxpayers should not keep subsidizing every last program Washington ever dreamed up.

Their reckless and ideological approach threatens our very future. Any one who is serious about solving the problems we face should ignore all

that, starting with the President. The election is over, but the economy and fiscal problems of the past several years have only gotten worse. It is time for the President to present a plan that rises above these reckless and radical voices on the hard left, that goes beyond the talking points of the campaign trail, and that has a realistic chance of passing the Congress. The time, in other words, for campaigning is over. It is time for the President to lead.

A little over 1 week ago, I attended a meeting with the President down at the White House. It was positive and productive and afterward I was confident that all sides were eager to figure out a solution to the present challenges that respects our respective principles. But as I have said repeatedly, the only person in America who can make or break it is the President himself.

He is the only one who can lead his party to do something they would not ordinarily do, to do what is actually needed now. That is why he is the one who has to present a plan for success. So we will continue to wait on the President and hope he has what it takes to bring people together and forge a compromise. If he does, we will get there. If he does not, we will not. It is that simple.

## CHANGING SENATE RULES

Mr. McCONNELL. Mr. President, I would like to turn to another issue that does not grab as many headlines as these others we have been focused on these last few days but which is critically important since it relates to the mortal threat that has been quietly gathering against one of the most cherished safeguards of our government.

I am referring to the latest effort by some on the other side, most of whom have never served a day in the minority, to force a change in Senate rules at the beginning of the new year that would fundamentally change the character of the Senate. This is no exaggeration.

What these Democrats have in mind is a fundamental change to the way the Senate operates for the purpose of consolidating their own power and further marginalizing the minority voice the Senate was built to protect.

In the name of efficiency, their plan is to use a heavy-handed tactic that would poison party relations even more. In the name of efficiency, they would prevent the very possibility of compromise and threaten to make the disputes of the past few years mere pillow fights. To understand why, let me explain in a little more detail what is being proposed.

What this small group of primarily Senate sophomores is now proposing is that when the Senate gavels in at the beginning of the new Congress, a bare

majority of Senators can disregard the rule that says changes to the Senate rules can only be approved on the same broad bipartisan basis we reserve for approving treaties and overriding Presidential vetoes, a supermajority plus.

Lyndon Johnson once said of the 67-vote threshold for changes to the rules that it "preserves indisputably the character of the Senate as the one continuing body in our policy making process."

Senator REID himself once described changing the Senate procedure by majority fiat as "breaking the rules to change the rules."

What is being proposed now would undermine the very purpose of the Senate as the one place in our system where minority views and opinions have been respected and heard and, in most cases, incorporated into law.

Until now, you could say that protecting the rights of a political minority has always been the defining characteristic of the Senate. That is why Members of both parties have always defended it whether they were in the majority or minority, because they knew the Senate was the last legislative check against the kind of raw exercise of power majority parties have always been tempted to wield.

The CONGRESSIONAL RECORD contains literally mountains of reverential statements by Republicans and Democrats extolling the near-sacred character of the Senate as the one legislative body on Earth that protects minority views from majority rule, and it requires supermajorities for anything significant to become law.

Why is that? So that majorities can't simply roll over those who disagree with them, and, just as important, so majority parties are forced to resolve the great issues of the moment in the middle, ensuring their stability and their permanence. It is this mechanism that has so frustrated majority parties over the years but which has ensured, at least most of the time, that our laws are stable and not subject to change every time the parties change power. This is what makes the Senate different. This is what makes this body great.

Up until recently many of those who now want to change these rules agreed with what I just said. Just a few years ago, as I have already indicated, the majority leader was one of the staunchest defenders of the Senate's protection of minority rights for all of the reasons I have mentioned. Yet now he finds himself frustrated with those rules he once championed. He is prepared to recklessly throw those rules away and his own solemn pledges to defend them.

On December 8, 2006, the majority leader made a public pledge to fight all efforts to change all rules protecting the minority once he became the majority leader. It is a pledge he repeated

during another proposed rules change 2 years ago. I wish to quote in full what the majority leader said that day because in light of his words, it is hard to believe what he is proposing to do now.

Here is what he said:

As Majority Leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect. The Senate was not established to be efficient. Sometimes the rules get in the way of efficiency. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about. For more than 200 years the rules of the Senate have protected the American people, and rightfully so. The need to muster 60 votes in order to terminate Senate debate naturally frustrates the majority and oftentimes the minority. I am sure it will frustrate me when I assume the office of majority leader in a few weeks, but I recognize this requirement is a tool that serves the long-term interest of the Senate and the American people and our country. It is often said that the laws are "the system of wise restraints that set men free." The same might be said of the Senate rules. I will do my part as majority leader to foster respect for the rules and traditions of our great institution. I say on this floor that I love so much that I believe in the Golden Rule. I am going to treat my Republican colleagues the way that I expect to be treated. There is no "I've got you," no get even. I am going to do everything I can to preserve the traditions and rules of this institution that I love.

That is the end of the quote from my friend, the majority leader, just a few years ago. He acknowledged that "the Senate was not established to be efficient," but rather "to make sure that minorities are protected." With this fundamental purpose of the Senate in mind, he pledged he would do everything he could to preserve the traditions and rules of this institution that he loves.

It is hard to imagine a clearer pledge than that, and I am afraid that going back on it now would have such a corrosive effect on comity that it would threaten our ability to get anything accomplished around here.

Let's be clear: The rules change that is being proposed is not an affront to me or to the Republican Party. It is an affront to the American people. It is an affront to the people who sent me and the other 46 Republicans here to represent them in the Senate, but these voices would be shut out if the majority leader and this cohort of shortsighted Senate sophomores have their way and permanently change this body.

At the moment Republicans represent the voters of 31 States, representing a total population of more than 180 million Americans. Shutting off our right to express the views of our constituents, as is being proposed, would effectively shut these people out of the process. What the majority leader and his cohort of Senators, who don't seem to understand what the Senate was intended for, are proposing

would guarantee that the one sure means our constituents now have of being heard in Washington would be gone.

If a bare majority can proceed to any bill it chooses, and once on that bill the majority leader, all by himself, can shut out all amendments that aren't to his liking, then those who elected us to advocate for their views will have lost their voice in this legislative process. This is something the majority leader used to understand. He used to understand that protecting the rights of the minority party meant protecting the rights of the people who sent us here to be heard in Washington. He understood the importance of defending the minority view when he was in the minority. Now that he has been in the majority he seems to have conveniently forgotten all of that.

The people of Kentucky elected two Republican leaders to the Senate. Does the majority leader think the views of the people of Kentucky shouldn't be heard? Does he think Nevadans who sent Senator HELLER to the Senate shouldn't be heard? Does he believe that on the day he finds himself in the minority once again that he should no longer be heard? Or does he think that Democrats will remain in the majority from now until the end of time?

For the past several years many of us on the Republican side have raised loud objection to the diminished rights of the minority to participate in the legislative process around here. Democratic leaders have tried in more ways than one to silence those with whom they disagree. They have blocked Members, including their own committee chairmen, from expressing themselves in committee through unprecedented use of Senate rule XIV, which allows them to bypass committees altogether.

They have blocked Members from expressing themselves through an unprecedented use of filling the amendment tree, which prevents the Senate from considering amendments the majority leader doesn't like. No amendments in committee, no amendments on the floor.

The majority leader made this clear to Senator McCain in a remarkable moment of candor when he bragged that the "amendment days are over." He has preferred to write legislation in the confines of his conference room rather than in the public eye, as he did most famously with the drafting of ObamaCare.

I say to everyone: If you want more legislation around here the way that bill was crafted, then you ought to be pretty enthusiastic about what the majority leader is proposing because that is where this is headed, more authoritarianism, more secrecy, and even less input from rank-and-file Members on both sides of the aisle.

As I said, we have protested all of this and have spoken out loudly

against the abuses of the Senate. But now the majority leader wants to go even further. He doesn't propose to simply abuse the rules, he wants to break the rules and his own very public pledge to defend those rules at all costs. Make no mistake, what the majority leader is proposing is a Senate where the only rule is his whim; where the rest of us are bystanders, including the Members of his own party.

Do the Democrats really want to go down this road? Do they really think they are going to be in the majority forever? We have Members from both parties who used to serve in the House of Representatives, Democrats and Republicans, who said to me they thought the Senate was different.

I don't care whether you are a Republican or whether you are a Democrat, you came to the Senate because you knew that here you could make a difference for your constituents; here you would be heard; here you could offer amendments; here the minority was protected; here the majority leader had to work with the other side.

What even Senate Democrats have discovered over the past few years is a very different place—a place where committees no longer matter, where Members of both parties are shut out of the debate and where bills are drafted behind closed doors, where politicians trade favors in secret instead of exchanging ideas in public just to get legislation across the finish line.

When I come to the Senate every day I know I work in a body of people who have different views than I do about the role of government and the best solutions to the problems we face. But I know the price of belonging to this place is having to hear them out and to vote on their ideas, and the price of belonging here is that they have to do the same.

The American people need to know what is going on here, and that is why I hope Republicans and many Democrats who care about this institution, rather than some temporary exercise of raw partisan political power, will come forward over the next few weeks and speak out against this naked power grab. When they do, I hope they will be guided by the words of another former Democratic Senator who said the following about the Senate and its uniqueness. This is what this former Democratic Senator said:

The American people sent us here to be their voice. They understand that those voices can at times become loud and argumentative, but they also hope we can disagree without being disagreeable. At the end of the day, they expect both parties to work together to get the people's business done. What they do not expect is for one party, be it Republican or Democrat, to change the rules in the middle of the game so they can make all the decisions while the other party is told to sit down and keep quiet. The American people want less partnership in this town, but everyone in this chamber knows

that if the majority chooses to end the filibuster, if they choose to change the rules and put an end to democratic debate, then the fighting, the bitterness, and the gridlock will only get worse.

That Senate Democrat was President Obama. I don't often agree with President Obama on matters of policy, and the issue he was referring to here was different than this one. But the principle he expressed in defending his position then is one that I believe in wholeheartedly.

Let me sum it this way: For the sake of this institution and the future of the country, I implore Members on both sides to oppose this naked power grab strenuously and loudly. It may be the most important thing they ever do because the debates of the moment are passing, but the Senate must endure and nothing less is at stake.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. The one thing the Republican leader said that is absolutely true is I follow the Golden Rule, and it is very clear what has happened during this Congress. We can go over all the numbers—and I think they project what has happened—about the hundreds and hundreds of times that we have been forced to file cloture on relatively meaningless things.

My friend the Republican leader claims changing the rule to make the Senate more efficient is an assault on minority rights. In fact, it is a response to the abuse of the filibuster by Senate Republicans. He keeps talking about getting rid of the filibuster. I and no one on the Democratic side have proposed getting rid of the filibuster, but we have proposed making this place more efficient.

We had a run at this 2 years ago. We had a so-called gentleman's agreement that the motion to proceed would be filibustered rarely. We filibustered almost every time a bill came up, so that simply didn't work. I am not proposing that we get rid of the filibuster, just that we do away with filibusters on the motion to proceed, period.

To the average American, reforms are just common sense, Mr. President. Americans believe Congress is broken. Once again, the only ones who disagree are MITCH MCCONNELL and Republicans in Congress. The American people know, Democrats and Republicans, that this place isn't working and there needs to be some changes so we can proceed to get some legislation passed. We know that during the same time frame as Lyndon Johnson's 6 years—and I will have 6 years in the same position at the end of this year—I have faced 386 filibusters. It keeps going up because we had a couple more very recently. Lyndon Johnson had one. Today it takes more than a week—in fact, it takes about 10 days—to even

begin considering a bill, before we are even on the bill, let alone trying to pass that legislation.

So it is time to get the Senate working again, not for the good of the current Democratic majority or some future Republican majority but for the good of the country. And as for these plaintive cries that we are getting rid of the filibuster, it simply isn't true. I believe in the filibuster. I believe in it. I believe in minority rights. The filibuster is not part of the Constitution. It is something we developed here to help get legislation passed, but now it is being used to stop legislation from passing.

So we are going to continue moving forward to make the Senate more efficient. Does that mean it will be really efficient? No, because we are changing one aspect of the filibuster rule. And what is that? We are going to change it so that it doesn't take us 10 days to simply get on a bill before we can start legislating. The American people know this is the right way to go. The only people who would think the Senate is working now with its obstruction at every step of the way are the Republicans.

Mr. President, I have said this before: Any change that has been suggested in these rules that we believe need to be changed wouldn't affect me if I were in the minority. I would have many opportunities to take care of the sparsely populated State of Nevada and take care of the other issues I want to defend. But we believe there should be one aspect of the Senate to change, and that is that the motion to proceed should be a nondebatable motion to proceed. It is as simple as that.

The American people agree. I repeat: The only ones who disagree, who think this Senate is working well, are the Republican leader and those Republicans in Congress.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. I hope the majority leader will stay on the floor here.

I gather the way the majority leader proposes to effectuate this rules change is to violate the current rule of the Senate; in other words, to do it with a simple majority. You didn't address that issue.

Mr. REID. Of course his statement is untrue and I don't accept that.

Mr. MCCONNELL. Mr. President, I believe I have the floor.

That is the point. What the majority leader is saying is he will break the rules of the Senate in order to change the rules of the Senate. It has been the case in the past that it took a supermajority of 67, which of course meant most rules changes occurred because the two leaders agreed to them and were proposing them jointly. Instead, what the majority leader is saying is he will propose to change the rules with 51 votes, meaning his side gets to

decide what the rules are. The danger of that, of course, is let us assume—I know the majority leader thinks he is going to be the majority leader forever; he isn't. What if it is 2 years from now and what if my Members say, well, if 51 Democrats can change the rules of the Senate, why can't the Republicans? Why should we have to fiddle with these people in the minority?

What is the point? Why not just change the rules of the Senate and turn the Senate into the House?

That is why Lyndon Johnson felt so strongly that a rules change should require a supermajority of 67, not 60, thereby virtually guaranteeing that any significant changes in the way the body operates are done on a bipartisan basis.

Further, the majority leader calls anything a filibuster when he decides to file a cloture motion, which he routinely does on virtually every bill, and then complains because we are reluctant to go to the bill without some assurances we are going to be able to offer amendments.

So here is the way it works: The majority leader calls up a bill, he files cloture on the motion to proceed, we enter into a discussion in order to get some understanding that we are going to have a chance to offer any amendments. And the reason we engage in that discussion is because throughout the last Congress getting to offer an amendment was kind of an unusual thing, because as soon as you get on the bill, the majority leader fills up the amendment tree, which means he alone gets to decide, he alone, out of 100 of us, gets to decide who gets to offer an amendment. In other words, he gets to pick our amendments for us.

Look, the motion to proceed has been an irritant to the majority leader. Had I been in his job, what I would have done is put somebody in the Chair, keep the person objecting here up all night and wear them down. We are almost never in at night. I can't remember the last time we had a vote on a Friday. It is pretty easy working in the Senate because we never use the fatigue factor to accomplish things.

We have actually had some examples, by the way, of doing things the right way. We had three bills earlier this year that, believe it or not, actually came out of committee, were actually supported by Democrats and Republicans in committee, who worked on the bill in committee, and they came out on the floor and were open for amendments and they actually passed: postal reform, the transportation bill, and the farm bill. All were handled in the normal way we used to do virtually every bill in the Senate. None of them were written in the majority leader's office, as far as I could tell. And the thing they all three had in common is they actually passed the Senate and Members felt as though they were invested in the process.

So, look, we don't have a rules problem, we have a behavioral problem. When the majority leader believes he gets to decide what happens on every bill, that is beyond the purview of the job he holds. What we need to do is start operating in a normal fashion which respects the views and involvement of all Members of the Senate in both parties. Is it a little bit harder to engage in these discussions? Yes, it is. It is harder. But to go out and decide to break the rules to change the rules because you might have to work a little bit harder to get where you are headed strikes me as a disservice to the institution and a disservice to the Senate.

Nobody is going to buy this notion about all these filibusters. He is filing cloture on the motion to proceed on day one. And the reason he has had to file cloture on the motion to proceed so frequently is because we can't get any assurance from the majority leader that we were going to be able to offer any amendments. That is the problem. We need to behave differently. That is the way to get this place functioning again.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, I had the pleasure of serving with one of the greatest Senators in the history of this country, Daniel Patrick Moynihan of New York. He said people are entitled to their own opinions but not their own facts. And that is what my friend the Republican leader now has, his own set of facts which belies the record before the American people.

It is ironic the Republican leader complains about those who want to change the Senate rules. It is ironic because he has been at the forefront of abusing these rules for the past 6 years. It is ironic because when he was in the majority 7 years ago, he sought to change the rules to streamline votes on judicial nominations. He was part of that program. And it is ironic because he is one of a very small group of people who think the Senate is working just fine.

Rules change around here. They change. You know, it used to be to cut off a filibuster it took 67 votes. The Senate changed that because it became too burdensome.

I have said on many occasions, and I will say again here—and I have said this in public gatherings and private gatherings—these minor changes I am suggesting wouldn't affect anyone who had the thought of making America better, even if I were in the minority. To stop a filibuster on a motion to proceed to a bill—to take 10 days to just get on a bill—I don't think is good and we need to change that. So—

Mr. MCCONNELL. Will the majority yield on that point for a question?

Mr. REID. I will be happy to in one second.

The Republican leader keeps talking about not following the rules. We are following the Constitution of the United States to make these changes, and that is certainly appropriate.

Your question?

Mr. MCCONNELL. If this is such a reasonable rule change, why not work to try to propose it on a joint basis, subject it to the 61-vote threshold? That would honor the tradition that the Senate is a continuous body whose rules go from Congress to Congress. I mean, that is what has been unique about the way rules changes have been done around here.

Mr. REID. Mr. President—

Mr. MCCONNELL. And one further question, in addition.

Mr. REID. Sorry.

Mr. MCCONNELL. How would you feel if 2 years from now I have your job and my Members say, why don't we get rid of the filibuster with just 51 votes?

Mr. REID. I think that would be wrong, but we are not trying to get rid of the filibuster. We are changing a tiny aspect of what goes on around here so that people would have to do a couple of things: One is to not filibuster simply getting on a bill. And also, if they want to filibuster, they would have to stand and talk about it and not be in their office someplace.

Senator DUBIN just reminded me of one Republican Senator who forced us to be here over the weekend and he then left and went back to a wedding in his State.

I repeat for the third time, the only people who think the Senate is working really well right now are the Republican leader and Republican Senators because it is not working well. They have abused the process. They have abused something that was set up to help legislation get passed—the filibuster. They have abused it and now they filibuster on everything.

They can talk all they want about filling the amendment tree and all that, but that has no bearing on what is going on around here. We have tried to get things done. The Defense bill is a good example. I said, let's move to the Defense bill and they objected to it. They have been talking about it for months. I agreed to move to it, with no preconditions at all.

We have to do other things. We have a very short period of time here now, and everything around here is the bill stall. He talks about getting bills done. In this Congress we have gotten almost nothing done. We struggled through a highway bill that took 6 weeks. We spent months of our time on that dealing with contraception. We were able to work through that. We had a postal bill we spent a lot of time on here, and the House has put that in their garbage pile so that nothing has happened with that; the farm bill, the same thing.

We have gotten almost nothing done. Why? Because we have spent weeks—

weeks—simply getting on a bill so we can start legislating. So if the Republican leader thinks things are going well here, he is in a distinct minority because things aren't going well around here. And I think an example, I repeat, is Lyndon Johnson's 1 cloture and HARRY REID's 386. That says it all.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, when I quote the Democratic leader, I use his exact words—his exact words—which I did throughout my comments. Yet he makes up words for me. I have never said the Senate is working fine. I think the Senate has been disastrously run for the last 2 years—disastrously run not because of the rules but because of the operation. And it is certainly not the fault of the Republicans.

Take the budget, for example, which can be done with a simple majority. We haven't had a budget in 3 years. The law says we are supposed to pass a budget. It doesn't say don't pass the budget if we don't want to; don't pass the budget if we might have to offer amendments. It doesn't say don't pass a budget if we might have to negotiate with the Republican House. It says, pass a budget. We also haven't called up a single appropriations bill.

Look, if one Senator has a problem going to a bill, file cloture on the motion to proceed. Had the majority leader done that on the Defense bill, it would have been approved overwhelmingly. He could have done that on a Friday and it would have been approved on a Monday. The obstructionism he complains about is pretty easily overcome if we are willing to make the place work a little bit. Most people work Monday to Friday. Not us. The Senate used to be a nocturnal place because majority leaders of both parties would use the fatigue factor to grind down opposition coming from a few people. We almost never do that.

So don't get me wrong, I say to my friend the majority leader. I am not defending the way this place has been run the last 2 years. I think it is embarrassing. I have to apologize to my constituents for the way the place is run. But we had the same rules in earlier Congresses and didn't have the same problem.

We have always had a few Members on each side who wanted to exercise every one of their rights. When I first got here, Senator Metzenbaum from Ohio would stay out here on the floor and read every bill. He was a big problem. Nobody tried to change the rules. We worked this place.

What the majority leader conveniently continues to leave out is that it is not only the rule he wants to change but the way he wants to change it. He wants to establish the precedent that 51 Senators can change the rules, anytime they want to, to take away the rights of everybody else, which will fundamentally change this institution.

So no Senator should buy the argument that this is just a little bitty change about the motion to proceed. This is about the way rules will be changed in the Senate. No longer would a 67-vote threshold obviously bring the two leaders and their Members together to agree to rules changes, but anytime, on any whim, any majority leader wants to change the rules, 51 votes. This is no small matter. This is a big issue about the future of this country and how this institution ought to be operated.

Being majority leader is a tough job. You have cantankerous Members on both sides who want to exercise their rights. It has always been that way. But the way you get past it is you work the place, you make it function, you talk to people, you treat them with respect. The collegiality we used to have in this body has faded—faded because of the arrogance of power exercised by some. All of this is correctable because we in here are all human beings trying to do our best, trying to leverage the place in one way or another to seek some advantage. But that is the way the Senate has always been.

What I think we need is an attitude change. The election is behind us. Whatever short-term advantage the majority may have felt it had by protecting its Members from voting on almost everything is over. We don't need to have a perpetual election in the country. We have huge issues before us here at the end of the year, many of which will probably carry over into next year. It is a time that we ought to be building collegiality and relationships and not making incendiary moves that are damaging to the institution and could have serious ramifications on our ability to work together here at the end of the year.

So I would encourage my friend the majority leader to think thoroughly through whether this is the direction he wants to take this body. I believe it is a huge mistake. The American people sent us here to solve big problems, and we ought to be concentrating on trying to bring everybody together behind an agreement that hopefully could be reached before the end of the year to do really important work for the American people.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the election is over, and the American people listened to what we had to say, and they acknowledged without any question that the message we delivered is valid: The Senate is a dysfunctional body, caused by the Republicans. Democrats picked up seats in this Senate. The President was reelected by 2.5 million votes. We have an obligation to the American people to proceed and to get some things done.

My friend the Republican leader talks about the Golden Rule. I do be-

lieve in that. And I believe 2 years ago there were efforts made to change this body so we could get some things done. We were given the assurance that the motion to proceed would not be used in the way it has been used this time.

Any suggestion of changing the rules is within the framework of what we do here in the Senate and our Constitution. We have an obligation to continually update this body so that it becomes more efficient. That is the history of this country. And I think my friend the Republican leader has to acknowledge that things haven't been going very well. He just did that. The election is over. We need to proceed to get things done.

Incendiary moves? I have been facing incendiary moves for 2 years. We can't get anything done around here because of the Republican obstructionism. The American people recognize that. As I have traveled this country, people have said: Do something to change the Senate so we can get things done. And we are making a minor change to stop the motion to proceed that we were told 2 years ago they wouldn't use anymore. So we are going to change this rule so the Senate can become an effective body.

We have a bicameral legislature, and no one should suggest I don't understand that, and no one should suggest I don't understand the filibuster rule. I think I understand as well as anybody who serves in this body and perhaps, with the exception of Senator Byrd, anybody who has served in this body. If Senator Byrd were here, I would suggest to everybody here that Senator Byrd wouldn't like what is going on here, and he would work with us to get these rules changed, and that is why they need to be changed.

We can't continue like this. We took people's word that they would help us get things done here, and they rejected that. It was simply untrue. It was a falsehood. I know what I have said in the past, and I know what I have done in the past, and I think what we are doing is a positive step forward to do away with the motion to proceed so that they can't filibuster a simple motion to proceed, stopping us from getting on a bill, taking us 10 days to do that. That is wrong.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, it doesn't take 10 days to get on a bill. And what the majority leader has repeated now is that he is going to break the rules to change the rules, which is a wonderful way to start off the new Congress.

At a time when the American people would like for us to work together and to solve the huge issues that lie before us, the majority leader has chosen instead to break the rules to change the rules because he has had difficulty getting on bills. It is a sad commentary

about where the Senate stands these days. I had hoped that going into the lameduck session, we would have an entirely different view of how to bring this place together and begin to solve the problems. So it is a sad day for the Senate. We will go forward as best we can under this extraordinary set of circumstances.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, no matter how many times my friend the Republican leader says "break the rules to change the rules," it doesn't make it true because it is not true. We are going to follow the rules.

I would also say this: I was stunned by reading in a couple of the newspapers that a couple of Republican Senators said, paraphrasing: We are going to make things really tough around here. We are going to make things so bad if they take away our motion, causing me to file cloture on a motion to proceed. We are going to make things really difficult.

Really difficult, when the Republican leader said his No. 1 goal in this Congress was to defeat President Obama? And that is how they have legislated. Everything was to the effort of making sure Barack Obama did not serve again. There are a myriad of examples. Take this one. This is great to show how hard they worked to put the country on the right track. With about 1 million firefighters, police officers, and schoolteachers being laid off, we thought: We have had some decent—not wonderful—growth in the private sector and have gotten back millions of jobs. We decided, let's do something in the public sector that would really help stimulate the economy. So we decided to move to a bill that said that what we want to do is rehire those firefighters, police officers, and teachers, and we are going to pay for it—no more deficit spending—we will pay for it by having a surtax on people who make more than \$1 million a year, and that surtax is three-tenths of 1 percent. They stopped it. They stopped it dead in its tracks. Every Republican voted against it. That is the way they have legislated this entire year. And by our getting rid of the motion to proceed, that we are turning the country upside down is ridiculous. It is not true.

They have legislated with the effort to defeat Obama. He won by 2.5 million votes, 327 electoral votes—overwhelmingly—even though they did everything they could to stop him from being reelected. Everyone knows what a failure this Congress has been because of what the Senate has done, and that is nothing. Nothing. No job creation—they didn't want that. If we had had the ability to create jobs, it would have helped Obama and it would have helped the country, but, no, that wasn't what they wanted to do. And a terrible day for them several months ago—can you



believe the Supreme Court declared ObamaCare constitutional? I mean, talk about a disappointment. This whole year was a disappointment for them because they weren't able to stop Obama from being reelected even though they did everything they could to prevent him from being reelected, and then ObamaCare was declared constitutional.

No, we are not going to break the rules to change the rules. We are going to follow the rules to make a couple of minor changes to make this place more efficient. That is what the Senate has always been about, is revising itself to become more efficient. And the threats that come from the other side: We are going to make you Democrats suffer more; if you do this, it is going to be terrible—What more could they do to us?

It is pretty simple. The math isn't that difficult. Get the bill on the calendar, file cloture on a Tuesday, have a cloture vote on Thursday. We are finally on the bill. They get 30 hours for that. I maybe exaggerated a day or two, but it puts us way into next week before we even get on the bill.

So we are doing what is right for the country because the American people want us to do what is right for the country. And to do what is right for the country is to change the rules of the Senate a little bit so that we can do something meaningful for the country.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have listened closely in this debate because it literally affects my career, my life, and the lives of all the Members of the Senate. It is worth a minute or two to understand what we are talking about in the context of history.

It was President Woodrow Wilson who said to the Congress: We want to arm the Merchant Marine of the United States, to put guns on Merchant Marine ships, before we were engaged in World War I, to protect those ships from being destroyed or sunk by the warring parties in World War I. He sent that request to Congress, and it was stopped by one Senator. One Senator in those days could stand up and say: I object. End of story. But President Wilson said: That is an outrage, that one Senator can say that and stop even the consideration of a measure to protect American lives and our Merchant Marines. And he created this firestorm of public opinion. So they created a Senate rule called the cloture rule, and the cloture rule said that if two-thirds of the Senators voted in disagreement with that objector, then the Senate would go to the measure. So what was originally an objection by one Senator, characterized as a filibuster, could be cut off and the Senate could resume its activity and its business by a two-thirds vote.

That was passed by the Senate in 1917, almost 100 years ago. Over the span of time since, there have been some changes in that. In the 1960s, during the civil rights debate, it was decided to reduce that number from two-thirds of the Senate—67 in those days—to 60. So 60 votes were needed in order to successfully file a cloture motion to end the filibuster. It was an interesting exercise but one that happened very rarely. I asked the staff to send me a list of all the cloture motions that were filed to stop filibusters since 1917. In the first 50 years after 1917, there were about 50 cloture motions—50 years, 50 motions, averaged about one a year. What has happened in the most recent years? In the 2007–2008 Congress, there were 139 cloture motions in that 2-year period; the next 2-year period, 2009–2010, 137 cloture motions; and in this current session, 2011–2012, 110. So what used to happen once a year is now happening over 120 times a year on average. What used to be a rare occurrence has become commonplace, and it is destroying this institution.

I am told people across America who have cable television and who have C-SPAN of the Senate are calling the cable operators asking for a refund because nothing is happening on the Senate channel. They are hearing the melodious, mellifluous voice of the great clerk of the Senate reading Senator AKAKA's name every once in a while in a quorum call, and they are wondering: Why am I paying a cable TV carrier for this? Why isn't the Senate working? Why aren't they doing something?

It is because we are stuck in a filibuster—time after time after time.

I go home, and I bet the Senator does, too, when he goes home to Delaware, and they say: What about that Jimmy Stewart movie, "Mr. Smith Goes To Washington"? I saw that movie. Didn't that poor man have to stand at his desk and hold the Senate floor until he crumpled in exhaustion? Why don't we see that anymore?

The honest answer is there was some artistic license in that movie. The more honest answer is we have reached the point now with the filibuster where one Senator can stand and object to what is about to occur in the Senate and stop the Senate from what it is doing for at least 30 hours until there is a vote to resume business.

Let me give two examples in my recent memory of how this played out. It was only a couple of years ago when we were closing a weekly session and a last-minute request was made to extend unemployment benefits to millions of Americans. We thought we had an agreement, Democrats and Republicans. We were ready to leave town.

The junior Senator from Kentucky—not the majority leader, Senator Bunning—stood when this measure came up to extend unemployment benefits and said "I object." By saying "I ob-

ject" he stopped the payment of unemployment benefits to millions of Americans.

At that point I came to the floor and said: Explain it.

He said: I just don't think we should do it.

I said: Shouldn't we just go to a roll-call and you can vote no?

No, I object to it.

And they were about to expire over the weekend.

So I said to the Senator from Kentucky: I am staying on the floor, and I am going to keep renewing the request, and you better stay, too, because when nobody is here to object we are going to extend those unemployment benefits.

Members came to the floor to support me. At one point, late in the evening, the Senator said: It is 10 o'clock. I want to get home and see the University of Kentucky Wildcats basketball game. Why do you keep me here?

It is true. Check the RECORD.

Another time, a Republican from South Carolina, a Republican Senator, said: I object going to a vote on the Senate floor—forcing us to stay in session through Friday and vote on Saturday morning. This was Thursday night.

I don't disagree with the Senator from Kentucky. There is nothing wrong with our working 6 days a week and working nights too. So we did. We stuck around.

Then came the Saturday vote, and we looked for the objector, and the Senator who objected did not return for the vote. He said he had to stay home, that there was a wedding he had to attend. So the rest of us had to stay and show 60 votes.

One of the rules changes that Senator REID is proposing would basically eliminate that. Here is what it boils down to: If you think it is important enough to stop the business of the Senate, if you think your objection is sufficiently serious to stop the business of the Senate, park your fanny on the floor of the Senate and object and don't get up and go out to dinner, don't get up and go to a basketball game, and don't go home for a wedding. Stick around and show us how serious you are about this. If it is not worth your time, then it is not worth it for the Senate to stop its action and its business.

The talking filibuster rule says if the majority of the Senators vote to go forward with the debate, but it does not hit the 60-vote level, then if you are the objector, stay on the floor. If it is important enough for you to stop the Senate, stay here or get an ally, a colleague, to stay with you to cover the floor because when you leave we are going to renew the request to go back to that measure. If it is not worth staying on the floor to object, then it is not worth stopping the business of the Senate.

I think that is pretty reasonable. Yes, I would say to the Senator from Kentucky, I would live by that rule in the minority, which would mean I would not object unless it really meant something, unless it were worth my time and the time of the Senate to stop that action.

That is what this is about. How mindless it has been to watch this Senate lurch from one cloture vote to another, from one filibuster to another, 386 times in the last 6 years. What a colossal waste of time and energy and talent.

I am one of those Senators who believes that I came here to debate and vote, even to vote on tough amendments. I think that is part of the job. I often quote a former Congressman and great friend of mine, Mike Synar from Oklahoma, who used to say: If you don't want to fight fires, don't be a firefighter; and if you don't want to vote on controversial issues, don't run for the Senate.

That is what this is about. I agree with him. But for goodness' sake, lurching from one tedious, mind-numbing filibuster to the next is no demonstration of the strength of this Constitution and the value of the Senate.

Yes, we need to change the rules. We need to change the rules so there is more accountability, so that those who would stop the Senate and force a filibuster would at least have the decency and courtesy to stay on the floor and state their case and not believe they can do this in absentia. That is what this is about. I think it is important.

I have a bill called the DREAM Act. Some people have heard of it. I introduced it 11 years ago, I say to the Presiding Officer. I think it is one of the most important things I have ever tried to do. But I have never passed it. I called it two or three times on the floor of the Senate. Every time I got a majority, every time I got a majority, always a bipartisan majority, but it never passed. Why? It was being filibustered. A Republican filibuster required 60 votes. So for 11 years literally millions of young people across the country have had their fate unresolved because of this Senate procedure.

I think at some point a majority of the Senate should speak on this issue and that should decide the law of the land. The House passed it 3 years ago. We should pass it here too. The filibuster has stopped it over and over.

Let me make one more point. I see two of my colleagues on the Senate floor. The Senator from Kentucky came to the floor and talked about the deficit that we face and the issues that challenge us with the fiscal cliff. I see the Senator from Virginia. Senator WARNER and I have spent more time together in his office sitting around a bowl of popcorn with some Diet Cokes talking about this deficit and what we can do about it than I can even total.

I have no idea of how many hundreds of hours we spent together in a bipartisan meeting, four Democratic Senators, four Republican Senators. We have tried to take the Simpson-Bowles Commission, on which I served, and their basic idea and turn it into an agreement that we can enact into a law to avoid the fiscal cliff.

We have come close. We have not closed the deal, I am sorry to say. We have come close. There is a feeling on both sides, as the Simpson-Bowles Commission said:

Everything should be on the table, revenue, taxes—I can say taxes; they can't say that on the other side of the aisle—revenue, taxes. That accounted for 40 percent of deficit reduction in Simpson-Bowles—40 percent. What we are talking about is making sure any deficit reduction package going forward has a substantial portion of revenue and taxes in it. But we cannot tax the wealthiest people in America and balance the budget. I know that is true. There have to be spending cuts. There also have to be changes in entitlement programs.

I happen to agree with the majority leader. Social Security does not add a penny to the deficit—not one penny. It is a separate trust fund. But it only has about 22 years of life left in it. That is pretty good by Washington standards, but we can do better.

I think many of us agree on a bipartisan basis we should make some small changes in Social Security today to guarantee it will be here for 50 years or 75 years. We can do that, but that is a separate debate. The debate on the fiscal cliff is about entitlement programs.

I watched some of my friends on the left, on the Democratic side, say: Don't touch the entitlement programs. They are ignoring the obvious. Medicare untouched, unchanged, unamended, runs out of money in 12 years. I plan on being around for 12 years. A lot of folks who are seniors do too, and a lot of folks who anticipate retirement expect it to be there beyond 12 years. We have to do something. To say we are not going to touch Medicare is to ignore the obvious.

I don't want to go the Paul Ryan voucher route, voucherizing it, making it so expensive seniors cannot pay for it. But if we do not put our best talents together and make Medicare a program that lasts more than 12 years, we are not meeting our obligation to the offices for which we ran.

The last point: Medicaid. What is Medicaid? Insurance, health insurance for the poor. One out of three children in the State of Illinois, their only health insurance is Medicaid. For more than half of the births in Illinois the prenatal care and well-baby care is all paid for by Medicaid. But that is not the majority of what Medicaid is spent on in my State. Sixty percent is spent on the frail elderly and those with mental and physical disabilities who are in institutional settings and they are broke. They have Social Security,

Medicare, and Medicaid to keep them alive.

When the Paul Ryan budget suggested cutting 37 percent out of Medicaid, my question to him is, Which group are you going to cut, Paul? The children, the mothers having babies, or the frail elderly?

Yes, we have to look at this program and find ways to save money so it is there when we need it—and we do need it. That needs to be part of this discussion.

I was heartened over the weekend—I will close with this—on a television show with Senator LINDSEY GRAHAM of South Carolina who said publicly: Regardless of this Grover Norquist pledge, my pledge is to the people—I am paraphrasing—my pledge is to the people of America. We are going to solve this problem. We need more on both sides of the aisle to step up in that spirit to avoid this fiscal cliff. We can. With the President's leadership and the cooperation of the Speaker, we can get it done.

For 10 days not much has happened. There has been a big Thanksgiving break, a lot of turkey and stuffing, but now let's get back to business. We are back in session, House and Senate. Let's roll up our sleeves. Let's get it done. We can address this fiscal cliff and set up a plan with the President that is reasonable. We need to do that on a bipartisan basis.

I yield the floor.

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#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. COONS). Under the previous order, leadership time is reserved.

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#### ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, Senators are permitted to speak for up to 10 minutes each.

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#### THE SPORTSMEN'S ACT

The PRESIDING OFFICER. For the information of the Senate, the pending business is S. 3525, which the Senate is considering postcloture. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I will take a couple of brief moments. First, let me thank my friend, the Senator from Illinois. No one has spent more time and also, candidly, taken a more courageous position in these discussions around avoiding this fiscal cliff. For some, for political or other reasons, these are challenging discussions. But no one more than the Senator from Illinois has been willing to put more on the line, has been willing to take more heat and has more represented this whole notion of putting country first on an issue that I think is the defining moment of our time.

I thank my friend, the Senator from Illinois. I appreciate all he has done. I think history will actually show in many ways that the original framework of the so-called Gang of 6—I think it is only in Washington where when people try to work together they are immediately designated as gang members—but particularly the low-income protections the Senator of Illinois made sure we had in our bipartisan agreement that reduced the deficit by more than \$4 trillion will stand as the high water mark. I commend him for his work.

I want to say as a relatively new Senator and one who is still trying to learn the rules and procedures, I also always thought that if someone filibustered a bill they had to stay on the floor and make that case. As someone who was never a legislator before I came to this position, I look forward to working with him and reasonable Members from both sides of the aisle to make sure we have rules reforms so the Senate can get back to doing the people's business and not be involved in procedural matters.

With that, I wish to speak very briefly about the issue before us. It is hunting season in Virginia—I am sure it is in Delaware as well—so it is timely that this current bill is before us. I wish to take a moment to voice my support for the Sportsmen's Act of 2012, a bill I am proud to cosponsor. I applaud the hard work my good friend from Montana, Senator TESTER, has done in moving this bill forward through a number of challenges. He has put so much time and effort into pulling various pieces together, building support, and balancing different interests. I am confident that, with his leadership, we have put together a very strong piece of legislation.

The Sportsmen's Act of 2012 is a compilation of nearly 20 different bipartisan bills that are important to sportsmen and conservation communities across America. It focuses on the conservation of wildlife habitat and improved access for recreational hunting and fishing.

Sportsmen cite the loss of access as the No. 1 reason why they have given up on hunting or fishing. Currently, 35 million acres of public land are either restricted or provide no access. This bill allows the acquisition of more easements and rights of way to improve access to public land for hunting and fishing. The Sportsmen's Act of 2012 increases access to public lands for millions of Americans and Virginians who participate in hunting and fishing and other outdoor recreation, while also supporting the very important conservation of wildlife habitat.

This legislation promotes our recreational hunting, fishing, and shooting heritage. It also continues a number of key initiatives and public-private partnerships to support conservation of fish and wildlife populations.

This bipartisan bill is consistent with my long-term personal and policy commitment to provide more opportunities for outdoor recreation, to restore critical landscapes, and to support a robust outdoor economy.

It is also important to note that in the midst of our important debate about getting our fiscal house in order, this bill does not add one cent to the deficit. This CBO has concluded that it actually saves \$5 million over 10 years.

Finally, and perhaps more telling than anything else, is the amount of support this bill has garnered from outside groups. Over 50 national conservation and wildlife groups support the bill. The National Wildlife Federation supports it, the NRA supports it, and President Obama supports it. That shows the breadth of support this legislation has. With such a broad spectrum of support, passing this bill should be a no-brainer.

I urge my colleagues to join me in another strong show of support for our sportsmen by voting yes on final passage.

Thank you, Mr. President. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

#### BUDGET ACT VIOLATION

Mr. SESSIONS. Mr. President, I wish to speak about the budget portion of this bill. I share Senator WARNER's support for the bill. I believe fundamentally it is a good series of policy initiatives that will help sportsmen in the long run. However, I am the ranking member of the Budget Committee and this bill violates the deemed spending levels agreed to in the Budget Control Act. Senator WARNER is a member of the Budget Committee. Senator WARNER is a member of the Gang of Six that is working so hard to develop a plan that we are supposed to trust will be executed if their plan were to be effected. It doesn't look as if they are making a lot of progress, but who knows? I salute their effort.

The question is, if we lay out a plan to address our fiscal issues, will we adhere to it? Will we follow it? So I am a little bit taken aback that my colleagues seem oblivious to the idea and the concern that, plainly, the Sportsmen's Act legislation violates the Budget Act. The staff of Senator KENT CONRAD—our Democratic chairman of the Budget Committee, who is retiring—has concluded and certified that it violates the budget because it spends more money than we agreed to spend on this item 15 months ago when the Budget Control Act was passed in order to raise the debt ceiling in America.

I wish to tell my colleagues that I worry about things around here and about what kinds of agreements may be reached in the middle of the night—Christmas Eve, December 31st—to fix

the fiscal cliff. We will hear: Don't worry, we have taken care of it. That is what they said when they passed the Budget Control Act August a year ago. I didn't feel good about it then, although it made some progress and it did have some limits on spending in various areas. So we did pass the Budget Control Act, and this will be the fourth time in 15 months we have had a bill on the floor that violates it.

Senator DURBIN earlier talked about the Simpson-Bowles Commission on which he served. Forty Percent of the revenue they raised was taxes. They said it was about 3-to-1 spending cuts to revenue increases when they were telling us about it. As I recall, they said it was 3-to-1 in spending cuts for every dollar in tax increases. But my Budget Committee staff and I looked at it, and I think it is closer to 1-to-1: \$1 of spending cuts for every \$1 in tax increases.

It was a tax-and-spend bill, really. I wish it were better. It wasn't as good as people suggested. At some point before the election President Obama suggested we should have \$1 in tax increases for every \$4 in spending cuts. Now we see that Simpson-Bowles proposed a ration of almost 1-to-1: \$1 in tax increases for every \$1 in spending cuts.

I am going to put out a statement today, but I wanted to correct something Senator REID said and Senator DURBIN said Sunday on the talk interview programs. Senator DURBIN said Social Security does not add 1 penny to the debt—not a penny. I think that is pretty close to a direct quote. But that is not correct. Social Security is already in a situation where the amount of revenue from people's withholding is less than the amount of money being paid out to the recipients. We have now spent \$27 billion more than we have collected in payroll taxes in the last 2 years. So where does the money come from? It is borrowed by the United States Treasury to pay for Social Security spending. Why? Because the U.S. Treasury borrowed the money. They took the surpluses that had been in existence until 2 years ago and spent them. But the Social Security trustees asked for the money they loaned the Treasury, in order to pay our retirees. They have debt instruments to establish the debt that they loaned to the Treasury. They didn't give it to the Treasury. It was the money of the Social Security recipients. That is whose money it was. So it was loaned to the government, their debt instruments showing the debt, and the Treasury pays the interest to the Social Security trustees. Now, for the first time, instead of having a surplus, which the Treasury can spend and buy votes with, we have a deficit, and boy, it is just beginning. It is already on a path to surge out of control and threaten the future of Social Security. How does the

government pay the money it owes to Social Security? It has already spent the money it collected in past years. It is as if we borrowed the money from the bank, we spent it, and the bank says I want to be paid back.

What happens? Well, the Federal Government borrows that money on the world market, through the sale of Treasury bills, and then they get that money and they pay Social Security. It is just beginning. It is already in deficit. It has added not 1 penny—it has already added \$27 billion to the public debt of the United States of America.

The Sportsmen's bill is legislation I strongly support. It came out of committee and I supported it, but it does violate the Budget Act. It is quite clear that it does. We can fix it easily. If we can fix it easily, we should fix it easily. Senator CONRAD has certified that it violates the budget. Senator REID has brought it to the floor under rule XIV, bypassing normal Committee procedures. The bill violates the spending limits we agreed to in August a year ago.

The BCA limited spending in various accounts as part of an agreement to raise the debt limit. We reached a limit on how much we could borrow, and the President and others wanted to keep borrowing and keep spending. So debt in America continues to surge out of control. But the Republican leaders at the time said: No, until you agree to cut spending, we are not going to raise the debt limit, Mr. President. Just like the kid with the credit card, you don't get to keep spending unless we know you have limited some spending, at least. So that is what happened. The President and the congressional Democrats resisted that. They attacked Republicans as wanting to cut spending and throw the country into the abyss, but they—with no choice, really—finally agreed to spending reductions of \$2.1 trillion over 10 years. Those reductions were based on 2011 spending levels. Flat spending in 2011 would have totaled about \$37 trillion over 10 years. But the baseline for spending has natural growth in it and always has, as calculated by the Congressional Budget Office. CBO said that under current law, spending would be expected to increase to over \$47 trillion over 10 years—\$10 trillion or \$11 trillion more. So this agreement would simply have reduced the amount of debt that could be added to the government from \$10 trillion to \$8 trillion over the next 10 years. It would reduce spending—some said it was horrible—it would reduce spending from \$47 trillion to \$45 trillion. Remember, we are spending about \$37 trillion now. The American people were assured that this solemn agreement was a good step and Congress would follow what they agreed to and put into law. So another thing is that Congress cannot continue to breach even the modest spending levels we

agreed to. We cannot breach those levels. It is a sick pattern and makes a mockery of law and responsible governing.

Since the Budget Control Act agreement 15 months ago, this is the fourth spending bill that violates the law. How? Always Congress wants to spend more money—money we don't have. Remember, these four instances I have cited don't include the 13 appropriations bills because Senator REID, for the first time in history—the first time in the history of the Senate, we believe—did not pass a single appropriations bill on time. Every one of them was placed in one continuing resolution and funded forward for 6 months. So we didn't bring those appropriations bills up and we didn't have votes on them. Who knows how many more budget violations would have occurred in that. So the bills we are talking about are bills such as the Sportsmen's bill that is before us now.

I will object to the legislation because it violates the 10-year spending limits passed into law 15 months ago. But, of course, that does not end the matter. Senator REID—and I am sure he will, or his designee—will simply ask the Senate to override the law. They will make a motion to waive the statutory spending limits and, poof, if 60 Senators agree, we waive it and spend the extra money. No problem, except the Budget Act will be violated once again.

So at a time of unprecedented spending, unsustainable debt, and low public confidence in Congress, should we not adhere to even the smallest spending limits that have been enacted? Should we again violate the Budget Control Act for a mere \$14 million a year—a mere \$14 million a year—when this could easily be fixed? I say “a mere \$14 million” because we deal with billions of dollars on a routine basis around here. So \$14 million is a lot of money, but compared to what we spend and the ability we have to find savings in this vast government, it is not a lot of money.

And shouldn't the President, who negotiated and signed into law the Budget Control Act, object to his Democratic leaders' violating the spending limits he agreed to and negotiated last summer a year ago? Shouldn't he make it clear that he will veto any bill that violates the statutory limits we agreed to? Of course, he has not done so on this bill or any of the other four previous bills that would have violated those spending limits.

The words in the Budget Control Act, I have to say, appear, in his mind, to be words he never agreed to in his heart. Maybe he agreed to them on paper, maybe he signed the paper, but in his heart he never wanted to sign that agreement, so it is no problem for him to waltz in here and agree to spend more than he agreed to last summer.

He is postmodern, as you know. Words are just a momentary thing. They can be reinterpreted a little later to better match what we meant to say my heart of hearts. This is why this country is in financial trouble, in my opinion.

Amendments my staff and I have tried to suggest that would fix this problem are being rejected, and the good groups such as Ducks Unlimited and other groups say: No; we don't want any changes. We say: Let's see if we can't get the money for the Migratory Bird Conservation Fund through another way, some of the other spending in this bill or some other savings throughout the government. Why can't we find the money and help fund migratory bird conservation, which I believe in, and maybe we can do that in another way without violating the budget. They say no.

But I will say to my friends at Ducks Unlimited and other groups that support the bill, they were not here 15 months ago. They did not vote on a bill that said we are going to limit spending to this amount. I did. Every Senator here told their constituents that Congress voted to limit spending to a certain amount and we would not go above it.

I understand Ducks Unlimited and other groups have a special interest and a deep concern, and I share it, to help maintain our great heritage of hunting and conservation in America. I understand that.

The PRESIDING OFFICER. The Senator is reminded we are operating under a 10-minute time limit.

Mr. SESSIONS. I thank the Chair.

Mr. President, I ask unanimous consent to have 2 additional minutes to wrap up.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. I will just say, we have responsibilities to the budget, to the Treasury. I will promise one thing: If we go back home and talk to duck hunters, as I do, and hunters on a regular basis, they think we are spending money like crazy. They think we do not adhere to any agreements. So I do not think the average duck hunter would be concerned if we slowed down a little bit and sent this bill back to committee and had it paid for so we did not violate the budget. In fact, I think most of the people I know would be very supportive of us doing that.

This proposal is a tax plan, pure and simple. The CBO and the Office of Management and Budget—President Obama's Office of Management and Budget—say the duck stamp fee is a tax. It is a tax, and Congress has always set the amount of it. This bill—I do not like this—we fixed this in committee, but Senator REID has brought up a bill without those fixes. The committee bill would have said Congress sets the amount of the tax on the American people, not some unelected

Secretary of the Interior. Why should he have the unilateral ability to raise taxes on Americans? It has never been done before. It should never be done. It violates good, sound principles of government in America and actually I think it would violate the Constitution to do that. It is certified by OMB and CBO as a tax.

Also, I hear it said it would actually reduce the deficit. If we raise taxes by \$145 million and then we spend \$140 million, we can go around and say: We reduced the deficit by \$5 million. But I asked Senator WARNER and other colleagues have they researched this budget of ours to seek to find an additional \$140 million? If we are going to raise the duck stamp by \$140 million, if we are going to raise it by that amount, why wouldn't we reduce the deficit by \$140 million instead of just \$5 million? Those are the decisions families and small businesses make when they deal with these challenges in their budgets. They are required to make choices. One thing this Congress seems to always want to avoid is making choices. Since they can find nothing else in the entire Federal budget that would pay for this bill, this sportsmen's bill, it would indicate to me it is not a very high priority.

But the truth is that is not exactly true. The truth is, they never looked to find anything else they could cut that is wasteful or duplicative. In fact, there are over \$900 million in existing wetlands conservation programs today. Nobody has sought to examine those programs to see if they could be more efficiently run and probably it would free up that much money right there.

I know the pressures. I know how this system works, but the people who drafted the Budget Control Act were aware of how Congress likes to spend. They specifically intended not to allow us to spend more by taxing more. They set explicit levels on how much we could spend. Therefore, this bill violates those spending levels, even though it has taxes there, and, as a result, it violates the budget and should not pass in its present form.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

#### THE DREAM ACT

Mr. BLUMENTHAL. Mr. President, I am honored to follow my distinguished colleague from Alabama, as well as a number of my other colleagues who I think have disproved, at least for this afternoon, one of the remarks made by the Senator from Illinois, which is that the cable viewers who subscribe to C-SPAN may not be getting their money's worth. I think the very spirited remarks made by my colleague from Alabama, even as I disagree with them, are a very well-stated point of view that deserves to be considered.

I am honored also to follow the majority leader and the Senator from Illinois and the Senator from Virginia in the remarks they made about the need to change the filibuster rules, and I wish to associate myself strongly with them. From the very first days I have been a Member of this body, I have strongly believed the filibuster needs to be ended or at least greatly modified so as to permit the business of this great Chamber to go forward. I believe the new Members who have come here have heard that message loud and clear from the American people and that they will vote—a majority of them—to change those rules. Because all of us know, having been home for a while, the American people believe strongly that we need to do better, we need to do more, we need to address the problems of this country through majority rule, not by 60-vote rule but majority rule, at least at the beginning of the process, as the majority leader has suggested, not by violating the rules but by following the rules to change and improve those rules. So I will vote to support the majority leader's proposals in that regard.

One of the measures that has been stymied, as the Senator from Illinois very eloquently said, is the DREAM Act. I have been a strong supporter and thank him for his leadership on the DREAM Act over many years. A number of times I have come to the floor to share stories, specific personal stories about those DREAMers whose lives would be changed and who would so greatly enhance the life of this Nation if the DREAM Act were passed. I am here again to share the story of another DREAMer from Connecticut and to urge my colleagues to act on this measure.

Of course, this measure should be part of comprehensive immigration reform. I have believed since I arrived 2 years ago that immigration reform ought to be a priority. I am gratified and grateful that the President seems now to be moving in that direction and that many in this body share that view. In fact, I asked to be assigned to the Judiciary Committee's Subcommittee on Immigration so I could be a part of this debate, and I hope I will join leaders in this effort, such as Senator SCHUMER and Senator MENENDEZ, in proposals to repair a broken system. Clearly, our immigration system is in dire need of reform, comprehensive reform that will include the DREAM Act.

I have met and I have seen and experienced firsthand the stories of these DREAMers that make the case so compellingly for the DREAM Act to enable them to earn their citizenship and continue contributing to the greatest Nation in the history of the world, America.

As we return from Thanksgiving, having expressed our gratitude for our

families, for our communities, for our country, what better time to address this measure for people who appreciate, maybe more than most of us, the importance and value of citizenship.

For more than a decade, Senator DURBIN has championed this measure, and I am honored to work with him in this effort. As attorney general, I advocated it at the State level. But, obviously, only the Federal Government can change the laws relating to citizenship.

The DREAM Act would give young, undocumented immigrants, brought to this country as infants or young children, through no choice of their own, a chance to earn their citizenship through education or military service. The young people who would benefit from the DREAM Act identify as Americans. This Nation is the only one they have ever known. English is often the only language they know. Their friends here are the only friends they have. It would give them a clear path to immigration status, as well as citizenship.

The DREAM Act would give these young people a chance to earn citizenship but only if they meet several requirements. First, they must have come here as children. They have to demonstrate good moral character. They have to have graduated from high school. They must have completed 2 years of college or military service. Then, having met those requirements, they can apply for legal permanent residency and pursue a path to citizenship.

The DREAM Act would enable thousands of young people in Connecticut—about 2 million across the country—to leave the shadows, to leave the shadows of fear, of deportation from their homes and their communities, a fear that haunts them and forces them to put their careers and their education on hold, to the detriment of them and our Nation because they have so much to contribute and to give back to their communities and our country.

They are well educated and ambitious, and they could enhance and expand our society, our economy, our democracy if they are given the chance to fulfill their potential. All they want, all they ask is the opportunity to stay in this country and to earn citizenship in the place they call home, proudly.

Two million immigrants nationwide would benefit from this act. Mr. President, 11,000 to 20,000 DREAMers are living in Connecticut, and one of them is Solanly Canas.

She was born in Colombia and she is here with us in this photograph. She was brought to America when she was 12 years old, living now in East Haven where she has attended school. She is in her senior year of high school where she has thrived as a member of the Honor Society, the Executive Board of the Student Council, and president of

the Interact Club, the National Honor Society.

She has dreams and goals for the future. She is proud of being a great student contributing to the life of her school, and she hopes to study psychology some day. She wants to go to college. But her life is in danger of being on hold because of her undocumented status. On June 15 of this year, Solanly encountered the great hope that maybe all of her hard work would be worth it, because on that date, the Obama administration announced a new policy that deferred action for childhood arrivals that gave her a temporary reprieve for relief from deportation. It extended for 2 years that relief. She would qualify, because those who have been in this country, continuously residing here for 5 years, brought here as children, not convicted of a felony or significant misdemeanor, currently in school or graduating from high school or honorably discharged as a veteran, all would be eligible to apply.

But eligibility is all they receive. All they would gain if granted this status is a temporary reprieve, forcing them again to risk, at the end of that reprieve, the potential for deportation and aggravating the possible fear by their having to declare their undocumented status. Her fate, far from being unusual, I have shown to be common to a number of individuals whom I have specifically mentioned on the floor.

Miller Gomes, for example—I am going to have his picture be shown here—brought to this country from Brazil at 5 years old. He attended Bridgeport public schools and Fairfield University where he graduated summa cum laude, and then the University of California-Berkeley where he is now enrolled in a Ph.D. program, a Ph.D. program in chemistry. What does this country need if not more scientists? We say so every day on this floor. Here is a scientist who could contribute greatly, now in fear of deportation simply because he was brought here at 5 years old and he is undocumented to this day.

Zuly Molina, who came here from Mexico, brought here at 6 years old. By the way, she had to walk across desert-like, barren country for 15 days. She was then put in the trunk of a car—6 years old. Living in New Britain. She was so fearful of her status that she declined to go to college in Connecticut. Instead she went to Massachusetts at Bay Path College where right now she is pursuing a master's in occupational therapy, a health care worker. At a time when we on this floor talk about the need for health care skilled training, we have here someone who could provide exactly that kind of contribution.

Finally, I have talked about Yusmerith Caguao, brought here from Venezuela when she was 11 years old.

She went to Norwalk schools, and graduated from Norwalk Community College. She worked her way through Norwalk Community College as a waitress, as a babysitter, as an employee at a pet store. Now she is at Western Connecticut State University pursuing a combined degree in finance and accounting.

For these DREAMers, a path to citizenship, beginning with legal status, is essential to their peace of mind but also to their continuing to accomplish academically and professionally what is their great potential, to give to their country the promise and fulfillment of that potential that this country so dearly needs. We have the opportunity to provide them with a pathway to citizenship. Hopefully it would be part of comprehensive reform. But even as a stand-alone measure it merits approval. And as the Senator from Illinois said so well, it was blocked by the requirement for a 60-vote threshold. A majority voted in favor of it during this Congress. I ask my colleagues to give it the 60-vote threshold that it needs to pass for the sake of these DREAMers and for the sake of our country.

(The remarks of Mr. BLUMENTHAL pertaining to the introduction of S. 3636 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BLUMENTHAL. I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Montana.

Mr. TESTER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE SPORTSMEN'S ACT

Mr. TESTER. Mr. President, I rise to speak on the bill that is going to be dealt with here at the bottom of the hour, S. 3525, the sportsmen's package. This is a landmark bill. It includes ideas from members of both parties and from both Chambers. Over 50 national sports and conservation organizations support this bill, ranging from the Nature Conservancy to the NRA. Some 20 provisions included in this bill will help expand access to public lands, support additional habitat conservation, and preserve the hunting and fishing rights millions of Americans cherish. There has been much discussion about this bill, with many people weighing in. The fact is that this is a responsible bipartisan bill that will reduce the deficit by \$5 million while expanding hunting and fishing opportunities for millions of Americans.

I appreciate the perspective of the ranking member of the Budget Com-

mittee on the issue of whether to raise a point of order. I know he has to defend the Budget Act. However, the reality is this: This bill reduces the debt by \$5 million over 10 years. Those aren't my figures; those are the figures of the Congressional Budget Office. Unfortunately, a vote to sustain the point of order made by Senator SESSIONS is a vote to kill this important bipartisan legislation. We have had plenty of partisanship already here today on the Senate floor. I think it is time to do something in a bipartisan fashion and do something that is good for some 90 million Americans who consider themselves hunters and anglers.

I urge my colleagues to waive the budget point of order and then approve this important bill.

Mrs. BOXER. Mr. President, I appreciate Senator TESTER's leadership in putting together legislation, S. 3525, to address the priorities of sportsmen across the country.

This bill has many important provisions that I support, including reauthorization of highly successful conservation programs in the Environment and Public Works Committee's jurisdiction, which I chair. These programs restore critical wetlands, support partnerships to conserve wildlife habitat, and promote outdoor recreation.

While I appreciate Senator TESTER's efforts to move this legislation forward, I remain deeply concerned about two provisions included in this package, which I will discuss today. S. 3525 broadens an exemption that prohibits the use of the Federal Toxic Substances Control Act to address public health and environmental threats from dangerous chemicals, including lead, in ammunition and fishing tackle.

Some ammunition and fishing tackle contain lead that can be harmful to people who consume meat contaminated with lead shot. In 2008, Minnesota examined packages of venison and found that 22 percent contained lead fragments. North Dakota has also found lead fragments in venison being distributed for food.

The latest science shows that there is no known safe level of lead in children's blood. Because lead can damage the nervous system, including the brain, children and pregnant women are especially at risk.

Animals can also be poisoned or die after eating ammunition that is shot into lakes, rivers and upland areas, or when they consume the carcass of another animal that contains spent ammunition. In 2008, an expert at the U.S. Geological Survey stated:

Science is replete with evidence that ingestion of spent ammunition and fishing tackle can kill birds. The magnitude of poisoning in some species such as waterfowl, eagles, California condors, swans and loons, is daunting.

There are safe and effective alternatives, such as steel, to the use of lead



in shot and fishing tackle. According to the State of Wisconsin:

Steel shot actually arrives on target in a tighter pattern . . . (and) penetrates game better than lead . . . Extensive research, testing steel and other non-toxic shot, shows it to be both safe and effective.

The Federal Government must be able to use all of the tools at its disposal to protect American families from consuming contaminated food. Therefore, we should not create unneeded exemptions that apply to lead and an unknown number of other contaminants.

I also oppose the provision in S. 3525 that would allow sport-hunted polar bear trophies to be imported from Canada. This misguided provision could jeopardize recovery efforts for a species that is listed as threatened under the Endangered Species Act, ESA, and protected under the Marine Mammal Protection Act, MMPA.

Before polar bears received their protected status under the ESA and MMPA, there were extensive warnings for over a year that this protection was imminent. Nevertheless, a small group of trophy hunters ignored these warnings and went forward scheduling new hunts, and they are now seeking an exception to allow their polar bear trophies to be imported into the United States.

The International Union for Conservation of Nature estimates that approximately 20,000 to 25,000 polar bears remain in the wild. Their survival is severely jeopardized by many factors, and we should not provide a loophole that encourages hunting of this vulnerable species. Maintaining full, consistent protections for polar bears is critical to the health of the Arctic ecosystem, the Native communities who legally harvest these bears for subsistence purposes, and for the public at large that is working to save this iconic animal.

I believe this bill has many good provisions that will help preserve America's treasured natural resources, protect fish and wildlife, and provide recreational opportunities for our families. Unfortunately, the bill also includes two provisions that threaten public health and could set back wildlife conservation efforts. I filed amendments to S. 3525 that would address these concerns, but if the amendments are not adopted and the bill remains unchanged, I will oppose S. 3525 in its current form.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I will be raising a budget point of order against this legislation. But I do want to thank my colleague, Senator TESTER, for his hard work and the efforts of a lot of people to put this legislation together. I would hope my colleagues would listen to why I think it is important this bill—with a lot of good points in it, which I favor strongly—needs to be sent back and fixed.

The reason is this: The bill violates the Budget Control Act that we passed August a year ago. That has been certified by Senator CONRAD, the chairman of the Budget Committee, and his staff. It plainly, as often is the problem, spends more than the Budget Control Act allows to be spent. Chairman CONRAD, as I said, has agreed with that assessment.

No. 2, now this is the fourth bill brought before this Senate by the majority leader in the last 15 months that violates the budget. It is the fourth time. This is a time in which our country has never faced a more serious systemic budget crisis. We are on an unsustainable course. We know that. One of the things we need to do is figure out a way to constrain ourselves, and the Budget Control Act was a step in that direction.

To raise the debt limit in August 2011—we had borrowed all the money we could borrow, and to raise the debt ceiling, the debt limit, the Budget Control Act was passed. It limited spending, and that was all part of the deal to raise the debt ceiling.

These violations of the Budget Control Act lower respect for the Senate by the American people. It hurts our Nation because it impacts our debt situation and our spending, and it cannot be justified. It should not happen. We can avoid this.

I disagree with Senator TESTER on this point. Of course, sustaining the budget point of order will not kill this bill unless in some manner of pique Senator REID were to say: I am not going to bring it up if you do not pass it just like I said it ought to be passed and you will not waive the budget and just violate the budget and do it like I said. I do not think Senator REID will do that. Surely, he will not do that.

So what would happen is it would go back to committee, and Senator REID would review it and see what we could do to fix it, which will be easy compared to some of the difficult problems we have around here. The need would simply be to find \$14 million a year. I have suggested a number of ways already, but those have not been used. If we would think about it this way, we are talking about finding savings somewhere in this monumental government of \$14 million when we plan to spend \$370,000 million this year. By Alabama standards that is a lot of money.

Another problem: The bill is subject to a House blue slip. Under the Con-

gressional Budget Office analysis and the President's own Office of Management and Budget in the White House, the duck stamp is a tax. It simply is a tax. People can say it is not a tax. It is a tax. They have defined it as a tax. We do not have the ability to redefine the meaning of words around here, and a tax cannot originate in the Senate. So the House, as it is presently written, is likely to object and will object to this, I am certain.

Another easily fixed problem in the bill is this: The Environment and Public Works Committee brought up the legislation. The question of whether the duck stamp tax should be set by law, by Congress, or be given to a member of the President's staff to set at whatever level he wants was discussed. Senator BOXER agreed with those who shared the view that we should not be delegating to an unelected Cabinet person the power to set taxes in the United States of America. He can set the duck stamp under this bill at any level he wants to set it at. That is not good.

This is a constitutional issue. I feel strongly about it. Congress must never cede its power to tax to a single person not even accountable or any other entity, the U.N. or any other entity. The Constitution gives Congress the power to tax and only the Congress the power to tax. That can easily be fixed. There is not a problem here.

It has been argued that the point of order is only technical. Do not worry about this point of order. It is only technical because the new spending in it is paid for. How? By tax increases. So the Budget Control Act drafters, 15 months ago, and the budget rules of this Senate understand this argument. This is not a new argument. They knew this kind of gimmick would come up under the Budget Control Act, and they prohibited it. They understood it, and that is why they prohibited it.

Under the Budget Control Act, a spending limit is a spending limit. I know Senator REID seems to think if he raises taxes he can spend more, and he does not have to pay attention to the Budget Control Act he supported and the President signed and negotiated 15 months ago. He does not have to do that because he has paid for it, he thinks, by raising taxes. But the truth is the Budget Control Act does not deal with taxes. It deals with spending, and it prohibits more spending than the amount above the EPW allocations.

I note my friend, Senator TESTER, and my friend, Senator WARNER, earlier—they are fine Senators—said there is no problem. OK. There is no problem, SESSIONS. It reduces the deficit by \$5 million over 10 years. We should not worry. So you say: OK, SESSIONS, why are you complaining? You are worried about the deficit. It reduces the deficit by \$5 million. CBO says that. That may be the case. I think it is the case. But



what is the answer to that charge? The answer to it is simply this: This legislation, as it is now written—and can be changed—raises taxes \$145 million and spends \$140 million, and they pat themselves on the back and say: We pay down the deficit \$5 million. Give me a break.

Think about this, though: If the spending limit of the Budget Control Act were complied with, we would not have a \$5 million reduction in the deficit. We would have a \$145 million reduction in the deficit at least. We would have \$145 million in deficit reduction instead of \$5 million. So let's ask: Has anyone looked around to see if there is any spending that can be reduced to pay for this? The Interior Appropriations bill spends \$29 billion a year. We cannot find \$14 million?

Well, the answer is, nobody has looked to save any money to pay for this bill. Nobody, really.

Well, why not? Because it asks the Members of the House and the Senate—the Congress—to choose, make priority settings, and that is hard. We do not want to do hard things. There are over \$900 million spent in wetlands programs like that in the bill that advance duck causes and hunting and so forth, according to the Congressional Research Service. Has anybody ever looked to see if that multiplicity of programs might be consolidated and save, out of \$900 million, maybe \$14 million right there? Plus, any other spending in this government could be utilized to keep within the spending limits and not violate it.

But the fact is the Budget Control Act said we must choose. If we want to have a new program in one of our areas of the government, fine and dandy, but we have to do it within the limit of spending we have agreed to. This bill does not do that. Under this rationale, we would have to assume, would we not, that the needs of this bill are so little that there is not a single other program in America, not a single one, that is less valuable. Therefore, the only way we can proceed with this bill is to raise taxes, raise revenue. That is just simply not correct. We know better than that.

There is no reason these problems cannot be fixed. Slowing down, complying with the Budget Control Act, not delegating to an unelected Cabinet Member the power to raise taxes, not violating with a blue slip by commencing a revenue bill in the Senate, is not hard to deal with.

So I say to Senator TESTER: Thank you for your work. I am not sure the way this was done precisely was something you suggested. I believe we can work this out. I have made some suggestions. I am open to a lot of suggestions, but I will just say to my colleagues, I will continue to object to any bill brought before this Congress that violates the solemn agreement we

made 15 months ago in the Budget Control Act. And this one does. Senator CONRAD has verified that. If my colleagues will adhere to the limits of spending that we agreed to 15 months ago by supporting this budget point of order, this popular bill, with a lot of good values in it, will be quickly fixed and passed—there is just no other way to see it—and in the future, committees and Senator REID, perhaps, will stop sending budget busters to the floor of the Senate.

Mr. President, I was going to make the budget point of order at this point, but I see Senator TESTER. I do not know if he wants to speak. Let me say again how much I appreciate the hard work Senator TESTER has put into this. He is a friend. I know he has worked hard, and I hate to cause him heartburn at this point in time, but I really would say I have raised this budget point of order on other bills and it is not that I am complaining particularly about his. His, in fact, will be a lot easier to fix than some of them.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I want to thank the ranking member of the Budget Committee for his comments.

Look, folks, this is a bill about habitat. It is a bill about access. It is a bill about opportunity for people who enjoy our outdoors in this country. The outdoor economy is some \$600 billion a year.

I have heard many times spoken on the Senate floor, if we are going to get the deficit and the debt under control, we have to grow our economy. This is about growing our economy. How? By allowing hunters, fishermen, outdoor activists the opportunity to go out and utilize the great outdoors this country has to offer in Montana and throughout this country.

We are losing habitat every day. We have lost access to habitat for hunting and fishing and hiking. This bill will fix that.

I will go back to the point Senator SESSIONS made. When I go back home, folks talk to me about the debt. They talk to me about the deficit. They ask what we can do to fix it. Quite frankly, this is one of those things we can do to fix it. By increasing opportunities for our outdoorsmen and women in this country, we have the opportunity to increase our economy in a very positive way.

Like I said, when we talk about the duck stamps, those dollars go in to be used for promoting opportunities in duck hunting. Those moneys will not be going into funding the war in Afghanistan. The money coming in basically goes out for a specific purpose.

By the way, the folks who utilize the duck stamp want this money bumped up. That is why we give the Secretary this discretion.

With that, I yield the floor back to the Senator from Alabama.

#### SPORTSMEN'S ACT OF 2012

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3525) to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

Pending:

Reid (for Tester) amendment No. 2875, in the nature of a substitute.

Reid amendment No. 2876 (to amendment No. 2875), to change the enactment date.

Reid amendment No. 2877 (to amendment No. 2876), of a perfecting nature.

Reid amendment No. 2878 (to the language proposed to be stricken by amendment No. 2875), to change the enactment date.

Reid amendment No. 2879 (to amendment No. 2878), of a perfecting nature.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, the pending amendment No. 2875, offered by the Senator from Nevada, Senator REID, would cause the underlying legislation to exceed the authorizing committee's section 302(a) allocation of new budget authority and outlays. Therefore, I raise a point of order against the measure pursuant to section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, pursuant to section 904 of the Congressional Budget Act of 1974 and the waiver provisions of applicable budget resolutions, I move to waive all applicable sections of that act and applicable budget resolutions for purposes of this pending amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

All postclosure time has expired. The question is on agreeing to the motion.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Iowa (Mr. HARKIN), and the Senator from Louisiana (Ms. LANDRIEU) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from North Dakota (Mr. HOEVEN), the Senator from Georgia (Mr. ISAKSON), and the Senator from Illinois (Mr. KIRK).

The yeas and nays resulted—yeas 50, nays 44, as follows:

[Rollcall Vote No. 204 Leg.]

#### YEAS—50

Akaka	Cardin	Franken
Baucus	Carper	Gillibrand
Bennet	Casey	Hagan
Bingaman	Conrad	Inouye
Blumenthal	Cooms	Johnson (SD)
Brown (OH)	Durbin	Kerry
Cantwell	Feinstein	Klobuchar

Kohl	Murray	Snowe
Lautenberg	Nelson (NE)	Stabenow
Leahy	Nelson (FL)	Tester
Levin	Pryor	Udall (CO)
Lieberman	Reed	Udall (NM)
Manchin	Reid	Warner
McCaskill	Rockefeller	Webb
Menendez	Sanders	Whitehouse
Merkley	Schumer	Wyden
Mikulski	Shaheen	

## NAYS—44

Alexander	Crapo	McConnell
Ayotte	DeMint	Moran
Barrasso	Enzi	Murkowski
Blunt	Graham	Paul
Boozman	Grassley	Portman
Boxer	Hatch	Risch
Brown (MA)	Heller	Roberts
Burr	Hutchison	Rubio
Chambliss	Inhofe	Sessions
Coats	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Collins	Lee	Vitter
Corker	Lugar	Wicker
Cornyn	McCaain	

## NOT VOTING—6

Begich	Hoeven	Kirk
Harkin	Isakson	Landrieu

THE PRESIDING OFFICER (Mrs. HAGAN). On this vote, the yeas are 50, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected. The point of order is sustained and amendment No. 2875 falls.

The majority leader.

MR. REID. Madam President, I ask unanimous consent that the Reid amendment No. 2878 be withdrawn; that the vote on passage of the bill be vitiated; that the bill be returned to the calendar status quo; further, that at a time to be determined by the majority leader after consultation with the Republican leader, it be in order for the majority leader to resume consideration of the bill.

THE PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED

MR. REID. I now move we proceed to Calendar No. 419, S. 3254.

THE PRESIDING OFFICER. The clerk will report the bill by title.

The assistant bill clerk read as follows:

Motion to proceed to the bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

THE PRESIDING OFFICER. The majority leader.

MR. REID. As I indicated this morning, we are trying to work our way through a number of issues. We thought we were going to be able to move toward the Carcieri matter this evening, but we are still negotiating this matter, so we are going to have to do that at some subsequent time.

I suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

THE PRESIDING OFFICER. The Senator from Alabama.

MR. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

## THE SPORTSMEN'S ACT

MR. SESSIONS. Madam President, I appreciate the vote we just concluded. I think what the vote said is that we want the bill on the floor to be in compliance with the Budget Control Act that was passed 15 months ago. This bill, even though it was not a lot of money, violated that. Senators have voted not to waive the budget and spend the money anyway. They decided we should comply with the budget.

I talked with Senator TESTER and Majority Leader REID and assured them that the fundamentals of this bill are good. I like what they have been trying to do with the Sportsmen's Act and I have been supportive of so many of the provisions in it.

We had several little problems. First and foremost, it attempted to spend more than the EKW Committee was entitled to spend under the Budget Control Act. Second, we have a blue slip problem with it. Thirdly, we have given the Interior Department Secretary the power to raise taxes unilaterally without a vote of Congress, and I think that is bad policy. All of those, however, compared to the many other provisions in the legislation are small, and we should be able to work them out. So I hope we can, and I will be working in that regard.

However, I do wish to say to my colleagues, this is the second bill that has had a lot of support on both sides of the aisle but has failed because they violated the Budget Control Act agreement on spending. Some on the other side might think they can simply say Republicans are obstructionists, they are killing bills just because they want to kill them and they don't like them. That is not correct. Republicans want to deal with many of the issues before us, such as veterans jobs, such as issues important to sportsmen, and we are supportive of them, but we want them to be done according to the agreement we reached on spending limits last year, and that can easily be done. We spend almost \$3700 billion a year. We ought to be able to find \$14 million from waste, fraud, duplication—savings that can be utilized to pay for this new program.

What the bill suggests by the way it is written is that we have looked at all of the spending in the entire U.S. Government and we can't find \$14 million less valuable than to spend it on migratory bird conservation. I think that is

not true. Of course we can find waste, fraud, and abuse right there. We can find other ways to consolidate programs to fund this. We have to honor the agreement we reached, because it looks to me as though we will soon be headed to some sort of late-night, end-of-the-session monumental bill, and it will be like what we had 15 months ago when the debt ceiling was increased and spending was limited and we promised to raise the debt ceiling but limit spending growth, basically. We voted on that. The majority voted for it. The President supported it. He signed it. It became law. Here we are now 15 months later, having had four bills brought to this floor that violated that spending limit. So we have to be careful. The American people are not going to be very confident, if we reach some sort of other spending limit agreement to avoid the fiscal cliff, that we won't, before the ink is dry, start violating it. After all, it only takes 60 votes.

I think it is a very important issue. I am the ranking Republican on the Budget Committee. When we make an agreement, I think we ought to adhere to it, and this is why we had difficulty with the bill.

I enjoyed working with Senator TESTER on it. I have had a good conversation with Senate Majority Leader REID. Hopefully, something can be worked out to fix this problem.

I thank the Chair and yield the floor.

MR. LEVIN. Mr. President, I note the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

MR. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER (MR. MERKLEY). Without objection, it is so ordered.

## MORNING BUSINESS

MR. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

THE PRESIDING OFFICER. Without objection, it is so ordered.

## HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS RYAN JAMES SAVARD

Mrs. SHAHEEN. Mr. President, today I wish to pay tribute to the heroic service of SFC Ryan James Savard, who was killed in action October 13 in Kunduz Province as part of Operation Enduring Freedom in Afghanistan. Sergeant First Class Savard was assigned to the Headquarters and Headquarters Company of U.S. Army Special Operations Command out of Fort Bragg, NC. He was killed while serving a sixth tour of duty—a remarkable accomplishment—after completing four tours

in Afghanistan and one tour in Iraq in support of Operation Iraqi Freedom. He was a brave patriot who served his country with honor and distinction. He was a loving husband and a devoted son.

Ryan was born on February 27, 1983 in Salt Lake City, UT. When he and his family moved to Jefferson, NH, Ryan attended eighth grade at the Lancaster School and spent 3 years at the White Mountains Regional High School in Whitefield. After graduating from high school in Arizona, Ryan followed in his father's footsteps and enlisted in the Army. In fact, he completed his very first day of basic training on September 11, 2001.

Ryan began his 10 years of service repairing helicopters and then went on to earn great distinction in the Special Operations Forces as a Green Beret. In June 2004 he graduated from the U.S. Army John F. Kennedy Special Warfare Center, becoming a weapons sergeant in Company A, Third Battalion, Third Special Forces Group at Fort Bragg. Ryan rose steadily in this role, deploying three times as a senior weapons sergeant in 2008 and twice as a Special Operations Team Member in two tours beginning in 2010.

Ryan received a significant number of awards for his distinguished service, including three Army Commendation Medals, a Joint Service Achievement Medal, three Army Achievement Medals, a Joint Meritorious Unit Award and Meritorious Unit Commendation and three Good Conduct Medals. In addition, he was posthumously awarded a third Bronze Star Medal, the Defense Meritorious Service Medal and a second Purple Heart.

Ryan is remembered by those close to him as a true friend with an infectious laugh and an unmatched sense of humor. He was a great listener and an extremely hard-working young man. Ryan knew the type of commitment that was necessary to be a real friend and the type of commitment that was necessary to be the best soldier possible. His drive to succeed has left an indelible mark on his family, his friends, the State of New Hampshire and the Nation. We are extremely proud and deeply appreciative of Ryan for his willingness to serve and ultimately, to lay down his life, like so many others before him, in the defense of the freedoms that we as Americans hold dear.

Ryan has been laid to rest at Arlington National Cemetery. He is survived by his wife, Kayla, of Fayetteville, NC; his parents, SGM Garrett Savard and Marie Savard, of Lancaster, NH; his five sisters, Rachel, Rebekah, Virginia, Karen and Maria; and his two brothers, Jedidiah and Garrett. This American hero will be sorely missed.

I ask my colleagues and all Americans to join me in honoring the heroic service of SFC Ryan James Savard.

#### HONORING OUR VETERANS

Mr. ENZI. Mr. President, each year on November 11, we come together as individuals and as a Nation to express our heartfelt gratitude to our veterans for the countless sacrifices they have made over the years on our behalf. Thanks to them, our Nation is strong and free, and our American way of life that we are so justifiably proud of continues to be protected and preserved. Although Veterans Day is over for this year, our appreciation for our veterans should never be over.

Specifically, I wish to honor our selfless men and women in the Armed Forces who have served and continue to serve in Operation Enduring Freedom. October 7th marked the 11th year the United States has been fighting the war in Afghanistan, and that is why the Senate recognized October 7th as Operation Enduring Freedom Veterans Day. Much has changed in the world and our lives in the last 11 years, but the United States remains committed to fighting for freedom in Afghanistan. More importantly—our brave military men and women have maintained their commitment to us. They fight to protect us, and to protect our freedoms. The war in Afghanistan is so physically far away; it can be easy to forget and get caught up in our daily lives. I ask every American to not forget our brave men and women are still overseas. I hope those courageous souls never fade from the hearts and minds of the people of the United States. In order to remember and honor the veterans' service in Afghanistan, the United States Senate recognized October 7th as Operation Enduring Freedom Veterans Day.

I want to thank Andrew Koenig, a Marine and native of Casper, WY, who reached out to my office with this idea of how to remind Americans of the war in Afghanistan we continue to fight. I thank him for his service and selfless dedication to all veterans and those currently serving.

Think of both October 7th and November 11th as a refresher of what it means to be an American. As you do, remember to take the first opportunity you have to thank a veteran for what we have received from their efforts. No one ever gets tired of being appreciated—especially our veterans.

The work our veterans began years ago continues today as our brave servicemen and women serve at outposts here in the United States and all over the world. Stationed far from family and friends, they have made a commitment to each one of us that they will do everything they possibly can to keep us safe and protected from harm.

Our country is recognized for its freedom and this is due to the men and women who serve in our outstanding military. They are patriotic, compassionate and courageous and set an example for us all to follow. In word and deed our veterans have shown their

great love for our country. We are very grateful for their service. Thanks to our country's veterans, the world is a much better place. God bless you.

#### PROMOTION OF GENERAL DENNIS VIA

Ms. MIKULSKI. Mr. President, on behalf of the Maryland Congressional delegation, I would like to take this opportunity to congratulate GEN Dennis Via on his promotion to four-star general officer and his assignment as the commanding general, U.S. Army Materiel Command. We note with pride that he is the first Army Signal Corps officer in history to achieve the U.S. Army's highest rank. We in Maryland remain indebted to General Via for his innovative and flawless leadership during the U.S. Army Communications and Electronics Command's move to Maryland's Aberdeen Proving Ground as part of the BRAC 2005 process. The Army and Nation are blessed by his extraordinary service in uniform.

#### RECOGNIZING THE MEMBERS OF THE ALASKA AIR NATIONAL GUARD

Ms. MURKOWSKI. Mr. President, I have the honor today to recognize three great Americans who valiantly risked their lives in the service of their country. SMSgt Christopher Widener, MSgt Brandon Stuemke, and SSgt Aaron Parcha are members of the Air National Guard from the State of Alaska who served as pararescuemen within the 83rd Expeditionary Rescue Squadron out of Bagram Airfield, Afghanistan. I'd like to tell you about some of the heroic actions taken by these men between the 12th and 14th of November 2010.

Senior Master Sergeant Widener, Master Sergeant Stuemke and Staff Sergeant Parcha are assigned to an Air National Guard unit that specializes in dangerous combat rescue missions. Pararescue specialists, or PJs, train to be inserted into the most hazardous and precarious situations to save lives. They learn to operate in extreme cold and harsh terrain. They train on some of the most cutting edge equipment and master complicated medical procedures. If that isn't enough, they prepare to do this job in the face of an enemy that, when they are plunged into the heart of a battle, can appear from any direction.

Their mission in the Pech River Valley of Afghanistan was to provide medical support to a United States Army task force. The operation was entitled Operation Bulldog Bite and was aimed at uprooting a determined and well-equipped enemy in the Kunar Province in the northeastern region of Afghanistan. After the battle began and the Army unit sustained casualties, the 83rd Expeditionary Rescue Squadron

was sent into action to help extract the wounded and dead. Each of the airmen was tasked to travel by helicopter and to be inserted by hoist to evacuate casualties. Accompanying the dangerous task of insertion from a helicopter came the barrage of enemy gunfire directed toward the PJs. Even before they touched the ground, the PJs were targeted with a hail of bullets. Each of these men cast away their personal safety and pressed on with their mission. The skilled airmen arrived at the location of the wounded troops and began to triage and treat the casualties. They spent several hours tirelessly preparing the severely wounded for evacuation and hoisting each up to a lifesaving helicopter transport hovering above. After evacuating the wounded, the pararescuemen continued their efforts by evacuating fallen warriors from the U.S. Army unit while still receiving enemy gunfire. To ensure success, Master Sergeant Stuemke even returned fire on an enemy position. Senior Master Sergeant Widener showed courage by shielding the casualty on his final hoist with his own body.

In all Senior Master Sergeant Widener, Master Sergeant Stuemke, and Staff Sergeant Parcha contributed to saving over 2 dozen American lives and ensure the return of several bodies of fallen comrades to their families. Their efforts ensured the United States Army unit supported could complete its mission, an operation that secured large stores of enemy weapons and munitions and significantly disrupted insurgent activity against coalition forces in eastern Afghanistan.

These men have been awarded the Distinguished Flying Cross for their actions. The award is the 4th highest decoration a member of our military can receive. I wish to thank these great men for their selfless service and dedication to our nation. They are all my heroes.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO JUDGE JEANNE BURCH

• Mr. WYDEN. Mr. President, at the end of this year the smallest county in Oregon is going to lose its biggest asset. Wheeler County Judge Jeanne Burch is retiring only because of Oregon law, which requires judges to retire at a certain age. In this case, the law is depriving my State of an exemplary public servant.

When she was appointed county judge in 1994, Wheeler County was close to bankruptcy. Since then, thanks to her leadership and perseverance, the county has been pulled back from the brink of insolvency. The county has also renovated its beautiful and historic courthouse and built a new family services center.

Judge Burch helped bring cell phone service to this remote area of Oregon. She serves on the Frontier TeleCom Network, which provides emergency communications for many counties in Central Oregon, and the Telecommunications Committee for Association of Oregon Counties. Earlier this year, she was appointed to the Oregon Commission for Women, and is now its vice chair. She is the only member of the commission from east of the Cascade Mountains.

Concerned about the growing epidemic of obesity, Judge Burch joined in an effort to make Fossil "The Biggest Loser." Patterned after a popular television show, 20 percent of Fossil's 450 residents collectively lost 600 pounds to a successful effort to become healthier, eat better, and be more active.

On a personal note, Jeanne Burch has become a valued friend.

When I first ran for the U.S. Senate in 1996, I promised the people of Oregon that I would hold a town meeting in each of the State's 36 counties every year. On a wintry day in February 1996 I began fulfilling that promise by holding my first town hall in Wheeler County. From that cold day 16 years ago when I arrived in Fossil until now, Jeanne Burch and the people of her county have always given me a warm welcome.

For several years after that, I made it a practice to hold my first town meeting of each year in Wheeler County. A few years ago when snow storms made getting to Fossil impossible, Judge Burch and the other members of Wheeler County Court gave me a special dispensation by passing a resolution releasing me from my commitment to hold the year's first town meeting in Wheeler County.

When I held my 500th town hall in 2009 it was in Wheeler County and Judge Burch made sure that most of the town turned out. She did the same thing last year for my 600th town hall on a warm summer night on the front lawn of the courthouse she helped restore.

For 18 years, Judge Jeanne Burch has been the steady hand of county government, a good friend, a wise steward, and the gold standard for what a good elected official ought to be. We will miss her as a county judge, but I know that when I return to Wheeler County next year for another town hall, she will be there for me as she always has been.●

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on November 16, 2012, during the adjournment of the Senate, received a message from the House of Representatives, announcing that the House has agreed to the fol-

lowing concurrent resolution, without amendment:

S. Con. Res. 60. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

The message also announced that the House agrees to the amendments of the Senate to the bill (H.R. 2453) to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

#### MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT ON JUNE 29, 2012

A message from the House of Representatives, delivered by one of its reading clerks on June 29, 2012, announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 51. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

#### MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6156. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 6156. An act to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to products of the Russian Federation and Moldova and to require reports on the compliance of the Russian Federation with its obligations as a member of the World Trade Organization, and for other purposes.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes.

#### ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on November 16, 2012, she had presented to the President of the United States the following enrolled bills:

S. 743. An act to amend chapter 23 of title 5, United States Code, to clarify the disclosures of information protected from prohibited personnel practices, require a statement

in non-disclosure policies, forms, and agreements that such policies, forms, and agreements conform with certain disclosure protections, provide certain authority for the Special Counsel, and for other purposes.

S. 1956. An act to prohibit operators of civil aircraft of the United States from participating in the European Union's emissions trading scheme, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8065. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Minimum Internal Control Standards" (RIN3141-AA27) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Indian Affairs.

EC-8066. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Appeal Proceedings Before the Commission" (RIN3141-AA27) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Indian Affairs.

EC-8067. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Minimum Technical Standards for Class II Gaming Systems and Equipment" (RIN3141-AA27) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Indian Affairs.

EC-8068. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Definition of Enforcement Action" (RIN3141-AA50) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Indian Affairs.

EC-8069. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Issuance of Investigation Completion Letters" (RIN3141-AA49) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Indian Affairs.

EC-8070. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Management Contracts—Background Investigations" (RIN3141-AA54) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Indian Affairs.

EC-8071. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities regarding civil rights era homicides; to the Committee on the Judiciary.

EC-8072. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the third quarter

of fiscal year 2012 quarterly report of the Department of Justice's Office of Privacy and Civil Liberties; to the Committee on the Judiciary.

EC-8073. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Schedules of Controlled Substances: Extension of Temporary Placement of the Methylone Into Schedule I of the Controlled Substances Act" (Docket No. DEA-357) received during adjournment of the Senate in the Office of the President of the Senate on November 9, 2012; to the Committee on the Judiciary.

EC-8074. A communication from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Trademark Classification Changes" (RIN6651-AC80) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on the Judiciary.

EC-8075. A communication from the Clerk of Court, United States Court of Appeals for the Third Circuit, transmitting an opinion of the United States Court of Appeals for the Third Circuit (Maribel Delrio-Mocci, et al. v. Connolly Properties, Inc.); to the Committee on the Judiciary.

EC-8076. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Ancient Lakes of Columbia Valley Viticultural Area" (RIN1513-AB85) received during adjournment of the Senate in the Office of the President of the Senate on October 24, 2012; to the Committee on the Judiciary.

EC-8077. A communication from the Chairman, Board of Trustees, John F. Kennedy Center for the Performing Arts, transmitting, pursuant to law, a financial report in accordance with Section 8G(h) of the Inspector General Act of 1978; to the Committee on Rules and Administration.

EC-8078. A communication from the Deputy Director of Regulation Policy and Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans' Group Life Insurance (VGLI) No-Health Period Extension" (RIN2900-AO24) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Veterans' Affairs.

EC-8079. A communication from the Director of Regulation Policy and Management, Veterans Benefit Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Extension of Statutory Period for Compensation for Certain Disabilities Due to Undiagnosed Illness and Medically Unexplained Chronic Multi-Symptom Illnesses" (RIN2900-AO09) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Veterans' Affairs.

EC-8080. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Fourth Quarter of Fiscal Year 2012"; to the Committee on Veterans' Affairs.

EC-8081. A communication from the Senior Program Analyst, Federal Aviation Adminis-

tration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0677)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8082. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sikorsky Aircraft Corporation Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0715)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8083. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0147)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8084. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1093)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8085. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; GA200 (Pty) Ltd Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0946)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8086. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Agusta S.p.A. Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0927)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8087. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Glasflugel Gliders" ((RIN2120-AA64) (Docket No. FAA-2012-0046)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8088. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0177)) received

during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8089. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0328)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8090. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0266)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8091. A communication from the Deputy Chief, Consumer and Governmental Affairs Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Middle Class Tax Relief and Job Creation Act of 2012; Establishment of a Public Safety Answering Point Do-Not-Call Registry, Report and Order, CG Docket No. 12-129, adopted and released October 17, 2012" (FCC 12-129) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute and an amendment to the title:

S. 1673. A bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes (Rept. No. 112-240).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BLUMENTHAL:

S. 3636. A bill to provide increased consumer protections for gift cards; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes; read the first time.

By Ms. LANDRIEU (for herself and Mr. KERRY:

S. 3638. A bill to establish an Office of Entrepreneurial Support within the Small Business Administration, and for other purposes; to the Committee on Small Business and Entrepreneurship.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mr. AKAKA, and Mr. TESTER):

S. Res. 600. A resolution supporting the goals and ideals of American Diabetes Month; to the Committee on Health, Education, Labor, and Pensions.

## ADDITIONAL COSPONSORS

S. 883

At the request of Mr. LIEBERMAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 883, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

S. 998

At the request of Mr. AKAKA, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 998, a bill to amend title IV of the Employee Retirement Income Security Act of 1974 to require the Pension Benefit Guaranty Corporation, in the case of airline pilots who are required by regulation to retire at age 60, to compute the actuarial value of monthly benefits in the form of a life annuity commencing at age 60.

S. 1350

At the request of Mr. COONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1350, a bill to expand the research, prevention, and awareness activities of the Centers for Disease Control and Prevention and the National Institutes of Health with respect to pulmonary fibrosis, and for other purposes.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1993

At the request of Mr. NELSON of Florida, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1993, a bill to posthumously award a Congressional Gold Medal to Lena Horne in recognition of her achievements and contributions to American culture and the civil rights movement.

S. 2124

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2124, a bill to amend title III of the Public Health Service Act to authorize and support the creation of

cardiomyopathy education, awareness, and risk assessment materials and resources by the Secretary of Health and Human Services through the Centers for Disease Control and Prevention and the dissemination of such materials and resources by State educational agencies to identify more at-risk families.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal antidiscrimination and antiretaliation claims, and for other purposes.

S. 3227

At the request of Mr. NELSON of Florida, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3484

At the request of Mr. BROWN of Ohio, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 3484, a bill to amend the S.A.F.E. Mortgage Licensing Act of 2008 to provide an exception from the definition of loan originator for certain loans made with respect to manufactured homes, to amend the Truth in Lending Act to modify the definition of a high-cost mortgage, and for other purposes.

S. 3522

At the request of Mr. MENENDEZ, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 3522, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3539

At the request of Mr. KERRY, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3539, a bill to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics.

S. 3565

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3565, a bill to eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.



S. 3614

At the request of Mr. REED, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 3614, a bill to establish a pilot program to authorize the Secretary of Housing and Urban Development to make grants to nonprofit organizations to rehabilitate and modify homes of disabled and low-income veterans.

S. 3626

At the request of Mr. MERKLEY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 3626, a bill to provide financing assistance for qualified water infrastructure projects, and for other purposes.

S. 3631

At the request of Ms. KLOBUCHAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3631, a bill to prohibit and deter the theft of metal, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

AMENDMENT NO. 2874

At the request of Mr. KERRY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 2874 intended to be proposed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

AMENDMENT NO. 2902

At the request of Mrs. BOXER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 2902 intended to be proposed to S. 3525, a bill to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BLUMENTHAL:

S. 3636. A bill to provide increased consumer protections for gift cards; to the Committee on Banking, Housing, and Urban Affairs.

Mr. BLUMENTHAL. Mr. President, as consumers shop for the holidays, more and more consumers are buying, giving, and receiving gift cards.

By one estimate, Americans spent over \$100 billion on gift cards in the 2011 holiday shopping season, and that nearly \$2 billion of that value went unused.

Today I am introducing legislation to help substantially remedy that problem and to ensure that consumers receive the full value that is stored on their gift cards.

Whether it is a bankrupt company that refuses to honor a gift certificate, a gift card with hidden fees that slowly withers down to nothing, or a "promotional" gift card that expires in the virtual blink of an eye, consumers in Connecticut and across the nation are in danger of seeing the value of their gift cards disappear.

The Gift Card Consumer Protection Act will stop these abusive practices.

This bill uses as a model or blueprint the Connecticut law that I advocated and helped write while serving as Attorney General, but it adds to protections provided by that state law and others.

This new measure enhances and expands gift card safeguards, particularly when gift card sellers become legally insolvent and seek bankruptcy status.

It will add strong new protections for consumers when a company goes bankrupt. Under this bill, a company that files for bankruptcy must immediately stop selling its gift cards and is required to honor existing gift cards until it goes out of business.

First, this bill will ban expiration dates and inactivity fees.

Connecticut gift card consumers have the benefit of clear and robust protections: their gift cards do not expire, and they do not carry any non-use or dormancy fees. These protections apply whether the gift card is purchased by a consumer or obtained as a rebate or bonus for the purchase of another product because in both situations, the consumer is relying on an expectation that the funds on the card will not expire and will not be depleted by fees.

As a U.S. Senator, I have often advocated for bringing Connecticut's strong consumer protection laws to the rest of the Nation, and that is what this bill does.

Under current Federal law, gift cards may expire after 5 years, and they be charged inactivity fees after 1 year. And loyalty, award, and promotional cards are not covered at all.

This bill would eliminate expiration dates and inactivity fees for gift cards, and it would include those protections for loyalty, award, and promotional gift cards.

This bill will give peace of mind and security to consumers when they purchase gift cards. They can shop with confidence, knowing that the money on their gift cards will not expire, will not diminish over time, and will not be refused if a company goes out of business.

I am grateful that many in the industry already follow these practices. Best Buy, for instance, doesn't charge fees on their gift cards and they do not expire. When you get a bonus card for a purchase, that card doesn't expire or carry fees, either. The same is true for Barnes and Noble, and others.

These practices should prevail uniformly for every company.

Unfortunately that is not the case. Some large companies assess inactivity fees after a year, others issue promotional gift cards that expire very quickly, sometimes as soon as forty days from the card's issuance.

The result is confusion and a lack of consumer confidence. "Does this company's gift card have hidden fees? Does the money on this \$20 bonus card last until I use it, or will it expire next month? This ad says I get a promotional gift card when I buy a new TV: does that mean it won't expire for five years, or will it expire in 30 days?"

The Gift Card Consumer Protection Act will address and dispel such doubt and confusion and make it clear that consumers who receive or buy gift cards whether by purchasing them directly or as part of a rebate or promotion need not worry about the cards expiring or being depleted by inactivity fees. It provides protections for gift card holders when a company files for bankruptcy protection.

The Gift Card Consumer Protection Act assures that consumers get their money's worth, no matter when they use the gift card.

I invite my colleagues to cosponsor the Gift Card Consumer Protection Act and ensure that gift card consumers do not see the value of their gift cards disappear due to unfair fees or expiration dates or a company bankruptcy.

By Mr. REID:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3637

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. INSURED DEPOSITORY INSTITUTION TRANSACTION ACCOUNT GUARANTEE PROGRAM.

(a) EXTENSION.—Notwithstanding any other provision of law that would repeal subparagraphs (B) and (C) of section (11)(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) PROSPECTIVE REPEAL.—Effective on January 1, 2015, section 11(a)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(1)) is amended—

(1) in subparagraph (B)—

(A) by striking "DEPOSIT.—" and all that follows through "clause (ii), the net amount" in clause (i), and inserting "DEPOSIT.—The net amount"; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (C), by striking "subparagraph (B)(i)" and inserting "subparagraph (B)".

(c) COST RECOVERY.—The Federal Deposit Insurance Corporation (in this section referred to as the "Corporation") shall fully



offset, in each calendar year, any estimated losses to the Deposit Insurance Fund established under section 11(a)(4) of the Federal Deposit Insurance Act (12 U.S.C. 1821(a)(4)) that may occur as a result of the amendments made under subsections (a) and (b) of this section, by—

(1) estimating the losses, if any, that are expected to occur for each calendar year; and

(2) collecting an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Corporation with respect to such year for insured depository institutions (as defined in section 3(c)(2) of that Act (12 U.S.C. 1813(c)(2))) pursuant to section 7(b) of that Act (12 U.S.C. 1817(b)).

## SEC. 2. INSURED CREDIT UNION TRANSACTION ACCOUNT GUARANTEE PROGRAM.

(a) EXTENSION.—Notwithstanding any other provision of law that would repeal subparagraphs (A) and (B) of section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) on January 1, 2013, such subparagraphs shall remain in effect until December 31, 2014.

(b) PROSPECTIVE REPEAL.—Effective on January 1, 2015, section 207(k)(1) of the Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking “(A) IN GENERAL. —” and all that follows through “paragraph (2), the net amount” in clause (i), and inserting the following:

“(1) IN GENERAL.—Subject to the provisions of paragraph (2), the net amount”; and

(B) by striking clauses (ii) and (iii); and

(2) in subparagraph (B), by striking “subparagraph (A)(i)” and inserting “subparagraph (A)”.

(c) COST RECOVERY.—The National Credit Union Administration (in this section referred to as the “Administration”) shall fully offset, in each calendar year, any estimated losses to the National Credit Union Share Insurance Fund established under section 203(a) of the Federal Credit Union Act (12 U.S.C. 1783(a)) that may occur as a result of the amendments made under subsections (a) and (b) of this section, by—

(1) estimating the losses, if any, that are expected to occur for each calendar year; and

(2) collecting an amount equal to such estimated losses by September 30 of such calendar year, which shall be in addition to the assessments that would otherwise be collected by the Administration with respect to such year for insured credit unions (as defined in section 101 of that Act (12 U.S.C. 1752)) pursuant to section 202 of that Act (12 U.S.C. 1782).

## SUBMITTED RESOLUTIONS

### S. RES. 600—SUPPORTING THE GOALS AND IDEALS OF AMERICAN DIABETES MONTH

Mrs. SHAHEEN (for herself, Ms. COLLINS, Mr. LAUTENBERG, Ms. MIKULSKI, Ms. LANDRIEU, Mr. AKAKA, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

Whereas, according to the Centers for Disease Control and Prevention (referred to in this preamble as the “CDC”), nearly 26,000,000 people in the United States have di-

abetes and 79,000,000 people in the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanics, African-Americans, Asian-Americans, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population of the United States;

Whereas, according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas, each day, approximately 5,082 people are diagnosed with diabetes;

Whereas, in 2010, the CDC estimated that approximately 1,900,000 individuals age 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas, according to the CDC, between 1980 and 2007, the prevalence of diabetes in the United States increased by more than 300 percent;

Whereas the CDC reports that more than 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults in the United States and 26.9 percent of people in the United States age 60 and older have diabetes;

Whereas the CDC estimates that as many as 1 in 3 adults in the United States will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African-American, Asian-American, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas, according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was \$174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas, according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was \$218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for each fiscal year, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas, according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of more than 230,000 people in the United States in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence, and delay the onset, of type 2 diabetes;

Whereas, with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease; (2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 2928. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2929. Mrs. McCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2930. Mrs. McCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2931. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table.

SA 2932. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2933. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, supra; which was ordered to lie on the table.

SA 2934. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2935. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2936. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2937. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2938. Mr. WICKER submitted an amendment intended to be proposed by him to the

bill S. 3254, supra; which was ordered to lie on the table.

SA 2939. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2940. Mr. BLUMENTHAL (for himself, Mr. KERRY, Mrs. MURRAY, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2941. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2942. Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2943. Mr. WEBB (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2944. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2945. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2928.** Mrs. MCCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### **SEC. 1084. RESPONSIBILITIES REGARDING FINANCING OF OVERSEAS CONTINGENCY OPERATIONS.**

(a) **RESPONSIBILITIES OF THE PRESIDENT.**—The President shall ensure that any request to Congress for funds for or relating to an overseas contingency operation includes the following:

(1) A specific statement of the requested funds, including—

(A) amounts requested for each appropriations account covered by the request; and

(B) amounts intended to be allocated, where available, to programs, projects, and activities to be funded through the request.

(2) A specific proposal for means of financing the amount requested, including an increase in specified revenues, a decrease in specified programs, projects, or activities, borrowing by the Federal Government, or other appropriate means.

(b) **RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.**—

(1) **IN GENERAL.**—The Director of the Office of Management and Budget shall be the principal official of the Federal Government with responsibility for advising the President on financial matters in connection with overseas contingency operations, including the costs and proposed means of financing of all programs, projects, and activities of the Federal Government in connection with such operations.

(2) **PARTICULAR RESPONSIBILITIES.**—The responsibility of the Director under this subsection shall include the responsibilities as follows:

(A) To advise and report to the President on estimates of costs in connection with overseas contingency operations, including direct and indirect costs, current and future costs, and anticipated contracting costs.

(B) To identify and report to the President on means of financing the costs of the Federal Government in connection with overseas contingency operations, including an increase in specified revenues, a decrease in specified programs, projects, or activities, borrowing by the Federal Government, or other appropriate means.

(3) **CONSULTATION.**—The Director shall carry out the responsibility of the Director under this subsection in consultation with the Secretary of the Treasury, the Secretary of Defense, the Secretary of State, and other appropriate officials of the Federal Government.

(c) **ANNUAL REPORTS TO CONGRESS.**—Not later than 45 days after the end of each fiscal year in which Federal funds are obligated for or in connection with an overseas contingency operation, the Director of the Office of Management and Budget shall submit to Congress a report on the obligation and expenditure of Federal funds for or in relation to the operation during such fiscal year and in the aggregate since the commencement or designation of the operation as a contingency operation.

(d) **OVERSEAS CONTINGENCY OPERATION DEFINED.**—In this section, the term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SA 2929.** Mrs. MCCASKILL (for herself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 822 and insert the following:

#### **SEC. 822. PROHIBITION OF EXCESSIVE PASS-THROUGH CONTRACTS AND CHARGES IN THE ACQUISITION OF SERVICES.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to—

(1) prohibit the award of a covered contract or task order unless the contractor agrees that at least 50 percent of the direct labor cost of services to be performed under the contract or task order will be expended for employees of the contractor or of a subcontractor that is specifically identified and authorized to perform such work in the contract or task order;

(2) provide that the contracting officer for a covered contract or task order may authorize reliance upon a subcontractor or subcontractors to meet the requirement in paragraph (1) only upon a written determination that such reliance is in the best interest of the executive agency concerned, after taking

into account the added cost for overhead (including general and administrative costs) and profit that may be incurred as a result of the pass-through;

(3) require the contracting officer for a covered contract or task order for which more than 70 percent of the direct labor cost of services to be performed will be expended for persons other than employees of the contractor to ensure that amounts paid to the contractor for overhead (including general and administrative costs) and profit are reasonable in relation to the cost of direct labor provided by employees of the contractor and any other costs directly attributable to the management of the subcontract by employees of the contractor;

(4) include such exceptions to the requirements in paragraphs (2) and (3) as the Federal Acquisition Regulatory Council considers appropriate in the interests of the United States, which exceptions shall be permissible only in exceptional circumstances and for instances demonstrated by the Council to be cost-effective; and

(5) include such exceptions to the requirements in paragraphs (2) and (3) as the Secretary of Defense considers appropriate in the interests of the national defense.

(b) **COVERED CONTRACT OR TASK ORDER DEFINED.**—In this section, the term “covered contract or task order” means a contract or task order for the performance of services (other than construction) with a value in excess of the simplified acquisition threshold that is entered into for or on behalf of an executive agency, except that such term does not include any contract or task order that provides a firm, fixed price for each task to be performed and is—

(1) awarded on the basis of adequate price competition; or

(2) for the acquisition of commercial services as defined in paragraphs (5) and (6) of section 103 of title 41, United States Code.

(c) **EFFECTIVE DATE.**—The requirements of this section shall apply to—

(1) covered contracts that are awarded on or after the date that is 90 days after the date of the enactment of this Act; and

(2) covered task orders that are awarded on or after the date that is 90 days after the date of the enactment of this Act under contracts that are awarded before, on, or after such date.

(d) **OTHER DEFINITIONS.**—In this section:

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

(e) **CONFORMING REPEAL.**—Section 852 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (120 Stat. 2340) is repealed.

On page 250, between lines 15 and 16, insert the following:

#### **SEC. 860. SHORT TITLE.**

This subtitle may be cited as the “Wartime Contracting Reform Act of 2012”.

On page 254, strike lines 6 through 15 and insert the following:

(c) **COMPTROLLER GENERAL REPORT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the Department of Defense in implementing the regulations prescribed under subsection (a). The report may include such additional comments and information on the regulations

and the implementation of the regulations as the Comptroller General considers appropriate.

(2) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

On page 254, strike lines 19 through 25 and insert the following:

(a) **REPORTS REQUIRED.**—

(1) **DEPARTMENT OF DEFENSE.**—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of Defense shall, except as provided in subsection (b), submit to the appropriate committees of Congress a report on contract support for the Department of Defense for the operation.

(2) **DEPARTMENT OF STATE AND USAID.**—Not later than one year after the commencement or designation of a contingency operation outside the United States that includes combat operations, and annually thereafter until the termination of the operation, the Secretary of State and the Administrator of the United States Agency for International Development shall, except as provided in subsection (b), each submit to the appropriate committees of Congress a report on contract support for the operation for the Department of State or the United States Agency for International Development, as the case may be.

On page 255, line 9, insert “of an agency” after “Each report”.

On page 255, line 14, strike “the Department of Defense” and insert “the agency”.

On page 257, beginning on line 7, strike “the Secretary” and all that follows through “the Secretary” on line 9 and insert “the Secretary or the Administrator may use estimates for any category of contractor personnel for which such Secretary or the Administrator, as the case may be,”.

On page 257, after line 23, add the following:

(f) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Strike section 864 and insert the following:

**SEC. 864. RISK ASSESSMENT AND MITIGATION FOR CONTRACTOR PERFORMANCE OF CRITICAL FUNCTIONS IN SUPPORT OF OVERSEAS CONTINGENCY OPERATIONS.**

(a) **COMPREHENSIVE RISK ASSESSMENT AND MITIGATION PLAN REQUIRED.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), not later than six months after the commencement or designation of an overseas contingency operation that includes or is expected to include combat operations, the head of each covered agency shall perform a

comprehensive risk assessment and develop a risk mitigation plan for operational and political risks associated with contractor performance of critical functions in support of the operation for such covered agency.

(2) **EXCEPTIONS.**—Except as provided in paragraph (3), a risk assessment and risk mitigation plan shall not be required under paragraph (1) for an overseas contingency operation if both—

(A) the operation is not expected to continue for more than one year; and

(B) the total annual amount of obligations by the United States Government for contracts for support of or in connection with the operation is not expected to exceed, \$250,000,000 in any fiscal year.

(3) **TERMINATION OF EXCEPTIONS.**—Notwithstanding paragraph (2), the head of a covered agency shall perform a risk assessment and develop a risk mitigation plan under paragraph (1) for an overseas contingency operation with regard to which a risk assessment and risk mitigation plan has not previously been performed under paragraph (1) not later than 60 days after the first date on which either of the following occurs:

(A) The operation has continued for more than one year.

(B) The total amount of obligations by the United States Government for contracts for support of or in connection with the operation has exceeded \$250,000,000 in a fiscal year.

(b) **COMPREHENSIVE RISK ASSESSMENTS.**—A comprehensive risk assessment for an overseas contingency operation under subsection (a) shall consider, at a minimum, risks relating to the following:

(1) The goals and objectives of the operation (such as risks from behavior that injures innocent members of the local population or outrages their sensibilities).

(2) The continuity of the operation (such as risks from contractors walking off the job or being unable to perform when there is no timely back-up available).

(3) The safety of military and civilian personnel of the United States if the presence or performance of contractor personnel creates unsafe conditions or invites attack.

(4) The managerial control of the Government over the operation (such as risks from over-reliance on contractors to monitor other contractors with inadequate means for Government personnel to monitor their work).

(5) The critical organic or core capabilities of the Government, including critical knowledge or institutional memory of key operations areas and subject-matter expertise.

(6) The ability of the Government to control costs, avoid organizational or personal conflicts of interest, and minimize waste, fraud, and abuse.

(c) **RISK MITIGATION PLANS.**—A risk mitigation plan for an overseas contingency operation under subsection (a) shall include, at a minimum, the following:

(1) For each high risk area identified in the comprehensive risk assessment for the operation performed under subsection (a)—

(A) specific actions to mitigate or reduce such risk, including, but not limited to, the development of alternative capabilities to reduce reliance on contractor performance of critical functions;

(B) measurable milestones for the implementation of planned risk mitigation or risk reduction measures; and

(C) a process for monitoring, measuring, and documenting progress in mitigating or reducing risk.

(2) A continuing process for identifying and addressing new and changed risks arising in

the course of the operation, including the periodic reassessment of risks and the development of appropriate risk mitigation or reduction plans for any new or changed high risk area identified.

(d) **REPORTS TO CONGRESS.**—

(1) **IN GENERAL.**—Not later than 30 days after the completion of a comprehensive risk assessment and risk mitigation plan under subsection (a), the head of the covered agency concerned shall submit to the appropriate committees of Congress a report setting forth a summary description of the assessment and plan, including a description of the risks identified through the assessment and the actions to be taken to address such risks.

(2) **FORM.**—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) **CRITICAL FUNCTIONS.**—For purposes of this section, critical functions include, at a minimum, the following:

(1) Private security functions, as that term is defined in section 864(a)(5) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 2302 note).

(2) Training and advising government personnel, including military and security personnel, of a host nation.

(3) Conducting intelligence or information operations.

(4) Any other functions that are closely associated with inherently governmental functions, including the functions set forth in section 7.503(d) of the Federal Acquisition Regulation.

(f) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “covered agency” means the following:

(A) The Department of Defense.

(B) The Department of State.

(C) The United States Agency for International Development.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

On page 271, after line 20, add the following:

**SEC. 869. RESPONSIBILITIES OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **IN GENERAL.**—The Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by redesignating section 8L as section 8M; and

(2) by inserting after section 8K the following new section 8L:

**“SEC. 8L. SPECIAL PROVISIONS CONCERNING OVERSEAS CONTINGENCY OPERATIONS.**

“(a) **IN GENERAL.**—Upon the commencement or designation of a military operation as an overseas contingency operation that exceeds 90 days, the Inspectors General specified in subsection (b) shall have the responsibilities specified in this section.

“(b) **INSPECTORS GENERAL.**—The Inspectors General specified in this subsection are the Inspectors General as follows:

“(1) The Inspector General of the Department of Defense.

“(2) The Inspector General of the Department of State.

“(3) The Inspector General of the United States Agency for International Development.

“(c) STANDING COMMITTEE ON OVERSEAS CONTINGENCY OPERATIONS.—(1) The Council of Inspectors General on Integrity and Efficiency (CIGIE) shall establish a standing committee on overseas contingency operations. The standing committee shall consist of the following:

“(A) A chair, who shall be the Lead Inspector General for an overseas contingency operation under subsection (d) if such an operation is underway, and shall be an Inspector General specified in subsection (b) selected by the Inspectors General specified in that subsection from among themselves if such an operation is not underway.

“(B) The other Inspectors General specified in subsection (b).

“(C) For the duration of any contingency operation that exceeds 90 days, any other inspectors general determined by the chair, in coordination with the other Inspectors General specified in subsection (b), to have actual or potential areas of responsibility with respect to the contingency operation.

“(2) The standing committee shall have such on-going responsibilities, including planning, coordination, and development of practices, to improve oversight of overseas contingency operations as the chair considers appropriate.

“(3)(A) For the duration of any contingency operation that exceeds 90 days, the standing committee shall develop and update on an annual basis a joint-strategic plan for ongoing and planned oversight of the contingency operation by the Inspectors General specified in subsection (b) and designated pursuant to paragraph (1)(C), including the following:

“(i) Audit and available inspection plans.

“(ii) An overall assessment of such oversight, including projects or areas (whether departmental or government-wide) of concern or in need of further review.

“(iii) Such other matters as the Lead Inspector General for the contingency operation considers appropriate.

“(B) Each plan under this paragraph, and any update of such plan, shall be made available on an Internet website available to the public. Each plan, and any update of such plan, made so available shall be made available in unclassified form.

“(d) LEAD INSPECTOR GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.—(1) There shall be a lead inspector general for each overseas contingency operation that exceeds 90 days (in this section referred to as the ‘Lead Inspector General’ for the contingency operation concerned).

“(2) The Lead Inspector General for a contingency operation shall be the Inspector General of the Department of Defense, who shall assume such role not later than 90 days after the commencement or designation of the military operation concerned as a contingency operation.

“(e) RESPONSIBILITIES OF LEAD INSPECTOR GENERAL.—(1) The Lead Inspector General for an overseas contingency operation shall have the following responsibilities:

“(A) To conduct oversight, in full coordination with the other Inspectors General specified in subsection (b), over all aspects of the contingency operation and to ensure, either through joint or individual audits, inspections, and investigations, independent

and effective oversight of all programs and operations of all departments and agencies in the contingency operation.

“(B) To appoint, from among the offices of the other Inspectors General specified in subsection (b), an Inspector General to act as Associate Inspector General for the overseas contingency operation who shall act in a coordinating role to assist the Lead Inspector General in the discharge of responsibilities under this subsection.

“(C)(i) If none of the Inspectors General specified in subsection (b) has principal jurisdiction over a matter with respect to the contingency operation, to exercise responsibility for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(ii) If more than one of the Inspectors General specified in subsection (b) has jurisdiction over a matter with respect to the contingency operation, to determine principal jurisdiction for discharging oversight responsibilities in accordance with this Act with respect to such matter.

“(D) To carry out such other responsibilities relating to the coordination and efficient and effective discharge by the Inspectors General specified in subsection (b) of duties relating to the contingency operation as the Lead Inspector General shall specify.

“(2) The Lead Inspector General for an overseas contingency operation shall discharge the responsibilities for the contingency operation under this subsection in a manner consistent with the authorities and requirements of this Act generally and the authorities and requirements applicable to the Inspectors General specified in subsection (b) under this Act.

“(f) REPORTS.—(1) The Lead Inspector General for an overseas contingency operation shall, in coordination with the other Inspectors General specified in subsection (b), submit to the appropriate committees of Congress on a semi-annual basis, and make available on an Internet website available to the public, a report summarizing, for the semi-annual period, the activities of the Lead Inspector General and the other Inspectors General specified in subsection (b) with respect to the contingency operation, including—

“(A) the status and results of audits, inspections, and closed investigations, and of the number of referrals to the Department of Justice;

“(B) updates and changes to overall plans for the review of the contingency operation by inspectors general, including plans for inspections and audits; and

“(C) the activities under programs and operations funded with amounts appropriated or otherwise made available for the overseas contingency operation, including the information specified in paragraph (2).

“(2) The information specified in this paragraph with respect to an overseas contingency operation is as follows:

“(A) Obligations and expenditures of appropriated funds.

“(B) A project-by-project and program-by-program accounting of the costs incurred to date for the contingency operation, together with the estimate of the Department of Defense, the Department of State, and the United States Agency for International Development, as applicable, of the costs to complete each project and program above the simplified acquisition threshold.

“(C) Revenues attributable to or consisting of funds provided by foreign nations or international organizations to programs and projects for the contingency operation that

are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(D) Revenues attributable to or consisting of foreign assets seized or frozen that contribute to programs and projects for the contingency operation that are funded by any department or agency of the United States Government, and any obligations or expenditures of such revenues.

“(E) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the contingency operation.

“(F) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (3) with respect to the contingency operation—

“(i) the amount of the contract, grant, agreement, or other funding mechanism;

“(ii) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

“(iii) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

“(iv) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

“(3) A contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for reconstruction and other related activities in the contingency operation concerned with any public or private sector entity, including any of the following purposes:

“(A) To build or rebuild physical infrastructure.

“(B) To establish or reestablish a political or societal function or institution.

“(C) To provide products or services.

“(4) Each report under this subsection shall be submitted in unclassified form, but may include a classified annex.

“(g) TEMPORARY EMPLOYMENT AUTHORITY.—(1) Each Inspector General specified in subsection (b) may employ, on a temporary basis using the authorities in section 3161 of title 5, United States Code (but without regard to subsections (a) and (b)(2) of such section), such auditors, inspectors, investigators, and other personnel as such Inspector General considers appropriate for purposes of assisting such Inspector General in discharging responsibilities under subsection (e) with respect to an overseas contingency operation.

“(2) The employment under this subsection of an annuitant described in section 9902(g) of title 5, United States Code, shall be governed by the provisions of such section as if the position to which employed was a position in the Department of Defense.

“(3) The employment under this subsection of an annuitant receiving an annuity under the Foreign Service Retirement and Disability System under chapter 8 of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) shall be treated as employment in an elective position in the Government on a temporary basis under section 824(b) of the

Foreign Service Act of 1980 (22 U.S.C. 4064(b)) for which continued receipt of annuities may be elected as provided in such section.

“(4) The authority to employ personnel under this subsection for a contingency operation shall cease as provided for in subsection (h).

“(h) **SUNSET FOR PARTICULAR CONTINGENCY OPERATIONS.**—The requirements and authorities of this section with respect to an overseas contingency operation shall cease at the earlier of—

“(1) the end of the first fiscal year after the commencement or designation of the contingency operation in which the total amount appropriated for the contingency operation is less than \$250,000,000 (in constant fiscal year 2012 dollars); or

“(2) the date that is 18 months after the date of the issuance by the Secretary of Defense of an order terminating the contingency operation.

“(i) **CONSTRUCTION OF AUTHORITY.**—Nothing in this Act shall be construed to limit the ability of the Inspectors General specified in subsection (b) to enter into agreements to conduct joint audits, inspections, or investigations in the exercise of their oversight responsibilities in accordance with this Act with respect to overseas contingency operations.

“(j) **DEFINITIONS.**—In this section:

“(1) The term ‘overseas contingency operation’ means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

“(2) The term ‘simplified acquisition threshold’ has the meaning provided that term in section 2302(7) of title 10, United States Code.”

(b) **CONFORMING AMENDMENT RELATING TO TEMPORARY EMPLOYMENT AUTHORITY.**—Section 3161 of title 5, United States Code, is amended by adding at the end the following new subsection:

“(j) **LEAD INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS AS TEMPORARY ORGANIZATION.**—In addition to the meaning given that term in subsection (a), the term ‘temporary organization’ for purposes of this subchapter shall, without regard to subsections (a) and (b)(2) of this section, also include the Lead Inspector General for an overseas contingency operation under section 8L of the Inspector General Act of 1978 and the Inspectors General and inspector general office personnel assisting the Lead Inspector General in the discharge of responsibilities and authorities under subsection (e) of such section 8L with respect to the contingency operation.”

**SEC. 870. AGENCY REPORTS AND INSPECTOR GENERAL AUDITS OF CERTAIN INFORMATION ON OVERSEAS CONTINGENCY OPERATIONS.**

(a) **AGENCY REPORTS.**—Not later than 180 days after the commencement or designation of a military operation as an overseas contingency operation and semi-annually thereafter during the duration of the contingency operation, the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each make available to the Inspector General of the department or agency concerned the information required by subsection (f)(2) of section 8L of the Inspector General Act of 1978 (as amended by section 869 of this Act) on the contingency operation.

(b) **INSPECTOR GENERAL AUDITS.**—Not later than 90 days after receipt of a report under subsection (a), each Inspector General referred to in that subsection shall—

(1) perform an audit on the quality of the information submitted in such report, including an assessment of the completeness and accuracy of the information and the extent to which the information fully satisfies the requirements of such Inspector General in preparing the semi-annual report described in subsection (f)(1)(C) of section 8L of the Inspector General Act of 1978 (as so amended); and

(2) submit to the appropriate committees of Congress a report on the reliability, accuracy, and completeness of the information, including any significant problems in such information.

(c) **DEFINITIONS.**—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 871. OVERSIGHT OF CONTRACTS AND CONTRACTING ACTIVITIES FOR OVERSEAS CONTINGENCY OPERATIONS IN RESPONSIBILITIES OF CHIEF ACQUISITION OFFICERS OF FEDERAL AGENCIES.**

(a) **IN GENERAL.**—Subsection (b)(3) of section 1702 of title 41, United States Code, is amended—

(1) by redesignating subparagraphs (F) and (G) as subparagraphs (G) and (H), respectively; and

(2) by inserting after subparagraph (E) the following new subparagraph (F):

“(F) advising the executive agency on the applicability of relevant policy on the contracts of the agency for overseas contingency operations and ensuring the compliance of the contracts and contracting activities of the agency with such policy;”

(b) **DEFINITION.**—Such section is further amended by adding at the following new subsection:

“(d) **OVERSEAS CONTINGENCY OPERATIONS DEFINED.**—In this section, the term ‘overseas contingency operations’ means military operations outside the United States and its territories and possessions that are a contingency operation (as that term is defined in section 101(a)(13) of title 10).”

**SEC. 872. REPORTS ON RESPONSIBILITY WITHIN DEPARTMENT OF STATE AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR CONTRACT SUPPORT FOR OVERSEAS CONTINGENCY OPERATIONS.**

(a) **DOS AND USAID REPORTS REQUIRED.**—Not later than six months after the date of the enactment of this Act, the Secretary of State and the Administrator of the United States Agency for International Development shall, in consultation with the Chief Acquisition Officer of the Department of State and the Chief Acquisition Officer of the United States Agency for International Development, respectively, each submit to the appropriate committees of Congress an assessment of Department of State and United States Agency for International Development policies governing contract support in overseas contingency operations.

(b) **ELEMENTS.**—Each report under subsection (a) shall include the following:

(1) A description and assessment of the roles and responsibilities of the officials, offices, and components of the Department of State or the United States Agency for International Development, as applicable, within the chain of authority and responsibility for policy, planning, and execution of contract support for overseas contingency operations.

(2) Procedures and processes of the Department or Agency, as applicable, on the following in connection with contract support for overseas contingency operations:

(A) Collection, inventory, and reporting of data.

(B) Acquisition planning.

(C) Solicitation and award of contracts.

(D) Requirements development and management.

(E) Contract tracking and oversight.

(F) Performance evaluations.

(G) Risk management.

(H) Interagency coordination and transition planning.

(3) Strategies and improvements necessary for the Department or the Agency, as applicable, to address reliance on contractors, workforce planning, and the recruitment and training of acquisition workforce personnel, including the anticipated number of personnel needed to perform acquisition management and oversight functions and plans for achieving personnel staffing goals, in connection with overseas contingency operations.

(c) **COMPTROLLER GENERAL REPORT.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the progress of the efforts of the Department of State and the United States Agency for International Development in implementing improvements and changes identified under paragraphs (1) through (3) of subsection (b) in the reports required by subsection (a), together with such additional information as the Comptroller General considers appropriate to further inform such committees on issues relating to the reports required by subsection (a).

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SEC. 873. PROFESSIONAL EDUCATION FOR DEPARTMENT OF STATE PERSONNEL ON ACQUISITION FOR DEPARTMENT OF STATE SUPPORT AND PARTICIPATION IN OVERSEAS CONTINGENCY OPERATIONS.**

(a) **PROFESSIONAL EDUCATION REQUIRED.**—The Secretary of State shall develop and administer for Department of State personnel specified in subsection (b) a course of professional education on acquisition by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(b) **COVERED DEPARTMENT OF STATE PERSONNEL.**—The Department of State personnel specified in this subsection are as follows:

(1) The Chief Acquisition Officer of the Department of State.

(2) Personnel of the Department designated by the Chief Acquisition Officer, including

contracting officers and other contracting personnel.

(3) Such other personnel of the Department as the Secretary of State shall designate for purposes of this section.

(c) ELEMENTS.—

(1) CURRICULUM CONTENT.—The course of professional education under this section shall include appropriate content on the following:

(A) Contingency contracting.

(B) Contingency program management.

(C) The strategic impact of contracting costs on the mission and activities of the Department of State.

(D) Such other matters relating to acquisition by the Department for Department support for, or participation in, overseas contingency operations as the Secretary of State considers appropriate.

(2) PHASED APPROACH.—The course of professional education may be broken into two or more phases of professional education with curriculum or modules of education suitable for the Department of State personnel specified in subsection (b) at different phases of professional advancement within the Department.

(d) DEFINITIONS.—In this section:

(1) The term “contingency contracting” means all stages of the process of acquiring property or services by the Department of State for Department of State support for, and participation in, overseas contingency operations.

(2) The term “contingency program management” means the process of planning, organizing, staffing, controlling, and leading specific acquisition programs and activities of the Department of State for Department of State support for, and participation in, overseas contingency operations.

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SEC. 874. DATABASE ON PRICE TRENDS OF ITEMS AND SERVICES UNDER FEDERAL CONTRACTS.**

(a) DATABASE REQUIRED.—

(1) IN GENERAL.—Chapter 33 of title 41, United States Code, is amended by adding at the end the following new section:

**“§ 3312. Database on price trends of items and services under Federal contracts**

“(a) DATABASE REQUIRED.—The Administrator shall establish and maintain a database of information on price trends for items and services under contracts with the Federal Government. The information in the database shall be designed to assist Federal acquisition officials in the following:

“(1) Monitoring developments in price trends for items and services under contracts with the Federal Government.

“(2) Conducting pricing or cost analyses for items and services under offers for contracts with the Federal Government, or otherwise conducting determinations of the reasonableness of prices for items and services under such offers, and addressing unjustified escalation in prices being paid by the Federal Government for items and services under contracts with the Federal Government.

“(b) USE.—(1) The database under subsection (a) shall be available to executive agencies in the evaluation of offers for contracts with the Federal Government for items and services.

“(2) The Secretary of Defense may satisfy the requirements of this section by com-

plying with the requirements of section 892 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2306a note).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 33 of such title is amended by adding at the end the following new item:

“3312. Database on price trends of items and services under Federal contracts.”.

(b) USE OF ELEMENTS OF DEPARTMENT OF DEFENSE PILOT PROJECT.—In establishing the database required by section 3312 of title 41, United States Code (as added by subsection (a)), the Administrator of Federal Procurement Policy shall use and incorporate appropriate elements of the pilot project on pricing of the Department of Defense being carried out by the Director of Defense Pricing.

**SEC. 875. INFORMATION ON CONTRACTOR PERFORMANCE AND INTEGRITY THROUGH THE FEDERAL AWARDEE PERFORMANCE AND INTEGRITY INFORMATION SYSTEM.**

(a) INCLUSION OF CORPORATIONS AMONG COVERED PERSONS.—Subsection (b) of section 872 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4555) is amended by inserting “(including a corporation)” after “Any person” both places it appears.

(b) INFORMATION ON CORPORATIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraph:

“(3) INFORMATION ON CORPORATIONS.—The information on a corporation in the database shall, to the extent practicable, include information on any parent, subsidiary, or successor entities to the corporation in manner designed to give the acquisition officials using the database a comprehensive understanding of the performance and integrity of the corporation in carrying out Federal contracts and grants.”.

**SEC. 876. INCLUSION OF DATA ON CONTRACTOR PERFORMANCE IN PAST PERFORMANCE DATABASES FOR EXECUTIVE AGENCY SOURCE SELECTION DECISIONS.**

(a) STRATEGY REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall develop a strategy for ensuring that timely, accurate, and complete information on contractor performance is included in past performance databases used by executive agencies for making source selection decisions.

(2) CONSULTATION WITH USDATL.—In developing the strategy required by this subsection, the Federal Acquisition Regulatory Council shall consult with the Under Secretary of Defense for Acquisition, Technology, and Logistics to ensure that the strategy is, to the extent practicable, consistent with the strategy developed by the Under Secretary pursuant to section 806 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1487; 10 U.S.C. 2302 note).

(b) ELEMENTS.—The strategy required by subsection (a) shall, at a minimum—

(1) establish standards for the timeliness and completeness of past performance submissions for purposes of databases described in subsection (a);

(2) assign responsibility and management accountability for the completeness of past performance submissions for such purposes; and

(3) ensure that past performance submissions for such purposes are consistent with

award fee evaluations in cases where such evaluations have been conducted.

(c) CONTRACTOR COMMENTS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to require the following:

(1) That affected contractors are provided, in a timely manner, information on contractor performance to be included in past performance databases in accordance with subsection (a).

(2) That such contractors are afforded up to 14 calendar days, from the date of delivery of the information provided in accordance with paragraph (1), to submit comments, rebuttals, or additional information pertaining to past performance for inclusion in such databases.

(3) That agency evaluations of contractor past performance, including any information submitted under paragraph (2), are included in the relevant past performance database not later than the date that is 14 days after the date of delivery of the information provided in accordance with paragraph (1).

(d) CONSTRUCTION.—Nothing in this section shall be construed to prohibit a contractor from submitting comments, rebuttals, or additional information pertaining to past performance after the period described in subsection (c)(2) has elapsed or to prohibit a contractor from challenging a past performance evaluation in accordance with applicable laws, regulations, or procedures.

(e) COMPTROLLER GENERAL REPORT.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate committees of Congress a report on the actions taken by the Federal Acquisition Regulatory Council pursuant to this section, including an assessment of the following:

(1) The extent to which the strategy required by subsection (a) is consistent with the strategy developed by the Under Secretary of Defense for Acquisition, Technology, and Logistics as described in subsection (a)(2).

(2) The extent to which the actions of the Federal Acquisition Regulatory Council pursuant to this section have otherwise achieved the objectives of this section.

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code, except that the term excludes the Department of Defense and the military departments.

(3) The term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council under section 1302(a) of title 41, United States Code.

Strike section 881 and insert the following:

**SEC. 881. REQUIREMENTS AND LIMITATIONS FOR SUSPENSION AND DEBARMENT OFFICIALS OF THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the head of the covered agency concerned shall ensure the following:

(1) There shall be not less than one suspension and debarment official—

(A) in the case of the Department of Defense, for each of the Department of the Army, the Department of the Navy, the Department of the Air Force, and the Defense Logistics Agency;

(B) for the Department of State; and

(C) for the United States Agency for International Development.

(2) A suspension and debarment official under paragraph (1) may not report to or be subject to the supervision of the acquisition office or the Inspector General of—

(A) in the case of the Department of Defense, either the Department of Defense or the military department or Defense Agency concerned; and

(B) in the case of any other covered agency, the acquisition office or the Inspector General of such agency.

(3)(A) Except as provided in subparagraph (B), the duties of a suspension and debarment official under paragraph (1) may include only the following:

(i) The direction, management, and oversight of suspension and debarment activities.

(ii) The direction, management, and oversight of fraud remedies activities.

(iii) Membership and participation in the Interagency Committee on Debarment and Suspension in accordance with Executive Order No. 12549 and section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (as amended by this section).

(B) The limitation in subparagraph (A) shall not be construed to prohibit a suspension and debarment official under paragraph (1) from providing authorized legal advice to the extent that the provision of such advice does not present a conflict of interest with the exercise of the duties of the suspension and debarment official under subparagraph (A).

(4) Each suspension and debarment official under paragraph (1) shall have a staff and resources adequate for the discharge of the suspension and debarment responsibilities of such official.

(5) Each suspension and debarment official under paragraph (1) shall document the basis for any decision taken pursuant to a referral in accordance with the policies established under paragraph (7), including, but not limited to, the following:

(A) Any decision to suspend or debar any person or entity.

(B) Any decision not to suspend or debar any person or entity.

(C) Any decision declining to pursue suspension or debarment of any person or entity.

(D) Any administrative agreement entered with any person or persons in lieu of suspension or debarment of such person or entity.

(6) Any decision under subparagraphs (B) through (D) of paragraph (5) shall not preclude a subsequent decision by a suspension and debarment official under paragraph (1) to suspend, debar, or enter into any administrative agreement with any person or entity based on additional information or changed circumstances. All cases, whether based on referral or internally developed, shall be documented prior to closure by the suspension and debarment official.

(7) Each suspension and debarment official under paragraph (1) shall, in consultation with the General Counsel of the covered agency concerned, establish in writing policies for the consideration of the following:

(A) Referrals of suspension and debarment matters.

(B) Suspension and debarment matters that are not referred.

(b) COVERED AGENCY DEFINED.—In subsection (a), the term “covered agency” means the following:

(1) The Department of Defense.

(2) The Department of State.

(3) The United States Agency for International Development.

(c) DUTIES OF INTERAGENCY COMMITTEE ON DEBARMENT AND SUSPENSION.—Section 873 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (31 U.S.C. 6101 note) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “, including with respect to contracts in connection with contingency operations” before the semicolon; and

(B) in paragraph (7)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following new subparagraphs

“(D) a summary of suspensions, debarments, and administrative agreements during the previous year; and

“(E) a summary of referrals of suspension and debarment matters received during the previous year, including an identification of the agencies making such referrals and an assessment of the timeliness of such referrals.”; and

(2) by striking subsection (b) and inserting the following new subsections:

“(b) DATE OF SUBMITTAL OF ANNUAL REPORTS.—The annual report required by subsection (a)(7) shall be submitted not later than 120 days after the end of the first fiscal year ending after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘contingency operation’ has the meaning given that term in section 101(a)(13) of title 10, United States Code.

“(2) The term ‘Interagency Committee on Debarment and Suspension’ means the committee constituted under sections 4 and 5 of Executive Order No. 12549.”.

#### SEC. 881A. ADDITIONAL BASES FOR SUSPENSION OR DEBARMENT.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to provide for the automatic referral of a person described in subsection (b) to the appropriate suspension and debarment official for a determination whether or not the person should be suspended or debarred.

(b) COVERED PERSONS.—A person described in this subsection is any person as follows:

(1) A person who has been charged with a Federal criminal offense relating to the award or performance of a contract of an executive agency.

(2) A person who has been alleged, in a civil or criminal proceeding brought by the United States, to have engaged in fraudulent actions in connection with the award or performance of a contract of an executive agency.

(3) A person that does not maintain an office within the United States and has been determined by the head of a contracting agency of an executive agency to have failed to pay or refund amounts due or owed to the Federal Government in connection with the performance of a contract of the executive agency.

(c) DEFINITIONS.—In this section:

(1) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

(2) The term “person” has the meaning given that term in section 1 of title 1, United States Code.

Strike section 882 and insert the following:

#### SEC. 882. UNIFORM CONTRACT WRITING SYSTEM REQUIREMENTS.

(a) UNIFORM STANDARDS AND CONTROLS REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall—

(1) establish uniform data standards, internal control requirements, independent verification and validation requirements, and business process rules for processing procurement requests, contracts, receipts, and invoices by the Department of Defense or other executive agencies, as applicable;

(2) establish and maintain one or more approved electronic contract writing systems that conform with the standards, requirements, and rules established pursuant to paragraph (1); and

(3) require the use of electronic contract writing systems approved in accordance with paragraph (2) for all contracts entered into by the Department of Defense or other executive agencies, as applicable.

(b) COVERED OFFICIALS.—The officials specified in this subsection are the following:

(1) The Secretary of Defense, with respect to the Department of Defense and the military departments.

(2) The Administrator of the Office of Federal Procurement Policy, with respect to the executive agencies other than the Department of Defense and the military departments.

(c) ELECTRONIC WRITING SYSTEMS FOR DEPARTMENT OF STATE AND USAID.—Notwithstanding subsection (b)(2), the Secretary of State and the Administrator of the United States Agency for International Development may meet the requirements of subsection (a)(2) with respect to approved electronic contract writing systems for the Department of State and the United States Agency for International Development, respectively, if the Secretary and the Administrator, as the case may be, demonstrate to the Administrator of the Office of Federal Procurement Policy that prior investment of resources in existing contract writing systems will result in the most cost effective and efficient means to satisfy such requirements.

(d) PHASE-IN OF IMPLEMENTATION OF REQUIREMENT FOR APPROVED SYSTEMS.—The officials specified in subsection (b) may phase in the implementation of the requirement to use approved electronic contract writing systems in accordance with subsection (a)(3) over a period of up to five years beginning with the date of the enactment of this Act.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the officials specified in subsection (b) shall each submit to the appropriate committees of Congress a report on the implementation of the requirements of this section. Each report shall, at a minimum—

(1) describe the standards, requirements, and rules established pursuant to subsection (a)(1);

(2) identify the electronic contract writing systems approved pursuant to subsection (a)(2) and, if multiple systems are approved, explain why the use of such multiple systems is the most efficient and effective approach to meet the contract writing needs of the Federal Government; and

(3) provide the schedule for phasing in the use of approved electronic contract writing



systems in accordance with subsections (a)(3) and (d).

(f) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “executive agency” has the meaning given that term in section 133 of title 41, United States Code.

Strike section 883 and insert the following:

**SEC. 883. COMPTROLLER GENERAL OF THE UNITED STATES REVIEW OF USE BY THE DEPARTMENT OF DEFENSE, THE DEPARTMENT OF STATE, AND THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OF URGENT AND COMPELLING EXCEPTION TO COMPETITION.**

(a) REVIEW REQUIRED.—The Comptroller General of the United States shall review each of the following:

(1) The use by the Department of Defense of the unusual and compelling urgency exception to full and open competition provided in section 2304(c)(2) of title 10, United States Code.

(2) The use by each of the Department of State and the United States Agency for International Development of the unusual and compelling urgency exception to full and open competition provided in section 3304(a)(2) of title 41, United States Code.

(b) MATTERS TO BE REVIEWED.—The review of the use of an unusual and compelling urgency exception required by subsection (a) shall include a review of the following:

(1) The pattern of use of the exception by acquisition organizations within the Department of Defense, the Department of State, and the United States Agency for International Development in order to determine which organizations are commonly using the exception and the frequency of such use.

(2) The range of items or services being acquired through the use of the exception.

(3) The process for reviewing and approving justifications involving the exception.

(4) Whether the justifications for use of the exception typically meet the relevant requirements of the Federal Acquisition Regulation applicable to the use of the exception.

(5) The extent to which the exception is used to solicit bids or proposals from only one source and the extent to which such sole-source procurements are appropriately documented and justified.

(6) The compliance of the Department of Defense, the Department of State, and the United States Agency for International Development with the requirements of section 2304(d)(3) of title 10, United States Code, or section 3304(c)(1)(B) of title 41, United States Code, as applicable, that limit the duration of contracts awarded pursuant to the exception and require approval for any such contract in excess of one year.

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit to the appropriate committees of Congress a report on the review required by subsection (a), including a discussion of each of the matters specified in subsection (b). The report shall include any recommendations relating to the matters reviewed that the Comptroller General considers appropriate.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

Strike section 1245 and insert the following:

**SEC. 1245. SUSTAINABILITY REQUIREMENTS FOR CERTAIN CAPITAL PROJECTS IN CONNECTION WITH OVERSEAS CONTINGENCY OPERATIONS.**

(a) LIMITATION.—

(1) IN GENERAL.—Commencing 60 days after the date of the enactment of this Act—

(A) amounts authorized to be appropriated for the Department of Defense may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of Defense, in consultation with the United States commander of military operations in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project;

(B) amounts authorized to be appropriated for the Department of State may not be obligated or expended for a capital project described in subsection (b) unless the Secretary of State, in consultation with the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project; and

(C) amounts authorized to be appropriated for the United States Agency for International Development may not be obligated or expended for a capital project described in subsection (b) unless the Administrator of the United States Agency for International Development, in consultation with the Mission Director and the Chief of Mission in the country in which the project will be carried out, completes an assessment on the necessity and sustainability of the project.

(2) ELEMENTS.—Each assessment on a capital project under this subsection shall include, but not be limited to, the following:

(A) An estimate of the total cost of the completed project to the United States.

(B) An estimate of the financial and other requirements necessary for the host government to sustain the project on an annual basis after completion of the project.

(C) An assessment whether the host government has the capacity (in both financial and human resources) to maintain and use the project after completion.

(D) A description of any arrangements for the sustainment of the project following its completion if the host government lacks the capacity (in financial or human resources) to maintain the project.

(E) An assessment whether the host government has requested or expressed its need for the project, and an explanation of the decision to proceed with the project absent such request or need.

(F) An assessment by the Secretary of Defense, where applicable, of the effect of the project on the military mission of the United States in the country concerned

(b) COVERED CAPITAL PROJECTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a capital project described in this subsection is any capital project overseas for an overseas contingency operation

for the benefit of a host country and funded by the Department of Defense, the Department of State, or the United States Agency for International Development, as applicable, if the capital project—

(A) in the case of a project that directly supports building the capacity of indigenous security forces in the host country, has an estimated value in excess of \$10,000,000;

(B) in the case of any project not covered by subparagraph (A) that is to be funded by the Department of State or the United States Agency for International Development, has an estimated value in excess of \$5,000,000; or

(C) in the case of any other project, has an estimated value in excess of \$2,000,000.

(2) EXCLUSION.—A capital project described in this subsection does not include any project for military construction (as that term is defined in section 114(b) of title 10, United States Code) or a military family housing project under section 2821 of such title.

(c) WAIVER.—The Secretary of Defense, the Secretary of State, or the Administrator of the United States Agency for International Development, as applicable, may waive the limitation in subsection (a) in order to initiate a capital project if such Secretary or the Administrator, as the case may be, determines that the project is in the national security, diplomatic, or humanitarian interests of the United States. In the first report submitted under subsection (d) after any waiver under this subsection, such Secretary or the Administrator shall include a detailed justification of such waiver. Not later than 45 days after issuing a waiver under this subsection, such Secretary or the Administrator shall submit to Congress the assessment described in subsection (a) with respect to the capital project concerned.

(d) SEMI-ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal-year half-year the Secretary of Defense, the Secretary of State, and the Administrator of the United States Agency for International Development shall each submit to the appropriate committees of Congress a report setting forth each assessment conducted under subsection (a) by such Secretary or the Administrator, as the case may be, during such fiscal-year half-year, including the elements of each capital project assessed specified in subsection (a)(2).

(2) ADDITIONAL ELEMENTS.—In addition to the matters provided for in paragraph (1), each report under that paragraph shall include the following:

(A) For each capital project covered by such report, an evaluation (other than by amount of funds expended) of the effectiveness of such project, including, at a minimum, the following:

(i) The stated goals of the project.

(ii) The actions taken to assess and verify whether the project has met the stated goals of the project or is on track to meet such goals when completed.

(iii) The current and anticipated levels of involvement of local governments, communities, and individuals in the project.

(B) For each country or region in which a capital project covered by such report is being carried out, an assessment of the following:

(i) The current and anticipated effects of violence in the country or region on all the projects in the country or region covered by such report.

(ii) The current and anticipated levels of corruption or fraud in the country or region

in the connection with all the projects in the country or region covered by such report, and the current and anticipated risks of corruption or fraud in connection with such projects.

(3) FORM.—Each report shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

(2) The term “capital project” has the meaning given that term in section 308 of the Aid, Trade, and Competitiveness Act of 1992 (22 U.S.C. 2421e).

(3) The term “overseas contingency operation” means a military operation outside the United States and its territories and possessions that is a contingency operation (as that term is defined in section 101(a)(13) of title 10, United States Code).

**SA 2930.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 405, line 25, strike “Section 1217(f)” and insert “(a) EXTENSION AND MODIFICATION.—Section 1217(f)”.

On page 407, between lines 17 and 18, insert the following:

(b) TERMINATION OF CERTAIN UNSUSTAINABLE PROJECTS IN PROGRESS AND AVAILABILITY OF FUNDS FOR INFRASTRUCTURE PROJECTS IN THE UNITED STATES.—

(1) IN GENERAL.—Effective 180 days after the date of the enactment of this Act, the Secretary of Defense shall terminate each infrastructure project funded under section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)) that is in progress, but not completed, as of such effective date unless the Secretary determines, with supporting auditable information, that the Government of Afghanistan has the capacity (in both financial and human resources) to effectively maintain and use the project. If a project to be terminated is being carried out by another department or agency of the United States Government, the Secretary shall terminate the project in coordination with the head of such department or agency.

(2) AVAILABILITY OF FUNDS.—

(A) DEPOSIT OF FUNDS IN TREASURY.—Notwithstanding subsection (h) of section 1217 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011, the Secretary of Defense shall deposit in the Treasury an amount equal to the amount remaining available for expenditure on infrastructure projects terminated under paragraph (1) at the time of termination. The amount deposited shall be derived from amounts available for the infrastructure projects so terminated.

(B) AVAILABILITY OF FUNDS.—From amounts in the Treasury not otherwise appropriated, there shall be available to the Secretary of Transportation for transportation infrastructure projects in the United States otherwise authorized by law an amount equal to the amount deposited in the Treasury under subparagraph (A).

(C) COORDINATION.—The Secretary of Defense and the Secretary of Transportation shall carry out this paragraph in coordination with the Secretary of the Treasury.

(3) REPORT.—Not later than 210 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the determinations of the Secretary for purposes of paragraph (1) whether or not to terminate each infrastructure project described in that paragraph. If the Secretary determines not to terminate a project, the element of the report on the project shall include the auditable information supporting the determination as described in that paragraph.

(4) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Oversight and Government Reform, and the Committee on Appropriations of the House of Representatives.

**SA 2931.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 201(2) and insert the following:

(2) AQUATIC HABITAT.—The term “aquatic habitat” means an area on which an aquatic organism depends to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

**SA 2932.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

In section 211(e)(2), insert “Federal or non-Federal” after “use of”.

**SA 2933.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2875 proposed by Mr. REID (for Mr. TESTER) to the bill S. 3525, to protect and enhance opportunities for recreational hunting, fishing, and shooting, and for other purposes; which was ordered to lie on the table; as follows:

In section 204(f)(4), strike “considered to be approved” and insert “considered to be rejected”.

**SA 2934.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purpose; which was ordered to lie on the table; as follows:

On page 550, beginning on line 15, strike “; and” and all that follows through line 16 and insert the following: “;

(2) by inserting “or fiscal year 2013” after “fiscal year 2012”; and

(3) by inserting before the period at the end the

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

**SA 2935.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purpose; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. COMMAND RESPONSIBILITY AND ACCOUNTABILITY FOR REMAINS OF MEMBERS OF THE ARMY, NAVY, AIR FORCE, AND MARINE CORPS WHO DIE OUTSIDE THE UNITED STATES.**

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall take such actions as may be necessary to ensure that there is continuous, designated military command responsibility and accountability for the care, handling, and transportation of the remains of each deceased member of the Army, Navy, Air Force, or Marine Corps who dies outside the United States, beginning with the initial recovery of the remains, through the defense mortuary system, until the interment of the remains or the remains are otherwise accepted by the person designated as provided by section 1482(c) of title 10, United States Code, to direct disposition of the remains.

**SA 2936.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purpose; which was ordered to lie on the table; as follows:

On page 34, line 24, insert “level II” after “survivability”.

**SA 2937.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purpose; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2824. PROHIBITION ON USE OF FUNDS FOR IMPLEMENTATION OF CERTAIN GREEN BUILDING STANDARDS.**

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2013 may be obligated or expended to implement or use green building rating standards unless the standards—

**SA 2938.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. REQUIREMENTS IN CONNECTION WITH CERTAIN TRANSFERS OF PERSONNEL TO THE ARMED FORCES FROM OTHER UNIFORMED SERVICES.**

In order to facilitate transfers of personnel to the Armed Forces from other uniformed services pursuant to an inter-service transfer described in Department of Defense Directive 1300.4, dated December 27, 2006, the Secretary of Defense shall—

(1) coordinate with the Secretary of Homeland Security and the Secretary of Commerce to promote and streamline such transfers;

(2) give preference to such transfers as a means of recruitment of personnel for the Armed Forces; and

(3) to the extent practicable, appoint a person upon transfer in the same or equivalent grade held by the person before transfer.

**SA 2939.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of C subtitle of title VIII, add the following:

**SEC. 847. CONSIDERATION AND VERIFICATION OF INFORMATION RELATING TO EFFECT ON DOMESTIC EMPLOYMENT OF AWARD OF DEFENSE CONTRACTS.**

(a) IN GENERAL.—Section 2305(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The head of an agency, in issuing a solicitation for competitive proposals, shall state in the solicitation that the agency may consider information (in this paragraph referred to as a ‘jobs impact statement’) that

the offeror may include in its offer related to the effects on employment within the United States of the contract if it is awarded to the offeror.

“(B) The information that may be included in a jobs impact statement may include the following:

“(i) The number of jobs expected to be created in the United States, or the number of jobs retained that otherwise would be lost, if the contract is awarded to the offeror.

“(ii) The number of jobs created or retained in the United States by the subcontractors expected to be used by the offeror in the performance of the contract.

“(iii) A guarantee from the offeror that jobs created or retained in the United States in connection with the contract will not be moved outside the United States after award of the contract.

“(C) The contracting officer may consider the information in the jobs impact statement in the evaluation of the offer.

“(D) The agency may request further information from the offeror in order to verify the accuracy of the information in the jobs impact statement.

“(E) In the case of a contract awarded to an offeror that submitted a jobs impact statement with the offer for the contract, the agency shall, not later than six months after the award of the contract and annually thereafter for the duration of the contract or contract extension, assess the accuracy of the jobs impact statement.

“(F) The Secretary of Defense shall submit to Congress an annual report on the frequency of use within the Department of Defense of jobs impact statements in the evaluation of competitive proposals.”

(b) REVISION OF FEDERAL ACQUISITION REGULATIONS.—The Federal Acquisition Regulation shall be revised to implement the amendment made by this section.

**SA 2940.** Mr. BLUMENTHAL (for himself, Mr. KERRY, Mrs. MURRAY, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. MILITARY WORKING DOG MATTERS.**

(a) RETIREMENT OF MILITARY WORKING DOGS.—

(1) Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

“(1) to the 341st Training Squadron; or

“(2) to another location for adoption under this section.”

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 993. Military working dogs: veterinary care for retired military working dogs**

“(a) IN GENERAL.—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

“(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

“(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

“993. Military working dogs: veterinary care for retired military working dogs.”

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

**SA 2941.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PROTECTION OF VETERANS' MEMORIALS.**

Section 2314 of title 18, United States Code, is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans' memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”

**SA 2942.** Mrs. MCCASKILL submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 248, between lines 19 and 20, insert the following:

**SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.**

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

**“SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.**

“(a) PROHIBITION OF REPRISALS.—

“(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

“(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

“(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

“(b) INVESTIGATION OF COMPLAINTS.—

“(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

“(2) INSPECTOR GENERAL ACTION.—

“(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding

initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

“(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

“(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

“(c) REMEDY AND ENFORCEMENT AUTHORITY.—

“(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

“(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

“(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

“(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys’ fees and expert witnesses’ fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

“(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried

by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

“(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

“(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

“(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order’s conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

“(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.

“(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

“(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

“(2) The term ‘Inspector General’ means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4712. Contractor and grantee employees: protection from reprisal for disclosure of certain information.”.

(b) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking “commenced by the Federal Government or a State” and inserting “commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title”; and

(2) in subsection (c)(3), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

**SA 2943.** Mr. WEBB (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SECTION 1084. AMENDMENTS TO LAW ENFORCEMENT OFFICER SAFETY PROVISIONS OF TITLE 18.**

Chapter 44 of title 18, United States Code, is amended—

(1) in section 926B—

(A) in subsection (c)(1), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d), by striking “as a law enforcement officer” and inserting “that identifies the employee as a police officer or law enforcement officer of the agency”; and

(C) in subsection (f), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(2) in section 926C—

(A) in subsection (c)(2), by inserting “or apprehension under section 807(b) of title 10, United States Code (article 7(b) of the Uniform Code of Military Justice)” after “arrest”; and

(B) in subsection (d)—

(i) in paragraph (1), by striking “that indicates” and inserting “that identifies the person as having been employed as a police officer or law enforcement officer and indicates”; and

(ii) in paragraph (2)(A), by inserting “that identifies the person as having been employed as a police officer or law enforcement officer” after “officer”.

**SA 2944.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF CONGRESS ON NATIONAL YOUTH DEVELOPMENT ORGANIZATIONS.**

(a) FINDINGS.—Congress makes the following findings:

(1) Children of military personnel face challenges in development and education stemming from the frequent changes of station and deployments required of military personnel.

(2) National youth development organizations, in collaboration with local schools and communities, can be a valuable asset in providing consistent stability, education, youth development, and prevention programs for children of military personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should continue to pursue partnerships with national youth development organizations to support supplemental education and youth development programs for the children of military personnel.

(c) NATIONAL YOUTH DEVELOPMENT ORGANIZATION DEFINED.—In this section, the term “national youth development organization” means a nonprofit organizations with active affiliates in all 50 States that provides youth development, prevention, and related programs and services for children.

**SA 2945.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

At the end of subtitle A of title IX, add the following:

**SEC. 903. CONFLICT RECORDS RESEARCH CENTER.**

(a) IN GENERAL.—Subchapter I of chapter 21 of title 10, United States Code, is amended

by adding at the end the following new section:

**“§ 430. Conflict Records Research Center**

“(a) IN GENERAL.—The Secretary of Defense shall establish within the Department of Defense a center to be known as the ‘Conflict Records Research Center’ (in this section referred to as the ‘Center’).

“(b) PURPOSES.—The purposes of the Center shall be as follows:

“(1) To establish a digital research database (including translations) and to facilitate research and analysis of captured records from countries, organizations, and individuals now or once hostile to the United States.

“(2) To make a significant portion of the records described in paragraph (1) available to researchers as quickly and responsibly as possible while taking into account legitimate national security concerns, the integrity of the academic process, and risks to innocents or third parties.

“(3) To conduct and disseminate research and analysis with respect to the records described in paragraph (1) in order to increase the understanding of matters relating to international relations, counterterrorism, and warfare and, ultimately, to enhance national security.

“(4) To collaborate with members of the academic and national security communities, both domestic and international, on research, conferences, seminars, and other information exchanges to identify topics of importance on the matters referred to in paragraph (3) for the United States Government and the academic community.

“(c) CONCURRENCE OF DNI IN CERTAIN ACTIVITIES.—The Secretary shall seek the concurrence of the Director of National Intelligence in the conduct by the Center of any activities under subsection (b)(4).

“(d) SUPPORT FROM OTHER FEDERAL GOVERNMENT DEPARTMENTS OR AGENCIES.—The head of any non-Department of Defense department or agency of the Federal Government may—

“(1) provide to the Secretary services, including personnel support, to support the operations of the Center; and

“(2) transfer funds to the Secretary to support the operations of the Center.

“(e) ACCEPTANCE OF GIFTS AND DONATIONS.—(1) Subject to paragraph (3), the Secretary may accept from any source specified in paragraph (2) any gift or donation for purposes of defraying the costs or enhancing the operations of the Center.

“(2) The sources specified in this paragraph are the following:

“(A) The government of a State or a political subdivision of a State.

“(B) The government of a foreign country.

“(C) A foundation or other charitable organization, including a foundation or charitable organization that is organized or operates under the laws of a foreign country.

“(D) Any source in the private sector of the United States or a foreign country.

“(3) The Secretary may not accept a gift or donation under this subsection if acceptance of the gift or donation would compromise or appear to compromise—

“(A) the ability of the Department of Defense, any employee of the Department, or any member of the armed forces to carry out the responsibility or duty of the Department in a fair and objective manner; or

“(B) the integrity of any program of the Department or of any person involved in such a program.

“(4) The Secretary shall provide written guidance setting forth the criteria to be used

in determining the applicability of paragraph (3) to any proposed gift or donation under this subsection.

“(f) CREDITING OF FUNDS TRANSFERRED OR ACCEPTED.—Funds transferred to or accepted by the Secretary under this section shall be credited to appropriations available to the Department of Defense for the Center, and shall be available for the same purposes, and subject to the same conditions and limitations, as the appropriations with which merged. Any funds so transferred or accepted shall remain available until expended.

“(g) DEFINITIONS.—In this section:

“(1) The term ‘captured record’ means a document, audio file, video file, or other material captured during combat operations from or in countries, organizations, or individuals hostile to the United States at the time of such operations.

“(2) The term ‘gift or donation’ means any gift or donation of funds, materials (including research materials), real or personal property, or services (including lecture services and faculty services).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 21 of such title is amended by adding at the end the following new item:

“430. Conflict Records Research Center.”.

#### NOTICE OF HEARING

##### COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on November 29, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled “Reclaiming Our Image and Identity for the Next Seven Generations.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

#### PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Kevin Reed, a fellow in Senator MARK UDALL’s office, be granted floor privileges during the

Senate’s session for the week of November 26, 2012, through November 30, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### CHILD PROTECTION ACT OF 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of H.R. 6063 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The legislative clerk read as follows:

A bill (H.R. 6063) to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6063) was ordered to a third reading, was read the third time, and passed.

#### MEASURE READ THE FIRST TIME—S. 3637

Mr. LEVIN. Mr. President, I understand that S. 3637, introduced earlier today by Senator REID, is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3637) to temporarily extend the transaction account guarantee program, and for other purposes.

Mr. LEVIN. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

#### ORDERS FOR TUESDAY, NOVEMBER 27, 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Tuesday, November 27; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that the first hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. LEVIN. Mr. President, we hope to consider the disabilities treaty during tomorrow’s session.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Tuesday, November 27, 2012, at 10 a.m.

## EXTENSIONS OF REMARKS

### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, November 27, 2012 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### NOVEMBER 28

10 a.m.

#### Foreign Relations

International Development and Foreign Assistance, Economic Affairs and International Environmental Protection Subcommittee

To hold hearings to examine evaluating current United States global food secu-

rity efforts and determining future United States leadership opportunities.

SD-419

2 p.m.

#### Foreign Relations

To hold hearings to examine the nominations of Robert F. Godec, of Virginia, to be Ambassador to the Republic of Kenya, and Deborah Ann McCarthy, of Florida, to be Ambassador to the Republic of Lithuania, both of the Department of State.

SD-419

#### NOVEMBER 29

8:30 a.m.

#### Homeland Security and Governmental Affairs

To receive a closed briefing on the attack on the United States mission in Benghazi.

SVC-217

9:30 a.m.

#### Environment and Public Works

To hold hearings to examine Sandy and its impacts, focusing on a local perspective.

SD-406

10 a.m.

#### Judiciary

Business meeting to consider H.R. 2471, to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet, and the nominations of Katherine Polk Failla, to be United States District Judge for the Southern District of New York, Troy L. Nunley, to be United

States District Judge for the Eastern District of California, Sheri Polster Chappell, to be United States District Judge for the Middle District of Florida, Pamela Ki Mai Chen, to be United States District Judge for the Eastern District of New York, Mark A. Barnett, to be a Judge of the United States Court of International Trade, and Angela Tammy Dickinson, to be United States Attorney for the Western District of Missouri.

SD-226

#### Small Business and Entrepreneurship

To hold hearings to examine creating jobs and growing the economy, focusing on legislative proposals to strengthen the entrepreneurial ecosystem.

SR-428A

2:15 p.m.

#### Indian Affairs

To hold an oversight hearing to examine "reclaiming our image and identity for the next seven generations".

SD-628

2:30 p.m.

#### Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

#### DECEMBER 6

9:30 a.m.

#### Joint Economic Committee

To hold hearings to examine the fiscal cliff, focusing on how to protect the middle class, sustain long-term economic growth, and reduce the Federal deficit.

SH-216

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



**SENATE—Tuesday, November 27, 2012**

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the source of our joy, thank You for this opportunity to call on Your Name. You have sustained this Nation through the seasons of its existence, and we are depending on You, Lord, to guard our future with Your might.

As our Senators seek to do the work of freedom, deepen their love for those on life's margins. Give our lawmakers this day the gift of Your spirit as they give thanks to You in all things.

Lord, we believe You will lead us through all our tomorrows as You have led us through our yesterdays.

We pray in Your merciful Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 27, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2012—MOTION TO PROCEED—Resumed

Mr. REID. Mr. President, I now move to proceed to Calendar No. 419, S. 3254, the Defense authorization bill.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

**SCHEDULE**

Mr. REID. Mr. President, we are going to recess, as we normally do on Tuesdays, from 12:30 to 2:15 to allow for our weekly caucus meetings.

We are going to begin consideration of the disabilities treaty this afternoon whether with a vote or with permission. It is a simple majority vote to move to this most important piece of legislation.

MEASURE PLACED ON THE CALENDAR—S. 3637

Mr. REID. Mr. President, I am told that S. 3637 is due for its second reading and is at the desk.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3637) to temporarily extend the transaction account guarantee program, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

Mr. REID. Mr. President, this is one of the must-do pieces of legislation we have to do before this calendar year ends.

**FINDING COMMON GROUND**

Mr. REID. Mr. President, too often it is a challenge to find common ground here in Washington. But as we negotiate a path back from the fiscal cliff, we should also recognize when Democrats and Republicans agree. We agree taxes should not go up for anyone making less than \$250,000 a year. Now, 97 percent of small businesses and 98 percent of middle-class families would benefit from that.

With common ground in sight, we should be able to act today to avert the fiscal cliff for millions of families and businesses. Even if we disagree on whether to extend tax breaks for the wealthiest 2 percent of Americans, we

should agree to hold the middle class harmless and do it today, do it now. A single vote in the House of Representatives would get the job done now. Unfortunately, there is one obstacle standing between Congress and compromise: Grover Norquist. For years Norquist has bullied lawmakers willing to put their oath of office or their promise to serve constituents ahead of their pledge to this antitax zealot. His brand of ideological extremism has been bad for Congress and even worse for the country. So I was pleased to see Republicans in Congress distance themselves from Norquist this week. I appreciate that very much. So do the American people. I am sure their constituents do. Several Republican lawmakers have said revenue should be on the table during the fiscal cliff negotiations. How common sense is that? Absolutely. It is so clear to everyone except Grover Norquist. It is time now for the Republicans to turn this happy talk into action.

President Obama and Senate Democrats ran on a promise to end the Bush tax breaks for the wealthy. President Obama did not hide that in the last year of his campaign. Every place he went, that is what he talked about. Americans, when they voted, raised their voices and supported our pledge. Congress must act in accordance with the will of the American people.

An agreement to avoid the fiscal cliff must give economic certainty to middle-class families and must protect important tax deductions for families and businesses still struggling to recover from this great recession. It must take a balanced approach to reduce spending. But it must also ask the richest of the rich to pay a little bit extra to reduce the huge deficit we have.

Any balanced agreement will require difficult concessions from both sides—I said both sides. Clinging to the kind of ideological purity Grover Norquist peddles, saying he will never bend or compromise, is easy. Cooperating with those with whom you disagree is hard. Doing what is right for the country despite personal cost is hard. Legislating is hard. As we approach the fiscal cliff, Democrats are ready to make those tough choices. I hope my Republican friends, especially those who claim they put no pledge before their pledge to serve their constituents, can say the same.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

**FISCAL CLIFF**

Mr. MCCONNELL. Mr. President, yesterday I came to the floor to discuss

what is known as the fiscal cliff, a mix of automatic tax hikes and defense cuts that are set to hit at the end of the year, jeopardizing our security as well as our economy. My message was pretty simple: A solution is possible.

Republicans have been reasonable, and the President needs to lead. He is the only one who can get us to a solution. If that is what he wants, we will succeed. So it was with some concern that I read this morning that the President plans to hit the road next week to drum up support for his own personal approach to the short- and long-term fiscal challenges we face. In other words, rather than sitting down with lawmakers of both parties and working out an agreement, he is back on the campaign trail, presumably with the same old talking points with which we are all quite familiar.

Look, we already know the President is a very good campaigner. We congratulate him on his reelection. What we do not know is whether he has the leadership qualities necessary to lead his party to a bipartisan agreement on big issues such as we currently face. So let me suggest that if the President wants a solution to the challenges of the moment, the people he needs to be talking to are the members of his own party so he can convince them of the need to act. We are not going to solve this problem by creating villains and drumming up outrage. We will solve the problem by doing the hard work of sitting down and figuring out a solution that involves tough choices on all sides.

That gets at another point I made yesterday. In the past, Democrats have demanded tax hikes now for spending cuts that never actually happen. Not this time. A balanced approach means real spending reductions now. And I am not saying this because it is the Republicans' position, although it is. I am not saying this because I have anything against the government, which I do not. I am saying this because it is the only approach that has any chance of working. No credible deficit reduction plan we have seen over the past few years excludes real cuts. If we want to prevent this crisis, Democrats need to be as serious about cutting spending as they are about spending. It is that simple.

By the way, this is an approach Americans overwhelmingly support. According to a recent AP poll, voters prefer spending cuts to tax hikes 62 percent to 29 percent—a more than 2-to-1 margin. Now, there is a reason for this. The American people are not stupid. They know the problem with Washington is not that it taxes too little but that it spends too much. They also know the only reason we are even talking about a looming fiscal crisis right now is because the Democrats have spent the last 4 years creating it.

That is what I would like to focus on this morning—how we got into this

mess in the first place—because amidst all of the talk about plans and proposals, it is easy to forget that we did not get here by accident; we got here because Washington Democrats, from the President on down, have done two things exceedingly well over the past 4 years: spent other people's money and kicked the can down the road—spend other people's money and kick the can down the road. For 4 years, Democrats spent money we did not have in the misguided hope that it would help the economy. They have borrowed trillions of dollars to keep unemployment pretty much right where it was when they started. And here is what we have 4 years later: a mountain of debt and a looming national budgetary crisis.

Republicans are happy to talk about how to solve this mess, but make no mistake, we will also talk about how we got here. The reason we are having these negotiations is because Washington Democrats have spent money without any care for the cost or the future and refuse to do anything to protect long-term spending programs, such as Medicare, a failure that is among the biggest single drivers of our debt.

All this reflects a very clear philosophy: For Washington Democrats, every dollar that has ever been secured for anything is sacred—every dollar that has ever been secured for anything is sacred—and they will defend it to the death regardless of what it means for jobs or the economy. But those days are over because you do not eliminate trillion-dollar deficits by taxing the rich—not even close. It may be an effective talking point, but as a matter of policy it is a minor deal, and the Democrats know it. So, as we move into the final stretch, it is time, as I have said, to put the talking points away and get serious about striking a deal.

The first step to recovery is to admit you have a problem. If borrowing more than 40 cents for every dollar you spend does not convince you you have a spending problem, frankly, I do not know what will. If Democrats cannot admit we have a spending problem, they need to talk to their constituents more. They need to get real. That means changing the way things have been done around here for the past few years.

Independent budget experts have been telling us for ages that our long-term budget deficits are driven by the unsustainable health care entitlements. What was the administration's response to that? Their response was to add trillions more by creating an entirely new health care entitlement program. We were promised that the President's health care law would reduce health care costs. What did it do? We are now told health care costs will rise as a share of our economy and the taxpayer's liability. By one estimate,

those costs will go up by more than \$½ trillion over the next 10 years.

We know the number of Americans 65 or older will increase by one-third over the next 10 years. According to the Census Bureau, there were 40 million older Americans in 2010. There will be 54 million of them a decade after that, and more than 72 million older Americans a decade after that. What are the Democrats doing to ensure the programs they rely upon will actually be there? We cannot ignore the facts. We need to prepare for the demographic changes we know are coming. Medicare is simply too important for millions of seniors to let it continue down the road to insolvency. We must preserve it for today's seniors and strengthen it for those who will retire in the years ahead.

As Congress looks for savings, we need to look at the new health care entitlements too. While Democrats and Republicans may disagree on ObamaCare, it is ridiculous to suggest that we make changes to Medicare and Medicaid while leaving \$1.6 trillion in new ObamaCare spending untouched.

For 4 years Democrats have been completely unbalanced in the way they have spent paper dollars. Yet now that the crisis is upon us, they solemnly advise us that we need to be balanced in our solution. This is how you ensure the expansion of government. This is how you end up with \$16 trillion of debt, but it is not how you get out of it. It is not how you solve the problem. You solve the problem by taking tough medicine and tough votes. You solve it by doing something different than what you have been doing all along. You solve it with the help of a President who is willing to lead his party. You don't just change your rhetoric and your talking points while telling your base behind closed doors you aren't going to give any ground. You change your behavior. For Democrats in Washington, as I have said, that means getting serious for a change about cuts. The time for campaigning is over. It is time to act.

#### NUCLEAR OPTION

Mr. President, yesterday the majority leader and I had a rather spirited discussion about his intention to change the Senate rules outside the process provided in those rules.

When he was in the minority, my friend from Nevada objected strenuously to the very procedure he now wants to employ. He called using a simple majority maneuver to change Senate procedure the “nuclear option” and described it as breaking the rules to change the rules. Now that he is in the majority, he says the ends justify the means. He says we have to make the Senate more efficient and we have to violate the Senate rules to do that so he and his colleagues in the majority can implement more easily their vision for America. According to him,

these minor changes won't affect anyone who has the thought of making America better.

Let me say that again. The majority leader said these minor changes won't affect anyone who has the thought of making America better. Of course, in the majority leader's world, it will be just he and his colleagues who determine what makes America better.

In short, according to my friend from Nevada, the means by which he wants to achieve his ends don't matter, only his ends matter. That is pretty convenient if you happen to be in the majority at the moment. I say again, at the moment. But convenience or efficiency, as my friend has described it, is not what the Senate has been about.

My friend the majority leader may have put it best in 2006 when he made the first of his commitments to respect the rights of the minority. This is what the majority leader said:

As majority leader, I intend to run the Senate with respect for the rules and for the minority rights the rules protect. The Senate was not established to be efficient. Sometimes the rules get in the way of efficiency. The Senate was established to make sure that minorities are protected. Majorities can always protect themselves, but minorities cannot. That is what the Senate is all about.

My friend from Nevada then committed that he was going to "treat my Republican colleagues the way I expect to be treated" and that he would do everything he could to "preserve the rules and traditions of the institution that I love."

Inaccurately describing the essence and wise purpose of the Senate, the majority leader sounded a lot like our former colleague Robert C. Byrd. So I was quite surprised to hear our friend from Nevada assert that Senator Byrd would actually support the heavy-handed tactic he intends to employ.

I am not going to correct all the inaccuracies my friend made yesterday, such as saying four times that it takes 10 days to get out a bill. I don't know what version of Riddick's my friend has been reading, but if it actually took 10 days to get on a bill I might actually support some rule changes myself.

But I must disabuse my friend from Nevada about how Senator Byrd would view the heavy-handed tactic he intends to employ. Unlike the majority leader, I recall when our late colleague spoke on this topic at a Rules Committee hearing the last time the majority leader entertained "breaking the rules to change the rules." Senator Byrd was unequivocally against violating Senate rules to change the rules the way the current majority leader is proposing.

Senator Byrd began by noting that "Our Founding Fathers intended the Senate to be a continuing body that allows for open and unlimited debate and the protection of minority rights. Sen-

ators have understood that," he stated, "since the Senate first convened." That is Senator Byrd on the history of the Senate.

Senator Byrd also noted that at the Constitutional Convention, James Madison reported that the Senate was to be "a necessary fence" in order to "protect the people against their rulers," and "to protect the people against the transient impressions into which they themselves might be led."

How did Senator Byrd view the filibuster in the role of the Senate? How did it relate to the Senate as a "necessary fence"? Senator Byrd said, "The right to filibuster anchors this necessary fence."

Senator Byrd acknowledged that this right should not be abused, and that "there are many suggestions as to what we should do" if it is abused. He recounted procedures that currently exist under the rules—I say again, procedures that currently exist under the rules—to address it if it is.

As I suggested yesterday, Senator Byrd also indicated that simply working a full week such as most people do—I mean, most people in America have a 5-day work week—by simply working a full week we could address some of these concerns. Senator Byrd bemoaned the fact that "the Senate often works 3-day weeks." In other words, if you want the Senate to be more productive, start working more. It is not rocket science here. That is what Senator Byrd was saying.

But Senator Byrd was clear about what we should never do. He said, "We must never, ever tear down the only wall—the necessary fence—this Nation has against the excesses of the executive branch and the result of haste and tyranny of the majority."

Senator Byrd, as we know, was a historian. He was a skillful majority leader who understood the unique importance of the Senate and the need of a majority leader to keep his commitment. But he was also a political realist who had been around enough to understand that political majorities are fleeting, and if you break the rules to suit your political purposes of the moment, you may regret having done so when you find yourself in the minority. Senator Byrd specifically said:

I strongly caution my colleagues as some propose to alter the rules to severely limit the ability of a minority to conduct a filibuster. I know what it is to be majority leader, and wake up on a Wednesday morning in November and find yourself a minority leader.

To make sure there was no doubt as to his views on the subject, Senator Byrd concluded by unequivocally objecting to the use of the nuclear option that the Senator from Nevada is now proposing. He said:

The Rules Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing rule XXII where a two-thirds majority is required.

My friend the majority leader is no more correct about Senator Byrd's views on the nuclear option, on the idea of breaking the rules to change the rules, than he is about taking 10 days to get on a bill.

I will conclude by reading what are likely the last words Senator Byrd spoke on the subject of the nuclear option, and I encourage my colleagues to reflect on his wise counsel. This is what he said:

As I have said before, the Senate has been the last fortress of minority rights and freedom of speech in the Republic for more than two centuries. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political party of the moment.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

#### RULES CHANGES

Mr. REID. To paraphrase Shakespeare, which I don't do too often, I think the Republican leader protests far too much. Now he has gone back to quoting Senator Byrd.

The situation we had when the Republicans were trying to change the rules regarding judges was totally different than what has happened on the floor the last few years. You see, what Democrats were proposing to do, help repair the Senate, is pretty much what Senator MCCONNELL said was necessary in 2005.

For example, Senator MCCONNELL has said that the Senate has repeatedly adjusted its rules as circumstances dictate. Let me quote. In remarks on the Senate floor in May of 2005, Senator MCCONNELL said:

Despite the incredulous protestations of our Democratic colleagues, the Senate has repeatedly adjusted its rules as circumstances dictate. The first Senate adopted its rules by majority vote, rules, I might add, which specifically provided a means to end debate instantly by simple majority vote. That was the first Senate way back at the beginning of our country. That was Senate Rule 8, the ability to move the previous question and end debate.

Let me repeat some of the things he said:

Despite the incredulous protestations of our Democratic colleagues, the Senate has repeatedly adjusted its rules as circumstances dictate.

The same day, Senator MCCONNELL also reported that the Senate has "often reformed Senate procedure by a simple majority vote."

When Republicans were in the majority, Senator MCCONNELL said this:

This is not the first time a minority of senators has upset a Senate tradition or practice, and the current Senate majority intends to do what the majority in the Senate has often done—use its constitutional authority under article I, section 5, to reform Senate procedure by a simple majority vote.

On March 27, 2005, Senator MCCONNELL told Fox News that the Senate can change the rules with 51 votes. MCCONNELL said:

Well, obviously you would need 51 votes to do it. I'm confident that we would have 51 votes if the majority leader decides to do it. I believe it should be done if we cannot get accommodations from the Democrats.

So what has changed in the last few years since those statements were made? Well, for one thing under Leader MCCONNELL Republican Senators have mounted filibusters so much more on a regular basis.

We talked here yesterday about the motions to proceed. I had a meeting this morning with one Senator who has been in the Senate for 30 years. He said, Why are you only changing the rules this much?

Look how simple the rule changes are that we are making, motions to proceed. Let us talk about that. I have a piece of legislation on the floor, as we have on a number of occasions. That has to sit for a couple of days. Once that happens and they won't let us on the bill, they won't let us on anything, I have to file cloture. Let us say I may do that on a Wednesday after a bill lays there for a couple of days, so we can have a Friday cloture vote.

But, Mr. President, having been here not very long, you know that is not the end of it. We have got cloture when we really haven't because there is 30 hours of idle time to do zero, nothing. Then after the 30 hours, you are on the bill, and to get off the bill you have to go through the same process again.

I talked to three Republican Senators yesterday and they said, Explain that to me. I said, Well, for the approximately 9 or 10 days that we waste on getting on a bill, we could, if you guys let us on a bill, we could be offering amendments for 4 or 5 days instead of waiting for 30 hours to expire and all of that.

Also, we have this crazy idea that if you are going to have a filibuster, you have to stand and say something, not hide in your office someplace or go to a wedding that you are having in your State. Then we also are doing the incredulous thing of saying if we want to go to conference on a bill, rather than having three filibusters necessary to overcome with cloture, we would do it once.

Those are the simple changes we are making, and Senator MCCONNELL was right when he said that despite the incredulous protestations of our Democratic colleagues, the Senate has repeatedly adjusted its rules as circumstances dictated. We are making simple changes. We are not changing the Constitution, we are not getting rid of the filibuster. We are making three simple rules changes. As my friend the Democratic Senator from New Mexico, who is retiring, my friend who has been here 30 years, said Why is that all you are doing?

Under Leader MCCONNELL, Republicans have mounted filibusters on things that don't matter. The motion

to proceed, he said, well, that allows us to get—I am paraphrasing—that allows us to get set and have an idea what will happen on the bill itself.

That is nonsense. It is only as the leader indicated at the beginning of this Congress, his No. 1 goal is to defeat President Obama. We have been able to get nothing done because of that. The American people are sick of it.

In the 109th Congress, from 2005 to 2006, when the Republicans were in the majority, there were very few filibusters. In the next Congress, when the roles were reversed, Republicans, they have done—I give this example, which is so understandable to everybody. Lyndon Johnson, majority leader for 6 years—I will have 6 years at the end of this year—had one cloture motion. Me? I think we are up to about 386 now. In this Congress we have had 110 filibusters and we have weeks to go. It is even in the New York Times. They say: Oh, he has filled the legislative tree. The New York Times reported I did that 19 times—out of 110 filibusters. Had they let us get on a bill, there wouldn't be any need to fill the tree. We could have spent that time having amendments.

Republicans have increased the number of filibusters so out of proportion to any changes that have been in the Senate it is hard to comprehend. The Senate is not working as it should. Everyone in America—and that is kind of an exaggeration, I acknowledge that—maybe not everyone, but as I travel around the country trying to help my candidates get elected and raise money, people say: What are you going to do to change the filibuster? This is awful. What is going on?

That is what they say. They expect Washington, the Senate, to work like “Mr. Smith Goes to Washington,” not idle time with quorum calls and waiting for 30 hours to expire on meaningless 30-hour postcloture time. We are not getting rid of that with regular filibusters, but we are getting rid of it on a motion to proceed.

The Senate isn't working. Apart from Senator MCCONNELL and his troops, basically everybody in America agrees the Senate is not working.

In the Senate, as in any human institution, there will always be plenty of blame to go around, but let's call it like it is. Two long-time Senate watchers, Thomas Mann and Norm Ornstein—one representing a progressive think tank, the other a conservative think tank—wrote this:

We have been studying Washington politics and Congress for more than 40 years, and never have we seen them this dysfunctional. In our past writings, we have criticized both parties when we believed it was warranted. Today, however, we have no choice but to acknowledge that the core of the problem lies with the Republican Party.

I didn't make that up. They wrote it; two of the foremost Congress watchers this country has ever had. That is what

they wrote. Objective outside observers are calling it like it is. The current Republican minority is abusing the Senate rules. So, in response, to quote Senator MCCONNELL:

The current Senate majority intends to do what the majority in the Senate has often done—use its constitutional authority under article I, Section 5, to reform Senate procedure.

We plan to do so to help repair the Senate. I am sorry there are those who are criticizing me that we are not doing more, but we are doing this. We get rid of the motion to proceed and have people come and present their faces—as Senator DURBIN said in a more explicit way, put their rear ends here in the Senate—rather than someplace outside Capitol Hill.

This is the right thing to do. We need to repair the Senate. It is not working, and at the start of the next Congress we intend to do our utmost to take some modest steps to make it work better.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Mr. President, I certainly agree the Senate isn't working. We get a few days in between recesses, rarely work at night, and almost never do anything on Thursday. That is entirely within the purview of the majority leader.

It is true that a few years back, when my party was in the majority, we contemplated changing the rules, but cooler heads prevailed and we didn't. The fundamental issue, as my friend lays out, is that he wants to break the rules to change the rules. In other words, he and I are not negotiating on these issues. He is deciding what will be the rule in the Senate. He will break the rules in order to change the rules. That is all anybody listening to this debate needs to understand. What the majority leader is going to do is he is going to break the rules to change the rules—one party only.

We ought to be negotiating rule changes. Rule changes ought to be proposed by the majority leader and the minority leader together that would surpass the 67-vote threshold, if it is designed to protect the Senate from the whims of new majorities. There is always a temptation when a party is in the majority to want to change the rules to benefit themselves at the expense of others. It is particularly absurd to do it right now because anything Senate Democrats would gain out of that would go nowhere in the House. So there is no practical purpose served by this. All it does is put on record that Senate Democrats are willing to break the rules to change the rules. That is the fundamental issue. Rules changes ought to be negotiated by the two leaders, as they have been down through the years, and then proposed together.

As I have indicated on several occasions—and I will say again—I think the

frustrations the majority leader has had could have been easily solved by putting some of his young Members in the Chair and breaking down someone—trying to make it difficult to get on to a bill. All this could have been fixed. Rather than complaining about it, just do something about it. That is what I would have done, if I had been in his shoes. He has chosen not to do that.

Rather than point fingers and continue to campaign—look, the campaign is over. You guys had a pretty good day. You are in the majority. But you can't seem to turn the campaign off. You just keep running it forever. So here we are with this explosive nuclear option being thrown into the Chamber at a time when we ought to be turning the election off and trying to come together to solve the biggest problem, which I talked about first, which is the fiscal cliff and the Nation's seemingly hopeless debt and deficit situation. That is what we ought to be doing. Instead, my friends on the other side just can't keep from continuing to celebrate the election. You won. Now, why don't we govern. The way to govern is to try to bring this body together.

The Senate has been built over the years on collegiality. We have always had some personalities on both sides who made it a challenge for whoever the majority leader was. I can remember back when we were in the majority and Howard Metzenbaum from Ohio would sit out here on the floor and read every bill. He was a royal pain in the you know what to whoever the majority leader was at the time. The Senate survived all that. We didn't engage in a rules change dictated by whoever was in the majority at the moment.

This is exactly the wrong way to start off on a new year and to end an old year with a ton of problems that we have to deal with. Here we are, as a result of this suggestion that we employ the nuclear option, arguing about arcane rules changes when we ought to be sitting down together and trying to solve the Nation's huge deficit and debt problems.

But the fundamental issue is this: Is the majority going to break the rules to change the rules? That is the issue before the Senate. Are we going to break the rules to change the rules—employ the nuclear option, fundamentally change the body, not have a negotiation between the two leaders about what adjustments might be appropriate to make the Senate work better. Oh, no, we are going to do it on our own.

I think it is a huge mistake not only for the Senate, but it will impact obviously our short-term ability to come together and to work on the big problems the country sent us to solve.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, the Republican leader is entitled to his own opin-

ion but not his own facts, and we seem to have a revision of facts that simply are not accurate. I served with Senator Metzenbaum. He understood the rules. We always worked through them. There was not a big deal with that. He slowed things down a little bit, but that is what Senators do.

Also, remember who said that a simple majority would do it? MITCH MCCONNELL. I am not breaking the rules to change the rules. Here again is what Senator MCCONNELL said:

The first Senate adopted its rules by majority vote, rules, I might add, which specifically provided a means to end debate instantly by simple majority vote. That was the first Senate way back at the beginning of our country.

That is true. I would also say—

Mr. MCCONNELL. Would the majority leader yield on that point?

Mr. REID. Sure.

Mr. MCCONNELL. Did the Senate majority at that time, made up of Republicans, choose to go forward and do that? We did not do it. We did not use the nuclear option. There was a lot of discussion about it which related to judicial appointments, but in the end the majority chose not to do it.

Mr. REID. I respond to my friend, the point is that rules have been changed by simple majority for a long time. That is what Senator MCCONNELL said in 2005 and that is accurate.

I would also say this, and I say this as respectfully as I can about the deceased Senator Byrd. I think people will recall, those who served in the Senate when Senator Byrd was around, that I was referred to as his pet. OK. He took very good care of me. We had a relationship that was very unique. I cared a great deal about this man. But don't misquote him.

Leader Byrd made clear he was willing to force a majority vote if he needed to. Here is what Senator Robert Byrd said:

The time has come to change the rules. I want to change them in an orderly fashion. I want a time agreement. But barring that, if I have to be forced into a corner to try for a majority vote, I will do it because I am going to do my duty as I see my duty, whether I win or lose.

I can see that man with his white hair, standing straight and tall, saying that. That is a direct quote from Robert Byrd. I am in the same position he was. The Republicans have made the Senate dysfunctional, and I have asked my caucus to support me for some simple changes—simple changes. I went over them. The vexatious motion to proceed that was never abused until this Congress by these Republicans we are going to change, and that is the way it should be.

Talk about all the time we are wasting not talking about the fiscal cliff is poppycock. The Republican leader is the one who is coming to the floor engaging in these conversations, not me. There are going to be no rules changes

until the next Congress. This isn't taking away from the fiscal cliff arguments at all that either side might have.

I would also say this. Before coming here, I was a trial lawyer, and I am proud of the fact that I was. I tried lots of cases. I had many jury trials—over 100. But I also settled hundreds and hundreds of cases. One never felt comfortable going to trial because what we always wanted to do was to settle the case before that. Even in the cases we were forced to go to trial, with rare exception, the other side—either plaintiff or defendant, whichever side you weren't on—would come to say, why don't we try to work something out, and here is my idea.

But here we have a unique deal. I have a Republican leader saying why doesn't he negotiate with us. Our proposal is there, which is to simply change the motion to proceed, have a talking filibuster, and do something about the way we go to conference. If the Republican leader doesn't like that and has some other suggestion about how rules should be changed, I will be happy to talk to him. If he thinks things are hunky-dory right now, he is in a distinct minority, as are the Republicans in the Senate.

Mr. MCCONNELL. We keep quoting Senator Byrd back and forth, but I think it is appropriate to look at what he said in 2010. He said:

I believe that efforts to change or reinterpret the rules in order to facilitate expeditious action by a simple majority are grossly misguided. The Senate is the only place in government where the rights of the numerical minority are so protected.

I said in my prepared statement earlier what Senator Byrd said before the Rules Committee:

The [Rules] Committee must, however, jealously guard against efforts to change or reinterpret the Senate rules by a simple majority, circumventing rule XXII where a two-thirds majority is required.

I keep coming back to this because it has to do with the way any rule change is implemented. That is the point. The majority leader has suggested, and I think it is appropriate, that we talk about rule changes together. But that is not what he is suggesting he is going to do. He says he is going to break the rules to change the rules and employ the nuclear option.

That is not a negotiation with the minority over rules changes. What we ought to be doing is talking to each other about what adjustments in the rules we could advocate together, and not one party with a majority today—that might be in the minority 2 years from now—breaking the rules to change the rules for some kind of misguided short-term advantage. That is the problem.

So I would be happy to talk to the majority leader about these issues, but I vigorously oppose—and I know Senator Byrd would vigorously oppose—

breaking the rules to change the rules. He was very clear about that in 2010. I know he would object to it.

I hope somehow this nuclear option can be avoided. It seems to me to be an absolutely unnecessary distraction away from much larger issues confronting the future of our Nation.

Mr. REID. Mr. President, Senator Byrd served in the House of Representatives and the Senate for almost 60 years. He gave lots of speeches. I have quoted what he said. I will quote again part of what he said.

The Constitution in Article I, Section 5 says that, Each House may determine the Rules of its Proceedings.

Now we are at the beginning of the Congress. This Congress is not obliged to be bound by the dead hand of the past.

So this debate is not going to be solved by the deceased. It is going to be solved by us. We are in the Senate today and the Senate has not been working. No matter how many times the Republican leader says he likes how things are today, it doesn't make it so that the majority of the Senate likes how it is today. The facts are the facts. We can't make them up. The Senate is not working, and we need to do something to fix it.

I close, then, as I began. I would be happy to work with Leader MCCONNELL about rules changes. I have made clear what we seek. I await his suggestions. As I repeat again what I said earlier, a man who has served with distinction in the Senate, JEFF BINGAMAN—quite a legal scholar, having been attorney general before he came here—asked: Why are we asking for such modest changes? So if the Republican leader has some ideas as to what he thinks should be done, I will come to his office. We can do it privately or publicly. I am happy to work with him. As I indicated, that is how I used to do things when I tried cases. This is the same, just that we have a bigger jury.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour is equally divided and controlled between the two leaders or

their designees, with the Republicans controlling the first half.

The Senator from Arizona is recognized.

#### RULES CHANGES

Mr. KYL. Mr. President, I would like to continue the conversation that our two leaders were engaged in earlier and also on yesterday. This is going to be a very important issue for the Senate.

To put it into perspective for the American people, let me just say that a rules change in the Senate is not a small or an inconsequential matter. It is even more important if it is attempted to be done without going through the normal process of changing the rules, which requires a two-thirds majority. This is important because the Senate has always considered itself a continuing body. It does not end and then begin again as the House of Representatives does because the House has an election every 2 years. In this body, Members are elected for 6-year terms. As a result, every 2 years we have some turnover in the body, but two-thirds of the body has already been here and continues forward.

So the rules of the Senate have always been continuing rules of the continuing body, amendable by a two-thirds majority of the body. To suggest a nuclear option by which a mere majority of the body can amend the rules is itself a violation of the rules. It is an assertion of power. But as the old saying goes: Might does not make right. And the fact that the majority may have the power to overrule a ruling of the Chair, thus establishing a new precedent and a new rule of the Senate, does not make it right. That is why it hasn't been done.

In point of fact, there was a time a few years ago, as has been discussed, when some members of the Senate Republican majority were considering the use of the same parliamentary tactic to ensure a vote on nominees for the U.S. Supreme Court and also for the Court of Appeals. The feeling was that the Democratic minority had filibustered over and over and over and had prevented votes, I think, on Miguel Estrada, who was being nominated for the DC Circuit Court of Appeals. I think he was filibustered seven separate times.

The Republican leadership was investigating the possibility of ensuring that we could get a vote. The only way that seemed possible was to assert this power of overruling the Parliamentarian's ruling through the Chair and thus establishing by 51 votes—or a mere majority—a new rule of the Senate.

That was deemed to be such a change that it was called the nuclear option because it hadn't been done, and we could say that it was comparable to the use of a nuclear weapon in a war. It was such a game-changing proposition, to say the least, that Members on both sides of the aisle got together in what

they called the Gang of 14. I think almost everyone in this body is glad that cooler heads prevailed; that those 14 Members decided they would reach an agreement amongst themselves that would make it impossible for either the Democratic Party to automatically filibuster nominees or for the Republican Party to have this right to change the rules just because they had 51 votes. Therefore, they reached the compromise which, for judicial nominees, was that there would be no filibuster except in extraordinary circumstances.

Both sides deemed that a sufficient way of resolving the issue that came before us at that time. Everybody stood down. The war did not occur. The nuclear weapon was not used, and that was for the best of the country and certainly for the best of the Senate. We avoided a crisis and, certainly, there would have been a crisis. I can't imagine that my friends on the Democratic side of the aisle would not have reacted very badly to the use of that nuclear option had it been done by the Republican majority.

Well, today the shoe is on the other foot. The Democratic majority now has reason to believe that it would like to move forward with more alacrity on legislation. Therefore, it believes that by this same nuclear option procedure it should change the rules so that the ability to filibuster at the beginning of the consideration of the bill is eliminated.

The Republican minority naturally has said: Wait a minute. That is wrong for two reasons. First of all, just as you accused us of doing, you are changing the rules without going through the rules process change. This is your own version of the nuclear option. If it was wrong then, it is still wrong now. And most of us agreed after the fact that it was wrong then. But, secondly, what you would do, if you eliminate the requirement for cloture and a cloture vote if there is an objection to a unanimous consent request to take up the bill or motion to proceed to a bill, what you are doing is putting all of the power into the hands of the majority leader—in this case, the Democratic leader—to decide whether there will be any amendments at all from the Republican side or even from the Democratic side. The only leverage that the minority has to ensure that it will be able to offer amendments is to negotiate with the majority leader and ensure that right exists. And the only leverage it has is to deny cloture on the motion to proceed in order to instigate that negotiation. It is political leverage. Let's call it by its true name. But without that political leverage, that check and balance, the majority leader in the Senate takes a very giant step toward becoming exactly what the Speaker of the House is, in effect, a dictator.

Now, I use that term in a very kind sense because the Speakers of the

House under whom I served as a Member of the House of Representatives, and certainly the current Speaker of the House, are fine people who care a lot about the institution of the House of Representatives and, in some cases, care for some degree of minority rights. But they all have one thing in common: They run the House. If they decide, through the Rules Committee, there aren't going to be any amendments offered by the other side, there aren't any amendments offered. Frequently the minority is in the position of complaining about the fact that the Speaker, through the Rules Committee, denies them the right to offer amendments or controls which amendments they can offer, controls the time.

So if you are a Member of the House of Representatives and you want to offer an amendment, you can't automatically do that, as has been the case in the Senate. You have to go to the Rules Committee—which is hand-picked by the Speaker—and you have to ask them for permission to offer an amendment and how long you will have to talk about that amendment and the wording of the amendment and all of the other conditions that the Rules Committee establishes for debate of the matter on the floor of the House of Representatives.

When the Constitution was originally written, the Founders' idea was that we would have two different legislative bodies that would provide a check and a balance on each other. One would represent the immediate passions of the people, the House of Representatives, the people's body. If the people were emotionally invested in a particular issue, the House was elected, and they would hurry up and pass that legislation. They could do it with a majority because the power of the Speaker was able to run over any minority rights. The minority wouldn't be able to get in the way.

But when it came to the Senate the idea was, slow it down, think it over. Let's make sure we want to do this. That is why we have the 6-year terms, the continuing body, and the minority rights to offer amendments.

That right to offer amendments is perhaps the most important way in which the Senate is distinguished from other legislative bodies around the world and from the House of Representatives because it does guarantee minority rights. And not just party minority.

If you are a member of the majority party from a State that has a very distinct and serious interest in a bill, the majority leader can simply say: I don't want to consider your amendment. You are out of luck under this proposal, whether you are a member of the minority or the majority.

It is not just minority rights in the sense of political minority, but also, let's say, you are from a small State

rather than a big State, and there is a bill on the floor that helps the big States, and you want to offer amendments from a little State. It will be up to the majority leader to decide whether you can even offer that amendment if this rule change is adopted. So there are two very important reasons the Senate should be very careful about proceeding down this path. That is what the Republican leader has been talking about the last couple of days here on the floor.

It is important for the Senate to reflect in a longer view not only the views of the majority—political or otherwise—but also those who might have some disagreement with the majority, the theory being that the majority isn't always 100 percent right. In any event, people around the country have a right to be represented through their Senator to get their points of view argued and discussed and perhaps considered for a vote here in the Senate. That has always been the way it is. It is a tradition that has served this country well. To eliminate that with this so-called rules change would do great disservice to the American people, to the legislative process, to our Constitution, and to the great ability of this body to perform its function in the way that has been deemed so important for over 200 years now.

There is a reason this is called the greatest deliberative body in the history of mankind—because we deliberate. We think about things. We debate them. We have all kinds of points of view offered or potentially offered through the amendment process, and if that is denied, this will no longer be the body it has always been.

People before us have cautioned both Democratic and Republican majorities not to take advantage of their sheer majority, Democratic and Republican leaders. In fact, there is a very interesting new book out by I believe the former chief of staff of the great Democratic leader George Mitchell—I think joined in by a Parliamentarian at a time when Republicans were in control, so it is a bipartisan-written book—that talks about the necessity of maintaining the rules the way they are and not using this nuclear option to change the rule, denying minority rights. It is a book worth reading, and it is a book I commend to my colleagues before we embark on what might be a very fateful step in this body.

Let me make a couple of other points. Under Senate rule V—not to be too in the weeds on this, but I think it is important for us to actually know what we are talking about here. Here is the Senate rule speaking to the amendment process. I am quoting now:

The rules of the Senate shall continue from one Congress to the next Congress unless they are changed as provided in these rules.

And then Senate rule XXII says that to end debate on a motion to amend or change the Senate rules:

... the necessary affirmative vote shall be two-thirds of the Senators present and voting.

What I said earlier, that it takes a two-thirds vote to change the rules of the Senate, is very clear in our rules. They are continuing rules. So the notion that somehow this can be done with just a 51-vote majority is explicitly rejected by the rules themselves. As I said, when this issue has previously been raised, we have been very careful not to use the mere power of the majority to change the rules but have abided by the requirement of our own rules to do it according to those rules with a two-thirds majority.

I spoke before about the rights of the political minority. I think it is worth noting again that each Senator represents a lot of people in a separate State, two of us per State. Our constituents deserve the right to be heard in this body. It is one of the great opportunities that as a matter of comity we have always accorded to each other. We are courteous to each other on the floor because we understand it is the best way for all of us to be heard. If a colleague wishes to raise a matter while I am speaking and says, "Will you just give me 2 minutes so that I can raise this matter on the floor, and then I will be done," of course we grant that request because we understand how important it is for our constituents to be represented, to have a voice. If another Senator needs to raise a point on behalf of the voters in his State, we acknowledge that as necessary and important.

That is why we think it is virtually sacred that all Senators should have the right to represent their people, their State. No State should be disenfranchised, whether it voted Democratic or it voted Republican. There are a lot of Democrats and Republicans in every State and a lot of folks who do not belong to either party. They need a voice in the Senate, and each of us represents those people. It is not right that the voice of some Senators, and therefore their constituents, be silenced because of, in effect, a power grab here through what has been referred to as the nuclear option.

As my leader Senator MCCONNELL noted yesterday, what is potentially being proposed here would undermine the very purpose of the Senate as the one place in our system where minority views, whether they are a political minority or any other kind of minority, and opinions have always been respected and in most cases incorporated into law. That would be lost to the U.S. Senate.

Here is what the late Senator Robert Byrd, who all acknowledge was an expert on the Constitution and the Senate rules, once said:



The Senate is the only place in government where the rights of a numerical minority are so protected. The Senate is a forum of the states where, regardless of size or population, all states have an equal voice. . . .

The Presiding Officer and I can appreciate that because we don't come from one of the bigger States.

Senator Byrd goes on:

Without the protection of unlimited debate, small States like West Virginia might be trampled. Extended deliberation and debate—when employed judiciously—protect every Senator, and the interests of their constituency, and are essential to the protection of the liberties of a free people.

He was specifically speaking to the point I made there: to “the interests of their constituency.” It is not a Senator's right that we are arguing about here; we are the voice of the people we represent. It is our constituents' rights that would be denied by this process. They deserve a voice. They have been guaranteed a voice through us, the temporary stewards of their voice. To deny that voice, especially through the procedure that has been suggested here, as the late Senator Byrd said, would be a denial of something essential to the protection of the liberties of a free people.

The current Democratic leader was one of the staunchest defenders of the Senate's protection of minority rights for all of the reasons I mentioned. He spoke eloquently about this on earlier occasions. He believes and he has said that he is frustrated by the process that he sees not working as quickly as he would like to see it work and, as a result, has apparently changed his mind as to the process for changing the rules as well as the rules themselves. But I think the whole question of the filibuster needs to be properly understood here as really meaning different things to different people. It is essentially a tool that brings the Senate to the center because it requires compromise. It requires people to get together and talk.

As I said, the right the minority has to filibuster the motion to proceed is to say: Mr. Leader, unless you are willing to guarantee us that we can have some amendments on this bill and that we get to pick our own amendments, then we are going to force you to get 60 votes lined up in order to proceed to the bill. That is the only leverage we have. So you are not really filibustering. You are not trying to talk the bill to death. You don't have any intention of taking a lot of time. You just want to be heard. You want to have your amendment up. A lot of times we say it will take just 10 minutes a side to debate it and have a vote, but if the majority leader can say, “Nope, you are not going to be able to do that,” then he can say Republicans have engaged in a filibuster when all it is is an objection to his motion to proceed without having the right to offer any amendments. So it is an important tool

but not the way most people think of it—to delay and to talk things to death. That is not what has happened here. In most cases, the majority leader has filed a cloture motion on a Friday and we voted on it on Monday, so no time of the Senate has been taken in the intermediate time period.

I know there is a narrative that the Senate has not been able to get anything done during the past couple of years, but it is not because of some unprecedented use of the filibuster. As I said, have you seen Members down here talking hours on end about a particular issue or all through the night or whatever? No, you have not seen that. That was kind of done in a bygone era, when Strom Thurmond was here and some others, but it has not been done.

We have not done a budget in 3 years. That has been a sore point among a lot of people. You cannot filibuster the budget. So is the reason we have not done a budget because there has been a filibuster? Absolutely not, because the rules don't permit a filibuster of the budget.

There are a lot of misconceptions here. I hope my colleagues will take a deep breath, step back. Those who came from the House of Representatives, as I did, remember what it was like when you were in the minority in the House. Essentially you had no rights. Is that the way you want it to be here? Because someday you are going to be a minority in the Senate. This body will change majorities.

In any event, whether we are talking political majorities or not, as I mentioned with respect to the Presiding Officer from the same State as the late Robert Byrd, his State did not always have the power to be heard because it is a small State, as is mine. So it doesn't matter whether you are Republican or Democratic, your constituents have a right to be heard. Our current Senate rules protect that right on behalf of our constituents, and I believe it would be a grave error for the current Members of this body or those who take office next year to conclude that because they have been frustrated sometimes in what they wanted to accomplish, it is worth it to just brush the minority aside and say: Because I couldn't get everything I wanted, I was frustrated with your desire to offer amendments, I am going to take that right away from you by changing this rule in this way.

I think it would be regretted later in time. I think the reaction would be the same as occurred with regard to the so-called Gang of 14 when this nuclear option was considered several years ago. I think most people in this body now say they were wise people who brought us back from the brink of this precipice. Had we gone over that, this body would not be the same as it is today and we probably would be regretting that decision greatly.

I urge my colleagues, who I know in good faith are frustrated at their inability to do exactly what they want to do because they are in the majority, to just stop and reflect on the damage this would do to this institution, how they would feel if they were in the minority. Members of my party are going to be pretty hard to convince we should go back to the rule the way it is today if the rule is changed to our disadvantage. That is really starting a nuclear war—from a parliamentary point of view, I mean. It is not a good idea for anybody, least of all for the American people.

I urge my colleagues who are considering this to be open to alternatives, have an open mind, be willing to think this through, talk it through, to have a congenial debate on the floor about the possibilities, and eventually, I suspect, as has happened so many times in this great body, reasonable positions have prevailed—maybe after a lot of unreasonable ones were proposed, but generally we have come to the right conclusions. We have done so because we respect each other's rights. That has produced the best legislation in the 230 years of our country's history.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from New York.

Mr. SCHUMER. Mr. President, first I wish to thank my colleague from Arizona for not just his remarks during the last few minutes but for his service here. I think everyone on our side knows the Senator from Arizona has strongly felt views, many times different than many of ours, but that they are sincere, they are heartfelt, they are honorable, and that they are not “political,” and I very much appreciate that.

Let me say a few things, though, about these rules changes. The overwhelming fact that hovers over this Chamber is that it is broken. Nobody disagrees with that. The Senate is broken. This great, wonderful institution that has had such a legendary history—perhaps the greatest legislative body the world has ever seen—is dysfunctional. None of us disputes that. We have to start from there. How do we change it so it is no longer dysfunctional?

My colleague the Republican leader says, Well, it is personalities or it is character or whatever. That explanation doesn't wash. The amount of good character in this body is probably no different—no more, no less—than the amount of good character in previous Senates that were far more functional. I would argue that good character is pretty high. By and large, we respect our colleagues as individuals and as Senators on both sides of the aisle and across the aisle. So it is an easy way out to say, Change character.

I guess when one says “change character,” they mean change their character. The bottom line is that the Senate is broken and we cannot maintain the status quo.

I wish to quote my great colleague from Michigan Senator STABENOW—I hope she won’t mind—from a meeting we had this morning. She talked about a constituent she had who said, When are you going to change the rules? The constituent said, You sound like somebody who has suffered from spousal abuse and keeps suffering from it and suffering from it and suffering from it and says they can’t change it. Of course that person can change it and of course we can change things.

What we are trying to do on this side is come up with some changes that will make the Senate flow better but, at the same time, preserve the essential character of the Senate. If we were to propose a rules change that would say we need 51 votes for everything, we would be no more, no less, than the House of Representatives. There are some on our side, frankly—I think my colleague from Iowa at one point—who have argued, Let’s move the number down to 55. We are not doing that. The rules changes we are entertaining are done with preserving the character of the Senate and making sure an individual Senator’s rights are protected and that the rights of the minority are protected and the place is not stamped by majority votes. In the House, they can have a majority of one and still pretty much get their way. In the Senate that wouldn’t happen, even if we had 55 or 58 or even 60 Senators with the changes we have proposed.

So let’s look at them. There have been attempts to not change the rules but, rather, to sort of come to some degree of comity between the parties. I know because under Leader REID’s direction, I was involved, and under Senator MCCONNELL’s direction, Senator ALEXANDER was involved. Two years ago, when there was an attempt to do rules changes, it was particularly Senator ALEXANDER, for whom I have enormous respect in the same way I have respect for Senator KYL, who proposed that instead of changing the rules we try to work things out better. There is a basic rule here in the Senate which is that the majority gets to propose the agenda. That is an enormous privilege and an enormous advantage. We get to set the agenda in the committees and on the floor. But the minority has the right to offer amendments which either poke holes in what we have proposed or even talk about other subjects because we don’t have a rule, as they do in the House, where just about everything has to be germane. So Senator ALEXANDER and I attempted to do that. We said, on the one hand Republicans will not block motions to proceed, and let us go forward and debate bills, and on the other hand we would allow a reason-

able amount of amendments—germane and some not germane—to the bills that came up.

Well, obviously, it failed early on in the Senate. The basic gentleman’s agreement didn’t work. It is our view the agreement fell apart when our colleagues on the other side of the aisle said they will not allow the President’s nominee for the CFPB, the Consumer Financial Protection Board, to move forward. She will now join us in the Senate and discuss rules changes, in one of the ways that history works in strange ways now. So we said we would allow some amendments. They said, No, we are not letting her come up, period. That was against the spirit, at least, of the agreement. I am sure if my colleague from Tennessee were here, he might have a different interpretation, but at least that is ours. But the overall point is the so-called gentleman’s agreement fell apart early in the Senate, never to be resurrected.

It is our belief on our side that we should allow amendments from the other side, but they should not be abused. There should not be 50 of them. They should not talk about everything under the Sun. Yes, there can be some nongermane amendments—we understand what those are all about—but it shouldn’t be a piling on. It is our view, frankly, that the goal of many of the other side was simply to obstruct whatever happened here, to show that the government didn’t work, in hopes that there would be an electoral advantage to that argument and people would change the Senate majority. Well, it didn’t happen. So now there is a new opportunity.

Our colleagues on the other side say the only reason we filibuster is because you guys fill the tree. Well, let’s look at the numbers. In the last Senate—in this Senate up until now—there have been 19 tree fillings by Leader REID. There have been 110 cloture motions. That is 6 to 1, a little less than 6 to 1, more than 5 to 1, less than 6 to 1. So, clearly, the filibuster—the use of the motion to proceed to prevent us from getting on a bill unless it has 60 votes—has far exceeded the number of times the leader has filled the tree. It has been done on things that aren’t even amendable, including judges, appointments. There couldn’t be objections that we wouldn’t allow amendments on those things. You can’t amend: Let’s have half the judge be nominated to the sixth circuit or let’s have the Assistant Secretary of State only have these powers. That doesn’t happen. So even on those things, there have been filibusters. We asked right now—I think there are about 20 judges pending—to move them. No, we are going to filibuster. Yesterday, a sportsmen’s bill, which has a lot of dissension on our side and probably has more agreement on the other side than this side, was filibustered. This goes on and on and on.

So the rules changes we are proposing will not prevent the minority from exercising its rights, from being able to offer amendments, and, in fact, from filibustering. The goal here is simple: Use the filibuster sparingly, not 110 times in a session of Congress. Even in the days of the great southern barons and the civil rights debates where the people from the South regarded filibuster as their only weapon to stop something they strongly—in my opinion very wrongly—disagreed with, it was used a handful of times only on the major debates of the time. Now the filibuster is used for everything, including district court judges, offering small, minor amendments.

What we basically want to do, as some have proposed, led by the Senator from Oregon, Mr. MERKLEY, and the Senator from New Mexico, Mr. UDALL, is say, If a Member wants to have a filibuster, they have to talk; they can’t just have one person get up and say “I object” and then we need 60 votes or the bill doesn’t come up. What will that do? In my opinion, that restores the proper balance to the Senate. If a Member has to talk—not just one person but everybody who is against it—a Member is only going to be able to sustain that filibuster on major issues. No doubt the other side would have had the ability to sustain—even if we went 24 hours, 7 days a week—they would have enough passion and enough enthusiasm and enough bodies that they would filibuster the health care bill. Probably they would do the same on Supreme Court Justices, as would we if we were in the minority, if we vehemently disagreed with a proposal. But if a Member has to be on the floor and actually filibuster as opposed to just invoking the rules, they will use it sparingly because they cannot sustain it for every amendment or every minor bill or, frankly, for bills that have a large amount of support. We know there is a small number of our colleagues who are much more focused on offering their own amendments or stopping the whole Senate. We can name them from the other side of the aisle. But under this rule, they would have to get more support than just four or five people to do it over and over, and it wouldn’t happen. So then the filibuster would be used as it should be. We are not saying no to filibustering. We are not suggesting going back to 51 and simple majority rule. It would be used on major issues where there is a real division and a lot of passion and strong feeling and conviction as opposed to simply trying to block everything and tie this place in a knot.

When filibusters would decline and there would be no motions to proceed that would be debatable, what would happen? I guarantee my colleagues on the other side of the aisle that more amendments would be allowed to be offered because we wouldn’t be in this

tit-for-tat situation. Would we have unlimited amendments? No. Would it be that every time we have a bill we have to debate a passion of a single Senator from a single State over and over and over? No. But would there be plenty of amendments and would the minority not being able to filibuster most bills have sort of high ground, whomever that minority is, that amendments should be offered? Absolutely.

The bottom line: We cannot do nothing. There is too much at stake in our Nation to have the Senate paralyzed once again. The House is a partisan body. It passes a lot of things in a very partisan way. The Senate must still be the cooling saucer envisioned by the Founding Fathers, by George Washington and James Madison. There must be the ability where the "passions of the people" cool in this government, and it resides in the Senate. The changes we have proposed continue that tradition but prevent—mitigate strongly against, if not totally prevent—paralysis, which is where we are right now.

Remember: 110 cloture motions. And that will happen again in the next session, the next Congress, in the Senate, if we don't do something to change it. The idea, once again, of just blaming this person or that person is not seeing the larger problem that needs change and correction. The proposals that I believe this side will make—and we haven't yet discussed them in our caucus—will return the Senate to the way it was envisioned by the Founding Fathers: a body where minority rights have much greater strength than the majority, but a body where bipartisan compromise is encouraged, not discouraged.

So to my colleague from Arizona I say: We are open to suggestions, but suggestions that say "you just change your ways" we would say back aren't going to reduce the gridlock. I believe Senator ALEXANDER and I and Senator MCCONNELL and Senator REID, when we proposed this gentlemen's compromise 2 years ago and didn't change the rules, all had the best of intentions, but it failed. We have our reason for why it failed and they may have another, but it is indisputable that it failed. We have to look at something new. I hope my colleagues on the other side of the aisle, if they don't agree with the proposals we are likely to make, will have their own suggestions but suggestions that go beyond just change the personalities, change the individuals, whatever.

In conclusion, this is a wonderful body. I have served in it for 14 years. I respect it, I revere it, and I still love, with all the dysfunction, coming to work Monday morning, which is a test for me in life. But our country has so many issues and so many problems and needs the Senate to lead and needs a

Senate that is not paralyzed in gridlock. Without changing the rules, I fear we will have a repeat of the last 2 years, where each side blames the other and nothing gets done.

With that, I yield the floor. I know we have several colleagues on the Senate floor who want to speak.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I want to associate myself with the remarks of my colleague from the great State of New York, and I look forward to working with him and the entire Senate to find ways in which the Senate can continue to do the important work the public has asked us to do.

#### WIND ENERGY TAX CREDIT

Mr. President, I rise this morning again to speak to the importance of extending the production tax credit, otherwise known as the PTC, for wind energy. I wish to mention that the production tax credit has been used on many occasions to promote other kinds of energy development, including natural gas. The production tax credit for wind, particularly, is set to expire at the end of December and, as a result, thousands of hard-working middle-class families in Colorado and across our country who currently work in this important energy industry are at extreme risk of losing their jobs.

In fact, many of these workers have already been laid off as companies brace themselves for the expiration of the PTC. To put it in stark terms, the potentially bright future of a quintessentially American industry is uncertain unless we act as soon as possible.

I have come to the floor now some 22 times to discuss the wind energy industry, and when I do so I highlight the positive effects the PTC has had on one individual State. I have had the great opportunity and privilege of speaking about the wind energy industry in the Presiding Officer's State, the State of Montana, and today I want to take the opportunity to talk about the Wolverine State. Michigan is another remarkable illustration of how the PTC has revitalized manufacturing and created good-paying jobs while providing the State with clean energy.

We have seen improvement in the Nation's economy, but many families and businesses across our country are still struggling to make ends meet. This has been especially true in Michigan, a State that has one of the Nation's highest unemployment rates and a sluggish manufacturing base. This is all as a result of the tough economic times we have experienced over the last 4 years.

But if we look at Michigan, the wind industry saw an opportunity in Michigan. Michigan is known for its highly skilled workforce, and so the wind industry took root in Michigan, took ad-

vantage of this workforce, and now we see that in Michigan there is significant manufacturing of wind turbines occurring there. That has reinvigorated Michigan's industrial base, and it has aided in the recovery of the State's economy.

If we think about it, thousands of parts go into each car manufactured in Michigan, and wind turbines—from the towers to the cells to the blades—are no different. Someone told me recently that something in the order of 8,000 parts go into a wind turbine. So if we think about that, the skills of these hard-working Michigan workers translate into the development, the engineering, the construction, and the manufacturing required for wind turbines, which then in turn provides the State of Michigan and the local communities with thousands of new jobs and billions of dollars in investment.

We can see all the green circles on the map of Michigan I have in the Chamber that identify the places in which this manufacturing is occurring. This is in large part as a result of targeted Federal incentives, such as the production tax credit.

I would like to highlight further some of the many benefits of the wind energy industry in Michigan. There are at least 40 facilities that develop and produce various components for the wind energy industry, and that supports about 5,000 jobs. Furthermore, wind projects have contributed over \$7 million in property tax payments to local governments; and that is money that helps fund schools, infrastructure, and other vital community services.

So the State is building the towers and the blades and the cells so that we can harvest the wind. Michigan is taking advantage of that opportunity as well. They are ramping up their deployment of this technology to harvest the wind because the wind energy manufacturing sector is located there. So it is a virtuous cycle, if you will.

In 2011, Michigan more than doubled its power production from wind energy, and it is on pace to increase its capacity by another 50 percent this year. That would include the completion of the State's largest wind farm, the Gratiot County Wind Project, which is located in the middle of the lower peninsula. This project itself not only created over 250 construction jobs and 15 permanent maintenance and operations jobs, it also doubled the tax base of the local schools. This has created a positive ripple effect on all these communities that has been noticeable and powerful.

Moreover, there are currently enough wind projects under construction in Michigan to nearly double the current wind power production in the State, with even more potential developments in the works. The point I am making is that the key is the production tax credit when it comes to these projects

and, most importantly, the jobs they create.

There remains a vast untapped potential when it comes to wind energy in the State. In fact, the National Renewable Energy Lab estimates that Michigan has enough wind power potential to meet 160 percent of the State's current electricity needs. The extension, therefore, of the PTC is essential to the continued development of Michigan's wind resources, which will create good-paying American jobs, aid local communities, and build a clean energy economy.

So it is pretty simple. The production tax credit, the PTC, equals jobs, and we need to pass it and extend it as soon as possible.

How do we do that? Well, if we want that bright future to be realized, we need to work together and extend the wind PTC now. It is common sense. It has bipartisan support. It has bicameral support. We need to extend it now, as soon as possible. The PTC has not only aided in the growth and expansion of our manufacturing economies in States such as Michigan, but it has also shown us that America can and, frankly, must outcompete China and the other countries that are trying to develop their own wind energy industry.

So let's come together. Let's find a path forward. Let's pass an extension of the wind PTC as soon as possible. The longer we wait, the longer we do not act, it puts the significant economic strides we have seen in States such as Michigan and all around the country at risk, and it substantially inhibits future job growth. We simply cannot afford to cede this promising new energy technology and energy future to countries such as China.

Mr. President, with that, I yield the floor.

Mr. LEVIN. Mr. President, I want to thank Senator UDALL for his work bringing attention to this important issue.

To me, this issue is simple: Alternative energy, including wind power, is not only a vital component of our environmental protection efforts, but to growing our economy and creating jobs for the middle class.

Michigan is the State that put the world on wheels. Through innovation and dedication, entrepreneurs, engineers, and Michigan workers combined their efforts not just to revolutionize transportation, but to create an explosion of manufacturing employment that helped create and sustain the American middle class.

Today, a new generation of Michigan innovators is harnessing the power of wind, the promise of biofuels, the power of advanced batteries. Earlier this year, I visited a wind farm in Breckenridge, MI, that is a marvel of technology, as far removed from the farmstead windmills of days past as a

jet fighter is from the Wright Brothers' plane. That wind farm is a textbook example of how the advance of technology is helping Michigan's economy, enabling us not just to recover from the setbacks of the past, but to lead us into a brighter economic future.

Wind power is an important part of that advance. It is a rapidly growing sector of our State's electrical generating system. Wind-generating capacity more than doubled in 2011, and projects under construction or in the development pipeline could increase capacity tenfold or more. The more power we generate from wind, the more affordable, clean energy is available to our State and Nation.

Michigan also has an important role in building advanced wind-generation equipment, not just for our State, but for the United States and the world. Roughly 40 Michigan facilities are engaged in this business, many of them businesses that have turned expertise developed in the automotive industry to this new and growing field. Already wind is responsible for hundreds of good manufacturing jobs, and the potential is nearly as limitless as the wind itself.

That is why renewal of the production tax credit is so important. The PTC has been an important factor in helping this new industry grow. If it is allowed to expire at the end of the year, it would not only hamper efforts to generate more clean energy for Michigan homes and businesses, but also dampen the potential for new manufacturing jobs tied to wind power. That is not a good outcome for our environment, for Michigan families or for the American economy.

So again I thank Senator UDALL for his focus on this issue. I hope as we work to address the many pressing issues we must resolve before the end of the year, we can resolve this one as well, and maintain the momentum of clean energy to help our environment and our economy.

Ms. STABENOW. Mr. President, I thank my friend from Colorado, Senator UDALL, for speaking on this important issue, and for his constant advocacy of the wind production tax credit.

We have entrepreneurs right now in Michigan and all across the country who are working hard to invent our clean energy future.

I am thinking of companies like Ventower in Monroe, that just opened their 115,000-square-foot wind turbine tower manufacturing facility last year.

They have hired 150 people to build those huge wind towers that you see along the highway. These are good-paying jobs of the future.

Energetx Composites is another company in Michigan that used to manufacture luxury yachts. They took their experience with light-weight materials and now they are producing the blades

for the wind turbines, and they have also hired workers in Michigan.

Astraeus Wind and Dowding Industries are doing the casting work and manufacturing the hubs that allow those blades to turn and produce energy. These are huge items—some as big as a house—and they need people to build them, and ship them, and that means jobs of the future in Michigan.

It also means a future that we can hand down with pride to our children and our grandchildren. It is a future with a strong middle class. It is a future where the American dream is alive and well.

We have been through tough times in Michigan, but wind power has been a bright spot. This year, we more than doubled our wind capacity in Michigan.

We now have more than 200 turbines running in places such as Gratiot, Huron, Misaukee, and Sanilac Counties.

We have another nearly 300 turbines coming online in the Thumb area—one of the areas of strongest growth in the State. And all of that development means thousands of jobs in Michigan that depend on wind energy technology.

But if Congress doesn't act by December 31, those businesses will see their taxes go up. To raise taxes on the innovative companies creating the jobs of the future? That doesn't make sense. That is why it is so critical that we extend the wind production tax credit.

At a time when our companies are competing with other countries over this technology, we cannot turn our backs on them.

China is spending millions of dollars every single day to beat us on clean energy. They are investing in companies, building plants, and making every effort to lead the world in this technology.

We are in a race, and we cannot afford to lose.

I urge my colleagues to pass an extension of the wind production tax credit.

THE PRESIDING OFFICER. The senior Senator from Pennsylvania.

THE FISCAL CLIFF

Mr. CASEY. Mr. President, I rise this morning to spend a couple moments talking about the work we have to do between now and the end of the year. There are various ways to describe this, but it is usually described under the broad umbrella terminology called the fiscal cliff. Some debate the use of those words, but there is no question that we have very difficult decisions to make in the next couple of weeks.

My primary concern—and I think this is a concern that is widely shared in the Senate and across the country—is, What will all this mean for middle-income families? What will their tax rates be? What will their near-term economic security be? And what can they expect for their families and for

the communities within which they live, especially at this time of year? A lot of families are not just preparing for the new year and what will happen, they are also trying to make decisions about spending, about holiday shopping, about investments, about priorities in which they have to invest in their own lives.

We know from some of the data, when it comes to debating what will happen to middle-income families and their tax rates, the positive side of extending those tax rates for middle-income families. We also know the downside of not getting that work done, not extending them.

Just to give two examples, the Congressional Budget Office says extending the tax rates for the middle-class would boost gross domestic product by 1.3 percent and would increase jobs by 1.6 million. So those are two very positive impacts if we can get the agreement, which I think we can arrive at working with Democrats and Republicans to do this, to extend the tax rates for middle-income families. So GDP up by 1.3 percent if we get the work done to extend those middle-class tax cuts, and increasing the number of jobs by 1.6 million.

Another way to look at this is from the negative side of it as well, the consequences of not getting this work done to extend middle-income tax rates.

Mark Zandi, an economist who is widely quoted across the country and by many of my colleagues in the Senate—I am not quoting, but this is a summary—says that the economic impact of ending these tax cuts, not getting an agreement, would reduce gross domestic product by \$174 billion.

We do not want to do that. That would be a very bad result for everyone. So whether we read the CBO numbers or we talk to economists or read about their assessments or we talk to CEOs, they all agree we have to deal with both the tax rate question for middle-income families as well as making sure we are avoiding the across-the-board cuts, which I will get to in a moment.

So there is much to do to solve our year-end challenge, and we certainly have more challenges in 2013. But it is basically about getting our fiscal house in order. Part of that is spending cuts, part of that is getting more revenue, and, as well, even as we are getting our fiscal house in order, dealing with various tax challenges along the way.

We should point out that there has been a lot of progress made. I will just give two examples of that. We know when the national job numbers were announced in October, part of the reporting that was done by the Bureau of Labor Statistics was that we had an October number, but then we had a September and an August number that was revised upward, thank goodness.

When we combine the August, September, and October job growth numbers, it means in those 3 months we created more than 500,000 jobs across the country. I should say the economy created 500,000 jobs. The exact number is about 511,000 jobs. So that is a measure of progress.

I was just looking at some housing assessments. We are releasing a report or a summary of some data this week in the Joint Economic Committee.

Just to give you two examples on housing progress: The number of privately owned housing units that were started last month increased by 31,000 units to 894,000 units at an annual rate. What that means is it is up about 3.6 percent. That is good news, maybe even better news because we want to get the assessment of people in the trenches. One bit of good news on housing is that confidence among homebuilders rose again in November. That will also be part of that report.

So it is an increase in jobs the last couple months, more economic growth, more progress, more momentum and good information or good news on housing. The problem is it is not good enough. We are not creating jobs fast enough. The pace of the recovery needs to accelerate. It is not moving fast enough for us to fully recover. I like to say and many have used this analogy: We have been in a ditch. We have been down in a pretty deep hole. We have been climbing out the last couple years, but we are not out yet fully. We will be out and have a full recovery when we see those job numbers increase.

So these decisions we make on tax policy, on the end-of-the-year agreements we have to reach, are vitally important to continue that progress, and, in fact, to move or accelerate the job growth numbers even faster.

As I mentioned before, part of this is not just about tax rates, it is also about reducing spending. Fortunately, there is a track record. Despite all the rancor and partisanship in Washington, there is also another story of bipartisan progress that was made over the last couple years by agreeing to spending cuts.

We agreed to a little less than \$1 trillion of spending cuts over the next 10 years. So it shows we can come together. The main point I started with is on middle-income families. We need to give middle-class Americans certainty by the end of the year. Frankly, we should do it even before the end of the year. We should do it in the next couple days or weeks. We can do that by saying to our friends in the other body, the House of Representatives: Pass the bill we passed in the Senate which gives tax certainty, a continuation of tax breaks to 98 percent of taxpayers.

We should do that because it will provide some certainty for the end of the

year and for going into next year. I have an additional point to make about that as it relates to the payroll tax cut. We came together last year, late 2011 into 2012, as we had done a year earlier, to cut the payroll tax, to reduce that tax so most workers, most families in this country would have about \$1,000 extra to put in their pockets, more take-home pay that they could spend on their priorities and invest in the priorities of their own families, whether it is making a purchase for that family, whether it is paying for education, whether it is just getting from point A to point B, putting gas in the car. Whatever it is that family decides to use those extra dollars for, it has had an enormously positive impact—122 million households were positively impacted by that payroll tax cut.

What it means in terms of jobs—about 400,000 jobs created. So one of the reasons we can say we are making progress in developing some momentum behind the job creation numbers is because of the payroll tax cut that was put in place in 2012. We know the kind of progress we are making, the kind of certainty we want for middle-income families can be badly undermined if we do not get an agreement not only on tax rates but also on this across-the-board indiscriminate cut that would take place if we do not have a bipartisan agreement.

This is known by that fancy term “sequester” or the other term “sequestration.” What that means, and I am not sure many people heard that terminology before a year or two ago—but what that means is across-the-board cutting. Some people say: That sometimes makes sense. In my family, in my business or when we have to make a decision, sometimes we have to cut spending across the board.

Unfortunately, if we do not make cuts that help our economy grow, we will badly injure our ability to grow the economy in the near term and in the future. So we all agree cuts have to be made. The question is, How do we do that? Do we make cuts that are smart and that help us grow or do we make cuts that are indiscriminate, without any kind of a strategy behind them?

Fortunately, I think there is agreement that across-the-board cuts, whether they are defense cuts which will impact jobs or whether they are nondefense cuts which will also impact the economy, do not make a lot of sense. It does not make sense to say all cuts are equal; therefore, medical research should be cut in the same way an inefficient program should be cut. That does not make sense. I think most Americans understand that.

We have to get an agreement to avoid those automatic cuts. I think we can. I think Democrats and Republicans agree it would be the wrong approach to allow that to happen. I think we can

get agreement on that. What we need is a balance. Just as when any family has to make a decision about their own budget or about their own spending priorities, they need a balance. Obviously, the balance is two parts; one is revenue and one is spending. So we need to get that balance in place. We also need, in order to achieve that kind of balance, Democrats and Republicans to be willing to work together—compromising, not getting everything you want but getting enough of an agreement that we can move the country forward.

Despite all the problems, I have a high degree of confidence we can get an agreement. Folks will come together and compromise. Part of that starts with putting in place an agreement, which is already one element to the compromise. That is not just voting on but having the agreement that says: Let's have certainty right now for middle-income families.

Everyone agrees, with very limited exception, that we should extend tax rates—keep the tax rates the same for about 98 percent of the American people. There is broad agreement on that. Some on the other side do not want to have a conclusion to that because they want to have a debate about what happens to the wealthiest among us, the very top income earners, roughly about 2 percent of income earners.

But look, we have agreement on the other 98 percent. So what I would say is whatever it takes to give meaning or integrity to the vote we had in the Senate to get an agreement here but also encourage the House to vote to say: Let's give middle-income families the certainty they deserve, let's just say we are going to agree, Democrats and Republicans, that 98 percent of taxpayers across the country are going to have their tax rates continue.

Then we can have a big debate after that about what happens to the wealthiest among us. I think it makes sense, at a time of high deficits and a debt problem that will confront us for years, that we have some part of that revenue come from the wealthiest among us. People across the aisle might disagree with that. We can have a big debate about that. But let's put in place, in law, the kind of certainty middle-income families should have. I think we can do that. So let's get in place an agreement for the 98 percent, and then we will have a big debate about the wealthiest 2 percent. Let's get in place tax rates that will allow us to do that.

I think a little history is instructive. We know that in the 1990s and the 2000s, we know there is, according to the data, no relationship between lower marginal rates for the wealthiest among us and faster accelerated economic growth. I emphasize no relationship because I think some have made the case.

Two examples. During the Clinton administration, to address the growing

budget deficit at the time, which was not as severe as today, but it was a pretty substantial deficit, the top marginal tax rate was raised. It went up on the wealthiest individuals. The economy grew at the fastest rate in a generation and more than 22,000 jobs were added.

So that is what happened during President Clinton's two terms in office. During the following 8 years, the top marginal rate was lowered—not raised but lowered—for the wealthiest individuals. The economy never regained the strength of the previous decade, the 1990s. Job growth slowed and wages stagnated, leaving middle-income families especially vulnerable when the great recession began toward the end of 2007.

That is some of the history. That is part of the foundation or undergirding for the debate we are going to have on tax rates. This is not a lot of theory or a lot of maybes. We have data and information and kind of a track record trying it two different ways, the way we tried this under President Clinton and the way we tried it under the next administration. I think that is instructive.

Finally, I would say that for all the challenges we have, for all the disagreements we have, I think most people in the Senate, no matter who they are—Democrats, Republicans, Independents—whether they were running for office this year or not, all heard the same message. They all heard maybe two basic messages from people. At least that is what I heard in Pennsylvania, all across the State, for longer than 2012 but certainly most fervently with a sense of urgency this year.

Here is what I heard, a two-part message: Do something to create jobs or do more to create jobs, move the economy faster. No question, I heard that over and over. Soon thereafter, within seconds of saying that, families or taxpayers whom I ran into across the State would say to me: You have to work together with people in the other party to get this done.

You know why they say that. That is not some unreal expectation that the American people have of us. It makes a lot of sense. Because in every family out there, whether it is in Pennsylvania or across the country, in every business, small business or larger business, in every one of those circumstances, in a family or in a business, those individuals have had to sit down over the last couple years especially, work out differences, set priorities, set goals, reduce spending sometimes, make investments they knew they needed to make to grow their business or to create more economic certainty for their family.

They have had to do that. All they are saying to us is just take a lesson from the life of a lot of families in America. Sit down, set priorities, work

on coming together, and get an agreement. I think we can do that. Despite all the differences, I think both parties understand the urgency of those questions, whether it is the tax rates, whether it is across-the-board spending cuts, which would be indiscriminate and harmful, whether it is what we do about individual programs, what we do in the near term to reduce deficit and debt.

We have to come together, as families have to come together, and make agreements with people whom we are sometimes disagreeing with or not getting along with every day of the week and make decisions that businesses have to make almost every day of the week or at least every month on their spending, on their priorities and on their investments.

I think we can do that. I know we have to do that.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECESS

Mr. SCHUMER. Mr. President, I ask unanimous consent that the Senate be in recess until 2:15 p.m.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:24 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED—Continued

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FISCAL CLIFF

Mr. SCHUMER. Mr. President, I rise to discuss the state of the ongoing negotiations to avert the fiscal cliff.

So far there has been little progress reported at the negotiating table. Since the President's very productive meeting with the bipartisan leaders from the House and Senate on November 16, the subsequent staff talks have

produced no breakthroughs. Republicans in the room are not yet acknowledging the need to let tax breaks for the very wealthiest Americans expire, nor are they offering the kind of reasonable reforms to entitlement programs that Democrats can be expected to support.

But despite this impasse, as Leader MCCONNELL described it on the floor yesterday, I am optimistic we can still get a deal by Christmas. I detect a great deal of progress being made beneath the surface. You only need to turn on television these past couple of days to observe the signs of this progress.

For nearly three decades, a rightwing Washington lobbyist has exerted a stranglehold on mainstream Republicans over the issue of taxes, threatening political retaliation against any lawmaker who dared to vote for any fiscal solution that asked the wealthy to pay their fair share. But in the 3 weeks since the election, one Republican after another has been rebuking this lobbyist for his uncompromising stance on taxes. Republicans in both the House and Senate are deciding they no longer want to be married to this pledge. Republicans are saying they want a divorce from Grover Norquist. That alone is a leading indicator that a fiscal deal is within reach. Both sides are still far apart and discussions over the next few weeks will be difficult. But with each new Republican disavowing Grover Norquist, the chance of a deal rises sharply.

First there was SAXBY CHAMBLISS, an honorable Member of this body and a charter member of the Gang of Six, who has spent the last 2 years trying to negotiate a bipartisan compromise in the best of faith. Senator CHAMBLISS is a signer of the Norquist pledge, but he went on TV—not somewhere else but down in Georgia—last week and bravely said:

I care about my country more than I do about a 20-year-old pledge.

Then on ABC this past Sunday, LINDSEY GRAHAM said:

The only pledge we should be making is to each other to avoid becoming Greece.

On the very same program, my friend from New York, Congressman PETE KING, said the pledge no longer applied because, “the world has changed. And the economic situation is different.”

These were just two interviews with George Stephanopoulos. But sometimes progress on the Sunday news shows can foreshadow progress in the negotiating room. In fact, these comments by Senators CHAMBLISS, GRAHAM, and Congressman KING appear to have started a trend.

Yesterday, Senator CORKER echoed their sentiments. He released his own fiscal plan, which contains \$1 trillion in new revenues. Asked whether his inclusion of revenues puts him at cross purposes with Grover Norquist, Senator CORKER said:

I’m not obligated on the pledge. The only thing I’m honoring is the oath I take when I serve, when I’m sworn in this January.

Senator MURKOWSKI said similar things yesterday. Even Senator SESSIONS showed hints of compromise when he said, about the pledge:

We’ve got to deal with the crisis we face. We’ve got to deal with the political reality of the President’s victory.

And then this morning, the vaunted Wall Street Journal editorial page even seemed to distance itself from Mr. Norquist. Of the need to compromise with President Obama, the Journal counseled:

This is where Mr. Norquist can give some ground. If taxes are going up anyway because the Bush rates expire, and Republicans can stop them from going up as much as they otherwise would, then pledge-takers deserve some credit for that.

We disagree with the forms of revenues that most of these Republicans have in mind. Many of the Republicans expressing openness to revenues want to pursue them only through tax reform next year. And even then, they are only willing to consider limits of deductions as opposed to rate increases on the very wealthy.

Democrats, on the other hand, believe that even if Republicans want to kick tax reform into 2013, a significant downpayment on revenues must be enacted before January 1. And we further believe that the fairest, most straightforward way to make that downpayment on revenues is by decoupling the Bush tax cuts for the wealthy. Limiting deductions is a necessary revenue-raising component of a grand bargain, but it does not and cannot replace the need for restoring the Clinton-era rates for the top two tax brackets. Republicans are not quite there yet in terms of acknowledging this, but they are moving slowly in the right direction.

As the Washington Post reported this weekend, for the first time in decades there is a bipartisan consensus in favor of asking the wealthy to pay a little more to reduce the deficit. The question is how to do it. This is an encouraging development. It suggests that Republicans are slowly absorbing one of the lessons of the 2012 election which is that elections continue to be won in the middle, and victories will remain elusive for any party that caters to special-interest groups that occupy either the far left or the far right.

Over the years the Democratic Party has wrestled with the same issues Republicans are facing. When I was elected to Congress in 1981, crime was ripping apart my district. I came to Washington with the goal of working to pass new laws to crack down on crime. Lo and behold, I found that the Democratic Congress at the time was literally outsourcing the drafting of crime legislation to the ACLU. I have great respect for the views of civil lib-

ertarians. But at that time, the activists’ motto was, Let 100 guilty people go free lest you convict 1 innocent person. That view was far outside the mainstream, but it dominated our party’s thinking on crime for better than a decade. Our party suffered for it. We didn’t snap out of it until President Clinton passed the crime bill in the 1990s. After that, we won back the trust of moderate, middle-class voters.

I know the echo chambers some of our Republican colleagues are in and I know how difficult it is. But if history shows anything, after suffering some bad losses at the polls earlier this month many Republicans are now realizing the need to snap out of it on taxes.

Grover Norquist has had a good run. It has lasted far longer than 15 minutes. But his stringent views make him an outlier now. It is not unlike what happened to his longtime friend Ralph Reed, who steered the Republican Party too far right on social issues in the 1990s and is hardly heard from anymore.

Mr. Norquist will likely not be departing the scene anytime soon, but perhaps he could switch his focus to immigration. He makes a lot of sense on the need for a comprehensive immigration reform bill, and I would be first to work with him on that. But as the events of the last weeks show, on taxes, Grover Norquist is out on an island.

In conclusion, I salute my colleagues on the other side of the aisle who have disavowed his group’s pledge. I will encourage others to do the same. The more who do, the closer we will come to a bipartisan agreement on our fiscal problems.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The majority leader.

#### EXECUTIVE SESSION—MOTION TO PROCEED

Mr. REID. I move to proceed to executive session for the purpose of the consideration of treaty document 112-7, the Convention on the Rights of Persons with Disabilities.

I ask unanimous consent that prior to the clerk reporting the motion, Senator MCCAIN be recognized, and when he finishes that I be recognized.

Mr. MCCAIN. Mr. President, I think my colleagues and I who have been here for a while remember one of the more moving moments that we experienced in our service here, and that was the signing of the disabilities law on the White House lawn. Bipartisan members of the disabled community were there. The President of the United States, George Herbert Walker Bush, and so many others were there. One of the prime individuals who was largely responsible was our beloved leader at



that time, Bob Dole, a man who epitomized, in my view, how a disability can be overcome to go to the highest levels of American Government.

I freely admit that I love Bob Dole. I listen to him. I appreciate his leadership. I think the majority leader would agree that we appreciated his bipartisanship during a great deal of his time.

I hope my colleagues will, before deciding to vote, at least listen to the letter that was addressed to all of us by Senator Bob Dole which we received yesterday:

As you may know, tomorrow the Senate will vote on the Convention of the Rights of Persons with Disabilities, CRPD. Unfortunately, I am currently at Walter Reed and so cannot call you personally, but wanted to connect with you via e-mail on this time sensitive matter and ask for your help. I hope you will support this important treaty.

The CRPD is the first international treaty to address disability rights globally. It is an opportunity to advance the great American tradition of supporting the rights and inclusion of people with disabilities on a global basis. Ratification of the CRPD will improve fiscal, technological, and communication access outside the United States, thereby helping to ensure that Americans—particularly many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad. It will also create a new global market for accessibility goods.

The CRPD is supported by a number of individuals and groups, including 21 veterans groups, 26 faith-based organizations, over 300 disability organizations, and the Chamber of Commerce. Your vote would help to reaffirm the goals of equality, access, and inclusion for Americans with disabilities—both when those affected are in the United States and outside of our country's borders.

I would greatly appreciate your support of the CRPD.

God bless America, Bob Dole.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Senator MCCAIN is absolutely right. Those of us who served with Bob Dole revere Bob Dole. He is such a stalwart figure in the history of America. He has all the qualities of a leader that I admire and certainly wish I had. He has a great sense of humor. No one who has ever served in the Senate has ever had a better, quicker sense of humor than Bob Dole, and he used it to perfection.

He called me a few days ago. He is at Walter Reed not for a checkup; he is there because he is infirm. He is sick. We should do this for many reasons, not the least of which is to recognize what a great leader Bob Dole is and has been for our country.

I ask the clerk to report the motion. The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to proceed to executive session to consider Treaty Document No. 112-7.

Mr. REID. I ask for the yeas and nays on my motion.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll. Mr. DURBIN. I announce that the Senator from Connecticut (Mr. BLUMENTHAL) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER (Mr. FRANKEN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 61, nays 36, as follows:

[Rollcall Vote No. 205 Leg.]

YEAS—61

Akaka	Hagan	Murray
Ayotte	Harkin	Nelson (NE)
Barrasso	Hatch	Nelson (FL)
Baucus	Inouye	Pryor
Begich	Johnson (SD)	Reed
Bennet	Kerry	Reid
Bingaman	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (MA)	Landrieu	Schumer
Brown (OH)	Lautenberg	Shaheen
Cantwell	Leahy	Snowe
Cardin	Levin	Stabenow
Carper	Lieberman	Tester
Casey	Lugar	Udall (CO)
Collins	Manchin	Udall (NM)
Conrad	McCain	Warner
Coons	McCaskill	Webb
Durbin	Menendez	Whitehouse
Feinstein	Merkley	Wyden
Franken	Mikulski	
Gillibrand	Murkowski	

NAYS—36

Alexander	Enzi	McConnell
Blunt	Graham	Moran
Boozman	Grassley	Paul
Burr	Heller	Portman
Chambliss	Hoeven	Risch
Coats	Hutchison	Rubio
Coburn	Inhofe	Sessions
Cochran	Isakson	Shelby
Corker	Johanns	Thune
Cornyn	Johnson (WI)	Toomey
Crapo	Kyl	Vitter
DeMint	Lee	Wicker

NOT VOTING—3

Blumenthal	Kirk	Roberts
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The motion was agreed to.

EXECUTIVE SESSION

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

The PRESIDING OFFICER. The clerk will report the treaty.

The legislative clerk read as follows: Treaty Document No. 112-7, Convention on the Rights of Persons with Disabilities.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, Senators KERRY and LUGAR are managing this most important treaty. We are now in executive session. We are going to take a couple of hours to see who wants to offer amendments. Senator LUGAR, Senator KERRY or their staffs should be contacted to indicate what, if any, amendments they wish to offer. So that being the case, we hope that by, let's say 5 o'clock, we will have an idea what the universe of amendments, if any, would be.

I ask unanimous consent that there be a period of debate only on the treaty until 5 p.m. today, with that time equally divided and controlled between the proponents and opponents, and that time actually be controlled by Senators KERRY and LUGAR, and that I be recognized at 5 o'clock.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

Mr. KERRY. Mr. President, let me just reiterate—I think Senator BARRASSO is here and Senator LEE, and others; Senator KYL is also here—we look forward to working over the course of the next few hours with our colleagues to try to come to some understanding of the amendments here.

One of the things that we promised—and Senator REID has altered his approach to this in order to try to accommodate our colleagues—is to make certain we are not closing people out and there is no effort to try to limit the debate.

I do think, by virtue of the work done in committee and otherwise, there is a limit to where we need to go in terms of amendments. So I am perfectly happy—together with Senator LUGAR—to work with our colleagues with respect to a reservation or an understanding or a declaration that they believe needs to be tweaked. We will see what we can do with respect to the number of amendments we want to bring.

Let me just say to my colleagues that this treaty should not be controversial. Senator Robert Dole, President George H.W. Bush, former Republican Attorney General Richard Thornburg, and current colleagues Senator BARRASSO, Senator MORAN, and others have all supported and believe we ought to move forward with this treaty in a bipartisan manner.

I would say to my colleagues that in the wake of the election, this is the first legislative effort we are making on the floor of the Senate. It would be my hope that we could reflect that we heard the American people, who asked us to do their business and to not fall into the pattern of partisan divide, of gridlock that has so characterized the Senate over the course of the last few years. This is our opportunity to prove that the exceptionalism we are all proud to talk about with respect to our country is defined by our doing exceptional work.

This is an opportunity to do that. We have an opportunity to rise with common purpose and make a difference, not just here in the United States, frankly, but most predominately make a difference in the rest of the world as to how people with disabilities are treated. I believe the Convention on the Rights of Persons with Disabilities is an opportunity for us to embrace the truth in legislating and to separate

ourselves from ideological and/or partisan efforts to distort that truth or to prevent, actually, an alternative reality, which is what happens in some cases.

Our colleagues, I am told, want to approach this in good faith. We welcome that. We look forward to sitting down with them, working through what amendments we think we should vote on, and perhaps we can even work together to tweak one of the understandings or declarations in an appropriate way. We would like to make progress. I believe we can get this done. It will be a good moment for the Senate when we do.

I know we have not always agreed on all the issues and certainly not even with respect to this treaty. What I ask of my colleagues is this: Those who oppose this or who are inclined to oppose it, I would say step back and take a look at this treaty and measure the report language, the report the committee put out, and measure the transmittal letter of the President of the United States and the Secretary of State, and what they have said to the Senate is really at stake in this treaty.

I ask my colleagues before they come to the floor to carefully check the factual foundation of this treaty because we have continually heard some outside groups characterizing it in ways that simply do not meet the facts, that do not withstand scrutiny when measured against the law of the United States or international law or the law of the States. This treaty does not require any change whatsoever to American law. None. Zero. There is no impact on American law. There is no ability in this treaty for anybody to gain some new right here in the United States. No individual, American or foreign, gains any access to the courts in an effort to litigate some component of this treaty because the treaty specifically denies people any access to the courts. It is what is called—it is not self-executing. As a consequence of not being self-executing, it gives no right to any litigation.

So the obvious question from somebody might be, well, why do we want to do it then? What is the benefit to us? The benefit is very significant in terms of our diplomacy, in terms of the rights of Americans when they travel abroad, Americans with disabilities.

Now, our bottom line—I think our shared bottom line—Senator LUGAR, Senator MCCAIN, Senator BARRASSO, Senator MORAN, and others who support this treaty believe this will extend the protections to millions of disabled Americans when they leave our shores.

I thank Majority Leader REID for being willing to bring this treaty to the floor at this moment in time when there is obviously a lot on Senators' minds, a lot of business before the Senate. But I believe this treaty will be deemed to have the requisite votes ul-

timately to show that this is, in fact, in the best interests of our country.

This treaty has been described as a modest treaty, but the impact of Senate ratification is actually far from modest. The impact will echo around the world. Why? Because the United States of America is the world's gold standard with respect to the treatment of people with disabilities.

This has been a long journey for us in the United States. We have gone through many different steps leading ultimately to the Americans with Disabilities Act, of which we celebrated the 20th anniversary. Our own colleague, Senator TOM HARKIN from Iowa, was the leader on that landmark piece of legislation, together with my former colleague Senator Ted Kennedy. They moved this country forward in great steps so that we welcomed people with disabilities into mainstream America.

The impact of this treaty is to take that gold standard and extend it to countries that have never heard of disability rights or that have never changed their laws to accommodate people with disabilities. This will have a profound impact. Most significantly, it will have a profound impact on those who have served our country, those 5.5 million disabled American veterans who may want to travel abroad, work abroad, go to another country to study, who will as a result of this gain lifestyle benefits and accommodations they otherwise might never have.

Now, 125 nations have already signed this treaty and are living by it. We have not. We were the principal architect. Our laws are the model. But once again the United States has been holding back while other countries fill the vacuum we have left behind.

I wish to share with my colleagues a statement by Senator Bob Dole, who was as deeply committed to this cause as Senator Ted Kennedy, and he was committed to the original Americans with Disabilities Act. Senator Dole today, as we know, is in Bethesda Hospital. I do not know if he is listening at this time. I met with him not so many months ago. We talked about this and other issues. He is a great patriot. He was a great leader here in the Senate. I think his words ought to be listened to by our colleagues. Here is what he says:

It was an exceptional group that I joined during World War II, which no one joins by personal choice. It is a group that neither respects nor discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power or prestige. That group, Americans with disabilities, has grown in size ever since. So, therefore, has the importance of maintaining access for people with disabilities to mainstream American life, whether it's access to a job, or education, or registering to vote.

Senator Dole went on to say:

U.S. ratification of the [Convention on the Rights of Persons with Disabilities] will im-

prove physical, technological and communication access outside the U.S., thereby helping to ensure that Americans—particularly, many thousands of disabled American veterans—have equal opportunities to live, work, and travel abroad.

In testimony before the Foreign Relations Committee this year, Special Adviser for International Disability Rights at the State Department Judith Heumann recounted in personal and searing terms why this issue is so important. She drew from the experience of her own life.

... As a child, I did not have the benefit of accessible communities, inclusive schools, or accessible transportation. Without even simple curb cuts, I wheeled in the streets amongst oncoming traffic. I could not ride our buses and trains. I was not allowed to go to school until I was 9 years old, and then received poor quality education, segregated from the rest of my peers. When I applied for my first job as a teacher, I was initially denied my certification simply because I could not walk.

Today she is advocating on behalf of the State Department for this treaty. She summed up her interests in this compelling way. She said:

U.S. citizens with disabilities frequently face barriers when they travel, conduct business, study, serve, reside or retire overseas. With our extensive domestic experience in promoting equality and inclusion of persons with disabilities, the United States is uniquely positioned to help interested countries understand how to effectively comply with their obligations under the Convention ... However, the fact that we have yet to ratify the Disabilities Convention is frequently raised by foreign officials, and deflects from what should be center stage: how their own record of promoting disability rights could be improved.

She goes on to say:

Though I take great pride in the U.S. record, it is frankly difficult to make best use of the 'bully pulpit' to challenge disabilities rights violations on behalf of Americans with disabilities and others when we have not ratified the Convention.

America's history—all of its history—has been marked by the long struggle for equality. It is a struggle that ought to inspire all of us to fight on behalf of many others whose voices too often are ignored or forgotten. Maybe the movie about Lincoln today would really rekindle in a lot of Americans that best sense of what is worth fighting for and what is worth achieving in public life.

For me, that vision of fighting for those people whose views are ignored or forgotten means having and holding on to a vision of a society that really works for the common good, where individual rights and freedoms are connected to our responsibilities to each other. All Americans have an inherent right to be treated as equal citizens of our Nation. But the historic march toward a better, fairer America can only come about if we are willing to make those less fortunate than ourselves the focus of our work. And this is a march that goes on for all of us, and it must

go on because without it nothing changes.

One thing is clear: The disabilities convention is not an issue that pits Republicans against Democrats—Senator LUGAR is here, Senator McCAIN, and others—nor is it an issue that should divide us along any partisan lines. The Foreign Relations Committee approved this treaty in a strong bipartisan vote on July 26, and that marked the 22nd anniversary of the landmark Americans with Disabilities Act.

I am grateful to the majority leader, former Majority Leader Dole, and to President George Herbert Walker Bush, who joined a bipartisan group of Senators, whose names I have listed, in advocating for this important cause. I think our former colleague Senator Kennedy would be very proud if he could see us coming together today in support of a convention just as we did two decades ago with the ADA.

This treaty is personal to many Members here, to Senator DURBIN, to Senator HARKIN, to Senator LUGAR, and others. Members from both sides of the aisle have worked hard to bring us to the floor today. I believe the questions have been answered. I think the report and the RECORD could not be more clear. The only question that remains is whether we are going to be remembered for approving the Disabilities Convention and reconnecting with our best traditions or finding an excuse to delay and defy our core responsibility as Senators.

I have received countless letters and heard from nearly 300 organizations on this issue. There is a long list—and I am not going to read all through those 300—every single major military organization supports this treaty; the Air Force Sergeants Association, the Air Force Women Officers Association, the American GI Forum, the Blinded Veterans Association, the Division for Early Childhood of the Council for Exceptional Children Disabled American Veterans, the Military Officers Association of America, the National Guard Association of the United States, the National Military Family Association, Paralyzed Veterans of America, and then a long list, Veterans for Common Sense, Veterans of Foreign Wars, Veterans of Modern Warfare, Vietnam Veterans of America, countless other faith-based associations, the Methodist General Board of Church and Society, the United Church of Christ. You could run through a huge number of faith-based organizations, a huge number of human rights and rights organizations from all over our country. I urge Senators to check with the rights organizations and others in their own States. Almost every State in the Union—the Kentucky Protection and Advocacy Association, the Michigan Protection and Advocacy Services. You could run a long list of people who believe the time has come.

I would ask unanimous consent that the full list of these supporters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### USICD SUPPORT LIST

Ability Chicago.  
Access Alaska Inc.  
Access Living.  
Access, Inc.  
ACCSES.  
Actionplay.  
ADAPT Delaware.  
Alliance Center for Independence.  
American Academy of Child and Adolescent Psychiatry.  
Advocating 4 Kids LLC.  
American Academy of Pediatrics.  
American Association for Geriatric Psychiatry.  
American Association on Health and Disability.  
American Association on Intellectual and Developmental Disabilities.  
American Association of People with Disabilities.  
American Association for Psychosocial Rehabilitation.  
American Civil Liberties Union.  
American Council of the Blind.  
American Counseling Association.  
American Dance Therapy Association.  
Anti-Defamation League.  
American Diabetes Association.  
American Foundation for the Blind.  
American Foundation for Suicide Prevention.  
American Group Psychotherapy Association.  
American Mental Health Counselors Association.  
American Music Therapy Association.  
American Network of Community Options and Resources.  
American Speech-Language-Hearing Association.  
American Therapeutic Recreation Association.  
amfAR, the Foundation for AIDS Research.  
APSE.  
ARC Gateway, Inc.  
Arc Northland.  
Arc of Lucas county.  
Arizona Bridge to Independent Living (ABIL).  
Association for Assistive Technology Act Programs.  
Association of Jewish Family & Children's Agencies.  
Association of Programs for Rural Independent Living.  
Association of University Centers on Disabilities (AUCD).  
Association on Higher Education & Disability.  
Attention Deficit Disorder Association.  
Auditory Sciences.  
Autism National Committee.  
Autistic Self Advocacy Network.  
Autism Speaks.  
Bay Area People First.  
Bay Cove Human Services, Inc.  
Bazelon Center for Mental Health Law.  
Bender Consulting Services, Inc.  
Best Buddies International, Inc.  
BlazeSports America.  
BlueLaw International.  
Boston Center for Independent Living.  
Brain Injury Association of America.  
Bridge II Sports.  
Bridgewell.

Burton Blatt Institute at Syracuse University.

California Association of the Deaf—Riverside Chapter.

CA State Council on Developmental Disabilities, Area Board 5.

California Foundation for Independent Living Centers.

California State Council on Developmental Disabilities.

Californians for Disability Rights, Inc.

CBM.

Center for Disability Rights.

Center for Independent Living of South Florida, Inc.

Center for Leadership in Disability.

Center on Disability and Community Inclusion.

Challenged Conquistadors, Inc.

Check and Connect Program—Central Lakes College.

Citizens for Patient Safety.

Community Access Project Somerville.

Community Access Unlimited.

Community Alliance for the Ethical Treatment of Youth.

Community Resources for Independent Living.

Conference of Educational Administrators of Schools and Programs for the Deaf Council of Parent Attorneys and Advocates.

Consortium for Citizens with Disabilities.

Consumer Advisory Committee.

Council for Exceptional Children.

Council of State Administrators of Vocational Rehabilitation.

CUNY Coalition for Students with Disabilities.

Daniel Jordan Fiddle Foundation.

DAWN Center for Independent Living.

Deaf and Hard of Hearing Alliance.

Deaf Education And Families Project.

Delaware Developmental Disabilities Council.

Delaware Family Voices.

Depression and Bipolar Support Alliance.

Developmental Disabilities Institute, Wayne State University.

Disability Connection/West Michigan.

Disability Help Center.

Disability Law Center.

disABILITY LINK.

Disability Partners.

disABILITY Resource Center.

Disability Rights Coalition.

Disability Rights Education and Defense Fund.

Disability Rights Fund.

Disability Rights International.

Disability Rights Legal Center.

disAbility Solutions for Independent Living.

Disabled In Action of Metropolitan NYC.

Disabled Rights Action Committee.

Disabled Sports USA.

Division for Early Childhood of the Council for Exceptional Children.

Down Syndrome Association of Snohomish County.

Down Syndrome Association of West Michigan.

Dream Ahead the Empowerment Initiative.

Dynamic Independence.

East Texas Center for Independent Living.

Easter Seals.

ED101 Inc.

Equal Rights for Persons with Disabilities International, Inc.

Employment & Community Options.

Epilepsy Foundation.

Family Voices.

Fearless Nation PTSD Support.

Federal Employees with Disabilities (FEDs).

FESTAC-USA (Festival of African Arts and Culture).  
 FHI n360.  
 Fiesta Christian foundation Inc.  
 504 Democratic Club.  
 Foundations For Change, PC.  
 Four Freedoms Forum.  
 Fox River Industries.  
 FREED Center for Independent Living.  
 Friedman Place.  
 G3ict.  
 Gallaudet University.  
 GlobalPartnersUnited.  
 Goodwill Industries International.  
 Greater Haverhill Newburyport.  
 Handicap International.  
 HEAL.  
 Hearing Loss Association of America.  
 Hearing Loss Association of Los Angeles.  
 Hesperian Health Guides.  
 Higher Education Consortium for Special Education.  
 Human Rights Watch.  
 IDEA Infant Toddler Coordinators Association.  
 Independent Living, Inc.  
 Independent Living Center of the Hudson Valley, Inc.  
 Independent Living Center of the North Shore & Cape Ann, Inc.  
 Institute for Community Inclusion: U. MA Boston.  
 Institute for Human Centered Design.  
 Institute on Human Development and Disability.  
 Institute on Disability and Public Policy (IDPP).  
 Inter-American Institute on Disability.  
 International Ventilator Users Network.  
 Iowa Statewide Independent Living Council (SILC).  
 Johnson County Board of Services.  
 Joint National Association of Persons with Disabilities.  
 Just Advocacy of Mississippi.  
 KEY Consumer Organization, Inc.  
 KIDZCARE School.  
 L.E.A.N. On Us.  
 Lakeshore Foundation.  
 Lakeside Curative Systems, Inc.  
 LINC.  
 Little People of America.  
 Living Independence For Everyone (LIFE) of Mississippi.  
 Long Island Center for Independent Living, Inc. (LICIL).  
 Loudon ENDependence.  
 Mainstay Solutions LLC.  
 Maryland Disability Law Center.  
 Massachusetts Down Syndrome Congress.  
 Massachusetts Families Organizing for Change.  
 Medical Whistleblower Advocacy Network.  
 Medicol Inc.  
 Mental Health Action.  
 Mental Health America.  
 MI Developmental Disabilities Council.  
 MindFreedom International.  
 Mobility International USA.  
 Montana Independent Living Project.  
 Multiethnic Advocates for Cultural Competence, Inc.  
 National Alliance on Mental Illness.  
 National Association for Children's Behavioral Health.  
 National Association of Councils on Developmental Disabilities.  
 National Association of County Behavioral Health and Developmental Disability Directors.  
 National Association of Law Students with Disabilities (NALSWD).  
 National Association of School Psychologists.

National Association of Social Workers.  
 National Association of State Directors of Developmental Disabilities Services.  
 National Association of State Directors of Special Education.  
 National Association of State Head Injury Administrators.  
 National Association of State Mental Health Program Directors.  
 National Association of States United for Aging and Disabilities.  
 National Association of the Deaf.  
 National Black Deaf Advocates, Inc.  
 National Center for Environmental Health Strategies.  
 National Center for Learning Disabilities.  
 National Coalition for Mental Health Recovery.  
 National Council on Independent Living.  
 National Council for Community Behavioral Healthcare.  
 National Disability Rights Network.  
 National Down Syndrome Congress.  
 National Down Syndrome Society.  
 National Dysautonomia Research Foundation.  
 National Federation of the Blind.  
 National Federation of Families for Children's Mental Health.  
 National Health Law Program.  
 National Minority AIDS Council.  
 National MS Society—Ohio Chapters.  
 National MS Society, Pacific South Coast Chapter.  
 National Multiple Sclerosis Society.  
 National Multiple Sclerosis Society, National Capital Chapter.  
 National Rehabilitation Association.  
 New York State Independent Living Council.  
 Next Step.  
 NHMH—No Health without Mental Health.  
 Noble County ARC, Inc.  
 Northeast Arc.  
 Not Dead Yet.  
 Ohio Association of County Boards Serving People with Developmental Disabilities.  
 Ohio Statewide Independent Living Council.  
 Ohio Valley Goodwill Industries.  
 Oklahoma Association of Centers for Independent Living.  
 Optimal Beginnings, LLC.  
 Osteogenesis Imperfecta Foundation.  
 PA Mental Health Consumers' Association.  
 Paralyzed Veterans of America.  
 Parent to Parent of NYS.  
 Parent to Parent USA.  
 Peer Assistance Services, Inc.  
 Peppermint Ridge.  
 Perkins.  
 PhilanthropyNow.  
 Pineda Foundation for Youth.  
 Polio Survivors Association.  
 PPI.  
 Purity Care Investments.  
 PXE International.  
 Raising Special Kids.  
 REACH Resource Centers On Independent Living.  
 Recovery Empowerment Network.  
 Rehabilitation International.  
 RESNA.  
 Rolling Start Inc.  
 Rose F. Kennedy University Center for Excellence in Developmental Disabilities.  
 Sandhills Post-Polio Health Group.  
 Schizophrenia and Related Disorders Alliance of America.  
 School Social Work Association of America.  
 Self Advocacy Council of Northern Illinois.  
 Sindh Disabled Development Society.  
 SoCal APSE.

Social Assistance and Rehabilitation for the Physically Vulnerable (SARPV).  
 Socio Economic Development Alliance (SEDA).  
 Southeast Alaska Independent Living.  
 SPEAK Consulting LLC.  
 Special Needs Advocacy Network.  
 Special Olympics.  
 Spina Bifida Association.  
 Statewide Independent Living Council.  
 TASH.  
 Team of Advocates for Special Kids (TASK).  
 Teacher Education Division of the Council for Exceptional Children.  
 Tennessee Disability Coalition.  
 Tri-State Downs Syndrome Society.  
 The Ability Center of Greater Toledo.  
 The Arc-Jefferson, Clear Creek & Gilpin Counties.  
 The Arc Arapahoe & Douglas.  
 The Arc California.  
 The Arc Cedar Valley.  
 The Arc Michigan.  
 The Arc Noble County Foundation.  
 The Arc of Bristol County.  
 The Arc of Colorado.  
 The Arc of Dickinson.  
 The Arc of Fort Bend County.  
 The Arc of Greater Pittsburgh.  
 The Arc of Illinois.  
 The Arc of Iowa.  
 The Arc of Massachusetts.  
 The Arc of Northern Virginia.  
 The Arc of Opportunity in North Central Massachusetts.  
 The Arc of the US.  
 The Arc of Virginia.  
 The Arc of Toombs County.  
 The Arc Western Wayne.  
 The California Institute for Mental Health.  
 The Center for Rights of Parents with Disabilities.  
 The Jewish Federations of North America.  
 The Joseph P. Kennedy, Jr. Foundation.  
 The National Council on Independent Living.  
 The National Center of The Blind Illinois.  
 The Starkloff Disability Institute.  
 Three Rivers Center for Independent Living.  
 Topeka Independent Living Resource Center.  
 Touchpoint Group, LLC.  
 Tourette Syndrome Association.  
 Treatment Communities of America.  
 Tri Count4y LLC.  
 Tri-County Association of the Deaf, Inc.  
 Twin Ports Post Polio Network.  
 United Cerebral Palsy.  
 United Spinal Association.  
 U.S. Business Leadership Network.  
 U.S. International Council on Disabilities.  
 Utah Assistive Technology Foundation.  
 Vermont Center for Independent Living.  
 Vermont Family Network.  
 Voices of the Heart Inc.  
 Whirlwind Wheelchair International.  
 Women's Refugee Commission.  
 WORK, Inc.  
 World Institute on Disability.  
 Wyoming Institute for Disabilities.

Mr. KERRY. Mr. President, across the developing world, persons with disabilities face remarkable indignities and prejudice on a daily basis. They are prevented from attending schools, they are subject to discriminatory hiring practices, they are often unable to enter a public building, unable to safely cross a street, unable to even ride a public bus. There are an estimated 650 million people in the world today who

live with a disability. Some 36 million of our fellow Americans are disabled, and veterans are filing disability claims at an unprecedented level. There is a challenge in these statistics, and it is a challenge to the decency and humanity of every Member of the Senate.

When a disabled child in a developing country is killed at birth because of their disability, that is a challenge to every single one of us, as Americans and as citizens of the world.

When a pervasive cultural stereotype forces disabled people to abandon their dreams and toil away in crushing poverty, it should offend the sensibilities of everybody in the Senate, and we have a chance to do something about that. When our wounded warriors are prevented from living, working, studying, or traveling abroad because of a lack of basic physical access, that violates our sacred oath.

I urge my colleagues to go to the report and read the testimony of people who have talked about how things have changed in certain countries because countries signed on to this treaty to try to reach the American gold standard. Each of these episodes that denies people those opportunities takes a little piece of our humanity.

I think our identity, I think our exceptionalism is personally on the line in this vote. I know some have said we don't need this treaty. Some have even argued it requires a change in law when it doesn't require any change in the law.

To paraphrase Senator Moynihan, who reminded us often, everybody is entitled to his or her opinion, but you are not entitled to your own facts, I simply say to my colleagues, there are basic facts with respect to this treaty, and we will argue them over the course of the next hour and perhaps days.

I want to share the most important facts right upfront. I said this earlier, and I am going to repeat it. This treaty—I hope we won't hear this debate on the floor of the Senate, because the text, the legal and documentary text of the report language and the treaty and the transmittal language and the interpretations of the Justice Department all make it clear, this treaty does not require any change in American law. None. Testimony from everybody, including former Republican Attorney General Thornburgh, makes that clear.

In addition to that, to make certain we address the concerns of our colleagues so that we reinforce that notion, the Foreign Relations Committee included additional, multiple reservations, understandings, and declarations in the resolution of advice and consent, including one that ensures that the treaty cannot be relied on as a cause of action in State or Federal courts. When we ratify this, we will ratify it with a clear understanding that there is no right of action in America's State or Federal courts.

We have also heard the argument that the convention could somehow change U.S. domestic law with respect to abortion. Again, let me make it as clear as I know how: This is absolutely, positively, factually inaccurate. The convention does not mandate or prohibit any particular medical procedure, heart surgery, brain surgery, abortion, or anything else, and we made that crystal clear in the understandings of ratification.

What it does require is something very simple. It requires that governments do not discriminate against the disabled in anything that they do allow or prohibit. If you allow a procedure, you must allow it for the disabled and the nondisabled alike. If you prohibit a procedure, you must prohibit it for the disabled and the nondisabled alike. That is all this treaty does, but it is powerful and critical to those millions of people who are discriminated against otherwise. The Foreign Relations Committee included language in the resolution of advice and consent to clarify what I just said.

Some have also tried to make the argument that the disabilities committee created by this treaty—there is a committee that is created—is somehow going to intrude on the lives of Americans. Again, our good President John Adams once said that facts are stubborn things. Well, they are stubborn, they don't go away. The facts are that this treaty, in this committee that it creates, has no power, except to make a report to put people on notice so they can then consider what they might want to do. It doesn't require any action, it doesn't compel any action, it has no authority to do so. It simply sheds the light of day on what may or may not be happening somewhere so people can then nudge and push and jawbone and use the pressure of public scrutiny to hopefully change behavior.

By terms of the treaty, this committee has exceedingly limited powers. It can simply accept and review a country report and make a recommendation. That is it—that recommendation—nothing else.

The fact is, here in the United States we are blessed because we already live up to the principles of this treaty. Our laws, including the ADA, are more than sufficient to compel compliance with this treaty from day one. That is why nothing is going to change here at home except for those people with disabilities who can turn to their family and say, you know, I can go take that job over here or I can travel over there or I could go study over there, because the standards are going to rise and people will be able to do that.

For decades, I am proud to say, the world has looked to the United States as a leader on disability rights, and it is hard to believe that actually some people are now beginning to question our resolve on something that we were

the leader on. That is disappointing, I think, to everybody who has been affiliated with this effort over the years.

Let me quote John Lancaster. John is a disabled Vietnam veteran who testified in support of this treaty and who challenged us all to do the right thing. His words are stark and simple. He said:

As someone who volunteered and laid my life on the line for freedom, rights, dignity . . . now to have this whole debate that we're not willing to espouse [the Disabilities Convention] to the rest of the world? That we're not willing to walk the talk in international circles? To step up to the forum and advocate . . . We aspire to what's in this Convention. That is what we are about as a nation: including people, giving them freedom, giving them rights, giving them the opportunity to work, to learn, to participate. Isn't that what we are about? Isn't that what we want the rest of the world to be about? Well, if we aren't willing to say that is a good thing and to say it formally, what are we about?

That is a powerful statement from a man who served his country.

The Convention on the Rights of Persons with Disabilities is more than a piece of paper. It is not an empty promise. It is a reflection of our values as a nation. It is a lever, it is an inspiration, it is a diplomatic tool. It creates the ability to change life for people in many other countries, and that is what America is about.

John Lancaster closed out his testimony saying:

From a veteran perspective, I think we have much to gain from the improved accessibility of the world. Today some disabled soldiers and Marines remain on active duty in spite of their disability, continuing to serve their country. These servicemembers should be afforded the same rights outside the United States as they enjoy here. For a disabled veteran working abroad, the adoption of disability rights and implementation of disability laws allows them to do their jobs more effectively and reaffirms what they served for: liberty and the opportunity to participate.

He closed by saying we have a moral obligation to one another to serve our great country and to show what we represent to all mankind.

When he returned from Vietnam, John struggled for years with environmental obstacles, employment discrimination. I think we owe it to him and to millions of Americans facing a similar plight today to fulfill our constitutional responsibilities and get the job done.

When George H.W. Bush signed the Americans with Disabilities Act into law, he did so with the hope that it was going to foster full and equal access to civic, economic, and social life for people with disabilities in America. Senator Kennedy, who played an important role, said, "This act has the potential to become one of the great civil rights laws of our generation . . . It is a bill of rights for the disabled, and America will be a better and fairer nation because of it."

That was the spirit that animated the passage of the ADA, and it is the same spirit that has inspired a bipartisan group of Senators to work tirelessly to pass this convention.

For far too long persons with disabilities have been left in the shadows or left to fend for themselves. We must resolve again as Senators and as citizens to fight for our principles. It isn't a question of time. It is a question of priorities—a question of willpower, not capacity. This treaty reflects our highest ideals as a nation, and now is the time to act.

In closing, I say to colleagues: When there is an opportunity for change, America must be there to help—to keep faith, and to use our voice to support those who are striving for reform.

This really is one of those moments the Senate was intended to live up to—and it demands leadership and a willingness to find the common ground.

If discrimination against persons with disabilities is to stop—and it must—then we must stop it. We all know that restoring the full measure of rights to persons with disabilities is not just a lofty goal. It's a core value here at home and an imperative abroad. But it is not enough to know how things ought to be. Our job is to ask how we can make them so.

After all, if the American people said anything in this election year, it is that Members of Congress need to work not just on their side but side by side. It is the only way we can fully complete our constitutional duties. It is the only way—in a divided country, at a time of heightened partisan tensions—that ideology will yield to common sense. And it is the only way that we will approve the disabilities convention and live out the truth behind those timeless and inimitable words: that all of us are created equal.

I yield to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the chairman of our committee, the distinguished Senator from Massachusetts, has expressed the case well and strongly. Let me say in simplicity that as we enjoyed hearing of the rights of persons with disabilities, we have learned that essentially the United States has an opportunity for leadership for an expression of our idealism with regard to the care and treatment and concern for disabled persons in our country and the world.

If we ratify this treaty, we will join with other nations who meet annually and will receive every 4 years reports from the various countries that are involved as to the progress they have made. They compare notes. They learn really how the disabled are treated. Our belief is that we are the gold standard and that there are many countries that would like to know technically how people are treated in

the United States and what sort of investment would be required in those countries.

Having said that, we should also say, very frankly, that the committee or this governing aspect has no ability whatsoever to create law—either State, local, or Federal—in the United States of America or to compel Americans to do anything, literally. So we have an opportunity to be advocates of our idealism, and we have an opportunity to listen to others and perhaps to gain new insight in this body about how, along with our fellows in the House, to proceed. I think that is very important.

Now, having said all that, I would say that likewise the committee did understand there are considerable anxieties in our country about this situation. I would say it is conceivable the debate we have today will illustrate that some Members of our body have valid concerns about the convention. I think it is clear that we will cite again and again our domestic legislation, such as the ADA and the IDEA, which constitutes the most comprehensive and effective standards to advance the rights and provide equal opportunities for individuals with disabilities.

One of the arguments by the administration in support of Senate ratification is that by becoming a member we will be able to increase our global credibility. It is argued this increased credibility with other countries will be beneficial in exporting and promoting standards. The executive branch also argued that when officials have bilateral conversations advising other governments about improving standards for their disabled citizens, officials often question why the United States is not a party now to the convention. Opponents of the convention have argued we should only accede to the convention if it advances the national interest of the United States, especially in an area where the United States is a global leader.

There have been questions raised regarding the binding nature of the convention. The response has been that the convention is nonbinding, and the committee formed by the treaty has no compulsory authority. This also addresses the concerns of opponents who have cited instances of overreach by such committees established by human rights treaties in the past.

Most major veterans groups, as has been cited, and disability rights groups have all written in support and, as a matter of fact, turned out by the hundreds for the hearings and the markup of this legislation in the Senate Foreign Relations Committee. As I indicated, it would be very important from the perspective of making the world a more accessible place for U.S. citizens, including disabled citizens and veterans who are disabled. And improving a global standard for all segments of

the disabled community should be our goal. Although accession to the treaty will not instantly achieve that goal, it may provide another avenue through which we might achieve the goal.

I want to mention specifically now some technical aspects of our committee consideration. Article 34 of the convention creates the committee we have talked about—the committee on the rights of persons and disabilities. It consists of 18 persons, elected by state parties to the convention, and they are required to submit periodic reports to the committee concerning measures taken to give effect to the obligations under the convention and the progress made in that regard. The convention provides the committee shall make such suggestions and general recommendations on the report as it may consider appropriate and shall forward those to the state party concerned. The committee recommendations are advisory only and are not binding on the state parties, including the United States of America.

Now, the United States has recognized the rights of individuals with disabilities through constitutional and statutory protections—the Americans with Disabilities Act of 1990, which has been cited. As such, many of the general requirements of the convention for protection of disability rights already exist in Federal law. The provisions of the convention can be grouped generally into the following categories: Accessibility, education, equality, employment, and health.

Now, the committee closely reviewed the “best interest of the child” standard as set forth in article 7 of the convention, including whether the ratification of the convention by the United States could negatively impact parental rights with respect to disabled children, including parents who opt for home schooling of disabled children. The Department of Justice testified unequivocally that parental rights would not be hindered in any way.

In response to written questions for the record, Senior Counselor to the Assistant Attorney General for Civil Rights, Eve Hill, stated:

In light of the Federalism and private conduct reservations, among others, there would be no change to Federal, State or local law regarding the ability of parents in the United States to make decisions about how to raise or educate their children as a result of ratification.

Mention has been made by the chairman about article 25 of the convention. The state parties recognize that individuals with disabilities have the same right as others to enjoyment of the highest attainable standards held. They must be offered the same range, quality, and standard of care that is available to other persons in their countries. Health care professionals must provide care on the same basis they would provide if the individual

seeking care did not have a disability. Article 25 also prohibits discrimination based on disability related to the provisions of health and life insurance.

The convention does not provide any additional or different rights on matters of abortion. It also provides that people with disabilities not be treated any differently than others. Existing U.S. rules on abortion would still apply to U.S. citizens.

The administration has recommended the Senate include certain reservations, declarations, and understandings in any resolution of advice and consent. The administration has stated, with the following reservations, understandings, and declarations; that the United States would be able to implement its obligations under the convention using its vast existing network of laws affording protection to persons with disabilities. Therefore—and I stress this—no new legislation would be required to ratify and implement the convention.

I shall not go through all the details of the reservations, but they do specifically mention federalism: The convention shall be implemented by the Federal Government of the United States of America to the extent it exercises the legislative and judicial jurisdiction over the matters covered therein and otherwise by the State and local governments to the extent that State and local governments exercise jurisdiction over such matters.

I would say, secondly, there is non-regulation of certain private conduct. This is a reservation suggested by the administration, adopted by the committee. The Constitution and laws of the United States establish extensive protection against discrimination, reaching all forms of government activity as well as significant areas of nongovernment activity. Individual privacy and freedom from government interference in certain private conduct is also recognized as being among fundamental values of our free and democratic society.

The United States understands that by its terms the convention can be read to require broad regulation of private conduct. To the extent it does, the United States of America does not accept any obligation—any obligation—under the convention to enact legislation or take other measures with respect to private conduct except as mandated by the Constitution and laws of the United States of America.

I would mention, in addition to proposed reservations of the administration adopted by the committee, there were numerous proposed understandings all of which were adopted by the committee. They protect essentially the first amendment of the United States, economic, social, and cultural rights in our country, equal employment opportunity, uniformed employees of the United States, mili-

tary departments, and definition of disability. In other words, U.S. law, State and local government law apply in all of these cases without exception and cannot be countermanded by anything with regard to this treaty. Likewise, there have been proposed declarations offered by the State Department, and these were adopted by the committee.

I would simply say, Mr. President, without reiterating each of the reservations, they all attempt to meet any conceivable objection or question raised by citizens of the United States who have testified, who have written to the committee, or Members of this body who have visited with members of the committee as we were preparing for this obligation today. This is a treaty, in essence, that states our idealism. We would be a part of an organization in which we have a forum to do that. We are under no obligation to adopt any of the suggestions of the other committee members, although we will listen respectfully to them.

As a matter of fact, the treaty is important because we have such a gold standard that others have simply raised the question: Why are you not a part of a picture that might make this available, thoughtfully, to the rest of the world? And there is no good answer to that if in fact we espouse these ideals with regard to all of humanity and hope they might be adopted by others. But, specifically, and one reason veterans organizations and other organizations trying to help the disabled in our country advocate this treaty is that we would like to see improvement in other countries.

Sometimes our warfighters, as a matter of fact, are forced by all sorts of conditions to live in other countries. We hope they are receiving proper treatment, the best treatment. As a matter of fact, if they have any sort of life in those countries, we hope there is improvement for them. We hope, as they come back to America and then find it necessary to travel abroad again for any number of purposes, that the treatment for their disabilities will be there and, hopefully, of the same quality. We need to be advocates of this convention, advocates for our veterans and for other Americans who have disabilities.

So for these reasons, Mr. President, I am grateful to the majority leader for bringing this legislation to the floor at this time. We are very hopeful that at least the bipartisan debate we had in our committee and the strong vote for ratification will find at least some resonance in this overall debate in the Senate.

It has been a privilege on my part to work with our leader and to have had an excellent set of hearings and to have enjoyed the comments of our veterans. There are many in this body who have served this country in the military services. They have distinguished

records. I had only a modest 3 years and 4 months of Active Duty after volunteering for the Navy, but that was sufficient for me to learn what was important for those with whom I was serving and those in veterans organizations, such as the American Legion, headquartered in Indianapolis, IN, about what is vital to the quality of life for those constituents.

So I am hopeful we will have success in this effort tonight.

I yield the floor.

Mr. KERRY. Mr. President, I thank the Senator from Indiana, not just for his comments now but for his many years of leadership on these issues and for his wonderful partnership in all of this. I will have more to say about that as the days go on, but we are going to miss his vision and wisdom over the course of the years.

Mr. KERRY. Mr. President, I suggest the absence of a quorum and ask that the time be equally divided under the quorum call. I would hope colleagues would come to the floor and use the time as they desire.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I would like to recognize Senator VITTER on our side.

The PRESIDING OFFICER. The Senator from Louisiana.

DETENTION OF ELTON "MARK" MCCABE

Mr. VITTER. Mr. President, I rise to note grave concern on behalf of a constituent of mine and his family. Elton "Mark" McCabe, a businessman from Slidell, LA, has been held against his will in the custody of South Sudanese officials since October 14—for several weeks now, going on a month, through Thanksgiving.

Mark McCabe was in Africa, South Sudan, with business partners pursuing business opportunities, doing everything by the book, legally, ethically, and apparently, for reasons we don't yet fully understand, business competitors or business enemies of his had some sway with South Sudanese officials in a particular portion of the government with the security force, and he was taken into custody. He was charged with vague, very serious crimes and has been held against his will for these many weeks. I won't go into all the details, but it has been a long torturous experience.

I have been on the phone constantly, virtually every day, with State Department officials, with the South Sudanese Ambassador to the United States, with others, trying to demand basic due process and basic justice.

Things have gotten a little better in the last week, and a few days ago there



was a hearing before a judge regarding these trumped-up charges. When the prosecution had basically no facts and no evidence to present, the judge virtually laughed in their face with regard to this lack of a case. Nonetheless, the prosecution asked for 3 more days to get its house in order, to get its notes in order, possibly just to try to save face by dropping these trumped-up charges against Mr. McCabe rather than having them thrown out against their will by the judge. We hope that is the case, we pray that is the case, but we don't know yet.

The next hearing before this same judge is going to be this Thursday. So I come to the Senate floor to urge that judge and the South Sudanese Government to do the right thing, to do justice and immediately release Mark McCabe, who, again, has been held against his will, with no evidence, with no meaningful charges against him, since October 14.

I want to repeat what I said directly to the South Sudanese Ambassador to the United States. For many years we have built a strong, positive, bilateral relationship, but that relationship depends on appropriate trust between the parties and appropriate action. And we are looking at this case very seriously. We are looking at this case as a test of their judicial system, as a test of their appropriate intentions. If this completely unjustified detention continues, I vow that I will personally make sure there are consequences and repercussions to that relationship because there should be. They have violated basic fundamental legal and human rights of U.S. citizens.

I am hopeful based on what happened in South Sudan a few days ago, but, to quote President Ronald Reagan, trust but verify. And we are going to verify one way or the other come Thursday. The matter is very simple: Even though Mark McCabe has been held against his will for weeks and weeks, finally, at this late date, we fully expect this sorry state of affairs to end on Thursday. And if these trumped-up, frivolous charges continue, if he continues to be held against his will, I promise I will make those statements to the South Sudanese Ambassador ring true. I promise I will follow up and take action because this is absolutely outrageous.

I know we all join to pray for justice, to pray for Mr. McCabe's safekeeping. He has a serious heart condition. Indications are that he actually suffered a mild heart attack while in the custody of South Sudanese officials. So we pray for him, and we very much expect and look forward to his quick return to his home in the United States.

Mr. President, I yield the floor.

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Madam President, I rise to support the ratification of the U.N. Convention on Rights of Persons with Disabilities or, as it is known, the CRPD.

First, I wish to thank Chairman KERRY of the Senate Foreign Relations Committee for his diligence and for his leadership on this issue. He has carried it through the committee; he has brought it to the floor. In fact, I was reminded earlier today, we were both on the committee back in the 1980s when we first started working on the Americans with Disabilities Act under the tutelage, really, of Senator Lowell Weicker, who remains a great friend to this day and is still a great leader on the issues of people with disabilities. So we go back that far working together on these issues.

I thank Senator KERRY for his great leadership in bringing us to this point and, hopefully, the point being that we are going to ratify this wonderful treaty.

I thank Senator LUGAR again for all of his efforts through so many years on so many different issues, and on this issue especially, going back to the beginning of the Americans with Disabilities Act. If I might divert from this just for one brief moment to thank Senator LUGAR for his leadership in making the world safer by getting rid of nuclear weapons in the Soviet Union. What a singular effort that has been. Senator LUGAR has done much to make the world a better place for us and for our kids and grandkids. So I salute him for his wonderful leadership in that area.

Senator MCCAIN, of course, was here and worked with us on the Americans with Disabilities Act back in 1989 and 1990. He was very much involved in it; Senator DURBIN, Senator BARRASSO, Senator MORAN, Senator UDALL, and Senator COONS, I guess all of whom worked very hard to secure the ratification of this important convention.

As the chairman of the Committee on Health, Education, Labor and Pensions and as the lead Senate author of the Americans with Disabilities Act, I want the United States to become a party to this convention so we can apply the expertise we have developed under the ADA and help the rest of the world remove barriers to full participation and to honor the human rights of citizens with disabilities. One of my greatest joys in the Senate has been my work with so many Senators on the Americans with Disabilities Act of 1990.

The ADA stands for a simple proposition: that disability is a natural part of the human experience and that all people with disabilities have an inherent right to make choices to pursue meaningful careers and to participate fully in all aspects of society. So thanks to the ADA, our country is a more welcoming place not just for people with a variety of disabilities but for everyone.

Twenty-two years ago, on July 26, 1990, President Bush gathered hundreds of Americans with disabilities on the White House lawn for the ADA signing ceremony, and here is what he said. It is wonderful.

This historic act is the world's first comprehensive declaration of equality for people with disabilities—the first. Its passage has made the United States the international leader on this human rights issue.

Well, thanks to the ADA and other U.S. laws, America is showing the rest of the world how to honor the basic human rights of children and adults with disabilities, how to integrate them into society, how to remove barriers to their full participation in activities that most Americans just take for granted.

Our support for disability rights inspired a global movement that led the United Nations to adopt the CRPD. In fact, I might just add parenthetically that after the Americans with Disabilities Act was adopted, we had people from many countries come here. I can think of, first, Russia. Then it was Greece, Ireland, Great Britain, as well as a number of people from other countries who came here to learn what we had done and then to pick it up and move forward in their own countries. Our legal framework influenced the substance of the convention and is informing its implementation in the 125 countries, I think, that have ratified it along with the European Union.

My staff was involved in 2002 when the U.N. first broached this subject of coming up with a convention and, in turn, provided to them the substance of the Americans with Disabilities Act, its history, its provisions, and what had been done from its adoption in 1990 until 2002 and the changes that it had brought about in our own country. So, really, I think the Americans with Disabilities Act informed and laid the basis for what the U.N. began to do in 2002 and completed in 2006.

So, again, I am very grateful for the leadership of Senator KERRY, Senator MCCAIN, as well as Senator Dole, who I know is not able to be with us right now, but I thank them for all of their support for the ratification of the CRPD. I also appreciate that former President George H.W. Bush, his White House Counsel Boyden Gray, Attorney General Dick Thornburg, former Congressman Steve Bartlett, and Tony Coelho have all been actively supporting this ratification.

I am also grateful for the support from the U.S. business community, including, clearly, the U.S. Chamber of Commerce and the Information Technology Industry Council for ratification of this treaty. Because of their experience with the ADA, American businesses have developed expertise they can apply in the global marketplace in a way that gives them a competitive advantage. If we are a party to the convention, the U.S.-based companies with this expertise will be on much more solid footing when they are seeking to help other countries write and implement domestic legislation consistent with the convention and consistent with U.S. standards for accessibility and equal opportunity.

Like the Americans with Disabilities Act, the CRPD enjoys widespread support in the disability, civil rights, business, veterans, and faith-based communities. I could be off a little bit, but as of the writing of this statement we have letters of support from more than 250 American disability organizations, 21 veterans service organizations—and I caught some of the comments made by our distinguished chairman, Senator KERRY, in talking about veterans and our wounded warriors as they travel around the world and being able to access in other parts of the world what they can access here in America; a very good point—and 26 faith organizations also in support of the CRPD. These entities all realize the critical importance of America's position as a global leader on disability rights. They want our country to have a seat at the table and to share that expertise as the States Parties to the Convention work to implement it around the world.

I might add here, under the convention a committee will be established to assist and to help other countries in implementing and changing their laws and conforming. If we are a party to this, we get a seat at the table. If we are not a party to it, we will not have a seat at the table. Why shouldn't we have a seat at the table? We have been the world leaders. So by ratifying this convention, the United States will be reaffirming our commitment to our citizens with disabilities. Americans with disabilities should be able to live and travel, study and work abroad with the same freedoms and access they enjoy here in this country. Again, as other countries that have been signatories to this treaty grapple with how to change their systems and to make their systems more accessible, we can be at the table helping them to implement this treaty and to learn from our experience.

The administration has submitted reservations, understandings, and declarations that make clear that U.S. ratification will not require any change in U.S. law and will have no fiscal impact. The Senate Foreign Relations Committee has modified these

reservations, understandings, and declarations to address concerns that were raised in the committee markup.

Although U.S. ratification of the CRPD will not require changes in U.S. law and will not have a fiscal impact, I think it is very clear that U.S. ratification will have a clear moral impact. It will send a signal to the rest of the world that it is not OK to leave a baby with Down Syndrome on the side of the road to die, it is not OK to warehouse adults with intellectual and psychiatric disabilities in institutions, chained to the bars of a cell, when their only "crime" is having a disability, it is not OK to refuse to educate children because they are blind, deaf, or use a wheelchair, it is not OK to prevent disabled people from voting, getting married, owning property, or having children, it is not OK to rebuild infrastructures in Iraq or Afghanistan or Haiti or other war-torn or disaster-stricken areas without improving the accessibility of the infrastructure at the same time.

Former President Reagan frequently talked about America as a city on a hill, a shining example for the world of a nation that ensures opportunity and freedom for all its people. Thanks to our country's success in implementing the ADA, advancing that law's great goals of full inclusion and full participation, America, indeed, has become a shining city on a hill for people with disabilities around the globe. By ratifying the CRPD, we can affirm our leadership in this field. We can give renewed impetus to those striving to emulate us. We can give them that renewed impetus by our example and by sitting down with them and working with them only if we are a signatory to this treaty.

Again, you think about American exceptionalism. We are a pretty exceptional country, when you think about it, in many ways. We are not just exceptional because we have the most tanks and guns and bombs and things such as that, but we are exceptional in what we have done in terms of civil rights and human rights and to include all in our family—our family being our citizenship. We took great strides. America has always been evolving as a country to expand civil rights and human rights, and one of the latest, of course, was to extend those rights to people with disabilities in our society, making sure people with disabilities had all the rights and opportunities that anyone enjoys in our society.

It seems to me that this is the kind of exceptionalism we ought to be promoting around the globe. We ought to be proud. We should be proud of what we have done as a country in this regard. We should not be afraid—not be afraid—to join in a convention to extend to the rest of the world what we have done here, basically, and to be helpful in making sure that other

countries can also attain that kind of a standard that does not exclude anyone because of a disability from their society.

I know there were some who were not part of the bipartisan vote to support ratification in the committee. I understand that. But my hope is that in the intervening time, in the course of Senate debate, we will have addressed any remaining concerns, move forward with a strong bipartisan vote to provide our advice and consent, and pass the resolution supporting U.S. ratification of the CRPD with overwhelming bipartisan support.

When we voted on the ADA in 1990, it was a vote where only 6 people in the Senate voted against it—91 to 6. It was a historic law. My hope is we can achieve the same kind of strong bipartisan statement of support for the human rights of 1 billion people with disabilities around the world.

As to those of us who travel a lot around the world—maybe I see it more because of my involvement in this issue—I cannot begin to describe how often it is people come up and ask us how we can help, help them change so that people with disabilities can have more access, be more involved. Many times I have been to countries where someone comes up and may not know of my involvement in this issue, but through the course of conversation—maybe it is someone in business, maybe it is someone in government, in education—they mention this: They mention accessibility because they have a brother, a sister, a friend, someone who has a disability, and they talk about how easy it is for them in America to get around, to move around, to go to school, to do business, and they would hope that maybe their country could do the same. It happens a lot. Here we are, we have the opportunity to be a key player in this global effort.

It was important for us as a country for the first 10 to 20 years to focus on our own internal problems in terms of advancing the cause of people with disabilities, when you think about all the changes that have come about in the last 22 years. And now we take a lot of it for granted in terms of accessibility, mobility, education, health care, job accessibility. It is just not unusual any longer to walk into a business and see someone with a physical disability or an intellectual disability working there. We kind of do not even think about it much anymore. We do not think about kids with disabilities mainstreamed in schools.

I remember when our oldest daughter was in grade school and IDEA was just coming into force and effect, the Individuals with Disabilities Education Act, and a child with a disability was integrated into the classroom. There was this big hue and cry from a lot of the parents about: Oh, this kid was going to be disruptive. And how are the other kids going to learn?

Well, we got through that. Now we have a whole generation, what I call the ADA generation, kids who were mainstreamed in school, and kids without disabilities do not think anything about being their friends, going to a ball game with them, going to the theater with them, working alongside them. So we have this whole new generation where you do not think about it any longer. It is a normal aspect of life.

That is not so in other countries. In other countries, it is still, quite frankly, a sign of disgrace when a family has a child with a disability. Well, it is time to get over that. By being a country signing on to this, we can help them in so many ways. It is not just kids or young people with physical disabilities; it is people with intellectual disabilities. For how long have we looked down on people with Down Syndrome, for example, and said: Well, they cannot do anything? We segregate them in society. We send them to special schools. We give them occupations that do not challenge them. Now we have broken that down. Now so many people with intellectual disabilities, we find, can do a lot of things, and they can be challenged. And, yes, they can do competitive employment. They do not need sheltered workshops. They can be in competitive employment, with just a little support and a little training.

So many things have changed for the better in this country. It would be a shame—be a shame—if all this good we have done through all sectors of society—the business community, government, transportation, education; all these things we have done to make sure people with disabilities are not discriminated against and they have full opportunities, all the opportunities that anyone else has in our society—it would be a shame to say that somehow we are not going to support a convention, an international convention that basically takes what we have done and says: Here, world, this is what we should be doing globally.

To have 125 countries already signed up to it, and here we are—those who took the leadership in this area, everyone from the White House to, as I say, the Chamber of Commerce, that was supportive of the ADA, the business community that worked so hard on this—it would be a shame if we did not ratify this and become players in this and have a seat at the table to help the rest of the world attain what we have attained in this country.

Again, I thank Senator KERRY and Senator LUGAR, and so many others, Senator MCCAIN and others—I am probably forgetting to mention someone—but so many people who have worked so hard to bring this issue to this point.

I have to believe—yes, I know there are some Senators who have some

problems, and I do not question anyone's motives or anything like that. I think some people do have, maybe, some concerns about this. Hopefully, through the amending process, we can allay those concerns. I hope we get resounding—resounding—support for the ratification of this treaty and show the world that we are proud of what we have done, and we want to join with the rest of the world in making sure they too can advance and progress and have the same kind of support and accessibility and opportunity for people with disabilities as we have had in America.

Again, I thank my colleague and my classmate and my longtime friend Senator KERRY for his leadership on this issue, and I hope we have a resounding, overwhelming vote, just as we did for the Americans with Disabilities Act 22 years ago.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Iowa and I want to comment quickly before I yield the floor to the Senator from Minnesota. I also have a unanimous consent request.

I heard the Senator pay appropriate tribute to Senator LUGAR for his accomplishments in terms of making the world safer. I say to my friend, without any question whatsoever in reserve that the accomplishment of the ADA is one of those singular moments in the career of any U.S. Senator and it made the world better here at home, and a lot of other places if we get this done. The Senator from Iowa helped set that gold standard, so I thank him for that and for the pleasure—there are only three of us left from our class, so it is good to stand up with him today, and I appreciate it enormously.

I ask unanimous consent that the time for debate only on the treaty be extended until 6:30 p.m., with the time equally divided as provided under the previous order; further, that at 6:30 p.m., the majority leader be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

I yield to the Senator from Minnesota.

Ms. KLOBUCHAR. I rise to discuss the importance of the Convention on the Rights of Persons with Disabilities. I wish to thank Senator KERRY and Senator LUGAR for their outstanding leadership on this important treaty, as well as Senator HARKIN, my neighbor to the south, for all he has done for people with disabilities.

For many years I have served on the advisory board of Pacer, which is one of the Nation's greatest organizations for parents of kids with disabilities, and saw firsthand what so many families go through every day, the incredible courage and the love they show for

their children and the inspiration so many people with disabilities bring to our country.

To paraphrase Minnesota's own "happy warrior," Hubert Humphrey, the moral test of a government isn't just how it treats the young, the healthy, and the able bodied, it is also how it treats the sick, the elderly, and the disabled—those in need of a little extra support.

That may be the moral test of a government, but I believe it is also the moral test of a people and the moral test of a country. Today, I call on all my colleagues to vote to ratify the Convention on the Rights of Persons with Disabilities for two simple reasons. First of all, ratifying this treaty is about protecting the rights of U.S. citizens who are living with disabilities overseas.

Right now, thousands of Americans with disabilities, including our men and women in uniform, live, work, study, and travel abroad. I believe these Americans deserve the same rights and protections they would enjoy if they were living in the United States. This treaty is about ensuring those rights and protections.

Second, ratifying this treaty is about advancing a core moral value we all share as Americans, the idea that all people are created equal and that we are all endowed by our Creator with certain inalienable rights. Our country has long led the world as a beacon for equality and human dignity. This treaty would elevate our role in promoting human rights around the globe.

These are American values, but they are especially near and dear to my heart as a Senator from Minnesota, where we have a long and proud tradition of working to ensure that people with disabilities have access to the same basic resources and opportunities as everyone else. After all, it was the Minnesota Ramp Project that introduced a new American model for building statewide standardized wheelchair ramps.

We are the State that sent Paul Wellstone to the Senate, where he fought long and hard for mental health parity, something that finally passed in the Senate and was signed into law after he died—but it was signed into law. We are home to some of the most innovative centers for the disabled in the country, including Pacer, that I already mentioned, the Courage Center, and ARC.

We even have one of the most accessible baseball stadiums in the country. We are looking forward to a better season for the Twins next year, and we are so proud of our new stadium and how accessible it is for people with disabilities. In many foreign countries, not even schools and hospitals can meet these standards for people with disabilities. When a person is not even able to get an education or access to health

care they need because of a disability, that is a very big problem.

Even more troubling is the fact that some foreign countries lack laws for protecting the disabled against discrimination, meaning they have no recourse after being denied a job or an education or the use of public services. Remember, these inequities do not just affect foreign citizens, they affect Americans who are living in those countries.

So this is what is at stake: protecting our own citizens when they travel to other countries and extending the values of equality and justice we so cherish in our own country. It is important to note that ratifying this treaty will not require any changes to U.S. law, nor will it impact American sovereignty, nor will it incur costs to taxpayers.

It has been endorsed by every major disabled person's rights organization, every major veteran's service organization, the Chamber of Commerce, and several Republican and Democratic administrations. Protecting the rights of the most vulnerable among us is not a partisan issue. It is an issue of decency and an issue of dignity. I believe it is an issue we must all stand behind as Americans.

I urge my colleagues to ratify this treaty and move us forward in advancing the rights of disabled people around the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wanted to thank the Senator from Minnesota so much for taking time to come over. I know she did not intend to earlier, but she cares about the issue and took the time to come and share her thoughts with us. We are very appreciative. We obviously hope the Twins do whatever they want, second only to the Red Sox in the future.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Madam President, before us for advice and consent is the Convention on the Rights of Persons with Disabilities, the CRPD. I support the treaty and urge my colleagues on both sides of the aisle to support it.

In America, I do not believe anyone considers someone with a disability to have any less rights or protections than people without disabilities. I would suggest this reality is partly due to our values but also due to bipartisan efforts to codify in law that persons with disabilities are afforded equal access and protection from discrimination.

Over 22 years ago members of both parties came together to pass the Americans with Disabilities Act. It is not only the law of the land but it is the template for the CRPD in countries around the world that are moving to update their laws. Both the ADA and the ADA amendments of 2008 were passed with wide bipartisan margins. They are examples that from time to time we can engage in a bipartisan effort in this body.

In many countries accessibility to public spaces is not available to persons with disabilities. They are still discriminated against or cast aside in societies across the globe. Horrifically, infanticide occurs in many countries where children are born with disabilities. Protecting the rights of persons with disabilities, all persons, is not a political issue, it is a human issue.

Regardless of where in the world a disabled person strives to live a normal, independent life, where basic rights and accessibilities are available, disability rights and protections have always been a bipartisan issue. Ratifying this treaty should be no different.

Senator DURBIN and I and Senator KERRY began months ago—with Senator HARKIN, Senator LUGAR, many others. We had been discussing months ago how we could work together in a bipartisan manner and build support for ratification of the treaty.

As I mentioned, we have worked closely with Senators MORAN, BARRASSO, COONS, TOM UDALL, HARKIN, and others. I wish to thank them for their support and efforts to get us to this point. Senator KERRY deserves special recognition for scheduling a Foreign Relations Committee hearing and a markup that favorably reported the measure out of the committee. I also wish to thank the majority leader for scheduling this treaty for consideration today.

I think my colleagues should appreciate that this treaty is supported by over 300 disability organizations, at least 21 U.S. military veterans service organizations, the U.S. Chamber of Commerce, and many other organizations. It is not an accident that literally every veterans organization in this country supports this treaty because it is our veterans, many of whom are coming home as we speak, who will live and travel abroad and will benefit from this treaty.

As I have been traveling around the world where conflict is ever present, I have seen that so many people will benefit from the principles embodied in the treaty. So I would argue this effort is probably more important today in the world than it has been in the past. Another strong supporter of this treaty is one of my closest friends and heroes, Bob Dole. As you know, Bob has dedicated nearly his entire life to this country, through his military service and, following that, many years in public service.

He has dedicated the past several months to encourage support in the Senate for this treaty. Earlier, I read a statement from Bob. I would like to mention some parts of the statement. I will point out rather poignantly he says:

It was an exceptional group I joined during World War II, which no one joins by personal choice. It is a group that neither respects or discriminates by age, sex, wealth, education, skin color, religious beliefs, political party, power, prestige. That group, Americans with disabilities, has grown in size ever since. So, therefore, has the importance of maintaining access for people with disabilities to mainstream American life, whether it is access to a job, an education, or registering to vote.

I will not go through Bob Dole's entire statement. I would point out there are still thousands and thousands and thousands of his comrades who came home disabled in some respect—Bob, of course, in the most painful way. We all recall, with some nostalgia and appreciation, that he and our other wonderful hero Senator INOUE spent time in the same hospital following World War II going through very difficult periods of rehabilitation, a friendship that was forged there that has lasted ever since.

I can assure you there is nothing Bob Dole would want more than to be here on the floor of this Senate delivering his own speech before the Senate and urging colleagues to consider this treaty based on facts and on our values that ensure, protect, and advance the rights of persons with disabilities, whether on U.S. soil or around the globe where we can make a difference.

I received a letter today from—it is very difficult for me to pronounce his name, but I will try—from one individual, Chen Guangcheng. He is an individual who is a blind Chinese activist who recently came to the United States of America thanks to the efforts of many of the leaders in our administration, including the Secretary of State.

I wish to quote from his letter. This is an individual who is blind, who fought for human rights in his country, in China, and now, thank God, is in the United States of America. His letter says:

Dear Senators, I am writing you to personally ask for your support for the Convention on the Rights of Persons with Disabilities. As you know, my work on civil rights began with trying to ensure that people with disabilities in my home country of China were afforded the same rights as everyone else. The CRPD is making this idea real in significant ways around the world. Today, worldwide there are over 1 billion people with disabilities, and 80 percent of them live in developing countries. Disability rights is an issue that the world cannot afford to overlook.

When the United States enacted the Americans with Disabilities Act over twenty years ago, the idea of true equality for people with disabilities became a reality. Many nations have followed in America's footsteps and now are coming together under shared principles of equality, respect, and dignity for

people with disabilities as entailed in the CRPD. The U.S.—which was instrumental in negotiating the CRPD—can continue to advance both its principles and issues of practical accessibility for its citizens and all people around the world, and by ratifying the treaty, so take its rightful place of leadership in the arena of human rights.

As I continue my studies in the United States, it is a great pleasure to now learn firsthand how the U.S. developed such a comprehensive and strong system of protection for its citizens with disabilities. I am so hopeful that you will support ratification and allow others to benefit from these triumphs. Thank you for your leadership.

That is a very moving letter from a man who risked his very life, a man who is blind but still risked his life for the freedom of others, including rights in his country for individuals with disabilities.

There is a letter we have from former Attorney General Dick Thornburgh and White House Counsel Boyden Gray. They wrote to the Foreign Relations Committee to address issues being raised by opponents, particularly homeschool advocates who believe parental rights to homeschool or make decisions for their children will be impaired. I take it that my colleague, the Senator from Massachusetts, addressed this aspect of the concerns the homeschoolers have.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. If I might just say to my colleague, the resolution actually does address it, but I have not, so I think it would be important, if the Senator wishes to address that.

Mr. MCCAIN. Here is what they wrote, the former Attorney General—I have been blessed to live and know many Attorneys General, but I think all of us on both sides of the aisle would agree that Dick Thornburgh ranks up there at the top. This is what they write concerning the issue of homeschooling:

Nothing in this treaty prevents parents from homeschooling or making decisions for their children. This treaty embraces IDEA, the ADA, and all of the disability non-discrimination legislation that has made the United States a leader on disability rights. The specific provisions on women and children state that women and children with disabilities cannot be the victims of illegal discrimination—as is the case under U.S. law. Furthermore, the CRPD recognizes and protects the important role of the family and specifically protects children from being separated from their parents on the basis of a disability. We take a back seat to no one in our defense of the rights of parents to raise their children or in our support for our federalist system of government with sovereignty at both the Federal and State levels of government.

Some opponents are also suggesting that somehow the U.S. law or existing parental rights would be impacted by supporting the treaty. Attorney General Thornburgh and White House Counsel Gray address this as well:

We understand that some are claiming that changes in U.S. law would be necessary

to implement the obligations the U.S. will undertake as a result of ratifying the treaty, or that the RUDs that the Senate will approve will not have the force of law. Such claims are not correct and, quite simply, extraordinary. When the U.S. Senate attaches conditions to its consent to a treaty, they are binding on the President, and the President cannot proceed to ratify a treaty without giving them effect. The Senate has a long tradition of careful consideration and frequent adoption of limited RUDs, as is the case here. Any claims that such limited conditions do not have the force of law, or are inconsistent with the object and purpose of a treaty on disabilities that U.S. laws inspired in the first place, is contrary to the long-held position articulated by the Senate—regardless of which party is in control (and in spite of whatever theories that may momentarily exist in academic circles).

Administrations of both parties have also uniformly held this view. In 1995 the U.S. stated that “reservations are an essential part of a State’s consent to be bound. They cannot simply be erased. This reflects the fundamental principle of the law of treaties: obligation is based on consent. A State which does not consent to a treaty is not bound by that treaty. A State which expressly withholds its consent from a provision cannot be presumed, on the basis of some legal fiction, to be bound by it.”

Furthermore, the CRPD protects the critical role of the family by specifically recognizing the role of parents in raising children with disabilities, and prohibits the dissolution or separation of families because one or both of the parents are persons with disabilities. Article 23, entitled “Respect for home and family,” provides that “children with disabilities have equal rights with respect to family life,” that nations ratifying the treaty have an obligation to “undertake to provide early and comprehensive information, services, and support to children with disabilities and their families, and that “(i) in no case shall a child be separated from parents on the basis of a disability of either the child or one or both of the parents.” Finally, the CRPD will provide much-needed protection in other countries where there is no provision for birth certificates or birth registration for children with disabilities. In particular, it will help protect against the horrible practice of infanticide of children born with disabilities—a practice that can be facilitated through the denial of birth certificates or registration to disabled babies.

Every action we have ever taken on disability policy has been bipartisan. Being able to live independently is a basic human dignity we support, and it is a value we can help advance internationally by supporting this treaty.

I would like to say in closing that I thank both of my colleagues, Senator LUGAR and Senator KERRY.

I think we might think just for a moment, in conclusion, about the fact that there are various conflicts going on around the world. In Syria, we have seen 40,000 killed, and I don’t know how many—100,000, 200,000 who have been wounded, many of them innocent women and children, because of the ferocity and barbaric conduct of this conflict. I don’t know how many people today in China are subject to infanticide because there is not a birth certificate available. And we know that

practice, not only in China but in other parts of the world—a lot of it in Asia—goes on. We live in a very troubled and turbulent world. Not only will we have the normal, usual situation—and I mean normal—there are people who are born with disabilities from time to time. I have had the honor of knowing children, as all of us have, and there are no more loving and caring people in the world than our children and our citizens who have disabilities. There are going to be a lot more because of the conflicts that are going on in various places in the world. They might deserve our special attention because they are living in countries that will have a lot less of the rule of law, a lot less ability to care for them, particularly in the short term. Whether it be Libya, whether it be Syria, whether it be Iraq, or whether it be Afghanistan, all of these countries, we are going to have citizens who have been the victims of the violence of war. I believe the best thing we can do for them in the short term is take whatever action we can to see that they are not discriminated against, that they receive the same protections we guarantee our Americans with disabilities, and that they are afforded an opportunity to live full and beautiful lives.

Finally, I would like to say that my two friends and I have been around this place for quite a while—in the view of many, perhaps too long—but the fact is that one of the highlights of our shared experiences was on the lawn of the White House when a guy, Holmes Tuttle—remember one of the leaders of the disabilities movement, Mr. Tuttle—and others from the disabilities community were there, and the President of the United States at the time, President Herbert Walker Bush, and our beloved Bob Dole were there. It was a great moment for all of us. It was a great moment for America. It was all of us doing something, contributing in a small way to make better the lives of people who otherwise may have had great challenges in having the kinds of lives we want every American citizen to lead.

I believe that this treaty, this action is an adequate and important followup because I don’t think there is anybody who denies—yes, there are problems with any legislation of the sweeping magnitude and scope of the ADA, but I don’t know of anybody who doesn’t believe it was a magnificent success and an enormous contribution to making the lives of our citizens with disabilities better than they otherwise would have been. So wouldn’t we want that same thing to happen to everyone in the world? Wouldn’t we want these children who are going through such difficult times in their lives and wouldn’t we want those who have been wounded and maimed to have an opportunity for a better life? Wouldn’t we want to, as Americans, be proud that

we blazed the trail with the ADA in a really remarkable shift and change and an act of almost miraculous benefit to so many of our citizens, wouldn't we want that also to apply to the other citizens of the world? I think most of us would, and I think most of the American people who are paying attention to this believe that. That is why so many of our veterans organizations are in support. That is why so many in the disabilities community are in support. That is why there are so many charitable organizations that are in support.

So I again thank both of my colleagues and tell them that I certainly hope we can convince all of our colleagues that one of the nicest things we could do as a Christmas present for people around the world is to ratify this treaty.

Madam President, I yield the floor.

Mr. KERRY. Madam President.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I wish to thank the Senator from Arizona. I thank him for his comments just now, but most importantly I really appreciate his extraordinary leadership on this issue and a lot of human rights issues, issues of conscience. He speaks with a very important voice, and I think he knows I am always happier when he is working with me than against me on any issue on the floor. I know he used to pride himself in his fight occasionally with Senator Kennedy, but he also prided himself enormously when they were able to get together and work together.

I have certainly enjoyed the many things Senator McCain and I have done together—most notably, I think, joining hands across a certain belief divide to help end the war in Vietnam, the real war that kept raging in the minds of a lot of people, and that was a 10-year journey we made together. I am certainly proud of that and grateful to him.

But I want to come back to this treaty for a moment and Senator McCain's efforts on it. I would say to my colleagues who have raised in the minority report a couple of concerns—and none of us are dismissive of those concerns—every Senator has the right to express their beliefs, but I can't think of a Senator more compelled. He has been the ranking member and chair of the Armed Services Committee and for years has been one of the leading voices on defense issues and now the defense of our Nation. Everybody knows his record in terms of personal service. I think there is no Senator who comes to the floor arguing more consistently the prerogatives of the United States of America with respect to defending our Nation and upholding the Constitution.

I would ask my colleagues who are finding some reason to doubt this treat-

ty or to have some sense that it presents a threat to our country to take appropriate note of Senator McCain's fervent commitment to this and to the comments he made about former Attorney General Dick Thornburgh. I knew the Attorney General when he was Attorney General. I have enormous respect for him and for his career, and I think Senator McCain was 100 percent correct when he quoted him in the record as saying that nothing in this treaty will require any initiative by the United States to change a law or to reduce any capacity of our courts to uphold the Constitution of the United States. I think he did an important service in his comments with respect to that. I thank him for his contribution. Our fight is not over. We have some work to do in the next days, and I look forward to working with him.

The PRESIDING OFFICER (Mr. CASEY). The Senator from Indiana.

Mr. LUGAR. Mr. President, I join the chairman in thanking JOHN MCCAIN for his testimony, his courage, his eloquence, and his mention of those on our side of the aisle who have historically fought for the disabled. That is a very important fact today, and his presence, his strength and determination are very inspiring. We appreciate so much his support.

Mr. KERRY. Mr. President, I suggest the absence of a quorum, and ask that time be logged to both sides.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, we are in the process of considering the ratification of the Convention on the Rights of Persons with Disabilities. The United States has led the world in creating the legal framework, building an infrastructure and designing facilities that ensure inclusion and opportunities for those living with disabilities.

This year the Senate Foreign Relations Committee, under the leadership of Chairman JOHN KERRY and ranking minority member Senator RICHARD LUGAR, celebrated the 22nd anniversary of the Americans with Disabilities Act by favorably reporting the Convention on the Rights of Persons with Disabilities on a strong bipartisan basis. I want to personally thank Senator KERRY and Senator LUGAR for moving the treaty through the committee process. It was a hectic time—campaigns were going on—but they made a point of making certain we brought this issue forward.

A personal thanks to my friend Senator JOHN MCCAIN, who is on the Senate floor at this moment, for making this a bipartisan effort. I also want to

thank Senators BARRASSO, HARKIN, TOM UDALL, MORAN, and COONS for their bipartisan support and dedication to the passage and ratification of this important treaty.

Now is the time for the full Senate to affirm our Nation's leadership on disability issues by ratifying this important treaty. We should do so with the strong bipartisan support that has always characterized the efforts we have had on disabilities.

The support for this treaty is extremely broad and deep and bipartisan. It is supported by 165 disability organizations, including the U.S. International Council on Disabilities, the American Association of People with Disabilities, the Disability Rights Education and Defense Fund, and the National Disability Rights Network.

In addition, it is supported by 21 different veterans groups, including the Wounded Warrior Project, the American Legion, Disabled American Veterans, and Veterans of Foreign Wars.

President George H.W. Bush, who signed the Americans with Disabilities Act into law, has called for ratification of this treaty. But there has been no more passionate advocate—and I am so honored that he would consider devoting his energies and good name to our effort for ratification of the treaty—than Senator Bob Dole, a lifelong advocate for disability rights. We need to pass this treaty in a tribute to Bob Dole for his life of service to the State of Kansas and to the Nation, as well as his heroic efforts on behalf of the disabled in the Senate.

These organizations and people of different backgrounds have come together to support ratification of the treaty because they know it is critical for those living with disabilities in the United States and around the world. Thanks to the ADA and similar laws, the United States has been so successful providing opportunities, accessibility, and protection of the rights of those living with disabilities that our Nation is already in full compliance with all terms of the treaty. Before transmitting this treaty, the Obama administration conducted an exhaustive comparison of the treaty's requirements to current U.S. law. Here is what they found: The United States does not need to pass any new laws or regulations in order to fully meet the terms of the treaty. The fact that we have already met or exceeded the treaty's requirements is a testament to our Nation's commitment to equality and opportunity for the disabled.

But there are still important reasons to ratify this treaty. There are more than 5½ million veterans living with disabilities in the United States. They travel all over the world, often with their families. Ratifying this treaty will help move toward the day when wherever they travel they will be treated with accessibility, with the



kind of respect that every person would expect to have in traveling around the world.

Ratifying this treaty will also give the United States a seat at an international table that we currently can't occupy. The United States can sit at the table on disability rights worldwide and provide guidance and expertise based on our experience and leadership. It just stands out like a sore thumb our country hasn't ratified this treaty when over 120 other nations have.

This treaty would also level the playing field for American businesses. American businesses have invested time and resources to comply with the ADA. Businesses in some countries are not required to comply with similar standards. Compliance with the treaty levels the playing field by requiring foreign businesses to meet accessibility standards similar to those of the United States. It will open new markets for new technologies when it comes to disability.

Mr. President, I know you have been a visitor at Walter Reed and Bethesda Naval Center, and you have seen our returning veterans, many who come home after losing a limb. They go through a period of the best rehabilitation, and then they are brought into a laboratory with the latest technology.

A new Congresswoman from Illinois, named TAMMY DUCKWORTH—I am so proud of her election victory on November 6—lost both legs in Iraq when she was piloting a helicopter that was shot down. She was a member of the Illinois National Guard, and there was a question whether she would even survive the terrible incident where a rocket-propelled grenade was fired into the fuselage of her helicopter. She survived and has since used Walter Reed Hospital and Bethesda to make certain that she has the very best new prosthetic legs. They were good enough to carry her through a campaign successfully, and now she will be sworn in to the U.S. House of Representatives in just a few weeks.

That kind of technology is being developed for our veterans, as it should be. Ultimately, it will be available to everyone across the United States and around the world. As companies make this new technology enabling amputees a full life, this technology becomes a part of the export of the United States. So there are opportunities here for the United States, as other countries comply with the treaty and develop new prosthetics and other things for their disabled, to have some business opportunities with new and good ideas. American businesses will be able to export their expertise and their products in new markets serving the hundreds of millions of people living with disabilities around the world.

Let me tell you why it is important for us, even though our standards are good and high in helping the disabled,

to worry about those with disabilities in other countries. There are estimates that 10 percent of the world's population lives with disabilities. Not only do these people courageously live each day, they live with many challenges and hurdles that could be removed with the right laws and policies that are contained in this convention.

It is hard to believe, but 90 percent of children with disabilities in developing countries never attend school. Less than 25 percent of the countries in the United Nations have passed laws to even prohibit discrimination on the basis of disability. Studies indicate that women and girls in developing countries are more likely than men to have a disability.

Unemployment is dramatically higher for those living in other countries with disabilities. This treaty will help provide the framework so countries around the world can help their own citizens with disabilities live productive, healthy lives. Just like we did by enacting the ADA 22 years ago, ratifying this treaty will send the world a message that people with disabilities deserve a level playing field.

While this treaty will ensure inclusion and access for those living with disabilities, it is also important to note what the treaty will not do. The treaty will not require the United States to appropriate any new funding or resources to comply with its terms—not a single dollar. The treaty will not change any U.S. law or compromise U.S. sovereignty. The treaty will not lead to any new lawsuits because its terms do not create any new rights, and it cannot be enforced in any U.S. court. For families who choose to educate their children at home, the treaty will not change any of the current rights and obligations under American law. I was pleased that in the Foreign Relations Committee they adopted an amendment I worked on with Senator DEMINT, a bipartisan amendment, to further clarify this issue.

I also want to address the issue of abortion, which was raised yesterday by one of our former colleagues. Leading pro-life groups, such as the National Right to Life Committee, confirm the treaty does not promote, expand access or create any right to an abortion.

When we tried to move this treaty earlier this year, some objected on the basis the Senate shouldn't ratify a treaty during a lameduck session. Well, we did a little study. I want to note for the record that since 1970, in the last 42 years the Senate has ratified at least 19 treaties during lameduck sessions. There is no procedural or substantive justification for not ratifying this treaty which has broad bipartisan support and could mean so much to those living with disabilities.

Thanks to decades of bipartisan cooperation, our country embodies the

worldwide gold standard for those living with disabilities.

In closing, I again salute Senator Bob Dole. He has been on the phone and working it, and I hope in tribute to his Senate career we will ratify this treaty.

I also want to salute a former colleague of mine from the U.S. House of Representatives, Tony Coelho. Tony was the whip of the Democratic caucus when I was first elected, and he has been an amazing advocate for the disabled throughout his public career in the House and ever since. He came to me and asked to help in this effort, and I was happy to say yes to Tony, as I did so many times when I served with him in the House.

I want to add one other person—Marca Bristo. Marca is the leading disability advocate in the city of Chicago. This wonderful young woman was tireless in her wheelchair, wheeling from office to office, begging Members and their staffs to consider voting for this treaty. If and when we pass it—and I hope that is soon—I am going to remember Marca and Tony, and certainly Senator Dole, for all the work they put into this.

When the Senate ratifies this treaty, we can be proud our coworkers, friends, family members, and courageous veterans will soon enjoy the same access and opportunity when they travel abroad that they have come to expect right here in the United States.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I take this time to urge my colleagues to vote for the ratification of the Convention on the Rights of Persons with Disabilities.

I have the honor of serving on the Senate Foreign Relations Committee and was present during the hearings we had with regard to the ratification of the treaty. I listened to the witnesses who testified and listened to all the arguments that always have been made about treaties. I must tell you, it was overwhelmingly supportive of the ratification of the treaty.

I want to acknowledge the work of Senator LUGAR, who is on the floor. He has been a real champion on basic human rights issues and advancing it through treaties on which the United States has taken leadership. I applaud his unstinting commitment to advancing the rights of people with disabilities.

I also want to acknowledge our chairman Senator KERRY, and the work he



has done in regard to this treaty; Senator HARKIN, and many others, have been involved in the United States' participation in this treaty. To put it directly, we were responsible for this treaty moving forward because the United States has been in the leadership of protecting people with disabilities. The way we treat people with disabilities is a civil rights/human rights issue.

We know the history of America was not always what it is today, and we know the struggles people with disabilities have had in getting access to services that we sometimes take for granted.

Many years ago I visited our State institution for children with developmental disabilities. I saw in one large room literally 100 children receiving no care at all, most of them not clothed. I knew we could do better in this country, and today our access to health services for people with disabilities is remarkably better.

I remember when if you had a physical disability and were confined to a wheelchair, it was basically impossible to get use of public transportation. We have changed those policies in our country, recognizing that every American has the right to basic services. I remember when it was difficult for people to get public education in traditional schools if they had disabilities. We have changed those laws in America. We have changed our public accommodation laws. We have changed our employment laws. We have led the world in saying that it is a basic right, and people with disabilities have the same protections as every one of us.

I am proud of the progress we have made here in the United States. I was part of the Congress in 1990 that passed the Americans With Disabilities Act. I am very proud to be part of the Congress that passed that law. I remember two of our colleagues who have been in the forefront of this work: Senator Dole, whose name has been mentioned, has been one of the great leaders in this body in protecting the rights of people with disabilities, and Congressman Tony Coelho, with whom I served in the other body, the House, took on a leadership position to bring to the public attention for us to do what was right for people with disabilities.

The United States has provided international leadership. The year after we passed the Americans With Disabilities Act, my colleague in the House, Congressman STENY HOYER, took that effort in the United States internationally. In 1991, in the Organization for Security and Cooperation in Europe, we passed the Declaration on the Rights of Persons With Disabilities because of the U.S. leadership. It is now known as the Moscow Document. We have provided international aspirations to make sure that we treat people with disabilities as we would treat anyone else.

We have in America the strongest protections of any country. We have improved our laws. We have led the world in providing the right legal framework, the right policies, and the right programs so people with disabilities can gain access to all services.

The ratification of this treaty is particularly important to the United States. I say that because it further demonstrates our leadership on this issue. We have added language in this treaty; we don't have to change any laws if we ratified this treaty. We are in full compliance. There is no need for America to take any further steps. All this treaty ratification does is reaffirm America's leadership on this issue and provides protection for our citizens internationally. We made that very clear with amendments we added to this treaty during the committee markup. We don't have to change any laws. Yet it helps U.S. citizens abroad. The rights of the disabled should not end at our border. They should have the same protections when they travel to another country or when they work in another country or when they temporarily live in another country. We want to make sure American citizens are treated fairly.

A witness testified at our hearing on the ratification of this treaty about how she was in a wheelchair in another country and she was not permitted to use her wheelchair to get access to an airplane. That is wrong. This treaty will protect an American who happens to be in another country and who happens to have a disability to make sure that person can get reasonable access to transportation, reasonable access to public accommodations, and that the person is not discriminated against because of her or his disability. This helps advance globally the basic human rights of people with disabilities. Other countries will learn from the United States. Until we ratify, we can't participate in the international discussions taking place to protect people with disabilities. Yet we have the most advanced laws. By our ratification of this treaty, we are in a position to help other countries advance the rights of people with disabilities, and that is exactly what we should be doing in America.

Our Nation was founded on the principle that we are all created equal and each of us has the right to life, liberty, and the pursuit of happiness regardless of our abilities. Ratifying this treaty is a strong act of diplomacy and a symbol of America's continued commitment to equal justice for all. The history of our Nation has been the continued expansion of rights, opportunities, and responsibilities to more and more Americans. It is in our interests and in the interests of all humankind to see that the expansion happens in other countries as well.

I urge my Senate colleagues to vote for the ratification of this treaty. It is

the right vote to take for the United States. Standing up for basic human rights is right. It is right to protect our citizens when they travel internationally. I urge my colleagues to vote for ratification.

With that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HOUSE AND SENATE ACTION

Mr. WHITEHOUSE. Mr. President, I just wished to address two things. The first is that we are having a continuing discussion about the budget of our country and about the taxes of our country and indeed about the unfair and often upside down nature of our current Tax Code that allows people making hundreds of millions of dollars a year to pay a lower tax rate than a family who earns \$100,000 a year.

In the context of that discussion, there is one thing that I think we can do right now that would be important and helpful to the vast majority of Americans, indeed to 98 percent of American families and 97 percent of American small businesses; that is, to assure them that their taxes are not going to go up on January 1.

Assuming we cannot get to a budget agreement before January, then automatically all the Bush tax cuts will end. The Senate has actually passed a law that will allow those tax cuts to be curtailed, to be protected for families who earn \$250,000 a year and less. That bill has passed the Senate. It is now over at the House awaiting action by the House.

The Republican-controlled House is in a position, anytime the Speaker chooses to call up that bill, to pass a guarantee of protection from tax increases that will protect 98 percent of American families and 97 percent of American small businesses. I think they should do that. It is simply awaiting their action. There is nothing more we can do in the Senate. We have already passed that bill. It is one step away—Speaker BOEHNER allowing it to be called up and having it voted on—from becoming law and protecting 98 percent of families and 97 percent of small businesses from a tax increase on January 1.

There is a real likelihood we will have to go beyond January 1 because so many of our colleagues have sworn

that oath to Grover Norquist that they will not let taxes go up. He maintains the Bush tax cuts should last into eternity and anything above that would be a tax increase and violate the pledge.

So we may have to wait until January 1, until the actual expiration of the Bush tax cuts vitiates that baseline and allows Republicans to enter into the very same deal they could have before, only now it is a tax decrease from the current rate that would presumably not get them in trouble with Mr. Norquist versus a tax increase from his—I think at this point—illogical and irrational projection of the Bush tax cuts into the indefinite future. So I call on our friends in the House of Representatives to pass that bill and give the vast majority of Americans relief from whatever uncertainty there might be about going beyond the January 1 deadline.

The second issue I wished to address is to respond briefly to my friend from Arizona Senator KYL, who spoke about the filibuster and the rules changes that are being discussed in this Chamber. He spoke this morning. I had the chance to watch a good part of his remarks on the television.

I wanted to respond in a couple ways. First of all, I have the highest regard for Senator KYL. We worked closely together trying to get a cyber security compromise. We worked together years ago on the immigration compromise. I have seen him in action on the Senate floor. He is very able. When he has reached an agreement with his colleagues, he is unshakeable and his word is good. I think very highly of him, although we do not agree politically on a great number of issues.

But I did, in an atmosphere of great respect for him, wish to respond in a couple ways. The first is that I believe, at least, that there is a difference between what we are considering with this rules change and the so-called nuclear option that was threatened were respect to judges.

The reason I think that is the case is that I have read the old opinions from previous Presiding Officers in the Senate and Vice Presidents in the past who have said that the way the Senate rules work is that although we are a continuing body, the way in which the rules continue from Senate to Senate is that we are impliedly readopting the rules as soon as we take any business under the rules each new session.

The House behaves differently. The House has new rules each session. It is an entirely new reelected body each session. So they have to open by creating a new set of rules and adopting them. They do that at the beginning of every session. We virtually never do that. The rules continue. How is it that the rules continue? The ruling is that that continue because they are deemed to continue as soon as the Senate takes action under those rules, whatever it

is. As soon as they take action under those rules at the beginning of a session, those rules are then deemed to be back in place, and we do not need to readopt them.

But that does mean, at the beginning of each session, there is an opportunity, under the Constitution, to change the rules by a simple parliamentary majority of 51. I do not think that is breaking the rules to change the rules. That is part of the rule. That is how the rules actually work in the Senate, at least that is my belief and my opinion.

Given that, I think arguing that this is somehow breaking the rules or the same as the nuclear option is not quite accurate. This and the nuclear option share the similarity of allowing the Senate to proceed with a simple majority. They do share that similarity. But this is different because we can only do that one early, first moment, as each new Senate comes into session. Some could say that is actually there as a safety valve for situations just like this where one party is consistently, regularly determinedly abusing a rule, but because the other party cannot get to 67 votes, they cannot change or correct the rule to restore the Senate to its proper behavior.

I would note that I think there is virtually nobody in this Chamber who thinks the Senate is operating the way the Senate should. We have had literally hundreds of filibusters, and they are not the old-fashioned filibuster people remember from “Mr. Smith Goes to Washington,” when Senator Jefferson Smith stood at a desk, probably about there in their mockup of the Senate floor, and talked himself to exhaustion, reading from the Bible, reading from the Constitution. He may have even read from the dictionary. I remember there was an old reporter up in the press gallery speaking about this. He talked about it being one of the great examples of American democracy, one lone Senator able to speak until he is exhausted on a point that matters to him.

People may have been frustrated by that kind of filibuster, but there was at least a kind of nobility to it. The filibuster of today is very different. It is a threat from the minority party to bombard something with amendments so it cannot be managed on the floor. It is a threat to filibuster, to which the majority leader has to respond by filing cloture, and when the majority leader is forced to file cloture, the minority gets the benefit. They get 30 hours of debate.

Of course, as we have seen in the Senate, that 30 hours of debate is never used. It just consumes 30 hours of floor time, most of it spent, as the distinguished Presiding Officer and I and others who preside in the Senate notice, in quorum calls, in endless deadly quorum calls with the poor old clerk

having to call off the names slowly and quietly in the Chamber and nothing going on.

People who are looking at this on C-SPAN and who dial into the Senate very often see that nothing is going on. That nothing going on is usually the hallmark of the modern filibuster. It is a colossal waste of time. It is intended to be a colossal waste of time. Because if we do that hundreds of times, as our minority has, multiply those hundreds of filibusters by 30 hours each, and they have ruined thousands of hours of Senate floor time.

That disables this institution, and it puts the majority under immense pressure to do the basic business of passing appropriations bills, the very simple operations of government. Very often we hear our colleagues on the other side criticize that we have not passed those. Those are complaints that are made with real crocodile tears because it is the consistent, relentless filibuster that puts the Senate in a position where it does not have floor time to do that work.

I think, first of all, that what we are proposing is slightly different than the nuclear option, even though it shares that characteristic of getting to 51 votes, that it is unique to the rule function of the Senate, that it happens just that once, and that one could argue it is a safety valve that protects against situations like this.

My second point is this is not a good situation for the Senate. We waste immense amounts of time. The filibuster is used constantly. It used to be that Senators filibustered bills that they violently opposed. Now the minority filibusters everything. How often have we had the experience that something is filibustered and we finally break the filibuster and when we actually get to the vote on the actual merits of the bill, it passes with 95 or 98 Senators supporting it.

What do we conclude if you filibuster something that 98 percent of Senators are going to support when it finally gets to the floor? We can only conclude that it is being used to obstruct and delay. There is too much of that. We have too much business to be done. So I do not think there is anybody who can say the Senate is working in a way that it should under the present practices. If it takes changing a rule to change those practices, I think it will be better for everyone.

I also wish to point out that nobody is saying there should be an end to the filibuster. What we are saying is those who want to filibuster should carry the burden of being on the floor expressing their concerns and actually doing the filibuster. It is one of the great frustrations of those who have to defend against the filibuster that very often the members of the minority party do not even have to show up for the vote. The rule of the filibuster is that we have to get to 60 votes or it fails.

Whether the vote is 60 to 1 or 60 to 40 does not matter. So we get thrown into having to show up and vote on filibusters, and the minority party does not even have to be here. We have heard a Senator say: Well, you know, you guys, you will be here on Monday because you have this vote you have to take. But we do not have to be here, so I am not coming back.

We have had Senators who have actually forced a vote on cloture themselves go away when it came time for the vote, go home, and the rest of us had to be here to do it at that point. The filibuster is just being used to harass colleagues and to create difficulty, and I think that is a real problem and that it is worth pressing through it.

Another concern that Senator KYL raised is that people's voices would be silenced if the majority leader had the authority to go directly to a bill without allowing for amendments. Two points on that: First, I, for one, am perfectly open to a rule change that provides for some kind of an amendment process. As the majority leader said earlier, we have our proposal out there, where is yours? If we are going to negotiate, make a counterproposal. If the counterproposal contains a requirement that certain amendments be considered, a certain number of amendments—germane amendments, one would hope—I think that is something that a great number of Senators on our side would look at with sympathy and, perhaps, with approval.

That is an argument. I don't think it is a sufficient one because I do believe we can address that question, every question.

I would conclude, because I see the distinguished Senator from New Hampshire here, that I think this is an issue we can work out and that we can work out together. I think we can make the Senate a better place, a place where there is more actual debate and more progress and more gets accomplished rather than just this relentless filibuster, this filibuster at all times, of all bills, all appointments, over and over, nonstop, completely jamming up this body and creating these enormous periods of delay while we go through procedural hoops and around procedural circles. We should be better than this, and the American people deserve better than this.

I hope this discussion about changing the rules moves us from where we are right now—which is just wrong; it just isn't working—to a place where we can be a Senate again that requires people who want to filibuster to get up on their feet in this Chamber and say what they have to say until they are exhausted. So be it. I think that would be an improvement on the matters where I would feel strongly enough to filibuster, and I am confident that I would be willing to take that step in the event we were someday in the minority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. I ask unanimous consent to speak for up to 5 minutes on the topic of the Convention on the Rights of Persons with Disabilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COONS. Mr. President, I rise today as not just the Member from Delaware but also as a member of the Senate Foreign Relations Committee to speak to the topic before us of the convention and whether the United States should ratify a convention on the rights of persons with disabilities.

Our country has long been a global leader in recognizing and protecting the basic rights, the human rights of all people, including those with disabilities, and of working hard to be at the forefront of a global movement to improve access to the basic and essential aspects of productive daily life for those with disabilities. Today we have the opportunity to help extend those rights, the same rights that disabled Americans have to other people around the world. If we have that opportunity to promote freedom and human rights, why wouldn't we ensure these protections that apply to Americans apply to them abroad as well and to others, some of the nearly 1 billion fellow citizens of the world who live with disabilities.

This treaty that is before us today was adopted by the United Nations in 2006 with 153 nations as signatories and so far 116 as ratifying parties. It has been 6 long years that the United States has not joined as a ratifying party. This treaty has passed with strong bipartisan support through the Foreign Relations Committee by a vote we took back in July after hearings, and it is been nearly 6 months since that vote. Yet this treaty, sadly, faces opposition on the floor of the Senate.

This Convention on the Rights of Persons with Disabilities was negotiated during the Bush administration, and it enjoys strong bipartisan support. I am proud to join Senators MCCAIN, BARRASSO, MORAN, DURBIN, HARKIN, UDALL, and many others who have been advocating for its passage since March. It would, as has been said, not require any changes to U.S. law and would have no impact on our Federal budget. It would instead promote U.S. business interests by creating a level playing field for U.S. companies by equalizing accessibility requirements that foreign businesses must meet, and it would create new markets for innovative U.S. businesses with expertise in standards and technologies that would help ease the lives of those with disabilities. At least as importantly, it would promote access, mobility, and inclusion for disabled Americans abroad, especially wounded veterans.

Last but not least, it would protect the right of families to homeschool their children if they choose to do so, a topic on which my office received many concerned calls from constituents. We heard directly from the Justice Department during our hearing on the Foreign Relations Committee on this convention that ratification of this treaty will not in any way erode the rights of parents with disabled children to educate their children at home if they so choose.

In short, Mr. President, ratification only benefits the United States and protects Americans. The world has long looked to us as a global leader, as a moral compass, as a defender of freedom and human rights. In my view, we owe a great debt to many who have served in this Chamber before us, including, principally among them, Senator Bob Dole, who, along with many others, led the initial fight for the ratification of the Americans with Disabilities Act.

The least we can do for people with disabilities all around the world is to step to the plate, to ratify this Convention on the Rights of Persons with Disabilities without delay. It is my hope this Senate, in a bipartisan way, can come together in the spirit of unity to protect dignity and human rights for all.

I urge my colleagues to join me in voting for the ratification of this most important treaty.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I also ask unanimous consent to speak for about 5 minutes on the Convention on the Rights of Persons with Disabilities.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. I am here to join my colleagues, as I had the great pleasure of being in the chair for a while this afternoon to hear some of the expression of support for the Convention on the Rights of Persons with Disabilities. It was very eloquent, and it was bipartisan. I begin by thanking Senators KERRY and LUGAR for their efforts in the Foreign Relations Committee to not only pass the treaty in committee but to bring it to the Senate floor for this consideration.

I certainly support ratification of the Disabilities Convention because it is the right thing to do and because it puts the United States back where we belong: as leaders of the international community and defending, protecting, and promoting the quality of rights of all people in our world, regardless of their situation. From equality and nondiscrimination to equal recognition before the law, to access to justice, this convention touches on all these issues that Americans have long held near and dear to our hearts.

Ratifying this convention would reaffirm our leadership, leadership that

was established under the landmark Americans with Disabilities Act legislation that this Congress passed in 1990. This was the first of its kind, domestic legislation that addressed the barriers faced by individuals with disabilities. It sent a message to the world that we would support the principles of equal treatment and nondiscrimination with respect to those with disabilities.

I want to recognize Senator TOM HARKIN for his leadership in getting that legislation passed, and it had strong bipartisan support when it was passed back in 1990. That legislation still stands as a model for those who want to replicate our commitments and defend the rights of the disabled in their countries.

I have had a personal opportunity to see what a difference the Americans with Disabilities Act could make in the lives of people, to see the impact this convention could have around the world, because I grew up before ADA was passed and my grandmother was disabled. She couldn't speak or hear. I remember in those days, when she would come to visit us—which wasn't very often because she lived a long way away—we didn't have any technology to allow her to watch television or to answer the phone, the kind of technology that now is available as the result of passing the ADA, technology that I would hope, along with the human rights that come with passing this convention, will soon be available to people in all parts of the world.

We in the United States are already the gold standard when it comes to defending the rights of the disabled. So why would we not want to demonstrate to the world our intention to continue to fight for those less fortunate?

This treaty is not only about ending discrimination against people with disabilities around the world, it is also about protecting the millions of U.S. citizens who travel or live abroad. Ratification will provide the United States with a platform from which we can encourage other countries to adopt and implement the convention standards and to work to end discrimination against people with disabilities.

Let me just respond to some of the concerns we have heard, and some of these have been addressed already. I want to talk about what the treaty does not do.

It in no way, shape, or form infringes on America's sovereignty as a nation. It does absolutely nothing to change American law. The treaty doesn't impose any legal obligations on the United States, and these facts were confirmed by the U.S. Department of Justice during our consideration of the measure.

The convention has overwhelming support from across the political spectrum. Over 165 disability organizations support the treaty, as do 21 major veterans and military service organiza-

tions, including the VFW, the American Legion, and the Wounded Warrior Project. I can't imagine why, at a time when more of our warriors are returning home with injuries and disabilities, we would not want to stand in support of ensuring their rights and protections at home and around the globe.

In closing, I want to quote from John Lancaster, who is a disabled veteran and the former executive director of the National Council on Independent Living, which is one of the oldest disability grassroots organizations run by and for people with disabilities. Mr. Lancaster testified at the Senate Foreign Relations Committee in support of the treaty. I think his message was one of the most powerful, and it is one that I hope all of our colleagues will heed in thinking about consideration of this treaty.

At the hearing he said:

I'm appalled with some of the conversation that has been going on here today.

He was referring to some of the testimony at that hearing. He said:

As a veteran and as someone who volunteered, laid my life on the line for freedom, rights, dignity, and now, to have this whole debate that we're not willing . . . to walk the talk in international circles? To step up in a forum where they advocate these things and to say "We're not afraid to sign this thing?"

We aspire to what's in this convention. This is what we are about as a nation—including people, giving them freedom, giving them rights, giving them the opportunity to work, to learn, to participate. Isn't that what we're about? Isn't that what we want the rest of the world to be about? Well, if we aren't willing to say this is a good thing and to say it formally, what are we about, really?

I think Mr. Lancaster put it very powerfully, and I couldn't agree more with his assessment. This is exactly what we are about as a nation. We should ratify this treaty. We should remind the world why defending the rights of the disabled is a principle that should be at the heart of every civil society.

Mr. President, I hope when we get to the vote on this convention we will see the required votes to ratify this treaty and send to the entire world Mr. Lancaster's message.

Mr. President, I yield the floor.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### LEGISLATIVE SESSION

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PREVENTING GUN VIOLENCE

Mr. LEVIN. Mr. President, as the 112th Congress returns after the election, we should consider this important question: Have we done our share to help prevent gun violence? Statistics from the Brady Campaign to Prevent Gun Violence give a clear answer—no. Almost 100,000 people die as the result of gun violence in America every single year. This statistic includes 12,000 people who are murdered, 18,000 who commit suicide, and 20,000 under the age of 20. On average, 270 people are shot in the United States every single day.

Our society faces an epidemic of gun violence. Consider stories that have gone largely unreported in recent months: Near Chicago, a 16-year-old was shot twice in the head while riding in a car on her way home. A staff member on a prominent university's medical campus accidentally discharged his handgun at work and injured two people. And on election day, a parolee in California walked into the plant where he worked, methodically murdered two of his coworkers, and wounded another two before shooting himself.

Stories like these flash across newspapers for a few days or weeks, and then the national spotlight moves on. But we cannot forget that while reporters may leave, the tragic effects of gun violence linger. They forever alter the lives of good, talented young people, like Ashley Moser, who lost her 6-year-old daughter in the horrific movie theater attack in Aurora, CO. She is partially paralyzed now and faces significant health problems and medical bills. But even after this nightmare, Congress did nothing to prevent guns from falling into the hands of would-be killers.

Congress has the power to act to prevent more of these tragedies. We can take up and pass legislation like S. 32, which would prohibit the purchase of the same types of high-capacity magazines that allowed the shooter in Aurora to hurt so many people, so quickly. We could enact S. 35, the Gun Show Loophole Act of 2011, which would close the "gun show loophole" by requiring all gun sellers at gun shows to conduct a Brady criminal background check on prospective purchasers. We could take up and pass S. 34, the Denying Firearms and Explosives to Dangerous Terrorists Act of 2011, which would close

the “terror gap” by authorizing the Attorney General to deny the transfer of a firearm when an FBI background check reveals that the prospective purchaser is a known or suspected terrorist. These are commonsense measures that would protect the American people by reducing firearm violence in our society.

Mr. President, it was over a month ago that a woman named Nina Gonzalez stood at the second Presidential debate and asked President Obama and Governor Romney a simple question: What would they do to keep assault weapons out of the hands of criminals?

So, as the 112th Congress returns, we have some important unfinished business. There are few tasks before us more important than enacting measures that would help prevent tragedies like the ones occurring far too often around our Nation.

### HONORING OUR ARMED FORCES

SERGEANT JOSEPH A. RICHARDSON

Mr. GRASSLEY. Mr. President, the Nation has lost a brave patriot who died defending freedom. Sergeant Joseph A. Richardson, who grew up in Algona, IA, was killed during a patrol in Paktika province, Afghanistan on November 16, 2012. He was clearly an accomplished, professional soldier as evidenced by his numerous awards, including: the Bronze Star Medal, Purple Heart, Army Commendation Medal, Army Good Conduct Medal, National Defense Service Medal, Afghanistan Campaign Medal with Campaign Star, Iraq Campaign Medal with Campaign Star, Global War on Terrorism Service Medal, Army Service Ribbon, Overseas Service Ribbon, NATO Ribbon, and the Combat Infantry Badge.

SGT Richardson's family released a statement that described Joe as someone who “lived his life full of energy and with passion for everything he did.” They also said that, “He loved his job; he loved fighting for his country and our freedom.” In fact, he demonstrated this by re-enlisting for six more years in the Army shortly before his untimely death. His love of country and willingness to serve marks Joseph Richardson as one of our nation's finest citizens, and his noble sacrifice immortalizes him among the ranks of our most honored war dead. We owe SGT Richardson and all those like him who have fallen in the name of liberty our infinite gratitude.

We ought also to remember his family in our prayers, including his wife Ashley, his mother, Ginette, his father, Greg, and many other family and friends who will feel his loss very deeply. As those closest to Joseph Richardson remember the life of their loved one, it is incumbent on all Americans to preserve his memory and to reflect on the enormous price he and other like him have paid to preserve our free way of life.

### VERMONT'S CITIZEN OF THE YEAR, ANTONIO POMERLEAU

Mr. LEAHY. Mr. President, today, the Vermont Chamber of Commerce will recognize the philanthropic contributions of a longtime Vermonter: Antonio Pomerleau. Businessman, community developer, humanitarian all these terms apply to one of Vermont's most celebrated citizens. As I said in a statement to the Senate earlier this month, Marcelle and I are also fortunate to call him family.

But Tony's family extends beyond the Pomerleaus. It has come to encompass the State of Vermont, and his generosity has touched the lives of thousands of Vermonters.

This weekend, The Burlington Free Press published a story about Tony's legacy. His is a quintessential success story. From stockboy to economic magnet, Tony has become one of Vermont's most prominent businessmen. Along the way, he has donated millions of his own money to help Vermonters recover in the wake of such natural disasters as Tropical Storm Irene, to help renovate and restore mobile home parks for residents, and, notably, to celebrate the contributions and sacrifices of the many members of the Vermont National Guard and their families.

Few Vermonters have had such a footprint on Vermont's economic and social landscape. Antonio Pomerleau's contributions make him a Vermonter of the Year in 2012, but his legacy will benefit generations of Vermonters to come.

I ask unanimous consent that The Burlington Free Press article, “Tony Pomerleau: The Art of the Dealmaker,” be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Burlington Free Press, Nov. 25, 2012]

#### TONY POMERLEAU: THE ART OF THE DEALMAKER

(By Candace Page)

NEWPORT.—Tony Pomerleau leans on his cane and steps into Mill River Furniture on Main Street, just in time for its grand opening ceremony. A dozen people converge on him, filings drawn to a magnet.

The mayor greets him. City councilors introduce themselves. Two local reporters quiz him about the fate of the city's only grocery store if plans go forward to redevelop his strip mall into a hotel and convention center. The head of the downtown association calls him over for a ribbon-cutting photo. “We need you Tony, right in the middle,” she says.

The 95-year-old, white-maned shopping center king of Vermont is in his element, back in his native town with a captive audience. He holds court for nearly an hour while the furniture store owner whose event this is left in the background.

“I was 12 when I started work here,” Pomerleau begins by recalling his days as a stockboy and window dresser when this building was a J.J. Newberry's five-and-dime. “I had a knack for windows. This is

where I started my success. I learned the customer has to see the merchandise if you want to sell.”

Today, he owns the building. “I put \$400,000 into it to fix it up,” he says, his words carrying the French-Canadian inflection he has never lost.

He jokes that store owner Skip Gray was “kinda chicken” about moving to Main Street from a much smaller store in the Pomerleau shopping center. His eyes sparkle. He laughs along with the audience at his own jokes.

In a voice graveled by age, he detours into stories that have become his stock in trade. The anecdotes reel off as if from a tape recorder, told and retold in almost exactly the same words.

“It's not what you pay for something, it's what you can get for it,” he tells the cluster of people, citing a real estate deal 40 years in the past. “I made \$237,000 in 90 days” he says of a tract of farmland bought, subdivided and sold for three times what he paid.

He laments the just-announced closing of the Eveready battery plant in St. Albans. The company's problem, he says with finality, is that they didn't change with the times by developing new products.

“You gotta do something different from the other fellow,” he says. “There's a time limit on everything—except me.” The line draws a chuckle from his clutch of listeners, as it always does.

Grace, the youngest of Pomerleau's 10 children, glances up from browsing among bedroom sets.

“He does love an audience,” she says.

“See the smoke coming out?”

On a late November night, the outside of Pomerleau's big house on DeForest Heights in Burlington is a neon carnival of Christmas.

Light-bulb-lit reindeer charge across the west lawn pulling a sleigh of presents. Shoulder-high candy canes stick from the north lawn. Christmas lights cling to the eaves and swathe the trees in all directions.

Pomerleau opens the door for guests and pads down a hallway in his slippers to point through the windows of his home office.

“That's a new one this year,” he says with childlike pleasure, pointing to a lighted train on the north lawn.

“See, the wheels go around,” he says, as lights on the train blink to mimic movement. “See the smoke coming out there. Isn't that cute?” More lights blink.

As a very young child, Pomerleau spent four or five years—the time varies in the telling—in a kind of iron corset after a bad fall when he was two. His father's Barton farm burned. The family moved to Newport. The Depression struck. His father's grocery burned.

In his telling, young Tony went to work barely out of elementary school, making deals, subcontracting the mowing of lawns and washing of cars to other kids or out-of-work men and taking a hefty cut of the pay.

His stories of childhood Christmases are happy ones, of horses and sleighs lined up outside the church for midnight Mass, the bells as the sleighs jingled home, the sound of carols.

But there is another memory as well. He walks into the living rooms and leans against the piano, its top invisible under the rows of photos of his children.

“I was 12 or 13. One day I heard my father say to my mother, ‘This is the first Christmas I can't afford any presents.’ I went down to the bank and took out \$25—that was money in those days—to give him.”

"I came from nothing," he often says, setting the backdrop for stories of his successes.

The big living room where an army of kids once played seems empty on a pre-Thanksgiving evening. Country station WOKO plays loudly on the radio.

In the kitchen, an aide is helping Pomerleau's 93-year-old wife, Rita, with her dinner. Alzheimer's disease has slowly claimed her.

"It's the worst damn disease," he says. She speaks very little, but still holds his hand and kisses him, he says.

"Come back tomorrow night," he says as he ushers out his visitors. "We're putting up more lights. It's going to look even better."

"This business doesn't happen by itself"

Antonio B. Pomerleau made his first million before he was 45 and has made millions more since. His supermarket-anchored strip malls dot nearly two dozen towns in Vermont and upstate New York. He and his son Ernie have a staff of 25 to help run their real estate businesses.

But here is the patriarch, spending a sunny November afternoon in the artificial light of a windowless Newport bowling alley two hours drive from his Burlington home, talking intently and at length to a tenant whose lease payment cannot amount to more than loose change in the Pomerleau business.

There are gumball machines along the wall, a Nascar-themed light over the pool table and an echoing feel to the place. A lone father and son hurl heavy balls down one of the 10 lanes.

"How's it going?" Pomerleau asks as he lowers himself carefully into a plastic chair beside a row of bowling balls.

"About like last year," Yvan Parenteau, the alley's owner, says.

"That wasn't too good," Pomerleau says.

In fact, the business is struggling. Parenteau has trouble making the rent. He is worried about his fate if the mall is converted to a convention center. Pomerleau makes no promises, only says no deal has been signed yet. "I never skin a bear until I've shot it," he's been telling everyone he meets today.

After an hour, Pomerleau pushes himself up and says goodbye. He climbs into his Mercedes for the trip back to Burlington.

"Now you see my life. This business doesn't happen by itself," he says of his real estate empire.

He lists communities where bowling alleys, some of which he built, have closed. Changing times, he says. He has adjusted Parenteau's rent, allowing him to pay more in the winter, less in summer. He has suggested prize-giving gimmicks to draw in customers, and arranged for the bowling alley to have a more prominent sign on the road. Later, Parenteau will say of Pomerleau, "You couldn't have a better landlord."

Still, Pomerleau says, "If he can't pay the rent, he won't be here next year."

"I'm the boss"

A stairlift descends almost noiselessly from the third floor at Follett House, the elegant 19th-century Burlington mansion the Pomerleaus saved and restored as their offices. Tony Pomerleau climbs off the lift, which he has used since a knee injury.

"Hello, hello, hello," he greets a visitor and leads the way into his office. He is surrounded by signs of success, from the million-dollar view of Lake Champlain outside the window, to the picture of himself with President Reagan.

He rises each day, puts on a suit and tie and goes to the office. He takes business calls over breakfast and into the dinner hour.

The Pomerleau family owns shopping centers in 18 Vermont communities and four in New York. Most are strip malls anchored by a supermarket. They are small by comparison with a University Mall or the Williston big-box stores. Pomerleau's single largest holding is the Shelburne Road Plaza in Burlington, valued at \$14.6 million.

"What the hell would I want a mall for?" he says. "I make a lot of money the way I do things."

He spotted the attraction of shopping malls early, understood the importance of location, pinched pennies, negotiated hard with his lenders, gave up higher rents for a percentage of a store's gross.

He has transferred ownership of many of his holdings to his children, about \$50 million worth, he says. Ernie Pomerleau, 65, runs the day-to-day operations of the family businesses and does many of his own deals.

So what is the elder Pomerleau's role?

"I'm the boss," Tony Pomerleau insists. "I'm doing deals every day . . . moving that furniture store to Main Street in Newport. I got the Merchants Bank moving into my building in South Burlington . . . lots of deals."

His speech occasionally stutters. "And and and so so . . ." he growls. It's not clear whether he's lost his train of thought, or is simply determined to hold the floor until he's ready for the next sentence.

He still calculates dollars and cents in his head and appears never to have forgotten a number.

"Now Price Chopper," he begins, and outlines precisely what the CEO of the grocery chain expected to gross at a new store in Champlain, N. Y., and what Pomerleau told him he would gross—and just how wrong Price Chopper was and just how right Tony Pomerleau was: many million dollars right—"but don't put that in the paper," he says of the exact figure he names. "Price Chopper wouldn't like it."

"I make more money today than I ever made in my life, and I don't need it. I give it away," he says. "I'm not old, I'm here every day making all kinds of deals. Everybody has a time limit—except me."

No regrets, no failures, no mistakes

It is a long drive from Burlington to Newport and back. Grace drives, but her father is in control.

"Turn here," he says. As the miles pass by: "Don't go that way . . . go this way . . . don't miss the turn . . . keep going, I'll show you where to stop."

It's a long enough trip for dozens of familiar anecdotes starring Tony Pomerleau: The "\$237,000 profit in 90 days" story. The "I probably opened the first self-service supermarket in the country" story. The "how I beat two sharp guys from Boston in a real estate deal and made a couple million" story.

The car passes White's Tree Farm on Vermont 15 in Essex. Hundreds of tiny Christmas trees grow in long rows.

"There's a guy looking 20 years ahead," he says and notes that he recently bought 18 acres across from the family's expanding shopping center in Milton. Sometime in the future "it'll be worth two, three times what I paid."

"There's a time limit on everything—except me," he says.

A reporter, probing, asks about him about failures, deals that didn't work out.

"I don't remember any," he says. Earlier, it was suggested that his proposal for high rises on the Burlington waterfront—rejected by the city in the early 1980s—might be considered a failure. He brushed the thought aside.

Big regrets in his 95 years?

"No regrets," he says.

His biggest mistake?

There is a long pause.

"The toughest was the wholesale business, but I made a success of it," he says.

"I'm not quite as young as you"

It's 8:30 in the morning when Pomerleau walks into the conference room at the Shelburne town offices. Town Manager Paul Bohne and Selectman Al Gobeille stand up. They greet him enthusiastically.

Around this town, Pomerleau is the hero of the moment. The future of the little Shelburnewood mobile home park in the center of town has been in limbo for nearly a decade as the park's owner tried to sell.

Pomerleau stepped in earlier this year. His wife's two caregivers live at Shelburnewood and asked him for advice. They were worried about the future of their modest homes.

He decided to buy the mobile home park, replace the aging and inadequate water and sewer lines and give the park it to its residents. He will retain another six acres of the 18-acre parcel for possible future development.

It is one of many acts of charitable giving that have become a bigger part of what people know about Pomerleau. There are the annual children's Christmas parties in Burlington and Newport, the party for 1,200 Vermont National Guardsmen and their spouses. There have been million-dollar gifts to St. Michael's College, the YMCA and to a fund to help mobile home residents rebuild after last year's tropical storm.

He is scornful of businesspeople who, their fortunes made in Vermont, move their official residence to Florida to avoid higher taxes. "It's wrong," he'll say. "You made your money here and Vermont needs you. I pay very big taxes and I never complain."

Now, he sits down with Bohne and Gobeille.

"First of all, I never went into a deal in my life knowing I was going to lose money," he says. "The main reason I'm doing this, these people didn't know where the hell they were going to go."

He's in the driver's seat. He has agreed in principle to give the town a right-of-way for a new road through the Shelburnewood property. The town has a change in configuration to suggest. Bohne and Gobeille deploy arguments.

Pomerleau immediately makes clear he is not interested. Making changes would mean a longer time line for getting the project done.

"This would cause a lot of delay and I'm not quite as young as you," he tells them.

"You've got another 10 years," Gobeille joshes.

"Oh no question, no question," Pomerleau says and changes tack. "No question your idea is good, but I don't want to do it. I don't want to delay it for those people. It would kill them."

Bohne and Gobeille make one more pitch, then accept his refusal and drop their proposal.

Pomerleau repeats his objections anyway, one last time.

"For me, I think I'd rather stay with my plan. I might live another 10 years. Five, no question, but 10. . . ."

"Everybody has a time limit"

Pomerleau pushes open the gate in the wrought-iron fence that surrounds the family plot at Resurrection Park Cemetery in South Burlington. "Plot" seems an inadequate word for this cemetery within a cemetery.



A colonnade of pointed cedars leads to a backless façade modeled on a Greek temple, its columns also recalling those at Follett House.

"I like columns," he says. He guides two visitors past the statue of the Virgin Mary, past a bird bath, granite planters, stone benches, all carefully swathed in plastic for the winter. The flowers are beautiful in summer, he says.

"This was all my idea. I didn't ask anybody. Didn't want them to tell me what to do," he says. He jokes, "My kids would probably put me in the woods."

"This is my father here, and my mother," he says, stopping by a row of five stones where he has moved the bodies of his parents, an uncle and an aunt. In an opposite line are the stones for the two daughters, Anne Marie and Ellen, he lost to cancer.

"Go over there," he says, "Look at that one." In a little nook off the main lawn, sits a stone for Jay Lefebvre, the family's housekeeper of 40 years.

"I told her before she died, you are part of the family, you are going to be here with us," he says.

He walks slowly toward the line of columns that serves as a dramatic backdrop. He climbs up three steps. Here, at the head of the family, a bit above them all, a pair of massive, polished slabs are set in the ground. Pomerleau's name is carved on one, his wife's on the other.

The man who constantly jokes that St. Peter has forgotten him has nevertheless prepared.

But Tony, one of his visitors asks, what about "everybody has a time limit—except me"?

"This is just in case," he says.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO MAJOR ALISON KAMATARIS

• Ms. AYOTTE. Mr. President, today I want to honor my Air Force legislative fellow, active duty MAJ Alison "Babs" Kamataris. For the past year, Babs has been an invaluable member of my legislative team.

Babs has served with honor and distinction in the United States Air Force for nearly 15 years. She is an accomplished Air Force intelligence officer—representing the best our military has to offer. Her career has included a tour in Turkey and two tours in South Korea, as well as six deployments to Iraq and Afghanistan. In Congress, she has been a critical asset to my legislative team, where she has used her tremendous knowledge and experience to help me in my efforts to serve those who serve us, and ensure that our brave servicemembers have the resources they need to carry out their missions and protect our country.

Babs was a natural fit for our office. She grew up in Belmont, NH and attended Norwich University in Vermont. She possesses that rugged, hard-working, do-it-yourself attitude for which Granite Staters are known. We also share a personal connection as Air Force families. Not only has Babs served our country in the Air Force

with distinction, but her husband has too. Like my husband Joe, Babs' husband Andy is an A-10 pilot. In fact, Andy deployed to Afghanistan for 4 months this year while Babs worked in my office and served as a conscientious mother to her beautiful 3-year-old daughter, Taylor. Babs and her family deserve our deep admiration and gratitude for their service to our country.

As Babs' tenure in our office comes to a conclusion, we are sad to see her go. We will always consider Babs and her entire Air Force family as part of our team. Babs will continue to serve our Nation well in positions of increasing responsibility. I look forward to watching her career closely. Babs and Andy are truly the best our country has to offer. I and my staff wish her the very best in her next assignment and beyond.●

##### TRIBUTE TO DUANE BEESON

• Mrs. BOXER. Mr. President, I would like to take this opportunity to commend the renowned attorney Duane Beeson, who is being honored this year with the Peggy Browning Fund Award in recognition of his tireless efforts and outstanding achievements on behalf of working men and women in the San Francisco Bay area.

As senior partner in the law firm of Beeson, Tayer & Bodine, Duane Beeson is one of the Nation's leading practitioners of public and private sector labor law, including representation of employee benefit plans. He is a member of the California State Bar, the Supreme Court of the United States Bar, and several United States District Courts and Courts of Appeal Bars.

Duane Beeson was born in Berkeley, CA in 1922 and graduated from Berkeley High School, where he met his future wife, Coni. After serving in the U.S. Army in the European theater in World War II, Duane graduated summa cum laude from Lafayette College and earned his LL.B. at Harvard Law School in 1948.

Following law school, Mr. Beeson served as clerk for Judge William E. Orr at the United States Court of Appeals for the Ninth Circuit and was an instructor at the University of San Francisco Law School. As a leading expert on labor law, he has also taught at Hastings College of the Law, George Washington Law School, the University of California Extension, and the University of San Francisco Labor Management School.

In 1950, Mr. Beeson moved to Washington, DC, where he worked for 11 years as an attorney for the National Labor Relations Board, handling appellate and Supreme Court litigation. In 1961, the Beesons had the opportunity to return to their beloved California when Duane was hired by Joseph Grodin, the great labor lawyer and later California Supreme Court Jus-

tice, to represent teachers unions in the Bay area. Mr. Beeson became a partner in the firm, which was then known as Brundage Neyhart Grodin & Beeson and is now Beeson, Tayer & Bodine.

In the 1970s and 80s, Joe Grodin and Duane Beeson led their firm into the areas of employment benefits covered by ERISA and related fields in which labor organizations are involved. More recently, the firm has become active in employment law of all kinds—including mediation and negotiation-facilitation services along with representation of individual employees in wage and hour, discrimination, harassment, and other types of cases—and has also developed a specialty in education law as an outgrowth of representing teacher unions.

I have known and respected Duane Beeson for many years, since my husband Stewart went to work at Duane's firm as a young attorney. As Duane turns 90 and is honored with the Peggy Browning Fund Award, it is my pleasure to salute and celebrate his long and distinguished career representing the working people of California. He is truly one of a kind.●

##### TRIBUTE TO DR. KNOX MELLON

• Mrs. BOXER. Mr. President, I wish to take this opportunity to recognize the extraordinary service of Dr. Knox Mellon who is retiring from the California Missions Foundation after 8 years as its executive director. Though he will be missed, his contributions to the field of historic preservation will benefit generations to come.

Dr. Mellon has had a long and distinguished career in the field of historic preservation. In 1977, he was appointed as California's first professional State Historic Preservation Officer by Governor Jerry Brown. He served in that position until 1983 and then branched out on his own, starting Knox Mellon and Associates, a consulting firm specializing in historic preservation, oral history, historic research, and strategic planning. Dr. Mellon's firm worked on a number of historic buildings in Southern California, including the Downtown Central Library in Los Angeles, Los Angeles City Hall, the Beverly Hills Hotel, and the L.A. Coliseum. During the same time, Dr. Mellon also found time in his busy schedule to serve as an Adjunct Professor of History at the University of California, Riverside, as well as the Director of the Mission Inn Foundation. In 2000, Dr. Mellon was appointed to a second term as California's State Historic Preservation Officer, this time by Governor Gray Davis. In 2004, he retired from State service and became the executive director of the nonprofit California Missions Foundation.

Founded in 1998, the California Missions Foundation is the only organization dedicated solely to the long-term



preservation and restoration of California's 21 missions. Early in Dr. Mellon's tenure as executive director, we worked together with Congressman SAM FARR and Senator DIANNE FEINSTEIN to pass the California Missions Preservation Act. At a 2005 event to celebrate this new law, Dr. Mellon eloquently discussed the historic value of California's missions, which are the most visited historic attractions in the State:

The missions are California's Pyramids. They are a part of our past. They help symbolize the nation's western beginnings. Of all the institutions that define California's heritage, none has the historic significance and emotional impact of the chain of Spanish missions that stretch from San Diego to Sonoma. The missions are an important part of the state's cultural fabric and must be preserved as priceless historic monuments.

During Dr. Mellon's tenure as executive director, the California Missions Foundation received a number of grants to preserve and restore California's missions, including four grants from the Department of Interior totaling \$2.28 million. With those funds, the California Missions Foundation was able to repair some of the extensive earthquake damage at Mission San Miguel; complete a seismic retrofit at Mission San Luis Rey; and stabilize buildings and preserve artwork and artifacts at the Carmel and Santa Barbara missions.

California's residents and visitors alike benefit from Dr. Mellon's hard work, expertise, and vision each time they visit one of California's beautiful and historic missions.

I thank Dr. Mellon for his service to the State of California, and wish him and his wife Carlotta the very best as they embark on the next exciting phase of their lives.●

#### REMEMBERING RUTH SINGER MEYERS

● Mrs. BOXER. Mr. President, today I rise in memory of my dear friend Ruth Singer Meyers, who died in Los Angeles last month after a brief but valiant fight with cancer.

Ruth was a philanthropist, a community leader, and a champion of Israel and a strong U.S.-Israel relationship. She was also a kind, warm, and caring human being who had countless good friends and deeply loved her husband, children, and grandchildren.

Born Ruth Lazarus in Wilmington, DE, Ruth moved to California as a girl with her family. After graduating from Beverly Hills High School and UCLA, she married and had two sons, Rick and Anthony. When her boys grew up and went off to college, Ruth dedicated herself to charitable work, the Jewish community, and Israel.

Ruth's energy, dedication, and fundraising abilities were legendary in charitable circles. She served on the Board of Governors of Cedars-Sinai

Hospital, the Board of Directors of the Venice Family Clinic, the International Board of Governors of Tel Aviv University, and the National Board of the United Jewish Appeal. As missions chairman for the Jewish Federation of Los Angeles, she led dozens of community trips to Israel. She also served as the Los Angeles chairman of the American Israel Public Affairs Committee and became a national officer in the organization.

On behalf of the people of California, who have benefited so much from Ruth's life and work, I send my deepest gratitude and condolences to her husband, Mickey Meyers, as well as her sons and grandchildren. I know they and many others will miss this wonderful woman, as will I.●

#### TRIBUTE TO MAL MOORE

● Mr. SESSIONS. Mr. President, today I wish to pay tribute to the athletic director for the University of Alabama, Mal Moore.

Coach Moore was born in Dozier, AL in 1939. He was recruited and awarded an athletic scholarship by the legendary coach Paul "Bear" Bryant. He played for the Crimson Tide from 1958–1962, including on the undefeated 1961 national championship squad—ranked #1 by the Associated Press and considered by many to be one of the best ever. He graduated from the University of Alabama in 1963, and began his coaching career as an assistant at Montana State.

Having displayed leadership that clearly impressed Coach Bryant, Coach Moore was hired away from Montana State to serve as a graduate assistant at his alma mater, where he received his master's degree. From there he embarked on a highly successful 31 year coaching career, which included stints at Notre Dame, the NFL and for national championship teams under both Coach Bryant and Coach Gene Stallings at Alabama. In 1999, he was named the Crimson Tide's athletics director, a position he still holds.

Coach Mal Moore is a champion. He has been a part of nine national championships—1961, 1964, 1965, 1973, 1978, 1979, 1992, 2009 and 2011—with the first coming as a player, the next six during his coaching career and the most recent two during his time as athletics director. During his tenure as athletic director, Alabama has gone on to win seven national championships in four different sports: football in 2009 and 2011; gymnastics under Coach Sarah Patterson in 2002, 2011 and 2012; women's golf in 2012 and women's softball in 2012.

In addition to the success the university has seen on the fields, courses and arenas under Coach Mal Moore, he has transformed the University of Alabama's athletics program, improving the University for all students and stu-

dent-athletes. Coach Moore has raised more than \$200 million for capital improvements to make the Capstone's facilities among the best in the Nation; improving Bryant-Denny Stadium, Coleman Coliseum, John and Ann Rhoads Softball Stadium as well as the soccer and tennis stadiums. His efforts to improve student-athlete academics have led the Crimson Tide to high graduation rates and have made Alabama athletes among the most competitive academically.

Coach Moore's sizable contributions to University of Alabama athletics and academics have been noticed and recognized by the University of Alabama, the State of Alabama and nationally. In 2007, the Alabama football building was renamed the Mal M. Moore Athletic Facility. The Alabama Sports Hall of Fame named Coach Moore the Distinguished Alabama Sportsman in 2007 for his efforts as athletics director, and inducted him into the Hall of Fame in 2011. Recently, the National Football Foundation recognized Coach Moore with the John L. Toner Award, which is presented annually by the foundation to an athletic director who has demonstrated superior administrative abilities and shown outstanding dedication to college athletics and particularly college football.

Coach Mal Moore has been part of the University of Alabama and Crimson Tide football as a student-athlete, coach and administrator for more than 50 years. He has left an indelible mark at the Capstone, and his leadership will be felt by Alabama students and staff for generations to come.

It's a pleasure and honor for me to recognize a great leader, a great athletic director and a great man from the heartland of my State of Alabama. I look forward to enjoying the fruits of his labors for years to come. Roll Tide!●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3637. A bill to temporarily extend the transaction account guarantee program, and for other purposes.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8092. A communication from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 90 of the Commission's Rules; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Service Rules for the 698-746; 747-762 and 777-792 MHz Bands; Fourth Report and Order, FCC 12-61" (FCC 12-61) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8093. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Amateur Service Rules Governing Qualifying Examination Systems and Other Matters, et al." (FCC 12-121) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8094. A communication from the Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012" received in the Office of the President of the Senate on November 13, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8095. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Seafood Festival Fireworks Display, Marquette, MI" ((RIN1625-AA00) (Docket No. USCG-2012-0765)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8096. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Tom Lyons Productions Fireworks, Long Island Sound, Sands Point, NY" ((RIN1625-AA00) (Docket No. USCG-2012-0618)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8097. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Boston Harbor's Rock Removal Project, Boston Inner Harbor, Boston, MA" ((RIN1625-AA00) (Docket No. USCG-2012-0767)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8098. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Swim Around Charleston, Charleston, SC" ((RIN1625-AA00) (Docket No. USCG-2012-0137)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8099. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Apache Pier Labor Day Fireworks; Myrtle Beach, SC" ((RIN1625-AA00) (Docket No. USCG-2012-0727)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8100. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Bostock 50th Anniversary Fireworks, Long Island Sound; Manursing Island, NY" ((RIN1625-AA00) (Docket No. USCG-2012-0385)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8101. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Wedding Reception Fireworks at Pier 24, San Francisco, CA" ((RIN1625-AA00) (Docket No. USCG-2012-0661)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8102. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Cleveland National Air Show, Cleveland, OH" ((RIN1625-AA00) (Docket No. USCG-2012-0814)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8103. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dinotefuran; Pesticide Tolerances" (FRL No. 9365-1) received in the Office of the President of the Senate on November 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8104. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "1,4-Dimethylnaphthalene; Amendment to an Exemption from the Requirement of a Tolerance" (FRL No. 9368-2) received in the Office of the President of the Senate on November 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8105. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flonicamid; Pesticide Tolerances" (FRL No. 9368-7) received in the Office of the President of the Senate on November 14, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8106. A communication from the Assistant Secretary of Defense (Global Strategic Affairs), transmitting, pursuant to law, a report relative to the obligation and expenditure of funds for the implementation of Cooperative Threat Reduction (CTR) program activities (DCN OSS-2012-1698); to the Committee on Armed Services.

EC-8107. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting, pursuant to law, a report of the submission of a certification of renewal pertaining to a collection of photographs assembled by the Department of Defense that were taken in the period between September 11, 2001 and January 22, 2009; to the Committee on Armed Services.

EC-8108. A communication from the General Counsel of the Federal Housing Finance Agency, transmitting, pursuant to law, the report of a rule entitled "2012-2014 Enterprise Housing Goals" (RIN2590-AA49) received in the Office of the President of the Senate on November 15, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8109. A communication from the Administrator and Chief Executive Officer, Bonneville Power Administration, Department of Energy, transmitting, pursuant to law, the Administration's Annual Report for fiscal year 2012; to the Committee on Energy and Natural Resources.

EC-8110. A communication from the Director of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Inservice Inspection of Prestressed Concrete Containment Structures with Grouted Tendons" (Regulatory Guide 1.90, Revision 2) received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Committee on Environment and Public Works.

EC-8111. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee; Regional Haze State Implementation Plan; Best Available Retrofit Technology Requirements for Eastman Chemical Company" (FRL No. 9752-5) received in the Office of the President of the Senate on November 14, 2012; to the Committee on Environment and Public Works.

EC-8112. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the annual report of the Fish and Wildlife Service on reasonably identifiable expenditures for the conservation of endangered and threatened species by Federal and State agencies for fiscal year 2011; to the Committee on Environment and Public Works.

EC-8113. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Medicare Part B Monthly Actuarial Rates, Premium Rate, and Annual Deductible Beginning January 1, 2013" (RIN0938-AR16) received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Committee on Finance.

EC-8114. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Part A Premiums for CY 2013 for the Uninsured Aged and for Certain Disabled Individuals Who Have Exhausted Other

Entitlement" (RIN0938-AR15) received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Committee on Finance.

EC-8115. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Inpatient Hospital Deductible and Hospital and Extended Care Services Co-insurance Amounts for CY 2013" (RIN0938-AR14) received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Committee on Finance.

EC-8116. A communication from the Program Manager, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Electronic Health Record Incentive Program—Stage 2" (RIN0938-AQ84) received during adjournment of the Senate in the Office of the President of the Senate on August 27, 2012; to the Committee on Finance.

EC-8117. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-149); to the Committee on Foreign Relations.

EC-8118. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-120, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8119. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Cooperative Threat Reduction Programs (DCN OSS-2012-1697); to the Committee on Foreign Relations.

EC-8120. A communication from the Acting General Counsel, National Indian Gaming Commission, transmitting, pursuant to law, the report of a rule entitled "Facility License Notifications and Submissions" (RIN3141-AA48) received during adjournment of the Senate in the Office of the President of the Senate on November 16, 2012; to the Committee on Indian Affairs.

EC-8121. A communication from the Director of Congressional Affairs, Central Intelligence Agency, transmitting, pursuant to law, a report relative to a vacancy in the position of Director of the Central Intelligence Agency, received during adjournment of the Senate in the Office of the President of the Senate on November 19, 2012; to the Select Committee on Intelligence.

EC-8122. A communication from the Acting Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements under Section 635 of the Adam Walsh Child Protection Act of 2006; to the Committee on the Judiciary.

EC-8123. A communication from the Secretary of Education, transmitting, pursuant to law, the report of a rule entitled "Federal Perkins Loan Program, Federal Family Education Loan Program, and William D. Ford Federal Direct Loan Program" (RIN1840-

AD05) received in the Office of the President of the Senate on November 15, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8124. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the Uniform Resource Locator (URL) for the Securities and Exchange Commission's fiscal year 2012 Agency Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8125. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, the Semi-Annual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8126. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 2012 Agency Financial Report for the Department of the Treasury; to the Committee on Homeland Security and Governmental Affairs.

EC-8127. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to its audit and investigative activities; to the Committee on Homeland Security and Governmental Affairs.

EC-8128. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8129. A communication from the Director, National Gallery of Art, transmitting, pursuant to law, the Gallery's Performance and Accountability Report for the year ended September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8130. A communication from the Chief Financial Officer, Department of Homeland Security, transmitting, pursuant to law, the Department's fiscal year 2012 Annual Financial Report; to the Committee on Homeland Security and Governmental Affairs.

EC-8131. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Correction" (RIN0648-BC06) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8132. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Lifting Trade Restrictive Measures" (RIN0648-BC16) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8133. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule to Establish Management Measures for the Limited Harvest and Possession of South Atlantic Red Snapper in 2012" (RIN0648-BC32) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Com-

mittee on Commerce, Science, and Transportation.

EC-8134. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Main Hawaiian Islands Deep 7 Bottomfish Annual Catch Limits and Accountability Measures for 2012-13" (RIN0648-XC089) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8135. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Spiny Lobster Fishery of the Gulf of Mexico and South Atlantic; Amendment 11; Correction" (RIN0648-BB44) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8136. A communication from the Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts" (RIN0648-XC176) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8137. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher/Processors Using Trawl Gear in the Western Regulatory Area of the Gulf of Alaska" (RIN0648-XC211) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8138. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Bluefish Fishery; Commercial Quota Harvested for the Commonwealth of Massachusetts" (RIN0648-XC236) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8139. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XC162) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8140. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-BC36) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8141. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Adjustment to the 2012 Winter II Quota" (RIN0648-XC163) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8142. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Flatfish' in the Bering Sea and Aleutian Islands Management Area and Greenland Turbot in the Aleutian Island Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC082) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8143. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; Accountability Measures and Commercial Closures for Two Snapper-Grouper Species and Two Snapper-Grouper Species Complexes in the South Atlantic" (RIN0648-XC132) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8144. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement; New Free Trade Agreement-Panama" ((RIN0750-AH79) (DFARS Case 2012-D044)) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Armed Services.

EC-8145. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Lieutenant General Christopher D. Miller, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-8146. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral David J. Venlet, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-8147. A communication from the Acting Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting a report on the approved retirement of Vice Admiral John T. Blake, United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC-8148. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC-8149. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on

the national emergency with respect to the stabilization of Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-8150. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to the Republic of Ghana (Ghana); to the Committee on Banking, Housing, and Urban Affairs.

EC-8151. A communication from the Chairman and President of the Export-Import Bank, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-8152. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the Bank's Annual Report for Fiscal Year 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8153. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Debris Removal: Eligibility of Force Account Labor Straight-Time Costs under the Public Assistance Program for Hurricane Sandy" ((44 CFR Part 206) (Docket No. FEMA-2012-0004)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8154. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8155. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" ((44 CFR Part 64) (Docket No. FEMA-2012-0003)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8156. A communication from the Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Purchase of Certain Debt Securities by Business and Industrial Development Companies Relying on an Investment Company Act Exemption" (RIN3235-AL02) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8157. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Consumer Lending (Regulation M)" ((RIN3170-AD94) (Docket No. CFPB-2012-0042)) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8158. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Delayed Implementation of Certain New Mortgage Disclosures" ((RIN3170-AA32) (Docket No. CFPB-2012-0045)) received in the Office of the

President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8159. A communication from the Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Yemen Sanctions Regulations" (31 CFR Part 552) received in the Office of the President of the Senate on November 13, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8160. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending (Regulation Z)" (Docket No. CFPB-2012-0044) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8161. A communication from the Attorney, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Truth in Lending (Regulation Z)" (Docket No. CFPB-2012-0043) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8162. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-103); to the Committee on Foreign Relations.

EC-8163. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-066); to the Committee on Foreign Relations.

EC-8164. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-113); to the Committee on Foreign Relations.

EC-8165. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-152); to the Committee on Foreign Relations.

EC-8166. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-148); to the Committee on Foreign Relations.

EC-8167. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-137); to the Committee on Foreign Relations.

EC-8168. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0152—2012-0167); to the Committee on Foreign Relations.

EC-8169. A communication from the Director of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant

to law, the report of a rule entitled "Guidance on Performing a Seismic Margin Assessment in Response to the March 2012 Request for Information Letter" (JLD-ISG-2012-04) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Environment and Public Works.

EC-8170. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Colorado: Final Authorization of State Hazardous Waste Management Program Revisions" (FRL No. 9753-6) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8171. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Florida; Section 128 and 110(a)(2)(E)(ii) and (G) Infrastructure Requirements for the 1997 8-hour Ozone National Ambient Air Quality Standards; Correction" (FRL No. 9754-5) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8172. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; PBR and PTIO" (FRL No. 9753-7) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8173. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Approval of Air Quality Implementation Plans and Findings of Failure to Submit Required Plans; California; San Joaquin Valley; 1-Hour and 8-Hour Ozone Extreme Area Plan Elements" (FRL No. 9753-4) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8174. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Air Quality Implementation Plans; California; San Joaquin Valley and South Coast; Attainment Plan for the 1997 8-hour Ozone Standards; Technical Amendments" (FRL No. 9753-3) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8175. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State-initiated Changes and Incorporation by Reference of State Hazardous Waste Management Program" (FRL No. 9745-1) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8176. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; State of New Mexico; Regional Haze Rule Requirements for Mandatory Class I Areas" (FRL No. 9755-6) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Environment and Public Works.

EC-8177. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2013 Limitations Adjusted As Provided in Section 415(d), etc." (Notice 2012-67) received during adjournment of the Senate in the Office of the President of the Senate on November 20, 2012; to the Committee on Finance.

EC-8178. A communication from the Director, Directorate of Construction, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Revising the Exemption for Digger Derricks in the Cranes and Derricks in Construction Standard" (RIN1218-AC75) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Health, Education, Labor, and Pensions.

#### REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 2178. A bill to require the Federal Government to expedite the sale of underutilized Federal real property (Rept. No. 112-241).

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. KYL, and Mr. MCCAIN):

S. 3639. A bill to amend the Immigration and Nationality Act to provide secure borders and to give long-term resident youth the ability to contribute to the safety and economic growth of the United States and for other purposes; to the Committee on the Judiciary.

By Mr. TOOMEY:

S. 3640. A bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security, Transportation Security Administration, to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself and Mrs. GILLIBRAND):

S. 3641. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself and Mr. KOHL):

S. 3642. A bill to clarify the scope of the Economic Espionage Act of 1996; considered and passed.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 601. A resolution commending the people of Albania on the 100th anniversary of the declaration of their independence from the Turkish Ottoman Empire on November 28, 1912, and commending Albanians in Albania and Kosovo for protecting and saving the lives of all Jews who either lived in Albania or sought asylum there during the Holocaust; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. INHOFE, Mr. UDALL of Colorado, and Mr. CHAMBLISS):

S. Res. 602. A resolution designating 2012-2013 as the "Year of the Korean War Veteran" and recognizing the 60th anniversary of the Korean War; considered and agreed to.

#### ADDITIONAL COSPONSORS

S. 392

At the request of Mr. UDALL of New Mexico, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 392, a bill to support and encourage the health and well-being of elementary school and secondary school students by enhancing school physical education and health education.

S. 426

At the request of Mr. SANDERS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 426, a bill to strengthen student achievement and graduation rates and prepare young people for college, careers, and citizenship through innovative partnerships that meet the comprehensive needs of children and youth.

S. 1245

At the request of Mr. BLUNT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 1245, a bill to provide for the establishment of the Special Envoy to Promote Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1301

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. UDALL) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1460

At the request of Mr. BAUCUS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1460, a bill to grant the congressional gold medal, collectively, to the First Special Service Force, in recognition of its superior service during World War II.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 2212

At the request of Mrs. FEINSTEIN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2212, a bill to clarify the exception to foreign sovereign immunity set forth in section 1605(a)(3) title 28, United States Code.

S. 2347

At the request of Mr. CARDIN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 2474

At the request of Mr. AKAKA, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2474, a bill to improve the health of minority individuals, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3244

At the request of Mr. FRANKEN, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3244, a bill to amend the Higher Education Opportunity Act to add disclosure requirements to the institution financial aid offer form and to amend the Higher Education Act of 1965 to make such form mandatory.

S. 3430

At the request of Mrs. SHAHEEN, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 3430, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes and diabetes.

S. 3441

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3441, a bill to provide for the transfer of excess Department of Defense aircraft to the Forest Service for wildfire suppression activities, and for other purposes.

S. 3477

At the request of Mrs. BOXER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3477, a bill to ensure that the

United States promotes women's meaningful inclusion and participation in mediation and negotiation processes undertaken in order to prevent, mitigate, or resolve violent conflict and implements the United States National Action Plan on Women, Peace, and Security.

S. 3512

At the request of Mr. HOEVEN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 3512, a bill to amend subtitle D of the Solid Waste Disposal Act to facilitate recovery and beneficial use, and provide for the proper management and disposal, of materials generated by the combustion of coal and other fossil fuels.

S. 3539

At the request of Mr. KERRY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3539, a bill to encourage the adoption and use of certified electronic health record technology by safety net providers and clinics.

S. 3542

At the request of Ms. KLOBUCHAR, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 3542, a bill to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

S. 3551

At the request of Mr. DEMINT, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S. 3551, a bill to require investigations into and a report on the September 11–13, 2012, attacks on the United States missions in Libya, Egypt, and Yemen, and for other purposes.

S. 3560

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 3560, a bill to provide for scientific frameworks with respect to recalcitrant cancers.

S. 3574

At the request of Mr. BLUNT, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3574, a bill to amend section 403 of the Federal Food, Drug, and Cosmetic Act to improve and clarify certain disclosure requirements for restaurants, similar retail food establishments, and vending machines.

S. 3617

At the request of Mr. CARDIN, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3617, a bill to ensure sufficient sizing of the civilian and contract services workforces of the Department of Defense.

S. 3635

At the request of Mr. COONS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 3635, a bill to provide incentives for States to invest in practices and technology that are designed to expedite voting at the polls and to simplify voter registration.

S. RES. 150

At the request of Mr. INHOFE, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

S. RES. 518

At the request of Ms. LANDRIEU, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. Res. 518, a resolution congratulating the Southern Baptist Convention for electing Reverend Fred Luter, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luter's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

S. RES. 599

At the request of Mrs. GILLIBRAND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. Res. 599, a resolution expressing vigorous support and unwavering commitment to the welfare, security, and survival of the State of Israel as a Jewish and democratic state with secure borders, and recognizing and strongly supporting its right to act in self-defense to protect its citizens against acts of terrorism.

AMENDMENT NO. 2928

At the request of Mrs. MCCASKILL, the names of the Senator from Virginia (Mr. WEBB) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 2928 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2929

At the request of Mrs. MCCASKILL, the names of the Senator from Virginia (Mr. WEBB) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 2929 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.



## AMENDMENT NO. 2940

At the request of Mr. BLUMENTHAL, the names of the Senator from New Mexico (Mr. UDALL), the Senator from Maine (Ms. SNOWE) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2940 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 601—COMMENDING THE PEOPLE OF ALBANIA ON THE 100TH ANNIVERSARY OF THE DECLARATION OF THEIR INDEPENDENCE FROM THE TURKISH OTTOMAN EMPIRE ON NOVEMBER 28, 1912, AND COMMENDING ALBANIANS IN ALBANIA AND KOSOVO FOR PROTECTING AND SAVING THE LIVES OF ALL JEWS WHO EITHER LIVED IN ALBANIA OR SOUGHT ASYLUM THERE DURING THE HOLOCAUST

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on Foreign Relations:

## S. RES. 601

Whereas, in 1934, the United States Ambassador to Albania Herman Bernstein wrote that "there is no trace of any discrimination against Jews in Albania, because Albania happens to be one of the rare lands in Europe today where religious prejudice and hate do not exist, even though Albanians themselves are divided into three faiths";

Whereas, in 1938, approximately 300 Albanian Jews lived in the Republic of Albania, and more than 1,900 escaped to Albania from Nazi-occupied Western Europe and the former Yugoslavia during World War II;

Whereas Albanians in Albania and Kosovo, based on their unique history of religious tolerance, considered it a matter of national pride and tradition to help Jews during the Holocaust, and due to the actions of many individual Albanians, the entire native and refugee Jewish community in Albania during World War II survived the Holocaust;

Whereas Albanians sheltered and protected Jews in Albania and in Kosovo, even at the risk of Albanian lives, beginning with the invasion and occupation of Albania by Italian fascists led by Benito Mussolini in 1939;

Whereas, after Nazi Germany occupied Albania in 1943 and the Gestapo ordered Jewish refugees in the Albanian capital of Tirana to register, Albanian leaders refused to provide a list of Jews living in Albania, and Albanian clerks issued false identity papers to protect all Jews in the country;

Whereas, in June 1990, Jewish-American Congressman Tom Lantos and former Albanian-American Congressman Joe DioGuardi were the first United States officials to enter Albania in 50 years and received from the Communist Party leader and Albanian Presi-

dent Ramiz Alia a thick file from the archives containing hundreds of news clippings and personal letters sent by Jews to their Albanian rescuers after World War II, but that the Communist government prevented from being delivered for 45 years;

Whereas Congressman Joe DioGuardi, upon returning to the United States in June 1990, sent the file for authentication to Elli Streit in Tel Aviv for delivery to appropriate officials at Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, in Jerusalem;

Whereas Josef Jakoele and his eldest daughter, Felicita, both Albanian Jews, led the emigration of almost all Albanian Jews to Israel in 1991 as the Communist regime was collapsing;

Whereas Yad Vashem has designated 69 Albanians as "Righteous Persons" and Albania as one of the "Righteous among the Nations";

Whereas, based on the information authenticated by Yad Vashem, Jewish-American author and philanthropist Harvey Sarner published "Rescue in Albania" in 1997 to call international attention to the unique role of the Albanian people in saving Jews from the Holocaust;

Whereas, in October 1997, the Albanian American Civic League and the Albanian American Foundation began the distribution of 10,000 copies of "Rescue in Albania", with forewords by Congressmen Tom Lantos and Benjamin Gilman, to bring to the attention of the Jewish people and their leaders the plight of Albanians in Kosovo living under a brutal occupation at the hands of Serbian dictator Slobodan Milosevic, in order to forestall another genocide in Kosovo;

Whereas, in a statement at the "Salute to Albanian Tolerance, Resistance, and Hope: Remembering Besa and the Holocaust" held by the Albanian American Civic League and the Albanian American Foundation in 2005 on the occasion of the 60th anniversary of the liberation of the Nazi death camps, Dr. Mordechai Paldiel, then Director for the Righteous at Yad Vashem, commemorated the heroism of Albanians as "the only ones among rescuers in other countries who not only went out of their way to save Jews, but vied and competed with each other for the privilege of being a rescuer, thanks to besa", the code of honor that requires an Albanian to save the life of anyone seeking refuge, even if it means sacrificing one's own life;

Whereas, in 2006, Shirley Cloyes DioGuardi, Balkan Affairs Adviser to the Albanian American Civic League and Executive Director of the Albanian American Foundation, published "Jewish Survival in Albania & the Ethics of 'Besa'" in the journal of the American Jewish Congress to document the saving role of Albanians and how that role was revealed, in spite of the Communist effort to suppress it;

Whereas, on December 2, 2008, Arslan Rezniki and his son, Mustafa, were the first Kosovar Albanians recognized by Yad Vashem's "Righteous among Nations Department", for leading 400 Jewish families from Decan, Kosovo, into safety in Albania;

Whereas Arif Alickaj, the Secretary of the Municipality of Decan, risked his job and his life helping the Reznikis rescue Jews in Nazi-occupied Kosovo by issuing false identity papers to ensure their safe passage to Albania and who, like so many Albanians from Kosovo and Albania, died before Jewish survivors could validate his role at Yad Vashem;

Whereas Shirley Cloyes DioGuardi addressed the 2010 International Oral History

Association Conference in Prague, and brought Leka Rezniki, the grandson of Mustafa Rezniki, to join her in revealing the "underground railroad" between Albanians in Kosovo and Albania that was essential to the rescue of Jews; and

Whereas Albania is the only nation in Europe that had more Jewish residents after World War II than before World War II: Now, therefore, be it

*Resolved*, That the Senate—

(1) commends the people of Albania and Kosovo for protecting and saving the lives of Jews who either lived in Albania or sought asylum there during the Holocaust;

(2) commends Yad Vashem, the Holocaust Martyrs' and Heroes' Remembrance Authority, in Israel for recognizing Albanians, who took action at great risk to themselves to protect Jews during the Holocaust, for their humanity, courage, and heroism;

(3) reaffirms, on the 100th anniversary of Albania's declaration of independence in 1912, its support for close ties between the United States and Albania and between the United States and Kosovo, which declared its independence in 2008; and

(4) commends the officers, boards of directors, and members of the Albanian American Civic League and the Albanian American Foundation for their unstinting work, since 1989, to bring the plight of the Albanian people and the unique historic connection between Albanians and Jews to international attention.

SENATE RESOLUTION 602—DESIGNATING 2012-2013 AS THE "YEAR OF THE KOREAN WAR VETERAN" AND RECOGNIZING THE 60TH ANNIVERSARY OF THE KOREAN WAR

Mr. AKAKA (for himself, Mr. INHOFE, Mr. UDALL of Colorado, and Mr. CHAMBLISS) submitted the following resolution; which was considered and agreed to:

## S. RES. 602

Whereas, on June 25, 1950, the Communist Democratic People's Republic of Korea began the Korean War by invading the Republic of Korea with approximately 135,000 troops;

Whereas nearly 1,800,000 members of the United States Armed Forces served along with the forces of the Republic of Korea and 20 other Allied nations in the Korean theater of operations to defend freedom and democracy in the Korean Peninsula;

Whereas, during the Korean War, 36,574 people from the United States died and 103,284 people from the United States were wounded in some of the most horrific combat and weather conditions in the history of warfare;

Whereas almost 60 years have passed since the signing of the cease-fire agreement at Panmunjom on July 27, 1953, and the Korean Peninsula still technically remains in a state of war;

Whereas the Korean War has for many years been a "Forgotten War" for people in the United States;

Whereas Korean War veterans deserve to be recognized by the people of the United States for their honorable and courageous service in defense of democracy and freedom during the Korean War;

Whereas the tide of communism on the southern ½ of the Korean Peninsula was halted, liberty triumphed over tyranny, and



the Republic of Korea has developed into a modern and prosperous democracy because of the selfless sacrifice of the Korean War veterans;

Whereas the people of the United States and the Republic of Korea are eternally grateful to the Korean War veterans;

Whereas the history of the Korean War should be included in the curriculum of schools in the United States so that future generations never forget the sacrifices of the Korean War veterans and what those veterans accomplished;

Whereas the Department of Defense 60th Anniversary of the Korean War Commemoration Committee will implement a national campaign to honor the Korean War veterans, remember those Korean War veterans still counted among the missing in action, and educate the people of the United States concerning the ongoing relevance of the Korean War; and

Whereas the commemorative campaign will include ceremonies in the United States and the Republic of Korea in recognition of the beginning (June 25, 1950) and the armistice ending hostilities (July 27, 1953), as well as a national media and outreach campaign for Veterans Day 2012 to honor the Korean War veterans; Now, therefore, be it

*Resolved*, That the Senate—

(1) designates 2012–2013 as the “Year of the Korean War Veteran”;

(2) recognizes the 60th anniversary of the Korean War; and

(3) honors the contributions and sacrifices made by the Korean War veterans.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 2946. Mr. PRYOR (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 2947. Mr. PRYOR (for himself, Mr. WYDEN, Mr. BOOZMAN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2948. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2949. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2950. Mr. BEGICH (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2951. Mr. BEGICH (for himself, Mr. MANCHIN, Mr. WYDEN, Mrs. HUTCHISON, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2952. Mr. BEGICH (for himself, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2953. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2954. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2955. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2956. Mr. PORTMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2957. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2958. Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2959. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2960. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2961. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2962. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2963. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2964. Mr. CHAMBLISS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2965. Mr. HATCH (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2966. Mr. HATCH (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2967. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2968. Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2969. Mr. HELLER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2970. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2971. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2972. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2973. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2974. Mr. INHOFE submitted an amendment intended to be proposed by him to the

bill S. 3254, supra; which was ordered to lie on the table.

SA 2975. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2976. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2977. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2978. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2979. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2980. Mrs. BOXER (for herself, Mr. GRASSLEY, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2981. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2982. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2983. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2984. Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2985. Mr. UDALL of Colorado (for himself, Mrs. MURRAY, Mrs. SHAHEEN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2986. Mr. CASEY (for himself, Mr. ENZI, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2987. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2988. Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2989. Mrs. MURRAY (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2990. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2991. Mr. HOEVEN (for himself, Mr. TESTER, and Mr. HATCH) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2992. Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2993. Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, and Mr. MENENDEZ) submitted an

amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2994. Mr. CASEY (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2995. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2996. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2997. Mr. CASEY (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2998. Ms. AYOTTE (for herself, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 2999. Ms. AYOTTE (for herself, Mr. LIEBERMAN, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3000. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3001. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3002. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3003. Ms. AYOTTE (for herself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3004. Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. INHOFE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3005. Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. INHOFE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3006. Ms. SNOWE (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3007. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3008. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3009. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3010. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3011. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3012. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3013. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3014. Mr. REED submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3015. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3016. Mrs. GILLIBRAND (for herself, Ms. COLLINS, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3017. Mr. REED (for himself, Mr. RUBIO, and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3018. Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Ms. COLLINS, Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 2946.** Mr. PRYOR (for himself and Mr. JOHANNES) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle of subtitle H of title X, add the following:

**SEC. 1084. STATE CONSIDERATION OF MILITARY TRAINING IN GRANTING CERTAIN STATE CERTIFICATIONS AND LICENSES AS A CONDITION ON THE RECEIPT OF FUNDS FOR VETERANS EMPLOYMENT AND TRAINING.**

(a) IN GENERAL.—Section 4102A(c) of title 38, United States Code, is amended by adding at the end the following:

“(9)(A) As a condition of a grant or contract under which funds are made available to a State in order to carry out section 4103A or 4104 of this title for any program year, the Secretary shall require the State—

“(i) to demonstrate that when the State approves or denies a certification or license described in subparagraph (B) for a veteran the State takes into consideration any training received or experience gained by the veteran while serving on active duty in the Armed Forces; and

“(ii) to disclose to the Secretary in writing the following:

“(I) Criteria applicants must satisfy to receive a certification or license described in subparagraph (B) by the State.

“(II) A description of the standard practices of the State for evaluating training received by veterans while serving on active duty in the Armed Forces and evaluating the documented work experience of such veterans during such service for purposes of approving or denying a certification or license described in subparagraph (B).

“(III) Identification of areas in which training and experience described in subclause (II) fails to meet criteria described in subclause (I).”

“(B) A certification or license described in this subparagraph is any of the following:

“(i) A license to be a State tested nursing assistant or a certified nursing assistant.

“(ii) A commercial driver's license.

“(iii) An emergency medical technician license EMT-B or EMT-I.

“(iv) An emergency medical technician-paramedic license.

“(C) The Secretary shall share the information the Secretary receives under subparagraph (A)(ii) with the Secretary of Defense to help the Secretary of Defense improve training for military occupational specialties so that individuals who receive such training are able to receive a certification or license described in subparagraph (B) from a State.”

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to a program year beginning on or after the date of the enactment of this Act.

**SA 2947.** Mr. PRYOR (for himself, Mr. WYDEN, Mr. BOOZMAN, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle of subtitle H of title X, add the following:

**SEC. 1084. PROVISION OF STATUS UNDER LAW BY HONORING CERTAIN MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES AS VETERANS.**

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 107 the following new section:

**“§ 107A. Honoring as veterans certain persons who performed service in the reserve components**

“Any person who is entitled under chapter 1223 of title 10 to retired pay for nonregular service or, but for age, would be entitled under such chapter to retired pay for nonregular service shall be honored as a veteran but shall not be entitled to any benefit by reason of this section.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 107 the following new item:

“107A. Honoring as veterans certain persons who performed service in the reserve components.”

**SA 2948.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VI, add the following:

**SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

**SA 2949.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRY-OVER FOR MEMBERS OF THE ARMED FORCES.**

Section 701(d) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2015”.

**SA 2950.** Mr. BEGICH (for himself and Ms. AYOTTE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2844. GOLD STAR MOTHERS NATIONAL MONUMENT, ARLINGTON NATIONAL CEMETERY.**

(a) **ESTABLISHMENT.**—Notwithstanding section 2409(b) of title 38, United States Code, the Secretary of the Army shall permit the Gold Star Mothers National Monument Foundation (a nonprofit corporation established under the laws of the District of Columbia) to establish an appropriate monument in Arlington National Cemetery or on Federal land in its environs under the jurisdiction of the Department of the Army to commemorate the sacrifices made by mothers, and made by their sons and daughters who as members of the Armed Forces make the ultimate sacrifice, in defense of the United States. The monument shall be known as the “Gold Star Mothers National Monument”.

(b) **PAYMENT OF EXPENSES.**—The Gold Star Mothers National Monument Foundation shall be solely responsible for acceptance of contributions for, and payment of the expenses of, the establishment of the monument, and no Federal funds may be used to pay such expenses.

**SA 2951.** Mr. BEGICH (for himself, Mr. MANCHIN, Mr. WYDEN, Mrs. HUTCHISON, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military con-

struction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. PROHIBITION ON DIVESTMENT, RETIREMENT, OR TRANSFER OF ARMY C-23 AIRCRAFT DURING FISCAL YEAR 2013.**

(a) **PROHIBITION.**—

(1) **IN GENERAL.**—None of the amounts authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Army may be obligated or expended to divest, retire, transfer, or prepare to divest, retire, or transfer, any of the 38 C-23 aircraft assigned to the Army as of October 1, 2012.

(2) **SUSTAINMENT IN OPERATIONALLY VIABLE STATE.**—The Army shall sustain the C-23 aircraft described in paragraph (1) in an operationally viable state during fiscal year 2013.

(b) **FUNDS AVAILABLE FOR SUSTAINMENT AND OPERATION OF AIRCRAFT.**—Of the amounts authorized to be appropriated for fiscal year 2013 by section 301 and available for operation and maintenance for the Army as specified in the funding table in section 4301, \$9,200,000 may be available for the sustainment and operation of the C-23 aircraft specified in subsection (a) during fiscal year 2013.

**SA 2952.** Mr. BEGICH (for himself, Mr. CASEY, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 542, beginning on line 12, strike “section 2687” and all that follows through page 543, line 2, and insert the following: “section 2687 and section 993 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(b) **ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation covered under paragraph (1) of section 2687(a) or section 993 of title 10, United States Code, to no longer be covered by such paragraph (1) or such section 993.

(2) **NATIONAL SECURITY WAIVER.**—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies to the congressional defense committees that is in the national security interests of the United States.

(c) **MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.**—

(1) **CALCULATION OF NUMBER OF AFFECTED MEMBERS.**—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take

into consideration both direct reductions and indirect reductions.”.

(2) **NOTICE REQUIREMENTS.**—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments affected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, environmental, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(3) **TIME AND FORM OF SUBMISSION OF NOTICE.**—Such section is further amended—

(A) by redesignating subsection (c) as subsection (d); and

(B) by inserting after subsection (b) the following new subsection:

“(c) **TIME AND FORM OF SUBMISSION OF NOTICE.**—The notice required by subsections (a) and (b) may be submitted to Congress only as part of the budget justification materials submitted by the Secretary of Defense to Congress in support of the budget for a fiscal year submitted under section 1105 of title 31.”.

(4) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(e) **DEFINITIONS.**—In this section:

“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”.

**SA 2953.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. TREATMENT OF DEPARTMENT OF DEFENSE UTILITIES PRIVATIZATION PROJECTS.**

(a) IN GENERAL.—In the case of a contract awarded under section 2688 of title 10, United States Code, all conveyances, connections, or capital improvements made pursuant to such contract shall be considered as contributions to the capital of the taxpayer for purposes of section 118 of the Internal Revenue Code of 1986.

(b) EFFECTIVE DATE.—Subsection (a) shall apply to amounts received after the date of the enactment of this Act, in taxable years ending after such date.

**SA 2954.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 187, between lines 15 and 16, insert the following:

“(4) The unmarried spouses of members of the armed forces who were killed on active duty or otherwise died in the line of duty, and the unmarried spouses of former members of the armed forces who died of a combat-related illness or injury, who hold a valid Uniformed Services Identification and Privilege Card.

**SA 2955.** Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . PUBLIC SAFETY OFFICERS' BENEFITS PROGRAM.**

(a) SHORT TITLE.—This section may be cited as the “Dale Long Public Safety Officers' Benefits Improvements Act of 2012”.

(b) BENEFITS FOR CERTAIN NONPROFIT EMERGENCY MEDICAL SERVICE PROVIDERS; MISCELLANEOUS AMENDMENTS.—

(1) IN GENERAL.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended—

(A) in section 901(a) (42 U.S.C. 3791(a))—

(i) in paragraph (26), by striking “and” at the end;

(ii) in paragraph (27), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(28) the term ‘hearing examiner’ includes any medical or claims examiner.”;

(B) in section 1201 (42 U.S.C. 3796)—

(i) in subsection (a), by striking “follows:” and all that follows and inserting the following: “follows (if the payee indicated is living on the date on which the determination is made)—

“(1) if there is no child who survived the public safety officer, to the surviving spouse of the public safety officer;

“(2) if there is at least 1 child who survived the public safety officer and a surviving spouse of the public safety officer, 50 percent

to the surviving child (or children, in equal shares) and 50 percent to the surviving spouse;

“(3) if there is no surviving spouse of the public safety officer, to the surviving child (or children, in equal shares);

“(4) if there is no surviving spouse of the public safety officer and no surviving child—

“(A) to the surviving individual (or individuals, in shares per the designation, or, otherwise, in equal shares) designated by the public safety officer to receive benefits under this subsection in the most recently executed designation of beneficiary of the public safety officer on file at the time of death with the public safety agency, organization, or unit; or

“(B) if there is no individual qualifying under subparagraph (A), to the surviving individual (or individuals, in equal shares) designated by the public safety officer to receive benefits under the most recently executed life insurance policy of the public safety officer on file at the time of death with the public safety agency, organization, or unit;

“(5) if there is no individual qualifying under paragraph (1), (2), (3), or (4), to the surviving parent (or parents, in equal shares) of the public safety officer; or

“(6) if there is no individual qualifying under paragraph (1), (2), (3), (4), or (5), to the surviving individual (or individuals, in equal shares) who would qualify under the definition of the term ‘child’ under section 1204 but for age.”;

(i) in subsection (b)—

(I) by striking “direct result of a catastrophic” and inserting “direct and proximate result of a personal”;;

(II) by striking “pay,” and all that follows through “the same” and inserting “pay the same”;

(III) by striking “in any year” and inserting “to the public safety officer (if living on the date on which the determination is made)”;

(IV) by striking “in such year, adjusted” and inserting “with respect to the date on which the catastrophic injury occurred, as adjusted”;

(aa) by striking “, to such officer”;

(V) by striking “the total” and all that follows through “For” and inserting “for”; and

(VI) by striking “That these” and all that follows through the period, and inserting “That the amount payable under this subsection shall be the amount payable as of the date of catastrophic injury of such public safety officer.”;

(iii) in subsection (f)—

(I) in paragraph (1), by striking “, as amended (D.C. Code, sec. 4-622); or” and inserting a semicolon;

(II) in paragraph (2)—

(aa) by striking “, Such beneficiaries shall only receive benefits under such section 8191 that” and inserting “, such that beneficiaries shall receive only such benefits under such section 8191 as”; and

(bb) by striking the period at the end and inserting “; or”; and

(III) by adding at the end the following:

“(3) payments under the September 11th Victim Compensation Fund of 2001 (49 U.S.C. 40101 note; Public Law 107-42).”;

(iv) by amending subsection (k) to read as follows:

“(k) As determined by the Bureau, a heart attack, stroke, or vascular rupture suffered by a public safety officer shall be presumed to constitute a personal injury within the meaning of subsection (a), sustained in the line of duty by the officer and directly and proximately resulting in death, if—

“(1) the public safety officer, while on duty—

“(A) engages in a situation involving non-routine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or

“(B) participates in a training exercise involving nonroutine stressful or strenuous physical activity;

“(2) the heart attack, stroke, or vascular rupture commences—

“(A) while the officer is engaged or participating as described in paragraph (1);

“(B) while the officer remains on that duty after being engaged or participating as described in paragraph (1); or

“(C) not later than 24 hours after the officer is engaged or participating as described in paragraph (1); and

“(3) the heart attack, stroke, or vascular rupture directly and proximately results in the death of the public safety officer, unless competent medical evidence establishes that the heart attack, stroke, or vascular rupture was unrelated to the engagement or participation or was directly and proximately caused by something other than the mere presence of cardiovascular-disease risk factors.”; and

(v) by adding at the end the following:

“(n) The public safety agency, organization, or unit responsible for maintaining on file an executed designation of beneficiary or executed life insurance policy for purposes of subsection (a)(4) shall maintain the confidentiality of the designation or policy in the same manner as the agency, organization, or unit maintains personnel or other similar records of the public safety officer.”;

(C) in section 1202 (42 U.S.C. 3796a)—

(i) by striking “death”, each place it appears except the second place it appears, and inserting “fatal”; and

(ii) in paragraph (1), by striking “or catastrophic injury” the second place it appears and inserting “, disability, or injury”;

(D) in section 1203 (42 U.S.C. 3796a-1)—

(i) in the section heading, by striking “WHO HAVE DIED IN THE LINE OF DUTY” and inserting “WHO HAVE SUSTAINED FATAL OR CATASTROPHIC INJURY IN THE LINE OF DUTY”; and

(ii) by striking “who have died in the line of duty” and inserting “who have sustained fatal or catastrophic injury in the line of duty”;

(E) in section 1204 (42 U.S.C. 3796b)—

(i) in paragraph (1), by striking “consequences of an injury that” and inserting “an injury, the direct and proximate consequences of which”;

(ii) in paragraph (3)—

(I) in the matter preceding clause (i)—

(aa) by inserting “or permanently and totally disabled” after “deceased”; and

(bb) by striking “death” and inserting “fatal or catastrophic injury”; and

(II) by redesignating clauses (i), (ii), and (iii) as subparagraphs (A), (B), and (C), respectively;

(iii) in paragraph (5)—

(I) by striking “post-mortem” each place it appears and inserting “post-injury”;

(II) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (B), as so redesignated, by striking “death” and inserting “fatal or catastrophic injury”;

(iv) in paragraph (7), by striking “public employee member of a rescue squad or ambulance crew;” and inserting “employee or volunteer member of a rescue squad or ambulance crew (including a ground or air ambulance service) that—

“(A) is a public agency; or  
 “(B) is (or is a part of) a nonprofit entity serving the public that—

“(i) is officially authorized or licensed to engage in rescue activity or to provide emergency medical services; and

“(ii) engages in rescue activities or provides emergency medical services as part of an official emergency response system;” and  
 (v) in paragraph (9)—

(I) in subparagraph (A), by striking “as a chaplain, or as a member of a rescue squad or ambulance crew;” and inserting “or as a chaplain;”;

(II) in subparagraph (B)(ii), by striking “or” after the semicolon;

(III) in subparagraph (C)(ii), by striking the period and inserting “; or”; and

(IV) by adding at the end the following:

“(D) a member of a rescue squad or ambulance crew who, as authorized or licensed by law and by the applicable agency or entity, is engaging in rescue activity or in the provision of emergency medical services.”;

(F) in section 1205 (42 U.S.C. 3796c), by adding at the end the following:

“(d) Unless expressly provided otherwise, any reference in this part to any provision of law not in this part shall be understood to constitute a general reference under the doctrine of incorporation by reference, and thus to include any subsequent amendments to the provision.”;

(G) in each of subsections (a) and (b) of section 1212 (42 U.S.C. 3796d-1), sections 1213 and 1214 (42 U.S.C. 3796d-2 and 3796d-3), and subsections (b) and (c) of section 1216 (42 U.S.C. 3796d-5), by striking “dependent” each place it appears and inserting “person”;

(H) in section 1212 (42 U.S.C. 3796d-1)—

(i) in subsection (a)—

(I) in paragraph (1), in the matter preceding subparagraph (A), by striking “Subject” and all that follows through “, the” and inserting “The”; and

(II) in paragraph (3), by striking “reduced by” and all that follows through “(B) the amount” and inserting “reduced by the amount”;

(ii) in subsection (c)—

(I) in the subsection heading, by striking “DEPENDENT”; and

(II) by striking “dependent”;

(I) in paragraphs (2) and (3) of section 1213(b) (42 U.S.C. 3796d-2(b)), by striking “dependent’s” each place it appears and inserting “person’s”;

(J) in section 1216 (42 U.S.C. 3796d-5)—

(i) in subsection (a), by striking “each dependent” each place it appears and inserting “a spouse or child”; and

(ii) by striking “dependents” each place it appears and inserting “a person”; and

(K) in section 1217(3)(A) (42 U.S.C. 3796d-6(3)(A)), by striking “described in” and all that follows and inserting “an institution of higher education, as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002); and”.

(2) AMENDMENT RELATED TO EXPEDITED PAYMENT FOR PUBLIC SAFETY OFFICERS INVOLVED IN THE PREVENTION, INVESTIGATION, RESCUE, OR RECOVERY EFFORTS RELATED TO A TERRORIST ATTACK.—Section 611(a) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1(a)) is amended by inserting “or an entity described in section 1204(7)(B) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796b(7)(B))” after “employed by such agency”.

(3) TECHNICAL AND CONFORMING AMENDMENT.—Section 402(1)(4)(C) of the Internal Revenue Code of 1986 is amended—

(A) by striking “section 1204(9)(A)” and inserting “section 1204(10)(A)”;

(B) by striking “42 U.S.C. 3796b(9)(A)” and inserting “42 U.S.C. 3796b(10)(A)”.

(C) AUTHORIZATION OF APPROPRIATIONS; TERMINATIONS; APPEALS.—The matter under the heading “PUBLIC SAFETY OFFICERS BENEFITS” under the heading “OFFICE OF JUSTICE PROGRAMS” under title II of division B of the Consolidated Appropriations Act, 2008 (Public Law 110-161; 121 Stat. 1912; 42 U.S.C. 3796c-2) is amended—

(1) by striking “decisions” and inserting “determinations”;

(2) by striking “(including those, and any related matters, pending)”;

(3) by striking the period at the end and inserting the following: “: *Provided further*, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, as to each such statute—

“(1) the provisions of section 1001(a)(4) of such title I (42 U.S.C. 3793(a)(4)) shall apply;

“(2) payment (other than payment made pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1)) shall be made only upon a determination by the Bureau that the facts legally warrant the payment;

“(3) any reference to section 1202 of such title I shall be deemed to be a reference to paragraphs (2) and (3) of such section 1202; and

“(4) a certification submitted under any such statute (other than a certification submitted pursuant to section 611 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (42 U.S.C. 3796c-1)) may be accepted by the Bureau as prima facie evidence of the facts asserted in the certification:

*Provided further*, That, on and after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012, no appeal shall bring any final determination of the Bureau before any court for review unless notice of appeal is filed (within the time specified herein and in the manner prescribed for appeal to United States courts of appeals from United States district courts) not later than 90 days after the date on which the Bureau serves notice of the final determination: *Provided further*, That any regulations promulgated by the Bureau under such part (or any such statute) before, on, or after the date of enactment of the Public Safety Officers’ Benefits Improvements Act of 2012 shall apply to any matter pending on, or filed or accruing after, the effective date specified in the regulations.”.

(D) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (1), the amendments made by this section shall—

(A) take effect on the date of enactment of this Act; and

(B) apply to any matter pending, before the Bureau of Justice Assistance or otherwise, on the date of enactment of this Act, or filed or accruing after that date.

(2) EXCEPTIONS.—

(A) RESCUE SQUADS AND AMBULANCE CREWS.—For a member of a rescue squad or ambulance crew (as defined in section 1204(7) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section), the amendments made by this Act shall apply to injuries sustained on or after June 1, 2009.

(B) HEART ATTACKS, STROKES, AND VASCULAR RUPTURES.—Section 1201(k) of title I of

the Omnibus Crime Control and Safe Streets Act of 1968, as amended by this section, shall apply to heart attacks, strokes, and vascular ruptures sustained on or after December 15, 2003.

**SA 2956.** Mr. PORTMAN (for himself and Mr. AKAKA) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

**SA 2957.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. ADDITIONAL REQUIREMENTS FOR APPROVAL OF EDUCATIONAL PROGRAMS FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF DEFENSE AND SECRETARY OF VETERANS AFFAIRS.**

(a) AUTOMATIC APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF DEGREE PROGRAMS APPROVED BY SECRETARY OF EDUCATION.—Clause (i) of section 3672(b)(2)(A) of title 38, United States Code, is amended to read as follows:

“(i) A course that is described by section 3675(a) of this title.”.

(b) APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF NON-DEGREE PROGRAMS APPROVED BY SECRETARY OF EDUCATION.—

(1) IN GENERAL.—Section 3675 of such title is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(B) by striking subsection (a); and

(C) by inserting before subsection (c), as redesignated by subparagraph (A), the following new subsections:

“(a) The Secretary or a State approving agency may only approve a course that leads to an associate or higher degree when such course is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094).

“(b)(1) The Secretary or a State approving agency may approve a course that does not lead to an associate or higher degree when—

“(A) such course—

“(i) is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

“(ii) in the case of a course designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of the State in which the institution is located; and

“(iii) in the case of a course designed to prepare an individual for employment by a State board or agency in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency;

“(B) such course is accepted by the State department of education for credit for a teacher's certificate; or

“(C) such course is approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

“(2)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

“(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

“(i) state with specificity the requirements of the institution with respect to graduation;

“(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

“(iii) include any attendance standards of the institution, if the institution has and enforces such standards.”.

(2) CONFORMING AMENDMENTS.—Such title is amended—

(A) in section 3452(g), by striking “under the provisions of section 3675 of this title”;

(B) in section 3501(11), by striking “under the provisions of section 3675 of this title”;

(C) in section 3672(b)(2)(A), by striking “3675(b)(1) and (b)(2)” and inserting “3675(c)(1) and (c)(2)”; and

(D) in the heading for section 3675, by striking “**accredited courses**” and inserting “**courses approved by Secretary of Education**”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

“3675. Approval of courses approved by Secretary of Education.”.

(c) APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF NON-DEGREE PROGRAMS NOT APPROVED BY SECRETARY OF EDUCATION.—

(1) IN GENERAL.—Subsection (a) of section 3676 of such title is amended to read as follows:

“(a) No course of education which has not been approved by the Secretary or a State approving agency under section 3675 of this title shall be approved for the purposes of this chapter unless—

“(1) the course—

“(A) does not lead to an associate or higher degree;

“(B) was not an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) at any time during the most recent two-year period; and

“(C) is a course that the Secretary or State approving agency determines, in accordance with this section and such regulations as the Secretary shall prescribe and on a case-by-case basis, that approval of which would further the purposes of this chapter or any of chapters 30 through 35 of this title; and

“(2) the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.”.

(2) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 3676 of such title is amended—

(A) by redesignating paragraph (14) as paragraph (21); and

(B) by inserting after paragraph (13) the following new paragraphs:

“(14) Such courses providing less than 600 clock hours of instruction, or its equivalent, have verified completion and placement rates of at least 70 percent.

“(15) Courses that prepare individuals for licensure or certification have verified that the course's instructional curriculum appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does.

“(16) Courses for which a State board or agency in the State in which the course is designed to prepare a student requires approval or licensure for employment in the recognized occupation in the State is approved or licensed by such State board or agency.

“(17) In the case of an educational institution that advertises job placement rates as a means of attracting students to enroll in a course of education offered by the educational institution, the application contains any other information necessary to substantiate the truthfulness of such advertisements.

“(18) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students resid-

ing in foreign countries who are not eligible to receive Federal student assistance.

“(19) The educational institution does not make any misrepresentations (as defined in section 668.71 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)) regarding the nature of its educational program, the nature of its financial charges, or the employability of its graduates (as defined in sections 668.72 through 668.74 of such title, respectively (or any corresponding similar regulations or rulings)).

“(20) The educational institution has provided information necessary to substantiate that it complies with the requirements set forth under section 600.9 of title 34 Code of Federal Regulations (or any corresponding similar regulation or ruling).”.

(3) REQUIREMENT THAT ADDITIONAL REQUIREMENTS IMPOSED BY STATE APPROVING AGENCIES BE APPROVED BY SECRETARY OF VETERANS AFFAIRS.—Paragraph (21) of such subsection, as redesignated by paragraph (2)(A), is amended by inserting “and approved by the Secretary” before the period at the end.

(4) CONFORMING AMENDMENTS.—Section 3676 of such title is amended—

(A) in the heading for such section, by striking “**nonaccredited courses**” and inserting “**courses not approved by Secretary of Education**”; and

(B) in subsection (c), in the matter before paragraph (1), by striking “non-accredited”.

(5) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

“3676. Approval of courses not approved by Secretary of Education.”.

(d) ASSISTANCE UNDER CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE PROGRAMS AVAILABLE FOR USE ONLY AT FDSL PARTICIPATING INSTITUTIONS.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2006 the following new section:

“**§ 2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions**

“(a) IN GENERAL.—Effective as of August, 1, 2013, an individual eligible for assistance under a Department of Defense educational assistance program or authority covered by this section may, except as provided in subsection (b), only use such assistance for educational expenses incurred for an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that—

“(1) is offered by an institution of higher education that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

“(2) in the case of a program designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of the State in which the institution is located; and

“(3) in the case of a program designed to prepare individuals for employment by a State board or agency in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency.

“(b) WAIVER.—The Secretary of Defense may, by regulation, authorize the use of educational assistance under a Department of Defense educational assistance program or



authority covered by this chapter for educational expenses incurred for a program of education that is not described in subsection (a) if the program—

“(1) is accredited and approved by a nationally recognized accrediting agency or association;

“(2) was not an eligible program described in subsection (a) at any time during the most recent two-year period;

“(3) is a program that the Secretary determines would further the purposes of the educational assistance programs or authorities covered by this chapter, or would further the education interests of students eligible for assistance under the such programs or authorities;

“(4) in the case of a program consisting of less than 600 clock hours of instruction, or its equivalent, has verified completion and placement rates of at least 70 percent;

“(5) in the case of a program that prepares individuals for licensure or certification, has instructional curriculum that appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does;

“(6) in the case of a program designed to prepare a student for employment in a recognized occupation requiring approval or licensure for employment by a State board or agency, the program is approved or licensed by such State board or agency; and

“(7) the institution providing the program does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘Department of Defense educational assistance programs and authorities covered by this section’ means the programs and authorities as follows:

“(A) The programs to assist military spouses in achieving education and training to expand employment and portable career opportunities under section 1784a of this title.

“(B) The authority to pay tuition for off-duty training or education of members of the armed forces under section 2007 of this title.

“(C) The program of educational assistance for members of the Selected Reserve under chapter 1606 of this title.

“(D) The program of educational assistance for reserve component members supporting contingency operations and certain other operations under chapter 1607 of this title.

“(E) Any other program or authority of the Department of Defense for assistance in education or training carried out under the laws administered by the Secretary of Defense that is designated by the Secretary, by regulation, for purposes of this section.

“(2) The term ‘institution of higher education’ has the meaning given that term in section 102 of the Higher Education Act for 1965 (20 U.S.C. 1002).”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2006 the following new item:

“2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions.”

(e) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on August 1, 2013.

#### **SEC. 562. MANDATORY COMPLIANCE REVIEWS.**

(a) **IN GENERAL.**—Section 3693 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c) In addition to the annual compliance surveys conducted under subsection (a), the Secretary shall also conduct a compliance review, in accordance with such regulations as the Secretary shall prescribe, of an educational institution described in such subsection whenever the Secretary finds any of the following:

“(1) The number of student enrollments at, or the rate of student enrollments of, the educational institution has increased rapidly.

“(2) The student dropout rate of the institution has increased rapidly.

“(3) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution has increased rapidly or is consistently higher than the average of cohort default rate of comparable educational institutions.

“(4) The number of substantiated complaints filed under section 3697C(a)(1) of this title with respect to the educational institution have increased rapidly or is consistently higher than the number of substantiated complaints filed with respect to other comparable educational institutions.

“(5) The educational institution is the subject of a civil lawsuit in Federal or State court, is charged with a crime under Federal or State law, or is the subject of an official investigation of a State or Federal agency for misconduct.

“(6) The educational institution has significant growth in revenue resulting from tuition, including tuition paid with assistance provided under this chapter, chapters 30 through 35 of this title, or the educational assistance programs or authorities specified in section 2006a(c)(1) of title 10, which cannot be attributed to changes made to such chapters by Acts of Congress or changes to the administration of such chapters, programs, or authorities.

“(7) Such other findings as the Secretary considers warrant conducting a compliance survey under subsection (a).”

(b) **EFFECTIVE DATE.**—Subsection (c) of such section, as added by subsection (a), shall take effect on August 1, 2013.

**SA 2958.** Mr. WEBB submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

#### **TITLE XVIII—MILITARY AND VETERANS EDUCATIONAL REFORM**

##### **SEC. 1801. SHORT TITLE.**

This title may be cited as the “Military and Veterans Educational Reform Act of 2012”.

#### **SEC. 1802. ADDITIONAL REQUIREMENTS FOR APPROVAL OF EDUCATIONAL PROGRAMS FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE.**

(a) **AUTOMATIC APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF DEGREE PROGRAMS APPROVED BY SECRETARY OF EDUCATION.**—Clause (i) of section 3672(b)(2)(A) of title 38, United States Code, is amended to read as follows:

“(i) A course that is described by section 3675(a) of this title.”

(b) **APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF NON-DEGREE PROGRAMS APPROVED BY SECRETARY OF EDUCATION.**—

(1) **IN GENERAL.**—Section 3675 of such title is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(B) by striking subsection (a); and

(C) by inserting before subsection (c), as redesignated by subparagraph (A), the following new subsections:

“(a) The Secretary or a State approving agency may only approve a course that leads to an associate or higher degree when such course is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094).

“(b)(1) The Secretary or a State approving agency may approve a course that does not lead to an associate or higher degree when—

“(A) such course—

“(i) is an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) offered by an institution of higher education (as defined in section 102 of such Act (20 U.S.C. 1002)) that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

“(ii) in the case of a course designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of the State in which the institution is located; and

“(iii) in the case of a course designed to prepare an individual for employment by a State board or agency in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency;

“(B) such course is accepted by the State department of education for credit for a teacher’s certificate; or

“(C) such course is approved by the State as meeting the requirement of regulations prescribed by the Secretary of Health and Human Services under sections 1819(f)(2)(A)(i) and 1919(f)(2)(A)(i) of the Social Security Act (42 U.S.C. 1395i–3(f)(2)(A)(i) and 1396r(f)(2)(A)(i)).

“(2)(A) An educational institution shall submit an application for approval of courses to the appropriate State approving agency. In making application for approval, the institution (other than an elementary school or secondary school) shall transmit to the State approving agency copies of its catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the institution.

“(B) Each catalog or bulletin transmitted by an institution under subparagraph (A) of this paragraph shall—

“(i) state with specificity the requirements of the institution with respect to graduation;



“(ii) include the information required under paragraphs (6) and (7) of section 3676(b) of this title; and

“(iii) include any attendance standards of the institution, if the institution has and enforces such standards.”.

(2) CONFORMING AMENDMENTS.—Such title is amended—

(A) in section 3452(g), by striking “under the provisions of section 3675 of this title”;

(B) in section 3501(11), by striking “under the provisions of section 3675 of this title”;

(C) in section 3672(b)(2)(A), by striking “3675(b)(1) and (b)(2)” and inserting “3675(c)(1) and (c)(2)”;

(D) in the heading for section 3675, by striking “**accredited courses**” and inserting “**courses approved by Secretary of Education**”.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

“3675. Approval of courses approved by Secretary of Education.”.

(C) APPROVAL BY SECRETARY OF VETERANS AFFAIRS OF NON-DEGREE PROGRAMS NOT APPROVED BY SECRETARY OF EDUCATION.—

(1) IN GENERAL.—Subsection (a) of section 3676 of such title is amended to read as follows:

“(a) No course of education which has not been approved by the Secretary or a State approving agency under section 3675 of this title shall be approved for the purposes of this chapter unless—

“(1) the course—

“(A) does not lead to an associate or higher degree;

“(B) was not an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) at any time during the most recent two-year period; and

“(C) is a course that the Secretary or State approving agency determines, in accordance with this section and such regulations as the Secretary shall prescribe and on a case-by-case basis, that approval of which would further the purposes of this chapter or any of chapters 30 through 35 of this title; and

“(2) the educational institution offering such course submits to the appropriate State approving agency a written application for approval of such course in accordance with the provisions of this chapter.”.

(2) ADDITIONAL REQUIREMENTS.—Subsection (c) of section 3676 of such title is amended—

(A) by redesignating paragraph (14) as paragraph (21); and

(B) by inserting after paragraph (13) the following new paragraphs:

“(14) Such courses providing less than 600 clock hours of instruction, or its equivalent, have verified completion and placement rates of at least 70 percent.

“(15) Courses that prepare individuals for licensure or certification have verified that the course’s instructional curriculum appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does.

“(16) Courses for which a State board or agency in the State in which the course is designed to prepare a student requires approval or licensure for employment in the recognized occupation in the State is approved or licensed by such State board or agency.

“(17) In the case of an educational institution that advertises job placement rates as a means of attracting students to enroll in a course of education offered by the educational institution, the application con-

tains any other information necessary to substantiate the truthfulness of such advertisements.

“(18) The educational institution does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

“(19) The educational institution does not make any misrepresentations (as defined in section 668.71 of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)) regarding the nature of its educational program, the nature of its financial charges, or the employability of its graduates (as defined in sections 668.72 through 668.74 of such title, respectively (or any corresponding similar regulations or rulings)).

“(20) The educational institution has provided information necessary to substantiate that it complies with the requirements set forth under section 600.9 of title 34 Code of Federal Regulations (or any corresponding similar regulation or ruling).”.

(3) REQUIREMENT THAT ADDITIONAL REQUIREMENTS IMPOSED BY STATE APPROVING AGENCIES BE APPROVED BY SECRETARY OF VETERANS AFFAIRS.—Paragraph (21) of such subsection, as redesignated by paragraph (2)(A), is amended by inserting “and approved by the Secretary” before the period at the end.

(4) CONFORMING AMENDMENTS.—Section 3676 of such title is amended—

(A) in the heading for such section, by striking “**nonaccredited courses**” and inserting “**courses not approved by Secretary of Education**”; and

(B) in subsection (c), in the matter before paragraph (1), by striking “non-accredited”.

(5) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by striking the item relating to section 3675 and inserting the following new item:

“3676. Approval of courses not approved by Secretary of Education.”.

(d) ASSISTANCE UNDER CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL ASSISTANCE PROGRAMS AVAILABLE FOR USE ONLY AT FDSL PARTICIPATING INSTITUTIONS.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2006 the following new section:

“§ 2006a. Assistance for education and training: availability of certain assistance for use only at Federal Direct Student Loan participating institutions

“(a) IN GENERAL.—Effective as of August, 1, 2013, an individual eligible for assistance under a Department of Defense educational assistance program or authority covered by this section may, except as provided in subsection (b), only use such assistance for educational expenses incurred for an eligible program (as defined in section 481 of the Higher Education Act of 1965 (20 U.S.C. 1088)) that—

“(1) is offered by an institution of higher education that has entered into, and is complying with, a program participation agreement under section 487 of such Act (20 U.S.C. 1094);

“(2) in the case of a program designed to prepare individuals for licensure or certification, meets the instructional curriculum licensure or certification requirements of

the State in which the institution is located; and

“(3) in the case of a program designed to prepare individuals for employment by a State board or agency in an occupation that requires approval or licensure for such employment, is approved or licensed by such State board or agency.

“(b) WAIVER.—The Secretary of Defense may, by regulation, authorize the use of educational assistance under a Department of Defense educational assistance program or authority covered by this chapter for educational expenses incurred for a program of education that is not described in subsection (a) if the program—

“(1) is accredited and approved by a nationally recognized accrediting agency or association;

“(2) was not an eligible program described in subsection (a) at any time during the most recent two-year period;

“(3) is a program that the Secretary determines would further the purposes of the educational assistance programs or authorities covered by this chapter, or would further the education interests of students eligible for assistance under the such programs or authorities;

“(4) in the case of a program consisting of less than 600 clock hours of instruction, or its equivalent, has verified completion and placement rates of at least 70 percent;

“(5) in the case of a program that prepares individuals for licensure or certification, has instructional curriculum that appropriately includes the licensure or certification requirements in the State in which the institution deems such curriculum does;

“(6) in the case of a program designed to prepare a student for employment in a recognized occupation requiring approval or licensure for employment by a State board or agency, the program is approved or licensed by such State board or agency; and

“(7) the institution providing the program does not provide any commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance, except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance.

“(c) DEFINITIONS.—In this section:

“(1) The term ‘Department of Defense educational assistance programs and authorities covered by this section’ means the programs and authorities as follows:

“(A) The programs to assist military spouses in achieving education and training to expand employment and portable career opportunities under section 1784a of this title.

“(B) The authority to pay tuition for off-duty training or education of members of the armed forces under section 2007 of this title.

“(C) The program of educational assistance for members of the Selected Reserve under chapter 1606 of this title.

“(D) The program of educational assistance for reserve component members supporting contingency operations and certain other operations under chapter 1607 of this title.

“(E) Any other program or authority of the Department of Defense for assistance in education or training carried out under the laws administered by the Secretary of Defense that is designated by the Secretary, by regulation, for purposes of this section.

“(2) The term ‘institution of higher education’ has the meaning given that term in

section 102 of the Higher Education Act for 1965 (20 U.S.C. 1002).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2006 the following new item:

“2006a. Assistance for education and training; availability of certain assistance for use only at Federal Direct Student Loan participating institutions.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2013.

**SEC. 1803. REQUIREMENT THAT EDUCATIONAL INSTITUTIONS INFORM STUDENTS OF MATTERS RELATING TO ACCREDITATION AND OUTCOMES AS CONDITION OF APPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS AND SECRETARY OF DEFENSE.**

(a) EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.—Section 3672 of title 38, United States Code, is amended—

(1) by adding at the end the following new subsection:

“(f)(1) A course of education that is offered by an educational institution may not be approved under this chapter unless the educational institution discloses and makes readily available the information described in paragraph (2) to—

“(A) each individual considering enrolling in the course of education at or before the moment at which the individual applies for enrollment in such course of education;

“(B) each student who is enrolled in the course of education each year the student is so enrolled; and

“(C) the public.

“(2) The information described in this paragraph with respect to an educational institution or a course of education of the educational institution is the following:

“(A) The names of associations, agencies, or governmental bodies which accredit, approve, or license the educational institution and its courses of education and the procedures under which any current or prospective student may obtain or review upon request a copy of the documents describing the educational institution’s accreditation, approval, or licensing.

“(B) Whether the educational institution is a public educational institution, a private nonprofit educational institution, or a private for-profit educational institution.

“(C) The rates of graduation of students who enroll in the course of education and the average dropout rate of all students enrolled in the course of education.

“(D) The percentage of students enrolled in the course of education who complete the course within—

“(i) the standard period for completion of such course of education;

“(ii) 150 percent of such period; and

“(iii) 200 percent of such period.

“(E) The median educational debt incurred by students who complete the course of education.

“(F) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

“(G) The rates of job placement of students who complete the course of education, as applicable, and the types of employment obtained by such students.

“(H) For any job for which the course of education is designed to prepare a student,

the relevant licensing or certification requirements for such job in the State for which the course is designed to prepare the student to obtain such license or certificate and the examination and licensure test pass rates, as applicable.

“(I) The tuition and fees for programs of education at the educational institution.

“(J) The percentage of students enrolled in programs of education at the educational institution who have submitted a complaint under section 3697C(a) of this title.

“(K) With respect to the information reported under subparagraphs (C) through (J), indicators of how the educational institution compares with the averages of all public educational institutions with similar courses of education in the State in which the educational institution is located.

“(L) A description of the procedures by which student may submit complaints regarding educational institutions to applicable Federal and State agencies, including State approving agencies and accrediting agencies or associations and such contact information as may be necessary to submit such complaints.

“(M) A description of the process established under section 3697C(a) of this title and such contact information as may be necessary to submit a complaint in accordance with such process.

“(N) The policies established by the educational institution regarding transfer of course credit, including the following:

“(i) Any established criteria the educational institution uses regarding the transfer of course credit earned at another educational institution.

“(ii) A list of educational institutions that will accept transfer of course credit for specific programs of education offered by the educational institution.

“(iii) A list of educational institutions from which the educational institution will accept transfer of course credit for specific programs offered by that educational institution.

“(iv) Any changes by the educational institution in such policies and established criteria that first took effect in the most recent one-year period.

“(O) A statement of the requirements of any refund policies of the educational institution.

“(P) A statement of the requirements for officially withdrawing from a course of education at the educational institution.

“(Q) The standards which a student must maintain in order to be considered to be making satisfactory progress in a course of education at the educational institution.

“(R) A description of the services available at the educational institution that are tailored specifically to meet the needs of individuals receiving assistance under this chapter, any of chapters 30 through 35 of this title, or an educational assistance program or authority specified in section 2006a(c)(1) of title 10, including services provided under section 3679A(a) of this title.

“(S) In the case of an educational institution that advertises job placement rates as a means of attracting students to enroll in the educational institution, such information as may be necessary to substantiate the truthfulness of the claims made in such advertising.

“(3) The information disclosed and made readily available under paragraph (1) to individuals and students described in subparagraphs (A) and (B) of such paragraph, respectively, shall be disclosed and made readily available—

“(A) in language that can be easily understood by such individuals and students; and

“(B) in a uniform manner that is appropriate for such individuals and students, including by publications, mailings, and electronic media.”; and

(2) in subsection (b)(2)(A), as amended by section 1802(b)(2), in the matter before clause (i), by inserting “subsection (f) and” after “Subject to”.

(b) EDUCATIONAL ASSISTANCE UNDER LAWS ADMINISTERED BY SECRETARY OF DEFENSE.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2006a, as added by section 1802(d) of this Act, the following new section:

**“§ 2006b. Disclosure requirements of educational institutions**

“The Secretary may not provide a payment of educational expenses under an educational assistance program or authority specified in subsection (c)(1) of section 2006a of this title for instruction at an accredited institution of higher education (as defined in subsection (c)(2) of section 2006a of this title) unless such institution discloses and makes readily available the information described in paragraph (2) of section 3672(f) of title 38 as described in paragraph (3) of such section 3672(f) to the following:

“(1) Each individual considering enrolling in the course of education at or before the moment at which the individual applies for enrollment in such course of education.

“(2) Each student who is enrolled in the course of education each year the student is so enrolled.

“(3) The public.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title, as amended by section 1802(d) of this Act, is further amended by inserting after the item relating to section 2006a the following new item:

“2006b. Disclosure requirements of educational institutions.”.

(c) EFFECTIVE DATE.—Subsection (f) of section 3672 of title 38, United States Code, as added by subsection (a)(1), and section 2006b of title 10, United States Code, as added by subsection (b), shall take effect on August 1, 2013.

**SEC. 1804. ADDITIONAL REQUIREMENTS OF EDUCATIONAL INSTITUTIONS FOR SUPPORT OF VETERANS AND MEMBERS OF ARMED FORCES.**

(a) REQUIREMENTS.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 3679A. Additional requirements**

“(a) PROVISION OF COUNSELING AND SERVICES.—(1) An educational institution with 20 or more covered individuals enrolled in programs of education at the educational institution may not be approved under this chapter unless the educational institution provides adequate academic and student support services (as determined by the Secretary), including remediation, tutoring, and career and job placement counseling services to such covered individuals.

“(2) The Secretary may, on a case-by-case basis, waive the requirement to provide services under paragraph (1) for an educational institution for an academic year if—

“(A) the Secretary determines that the educational institution has demonstrated that providing such services during such academic year would lead to severe financial hardship; and

“(B) the educational institution submits to the Secretary a plan to provide such services during the following academic year.

“(b) MINIMUM STANDARDS FOR EMPLOYMENT OF POINTS OF CONTACT.—An educational institution may not be approved under this chapter unless the educational institution employs a number of full-time equivalent employees that the Secretary considers adequate, but not less than one full-time equivalent employee, who—

“(1) acts as a point of contact for covered individuals on matters relating to educational assistance available to individuals under this chapter and chapters 30 through 35 of this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10;

“(2) is knowledgeable about such educational assistance and such other financial aid, admissions, counseling and referral services, and matters relating to postsecondary education as are important to the educational success of covered individuals; and

“(3) is available to assist covered individuals on a full-time basis.

“(c) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’, with respect to enrollment in a program of education, means an individual who is receiving educational assistance under this chapter or any of chapters 30 through 35 of this title or under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10 for such program of education.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3679 the following new item:

“3679A. Additional requirements.”

(b) CONFORMING AMENDMENT.—Section 3672(b)(2)(A) of such title (as amended by section 1803(a)(2)) is further amended by striking “and 3696” and inserting “3696, and 3679A”.

(c) EFFECTIVE DATE.—Section 3679A of such title, as added by paragraph (1), shall take effect on August 1, 2013.

#### SEC. 1805. STATE APPROVING AGENCIES.

(a) EDUCATION AND OUTREACH.—

(1) IN GENERAL.—Subchapter I of chapter 36 of title 38, United States Code, is amended by inserting after section 3674A the following new section:

##### “§ 3674B. Education and outreach

“(a) EDUCATION AND OUTREACH REQUIRED.—As a condition on receipt of reimbursement expenses under section 3674 of this title, each State approving agency shall conduct such education and outreach activities for individuals who are eligible to receive or are receiving educational assistance under this chapter or any of chapters 30 through 35 of this title as the Secretary considers appropriate to assist such individuals in making well-informed choices about their education and successfully transitioning into an educational environment.

“(b) COORDINATION.—Each State approving agency conducting outreach activities under subsection (a) shall coordinate with the Secretary of Defense to ensure, as the Secretary of Defense considers appropriate, that information on educational assistance available under this chapter and chapters 30 through 35 of this title is made readily available as part of the Transition Assistance Program (TAP) of the Department of Defense in the State of the State approving agency.

“(c) MANNER.—Information made available as part of education and outreach activities under this section shall be made—

“(1) in language that can be easily understood by individuals described in paragraph (1);

“(2) in a uniform and easily accessible manner; and

“(3) through such means as may be appropriate and effective, including through publications, mailings, and electronic media.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3674A the following new item:

“3674B. Education and outreach.”

(b) AUDITS.—Section 3673(d) of such title is amended—

(1) by inserting “(1)” before “The Secretary”; and

(2) by adding at the end the following new paragraph:

“(2) Each year, each State approving agency, as a condition of receiving reimbursement of expenses under section 3674 of this title, shall conduct such audits as the Secretary considers appropriate, including unannounced audits and audits using risk-based approaches, of educational institutions in the State of the State approving agency that have students enrolled in programs of education at the educational institutions who are receiving educational assistance under this chapter or any of chapters 30 through 35 of this title (without regard to whether the Secretary or the State approving agency approved the courses offered) in such State—

“(A) to detect misrepresentation, fraud, waste, and abuse;

“(B) to ensure full compliance with the provisions of this chapter; and

“(C) for such other purposes as the Secretary considers appropriate.”

(c) REPORTS.—Section 3674(a)(3) of such title is amended—

(1) by inserting “(A)” before “Each State”; and

(2) by adding at the end the following new subparagraph:

“(B) Each report submitted under subparagraph (A) shall include the following:

“(i) The number of visits made by the agency to educational institutions, including the number of such visits that were made without the prior knowledge of such educational institution.

“(ii) A description of the audits carried out by the agency under section 3673(d)(2) of this title and the findings of the agency, including with respect to any substantiated findings of misrepresentation, fraud, waste, abuse, or failure to comply with an applicable requirement of this chapter and the steps taken by the agency to address such fraud, waste, abuse, or failure to comply.

“(iii) A description of the outreach and training activities conducted by the agency under section 3674B of this title.”

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on August 1, 2013.

#### SEC. 1806. MANDATORY COMPLIANCE REVIEWS.

(a) IN GENERAL.—Section 3693 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(c) In addition to the annual compliance surveys conducted under subsection (a), the Secretary shall also conduct a compliance review, in accordance with such regulations as the Secretary shall prescribe, of an educational institution described in such subsection whenever the Secretary finds any of the following:

“(1) The number of student enrollments at, or the rate of student enrollments of, the educational institution has increased rapidly.

“(2) The student dropout rate of the institution has increased rapidly.

“(3) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution has increased rapidly or is consistently higher than the average of cohort default rate of comparable educational institutions.

“(4) The number of substantiated complaints filed under section 3697C(a)(1) of this title with respect to the educational institution have increased rapidly or is consistently higher than the number of substantiated complaints filed with respect to other comparable educational institutions.

“(5) The educational institution is the subject of a civil lawsuit in Federal or State court, is charged with a crime under Federal or State law, or is the subject of an official investigation of a State or Federal agency for misconduct.

“(6) The educational institution has significant growth in revenue resulting from tuition, including tuition paid with assistance provided under this chapter, chapters 30 through 35 of this title, or the educational assistance programs or authorities specified in section 2006a(c)(1) of title 10, which cannot be attributed to changes made to such chapters by Acts of Congress or changes to the administration of such chapters, programs, or authorities.

“(7) Such other findings as the Secretary considers warrant conducting a compliance survey under subsection (a).”

(b) EFFECTIVE DATE.—Subsection (c) of such section, as added by subsection (a), shall take effect on August 1, 2013.

#### SEC. 1807. TRAINING AND COUNSELING SO VETERANS AND MEMBERS OF THE ARMED FORCES CAN MAKE INFORMED DECISIONS ABOUT EDUCATION.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

##### “§ 3697B. Required one-on-one educational counseling

“(a) PROVISION OF COUNSELING REQUIRED.—(1) The Secretary of Veterans Affairs shall provide individualized, one-on-one educational counseling to all individuals considering pursuing a program of education with assistance furnished under this chapter or any of chapters 30 through 35 of this title.

“(2) The Secretary of Defense shall provide individualized, one-on-one educational counseling to all individuals considering pursuing a program of education with assistance furnished under an educational assistance program or authority specified in section 2006a(c)(1) of title 10.

“(b) TIME AND MANNER OF COUNSELING.—(1) Counseling provided under subsection (a) to an individual described in such subsection considering a program of education shall be provided at or before the individual enrolls in such program as follows:

“(A) To such individuals who have received fewer than 1/3 of the credits necessary to complete the program of education, a complete version of such counseling.

“(B) To such individuals who have received 1/3 or more of the credits necessary to complete the program of education, a condensed version of such counseling as the Secretary of Veterans Affairs or the Secretary of Defense, as the case may be, considers appropriate.

“(2) To the extent practicable, counseling provided under subsection (a) to an individual described in paragraph (1)(A) of this subsection shall be provided in person.

“(3) The Secretary of Veterans Affairs and the Secretary of Defense shall each establish, by regulation, procedures by which individuals may receive counseling provided under subsection (a) when receipt of such counseling in person is not practicable.

“(C) ELEMENTS.—A complete version of counseling provided under subsection (b)(1) for an individual shall include the following:

“(1) An overview of educational assistance available to the individual under this chapter and chapters 30 through 35 of this title or under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, as the case may be.

“(2) Development of a personalized academic and career plan.

“(3) An overview of the information disclosed and made readily available under section 3672(f)(1) of this title relevant to the academic and career plan developed under paragraph (2).

“(4) A discussion of how enrollment in the program of education at the educational institution will affect the individual's academic and career plan and the financial implications for such individual of such enrollment.

“(5) An introduction to the College Navigator Internet website of the Department of Education.

“(d) QUALIFIED COUNSELORS.—Counseling provided under subsection (a) may only be provided by properly trained counselors, as determined by the Secretary of Veterans Affairs and the Secretary of Defense.

“(e) USE OF INFORMATION DISCLOSED BY EDUCATIONAL INSTITUTIONS.—In providing educational assistance under this section, the Secretary of Veterans Affairs and the Secretary of Defense shall, to the degree practicable, use the information disclosed and made readily available under section 3672(f)(1) of this title.

“(f) LINKS TO COLLEGE NAVIGATOR INTERNET WEBSITE OF DEPARTMENT OF EDUCATION.—The Secretary of Veterans Affairs and the Secretary of Defense shall provide links on the Internet websites of the Department of Veterans Affairs of the Department of Defense, respectively, to the College Navigator Internet website of the Department of Education in such a manner as the Secretary of Veterans Affairs and the Secretary of Defense consider appropriate to inform veterans and members of the Armed Forces of the availability of and the benefits of using the College Navigator Internet website.”

(b) CLERICAL AMENDMENT.—The table of sections for chapter 36 of such title is amended by adding at the end the following new item:

“3697B. Required one-on-one educational counseling.”

(c) CLARIFICATION.—

(1) HEADING OF SECTION 3697A OF TITLE 38.—Section 3697A of such title is amended, in the heading, by adding “by election” at the end.

(2) TABLE OF SECTIONS.—The table of sections for chapter 36 of such title is amended by amending the item relating to section 3697A to read as follows:

“3697A. Educational and vocational counseling by election.”

(d) EFFECTIVE DATE.—Section 3697B of such title, as added by paragraph (1), shall take effect on August 1, 2013, and shall apply with respect to individuals considering pursuing programs of education as described in subsection (a) of such section after such date.

#### SEC. 1808. COORDINATION AND OVERSIGHT OF EDUCATIONAL ASSISTANCE PROGRAMS.

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, as amended

by section 1806, is further amended by adding at the end the following new section:

#### “§ 3697C. Coordination and oversight

“(a) DEVELOPMENT OF CENTRALIZED COMPLAINTS PROCESS.—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Veterans Affairs and the Secretary of Defense shall each establish, by regulation, a process whereby persons are able to submit to the Secretaries, including by submitting via State approving agencies, complaints regarding educational institutions relevant to the provision of educational assistance provided under this chapter and chapters 30 through 35 of this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, including complaints regarding misrepresentation, fraud, waste, and abuse.

“(2) The process required by paragraph (1) shall include procedures to address complaints in a timely manner, including review and investigation of such complaints.

“(3) Each year, the Secretary of Veterans Affairs and the Secretary of Defense shall each compile the information they collect under this subsection and share such information with each other and the Secretary of Education, as otherwise allowed under law.

“(b) INFORMATION SHARING BETWEEN SECRETARY OF VETERANS AFFAIRS, SECRETARY OF DEFENSE, AND SECRETARY OF EDUCATION.—(1) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Veterans Affairs and the Secretary of Defense shall each establish, by regulation, a process by which information may be reported by their respective departments to the Secretary of Education and each other regarding information with respect to substantiated acts by educational institutions of misrepresentation, fraud, waste, or abuse or failure to comply with an applicable requirement of this chapter or other information considered appropriate by the reporting Secretary by an educational institution at which an individual is enrolled in a program of education for which the individual receives educational assistance under this chapter, any of chapters 30 through 35 of this title, or an educational assistance program or authority specified in section 2006a(c)(1) of title 10 relevant to the purpose and effective implementation of Federal programs of educational assistance provided under such chapters, programs, or authorities.

“(2) Not later than 180 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Education shall establish a process by which the Secretary of Education notifies the Secretary of Veterans Affairs and the Secretary of Defense of the following with respect to educational institutions:

“(A) Substantiated acts by educational institutions of misrepresentation, fraud, waste, or abuse.

“(B) Loss of accreditation.

“(C) Loss of eligibility under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(D) Has been reported by a Federal or State agency or a nationally recognized accrediting agency or association as failing to comply with, or has a significant risk of failing to comply with, a provision of Federal or State law or a requirement that is a condition for accreditation established by a nationally recognized accrediting agency or association.

“(E) Such other information as the Secretary of Education considers appropriate.

“(c) ANNUAL REPORT ON EDUCATIONAL ASSISTANCE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS AND DEPARTMENT OF DEFENSE.—(1) Not less frequently than once each year, the Secretary of Veterans Affairs and the Secretary of Defense shall each submit to Congress a report on the provision of educational assistance under this chapter and chapters 30 through 35 of this title and under the educational assistance programs and authorities specified in section 2006a(c)(1) of title 10, respectively.

“(2) Each report submitted under subsection (a) shall include, for the period covered by the report and disaggregated by for-profit and not-for-profit educational institutions, the following:

“(A) The number of individuals who received assistance under laws administered by the respective Secretary.

“(B) The amounts of assistance provided.

“(C) A description of any complaints reported under subsection (a) to the respective Secretary or State approving agencies by such individuals with respect to the receipt or use of educational assistance under laws administered by the respective Secretary.

“(D) All substantiated reports of misrepresentation, waste, fraud, abuse, or other acts that are inconsistent with the requirements of this chapter by an educational institution at which an individual is enrolled in a program of education for which the individual is receiving educational assistance under a law administered by the respective Secretary.

“(E) A list of educational institutions which had courses of education that were approved under this chapter in the previous year but were found, in the year covered by the report, not in compliance with a requirement of such chapter.

“(F) Such recommendations for legislative or regulatory action as the respective Secretary considers appropriate to improve the provision of educational assistance under the laws administered by the respective Secretary.

“(G) An assessment of the academic performance of individuals who received educational assistance described in paragraph (1), including graduation rates and dropout rates.

“(H) A list of educational institutions that were approved under this chapter, disaggregated by educational institutions approved under section 3676 of this title.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title, as amended by section 1806, is further amended by adding at the end the following new item:

“3697C. Coordination and oversight.”

**SA 2959.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

#### SEC. 847. REPORTS ON USE OF INDEMNIFICATION AGREEMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of each of fiscal years 2013 through 2016, the Secretary of Defense shall submit to the appropriate committees of Congress a report on any actions described in

subsection (b) which occurred during the preceding fiscal years.

(b) ACTIONS DESCRIBED.—

(1) IN GENERAL.—An action described in this subsection is the Secretary of Defense—

(A) entering into a contract that includes an indemnification provision relating to bodily injury caused by negligence or relating to wrongful death; or

(B) modifying an existing contract to include a provision described in subparagraph (A) in a contract.

(2) EXCLUDED CONTRACTS.—Paragraph (1) shall not apply to any contract awarded in accordance with—

(A) section 2354 of title 10, United States Code; or

(B) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).

(c) MATTERS INCLUDED.—For each action covered in a report under subsection (a), the report shall include—

(1) the name of the contractor;

(2) a description of the indemnification provision included in the contract; and

(3) a justification for the contract including the indemnification provision.

(d) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on the Budget, and the Committee on Appropriations of the House of Representatives.

**SA 2960.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

**SEC. 513. REPORT ON MECHANISMS TO EASE THE REINTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting such members to remain on active duty for a limited period after such deployment (often referred to as a “soft landing”) is feasible and advisable for facilitating and easing that reintegration.

(b) ELEMENTS.—

(1) IN GENERAL.—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) PARTICULAR ELEMENTS.—The study shall take into consideration the following:

(A) Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;

(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.

(C) Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.

(E) Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.

(F) Appropriate recommendations for the elements of a program to assist members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components and reserve components of the Armed Forces.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

**SA 2961.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. REQUIREMENT TO USE HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.**

(a) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2017. Requirement to use human-based methods for certain medical training**

“(a) COMBAT TRAUMA INJURIES.—(1) Not later than October 1, 2014, the Secretary of Defense shall develop, test, and validate human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries with the goal of replacing live animal-based training methods.

“(2) Not later than October 1, 2016, the Secretary—

“(A) shall only use human-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries; and

“(B) may not use animals for such purpose.

“(b) EXCEPTION FOR PARTICULAR COMMANDS AND TRAINING METHODS.—(1) The Secretary may exempt a particular command, particular training method, or both, from the requirement for human-based training methods under subsection (a)(2) if the Secretary determines that human-based training methods will not provide an educationally equivalent or superior substitute for live animal-based training methods for such command or training method, as the case may be.

“(2) Any exemption under this subsection shall be for such period, not more than one year, as the Secretary shall specify in granting the exemption. Any exemption may be renewed (subject to the preceding sentence).

“(c) ANNUAL REPORTS.—(1) Not later than October 1, 2013, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods and replacement of live animal-based training methods for the purpose of training members of the armed forces in the treatment of combat trauma injuries under this section.

“(2) Each report under this subsection on or after October 1, 2016, shall include a description of any exemption under subsection (b) that is in force as of the time of such report, and a current justification for such exemption.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘combat trauma injuries’ means severe injuries likely to occur during combat, including—

“(A) hemorrhage;

“(B) tension pneumothorax;

“(C) amputation resulting from blast injury;

“(D) compromises to the airway; and

“(E) other injuries.

“(2) The term ‘human-based training methods’ means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

“(A) simulators;

“(B) partial task trainers;

“(C) moulage;

“(D) simulated combat environments;

“(E) human cadavers; and

“(F) rotations in civilian and military trauma centers.

“(3) The term ‘partial task trainers’ means training aids that allow individuals to learn or practice specific medical procedures.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by adding at the end the following new item:

“2017. Requirement to use human-based methods for certain medical training.”

**SA 2962.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of C subtitle of title II, add the following:

**SEC. 238. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81; 125 Stat. 1340) requires a homeland defense hedging policy and strategy report from the Secretary of Defense.

(2) The report was required to be submitted not later than 75 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet submitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr., Commander of the United States Northern Command, the combatant command responsible for operation of the Ground-based Midcourse Defense system to defend the homeland against ballistic missile threats, testified before Congress that “I am confident in my ability to successfully defend the homeland from the current set of limited long-range ballistic missile threats”, and that “[a]gainst current threats from the Middle East, I am confident we are well positioned”.

(5) Phase 4 of the European Phased Adaptive Approach (EPAA) is intended to augment the currently deployed homeland defense capability of the Ground-based Midcourse Defense system against a potential future Iranian long-range missile threat by deploying an additional layer of forward-deployed interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does “not know if Iran will eventually decide to build nuclear weapons”, it judges “that Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon”. He also testified that “Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload”.

(7) The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, “Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submunitions payloads”, and that it continues to develop missiles that can strike Israel and Eastern Europe. It also states that “Iran has launched multistage space launch vehicles that could serve as a testbed for developing long-range ballistic missile technologies”, and that “[w]ith sufficient foreign assistance, Iran may be technically capable of flight-testing an intercontinental ballistic missile by 2015”.

(8) Despite the failure of its April 2012 satellite launch attempt, North Korea warned the United States in October 2012 that the United States mainland is within range of its missiles.

(9) The threat of limited ballistic missile attack against the United States homeland from countries such as North Korea and Iran is increasing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of section 233 of the National Defense Authorization Act for Fiscal Year 2012 by submitting the homeland defense hedging policy and strategy report to Congress.

**SA 2963.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.**

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

**SA 2964.** Mr. CHAMBLISS (for himself and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 643. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.**

(a) ACCUMULATION OF 90-DAY PERIODS OF SERVICE WITHIN ANY TWO CONSECUTIVE FISCAL YEARS.—Section 12731(f)(2)(A) of title 10, United States Code, is amended by striking “in any fiscal year” and inserting “in any two consecutive fiscal years”.

(b) RETROACTIVE EFFECTIVE DATE AND APPLICABILITY.—The amendment made by subsection (a) shall take effect as of January 28, 2008, as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181) as enacted, and shall apply with respect to service described by paragraph (2) of section 12731(f) of title 10, United States Code (as amended by Public Law 110–

181 and subsection (a)), that occurs on or after September 11, 2001.

**SA 2965.** Mr. HATCH (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) ELIGIBILITY FOR ANNUITY.—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”.

(c) MANDATORY SEPARATION.—Section 8425 of such title is amended—



(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) COMPUTATION OF BASIC ANNUITY.—Section 8415(e) of such title is amended—

(1) in paragraph (1), by striking “total service as” and inserting “civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate,”; and

(2) in paragraph (2), by striking “so much of such individual’s total service as exceeds 20 years” and inserting “the remainder of such individual’s total service”.

(e) EFFECTIVE DATE.—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

**SA 2966.** Mr. HATCH (for himself and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

**SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.**

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) **DEMONSTRATION PROJECT AUTHORIZED.**—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level as able to perform multiple trades shall be promoted by one grade level.”; and

(2) in subsection (b), by striking “Logistics Center, Navy Fleet Readiness Center,” and inserting “Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base.”.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking “2013” and inserting “2018”; and

(2) in subsection (e), by striking “2014” and inserting “2019”.

**SA 2967.** Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. DETERMINATION OF CERTAIN SERVICE IN PHILIPPINES DURING WORLD WAR II.**

(a) **IN GENERAL.**—The Secretary of Defense, in consultation with the Secretary of Veterans Affairs and such military historians as the Secretary of Defense considers appropriate, shall establish a process to determine whether a covered individual served as described in subsection (a) or (b) of section 107 of title 38, United States Code, for purposes of determining whether such covered individual is eligible for benefits described in such subsections.

(b) **COVERED INDIVIDUALS.**—For purposes of this section, a covered individual is any individual who—

(1) claims service described in subsection (a) or (b) of section 107 of title 38, United States Code; and

(2) is not included in the Approved Revised Reconstructed Guerilla Roster of 1948, known as the “Missouri List”.

**SA 2968.** Mr. COATS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1024. TRANSFER OF CERTAIN NAVAL VESSELS TO TAIWAN.**

(a) **TRANSFER BY SALE.**—The President is authorized to transfer the OLIVER HAZARD PERRY class guided missile frigates USS UNDERWOOD (FFG-36), USS CARR (FFG-52), USS VANDEGRIFT (FFG-48), and USS NICHOLAS (FFG-47) to the Taipei Economic and Cultural Representative Office of the United States (which is the Taiwan instrumentality designated pursuant to section 10(a) of the Taiwan Relations Act (22 U.S.C. 3309(a))) on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761).

(b) **ALTERNATIVE TRANSFER AUTHORITY.**—In the event that a recipient to which a vessel transfer is authorized under subsection (a) declines to accept the transfer, the President is authorized to transfer such vessel to another eligible recipient. Each such transfer shall be on a sale basis under section 21 of the Arms Export Control Act (22 U.S.C. 2761), and shall be subject to the applicable congressional notification requirements of that Act.

(c) **COSTS OF TRANSFERS.**—Any expense incurred by the United States in connection with a transfer authorized by this section

shall be charged to the recipient (notwithstanding section 516(e)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(e)(1))).

(d) **REPAIR AND REFURBISHMENT IN UNITED STATES SHIPYARDS.**—To the maximum extent practicable, the President shall require, as a condition of the transfer of a vessel under this section, that the recipient to which the vessel is transferred have such repair or refurbishment of the vessel as is needed, before the vessel joins the naval forces of that recipient, performed at a shipyard located in the United States, including a United States Navy shipyard.

(e) **EXPIRATION OF AUTHORITY.**—The authority to transfer a vessel under this section shall expire at the end of the 3-year period beginning on the date of the enactment of this Act.

**SA 2969.** Mr. HELLER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.

(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

**SA 2970.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department



of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2824. DEFINITION OF RENEWABLE ENERGY SOURCE FOR PURPOSES OF DEPARTMENT OF DEFENSE ENERGY SECURITY.**

Section 2924(7)(A) of title 10, United States Code, is amended by inserting “and direct solar renewable energy as defined in section 605(c) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17173(c))” after “Solar, including electricity”.

**SA 2971.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.**

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

**SA 2972.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.**

It is the sense of Congress that the bugle call commonly known as “Taps” should be designated as the National Song of Military Remembrance.

**SA 2973.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize ap-

propriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.**

It is the sense of the Senate that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

**SA 2974.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. INAPPLICABILITY TO DEPARTMENT OF DEFENSE OF CERTAIN ALTERNATIVE FUEL PROCUREMENT REQUIREMENTS.**

Section 526 of the Energy Independence and Security Act of 2007 (Public Law 110-140; 42 U.S.C. 17142) is amended—

(1) by inserting “(a) IN GENERAL.—” before “No Federal agency”; and

(2) by adding at the end the following new subsection:

“(b) INAPPLICABILITY TO DEPARTMENT OF DEFENSE.—This section shall not apply to the Department of Defense.”.

**SA 2975.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. MODIFICATION OF DEFINITION.**

Section 3(2)(B)(v) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)(v)) is amended by inserting after “Code,” the following: “or any component of any such article, including, without limitation, shot, bullets and other projectiles, propellants, and primers.”.

**SA 2976.** Mr. INHOFE submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. REQUIREMENT FOR DETENTION AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, OF HIGH-VALUE DETAINEES WHO WILL BE DETAINED LONG-TERM.**

(a) **REQUIREMENT.**—Each high-value enemy combatant who is captured or otherwise taken into long-term custody or detention by the United States shall, while under such detention of the United States, be detained at the Guantanamo Bay Detention Facility (GTMO) at United States Naval Station, Guantanamo Bay, Cuba.

(b) **HIGH-VALUE ENEMY COMBATANT DEFINED.**—In this section, the term “high-value enemy combatant” means an enemy combatant who—

(1) is a senior member of al-Qaeda, the Taliban, or any associated terrorist group;

(2) has knowledge of an imminent terrorist threat against the United States or its territories, the Armed Forces of the United States, the people or organizations of the United States, or an ally of the United States;

(3) has, or has had, direct involvement in planning or preparing a terrorist action against the United States or an ally of the United States or in assisting the leadership of al-Qaeda, the Taliban, or any associated terrorist group in planning or preparing such a terrorist action; or

(4) if released from detention, would constitute a clear and continuing threat to the United States or any ally of the United States.

**SA 2977.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 827. SECRETARY OF DEFENSE ASSESSMENT OF INDEPENDENT COMMISSION TO REFORM FEDERAL ACQUISITION RULES.**

(a) **ASSESSMENT.**—The Secretary of Defense shall, in consultation with the other members of the Federal Acquisition Regulatory Council, conduct an assessment the feasibility and advisability of establishing an independent commission to streamline and simplify current Federal acquisition rules and guidance. The purpose of the commission for purposes of the assessment shall be to reduce, consolidate, and update all Federal acquisition rules in order to create an acquisition system that is more cost effective, efficient, and timely.

(b) **ELEMENTS.**—The assessment required by subsection (a) shall include, but not be limited to, the following:

(1) A comprehensive review of current Federal acquisition rules affecting defense acquisition.

(2) A consideration of the history, rationale, and effects of the proliferation of the documents, rules, and regulations relating to the Federal acquisition process.

(3) The impact of current Federal acquisition rules on open competition, small business participation, and execution of contracts.

(4) The impact of current Federal acquisition rules on warfighter access to the latest technologies and weapon systems.

(5) Such recommendations as the Secretary considers appropriate regarding potential changes to documents, rules, and procedures relating to the Federal acquisition process.

(6) An assessment of the feasibility and advisability of establishing an independent commission to reform Federal acquisition rules.

(7) If such an independent commission is considered feasible and advisable, such recommendation on the size, composition, and duration of the commission as the Secretary considers appropriate.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the results of the assessment required by subsection (a).

**SA 2978.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. PLAN TO INCREASE NUMBER OF CONTRACTORS ELIGIBLE FOR CONTRACTS UNDER AIR FORCE NETCENTS-2 CONTRACT.**

(a) PLAN REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to increase the number of contractors eligible to be awarded contracts under the Air Force's Network-Centric Solutions-2 (NETCENTS-2) indefinite-delivery, indefinite-quantity (IDIQ) contract.

(b) CONTENT.—The plan required under subsection (a) shall include the following elements:

(1) A recommendation and rationale for a maximum number of contractors to be eligible for contract awards under NETCENTS-2 to foster competition and reduce overall costs associated with hardware and operation and maintenance of Air Networks.

(2) The methodology used to periodically review existing eligible NETCENTS-2 contractors and contracts.

(3) A timeline to increase the current number of eligible contractors under NETCENTS-2 and dates of future "on-ramps" under NETCENTS-2 to assess current eligible contractors and add additional eligible contractors.

**SA 2979.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

**SEC. 272. SENSE OF SENATE ON USE OF ARTIFICIAL INTELLIGENCE IN TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while modeling and simulation has reduced the overall costs of training of members of the Armed Forces, there are significant costs associated with contractor overhead, including costs in connection with playing the role of opposing forces, civilian populations, government agencies, and non-government organizations during training exercises;

(3) advances in artificial intelligence could reduce the number of contractors required to support training exercises for members of the Armed Forces, and thereby reduce overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of artificial intelligence during training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

**SA 2980.** Mrs. BOXER (for herself, Mr. GRASSLEY, and Mr. MANCHIN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 238, between lines 15 and 16, insert the following:

(c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been

characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

**SA 2981.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.**

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

- (1) Rape.
- (2) Sexual abuse.
- (3) Sexual assault.
- (4) Incest.
- (5) Any other sexual offense.

**SA 2982.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PROHIBITIONS RELATING TO REFERENCES TO GI BILL AND POST-9/11 GI BILL.**

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill**

“(a) PROHIBITION.—(1) No person may, except with the written permission of the Secretary, use the words and phrases covered by this subsection in connection with any promotion, goods, services, or commercial activity in a manner reasonably and falsely

tending to suggest that such use is approved, endorsed, or authorized by the Department or any component thereof.

“(2) For purposes of this subsection, the words and phrases covered by this subsection are as follows:

“(A) ‘GI Bill’.

“(B) ‘Post-9/11 GI Bill’.

“(3) A determination that a use of one or more words and phrases covered by this subsection in connection with a promotion, goods, services, or commercial activity is not a violation of this subsection may not be made solely on the ground that such promotion, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

“(b) ENFORCEMENT BY ATTORNEY GENERAL.—(1) Whenever it appears to the Attorney General of the United States that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

“(2) Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

“3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill.”.

**SA 2983.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 10. DESIGNATION OF DISTINGUISHED FLYING CROSS NATIONAL MEMORIAL IN RIVERSIDE, CALIFORNIA.**

(a) DESIGNATION.—The memorial to members of the Armed Forces who have been awarded the Distinguished Flying Cross at March Field Air Museum in Riverside, California, is designated as the “Distinguished Flying Cross National Memorial”.

(b) EFFECT OF DESIGNATION.—The national memorial designated by this section is not a unit of the National Park System, and the designation of the national memorial shall not be construed to require or permit Federal funds to be expended for any purpose related to the national memorial.

**SA 2984.** Mr. BINGAMAN (for himself and Mr. UDALL of New Mexico) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**SEC. 10. WHITE SANDS MISSILE RANGE AND FORT BLISS.**

(a) WITHDRAWAL.—

(1) IN GENERAL.—Subject to valid existing rights and paragraph (3), the Federal land described in paragraph (2) is withdrawn from—

(A) entry, appropriation, and disposal under the public land laws;

(B) location, entry, and patent under the mining laws; and

(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(2) DESCRIPTION OF FEDERAL LAND.—The Federal land referred to in paragraph (1) consists of—

(A) the approximately 5,100 acres of land depicted as “Parcel 1” on the map entitled “White Sands Missile Range/Fort Bliss/BLM Land Transfer and Withdrawal” and dated April 3, 2012 (referred to in this section as the “map”);

(B) the approximately 37,600 acres of land depicted as “Parcel 2”, “Parcel 3”, and “Parcel 4” on the map; and

(C) any land or interest in land that is acquired by the United States within the boundaries of the parcels described in subparagraph (B).

(3) LIMITATION.—Notwithstanding paragraph (1), the land depicted as “Parcel 4” on the map is not withdrawn for purposes of the issuance of oil and gas pipeline rights-of-way.

(b) RESERVATION.—The Federal land described in subsection (a)(2)(A) is reserved for use by the Secretary of the Army for military purposes in accordance with Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).

(c) TRANSFER OF ADMINISTRATIVE JURISDICTION.—Effective on the date of enactment of this Act, administrative jurisdiction over the approximately 2,050 acres of land generally depicted as “Parcel 2” on the map—

(1) is transferred from the Secretary of the Army to the Secretary of the Interior (acting through the Director of the Bureau of Land Management); and

(2) shall be managed in accordance with—

(A) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(B) any other applicable laws.

(d) LEGAL DESCRIPTION.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall publish in the Federal Register a legal description of the Federal land withdrawn by subsection (a).

(2) FORCE OF LAW.—The legal description published under paragraph (1) shall have the same force and effect as if included in this Act, except that the Secretary of the Interior may correct errors in the legal description.

(3) REIMBURSEMENT OF COSTS.—The Secretary of the Army shall reimburse the Secretary of the Interior for any costs incurred by the Secretary of the Interior in implementing this subsection with regard to the Federal land described in subsection (a)(2)(A).

**SA 2985.** Mr. UDALL of Colorado (for himself, Mrs. MURRAY, Mrs. SHAHEEN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 313.

**SA 2986.** Mr. CASEY (for himself, Mr. ENZI, and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. SUBCONTRACTOR NOTIFICATIONS.**

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”.

**SA 2987.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.**

(a) FISCAL YEAR 2013 ADMINISTRATION.—Notwithstanding section 2302(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(c)), the Secretary of Defense may administer the Troops-to-Teachers Program during fiscal year 2013. Amounts authorized to be appropriated for the Department of Defense by this Act shall be available to the Secretary of Defense for that purpose.

(b) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(c) DEFINITION OF LOCAL EDUCATIONAL AGENCY AND PUBLIC CHARTER SCHOOLS.—

(1) AMENDMENT.—Section 2304(a)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674(a)(1)(B)) is amended to read as follows:

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical education teacher for not less than 3 school years with a local educational agency receiving a grant under part A of title I, a public charter school (as such term is defined in section 2102) residing in such a local educational agency, or a Bureau-funded school (as such term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), to begin the school year after obtaining that certification or licensing.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect 30 days after the date of the enactment of this Act.

**SA 2988.** Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. MODIFICATION OF RULE OF CONSTRUCTION OF PROHIBITION ON INFRINGING THE INDIVIDUAL RIGHT TO LAWFULLY ACQUIRE, POSSESS, OWN, CARRY, AND USE PRIVATELY OWNED FIREARMS, AMMUNITION, AND OTHER WEAPONS.**

Section 1062(c) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4363; 10 U.S.C. 1030 note prec.) is amended—

(1) in paragraph (1)(B), by striking “or” at the end;

(2) in paragraph (2), by striking the period and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) make reasonable inquiries regarding the conduct or plans of a member of the Armed Forces for the purposes of suicide prevention, prevention of domestic violence, child protection, day care screening, sexual assault response, school counseling, and similar activities, if the Secretary has reasonable grounds to believe that the member is at high risk for suicide or causing harm to others.”.

**SA 2989.** Mrs. MURRAY (for herself and Mr. BURR) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.**

Section 2023(d) of title 38, United States Code, is amended by striking “September 30, 2012” and inserting “September 30, 2013”.

**SA 2990.** Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**TITLE —NUCLEAR TERRORISM CONVENTIONS AND MARITIME SAFETY**  
**SEC. —01. SHORT TITLE.**

This title may be cited as the “Nuclear Terrorism Conventions Implementation and Safety of Maritime Navigation Act of 2012”.

**Subtitle A—Safety of Maritime Navigation**  
**SEC. —11. AMENDMENT TO SECTION 2280 OF TITLE 18, UNITED STATES CODE.**

Section 2280 of title 18, United States Code, is amended—

(1) in subsection (b)(1)(A)—

(A) in clause (i), by striking “a ship flying the flag of the United States” and inserting “a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46)”;

(B) in clause (ii), by inserting “, including the territorial seas” after “in the United States”; and

(C) in clause (iii), by inserting “, by a United States corporation or legal entity,” after “by a national of the United States”;

(2) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(3) by striking subsections (d) and (e) and inserting the following:

“(d) **DEFINITIONS.**—In this section and in sections 2280a, 2281, and 2281a:

“(1) **APPLICABLE TREATY.**—The term ‘applicable treaty’ means—

“(A) the Convention for the Suppression of Unlawful Seizure of Aircraft, done at The Hague on 16 December 1970;

“(B) the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 23 September 1971;

“(C) the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted by the General Assembly of the United Nations on 14 December 1973;

“(D) International Convention against the Taking of Hostages, adopted by the General Assembly of the United Nations on 17 December 1979;

“(E) the Convention on the Physical Protection of Nuclear Material, done at Vienna on 26 October 1979;

“(F) the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, done at Montreal on 24 February 1988;

“(G) the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, done at Rome on 10 March 1988;

“(H) International Convention for the Suppression of Terrorist Bombings, adopted by the General Assembly of the United Nations on 15 December 1997; and

“(I) International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly of the United Nations on 9 December 1999.

“(2) **ARMED CONFLICT.**—The term ‘armed conflict’ does not include internal disturbances and tensions, such as riots, isolated and sporadic acts of violence, and other acts of a similar nature.

“(3) **BIOLOGICAL WEAPON.**—The term ‘biological weapon’ means—

“(A) microbial or other biological agents, or toxins whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective, or other peaceful purposes; or

“(B) weapons, equipment, or means of delivery designed to use such agents or toxins for hostile purposes or in armed conflict.

“(4) **CHEMICAL WEAPON.**—The term ‘chemical weapon’ means, together or separately—

“(A) toxic chemicals and their precursors, except if intended for—

“(i) industrial, agricultural, research, medical, pharmaceutical, or other peaceful purposes;

“(ii) protective purposes, namely those purposes directly related to protection against toxic chemicals and to protection against chemical weapons;

“(iii) military purposes not connected with the use of chemical weapons and not dependent on the use of the toxic properties of chemicals as a method of warfare; or

“(iv) law enforcement, including domestic riot control purposes, if the types and quantities are consistent with such purposes;

“(B) munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals specified in subparagraph (A), which would be released as a result of the employment of such munitions and devices; and

“(C) any equipment specifically designed for use directly in connection with the employment of munitions and devices specified in subparagraph (B).

“(5) **COVERED SHIP.**—The term ‘covered ship’ means a ship that is navigating or is scheduled to navigate into, through or from waters beyond the outer limit of the territorial sea of a single country or a lateral limit of that country’s territorial sea with an adjacent country.

“(6) **EXPLOSIVE MATERIALS.**—The term ‘explosive materials’ has the meaning given the term in section 841(c) and includes an explosive (as defined in section 844(j)).

“(7) **INFRASTRUCTURE FACILITY.**—The term ‘infrastructure facility’ has the meaning given the term in section 2332f(e)(5).

“(8) **INTERNATIONAL ORGANIZATION.**—The term ‘international organization’ has the meaning given the term in section 831(f)(3).

“(9) **MILITARY FORCES OF A STATE.**—The term ‘military forces of a state’ means the armed forces of a state which are organized, trained, and equipped under its internal law for the primary purpose of national defense or security, and persons acting in support of those armed forces who are under their formal command, control, and responsibility.

“(10) **NATIONAL OF THE UNITED STATES.**—The term ‘national of the United States’ has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(11) **NON-PROLIFERATION TREATY.**—The term ‘Non-Proliferation Treaty’ means the Treaty on the Non-Proliferation of Nuclear Weapons, done at Washington, London, and Moscow on 1 July 1968.

“(12) **NON-PROLIFERATION STATE PARTY.**—The term ‘Non-Proliferation Treaty State Party’ means any State Party to the Non-Proliferation Treaty, to include Taiwan, which shall be considered to have the obligations under the Non-Proliferation Treaty of

a party to that treaty other than a Nuclear Weapon State Party to the Non-Proliferation Treaty.

“(13) NUCLEAR WEAPON STATE PARTY TO THE NON-PROLIFERATION TREATY.—The term ‘Nuclear Weapon State Party to the Non-Proliferation Treaty’ means a State Party to the Non-Proliferation Treaty that is a nuclear-weapon State, as that term is defined in Article IX(3) of the Non-Proliferation Treaty.

“(14) PLACE OF PUBLIC USE.—The term ‘place of public use’ has the meaning given the term in section 2332f(e)(6).

“(15) PRECURSOR.—The term ‘precursor’ has the meaning given the term in section 229F(6)(A).

“(16) PUBLIC TRANSPORTATION SYSTEM.—The term ‘public transportation system’ has the meaning given the term in section 2332f(e)(7).

“(17) SERIOUS INJURY OR DAMAGE.—The term ‘serious injury or damage’ means—

“(A) serious bodily injury,

“(B) extensive destruction of a place of public use, State or government facility, infrastructure facility, or public transportation system, resulting in major economic loss, or

“(C) substantial damage to the environment, including air, soil, water, fauna, or flora.

“(18) SHIP.—The term ‘ship’ means a vessel of any type whatsoever not permanently attached to the sea-bed, including dynamically supported craft, submersibles, or any other floating craft, but does not include a warship, a ship owned or operated by a government when being used as a naval auxiliary or for customs or police purposes, or a ship which has been withdrawn from navigation or laid up.

“(19) SOURCE MATERIAL.—The term ‘source material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

“(20) SPECIAL FISSIONABLE MATERIAL.—The term ‘special fissionable material’ has the meaning given that term in the International Atomic Energy Agency Statute, done at New York on 26 October 1956.

“(21) TERRITORIAL SEA OF THE UNITED STATES.—The term ‘territorial sea of the United States’ means all waters extending seaward to 12 nautical miles from the baselines of the United States determined in accordance with international law.

“(22) TOXIC CHEMICAL.—The term ‘toxic chemical’ has the meaning given the term in section 229F(8)(A).

“(23) TRANSPORT.—The term ‘transport’ means to initiate, arrange or exercise effective control, including decision making authority, over the movement of a person or item.

“(24) UNITED STATES.—The term ‘United States’, when used in a geographical sense, includes the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and all territories and possessions of the United States.

“(e) EXCEPTIONS.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(f) DELIVERY OF SUSPECTED OFFENDER.—The master of a covered ship flying the flag of the United States who has reasonable grounds to believe that there is on board

that ship any person who has committed an offense under section 2280 or section 2280a may deliver such person to the authorities of a country that is a party to the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Before delivering such person to the authorities of another country, the master shall notify in an appropriate manner the Attorney General of the United States of the alleged offense and await instructions from the Attorney General as to what action to take. When delivering the person to a country which is a state party to the Convention, the master shall, whenever practicable, and if possible before entering the territorial sea of such country, notify the authorities of such country of the master’s intention to deliver such person and the reasons therefor. If the master delivers such person, the master shall furnish to the authorities of such country the evidence in the master’s possession that pertains to the alleged offense.

“(g)(1) CIVIL FORFEITURE.—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) APPLICABLE PROCEDURES.—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 of title 18, United States Code, relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”.

#### SEC. 12. VIOLENCE AGAINST MARITIME NAVIGATION.

(a) IN GENERAL.—Chapter 111 of title 18, United States Code, is amended by adding after section 2280 the following:

##### “§ 2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction

“(a) OFFENSES.—

“(1) IN GENERAL.—Subject to the exceptions set forth in subsection (c), a person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a ship or discharges from a ship any explosive or radioactive material, biological, chemical, or nuclear weapon or other nuclear explosive device in a manner that causes or is likely to cause death to any person or serious injury or damage;

“(ii) discharges from a ship oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death to any person or serious injury or damage; or

“(iii) uses a ship in a manner that causes death to any person or serious injury or damage;

“(B) transports on board a ship—

“(i) any explosive or radioactive material, knowing that it is intended to be used to cause, or in a threat to cause, death to any person or serious injury or damage for the purpose of intimidating a population, or compelling a government or an international organization to do or to abstain from doing any act;

“(ii) any biological, chemical, or nuclear weapon or other nuclear explosive device, knowing it to be a biological, chemical, or nuclear weapon or other nuclear explosive device;

“(iii) any source material, special fissionable material, or equipment or material especially designed or prepared for the processing, use, or production of special fissionable material, knowing that it is intended to be used in a nuclear explosive activity or in any other nuclear activity not under safeguards pursuant to an International Atomic Energy Agency comprehensive safeguards agreement, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of the Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(iv) any equipment, materials, or software or related technology that significantly contributes to the design or manufacture of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, unless—

“(I) the country to the territory of which or under the control of which such item is transferred is a Nuclear Weapon State Party to the Non-Proliferation Treaty; and

“(II) the resulting transfer or receipt (including internal to a country) is not contrary to the obligations under the Non-Proliferation Treaty of a Non-Proliferation Treaty State Party from which, to the territory of which, or otherwise under the control of which such item is transferred;

“(v) any equipment, materials, or software or related technology that significantly contributes to the delivery of a nuclear weapon or other nuclear explosive device, with the intention that it will be used for such purpose, except where—

“(I) such item is transported to or from the territory of, or otherwise under the control of, a Non-Proliferation Treaty State Party; and

“(II) such item is intended for the delivery system of a nuclear weapon or other nuclear explosive device of a Nuclear Weapon State Party to the Non-Proliferation Treaty; or

“(vi) any equipment, materials, or software or related technology that significantly contributes to the design, manufacture, or delivery of a biological or chemical weapon, with the intention that it will be used for such purpose;

“(C) transports another person on board a ship knowing that the person has committed an act that constitutes an offense under section 2280 or subparagraphs (A), (B), (D), or (E) of this paragraph or an offense set forth in an applicable treaty, as specified in section 2280(d)(1), and intending to assist that person to evade criminal prosecution;

“(D) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraphs (A) through (C), or subsection (a)(2), to the extent that the offense set forth in subsection (a)(2) pertains to subparagraph (A);

“(E) attempts to do any act prohibited under subparagraph (A), (B), or (D); or

“(F) conspires to do any act prohibited under this subsection,

shall be fined under this title, imprisoned not more than 20 years, or both; and if the

death of any person results from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

“(2) **THREATS.**—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A) shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) **JURISDICTION.**—There is jurisdiction over the activity prohibited under subsection (a)—

“(1) in the case of a covered ship, if—

“(A) such activity is committed—

“(i) against or on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) at the time the prohibited activity is committed;

“(ii) in the United States, including the territorial seas; or

“(iii) by a national of the United States, by a United States corporation or legal entity, or by a stateless person whose habitual residence is in the United States;

“(B) during the commission of such activity, a national of the United States is seized, threatened, injured, or killed; or

“(C) the offender is later found in the United States after such activity is committed;

“(2) in the case of a ship navigating or scheduled to navigate solely within the territorial sea or internal waters of a country other than the United States, if the offender is later found in the United States after such activity is committed; or

“(3) in the case of any vessel, if such activity is committed in an attempt to compel the United States to do or abstain from doing any act.

“(c) **EXCEPTIONS.**—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d)(1) **CIVIL FORFEITURE.**—Any real or personal property used or intended to be used to commit or to facilitate the commission of a violation of this section, the gross proceeds of such violation, and any real or personal property traceable to such property or proceeds, shall be subject to forfeiture.

“(2) **APPLICABLE PROCEDURES.**—Seizures and forfeitures under this section shall be governed by the provisions of chapter 46 relating to civil forfeitures, except that such duties as are imposed upon the Secretary of the Treasury under the customs laws described in section 981(d) shall be performed by such officers, agents, and other persons as may be designated for that purpose by the Secretary of Homeland Security, the Attorney General, or the Secretary of Defense.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2280 the following:

“2280a. Violence against maritime navigation and maritime transport involving weapons of mass destruction.”

#### **SEC. 13. EXCEPTIONS TO LAW PROHIBITING VIOLENCE AGAINST MARITIME FIXED PLATFORMS.**

Section 2281 of title 18, United States Code, is amended—

(1) in subsection (c), by striking “section 2(c)” and inserting “section 13(c)”;

(2) in subsection (d), by striking the definitions of “national of the United States,” “territorial sea of the United States,” and “United States”; and

(3) by adding at the end the following:

“(e) **EXCEPTIONS.**—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”

#### **SEC. 14. ADDITIONAL OFFENSES AGAINST MARITIME FIXED PLATFORMS.**

(a) **IN GENERAL.**—Chapter 111 of title 18, United States Code, is amended by adding after section 2281 the following:

##### **“§ 2281a. Additional offenses against maritime fixed platforms**

“(a) **OFFENSES.**—

“(1) **IN GENERAL.**—A person who unlawfully and intentionally—

“(A) when the purpose of the act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act—

“(i) uses against or on a fixed platform or discharges from a fixed platform any explosive or radioactive material, biological, chemical, or nuclear weapon in a manner that causes or is likely to cause death or serious injury or damage; or

“(ii) discharges from a fixed platform oil, liquefied natural gas, or another hazardous or noxious substance that is not covered by clause (i), in such quantity or concentration that causes or is likely to cause death or serious injury or damage;

“(B) injures or kills any person in connection with the commission or the attempted commission of any of the offenses set forth in subparagraph (A); or

“(C) attempts or conspires to do anything prohibited under subparagraph (A) or (B), shall be fined under this title, imprisoned not more than 20 years, or both; and if death results to any person from conduct prohibited by this paragraph, shall be punished by death or imprisoned for any term of years or for life.

“(2) **THREAT TO SAFETY.**—A person who threatens, with apparent determination and will to carry the threat into execution, to do any act prohibited under paragraph (1)(A), shall be fined under this title, imprisoned not more than 5 years, or both.

“(b) **JURISDICTION.**—There is jurisdiction over the activity prohibited under subsection (a) if—

“(1) such activity is committed against or on board a fixed platform—

“(A) that is located on the continental shelf of the United States;

“(B) that is located on the continental shelf of another country, by a national of the United States or by a stateless person whose habitual residence is in the United States; or

“(C) in an attempt to compel the United States to do or abstain from doing any act;

“(2) during the commission of such activity against or on board a fixed platform located on a continental shelf, a national of the United States is seized, threatened, injured, or killed; or

“(3) such activity is committed against or on board a fixed platform located outside the United States and beyond the continental shelf of the United States and the offender is later found in the United States.

“(c) **EXCEPTIONS.**—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(d) **DEFINITIONS.**—In this section:

“(1) **CONTINENTAL SHELF.**—The term ‘continental shelf’ means the sea-bed and subsoil of the submarine areas that extend beyond a country’s territorial sea to the limits provided by customary international law as reflected in Article 76 of the 1982 Convention on the Law of the Sea.

“(2) **FIXED PLATFORM.**—The term ‘fixed platform’ means an artificial island, installation, or structure permanently attached to the sea-bed for the purpose of exploration or exploitation of resources or for other economic purposes.”

(b) **CONFORMING AMENDMENT.**—The table of sections at the beginning of chapter 111 of title 18, United States Code, is amended by adding after the item relating to section 2281 the following:

“2281a. Additional offenses against maritime fixed platforms.”

#### **SEC. 15. ANCILLARY MEASURES.**

(a) **FEDERAL CRIME OF TERRORISM.**—Section 2332b(g)(5)(B) of title 18, United States Code, is amended, by striking “2281” and inserting “2280a (relating to maritime safety), 2281 through 2281a”.

(b) **PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.**—Section 2339A(a) of title 18, United States Code, is amended by striking, “2280, 2281” and inserting, “2280, 2281a”.

(c) **WIRETAP PREDICATES.**—Section 2516(1)(q) of title 18, United States Code, is amended by striking “or section” and inserting “, section 2280, 2280a, 2281, or 2281a” (relating to maritime safety), or section”.

#### **Subtitle B—Prevention of Nuclear Terrorism**

##### **SEC. 21. ACTS OF NUCLEAR TERRORISM.**

(a) **IN GENERAL.**—Chapter 113B of title 18, United States Code, is amended by adding after section 2332h the following:

##### **“§ 2332i. Acts of nuclear terrorism**

“(a) **OFFENSES.**—

“(1) **IN GENERAL.**—Any person who knowingly and unlawfully—

“(A) possesses radioactive material or makes or possesses a device—

“(i) with the intent to cause death or serious bodily injury; or

“(ii) with the intent to cause substantial damage to property or the environment; or

“(B) uses in any way radioactive material or a device, or uses or damages or interferes with the operation of a nuclear facility in a manner that causes the release of or increases the risk of the release of radioactive material, or causes radioactive contamination or exposure to radiation—

“(i) with the intent to cause death or serious bodily injury or with the knowledge that such act is likely to cause death or serious bodily injury;

“(ii) with the intent to cause substantial damage to property or the environment or with the knowledge that such act is likely to cause substantial damage to property or the environment; or

“(iii) with the intent to compel a person, an international organization or a country to do or refrain from doing an act, shall be punished as prescribed in subsection (c).

“(2) **THREATS.**—Any person who, under circumstances in which the threat may reasonably be believed, threatens to commit an offense under paragraph (1) shall be punished



as prescribed in subsection (c). Whoever demands possession of or access to radioactive material, a device or a nuclear facility by threat or by use of force shall be punished as prescribed in subsection (c).

“(3) ATTEMPTS AND CONSPIRACIES.—Any person who attempts to commit an offense under paragraph (1) or conspires to commit an offense under paragraphs (1) or (2) shall be punished as prescribed in subsection (c).

“(b) JURISDICTION.—Conduct prohibited by subsection (a) is within the jurisdiction of the United States if—

“(1) the prohibited conduct takes place in the United States or the special aircraft jurisdiction of the United States;

“(2) the prohibited conduct takes place outside of the United States and—

“(A) is committed by a national of the United States, a United States corporation or legal entity or a stateless person whose habitual residence is in the United States;

“(B) is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed; or

“(C) is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States;

“(3) the prohibited conduct takes place outside of the United States and a victim or an intended victim is a national of the United States or a United States corporation or legal entity, or the offense is committed against any state or government facility of the United States; or

“(4) a perpetrator of the prohibited conduct is found in the United States.

“(c) PENALTIES.—Any person who violates this section shall be punished by death or imprisoned for any term of years or for life.

“(d) NONAPPLICABILITY.—This section does not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.

“(e) DEFINITIONS.—In this section:

“(1) ARMED CONFLICT.—The term ‘armed conflict’ has the meaning given that term in section 2332f(e)(11).

“(2) DEVICE.—The term ‘device’ means—

“(A) any nuclear explosive device; or

“(B) any radioactive material dispersal or radiation-emitting device that may, owing to its radiological properties, cause death, serious bodily injury or substantial damage to property or the environment.

“(3) INTERNATIONAL ORGANIZATION.—The term ‘international organization’ has the meaning given the term in section 831(f)(3).

“(4) MILITARY FORCES OF A STATE.—The term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility.

“(5) NATIONAL OF THE UNITED STATES.—The term ‘national of the United States’ has the meaning given the term in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

“(6) NUCLEAR FACILITY.—The term ‘nuclear facility’ means—

“(A) any nuclear reactor, including reactors on vessels, vehicles, aircraft or space ob-

jects for use as an energy source in order to propel such vessels, vehicles, aircraft or space objects or for any other purpose;

“(B) any plant or conveyance being used for the production, storage, processing or transport of radioactive material; or

“(C) a facility (including associated buildings and equipment) in which nuclear material is produced, processed, used, handled, stored or disposed of, if damage to or interference with such facility could lead to the release of significant amounts of radiation or radioactive material.

“(7) NUCLEAR MATERIAL.—The term ‘nuclear material’ has the meaning given the term in section 831(f)(1).

“(8) RADIOACTIVE MATERIAL.—The term ‘radioactive material’ means nuclear material and other radioactive substances that contain nuclides that undergo spontaneous disintegration (a process accompanied by emission of one or more types of ionizing radiation, such as alpha-, beta-, neutron particles and gamma rays) and that may, owing to their radiological or fissile properties, cause death, serious bodily injury or substantial damage to property or to the environment.

“(9) SERIOUS BODILY INJURY.—The term ‘serious bodily injury’ has the meaning given the term in section 831(f)(4).

“(10) STATE.—The term ‘state’ has the meaning given the term under international law, and includes all political subdivisions of the state.

“(11) STATE OR GOVERNMENT FACILITY.—The term ‘state or government facility’ has the meaning given the term in section 2332f(e)(3).

“(12) UNITED STATES CORPORATION OR LEGAL ENTITY.—The term ‘United States corporation or legal entity’ means any corporation or other entity organized under the laws of the United States or any State, Commonwealth, territory, possession or district of the United States.

“(13) VESSEL.—The term ‘vessel’ has the meaning given the term in section 1502(19) of title 33.

“(14) VESSEL OF THE UNITED STATES.—The term ‘vessel of the United States’ has the meaning given the term in section 70502 of title 46.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended by inserting after section 2332h the following:

“2332i. Acts of nuclear terrorism.”

(c) DISCLAIMER.—Nothing contained in this section is intended to affect the applicability of any other Federal or State law that might pertain to the underlying conduct.

#### SEC. 22. AMENDMENT TO SECTION 831 OF TITLE 18, UNITED STATES CODE.

Section 831 of title 18, United States Code, is amended—

(a) in subsection (a)—

(1) by redesignating paragraphs (3) through (8) as paragraphs (4) through (9), respectively;

(2) by inserting after paragraph (2) the following:

“(3) without lawful authority, intentionally carries, sends or moves nuclear material into or out of a country;”;

(3) in paragraph (8), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (5);” and

(4) in paragraph (9), as redesignated, by striking “an offense under paragraph (1), (2), (3), or (4)” and inserting “any act prohibited under paragraphs (1) through (7);”

(b) in subsection (b)—

(1) in paragraph (1), by striking “(7)” and inserting “(8);” and

(2) in paragraph (2), by striking “(8)” and inserting “(9);”

(c) in subsection (c)—

(1) in subparagraph (2)(A), by inserting “or a stateless person whose habitual residence is in the United States” after “United States”; and

(2) in paragraph (4), by striking “or” at the end; and

(3) by striking paragraph (5) and inserting the following:

“(5) the offense is committed on board a vessel of the United States or a vessel subject to the jurisdiction of the United States (as defined in section 70502 of title 46) or on board an aircraft that is registered under United States law, at the time the offense is committed;

“(6) the offense is committed outside the United States and against any state or government facility of the United States; or

“(7) the offense is committed in an attempt to compel the United States to do or abstain from doing any act, or constitutes a threat directed at the United States.”;

(d) by redesignating subsections (d), (e), and (f) as subsections (e), (f), and (g), respectively;

(e) by inserting after subsection (c) the following:

“(d) NONAPPLICABILITY.—This section shall not apply to—

“(1) the activities of armed forces during an armed conflict, as those terms are understood under the law of war, which are governed by that law; or

“(2) activities undertaken by military forces of a state in the exercise of their official duties.”; and

(f) in subsection (g), as redesignated—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7), by striking the period at the end and inserting a semicolon; and

(3) by inserting after paragraph (7), the following:

“(8) the term ‘armed conflict’ has the meaning given the term in section 2332f(e)(11);

“(9) the term ‘military forces of a state’ means the armed forces of a country that are organized, trained and equipped under its internal law for the primary purpose of national defense or security and persons acting in support of those armed forces who are under their formal command, control and responsibility;

“(10) the term ‘state’ has the meaning given the term under international law, and includes all political subdivisions of the state;

“(11) the term ‘state or government facility’ has the meaning given the term in section 2332f(e)(3); and

“(12) the term ‘vessel of the United States’ has the meaning given the term in section 70502 of title 46.”

#### SEC. 23. ANCILLARY MEASURES.

(a) FEDERAL CRIME OF TERRORISM.—Section 2332b(g)(5)(B) of title 18, United States Code, is amended by inserting “2332i (relating to acts of nuclear terrorism),” before “2339 (relating to harboring terrorists).”

(b) PROVIDING MATERIAL SUPPORT TO TERRORISTS PREDICATE.—Section 2339A(a) of title 18, United States Code, is amended by inserting “2332i,” before “2340A.”

(c) WIRETAP PREDICATES.—Section 2516(1)(q) of title 18, United States Code, is amended by inserting “, 2332i,” after “2332h.”

**SA 2991.** Mr. HOEVEN (for himself, Mr. TESTER, and Mr. HATCH) submitted an amendment intended to be proposed



by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

(a) FINDINGS.—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic missile submarine (SSBN) and SLBM” and to “maintain the United States rocket motor industrial base”.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

**SA 2992.** Mr. HOEVEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1074. MAINTENANCE OF ICBM LAUNCH FACILITY INVENTORY.**

Consistent with the treaty obligations of the United States, the Secretary of Defense shall maintain an inventory of 450 operational intercontinental ballistic missile launch facilities whether in deployed or non-deployed status.

**SA 2993.** Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL,

Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—Section 1077 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) In providing health care under subsection (a) to a covered beneficiary described in paragraph (3)(A), the treatment of autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(2) In carrying out this subsection, the Secretary shall ensure that—

“(A) except as provided by subparagraph (B), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(B) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in subparagraph (A), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

“(3)(A) A covered beneficiary described in this subparagraph is a covered beneficiary who is a beneficiary by virtue of—

“(i) service in the armed forces (not including the Coast Guard);

“(ii) current service on active duty in the Coast Guard, or those members of the Coast Guard Reserve who are enrolled in the TRICARE program;

“(iii) current service on active duty in the Commissioned Corps of the National Oceanic and Atmospheric Administration or the Commissioned Corps of the Public Health Service; or

“(iv) being a dependent of a member covered by clause (i) or of a member of a service covered by clause (ii) or (iii).

“(B) Nothing in this subsection shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(i) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(ii) being a dependent of a member of a service described in clause (i).

“(C) This subsection shall not apply to a medicare-eligible beneficiary (as defined in section 1111(b) of this title).

“(D) Except as provided in subparagraph (C), nothing in this subsection shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(i) this chapter;

“(ii) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(iii) any other law.”.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by \$30,000,000, with the amount of the increase to be available for the provision of care in accordance with subsection (g) of section 1077 of title 10, United States Code (as added by subsection (a) of this section).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by \$30,000,000.

**SA 2994.** Mr. CASEY (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.**

(a) FINDINGS.—Congress makes the following findings:

(1) In its December 2011 report entitled “Critical Materials Strategy”, the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) ELEMENTS.—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous by-products to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

**SA 2995.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.**

(a) NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “or professional continuing education certificate” after “master’s degree”;

(2) in the third sentence, by striking “125 such defense industry employees” and inserting “250 such defense industry employees”; and

(3) in the last sentence, by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

(b) UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting “or professional continuing education certificate” after “graduate degree”;

(2) in paragraph (2), by striking “125 defense industry employees” and inserting “250 defense industry employees”; and

(3) in paragraph (3), by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

**SA 2996.** Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 590, strike line 11 and all that follows through page 595, line 7, and insert the following:

**SEC. 3501. SHORT TITLE.**

This title may be cited as the “Maritime Administration Authorization Act for Fiscal Year 2013”.

**SEC. 3502. CONTAINER-ON-BARGE TRANSPORTATION.**

(a) ASSESSMENT.—The Administrator of the Maritime Administration shall assess the potential for using container-on-barge transportation in short sea transportation (as such term is defined in section 55605 of title 46, United States Code).

(b) FACTORS.—In conducting the assessment under subsection (a), the Administrator shall consider—

(1) the environmental benefits of increasing container-on-barge movements in short sea transportation;

(2) the regional differences in the use of short sea transportation;

(3) the existing programs established at coastal and Great Lakes ports for establishing awareness of deep sea shipping operations;

(4) the mechanisms necessary to ensure that implementation of a plan under subsection (c) will not be inconsistent with anti-trust laws; and

(5) the potential frequency of container-on-barge service at short sea transportation ports.

(c) RECOMMENDATIONS.—The assessment under subsection (a) may include recommendations for a plan to increase awareness of the potential for use of container-on-barge transportation.

(d) DEADLINE.—Not later than 180 days after the date of enactment of this title, the Administrator shall submit the assessment required under this section to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

**SEC. 3503. SHORT SEA TRANSPORTATION.**

(a) PURPOSE.—Section 55601 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “landside congestion.” and inserting “landside congestion or to promote short sea transportation.”;

(2) in subsection (c), by striking “coastal corridors” and inserting “coastal corridors or to promote short sea transportation”;

(3) in subsection (d), by striking “that the project may” and all that follows through the end of the subsection and inserting “that the project uses documented vessels and—

“(1) mitigates landside congestion; or

“(2) promotes short sea transportation.”; and

(4) in subsection (f), by striking “shall” each place it appears and inserting “may”.

(b) DOCUMENTATION.—Section 55605 of title 46, United States Code, is amended in the matter preceding paragraph (1) by striking “by vessel” and inserting “by a documented vessel”.

**SEC. 3504. MARITIME ENVIRONMENTAL AND TECHNICAL ASSISTANCE.**

(a) IN GENERAL.—Chapter 503 of title 46, United States Code, is amended by adding at the end the following:

**“§ 50307. Maritime environmental and technical assistance**

“(a) IN GENERAL.—The Secretary of Transportation may engage in the environmental study, research, development, assessment, and deployment of emerging marine technologies and practices related to the marine transportation system through the use of public vessels under the control of the Maritime Administration or private vessels under

United States registry, and through partnerships and cooperative efforts with academic, public, private, and non-governmental entities and facilities.

“(b) REQUIREMENTS.—The Secretary of Transportation may—

“(1) identify, study, evaluate, test, demonstrate, or improve emerging marine technologies and practices that are likely to achieve environmental improvements by—

“(A) reducing air emissions, water emissions, or other ship discharges;

“(B) increasing fuel economy or the use of alternative fuels and alternative energy (including the use of shore power); or

“(C) controlling aquatic invasive species; and

“(2) coordinate with the Environmental Protection Agency, the United States Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.

“(c) COORDINATION.—Coordination under subsection (b)(2) may include—

“(1) activities that are associated with the development or approval of validation and testing regimes; and

“(2) certification or validation of emerging technologies or practices that demonstrate significant environmental benefits.

“(d) ASSISTANCE.—The Secretary of Transportation may accept gifts, or enter into cooperative agreements, contracts, or other agreements with academic, public, private, and non-governmental entities to carry out the activities authorized under subsection (a).”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 503 of title 46, United States Code, is amended by inserting after the item relating to section 50306 the following:

“50307. Maritime environmental and technical assistance.”.

**SEC. 3505. IDENTIFICATION OF ACTIONS TO ENABLE QUALIFIED UNITED STATES FLAG CAPACITY TO MEET NATIONAL DEFENSE REQUIREMENTS.**

Section 501(b) of title 46, United States Code, is amended—

(1) by striking “When the head” and inserting the following:

“(1) IN GENERAL.—When the head”; and

(2) by adding at the end the following:

“(2) DETERMINATIONS.—The Maritime Administrator shall—

“(A) for each determination referred to in paragraph (1), identify any actions that could be taken to enable qualified United States flag capacity to meet national defense requirements;

“(B) provide notice of each such determination to the Secretary of Transportation and the head of the agency referred to in paragraph (1) for which the determination is made; and

“(C) publish each such determination on the Internet Web site of the Department of Transportation not later than 48 hours after notice of the determination is provided to the Secretary of Transportation.

“(3) NOTICE TO CONGRESS.—

“(A) IN GENERAL.—The head of an agency referred to in paragraph (1) shall notify the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

“(i) of any request for a waiver of the navigation or vessel-inspection laws under this section not later than 48 hours after receiving such a request; and

“(ii) of the issuance of any such waiver not later than 48 hours after such issuance.

“(B) CONTENTS.—Such head of an agency shall include in each notification under subparagraph (A)(ii) an explanation of—

“(i) the reasons the waiver is necessary; and

“(ii) the reasons actions referred to in paragraph (2)(A) are not feasible.”.

#### SEC. 3506. MARITIME WORKFORCE STUDY.

(a) TRAINING STUDY.—The Comptroller General of the United States shall conduct a study on the training needs of the maritime workforce.

(b) STUDY COMPONENTS.—The study shall—

(1) analyze the impact of maritime training requirements imposed by domestic and international regulations and conventions, companies, and government agencies that charter or operate vessels;

(2) evaluate the ability of the United States maritime training infrastructure to meet the needs of the maritime industry;

(3) identify trends in maritime training;

(4) compare the training needs of United States mariners with the vocational training and educational assistance programs available from Federal agencies to evaluate the ability of Federal programs to meet the training needs of United States mariners;

(5) include recommendations to enhance the capabilities of the United States maritime training infrastructure; and

(6) include recommendations to assist United States mariners and those entering the maritime profession to achieve the required training.

(c) FINAL REPORT.—Not later than 1 year after the date of enactment of this title, the Comptroller General shall submit a report on the results of the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

#### SEC. 3507. MARITIME ADMINISTRATION VESSEL RECYCLING CONTRACT AWARD PRACTICES.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this title, the Comptroller General of the Government Accountability Office shall conduct an assessment of the source selection procedures and practices used to award the Maritime Administration's National Defense Reserve Fleet vessel recycling contracts. The Comptroller General shall assess the process, procedures, and practices used for the Maritime Administration's qualification of vessel recycling facilities. The Comptroller General shall report the findings to the Committee on Commerce, Science, and Transportation and the Committee on Armed Services of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Armed Services of the House of Representatives.

(b) ASSESSMENT.—The assessment under subsection (a) shall include a review of whether the Maritime Administration's contract source selection procedures and practices are consistent with law, the Federal Acquisition Regulations (FAR), and Federal best practices associated with making source selection decisions.

(c) CONSIDERATIONS.—In making the assessment under subsection (a), the Comptroller General may consider any other aspect of the Maritime Administration's vessel recycling process that the Comptroller General deems appropriate to review.

#### SEC. 3508. REQUIREMENT FOR BARGE DESIGN.

Not later than 270 days after the date of enactment of this title, the Administrator of the Maritime Administration shall complete the design for a containerized, articulated

barge, as identified in the dual-use vessel study carried out by the Administrator and the Secretary of Defense, that is able to utilize roll-on/roll-off or load-on/load-off technology in marine highway maritime commerce.

#### SEC. 3509. ELIGIBILITY TO RECEIVE SURPLUS TRAINING EQUIPMENT.

Section 51103(b)(2)(C) of title 46, United States Code, is amended by inserting “or a training institution that is an instrumentality of a State, Territory, or Commonwealth of the United States or District of Columbia or a unit of local government thereof” after “a non-profit training institution”.

**SA 2997.** Mr. CASEY (for himself and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

#### SEC. 1048. TRANSITION ASSISTANCE ADVISOR PROGRAM.

(a) PROGRAM AUTHORIZED.—

(1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1144 the following new section:

##### “§ 1144A. Transition Assistance Advisors

“(a) IN GENERAL.—The Secretary of Defense shall establish as part of the Transition Assistance Program (TAP) a Transition Assistance Advisor (TAA) program to provide professionals in each State to serve as statewide points of contact to assist members of the armed forces in accessing benefits and health care furnished under laws administered by the Secretary of Defense and benefits and health care furnished under laws administered by the Secretary of Veterans Affairs.

“(b) NUMBER OF ADVISORS.—The Secretary of Defense shall ensure that the minimum number of Transition Assistance Advisors in each State is as follows:

“(1) During the period beginning 180 days before the commencement of a contingency operation (or, if later, as soon before as is otherwise practicable) and ending 180 days after the conclusion of such contingency operation—

“(A) in the case of a State with fewer than 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 1,500 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(2) At any time not covered by paragraph (1)—

“(A) in the case of a State with fewer than 5,000 members of the Army National Guard of the United States and the Air National Guard of the United States residing in the State, not less than one Transition Assistance Advisor; and

“(B) in the case of a State with 5,000 or more members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State, not less than one Transition Assistance Advisor for each 1,500 members of the Army National Guard of the United States and the Air National Guard of the United States who reside in such State.

“(c) DUTIES.—The duties of a Transition Assistance Advisor includes the following:

“(1) To assist with the creation and execution of individual transition plans for members of the National Guard described in subsection (d)(2) and their families for the reintegration of such members into civilian life.

“(2) To provide employment support services to members of the National Guard and their families, including assistance with discovering employment opportunities and identifying and obtaining assistance from programs within and outside of the Federal Government.

“(3) Provide information on relocation, health care, mental health care, and financial support services available to members of the National Guard or their families from the Department of Defense, the Department of Veterans Affairs, and other Federal, State, and local agencies.

“(4) Provide information on educational support services available to members of the National Guard, including Post-9/11 Educational Assistance under chapter 33 of title 38.

“(d) TRANSITION PLANS.—(1) Each individual plan created under subsection (c)(1) for a member of the National Guard described in paragraph (2) shall include the following:

“(A) A plan for the transition of the member to life in the civilian world, including with respect to employment, education, and health care.

“(B) A description of the transition services that the member and the member's family will need to achieve their transition objectives, including information on any forms that such member will need to fill out to be eligible for such services.

“(C) A point of contact for each agency or entity that can provide the transition services described in subparagraph (B).

“(2) A member of the National Guard described in this paragraph is any member of the National Guard who has served on active duty in the armed forces for a period of more than 180 days.

“(e) STATE DEFINED.—In this section, the term ‘State’ means each of the several States of the United States, the District of Columbia, and any territory of the United States.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

“(1) \$10,000,000 for fiscal year 2013; and

“(2) such sums as may be necessary for each fiscal year thereafter.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 58 of such title is amended by inserting after the item relating to section 1144 the following new item:

“1144A. Transition Assistance Advisors.”.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth a description of the efforts of the Secretary to implement the requirements of section 1144A of title 10, United States Code, as added by subsection (a)(1).

**SA 2998.** Ms. AYOTTE (for herself, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SA 2999.** Ms. AYOTTE (for herself, Mr. LIEBERMAN, Mr. INHOFE, and Mr. CHAMBLISS) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. PLAN FOR LONG-TERM DETENTION FACILITY OUTSIDE THE UNITED STATES FOR DETENTION OF INDIVIDUALS DETAINED IN THE GLOBAL WAR ON TERRORISM.**

(a) **PLAN REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress a plan for the identification or establishment of a facility outside the United States as the location for the long-term detention by the United States, consistent with the laws of war, of foreign members of al Qaeda and associated forces who are captured outside Afghanistan. The location of the long-term detention shall be identified or established by not later than 180 days after the date of the enactment of this Act.

(b) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3000.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. ASSESSMENT OF EFFECTS OF FOREIGN BOYCOTTS ON INDUSTRIAL BASE.**

Section 2505 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) **ASSESSMENT OF EXTENT OF EFFECTS OF FOREIGN BOYCOTTS.**—Each assessment under subsection (a) shall include a separate discussion and presentation regarding the extent to which the national technology and industrial base is affected by foreign boycotts. The discussion and presentation regarding foreign boycotts shall—

“(1) identify sectors of the national technology and industrial base being affected by foreign boycotts;

“(2) assess the harm to the national technology and industrial base as a result of such boycotts; and

“(3) identify actions necessary to minimize the effects of foreign boycotts on the national technology and industrial base.”.

**SA 3001.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 550, beginning on line 15, strike “; and” and all that follows through line 16 and insert the following: “;”

(2) by inserting “or fiscal year 2013” after “fiscal year 2012”; and

(3) by inserting before the period at the end the

**SA 3002.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2824. PROHIBITION ON USE OF FUNDS FOR IMPLEMENTATION OF CERTAIN GREEN BUILDING STANDARDS.**

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2013 may be obligated or expended to implement or use green building rating standards unless the standards—

(1)(A) are developed in accordance with rules accredited by the American National Standards Institute; and

(B) are approved as American National Standards; or

(2) incorporate and document the use of lifecycle assessment in the evaluation of building materials.

**SA 3003.** Ms. AYOTTE (for herself, Mr. LIEBERMAN, and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 238. MISSILE DEFENSE SITE ON THE EAST COAST OF THE UNITED STATES.**

(a) **CONSIDERATION OF LOCATION.**—

(1) **STUDY.**—Not later than December 31, 2013, the Secretary of Defense shall conduct a study evaluating three possible locations selected by the Director of the Missile Defense Agency for a covered missile defense site on the East Coast of the United States.

(2) **EIS.**—The Secretary shall prepare an environmental impact statement in accordance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for each location evaluated under paragraph (1).

(3) **LOCATION.**—In selecting the three possible locations for a covered missile defense site under paragraph (1), the Secretary should—

(A) take into consideration—

(i) the strategic location of the proposed site; and

(ii) the proximity of the proposed site to major population centers; and

(B) give priority to a proposed site that—

(i) is operated or supported by the Department of Defense;

(ii) lacks encroachment issues; and

(iii) has a controlled airspace.

(b) **PLAN.**—

(1) **IN GENERAL.**—The Director of the Missile Defense Agency shall develop a plan to deploy an appropriate missile defense interceptor for a missile defense site on the East Coast.

(2) **MATTERS INCLUDED.**—In developing the plan under paragraph (1), the Director—

(A) shall evaluate the use of—

(i) two-stage or three-stage Ground-Based Interceptors (GBIs);

(ii) Standard Missile-3 interceptors, including block IA, block IB, and for a later deployment, block IIA or block IIB interceptors; and

(iii) any other system the Director determines to be better suited to defend against future long-range missile threats;

(B) should consider both land and sea-based options; and

(C) shall develop cost estimates for each option considered.

(3) **SUBMITTAL.**—The plan shall be submitted to Congress together with the budget of the President for fiscal year 2014, as submitted to Congress under section 1105(a) of title 31, United States Code.

(c) **COVERED MISSILE DEFENSE SITE DEFINED.**—In this section, the term “covered missile defense site” means a missile defense site that uses—

(1) Ground-Based Interceptors;  
 (2) Standard Missile-3 interceptors; or  
 (3) any other system the Director of the Missile Defense Agency determines to be better suited to defend against future long-range missile threats.

**SA 3004.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. INHOFE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, insert the following:

**SEC. 1032. REQUIRED NOTIFICATION OF CONGRESS WITH RESPECT TO THE INITIAL CUSTODY AND FURTHER DISPOSITION OF MEMBERS AL-QAEDA AND ASSOCIATED FORCES.**

(a) REQUIRED NOTIFICATION WITH RESPECT TO INITIAL CUSTODY.—

(1) IN GENERAL.—When a covered person, as defined in section 1022(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 10 U.S.C. 801 note), is taken into the custody of the United States Government, the Secretary of Defense and the Director of National Intelligence shall notify the specified congressional committees, as defined in subsection (c), within 10 days.

(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1) shall include, at a minimum, the suspect's name, nationality, date of capture or transfer to the United States, location of capture, places of custody since capture or transfer, suspected terrorist affiliation and activities, and agency responsible for interrogation.

(b) REQUIRED NOTIFICATION WITH RESPECT TO FURTHER DISPOSITION.—

(1) IN GENERAL.—Not later than 10 days after the United States Government makes a determination regarding the intended disposition of a covered person under section 1021(c) of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 801 note), the Secretary of Defense and the Director of National Intelligence shall notify and inform the specified congressional committees of the intended disposition of the covered person.

(2) REPORTING REQUIREMENT.—The notification submitted pursuant to paragraph (1) shall include the relevant facts, justification, and rationale that serves as the basis for the disposition option chosen.

(c) SPECIFIED CONGRESSIONAL COMMITTEES.—In this section, the term “specified congressional committees” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Select Committee on Intelligence of the Senate; and

(4) the Permanent Select Committee on Intelligence of the House of Representatives.

(d) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act, and shall apply with respect to persons described in section 1022(a)(2) of the National Defense Authorization Act for Fiscal Year 2012 who are taken into the custody or brought under the con-

trol of the United States on or after that date.

**SA 3005.** Ms. AYOTTE (for herself, Mr. CHAMBLISS, and Mr. INHOFE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON USE OF FUNDS TO PURCHASE FACILITIES IN THE UNITED STATES TO HOUSE DETAIN- EES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) PROHIBITION.—Subsection (a) of section 1026 of the National Defense Authorization Act for Fiscal Year 2012, as amended by section 1031(a) of this Act, is further amended by striking “or modify” and inserting “, modify, or purchase”.

(b) FUNDS COVERED BY PROHIBITION.—Such subsection is further amended by striking “to the Department of Defense”.

(c) CONFORMING AMENDMENT.—The heading of such section 1026 is amended by striking “OR MODIFY” and inserting “, MODIFY, OR PURCHASE”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

**SA 3006.** Ms. SNOWE (for herself, and Mr. BEGICH,) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 542, strike line 3 and all that follows through page 543, line 2, and insert the following:

**SEC. 2704. LIMITATIONS ON BASE CLOSURE AND REALIGNMENT ACTIVITIES AND CRITERIA FOR CERTAIN DECISIONS INVOLVING SUCH ACTIVITIES.**

(a) FINDINGS.—Congress makes the following findings:

(1) In 2012, the Department of Defense requested additional rounds of defense base closure and realignment in 2013 and 2015.

(2) There have been five rounds of defense base closure and realignment (BRAC) in the last 25 years (1988, 1991, 1993, 1995, and 2005).

(3) Congress has not approved additional rounds of base closure and realignment to occur after 2005, and recognizes that the 2005 round incurred substantial costs that will not be offset by savings for nearly two decades.

(4) According to the Government Accountability Office, implementation of the 2005 round of defense base closure and realignment cost \$35,100,000,000, or approximately \$14,100,000,000 more than was estimated by the 2005 Base Closure and Realignment Commission.

(5) Furthermore, the Government Accountability Office has determined that the 2005

round of defense base closure and realignment will take 17 years before taxpayers realize net savings from the round.

(6) On March 8, 2012, defending the President's request for additional rounds of defense base closure and realignment in testimony before the Committee on Armed Services of the House of Representatives, Dr. Dorothy Robyn, Deputy Undersecretary of Defense for Installations and Environment, asserted that the Department of Defense would close military installations using non-BRAC authorities, stating that “if Congress does not authorize additional BRAC rounds the department will be forced to use its existing authorities to begin to realign and close bases”.

(7) The Department of Defense may close or realign bases only if a round of defense base closure and realignment is carried out in compliance with sections 2687 and 993 of title 10, United States Code.

(8) Section 2687 of title 10, United States Code, contains ambiguous language, leading the Department of Defense to pursue significant closures and realignments without congressional approval or an authorization for a round of defense base closure and realignment.

(9) Sections 2687 and 993 of title 10, United States Code, contain single action limits on reductions that are too easily circumvented by cumulative actions.

(10) As demonstrated by BRAC and other closure and realignment actions, base closures and realignments can have significant effects on Department of Defense functions, current and future operational capabilities, and on host communities and States.

(11) Recommendations for closures and realignments should be carried out only with the consent of Congress, which has the constitutional responsibility to “raise and support Armies,” “provide and maintain a Navy,” “make Rules for the Government and Regulation of the land and naval Forces,” and “provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States”.

(b) LIMITATIONS ON BASE CLOSURE AND REALIGNMENT ACTIVITIES.—Section 2687 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “at which at least 300 civilian personnel are authorized to be employed”;

(B) by amending paragraph (2) to read as follows:

“(2) any realignment with respect to any military installation involving a reduction in the number of military and civilian personnel authorized to be employed at such military installation at the time the Secretary of Defense notifies Congress under subsection (b) of the Secretary's proposal to close or realign such installation by more than the lesser of—

“(A) 100; or

“(B) 50 percent of the highest number of military and civilian personnel assigned to such installation during any of the previous 4 years; or”; and

(C) in paragraph (3)—

(i) by striking “other than a military installation referred to in clause (1) or (2)”;

(ii) by inserting “military or” before “civilian personnel”; and

(iii) by striking “to which clause (1) or (2)” and inserting “to which paragraph (1) or (2)”; and

(2) in subsection (b)—

(A) by striking “referred to in such subsection”;

(B) in paragraph (1)—

(i) by striking “or the Secretary of the military department concerned”;

(ii) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (D), respectively;

(iii) by inserting before subparagraph (B), as redesignated by clause (ii), the following new subparagraph:

“(A) a justification for the proposed action;”;

(iv) in subparagraph (B), as so redesignated, by striking “; and” and inserting a semicolon;

(v) by inserting after subparagraph (B), as so redesignated, the following new subparagraph:

“(C) a description of the alternatives considered;”;

(vi) in clause (ii) of subparagraph (D), as so redesignated, by striking “; and” and inserting a semicolon; and

(vii) by inserting after subparagraph (D), as so redesignated, the following new subparagraphs:

“(E) an estimate of the number of military, civilian, and contractor personnel affected by the proposed action; and

“(F) a plan to provide support for affected communities; and”;

(C) by amending paragraph (2) to read as follows:

“(2) Congress has enacted legislation expressly authorizing the action.”;

(3) in subsection (c)—

(A) by striking “shall not apply to the closure” and inserting the following: “shall not apply—

“(1) to the closure”;

(B) by striking “or a military emergency.” and inserting “or a military emergency; or”;

(C) by adding at the end the following new paragraph:

“(2) to the relocation from a military installation of personnel or functions that are required to support the deployment of members of the armed forces, provided that such personnel and functions are returned to the military installation after the deployment.”;

(4) in subsection (d), by striking “(1) After the expiration” and all that follows through “(2) Nothing in this section” and inserting “Nothing in this section”;

(5) in subsection (e)—

(A) in paragraph (1), by inserting “and any public land under Bureau of Land Management control that is withdrawn and reserved for military training and testing” after “including any leased facility”;

(B) by amending paragraph (3) to read as follows:

“(3) The term ‘realignment’ includes any action or combination of actions within a 4-year period that reduces or relocates functions and military or civilian personnel positions, but does not include a reduction in force resulting from a reduction in military end strength levels or a reduction in total civilian personnel levels.”;

(C) by striking paragraph (4); and

(D) by adding at the end the following new paragraph:

“(4) The term ‘closure’ includes any action or combination of actions that results in the elimination of all active functions at a military installation, the elimination of all military and civilian personnel positions at a military installation, or the placement of a military installation into non-active status.”; and

(6) by adding at the end the following new subsections:

“(g) For purposes of this section, the component bases of a joint base shall be consid-

ered as independent military installations, and not collectively as a single military installation.

“(h) For purposes of this section, any leased space in which more than 300 combined military and civilian personnel are housed shall be considered to be an independent military installation, and shall not be considered part of a larger military installation. Functions and personnel located at a leased space may be transferred to another leased space located within 50 miles or to the nearest military installation located within 50 miles notwithstanding any limitations in this section.”.

(c) **CRITERIA.**—Not later than March 31, 2013, the Comptroller General of the United States shall submit to the congressional defense committees a report including objective criteria to be used by the Department of Defense to make decisions relating to realignments of units employed at military installations that are not covered by the requirements of section 2687 of title 10, United States Code, and closures of military installations that are not covered by such requirements.

(d) **ONE-YEAR MORATORIUM ON CERTAIN ACTIONS RESULTING IN PERSONNEL REDUCTIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), no action may be taken before October 1, 2013, that would result in a military installation covered under paragraph (1) of section 2687(a) of title 10, United States Code, to no longer be covered by such paragraph.

(2) **NATIONAL SECURITY WAIVER.**—The Secretary of Defense may waive the prohibition under paragraph (1) if the Secretary certifies to the congressional defense committees that is in the national security interests of the United States.

(e) **RULE OF CONSTRUCTION.**—Nothing in this Act or the amendments made by this Act may be construed to authorize a round of defense base closure and realignment.

(f) **PROHIBITION ON USE OF FUNDS.**—None of the amounts authorized to be appropriated by this Act may be obligated or expended to consider a round of defense base closure and realignment.

**SA 3007.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF THE SENATE ON NEGOTIATING CONCESSIONS WITH TERRORISTS.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) The United States has a longstanding policy of opposing negotiations with terrorists and terrorist organizations on concessions of any kind, including ransom demands, prisoner releases, and hostage exchanges. This longstanding policy has been repeated by numerous administrations over the past four decades.

(2) For example, at an August 4, 1975, meeting between President Gerald Ford and Secretary of State Henry Kissinger and President of Yugoslavia Josip Tito, Secretary Kis-

singer explained that the United States’ “position is, as it has always been, that we refuse to negotiate and to pay ransom in these cases. We do this in order not to encourage the capture of other Americans for the same purpose.”

(3) In his comments to President Tito, Secretary Kissinger explained the basis for the United States’ policy, as well as his expectation that the United States would never change this no-negotiation policy: “The American Government will always refuse to negotiate because that is the only way we can keep demands from being made upon us.”

(4) In the same conversation, President Ford said, “It’s our strong feeling that if we were to breach this hard line that we take there would be no end to the demands being made upon us. We have to be tough and that is right in the long run.”

(5) On January 20, 1986, President Ronald Reagan issued National Security Decision Directive Number 207, which prohibits negotiations with terrorist organizations regarding the release of hostages.

(6) National Security Decision Directive 207 sets forth in unequivocal terms the United States’ “firm opposition to terrorism in all its forms” and makes clear the government’s “conviction that to accede to terrorist demands places more American citizens at risk. This no-concessions policy is the best way of protecting the greatest number of people and ensuring their safety.”

(7) National Security Decision Directive 207 continues to say: “The [United States Government] will pay no ransoms, nor permit releases of prisoners or agree to other conditions that could serve to encourage additional terrorism. We will make no changes in our policy because of terrorist threats or acts.”

(8) Department of State Publication 10217, which was released in similar formats by the administrations of George H.W. Bush in 1991 and Bill Clinton in 1994, espouses the same no-concessions policy and makes clear the United States “will not support the freeing of prisoners from incarceration in response to terrorist demands”.

(9) On April 4, 2002, President George W. Bush said, “Terror must be stopped. No nation can negotiate with terrorists, for there is no way to make peace with those whose only goal is death.”

(10) Secretary of State Hillary Clinton, while serving in the United States Senate, wrote in 2007 that the United States “cannot negotiate with individual terrorists; they must be hunted down and captured or killed”.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the United States Government should firmly maintain its longstanding policy against negotiating with terrorists and terrorist organizations on any concession or demand; and

(2) any abandonment or weakening of this policy would endanger the safety of United States citizens, including members of the Armed Forces, and increase terrorist kidnappings, hostage demands, and murders.

**SA 3008.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal



year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORTING ON NEGOTIATIONS WITH TERRORISTS.**

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) CONCESSION.—The term “concession” shall include any discussion or demand for payment or ransom, the withdrawal of United States military or diplomatic presence, or the release of any prisoner or detainee held by the United States.

(3) NEGOTIATIONS WITH TERRORISTS.—The term “negotiations with terrorists” shall include any direct or indirect negotiation with any person or organization that—

(A) has been designated by the United States, including any department or agency of the United States, as a person or organization that commits, threatens to commit, or supports terrorism;

(B) has engaged in any activity that would render the person or the organization inadmissible under section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)); or

(C) is part of al Qaeda or affiliated with al Qaeda through any council or activity.

(b) REPORTING REQUIREMENT.—

(1) INITIAL REPORT.—Not later than 60 days after the date of the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall submit to the appropriate congressional committees a report that identifies any instance within the previous 300 days in which the United States engaged in negotiations with terrorists regarding any person held in the custody of the United States or allied forces.

(2) PERIODIC REPORTS.—If any employee, agent, or representative of the Department of Defense or the Department of State engages in, authorizes, or cooperates in any way with negotiations with terrorists regarding any person held in the custody of the United States or allied forces, the Secretary of Defense or the Secretary of State, as the case may be, shall submit a report to the appropriate committees of Congress within 30 days.

(3) CONTENT.—A report under this subsection shall include all relevant facts, including—

(A) the name of each terrorist person or organization at issue;

(B) the name of any prisoner, detainee, or hostage who was the subject of such negotiations;

(C) the concessions demanded or discussed during the negotiations;

(D) the name of any government or third party involved in the negotiations; and

(E) the outcome of the negotiations.

(4) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

**SA 3009.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1221. CONGRESSIONAL REVIEW OF BILATERAL SECURITY AGREEMENT WITH AFGHANISTAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Authorization for the Use of Military Force (Public Law 107-40; 115 Stat. 224) authorizes the President to use all necessary and appropriate force against those nations, organizations, or persons the President determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons.

(2) President Barack Obama and Secretary of Defense Leon Panetta have stated that the United States continues to fight in Afghanistan to defeat the al Qaeda threat and the Taliban, which harbored al Qaeda in Afghanistan, where the attacks of September 11, 2001, were planned and where the attackers received training.

(3) On May 1, 2012, the United States entered into the “Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan”, which establishes an enduring strategic partnership between the United States and the Islamic Republic of Afghanistan.

(4) The Agreement reaffirms the presence and operations of United States Armed Forces in Afghanistan, and establishes long-term commitments between the two countries, including the continued commitment of United States forces and political and financial support to the Government of Afghanistan.

(5) The Agreement also commits the United States to establishing a long-term Bilateral Security Agreement, with the goal of concluding a Bilateral Security Agreement within one year to supersede the present Status of Forces agreements with the Islamic Republic of Afghanistan.

(6) Congress was not consulted regarding the framework or substance of the Agreement.

(7) In the past, Congress has been consulted, and, in some cases, has provided its advice and consent to ratification of such agreements, including those where the use of force was not authorized nor required in the country.

(b) NOTIFICATION REQUIREMENT.—Not later than 30 days before entering into any Bilateral Security Agreement or other agreement with the Islamic Republic of Afghanistan that will affect the Status of Forces agreements and long-term commitments between the United States and the Islamic Republic of Afghanistan, the President shall submit the agreement to the appropriate congressional committees for review. If the President fails to comply with such requirement, 50 percent of the unobligated balance of the amounts appropriated or otherwise made available for the Executive Office of the President shall be withheld.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 3010.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. NOTICE AND REPORT ON USE OF NAVAL VESSELS FOR DETENTION OF INDIVIDUALS CAPTURED PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

(a) NOTICE TO CONGRESS.—Not later than five days after first detaining an individual who is captured pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) on a naval vessel outside the United States, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a notice of the detention.

(b) REPORT.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the use of naval vessels for the detention outside the United States of any individual who is captured pursuant to the Authorization for Use of Military Force. Such report shall include—

(A) procedures and any limitations on detaining such individuals at sea on board United States naval vessels;

(B) an assessment of any force protection issues associated with detaining such individuals on such vessels;

(C) an assessment of the likely effect of such detentions on the original mission of the naval vessel; and

(D) any restrictions on long-term detention of individuals on United States naval vessels.

(2) FORM OF REPORT.—The report required under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

**SA 3011.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. NOTICE REQUIRED PRIOR TO TRANSFER OF CERTAIN INDIVIDUALS DETAINED AT THE DETENTION FACILITY AT PARWAN, AFGHANISTAN.**

(a) NOTICE REQUIRED.—The Secretary of Defense shall submit to the appropriate congressional committees notice in writing of



the proposed transfer of any individual detained pursuant to the Authorization for Use of Military Force (Public Law 107-40; 50 U.S.C. 1541 note) who is a national of a country other than the United States or Afghanistan from detention at the Detention Facility at Parwan, Afghanistan, to the custody of the Government of Afghanistan or of any other country. Such notice shall be provided not later than 10 days before such a transfer may take place.

(b) **ADDITIONAL ASSESSMENTS AND CERTIFICATIONS.**—As part of the notice required under subsection (a), the Secretary shall include the following:

(1) In the case of the proposed transfer of such an individual by reason of the individual being released, an assessment of the threat posed by the individual and the security environment of the country to which the individual is to be transferred.

(2) In the case of the proposed transfer of such an individual to a country other than Afghanistan for the purpose of the prosecution of the individual, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country with respect to prosecuting similar cases, including a description of the evidence against the individual that is likely to be admissible as part of the prosecution.

(3) In the case of the proposed transfer of such an individual for reintegration or rehabilitation in a country other than Afghanistan, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of the country for reintegrating or rehabilitating similar individuals.

(4) In the case of the proposed transfer of such an individual to the custody of the government of Afghanistan for prosecution or detention, a certification that an assessment has been conducted regarding the capacity, willingness, and historical track record of Afghanistan to prosecute or detain long-term such individuals.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives and the Committee on Armed Services and the Committee on Foreign Relations of the Senate.

**SA 3012.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

None of the funds authorized to be appropriated by this Act for fiscal year 2013 may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SA 3013.** Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. MILITARY CUSTODY FOR NON-UNITED STATES CITIZEN MEMBERS OF AL-QAEDA AND AFFILIATED ENTITIES.**

(a) **CUSTODY PENDING DISPOSITION UNDER LAW OF WAR.**—

(1) **IN GENERAL.**—Except as provided in paragraph (4), the Armed Forces of the United States shall hold a person described in paragraph (2) who is captured in the course of hostilities authorized by the Authorization for Use of Military Force (Public Law 107-40) in military custody pending disposition under the law of war.

(2) **COVERED PERSONS.**—The requirement in paragraph (1) shall apply to any person whose detention is authorized by section 1021 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1562; 10 U.S.C. 801 note) who is determined—

(A) to be a member of, or part of, al-Qaeda or an associated force that acts in coordination with or pursuant to the direction of al-Qaeda; and

(B) to have participated in the course of planning or carrying out an attack or attempted attack against the United States or its coalition partners.

(3) **DISPOSITION UNDER LAW OF WAR.**—For purposes of this subsection, the disposition of a person under the law of war has the meaning given in section 1021(c) of the National Defense Authorization Act for Fiscal Year 2012, except that no transfer otherwise described in paragraph (4) of that section shall be made unless consistent with the requirements of section 1028 of the National Defense Authorization Act for Fiscal Year 2012 (125 Stat. 1567; 10 U.S.C. 801 note).

(4) **WAIVER FOR NATIONAL SECURITY.**—The Secretary of Defense may, in consultation with the Secretary of State and the Director of National Intelligence, waive, on a case-by-case basis, the requirement of paragraph (1) if the Secretary of Defense submits to Congress a certification in writing that such a waiver in the particular case is in the national security interests of the United States.

(b) **INAPPLICABILITY TO UNITED STATES CITIZENS.**—The requirement to detain a person in military custody under this section does not extend to citizens of the United States.

(c) **EFFECTIVE DATE.**—This section shall take effect on the date of the enactment of this Act, and shall apply with respect to persons described in subsection (a)(2) who are taken into the custody or brought under the control of the United States on or after effective date.

**SA 3014.** Mr. REED submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VI, add the following:

**SEC. 655. ENFORCEMENT OF PROTECTIONS ON CONSUMER CREDIT FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

Section 987(f) of title 10, United States Code, as amended by section 653 of this Act, is further amended by adding at the end the following new paragraph:

“(6) **ENFORCEMENT.**—The provisions of this section (other than paragraph (1) of this subsection) shall be enforced as follows:

“(A) By the agencies specified in section 108 of the Truth in Lending Act (15 U.S.C. 1607) in the manner set forth in that section or as set forth under any other applicable authorities available to such agencies by law.

“(B) By the attorneys general of the States or State regulators in accordance with section 1042 of the Consumer Financial Protection Act (12 U.S.C. 5552).”.

**SA 3015.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PROTECTION OF VETERANS' MEMORIALS.**

(a) **TRANSPORTATION OF STOLEN MEMORIALS.**—Section 2314 of title 18, United States Code, is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans' memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”.

(b) **SALE OR RECEIPT OF STOLEN MEMORIALS.**—Section 2315 of such title is amended by adding at the end the following:

“In the case of an offense under the first paragraph of this section, if the goods, wares, or merchandise consist of or include a veterans' memorial, the requirement of that paragraph that the goods, wares, or merchandise have a value of \$5,000 or more does not apply. In this paragraph, the term ‘veterans' memorial’ means a grave marker, headstone, monument, or other object, intended to permanently honor a veteran or mark a veteran's grave, or any monument that signifies an event of national military historical significance.”.

**SA 3016.** Mrs. GILLIBRAND (for herself, Ms. COLLINS, and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 138, strike lines 14 through 20 and insert the following:

(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Secretary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) DEFINITIONS.—In this section:

(1) The term “covered offense” means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term “special victim offenses” means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic violence involving aggravated assault.

**SA 3017.** Mr. REED (for himself, Mr. RUBIO, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.**

(a) IN GENERAL.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph (A):

“(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

“(i) With respect to each supply of a prescription covering not more than 30 days

that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

“(I) in the case of generic agents, \$5;

“(II) in the case of formulary agents, \$17; and

“(III) in the case of nonformulary agents, \$44.

“(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

“(I) in the case of generic agents, \$0;

“(II) in the case of formulary agents, \$13; and

“(III) in the case of nonformulary agents, \$43.”; and

(2) by adding at the end the following new subparagraph:

“(C)(i) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which retired pay is increased under section 1401a of this title in that year.

“(ii) If the amount of the increase otherwise provided for a year by clause (i) is less than \$1, the increase shall not be made for such year, but shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code (as amended by subsection (a)(1)), shall apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) FEDERAL REGISTER.—The Secretary shall publish notice of the effective date of the cost-sharing requirements specified under paragraph (1) in the Federal Register.

**SEC. 705. PILOT PROGRAM ON REFILLS OF MAINTENANCE MEDICATIONS THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) MEDICATIONS COVERED.—

(1) DETERMINATION.—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) SUPPLY.—In carrying out the pilot program, the Secretary shall ensure that the medications included in the program are—

(A) generally available through retail pharmacies for an initial filling of a 30-day or less supply; and

(B) obtained by refill through the national mail-order pharmacy program.

(3) NO DENIAL.—In the instance when a refill of such maintenance medication is not obtained through a national mail-order pharmacy program, the Secretary shall ensure that beneficiaries are provided a supply at a retail pharmacy for a limited period of time. The Secretary may impose a cost-sharing requirement on beneficiaries accessing such supply.

(4) EXEMPTION.—The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Medications for acute care needs.

(B) Medications dispensed to patients in long-term care facilities.

(C) Such other medications as the Secretary considers appropriate.

(c) NONPARTICIPATION.—

(1) OPT OUT.—The Secretary shall give beneficiaries who have been covered by the pilot program under subsection (a) for a period of at least one year an opportunity to opt out of continuing to participate in the pilot program.

(2) WAIVER.—The Secretary may waive the requirement for a beneficiary to participate in the pilot program if the Secretary determines, on an individual basis, that the waiver is appropriate.

(d) OPERATION OF PROGRAM.—In carrying out the pilot program, the Secretary shall ensure that the operational responsibilities for the national mail-order pharmacy program for purposes of the pilot program are awarded through full and open competition.

(e) REPORTS.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail-order pharmacies by TRICARE for Life beneficiaries, access to maintenance medications, and the effect on retail pharmacies.

(f) TRICARE FOR LIFE BENEFICIARY DEFINED.—In this section, the term “TRICARE for Life beneficiary” means a beneficiary under the TRICARE program who is enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

(g) SUNSET.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

**SA 3018.** Mrs. FEINSTEIN (for herself, Mr. LEE, Mr. COONS, Ms. COLLINS, Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.**

Section 4001 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of

war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

“(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 27, 2012, at 10 a.m., to hold a hearing entitled, “Update on Arms Control Matters”.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 27, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that John Daley, a State Department detailee to the Foreign Relations Committee, be given floor privileges during the debate on the disabilities treaty.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I ask unanimous consent, on behalf of Senator MURRAY, that Jake Cornett, a fellow in her office, be granted floor privileges for the remainder of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THEFT OF TRADE SECRETS CLARIFICATION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3642.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:  
A bill (S. 3642) to clarify the scope of the Economic Espionage Act of 1996.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that the Senate today will pass this simple, commonsense legislation to clarify a provision of the Economic Espionage Act and thereby help protect American businesses and American jobs.

The Economic Espionage Act makes it a crime to, among other things, steal

a trade secret knowing that the theft will hurt the owner. This is an important protection for American businesses, which often choose trade secret protection over other forms of intellectual property protection.

A recent decision of the Second Circuit in *United States v. Aleynikov* casts doubt on the reach of the statute. A jury in that case found the defendant guilty of stealing computer code from his employer. The court overturned the conviction, holding among other things that the trade secret did not meet the interstate commerce prong of the statute, even though the defendant had copied the stolen code from his office in New York to a server in Germany; downloaded the code to his home computer in New Jersey; then flew to his new job in Illinois with the stolen source code in his possession; and the code was used in interstate commerce.

The court held that the Economic Espionage Act provision applies only to trade secrets that are part of a product that is produced to be placed in interstate commerce. Because the company's proprietary software was neither placed in interstate commerce, nor produced to be placed in interstate commerce, the law did not apply—even though the stolen source code was part of a financial trading system that was used in interstate commerce every day.

The clarifying legislation that the Senate will pass today corrects the court's narrow reading to ensure that our federal criminal laws adequately address the theft of trade secrets related to a product or service used in interstate commerce. It is a straightforward fix, but an important one, as we work to ensure that American companies can protect the products they work so hard to develop, so they may continue to grow and thrive. I urge the House to act quickly to pass this commonsense legislation.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3642) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3642

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

##### SECTION 1. SHORT TITLE.

This Act may be cited as the “Theft of Trade Secrets Clarification Act of 2012”.

##### SEC. 2. AMENDMENT.

Section 1832(a) of title 18, United States Code, is amended in the matter preceding paragraph (1), by striking “or included in a product that is produced for or placed in” and inserting “a product or service used in or intended for use in”.

#### YEAR OF THE KOREAN WAR VETERAN

Mr. REID. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 602.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 602) designating 2012–2013 as the “Year of the Korean War Veteran” and recognizing the 60th anniversary of the Korean War.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 602) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

##### S. RES. 602

Whereas, on June 25, 1950, the Communist Democratic People's Republic of Korea began the Korean War by invading the Republic of Korea with approximately 135,000 troops;

Whereas nearly 1,800,000 members of the United States Armed Forces served along with the forces of the Republic of Korea and 20 other Allied nations in the Korean theater of operations to defend freedom and democracy in the Korean Peninsula;

Whereas, during the Korean War, 36,574 people from the United States died and 103,284 people from the United States were wounded in some of the most horrific combat and weather conditions in the history of warfare;

Whereas almost 60 years have passed since the signing of the cease-fire agreement at Panmunjom on July 27, 1953, and the Korean Peninsula still technically remains in a state of war;

Whereas the Korean War has for many years been a “Forgotten War” for people in the United States;

Whereas Korean War veterans deserve to be recognized by the people of the United States for their honorable and courageous service in defense of democracy and freedom during the Korean War;

Whereas the tide of communism on the southern ½ of the Korean Peninsula was halted, liberty triumphed over tyranny, and the Republic of Korea has developed into a modern and prosperous democracy because of the selfless sacrifice of the Korean War veterans;

Whereas the people of the United States and the Republic of Korea are eternally grateful to the Korean War veterans;

Whereas the history of the Korean War should be included in the curriculum of schools in the United States so that future generations never forget the sacrifices of the Korean War veterans and what those veterans accomplished;

Whereas the Department of Defense 60th Anniversary of the Korean War Commemoration Committee will implement a national campaign to honor the Korean War veterans,

remember those Korean War veterans still counted among the missing in action, and educate the people of the United States concerning the ongoing relevance of the Korean War; and

Whereas the commemorative campaign will include ceremonies in the United States and the Republic of Korea in recognition of the beginning (June 25, 1950) and the armistice ending hostilities (July 27, 1953), as well as a national media and outreach campaign for Veterans Day 2012 to honor the Korean War veterans: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates 2012–2013 as the “Year of the Korean War Veteran”;

(2) recognizes the 60th anniversary of the Korean War; and

(3) honors the contributions and sacrifices made by the Korean War veterans.

#### ORDERS FOR WEDNESDAY, NOVEMBER 28, 2012

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. tomorrow, Wednesday, November 28, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized at that time, and the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PROGRAM

Mr. REID. We hope to begin consideration of the Defense authorization bill tomorrow. We will also work on an agreement for amendments to the disabilities treaty.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:47 p.m., adjourned until Wednesday, November 28, 2012, at 10 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### THE JUDICIARY

NITZA I. QUINONES ALEJANDRO, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE RICHARD BARCLAY SURRICK, RETIRED.

LUIS FELIPE RESTREPO, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE ANITA B. BRODY, RETIRED.

JEFFREY L. SCHMEHL, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE THOMAS M. GOLDEN, DECEASED.

##### FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE INTERNATIONAL BROADCASTING BUREAU FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, AND CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MICHAEL R. HARDEGEN, OF FLORIDA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

GEOFFREY W. WIGGIN, OF SOUTH DAKOTA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

JAMES J. HIGGISTON, OF MARYLAND

DAVID C. MILLER, OF WASHINGTON

ELIA P. VANECHANOS, OF NEW JERSEY

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

GARY W. MEYER, OF WISCONSIN

ERIC A. WENBERG, OF WYOMING

THE FOLLOWING-NAMED PERSONS OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

STEPHEN J. GONYEA, OF FLORIDA

RITU K. TARIYAL, OF CALIFORNIA

ALEXIS MARIA TAYLOR, OF NEW YORK

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SARAH MAXWELL BANASHEK, OF CALIFORNIA

ROBERT B. BARTON, OF PENNSYLVANIA

AARON J. BISHOP, OF CALIFORNIA

ANA ISABEL BODIPO—MEMBA, OF THE DISTRICT OF COLUMBIA

KEVIN MAURICE BROWN, OF FLORIDA

ELIZABETH ANN CALLENDER, OF VIRGINIA

SCOTT S. CAMERON, OF CALIFORNIA

MONICA DORE CARLSON, OF VIRGINIA

ELIZABETH DAVNIE-EASTON, OF VIRGINIA

CRISTINA M. DROST, OF NEVADA

CHARLES OGORCHUKWU EGU, OF MARYLAND

SUSAN FENNO, OF MAINE

CHRISTOPHER TODD FOLEY, OF NEW YORK

CHRISTINE D. GANDOMI, OF ARIZONA

ANYA GLENN, OF CALIFORNIA

ALEXANDRA ISABEL HUERTA, OF WASHINGTON

DEBORAH L. JOHNSTON, OF VIRGINIA

MELANIE A. LUICK-MARTINS, OF IOWA

STEVEN M. MAJORS, OF MISSOURI

MARK A. MITCHELL, OF OREGON

CHRISTINE M. OBESTER, OF VIRGINIA

AMY MICHELLE PARTIDA, OF TEXAS

ALLYSON L. PHELPS, OF ARIZONA

ANDREW ARI REBOLD, OF NEW YORK

SHANNON MARAE ROGERS, OF COLORADO

ANDREA SAWKA, OF FLORIDA

JASON LEE SMITH, OF THE DISTRICT OF COLUMBIA

RICHARD E. SPENCER, OF VIRGINIA

MATTHEW EARL SUMPTER, OF CALIFORNIA

GREG M. SWARIN, OF MICHIGAN

CORINA CHENTZE WARFIELD, OF CALIFORNIA

KATHARINE ANTONIA WEBER, OF ALASKA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASSES INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

SHARON LEE CROMER, OF NEW YORK

DAVID E. ECKERSON, OF VIRGINIA

EARL W. GAST, OF CALIFORNIA

WILLIAM HAMMINK, OF THE DISTRICT OF COLUMBIA

SUSUMU KEN YAMASHITA, OF FLORIDA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

ROBERT F. CUNNANE, OF FLORIDA

ALEXANDER DICKIE IV, OF TEXAS

SUSAN FRENCH FINE, OF VIRGINIA

BROOKE ANDREA ISHAM, OF WASHINGTON

KEVIN J. MULLALLY, OF ARIZONA

CHARLES ERIC NORTH, OF VIRGINIA

DENISE ANNETTE ROLLINS, OF THE DISTRICT OF COLUMBIA

THOMAS H. STAAL, OF MARYLAND

DENNIS JAMES WELLER, OF ILLINOIS

MELISSA A. WILLIAMS, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

JIM NELSON BARNHART, JR., OF GEORGIA

SHERRY F. CARLIN, OF FLORIDA

KIMBERLY J. DELANEY, OF CALIFORNIA

CELESTINA M. DOOLEY-JONES, OF SOUTH DAKOTA

LISA ROSE FRANCHETT, OF CALIFORNIA

MICHELLE ALLISON GODETTE, OF FLORIDA  
DEBORAH LYNN GRIESER, OF ILLINOIS  
NANCY L. HOFFMAN, OF FLORIDA  
JAMES M. HOPE, OF TEXAS  
MARK S. HUNTER, OF VIRGINIA  
REBECCA A. LATORRACA, OF WEST VIRGINIA  
TERESA L. MCGHIE, OF NEVADA  
ELIZABETH E. PALMER, OF ARIZONA  
JOAKIM ERIC PARKER, OF CALIFORNIA  
ANDREW WILLIAM PLITT, OF MARYLAND  
ROY PLUCKNETT, OF VIRGINIA  
LESLIE K. REED, OF CALIFORNIA  
MARIA RENDON LABADAN, OF FLORIDA  
ALLEN F. VARGAS, OF FLORIDA  
CLINTON DAVID WHITE, OF FLORIDA

THE FOLLOWING—NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

KARL MILLER ADAM, OF TEXAS

ANDREW L. ARMSTRONG, OF FLORIDA

DINA A. BADAWEY, OF VIRGINIA

FRANÇOISE I. BARAMDYKA, OF CALIFORNIA

BRIAN PAUL BECKMANN, OF MINNESOTA

FRITZ W. BERGGREN, OF WASHINGTON

MARIE MARGUERITE BLANCHARD, OF MASSACHUSETTS

KATHRYN W. BONDY, OF GEORGIA

MELANIE LYNETTE BONNER, OF THE DISTRICT OF COLUMBIA

MATTHEW J. BRITTON, OF CALIFORNIA

BIANCA M. COLLINS, OF MICHIGAN

ANTON MARK COOPER, OF WASHINGTON

MELISSA ELMORE COTTON, OF MASSACHUSETTS

ANDREW JOSEPH CURELL, OF CALIFORNIA

HANNAH A. DRAPER, OF ARKANSAS

THOMAS ANTHONY DUVAL, OF MASSACHUSETTS

JAMES P. DUVERNAY, OF NEW JERSEY

AMY E. EAGLEBURGER, OF CALIFORNIA

JONATHAN EDWARD EARLE, OF MISSOURI

JEREMY EDWARDS, OF TEXAS

JEFFREY EDWARD ELLIS, OF WASHINGTON

JOHN C. ETCHVERRY, OF CALIFORNIA

DYLAN THOMAS FISHER, OF VIRGINIA

THEODORE JOSEPH FISHER, OF CALIFORNIA

REBECCA V. GARDNER, OF OHIO

ROBERT RICHARD GATHEHOUSE, JR., OF CONNECTICUT

JOSEPH MARTIN GERAGHTY, OF PENNSYLVANIA

JOHN DREW GIBLIN, OF GEORGIA

STEPHANIE SNOW GILBERT, OF OKLAHOMA

MARK THOMAS GOLDRUP, OF CALIFORNIA

MICHAEL GORMAN, OF VIRGINIA

CATHERINE A. HALLOCK, OF NEW YORK

JESSICA AMY HARTMAN, OF CALIFORNIA

STEPHANIE M. HAUSER, OF FLORIDA

JEFFREY M. HAY, OF VIRGINIA

MARK HERNANDEZ, OF VIRGINIA

BENJAMIN GEORGE HESS, OF NORTH CAROLINA

KATHRYN L. HOLMGAARD, OF VIRGINIA

JONATHAN PAUL HOWARD, OF VIRGINIA

BRENT W. ISRAELSEN, OF NEVADA

ERIC RYAN JACOBS, OF FLORIDA

NICHIREN RASHAD JONES, OF GEORGIA

RACHEL YNYR KALLAS, OF WISCONSIN

ALLEN L. KRAUSE, OF MICHIGAN

DAWSON LAW, OF FLORIDA

KATHERINE MAUREEN LEAHY, OF NEW JERSEY

ADAM JACOB LEFF, OF THE DISTRICT OF COLUMBIA

RONG RONG, LI, OF MAINE

ELIZABETH ANGELA LITCHFIELD, OF ILLINOIS

JENNIFER L. MCANDREW, OF TEXAS

DANIEL CRAIG MCCANDLESS, OF PENNSYLVANIA

JULIA P. MCKAY, OF SOUTH CAROLINA

ELIZABETH ALBIN MEZA, OF TEXAS

ERIC C. MOORE, OF OREGON

KRISTY M. MORDHORST, OF TEXAS

WALKER PAUL MURRAY, OF WASHINGTON

SCOTT A. NORRIS, OF TEXAS

SARAH OH, OF NEW YORK

JAMES PAUL O'MEALIA II, OF NEW JERSEY

IRENE IJEOMA ONYEAGBAKO, OF NEVADA

ERIK GRAHAM PAGE, OF SOUTH CAROLINA

JENNIFER LEIGH PALMER, OF CALIFORNIA

NEIL M. PHILLIPS, OF MARYLAND

JAY LANNING PORTER, OF UTAH

A. LARISSA PROCTOR, OF VIRGINIA

MARGARET S. RAMSAY, OF NEW YORK

JERAMEE C. RICE, OF TENNESSEE

JAMES THOMAS RIDER, OF MICHIGAN

SHANNON M. RITCHIE, OF VIRGINIA

GEORGE RIVAS, JR., OF TEXAS

JENNIFER WELLS ROBERTSON, OF VIRGINIA

DUSTIN SALVESON, OF NEW YORK

JONATHAN CHARLES SCOTT, OF CALIFORNIA

MIHAIL DAVID SEROKA, OF ALABAMA

TRAVIS MARK SEVY, OF UTAH

MUHAMMAD R. SHAHBAZ, OF NEW YORK

GEORGE BRANDON SHERWOOD, OF NORTH CAROLINA

MICHAEL AARON SHULMAN, OF THE DISTRICT OF COLUMBIA

GWENDOLYNNE M. SIMMONS, OF FLORIDA

NATHAN R. SIMMONS, OF IDAHO

NISHA DILIP SINGH, OF CALIFORNIA

JEREMY DANIEL SLEZAK, OF TEXAS

ALAN JOSEPH SMITH, OF THE DISTRICT OF COLUMBIA

ERIC ANTHONY SMITH, OF CALIFORNIA

VÉRONIQUE ELISABETH SMITH, OF CALIFORNIA

KRISTEN MARIE STOLT, OF ILLINOIS

MICHAEL JAMES WAUTLET, OF COLORADO

ERIN RAMSEY WILHELM, OF THE DISTRICT OF COLUMBIA

GARRETT E. WILKERSON, OF OREGON  
AMANDA L. WILLIAMS-FORD, OF NORTH CAROLINA  
NELSON H. WU, OF VIRGINIA  
MARGARET ANNE YOUNG, OF MISSOURI  
MICHAEL JOSEPH YOUNG, OF COLORADO

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE TO BE SECRETARIES OR CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SARAH AHMED, OF VIRGINIA  
ZAKHAR AMCHISLAVSKY, OF THE DISTRICT OF COLUMBIA  
MOSES AN, OF CALIFORNIA  
BRIAN I. APEL, OF VIRGINIA  
TOBEI B. ARAI, OF GEORGIA  
HARRY J. BETHKE, OF VIRGINIA  
LITTANE BIEN-AIME, OF MASSACHUSETTS  
KEONDRA S. BILLS, OF NEW YORK  
RYAN P. BLANTON, OF MISSOURI  
JACKSON BLOOM, OF CALIFORNIA  
MICHAEL C. BLUE, OF PENNSYLVANIA  
FREN-TSILYA BOA-GUEHE, OF MARYLAND  
ELIZABETH BONIFACE, OF VIRGINIA  
DOUGLAS L. BRADY, OF VIRGINIA  
ALAIN C. BRAINOS, OF VIRGINIA  
PATRICK BRANCO, OF HAWAII  
JOSEPH A. BRANDIFINO, OF VIRGINIA  
ADAM MATTHEW BROWN, OF FLORIDA  
AMY B. BROWN, OF THE DISTRICT OF COLUMBIA  
TRAVIS S. BROWN, OF THE DISTRICT OF COLUMBIA  
AMANDA ROSE BUESCHER, OF CALIFORNIA  
PAUL R. BULLARD, OF NEW YORK  
JOSE E. CAMPOY, OF ARIZONA  
VIRGIL WILLIAM CARSTENS, OF TEXAS  
MARK R. CARTER, OF CONNECTICUT  
RYAN W. CASSELBERRY, OF FLORIDA  
TUSEEF CHAUDHRY, OF VIRGINIA  
DOREEN A. CIAVARELLI, OF VIRGINIA  
PAM S. COBB, OF THE DISTRICT OF COLUMBIA  
ANITA C. COCHRAN, OF NEW YORK  
LINDSAY COLDWELL, OF VIRGINIA  
PATRICIA CONNOR, OF VIRGINIA  
MARLO SALAITA CROSS-DURRANT, OF THE DISTRICT OF COLUMBIA  
DANIEL WILLIAM CUNNANE, OF VIRGINIA  
CHRISTINE E. CUOCO, OF VIRGINIA  
MARY C. CYPRESSI, OF PENNSYLVANIA  
JOHN P. DAVIES, OF VIRGINIA  
MARIA C. DEC, OF VIRGINIA  
ANTHONY DELLADONNA, OF VIRGINIA  
DAN DEMING, OF VIRGINIA  
ELIZABETH A. DREELAND, OF ARIZONA  
ELISABETH F. EL-KHODARY, OF MARYLAND  
MARK C. ELLIOTT, OF MARYLAND  
ANTHONY L. ETTISON, OF MARYLAND  
JOHN V. FAZIO, OF ILLINOIS  
BENJAMIN MICHAEL FEHRMAN, OF NORTH CAROLINA  
JOSEPH P. FERGUSON, OF FLORIDA  
PAUL I. FISHBEIN, OF CALIFORNIA  
PAUL R. FLEMING, OF MICHIGAN  
JENNIFER R. GARCIA, OF VIRGINIA  
KARINA GABRIELA GARCIA, OF CALIFORNIA  
COURTNEY L. GATES, OF CALIFORNIA  
JOHN HUNTER GRAY, OF CALIFORNIA  
MARINA VISHNEVETSKY GRAYSON, OF TEXAS  
COLIN GUARD, OF WASHINGTON  
NATHANIEL SHERMAN HAFT, OF OHIO  
ALLYSON HAMILTON-MCINTIRE, OF KENTUCKY  
ANNE LOUISE M. HANSON, OF VIRGINIA  
KAYLEA J. HAPPELL, OF THE DISTRICT OF COLUMBIA  
MARK W. HARDY, OF VIRGINIA  
BYRON CLEMENT HARTMAN, OF VIRGINIA  
TYSON P. HINDS, OF VIRGINIA  
THEODORE HO, OF CALIFORNIA  
ALEXIS J. HUFF, OF CALIFORNIA  
KENNETH H. ILGENFRITZ, OF VIRGINIA  
DANIELA STEFANOVA IONOVA-SWIDER, OF FLORIDA  
KENDALL D. JACKSON, OF WEST VIRGINIA  
BRIANA NICOLE JONES, OF THE DISTRICT OF COLUMBIA  
JEFF JUNG, OF CALIFORNIA  
HIRAM K. KELIPIO, OF VIRGINIA  
AKBAR KHALID, OF VIRGINIA  
WALID N. KILDANI, OF VIRGINIA  
YUKI KONDO-SHAH, OF ARIZONA  
PATRICK E. KOUCHERAVY, OF VIRGINIA  
LAURIE ANNE KURIAKOSE, OF ILLINOIS  
JESSIE MARIE KUYKENDALL, OF OKLAHOMA  
REBECCA A. LARSON, OF THE DISTRICT OF COLUMBIA  
JAIME FAYE LEBLANC-HADLEY, OF TEXAS  
ALEX VLADICHAK LITICHEVSKY, OF NEW JERSEY  
AMY L. LOPRETE, OF MARYLAND  
CESAR MARINES, OF VIRGINIA  
JAMES MCDONNELL, OF THE DISTRICT OF COLUMBIA  
MONTY RUSHMOORE MCGEE, OF VIRGINIA  
SEAN P. MCGUIRE, OF VIRGINIA  
SUTTON ADELL MEAGHER, OF THE DISTRICT OF COLUMBIA  
ANNE-MARIE G. MELANSON, OF VIRGINIA  
RONALD MENDEZ, OF TEXAS  
VICTORIA S. MEURET, OF VIRGINIA  
CAMERON SCOTT MILLARD, OF WASHINGTON  
JARED R. MILTON, OF VIRGINIA  
AMY RACHEL MONSARRAT, OF VIRGINIA  
JOSEPH J. MOTYLESKI, OF VIRGINIA  
JONATHAN G. NADZAM, OF VIRGINIA  
EMMA MARISKA NAGY, OF CALIFORNIA  
BRANDON K. NOLEN, OF THE DISTRICT OF COLUMBIA  
MARK W. OKISHI, OF VIRGINIA  
HANEEF L. OMAR, OF MARYLAND  
STEPHEN J. OSULLIVAN, OF VIRGINIA  
BENJAMIN OVERBY, OF NEVADA  
JANE JIHYE PARK, OF VIRGINIA

JULIANNE NICOLE PARKER, OF FLORIDA  
GREGORY PARNELL, OF VIRGINIA  
SAPNA K. PATEL, OF TEXAS  
THOMAS BENJAMIN PERKOWSKI, OF THE DISTRICT OF COLUMBIA  
RYAN EVAN PETERSON, OF VIRGINIA  
JEFFREY PRENGER, OF MARYLAND  
DAVID A. RASMUSSEN, OF VIRGINIA  
MICHAEL F. RENEHAN, OF MARYLAND  
KELLI A. RETTINGER, OF VIRGINIA  
MICHAEL CLINTON RILEY, OF NORTH CAROLINA  
BRADY E. ROBERTS, OF TEXAS  
SCOTT N. ROFFMAN, OF MICHIGAN  
CARRIE M. ROMOSER, OF VIRGINIA  
VANESSA N. ROZIER, OF CONNECTICUT  
ANDREA L. RUSCHENBERG, OF VIRGINIA  
ANASTASIA J. SADOWSKI, OF VIRGINIA  
PATRICK SALZWEDEL, OF NORTH CAROLINA  
ALEKSEY SANCHEZ, OF FLORIDA  
DAVID M. SCHORR, OF IDAHO  
LEAH J. SEVERINO, OF CALIFORNIA  
AHMED SHAMA, OF NEW YORK  
JEFFREY HOWARD SHELTON, OF MONTANA  
MARK T. SHEN, OF VIRGINIA  
ANDREW TODD SHEPARD, OF FLORIDA  
CHRISTINA TERRILL SKIPPER, OF VIRGINIA  
KEVIN W. SMITH, OF VIRGINIA  
ALESIA L. SOURINE, OF MICHIGAN  
CRYSTAL SPEARMAN, OF TEXAS  
MAX JOSEPH STEINER, OF CALIFORNIA  
WILLIAM JOHN STEINMETZ, OF VIRGINIA  
ALEX STEWART, OF VIRGINIA  
REBECCA JOY STEWART, OF THE DISTRICT OF COLUMBIA  
RAEJEAN K. STOKES, OF CONNECTICUT  
WILLIAM STROUD, OF VIRGINIA  
MICHAEL JOHN SULESKI, OF VIRGINIA  
IVAN SUSAK, OF VIRGINIA  
ROBERT T. SUTTER, OF THE DISTRICT OF COLUMBIA  
PAMELA M. TADKEN, OF MARYLAND  
KARLA THOMAS, OF WASHINGTON  
MARKUS A. THOMI, OF NEW YORK  
SAMUEL H. THOMPSON, OF VIRGINIA  
LEAH THORNSTENSON, OF TEXAS  
NICHOLAS J. UNGER, OF CALIFORNIA  
TODD WILLIAM UNTERSEHER, OF LOUISIANA  
JENNIFER L. VANWINKLE, OF IOWA  
JUAN MANUEL VAZQUEZ, OF WASHINGTON  
SUSAN RIVERS VESEL, OF VIRGINIA  
VANESSA LISBETH VIDAL CASTELLANOS, OF CALIFORNIA  
ANN MARIE WARMEHNOVEN, OF FLORIDA  
BRYAN D. WEISBARD, OF VIRGINIA  
ROBERT C. WHEELER, OF VIRGINIA  
LEE VINCENT WILBUR, OF SOUTH DAKOTA  
JACQUELINE K. WILSON, OF OREGON  
PETER BRENNER WINTER, OF NEW MEXICO  
KEVIN WONG, OF VIRGINIA  
WILLIAM H. WYCHE, OF VIRGINIA  
MARK K. YANG, OF VIRGINIA

THE FOLLOWING NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR, EFFECTIVE JANUARY 1, 2012:

DANIEL MENCO HIRSCH, OF MARYLAND

#### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

#### To be lieutenant general

MAJ. GEN. LORI J. ROBINSON

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

#### To be colonel

MATTHEW W. ALLINSON  
JULIE A. ANDERSON  
DOUGLAS W. ARENDSEE  
BORIS R. ARMSTRONG  
JOHN P. ASCHERL  
PETER M. BALOGH  
STEVEN H. BENDEN  
JOHN WALLACE BRADLEY III  
TODD MARLYN BRANDEN  
KRISTIN KENDALL BRAWLEY  
PETER JAMES BROWNING  
BRIAN TAYLOR BURGER  
ROBERT A. BURRIS  
SHAWN R. BURRUS  
JAMES D. BYERLY  
MARK COLIN CARRIER  
CHRISTOPHER SCOTT CROXTON  
KEVIN ROBERT CURLEY  
MARK T. DOLL  
TIMOTHY A. DONOFRIO  
KEVIN M. DONOVAN  
DOUGLAS C. EOUTE, JR.  
SCOTT PHILIP FEDERICO  
MICHAEL K. FIELDS  
JOHN E. FLOWERS  
VINCENT RAY FRANKLIN  
JARROD KEITH FRANTZ

MARSHAL S. FURR  
SCOTT A. GRAHAM  
WILLIAM ROBERT GRIFFIN  
BRUCE P. HAMILTON  
PAIGE E. INSCOE  
BRADLEY ALLEN JACKSON  
CHARLES G. JEFFRIES  
EDWARD S. JONES  
MARTIN KEINER  
JOHN M. KELLY  
HEIDI L. KJOS  
ROBERT D. KOSCIUSKO  
TERRENCE LEONARD KOUDELKA  
GREGORY WILLIS LAIR  
RONALD S. LAMBE  
MICHELE KIM LAMONTAGNE  
THOMAS S. LILLY  
JEFFREY E. MAPLE  
TIMOTHY WILLIAM MARKOWITZ  
CHRISTOPHER MARTIN MAUK  
ROBERT PETER MCCLOY  
MICHAEL E. MCDONALD  
CHRISTOPHER G. MCGRAW  
DONALD V. MCGUIRE  
KEITH G. MILLER  
JAMES E. MOLLET  
RODNEY E. NEELY  
ERICK A. OLSEN  
DUKE A. PIRAK  
FRANCIS P. POLLOCK  
CRAIG A. REZAC  
JAMES PAUL ROWLETT  
JON STEWART SAFSTROM  
STEPHANIE S. SAMENOS  
DOMENICO SARNATARO  
MICHAEL JAY SHENK, JR.  
WILLIAM L. SHERRILL, JR.  
MARC ALLEN SICARD  
JUSTIN BOWDLE SMITH  
WENDEL ALAN SMITH  
LISA K. SNYDER  
MICHAEL PATRICK STEINDL  
GARY SCOTT STERE  
CHRISTAN L. STEWART  
SCOTT WELDON STRATTON  
JOHN D. SULLIVAN  
KATHLEEN M. SULLIVAN  
TODD E. SWASS  
RICHARD A. TAITO  
ELENA GAIL THOMPSON  
JOHN A. TRAUTMAN  
BLAKE PAUL UHL  
RONALD JAY VESTMAN  
APRIL D. VOGEL  
DAVID BRYANT WALKER  
GENT WELSH, JR.  
WALLY MARK WERNER  
JEFFREY D. YOUNG

#### IN THE ARMY

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

ROBERT W. HANDY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS PERMANENT PROFESSOR AT THE UNITED STATES MILITARY ACADEMY IN THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 4333(B) AND 4336(A):

#### To be colonel

JAMES T. SEIDULE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

MARK A. NOZAKI  
MATTHEW D. RAMSEY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

#### To be colonel

CHRISTOPHER J. CUMMINGS  
CRAIG DENNEY  
JERE G. DIERSING  
DUANE M. DRESSEN  
CHARLES E. FEBUS  
JACQUELINE J. JACKSON  
WILLIAM J. KOON  
PATRICK N. LEDUC  
GREGORY E. MAGGS  
JAMES J. MESKILL, JR.  
RANDOLPH O. PETGRAVE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

#### To be lieutenant colonel

ANTHONY C. ADOLPH  
ROBERT E. BARNSBY  
BRIAN J. CHAPURAN  
CHRISTOPHER C. COX  
LAWRENCE A. EDELL II  
TIMOTHY A. FURIN  
STEVEN A. GARIEPY

BRIAN P. GAVULA  
PAUL E. GOLDEN, JR.  
DANIEL D. GRIESER  
BENJAMIN K. GRIMES  
MATTHEW R. HOVER  
ELLEN S. JENNINGS  
DANYELE M. JORDAN  
JOHN L. KIEL, JR.  
JOSEPH B. MACKEY  
SEAN F. MANGAN  
CHRISTOPHER E. MARTIN  
STEPHEN W. MCGAHA  
WILLIAM E. MULLEE  
KRISTIAN W. MURRAY  
STEVEN C. NEILL  
AMY J. NELSON  
ALEXANDER N. PICKANDS  
DEBORAH E. PIKE  
KAREN W. RIDDLER  
SARA M. ROOT  
YVONNE L. SALLIS  
SHAWN D. SMITH  
ROBERT C. STELLE  
JOHN H. STEPHENSON II  
JEFFREY S. THURNHER  
SCOTT T. VANSWERINGEN  
SEAN M. WILSON

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

RONALD L. BAKER  
JAMES R. BECKER  
MICHAEL J. BELL  
MARK S. BENNETT  
VANESSA N. BENSON  
TODD S. BERTULIS  
CHRISTOPHER J. BEVERIDGE  
MORRIS L. BODRICK  
SHAWN M. BOLAND  
ROBERT J. BRINKMANN  
RONALD D. BROWN, JR.  
LESLIE F. CABALLERO  
JEFFERY A. CARTER  
ALLEN T. CASSELL  
RILEY J. CHERAMIE, JR.  
RONALD CHILDRESS, JR.  
STEVEN B. CLARK  
ALTON B. CLOWERS, JR.  
ANTHONY S. COLE  
ROBERT M. COLLINS  
MICHAEL A. CORTEZ, JR.  
COURTNEY P. COTE  
JASON T. CRAFT  
HUBERT D. DAVIS  
ROBERT J. DAVIS, JR.  
ROBERT A. DAWSON  
CHARLES DEMERY  
GEOFFREY C. DETINGO  
WILLIAM T. DRAPER, JR.  
LAYTON G. DUNBAR, JR.  
THOMAS C. ELLIS  
EDWARD L. ENGLISH  
PAUL R. FISCUS  
RHONDA L. FISHER  
MARK A. FITCH  
ERIC B. FLEMING  
KAREN G. FLEMING  
DARWIN A. FRET  
ROLAND M. GADDY, JR.  
JOE D. GANN  
GARY E. GILLON, JR.  
THOMAS B. GLOOR  
KATHERINE J. GRAEF  
LANCE B. GREEN  
ELIZABETH R. GRIFFIN  
BRANDON L. GRUBBS  
WILLIAM E. HAAS  
CHRISTINE A. HACKETT  
FRANCES A. HARDISON  
TERRECE B. HARRIS  
CHRISTOPHER S. HART  
SEAN M. HERRON  
TOMMIE HEWITT, JR.  
JOHN J. HICKEY III  
ANGELIA K. HOLBROOK  
JANET R. HOLLIDAY  
ANGELA M. HOLMES  
RODNEY H. HONEYCUTT  
KAROLYN I. HOOPER  
DAVID J. HOSNA  
HEIDI J. HOYLE  
REED E. HUDGINS  
FREDERICK J. HUGHES IV  
HARRY H. HUNGERFORD III  
KEITH E. IGYARTO  
JAMES JENNINGS  
STEVEN J. KELLER  
KENNETH C. KELLEY  
ALAN G. KELLOGG  
STUART A. KIDDER  
PATRICK A. LAMB  
JONG H. LEE  
TIMOTHY D. LUEDECKING  
CHRISTOPHER S. LUEKENG  
EDWARD D. MADDOX  
MARY L. MARTIN  
CHARLES H. MAY  
WILLIAM H. MCCAULEY V  
MICHAEL T. MCTIGUE  
DEAN A. MEINERT

MATT G. MELVIN  
RICHARD L. MENHART  
ANDREW T. MERGENS  
MICHAEL W. MILNER  
JEFFREY S. MURRAY  
JOSEPH A. MYRDA, JR.  
KEVIN M. NASH  
BRIAN P. ONEIL  
MARC A. ORR  
ROBIN E. PARSONS  
TAMATHA A. PATTERSON  
TIMOTHY U. PHILLIPS  
RICHARD M. PIERCE  
DOUGLAS P. PIETROWSKI  
LEON G. PLUMMER  
DAVID J. PRESTON  
RONALD R. RAGIN  
MELINDA S. A. ROMERO  
JAMES P. ROSS  
MATTHEW H. RUEDI  
WILLIAM M. RUSSELL  
ANTHONY J. SANCHEZ  
RYAN E. SAW  
JAMES W. SCHIRMER  
MATTHEW P. SHATZKIN  
ERIC P. SHIRLEY  
CRAIG A. SIMONSGAARD  
STANLEY J. SLIWINSKI, JR.  
SYDNEY A. SMITH  
THOMAS M. SPENARD  
CHARLES M. STEIN  
MAURICE H. STEWART  
MARVIN M. THORNTON, JR.  
STACY S. TOWNSEND  
CAROL M. TSCHIDA  
JOHN S. H. TURNER, JR.  
SCOTT A. TYLER  
DOUGLAS M. VALLEJO  
REID E. VANDERSCHAAF  
ROBERT M. VILLALOBOS  
ERIK C. WEBB  
JOSEPH C. WELLER  
TIMOTHY P. WHITE  
JAMAL E. WIGGLESWORTH  
HOPE F. WILLIAMS  
LISA M. WILSON  
LITONYA J. WILSON  
ANTHONY M. WIZNER  
DONALD K. WOLS  
MICHAEL T. WRIGHT

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

TERRY L. ANDERSON  
KRIS A. ARNOLD  
JAMES M. ASHFORD  
DONALD R. BAKER  
JAMES W. BAKER  
HASHEM BAYATPOOR  
RAUL C. BENITEZ  
DAVID M. BENNETT  
NANCY E. BLACKER  
CHRISTINA M. BLOSS  
JOHN J. BONIN  
THOMAS A. BOONE  
DONALD L. BRAY  
JACQUELINE D. BROWN  
LAWRENCE T. BROWN  
TIMOTHY W. BUCHEN  
EDWARD F. BUCK, JR.  
ROBERT M. BURRELL  
DYLAN M. W. CARLSON  
MICHAEL D. CHANDLER  
JEFFREY D. CHURCH  
THOMAS J. CLANCY, JR.  
WILLIAM D. CONNER  
THOMAS W. COOK  
ROBERT A. CULP II  
ABBAS K. DAHOUK  
CHARLES P. DALY  
KETTI C. DAVISON  
PAUL L. DECECCO  
GARY M. DEFORE  
JAMES D. DENARDO  
EDWARD V. DESHIELDS, JR.  
DWAYNE A. DICKENS  
THOMAS E. DILLINGHAM  
MATTHEW A. DIMMICK  
ROBERT S. DIXON  
PATRICK O. DOYLE  
MICHAEL F. DUPRA  
JOHN F. ELLIS  
DOUGLAS M. FAHERTY  
ROBERT L. FANELLI, JR.  
ROBYN E. FERGUSON  
BARBARA R. FICK  
DAVID P. FILER  
KENNETH S. FU  
PATRICK W. GINN  
MARK S. GORAK  
DUANE K. GREEN  
ANDREW O. HALL  
BRIAN S. HALLORAN  
JEFFERY A. HANNON  
DAN R. HANSON  
LORENZO HARRIS  
THOMAS W. HAUSER  
GARRETT D. HEATH  
CHARLES J. HEIMANN  
ERIC T. HEIST

JOSEPH L. HILFIKER  
EDWARD J. HUNTER  
RYAN M. JANOVIC  
JEFFREY L. JENNETTE  
DOUGLAS D. JONES  
SOMPORT JONGWATANA  
PATRICK A. KELLEY  
JOHN W. KENNEDY III  
RANDALL R. KLINGAMAN  
BRIAN T. LAMSON  
ERIC J. LARSON  
SCOTT D. LATHROP  
KELLY S. LAURITZEN  
JOHN C. LEE  
STEVEN M. LEONARD  
GEORGE E. LEWIS III  
VINCENT R. LINDENMEYER  
BRIAN E. LINVILL  
TERRY L. LOVE  
LYNN A. LUBIAK  
STEPHEN C. MA  
ROBERT S. MATHERS  
DANIEL J. MCCARTHY  
WILLIAM G. MCDONOUGH III  
JAMES G. MCFADDEN  
ROLLIN L. MILLER  
CHRISTOPHER C. MITCHINER  
IVAN MONTANEZ  
CRAIG D. MORROW  
PATRICK D. MORROW  
MATTHEW D. MORTON  
PATRICK J. MULLIN  
JAMES M. MYERS  
EARL S. NAKATA  
LANDY T. NELSON, JR.  
MARK D. NELSON  
TIMOTHY P. NORTON  
MARK E. ORWAT  
JAMES S. OVERBYE  
MICHAEL E. PANKO  
CHARLES R. PARKER  
JACQUELINE L. PATTEN  
CHRISTOPHER A. PATTON  
FADI J. PETRO  
JENNIFER B. PIOLO  
GEORGE A. PIVIK  
TIMOTHY D. PRESBY  
JOHN D. PRICE  
DAVID M. PURSLEY  
RICHARD J. QUIRK IV  
TROY A. RADER  
GREGORY E. RAWLINGS  
MICHAEL D. RAYBURN  
MARCUS A. REESE  
MICHAEL J. REPETSKI  
GARY G. RIDENHOUR  
KEITH M. RIVERS  
ARVESTA P. ROBERSON II  
STEPHEN C. ROGERS  
TRAVIS E. ROOMS  
TRACY L. ROOU  
MARK E. ROSENSTEIN  
JOHN P. RUEDISUELI  
LEE R. SALMON  
PETER J. SCAMMELL  
SWILLING W. SCOTT, JR.  
GEORGE H. SEAWARD  
DOVER SEAWRIGHT  
MICHAEL E. SENN  
KRAIG E. SHEETZ  
KRISTIAN E. SMITH  
FRANK J. SNYDER  
MATTHEW V. SOUSA  
MICHAEL P. STELZIG  
BRIAN J. STOKES  
DEREK L. STREETER  
CRAIG J. TIPPINS  
THOMAS E. TOLER  
TUAN T. TON  
JAMES D. TURINETTI IV  
BRETT M. TURNER  
JASON J. TURNER  
STEPHANIE J. TUTTON  
MARTHA S. VANDRIEL  
STEPHANIE D. VAUGHN  
GERARD A. VAVRINA  
SHELLEY L. VOLKWEIN  
PATRICK L. WALDEN  
CHARLES A. WALTERS, JR.  
GERALD S. WELLS, JR.  
DAVID R. WILLS  
JAMES L. WILMETH IV  
JOHN F. WINTERS  
RAY P. WOJCIK  
JEFFREY T. WYATT, SR.  
HAROLD P. XENTELIS  
PAUL B. ZEPERNICK  
FRANCESCA ZIEMBA

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT  
TO THE GRADE INDICATED IN THE UNITED STATES ARMY  
UNDER TITLE 10, U.S.C., SECTION 624:

*To be colonel*

JOSE L. AGUILAR  
BLACE C. ALBERT  
CHRISTOPHER E. ALBUS  
GREGORY K. ANDERSON  
DAVID R. APPLGATE

NICHOLAS D. ARATA  
 GREGORY A. BAKER  
 MICHAEL A. BALL  
 MARTIN J. BARR  
 CHRISTOPHER J. BARRON  
 DANIEL J. BARZYK  
 DANIEL G. BEATTY  
 CHRISTOPHER G. BECK  
 ERSKINE R. BENTLEY II  
 SEAN C. BERNABE  
 CRAIG BERRYMAN  
 GEORGE M. BOND  
 GERALD A. BOSTON  
 DAVID W. BOTTCHE  
 MICHAEL A. BOTTTIGLIERI  
 FRANK W. BREWSTER II  
 DETRICK L. BRISCOE  
 DOUGLAS L. BROCKHARD, JR.  
 MARTHA K. BROOKS  
 DONALD M. BROWN  
 EDMOND M. BROWN  
 ERIK M. BROWN  
 TIMOTHY D. BROWN  
 JOHN G. BUCK  
 MICHAEL F. BURNS III  
 DEAN E. BUSHNELL  
 CURTIS A. BUZZARD  
 DAVID S. CANNON  
 CAMERON M. CANTLON  
 CHRISTOPHER J. CARDONI  
 WILLIAM J. CARTY  
 PHILLIP A. CHAMBERS  
 JANICE H. CHEN  
 CHRIS W. CHRONIS  
 KEVIN F. CIOCCA  
 RALPH L. CLAYTON III  
 RICHARD E. CLEVELAND  
 MARK A. COLBROOK  
 JOHN R. COOK  
 GERY B. CUMMINGS  
 JOHN M. CYRULIK  
 BARRY E. DANIELS, JR.  
 MICHAEL J. DANIELS  
 JAMES A. DAVEL  
 JOHNNY K. DAVIS  
 JOHN P. DELANEY  
 ANTHONY G. DEMARTINO  
 THOMAS A. DENZLER  
 JOHN P. DIGIAMBATTISTA  
 BRIAN E. DILLON  
 CHRISTOPHER M. DONESKI  
 DAVID S. DOYLE  
 CHRISTOPHER T. DREW  
 JOSEPH M. DUNCAN  
 MATTHEW L. EICHBURG  
 MARCUS S. EVANS  
 JERRY L. FARNSWORTH II  
 CEDRICK A. FARRIOR  
 DAVID G. FIVECOAT  
 LEE A. FLEMMING, JR.  
 DAVID S. FLYNN  
 MITCHELL D. FRANKS  
 ANNA R. FRIEDERICHMAGGARD  
 RICHARD A. FROMM II  
 PATRICK L. GAYDON  
 JAMES E. GAYLORD, JR.  
 SCOTT R. GERBER  
 DARREN S. GERBLICK  
 ERIK O. GILBERT  
 JAYSON C. GILBERTI  
 LYNDIA M. GRANFIELD  
 SCOTT A. GREEN  
 ROSENDO T. GUIEB  
 THOMAS B. GUKEISEN  
 JOHN W. HAEPNER  
 SCOTT W. HALSTEAD  
 SCOTT J. HALVERSON  
 BRIAN J. HAMMER  
 THOMAS E. HANSON  
 DAVID W. HARDY  
 ROBERT J. HARMAN, JR.  
 JOHN T. HARRIS  
 PATRICK L. HARVEY  
 ANTHONY J. HEALEY  
 ROGER P. HEDGEPETH  
 MICHAEL B. HEDGES  
 JOHN C. HERMELING  
 SALOME HERRERA, JR.  
 JOHN M. HINCK  
 KELLY E. HINES  
 BRYAN J. HOFF  
 JOSEPH C. HOLLAND  
 TIMOTHY W. HOLMAN  
 SCOTT G. HOOPER  
 WOODARD B. HOPKINS  
 MICHAEL P. HOSIE  
 EDWARD B. HOUSTON

CALVIN C. HUDSON II  
 TIMOTHY D. HUENING  
 KELLY W. IVANOFF  
 ISAAC O. JOHNSON  
 STEVEN R. JOHNSON  
 WILLIAM B. JOHNSON  
 GUY M. JONES  
 MONROE C. JONES  
 ANTHONY G. JUDGE  
 MICHAEL A. JUNOT  
 JAMES W. KAINE  
 DANIEL F. KELLEY, JR.  
 ROBERT M. KIRILA  
 HOWARD C. KIRK IV  
 JASON A. KIRK  
 JAY F. KLAUS  
 KENNETH J. KLIETHERMES  
 JOHN D. KLINE  
 CHARLES D. KRUMWIEDE  
 KEVIN P. LANDERS, SR.  
 KEVIN C. LEAHY  
 DAVID S. LEE  
 RODGER S. LEMONS  
 MARK S. LEVINE  
 VERNON F. LIGHTNER  
 OTTO K. LILLER  
 MICHAEL J. LOOS  
 JAMES P. LOWE  
 STEPHEN J. LUTSKY  
 JAMES W. MACGREGOR  
 KYLE J. MARSH  
 CHARLES J. MASARACCHIA  
 NICK S. MAULDIN  
 MICHAEL C. MCCURRY II  
 ERIC M. MCFADDEN  
 JAMES M. MCGOVERN  
 RICHARD J. MCNORTON  
 WILLIAM A. MEDINA  
 JOHN V. MEYER III  
 PATRICK R. MICHAELIS  
 DUANE R. MILLER  
 JEREMY B. MILLER  
 CHARLES D. MILLS  
 KENNETH J. MINTZ  
 ANTHONY P. MITCHELL  
 CHARLES S. MITCHELL  
 ROBERT J. MOLINARI  
 JEFFREY B. MULLINS  
 ANTONIO V. MUNERA  
 THOMAS E. MUNSEY  
 RICHARD R. NAVARRO, JR.  
 ERICA C. NELSON  
 JOHN S. NELSON  
 QUINCY E. NORMAN  
 WILLIAM T. NUCKOLS, JR.  
 JOHN W. NUTT  
 BRYAN W. OBARR  
 MORGAN D. OROURKE  
 CARL J. PACKER  
 DONALD C. PADGETT  
 JOHN M. PAGANINI  
 DAVID H. PATTERSON, JR.  
 SHANA E. PECK  
 MICHAEL D. PELOQUIN  
 WILLIAM B. PENLAND  
 KRIS N. PERKINS  
 MICHAEL P. PETERS, JR.  
 MICHAEL J. PHILBIN  
 FREDERICK E. PRINS  
 KEVIN J. QUARLES  
 PAUL P. REESE  
 ANDREW T. RENDON  
 IAN C. RICE  
 THOMAS S. RICKARD  
 LEONARD ROSANOFF  
 THOMAS G. ROWELL, JR.  
 MICHAEL D. RUNEY  
 JOSEPH A. RYAN  
 MARK E. SCHMITT  
 DONALD P. SCHURR  
 THOMAS J. SHEEHAN  
 JEFFREY M. SHOEMAKER  
 ALAN B. SHOREY  
 HUGH D. SHOULTS  
 MICHAEL J. SIMMERING  
 DAVID G. SINK  
 CHAD D. SKAGGS  
 JASON L. SMALLFIELD  
 DALE R. SMITH  
 JOHN L. SMITH  
 FRANK K. SOBCHAK  
 JEFF R. STEWART  
 ALBERT H. STILLER  
 CHRISTOPHER STONE  
 ALAN C. STREETER  
 FLEMING T. SULLIVAN  
 BRETT G. SYLVIA

KENNETH J. TAUKE  
 GRADY S. TAYLOR  
 WILLIAM D. TAYLOR  
 MATTHEW T. TEDESCO  
 MAXWELL S. THIBODEAUX  
 WILLIAM L. THIGPEN  
 JEFFERY B. THOMPSON  
 RONALD L. TUCKER, JR.  
 JERRY A. TURNER  
 MATTHEW R. TYLER  
 RICHARD P. ULLIAN  
 ANDREW C. ULRICH  
 ROBERT V. URQUHART, JR.  
 SHAWN M. VAIL  
 MATTHEW J. VANWAGENEN  
 DOUGLAS C. VANWEELDEN III  
 DOUGLAS G. VINCENT  
 THOMAS VONESCHENBACH  
 CAREY M. WAGEN  
 JOHN P. WANAT  
 JAMES A. WANOVICH  
 HEATHER J. WARREN  
 STEVEN H. WARREN  
 TODD R. WASMUND  
 JEFFREY W. WHITE  
 ALAN A. WIERNICKI  
 THOMAS M. WILLIAMS  
 CHRISTOPHER R. WILLIS  
 DANIEL B. WILSON  
 ROBERT L. WILSON  
 ROBERT C. WITTIG  
 DAVID B. WOMACK  
 DAVID M. WOOD  
 HARRY T. WOODMANSEE III  
 MATTHEW C. ZIMMERMAN

#### IN THE NAVY

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT TO THE GRADES INDICATED IN THE REGULAR NAVY UNDER TITLE 10, U.S.C., SECTION 531:

#### *To be commander*

DAVID SAMMETT

#### *To be lieutenant commander*

CENDIE R. CRAWLEY  
 TIMOTHY R. DURKIN

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

#### *To be lieutenant commander*

TIMOTHY R. ANDERSON  
 CARICE J. BRANTLEY  
 MATTHEW P. BROUILLARD  
 DAVID E. BYRNE  
 ADAM R. CADUVIUS  
 JOSEPH A. CAMPBELL  
 MICHAEL G. CHARNOTA  
 SHANE V. COOK  
 AARON D. COUDRAY  
 CHON B. DAREING  
 JAMES P. DUVALL  
 JAMES M. ELMORE II  
 RICHARD R. EMERSON  
 SHANE M. FOX  
 ROBERT L. FRANKLIN III  
 JASON R. HARR  
 NEAL HEATON  
 MICHAEL J. HELLARD  
 ROBERT INMAN  
 JEREMY L. JAMES  
 DEVINE JOHNSON  
 JAMES H. KEPPEL IV  
 ROBERT W. KULISAN  
 JOHNNY R. LYKINS, JR.  
 AARON P. MALE  
 JEREMY C. MEDLIN  
 ERIK A. NYHEIM  
 MICHAEL P. QUARG  
 ROBERT RAGON  
 JEFFREY W. RANSOM  
 GRANT H. RIEDL  
 CHRISTOPHER W. ROSE  
 MICHAEL SARRAILLE  
 SAMUEL M. SCOVILL  
 JOSEPH F. WALTER  
 GEORGE B. WATKINS



## HOUSE OF REPRESENTATIVES—Tuesday, November 27, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WOMACK).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 27, 2012.

I hereby appoint the Honorable STEVE WOMACK to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Gracious God, we give You thanks for giving us another day.

You have blessed us with all good gifts, and this past week, with grateful hearts we gathered with family and loved ones throughout this great land to celebrate our blessings together.

Bless the newly elected Members of the 113th Congress who resume their orientation on Capitol Hill. Give them calm and confidence as they prepare for a new role as servants of our Nation's citizens.

Bless the Members of the people's House who have been entrusted with the privilege to serve our Nation and all Americans in their need. Grant them to work together in respect and affection, and to be faithful in the responsibilities they have been given.

As the end of the 112th Congress approaches and much is left to be done, bestow upon them all the gifts of wisdom and discernment, that in their words and actions they will do justice, love with mercy, and walk humbly with You.

May all that is done this day be for Your greater honor and glory. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. POE) come forward and lead the House in the Pledge of Allegiance.

Mr. POE of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 6063. An act to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

### COMMUNICATION FROM THE HONORABLE NYDIA M. VELÁZQUEZ, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable NYDIA M. VELÁZQUEZ, Member of Congress:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 15, 2012.

Hon. JOHN A. BOEHNER,  
*Speaker, U.S. House of Representatives,*  
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Supreme Court of the State of New York, County of Kings in connection with civil litigation currently pending before that court.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the privileges and precedents of the House.

Sincerely,

NYDIA M. VELÁZQUEZ,  
*Member of Congress.*

### PROUD OF UNIVERSITY OF SOUTH CAROLINA'S ARMY ROTC PROGRAM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday, The State newspaper reported that the University of South Carolina's Army ROTC program has been named one of the fastest growing programs in the country. Since the 2005 school year, the ROTC program has tripled in enrollment, placing it third in the Nation.

ROTC inspires leadership skills for bright young men and women, which promotes extraordinary opportunities

for service. As a proud father of four sons currently serving in the military—three are Army ROTC graduates, including myself—I know firsthand how the knowledge learned through military service will positively promote a fulfilling life. I am very grateful for the dedication the instructors and cadets of the ROTC program have shown to our country and look forward to hearing of the program's great success in the future.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

### ENTITLEMENT REFORM

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Entitlement reform 2012. Let's see. Wealthy Americans are entitled to tax breaks. Corporations are entitled to billions in giveaways. Arms manufacturers are entitled to bigger contracts. The poor and the middle class? Well, they're entitled to unemployment, underemployment, foreclosures, and cuts in both Social Security and Medicare.

Poor and middle class Americans know all about the fiscal cliff. They've been getting pushed off it for years with an unfair tax system, unconscionable trade deals, and the Fed's monetary policies.

Nearly 50 million people are in poverty in America, 12 million unemployed, millions more underemployed. On January 2, millions stand to lose unemployment benefits. Fourteen million Americans' mortgages are greater than the value of their homes.

On the horizon loom massive cuts to essential services. Will the American austerity replace the American Dream? We need to turn back from the fiscal cliff with wealth creation, education, job creation, infrastructure rebuilding, monetary reform, trade reform, and protection of Social Security and Medicare. We need a great economic revival, not another Great Depression.

### HASHTAG: TERRORISTS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, what do @HSMPress, @Alqassam Brigade, and @almanarnews all have in common? Here's a hint: HASHTAG: TERRORISTS.

That's right: foreign terrorist organizations like al-Shabaab, Hamas, and Hezbollah all use an American company—Twitter—to recruit other extremists. They spread their anti-American propaganda and preach violence and murder.

Hamas has over 42,000 followers. Their tweets have included everything from calls for jihad attacks to a "new Holocaust." Isn't that lovely?

Mr. Speaker, the Supreme Court of the United States has ruled that when there is a "broader strategy to promote terrorism," foreign terrorist organizations are not protected under free speech rights.

We should be doing everything we can to disarm our enemy, whether that means freezing their bank accounts or freezing their Twitter accounts. Allowing foreign terrorist organizations to freely operate on Twitter is enabling the enemy. The FBI and Twitter must recognize sooner, rather than later, that social media is a tool for the out-law terrorists, and it has to stop.

And that's just the way it is.

#### DEMOCRACY IN THE REPUBLIC OF GEORGIA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as the Republic of Georgia deals with its first democratic transition of power, I spent the last few days speaking at length with President Saakashvili and the new Prime Minister Ivanishvili about the necessity to continue the pursuit of the rule of law.

Mr. Speaker, this is a critical moment for the Georgian people that could either put the country inexorably on the path of sustainable democracy or turn back the clock on the tremendous gains that have been made since the Rose Revolution. Mr. Speaker, the United States must remain engaged with the new government to promote continued democratic reform.

A robust democracy demands not only the ability of the majority party to advance its agenda, but also the preservation of the rights of the minority to raise questions and hold the government accountable.

Furthermore, prosecutions must be conducted in accordance with the rule of law, with full inquiries preceding arrests. Great diligence must be exercised to ensure that investigations are legitimate and not politically motivated.

I have urged and will continue to urge, Mr. Speaker, this new government to deliver on its campaign promises of continued democratic development and enhanced transparency.

□ 1410

#### RECOGNIZING A HOMETOWN HERO OF FRISCO, TEXAS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Today I rise to recognize a member of the Frisco City Council, Captain Tim Nelson. Although he was elected to the council more than 18 months ago, his dais seat has frequently been empty, but for a good reason.

Shortly after taking office, Captain Nelson received orders from the United States Army Reserve and was deployed to Afghanistan. During the past year, Captain Nelson was on the NATO military base with the 980th Engineer Battalion. As the unit's civil engineer, he oversaw construction projects ranging from roads to water crossings to intelligence.

While in Afghanistan, Captain Nelson carried a copy of the United States Constitution everywhere he went. His reason was, "You don't always have to agree with the politics of the day. But truly, by the grace of God, we were born in America. And if you've been to enough places around the world, you'll know how lucky we really are and how wonderful a place we live in."

While Captain Nelson was not able to be at council meetings, he was never forgotten. The opening of each council meeting included a prayer for his family and for his safe return home. He is home now; and he said, I'll "do my best to pay them back for the time I was gone."

On November 8, he returned back to Texas to his wife, Candice, and their three children.

Mr. Speaker, I am proud to recognize the service of a councilman of Frisco, Texas, Captain Tim Nelson.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4:30 p.m. today.

Accordingly (at 2 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1634

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 4 o'clock and 34 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules

on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### MANDATORY OPERATIONAL CONTROL REPORTING AND PERFORMANCE MEASURES ACT OF 2012

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6025) to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6025

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Mandatory Operational Control Reporting and Performance Measures Act of 2012".

#### SEC. 2. ANNUAL REPORTS ON OPERATIONAL CONTROL OF INTERNATIONAL LAND AND MARITIME BORDERS.

(a) IN GENERAL.—The Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate, as part of the Department of Homeland Security's Annual Performance Report, an annual report on the number of miles of the international land and maritime border between the United States and Canada and the United States and Mexico that are under operational control of the Department, cumulatively and by sector.

(b) ESTIMATES OF UNLAWFUL ENTRIES.—Each report under subsection (a) shall include the estimated number of unlawful entries between ports of entry along the international land and maritime borders of the United States during the period covered by the report, determined using all available sources of data.

(c) INDEPENDENT EVALUATION.—The Secretary of Homeland Security shall make available to the Government Accountability Office the data and methodology used to compile the statistics used in preparing each report under subsection (a), to ensure the suitability and statistical validity of such data and methodology.

(d) TERMINOLOGY AND METHODOLOGY.—Except as provided in subsection (e), for purposes of consistent usage of terminology and methodology in the annual reports required under subsection (a), the Secretary of Homeland Security shall use the methodology used to measure such operational control in accordance with the Department's Annual Performance Reports for each of fiscal years 2008 through 2010.

(e) ALTERNATE TERMINOLOGY AND METHODOLOGY.—The Secretary of Homeland Security shall use the terminology and methodology described in subsection (d) until such time as an alternate terminology and methodology is—

(1) required by an Act of Congress; or

(2) certified as suitable and statistically valid by a Department of Energy National

Laboratory with prior expertise in border security.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself as much time as I might consume.

Among the enumerated powers of the Constitution, providing for the common defense is, in my mind, the most important responsibility of this Congress. A key part of the common defense is ensuring that we secure our Nation's borders, and in the coming months, determining how to measure progress along the thousands of miles—north, south, and coastal—will be absolutely crucial.

H.R. 6025, the Mandatory Operational Control Reporting and Performance Measures Act of 2012, requires that the Department of Homeland Security resume reporting miles of the border under operational control and provide an estimate of the number of unlawful entries between ports of entry.

For years, we relied on operational control as a proxy for border security. It really became sort of the de facto term of art that indicated how much or how little of the border the Border Patrol could effectively control. But at last count, only 44 percent of the southwest border was under operational control, and less than 2 percent of the northern border was adequately secured.

I'm not quite sure how we can go from having less than half of the border under operational control to get to the current thinking that the border is more secure than ever, as the Secretary of Homeland Security has said, without having a legitimate way to measure border security.

In 2010, the Department of Homeland Security stopped reporting the number of miles of border under operational control with the promise of a new, more holistic measure of border security called the Border Condition Index. Nearly 3 years later, we're still waiting for the introduction of that measure without any idea if it will ever be used.

It's time for the Department to provide a suitable measure that adequately captures the security situation on the border, whether that is the Bor-

der Condition Index or something else. Until then, the Department should resume reporting miles under operational control.

To ensure that the numbers DHS gives us are sound, this bill, Mr. Speaker, requires that the Department give the Government Accountability Office access to the operational control numbers for third-party verification.

I fully understand that the leadership of the Department believes operational control, as it is currently configured, is not the right measure to describe security at the border. So I think we are all really open to new, more robust standards if it supplements operational control and better describes the level of security at our borders. But we can't just take this administration's word for it that the border is more secure than ever without some agreed upon standard.

To that point, I'm not sure that we should automatically assume that any new measure stacks up against operational control. With an issue this important, we can't just change the rules if we don't like the results.

Under this bill, the use of anything other than operational control to describe the security along the border must be vetted by a national laboratory with prior expertise in border security. Validation by a third party to ensure it accurately measures security along the border boils down to this: trust, but verify.

In testimony, the Government Accountability Office has been clear that the use of apprehensions of aliens at or near the border as a proxy for border security is, at best, incomplete. It tells us that we are catching lots of people, but it doesn't answer the most important question: How effective are we at keeping the drug cartels, human traffickers, and others from crossing our borders at will?

H.R. 6025 asks the Department to address this issue with an estimate of the number of unlawful entries between ports of entry so that the American people can put the apprehension numbers in the proper context and can stack apprehensions against the number of people who successfully cross the border illegally.

□ 1640

Mr. Speaker, the men and women of the U.S. Border Patrol and the U.S. Customs and Border Protection have a very difficult job, and I certainly want to thank them, as I'm sure we all do, for the very hard work that they do in some very demanding conditions to keep secure our Nation.

How we determine or measure what a secure border looks like has been the subject of a lot of debate, but the fact remains that the Congress and the American people should have a verifiable way to determine if we are making progress along the border.

I ask my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 6025, the Mandatory Operational Control Reporting and Performance Measures Act of 2012, and I yield myself such time as I may consume.

The bill before the House today would require the Secretary of Homeland Security to report annually to the relevant congressional committee on the number of miles of our international land and maritime borders that are under operational control and, number two, the estimated number of unlawful entries between ports of entry along our international land and maritime borders.

The Department of Homeland Security already tracks much of this data, and I have no objections to it being provided to Congress in our effort to better secure our borders.

With that, Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I thought I had another speaker, but I do not see him here. If the gentleman from Mississippi has no further speakers, I am prepared to close.

Mr. THOMPSON of Mississippi. I have no further speakers.

Mrs. MILLER of Michigan. Mr. Speaker, I would just ask my colleagues to support this legislation that moves us toward a more full understanding of the security situation along the border.

With that, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, as I have no further speakers, I yield back the balance of my time.

Mr. FLAKE. Mr. Speaker, I rise in support of H.R. 6025, a bill to require the Department of Homeland Security to resume reporting operational control as a measure of border security.

I thank the gentlelady from Michigan and her staff for working with me on this bill and for bringing it to the floor today.

As part of the 2004 Border Strategy, the Border Patrol has been reporting miles of the border under operational or effective control and included it in its annual performance reporting.

However, as of fiscal year 2010, the metric has no longer been reported, with the Department instead relying on reporting apprehensions which tell only a part of what's happening at the border and planning for the yet to be rolled out "Border Condition Index."

In fact, the Department's recently released 2012–2016 Border Strategy makes no reference to operational control or any other readily reportable metrics to evaluate border security.

Far be it from me to ascribe a motive to the situation the Administration has created regarding the border security metrics they are or are not employing, but it certainly looks like they would simply prefer to ignore data that

doesn't support their "border is safer than ever" narrative.

Sadly, for those living in border communities, there is some daylight between that narrative and reality and for that reason I urged the Department to resume using operational control during this year's appropriations process.

In speaking with Arizonans making their living on the border, I continue to hear story after story of break-ins, run-ins with armed groups crossing the border, and other dangerous situations.

In recent days much has been made about apparent momentum that is building towards Congress finding solutions to the problems created by our broken immigration system.

I have said it before and I'll say it again: there is little hope of the American public—particularly in border communities—trusting the Federal Government to deal with the many pressing immigration issues if we cannot get it right when it comes to border security.

There is simply no tackling immigration reform without achieving operational control of our southern border, and the Federal Government can't achieve operational control if they can't define it.

This legislation is simple; it would direct the Department to resume reporting operational control exactly as they had been previously.

If Congress and the Administration are in indeed serious about getting about the business of addressing the issue of border security, the successful passage of this common-sense and noncontroversial bill is the least we can do.

I urge adoption of H.R. 6025.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to debate H.R. 6025, the "Mandatory Operational Control Reporting and Performance Measures Act of 2012," which provides for annual reports to Congress from the Secretary of Homeland Security on the status of operational control of the international land and maritime borders of the United States, as well as, unlawful entries through those borders.

As a Ranking Member of Homeland Security Committee Transportation Subcommittee, I recognize the essential role that the Committee and this Congress play in securing our borders from terrorism, drug trafficking, and illegal immigration. This goal involves the substantial efforts of federal, state, and local law enforcement, as well as Congressional creation of effective border policy. I recognize that this bill seeks to provide additional information to Congress that will be helpful to that process going forward.

Section 2 of the Secure Fence Act of 2006 requires the Secretary of Homeland Security to "take all actions the Secretary determines necessary and appropriate to achieve and maintain operational control over the entire international land and maritime border of the United States." The section defines operational control to mean "the prevention of all unlawful entries into the United States, including entries by terrorists, other unlawful aliens, instruments of terrorism, narcotics, and other contraband."

As the Representative for the 18th Congressional District in Houston, Texas, border security and integrity are of paramount importance to both me and my constituents. The Port of

Houston is a 25-mile-long complex of public and private facilities located just a few hours' sailing time from the Gulf of Mexico. Its services link Houston with 1,053 ports in 203 countries.

The port is ranked first in the United States in foreign waterborne commerce, second in total tonnage, and sixth in the world. It generates about \$11 billion annually and provides over 287,000 direct and indirect jobs in Texas. As the port plays such a large role in the US economy it is crucial that we maintain its integrity and security.

H.R. 6025 is designed to gauge the performance of the Department in achieving operational control, so that Congress may provide additional legislation, tools, and resources as necessary.

More specifically, this bill will provide for annual reports on (1) the number of miles of the international land and maritime border between the United States and Canada and the United States and Mexico that are under operational DHS control, cumulatively and by sector; and (2) the estimated number of individuals who unlawfully enter the United States annually, the estimated number of individuals unlawfully present in the United States as of the date of each such report, and the number of individuals unlawfully present in the United States who voluntarily exited the United States in the preceding year.

Border security and immigration enforcement are enormous tasks requiring extensive resources. The Federal Government aims to, and must, work with State and local authorities to share the responsibilities and the common goal of a safe and secure America.

Despite the many examples of successful initiative and cooperative efforts, there are plenty of legitimate concerns that must be taken into account when discussing the best way to ensure that America's borders are secure. Significant improvements in technology and infrastructure have been made to the efforts the Federal Government is making to improve border security and immigration enforcement. Reports like the one proposed today are important to achieving our long term goals.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 6025, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### DHS ACCOUNTABILITY ACT OF 2012

Mr. McCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5913) to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5913

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "DHS Accountability Act of 2012".

#### SEC. 2. FINDINGS.

Congress finds that the Subcommittee on Oversight, Investigations, and Management of the Committee on Homeland Security of the House of Representatives held a series of four hearings related to the management of the Department of Homeland Security. The key findings from such hearings were the following:

(1) The Department of Homeland Security has not prioritized the missions outlined in its key strategic planning documents. This lack of prioritization may hinder the Department's efforts to effectively manage risks to the United States. Since 2003, the Government Accountability Office designated the transformation of the Department as high risk because the Department had to transform 22 agencies—several with major management challenges—into one department, and failure to effectively address the Department's management and mission risks could have serious consequences to United States national and economic security. The Government Accountability Office continues to designate the transformation of the Department as high risk.

(2) The Department has considerable work ahead to achieve actions and outcomes critical to addressing persistent management challenges. For example, a significant number of acquisition programs proceeded without component or departmental approval of essential planning documents. These reviews are important to ensure the success of an acquisition program. The Department also continues to face challenges implementing key human capital initiatives. Integrating financial data essential to effectively managing the Department also remains a challenge.

(3) Areas of duplicative effort have also been identified within the Department. For example, some Federal Government agencies are paying fees to the Department's Federal Protective Service for facility risk assessments that are not being performed, while at the same time performing their own risk assessments. The Department also lacks robust acquisition practices in place to position programs for success. Federal Government auditors questioned U.S. Customs and Border Protection's plan to secure the Arizona border because the agency could not justify the specific types, quantities, cost, and deployment locations of its surveillance technologies.

(4) Investigators continue to identify cases of employee corruption within the Department. Investigations by the Department's Inspector General led to over 400 arrests of employees in 2011. Examples include Border Patrol agents accepting bribes, thefts by airport screeners, and immigration officers complicit in fraud. In addition, overall employee morale in the Department remains one of the lowest in the Federal Government.

#### SEC. 3. ESTABLISHMENT.

There is established in the legislative branch an independent advisory panel to—

(1) comprehensively assess the management structure and capabilities related to the Department of Homeland Security; and

(2) make recommendations to improve the efficiency and effectiveness of the management of the Department.

**SEC. 4. MEMBERSHIP.**

(a) IN GENERAL.—The independent advisory panel (in this Act referred to as the “Panel”) established under section 3 shall be composed of eight members as follows:

(1) Two members shall be appointed by the Speaker of the House of Representatives, in coordination with the Chairman of the Committee on Homeland Security of the House of Representatives. Only one of such members may be from the same political party as the Speaker of the House of Representatives.

(2) Two members shall be appointed by the majority leader of the Senate, in coordination with the Chairman of the Committee on Homeland Security and Governmental Affairs of the Senate. Only one of such members may be from the same political party as the majority leader of the Senate.

(3) One member shall be appointed by the minority leader of the House of Representatives, in coordination with the Ranking Minority Member of the Committee on Homeland Security of the House of Representatives.

(4) One member shall be appointed by the minority leader of the Senate, in coordination with the Ranking Minority Member of the Committee on Homeland Security and Governmental Affairs of the Senate.

(5) Two members shall be appointed by the President, in consultation with the Secretary of Homeland Security. Only one of such members may be from the same political party as the President.

(b) PROHIBITION.—Except as provided in subsection (a), members of the Panel may not be current appointees of the President's Administration or Members of Congress, in order to ensure objectivity of the Panel's assessments.

(c) DEADLINE FOR APPOINTMENTS.—All appointments to the Panel shall be made not later than 90 days after the date of the enactment of this Act.

(d) CO-CHAIRMEN.—The Panel shall have two co-chairmen, as follows:

(1) A co-chairman who shall be a member of the Panel designated by the Speaker of the House of Representatives.

(2) A co-chairman who shall be a member of the Panel designated by the majority leader of the Senate.

(e) VACANCY.—In the event of a vacancy on the Panel, the individual appointed to fill the vacant seat shall be—

(1) subject to paragraph (2), appointed by the same officer (or the officer's successor) who made the appointment to the seat when the Panel was first established; or

(2) if the officer's successor is of a party other than the party of the officer who made the initial appointment when the Panel was first established, chosen in consultation with the senior officers of the House of Representatives and the Senate of the party which is the party of the officer who made such initial appointment.

(f) GOVERNMENT EMPLOYEES.—Members of the Panel who are officers or employees of the Federal Government shall serve without additional pay (or benefits in the nature of compensation) for service as a member of the Panel.

(g) INITIAL MEETING.—The Panel shall meet and begin the operations of the Panel not later than 60 days after the appointment of all Panel members under subsection (a).

**SEC. 5. DUTIES.**

(a) IN GENERAL.—The Panel shall assess the current management structure and capabilities of the Department of Homeland Security, including examining the following:

(1) The efficiency and effectiveness of the management structure and capabilities, in-

cluding the policies, practices, and procedures, of the Department of Homeland Security and its component agencies in carrying out the management functions, such as program acquisition, financial management, information technology, human capital issues, performance measurement, and risk management efforts, related to homeland security.

(2) The extent to which unnecessary duplication exists in such management structure and capabilities, and how, if at all, such duplication negatively affects the mission of protecting the United States.

(3) The extent to which management of key homeland security missions is centralized under the Department.

(4) Options, as appropriate, to reduce or eliminate harmful waste and duplication of effort in the Department.

(5) Measures to evaluate the Department's progress in reducing and eliminating waste and duplication from its management structure and capabilities.

(b) ADDITIONAL CONSIDERATIONS.—In carrying out its duties, the Panel should consult and leverage the work performed and recommendations made by the Government Accountability Office on the management structure and capabilities of the Department of Homeland Security, in particular with respect to the issues identified under subsection (a).

**SEC. 6. POWERS AND AUTHORITIES.**

(a) HEARINGS AND EVIDENCE.—

(1) IN GENERAL.—The Panel or, on the authority of the Panel, any portion thereof, may, for the purpose of carrying out this section—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths (provided that the quorum for a hearing shall be two members of the Panel); and

(B) subject to subsection (b), require by subpoena or otherwise provide for the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Panel, or such portion thereof, may determine advisable.

(2) OPEN TO THE PUBLIC.—Hearings and other activities conducted under paragraph (1) shall be open to the public unless the Panel, or, on the authority of the Panel, any portion thereof, determines that such is not appropriate, including for reasons relating to the disclosure of information or material regarding the national security interests of the United States or the disclosure of sensitive law enforcement data.

(b) SUBPOENAS.—

(1) ISSUANCE.—

(A) IN GENERAL.—A subpoena may be issued under this subsection only—

(i) by the two co-chairmen; or

(ii) by the affirmative recorded vote of six members of the Panel.

(B) SIGNATURE.—Subpoenas issued under this subsection may be—

(i) issued under the signature of the two co-chairmen or any member designated by a majority of the Panel; and

(ii) served by any person designated by the two co-chairmen or by any member designated by a majority of the Panel.

(2) ENFORCEMENT.—

(A) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under this subsection, the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to produce documentary or other evi-

dence. Any failure to obey the order of the court may be punished by the court as contempt of that court.

(B) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena, the Panel may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before a grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(c) PERSONNEL.—

(1) IN GENERAL.—The Panel shall have the authorities provided in section 3161 of title 5, United States Code, and shall be subject to the conditions specified in such section, except to the extent that such conditions would be inconsistent with the requirements of this section.

(2) COMPENSATION.—The co-chairmen, in accordance with rules agreed upon by the Panel, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Panel to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this paragraph may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(3) DETAILEES.—Any employee of the Federal Government may be detailed to the Panel without reimbursement from the Panel, and such detailee shall retain the rights, status, and privileges of the employee's regular employment without interruption.

(4) EXPERT AND CONSULTANT SERVICES.—The Panel is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(5) VOLUNTEER SERVICES.—Notwithstanding section 1342 of title 31, United States Code, the Panel may accept and use voluntary and uncompensated services as the Panel determines necessary.

(d) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall cooperate with the Panel in expeditiously providing to the Panel members and staff appropriate security clearances to the extent possible pursuant to existing procedures and requirements, except that no person shall be provided with access to classified information under this section without the appropriate security clearances.

(e) CONTRACTING.—The Panel may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Panel to carry out its duties under this Act.

(f) POSTAL SERVICES.—The Panel may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(g) SUPPORT SERVICES.—Upon request of the Panel, the Administrator of General Services shall provide the Panel, on a reimbursable basis, with the administrative support services necessary for the Panel to

carry out its duties under this Act. Such administrative services may include human resource management, budget, leasing, accounting, and payroll services.

(h) **RULES OF PROCEDURE.**—The Panel may establish rules for the conduct of the Panel's business, if such rules are not inconsistent with this Act or other applicable law.

(i) **NONAPPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Panel.

(j) **TERMINATION.**—The Panel shall terminate on the date that is 60 days after the date of the submission of its final report.

#### SEC. 7. REPORTS TO CONGRESS.

(a) **INTERIM REPORT.**—Not later than one year after the date of the appointment of all the members of the Panel, the Panel shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate an interim report, including the results and findings of the assessment and examination carried out in accordance with section 5.

(b) **OTHER REPORTS AND BRIEFINGS.**—The Panel may from time to time submit to the committees specified in subsection (a) such other reports and briefings relating to the assessment and examination carried out in accordance with section 5 as the Panel considers appropriate. Such committees may request information on the Panel's progress as it conducts its work.

(c) **FINAL REPORT.**—Not later than two years after the date of the appointment of all the members of the Panel, the Panel shall submit to the committees specified in subsection (a) a final report on the assessment and examination carried out in accordance with section 5. Such final report shall—

- (1) include the findings of the Panel;
- (2) identify lessons learned related to homeland security management issues; and
- (3) include specific recommendations related to—

(A) improving the efficiency and effectiveness of the management structure and capabilities, including the policies, practices, and procedures, of the Department of Homeland Security and its component agencies in carrying out the Department's management functions and mission to protect the United States;

(B) reducing or eliminating unnecessary duplication in the management structure and capabilities of the Department and its component agencies;

(C) options, as appropriate, to reduce or eliminate harmful waste and duplication of effort in the Department; and

(D) developing measures to evaluate the Department's progress in reducing and eliminating waste and duplication from its management structure and capabilities.

The **SPEAKER pro tempore**. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

#### GENERAL LEAVE

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The **SPEAKER pro tempore**. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of the DHS Accountability Act of 2012.

Congress has an important opportunity to make the Department of Homeland Security a more effective and efficient organization. The purpose of this bipartisan legislation is to create an independent advisory panel to conduct a top-to-bottom examination of deficiencies in the Department's management structure and capabilities. It follows six subcommittee oversight hearings examining corruption, low morale, inefficiency, and waste of taxpayer dollars, and comes almost 10 years since the inception of DHS.

I appreciate the strong support of the ranking member of the Homeland Security Oversight Subcommittee, the gentleman from Massachusetts (Mr. KEATING), as an original cosponsor of this bill.

As the third largest Federal Department, DHS has more than 240,000 employees and an annual budget of \$60 billion. It's transformation, according to the GAO, is critical to achieving its Homeland Security mission; however, excessive bureaucracy, waste, ineffectiveness, and lack of transparency have hindered its operations and wasted taxpayer dollars. Mismanagement at the Department is a threat to the security of our homeland.

Since 2003, GAO has designated the transformation of DHS as high risk because the Department had to transform 22 agencies, several with major management challenges, into one Department. Failure to effectively address the Department's management risks could have serious consequences. DHS remains on GAO's high-risk list. While GAO has conducted numerous audits of specific DHS programs, a comprehensive management assessment of the Department has yet to be conducted.

Our hearings and GAO findings conclude that DHS has made some progress but is still dysfunctional in several areas. The Department continues to face challenges in acquisition management, human capital, integration of financial data, and IT. In August, my subcommittee released a report outlining how the Department's management failures, related to a variety of acquisition programs, have wasted taxpayer dollars and had a serious impact on our ability to protect the homeland. The report's findings show why such a panel is needed to help fix the Department's shortcomings.

GAO's recent work also identified areas of duplicative effort. For instance, GAO found agencies are paying for risk assessments that are not being completed while simultaneously conducting their own assessments. Employee morale also remains one of the lowest in the Federal Government. Ad-

ditionally, there are examples of Border Patrol agents accepting bribes, theft by airport screeners, and immigration officers complicit in fraud. These deficiencies cannot continue.

Based on the findings of these hearings and GAO reviews, I have doubts that the Department can carry out its core mission of protecting the homeland if the problems persist. These issues of corruption, waste, duplication, and abuse of power are all symptomatic of deeply rooted flaws in the Department's management. I believe it will take a dedicated team of independent investigators to identify the root causes and recommend concrete changes. A top-to-bottom management review is necessary because the current management team is not getting the job done.

The DHS Accountability Act of 2012, as amended, will create an independent eight-member advisory panel appointed by the legislative and executive branches to comprehensively assess DHS management structure and capabilities. It will require the panel to make recommendations to improve DHS's efficiency and effectiveness, and it will require an interim report sent to Congress 1 year after the panel's selection, with the final report due 2 years after its inception.

The panel will possess subpoena power, the authority to conduct hearings, and receive expert witness testimony. The panel's recommendations will help make DHS a leaner, smarter, and more effective organization and ferret out duplicative programs and offices.

Fellow Members, this legislation is our opportunity to take action, and I urge you to support the DHS Accountability Act of 2012.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 5913, the DHS Accountability Act of 2012.

The bill before the House today would create an independent advisory panel to comprehensively assess and make recommendations regarding the management structure and capabilities of the Department of Homeland Security. While there is some question about whether this legislation is necessary, as similar independent initiatives are already underway, I appreciate the effort to improve the effectiveness of DHS's management and will not oppose the bill.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I urge Members to support this bill, and as I have no further speakers, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield 3 minutes to the ranking member of the Committee on



Homeland Security Subcommittee on Oversight, Investigations, and Management, the gentleman from Massachusetts (Mr. KEATING).

Mr. KEATING. Thank you, Ranking Member THOMPSON, for yielding your time and for your leadership on the Homeland Security Committee.

Mr. Speaker, I rise in support of H.R. 5913, the Department of Homeland Security Accountability Act of 2012.

As the ranking member for the Subcommittee on Oversight, Investigation, and Management, I was pleased to work with Chairman MCCAUL and serve as the original cosponsor of this measure.

I appreciate the bipartisan discussions that led to the introduction of the amended version we adopted at the subcommittee level, which is the version being considered today.

□ 1650

This bill goes to the heart of the subcommittee's mandate, which is to ensure the effective management of the Department of Homeland Security. Ensuring the effectiveness of the Department of Homeland Security is not a partisan matter, and it should serve as a priority as it is essential to our security and safety in this country.

Since its inception, the Department of Homeland Security has faced significant management challenges, many of which stem from the very nature of its creation, which was transforming 22 legacy agencies into one cohesive, unified department. To its credit, the Department has come a long way since its inception, but more work remains to be done.

The consideration of this bill comes at a time when Congress is examining cost-saving and revenue-generating measures to reduce our deficit while ensuring the safety and well-being of our citizens. There is no doubt that the Department is making positive strides and has clear plans in place to reduce duplicative efforts in the management area. For example, the Department's Efficiency Review Initiative, which was highlighted by Vice President BIDEN as a model for all Federal agencies, has resulted in more than \$1 billion in DHS cost avoidances, including \$180 million saved by consolidating duplicative software licensing agreements.

I am also pleased that the Secretary has advanced internal measures aimed at eliminating waste and fraud. Unfortunately, this does not change the fact that a number of DHS activities are still shared by other Federal agencies.

In March of 2011 and in February of 2012, the GAO identified six areas across DHS where overlap or potential unnecessary duplication exists. For example, when it comes to personnel background investigations, cybersecurity trainings, and the identification of fraudulent travel documents, the lines

between multiple agencies remain blurred. Furthermore, despite its management strides, the Department has yet to fully address deficiencies in component operations that result in the wasting of funds. The Department's Federal Protective Service has received over \$230 million from Federal agencies for risk assessments and security services, yet these agencies have not found the FPS's services adequate or satisfactory, so they perform their own assessments as well.

This bill will determine instances of waste and abuse through an independent advisory panel that will be charged with two main responsibilities: to comprehensively assess the management structure and capabilities related to the Department and to make recommendations to improve the efficiency and effectiveness of the management of the Department. The legislation instructs the panel to examine five broad categories: the efficiency and effectiveness of management structure and capabilities; whether unnecessary duplication exists; the extent to which management of key homeland security missions is centralized; waste and duplication.

Mr. Speaker, this bipartisan effort will comprise this panel's work through the course of this session, which has been extensive. I want to thank Chairman MCCAUL for his efforts in dealing with these issues. I want to thank him for the bipartisan cooperation that has been there on important issues of national security. I also want to thank the ranking member for yielding his time and for his leadership on the committee.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am in support of this legislation, and I look forward to its adoption.

I yield back the balance of my time. Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 5913, the "DHS Accountability Act of 2012," which establishes an independent advisory panel in the legislative branch to: (1) comprehensively assess the management structure and capabilities related to the Department of Homeland Security (DHS), and (2) make recommendations to improve the efficiency and effectiveness of DHS management.

Moreover, the advisory panel is tasked with directing the panel to examine: (1) the efficiency and effectiveness of the management structure and capabilities (2) the extent to which unnecessary duplication exists in such management structure and capabilities and how any such duplication negatively affects the mission of protecting the United States; (3) the extent to which management of key homeland security missions is centralized under DHS; (4) options to reduce or eliminate harmful waste and duplication of effort in DHS; and (5) measures to evaluate DHS's progress in reducing and eliminating waste and duplication from its management structure and capabilities.

As the Ranking Member of Homeland Security Subcommittee on Transportation, I am fa-

miliar with the challenges facing the Department of Homeland Security (DHS) as the various agencies within the Department work to ensure the safety of all Americans. Like most other agencies, DHS and the agencies within it are facing budget cuts amidst the rising cost of ever present threats.

I want to recognize the outstanding work and progress that this body, in cooperation with the United States Senate and the executive branch, has made in learning from the events of 9/11. Together, we have taken steps toward the implementation of policies that have made our nation more secure from terrorism, including the creation of the Department of Homeland Security in 2002.

With over 200,000 employees and encompassing numerous agencies and various other components, DHS is the 3rd largest cabinet level department.

There were certain flaws in our security apparatus that failed us on 9/11 which include the lack of information-sharing between agencies charged with determining who should and should not be permitted to enter our borders, as well as friction and difficulties that resulted from some of the overlapping responsibilities of those agencies.

DHS was created to resolve some of those difficulties, and although it has made great strides, more work remains to be done.

The advisory panel created by the H.R. 5913 will be instrumental in assisting Congress and the Department of Homeland Security in achieving missions vital to America while trimming waste and improving its efficiency and efficacy.

It is essential that this Congress work in tandem with the Department of Homeland Security to ensure that the nation is protected from threats to our homeland. Because it will help to facilitate this important process, I urge my colleagues to support H.R. 5913, the "DHS Accountability Act of 2012."

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 5913, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE ACT

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 915) to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from transnational crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping



along and across the international borders of the United States, and for other purposes.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Jaime Zapata Border Enforcement Security Task Force Act”.

**SEC. 2. FINDINGS AND DECLARATION OF PURPOSES.**

Congress finds the following:

(1) The Department of Homeland Security’s (DHS) overriding mission is to lead a unified national effort to protect the United States. United States Immigration and Customs Enforcement (ICE) is the largest investigative agency within DHS and is charged with enforcing a wide array of laws, including laws related to securing the border and combating criminal smuggling.

(2) Mexico’s northern border with the United States has experienced a dramatic surge in border crime and violence in recent years due to intense competition between Mexican drug cartels and criminal smuggling organizations that employ predatory tactics to realize their profits.

(3) Law enforcement agencies at the United States northern border also face challenges from transnational smuggling organizations.

(4) In response, DHS has partnered with Federal, State, local, tribal, and foreign law enforcement counterparts to create the Border Enforcement Security Task Force (BEST) initiative as a comprehensive approach to addressing border security threats. These multi-agency teams are designed to increase information-sharing and collaboration among the participating law enforcement agencies.

(5) BEST teams incorporate personnel from ICE, United States Customs and Border Protection (CBP), the Drug Enforcement Administration (DEA), the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATFE), the Federal Bureau of Investigation (FBI), the United States Coast Guard (USCG), and the U.S. Attorney’s Office (USAO), along with other key Federal, State and local law enforcement agencies.

(6) Foreign law enforcement agencies participating in BEST include Mexico’s Secretaria de Seguridad Publica (SSP), the Canada Border Services Agency (CBSA), the Ontario Provincial Police (OPP), and the Royal Canadian Mounted Police (RCMP).

**SEC. 3. BORDER ENFORCEMENT SECURITY TASK FORCE.**

(a) IN GENERAL.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following:

**“SEC. 432. BORDER ENFORCEMENT SECURITY TASK FORCE.**

“(a) ESTABLISHMENT.—There is established within the Department a program to be known as the Border Enforcement Security Task Force (referred to in this section as ‘BEST’).

“(b) PURPOSE.—The purpose of BEST is to establish units to enhance border security by addressing and reducing border security threats and violence by—

“(1) facilitating collaboration among Federal, State, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security, and homeland security; and

“(2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

“(c) COMPOSITION AND ESTABLISHMENT OF UNITS.—

“(1) COMPOSITION.—BEST units may be comprised of personnel from—

“(A) U.S. Immigration and Customs Enforcement;

“(B) U.S. Customs and Border Protection;

“(C) the United States Coast Guard;

“(D) other Department personnel, as appropriate

“(E) other Federal agencies, as appropriate;

“(F) appropriate State law enforcement agencies;

“(G) foreign law enforcement agencies, as appropriate;

“(H) local law enforcement agencies from affected border cities and communities; and

“(I) appropriate tribal law enforcement agencies.

“(2) ESTABLISHMENT OF UNITS.—The Secretary is authorized to establish BEST units in jurisdictions in which such units can contribute to BEST missions, as appropriate. Before establishing a BEST unit, the Secretary shall consider—

“(A) whether the area in which the BEST unit would be established is significantly impacted by cross-border threats;

“(B) the availability of Federal, State, local, tribal, and foreign law enforcement resources to participate in the BEST unit;

“(C) the extent to which border security threats are having a significant harmful impact in the jurisdiction in which the BEST unit is to be established, and other jurisdictions in the country; and

“(D) whether or not an Integrated Border Enforcement Team already exists in the area in which the BEST unit would be established.

“(3) DUPLICATION OF EFFORTS.—In determining whether to establish a new BEST unit or to expand an existing BEST unit in a given jurisdiction, the Secretary shall ensure that the BEST unit under consideration does not duplicate the efforts of other existing interagency task forces or centers within that jurisdiction.

“(d) OPERATION.—After determining the jurisdictions in which to establish BEST units under subsection (c)(2), and in order to provide Federal assistance to such jurisdictions, the Secretary may—

“(1) direct the assignment of Federal personnel to BEST, subject to the approval of the head of the department or agency that employs such personnel; and

“(2) take other actions to assist Federal, State, local, and tribal entities to participate in BEST, including providing financial assistance, as appropriate, for operational, administrative, and technological costs associated with the participation of Federal, State, local, and tribal law enforcement agencies in BEST.

“(e) REPORT.—Not later than 180 days after the date on which BEST is established under this section, and annually thereafter for the following 5 years, the Secretary shall submit a report to Congress that describes the effectiveness of BEST in enhancing border security and reducing the drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, as measured by crime statistics, including violent deaths, incidents of violence, and drug-related arrests.”

(b) CLERICAL AMENDMENT.—The table of contents under section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101(b)) is amended by inserting after the item relating to section 431 the following:

“Sec. 432. Border Enforcement Security Task Force.”

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. McCAUL) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. McCAUL. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. McCAUL. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act. This bill, which will codify Border Enforcement Security Task Force units, was named to honor the memory of slain Immigration and Customs Enforcement Special Agent Jaime Zapata.

In 2011, Special Agent Zapata and his associate, Special Agent Victor Avila, were ambushed on a dangerous stretch of highway in Mexico by the ruthless Zeta drug cartel. The vehicle that the two special agents were traveling in was forced off the road by the heavily armed thugs. Once the vehicle had come to a stop, the cartel members forced the doors open, fired their weapons at point blank range, and tried to drag away Special Agent Zapata, who fought back and was able to re-lock the doors. Special Agent Zapata tried to explain to the men that he and Special Agent Avila were U.S. diplomats. The gunman responded to his plea with bullets. Special Agent Zapata then heroically drove himself and Special Agent Avila away from the scene and to safety.

Investigators later found more than 80 individual bullet casings at the scene of the crime. By nothing short of a miracle, Special Agent Avila survived the ordeal. However, Jaime Zapata did not.

Border Enforcement Security Task Force units are comprised of DHS and other Federal, State, and local law enforcement personnel. They coordinate efforts to enhance border security and they mitigate threats posed by transnational crime, drug trafficking, arms smuggling, illegal alien traffic, violence, and kidnappings. These units will leverage the experience of personnel from the United States Immigration and Customs Enforcement, the United States Customs and Border Protection, the United States Coast Guard, and other DHS components, as well as other Federal agencies, State, local, and tribal and, when appropriate, foreign law enforcement partners. With the increasing violence in Mexico and with the growing resourcefulness of vast criminal networks operating along the border, this type of interagency response is critical.

The men and women who have selflessly dedicated themselves to protecting our borders deserve this protection. Jaime Zapata paid the ultimate price, and I've made it a personal mission, along with my colleague from Texas (Mr. CUELLAR), to help ensure that no more brave men and women are lost to the violence along our southwest border. In addition to drug cartels freely moving across the border with drugs, cash, and weapons, the growing presence of Iran and Hezbollah in Latin America are also a threat. We do not have the luxury of sitting idly by while those looking to do us harm continue to enter the United States illegally.

I would like to thank my friend and colleague Representative CUELLAR for introducing this vitally important piece of bipartisan legislation. I would also like to thank Senators LIEBERMAN and COLLINS for taking action on this bill.

H.R. 915 honors Special Agent Jaime Zapata by making sure that those who serve as he did have the tools they need to secure the border.

I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of the Senate amendment to H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act, and yield myself such time as I may consume.

The bill before the House today would for the first time statutorily authorize an important border security program, the BEST program. Under BEST, ICE partners with Federal, State, local, and foreign law enforcement counterparts to establish targeted, cross-agency teams to identify, disrupt, and dismantle criminal organizations posing significant threats to border security. The program also serves as a model for interagency cooperation, coordination, and information sharing, which is vital in the post 9/11 environment.

I would note that it is appropriate that this bill is named in the memory of Jaime Zapata, an ICE special agent who was killed in the line of duty in Mexico while working as part of a BEST team.

H.R. 915 has enjoyed strong, bipartisan support in the House, passing with overwhelming support earlier this year, as well as in the Senate. Passage today will clear the bill for the President's signature.

I would like to commend the gentleman from Texas (Mr. CUELLAR) for his continued work on this important legislation and for being the sponsor of this legislation. The Committee on Homeland Security and Congress as a whole benefit from his commitment to border security matters.

With that, Mr. Speaker, I reserve the balance of my time.

□ 1700

Mr. MCCAUL. Mr. Speaker, I have no more speakers and I'm prepared to

close, so I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I yield such time as he may consume to the author of the underlying measure being considered, the gentleman from Texas (Mr. CUELLAR).

Mr. CUELLAR. Mr. Speaker, I thank the ranking member, Mr. THOMPSON, for the leadership that he has provided on this piece of legislation and other legislation that is so important for the security of our Nation. I certainly want to thank also Chairman PETER KING and of course my good friend, MICHAEL MCCAUL, Chairman MCCAUL, for being one of the original cosponsors, along with BLAKE FARENTHOLD. We look forward to working with the folks on the border, including a new member from the Brownsville area, Mr. Filemon Vela. Mr. MCCAUL and I have always worked in a very bipartisan way.

The Jaime Zapata bill, H.R. 915, has received bipartisan support. In May when it was first passed by the House, it was overwhelmingly supported by the House, both Democrats and Republicans. It went over to the Senate, and I want to thank also Senator LIEBERMAN and Senator COLLINS for their support of this bill. Senator LIEBERMAN was just outstanding in making sure that we moved this bill over here as quickly as possible.

We now have a bill here that does two things. The first thing, it enhances border security. Number two is to name this particular bill in honor of a brave individual, Jaime Zapata, who has given up his life. Some months ago, both Chairman MCCAUL and I had the opportunity to meet with the family, with the mother and father, of this strong hero that we got to know in the service of the line of duty.

As you know, ICE, Immigration and Customs Enforcement, in partnership with U.S. Customs and Border Protection, as well as other Federal, State, local and foreign law enforcement, has created the BEST initiative. By the way, the first BEST initiative was created in Laredo back in 2005, and it has become a model across the country. It is a comprehensive approach to identify, disrupt, and dismantle transnational criminal organizations that have posed significant threats to the border and maritime security.

Through investigations, seizures of contraband, arrests and prosecutions, the BEST units are building an impressive record of success. Today, there are 34 BEST units throughout the United States. They work not only with their Mexican counterparts, but also on the northern border with their Canadian counterparts. And certainly we want to make sure that Congress provides support to the BEST units in order to enhance border security in the communities that we all represent.

So, again, Members, I would ask that you all work and support this bill

today, a very appropriate time as we had the new President-elect of Mexico who came down here and met with Members of Congress and I believe at this particular time he is meeting with the President right now, President Barack Obama, and we look forward to working with our Mexican counterparts. We need to make sure that we keep in mind that a secure, strong, prosperous Mexico is in the best interest of the United States. Mexico is not an enemy; it is a friend of the United States. And I think both BENNIE THOMPSON and MICHAEL MCCAUL have been down to the border. We understand that the Rio Grande does not divide us as two countries, but unites us together.

Also, to the family of Jaime Zapata, losing a son is very, very difficult. And, again, we want to thank the family for providing this strong hero. We can say Jaime Zapata was truly a hero of the United States. Mr. Speaker, I urge all of my colleagues to support this bill by voting "aye" on H.R. 915.

Mr. THOMPSON of Mississippi. Mr. Speaker, I urge my colleagues to support the Senate amendment to H.R. 915.

I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, just on a point of personal privilege, Mr. CUELLAR and I will be embarking at the end of this week to head down to Mexico City to the President of Mexico's inauguration. I agree with my colleague that our relationship with Mexico is vitally important and the idea that the BEST teams, Border Enforcement Security Teams, have provided an invaluable service on the border. In terms of confiscating cash and weapons going south into Mexico, they have been extremely successful; and if anything merits additional resources, it's this program. I can't think of a better program to name after Jaime Zapata.

I will also say that on the several occasions that I have met with Agent Avila and his family, it has been very emotional to see someone who has come back almost from an operation of war, if you will, who has been shot at by the Los Zeta cartel members, almost going through a PTSD-type situation, a very, very emotional experience; and I wish Agent Avila and his family the best in their recovery. He is a very brave, brave man and soldier. And also to the family of Jaime Zapata, we honor you today with this bill and please know that you are always in our thoughts and in our prayers.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. THORNBERRY. Mr. Speaker, today I am supporting H.R. 915, the Jaime Zapata Border Enforcement Security Task Force Act. This measure would establish Border Enforcement Security Task Force (BEST) teams within the Department of Homeland Security (DHS) to facilitate "collaboration among federal, state, local, tribal, and foreign law enforcement agencies to execute coordinated

activities in furtherance of border security, and homeland security” and enhance information sharing among the agencies.

This mission is a very important one. And I encourage DHS to consult with local and state law enforcement on how these teams could best be used to fill gaps in border security.

I am particularly concerned about a proposal to close several interior border patrol stations. As an example, from 2007 through 2011 Border Patrol agents assigned to the Amarillo station made from 383 to 745 apprehensions per year. Despite this volume, the Border Patrol proposed closing its Amarillo station—along with eight other interior stations, six of them in Texas. The absence of the Amarillo interior Border Patrol station would leave no federal agency for hundreds of miles to take custody of illegal aliens or to assist local law enforcement with investigations.

I do not know whether the BEST teams authorized in this measure could fulfill the responsibilities of the border patrol stations that are proposed for closure. But I strongly recommend that DHS continue to examine ways to ensure that this vital federal responsibility is fulfilled.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to debate the Senate Amendment to H.R. 915, the “Jamie Zapata Border Enforcement Security Task Force Act,” which amends the Homeland Security Act of 2002 to establish within the Department of Homeland Security (DHS) the Border Enforcement Security Task Force (BEST), which shall establish units to enhance border security by addressing and reducing border security threats and violence.

More specifically, this Border Enforcement Security Task Force will achieve its goal of border security enhancement by (1) facilitating collaboration among federal, state, local, tribal, and foreign law enforcement agencies to execute coordinated activities in furtherance of border security and homeland security; and (2) enhancing information-sharing, including the dissemination of homeland security information among such agencies.

As the Representative for the 18th Congressional District of Texas, I am deeply concerned about spill-over violence along the border between my state and Mexico. The recent increase in drug trafficking-related violence in Mexican cities, such as Juárez and Nuevo Laredo, is cause for concern, particularly in the neighboring U.S. cities of El Paso and Laredo, TX.

In fact, in 2010, the Department of Homeland Security (DHS) issued a safety alert to law enforcement officers in the El Paso area warning that drug trafficking organizations and associated gangs may target U.S. law enforcement.

The BEST program is currently administered by DHS, and involves information sharing and law-enforcement operations between personnel from federal, state, local, tribal, and foreign law-enforcement agencies to combat criminal activity near the United States borders.

There are currently 34 BEST units.

Since inception in June of 2005, these DHS-led task forces made 10,024 criminal arrests; 6,541 administrative arrests; 5,802 indictments; and 4,999 convictions.

They seized over 88,500 pounds of cocaine; 870,748 pounds of marijuana; 4,669 pounds of methamphetamine; 4,383 pounds of ecstasy; 1,404 pounds of heroin; 3,866 vehicles; 14,243 weapons; 2,920,155 rounds of ammunition; and in excess of \$111.8 million in U.S. currency and monetary instruments.

Additionally, BEST units have initiated approximately 8,490 investigations.

Jamie Zapata was a Homeland Security Investigations Special Agent from Brownsville, Texas who was killed in the line of duty on February 15, 2011 while serving on assignment in Mexico for United States Immigration and Customs Enforcement.

This bipartisan bill, named in Jamie Zapata’s honor, seeks to enhance our nation’s abilities to deal with the dangerous activities occurring near our borders and, hopefully, prevent the tragic deaths of more of our agents. These are men and women who put their lives on the line in order to protect our country’s interests.

We know that this program works and has provided American citizens with improved border security and greater security throughout the United States.

I urge my colleagues to support the “Jamie Zapata Border Enforcement Security Task Force Act,” which will ensure that our agents tasked with securing our border, who work under extremely perilous circumstances, are better protected through enhanced information sharing and greater collaboration between agencies.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. McCaul) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 915.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. McCaul. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

#### MEDICAL PREPAREDNESS ALLOWABLE USE ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5997) to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5997

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Medical Preparedness Allowable Use Act”.

#### SEC. 2. USE OF CERTAIN HOMELAND SECURITY GRANT FUNDS FOR ENHANCING MEDICAL PREPAREDNESS, MEDICAL SURGE CAPACITY, AND MASS PROPHYLAXIS CAPABILITIES.

Section 2008 of the Homeland Security Act of 2002 (6 U.S.C. 609) is amended—

(1) in subsection (a), by redesignating paragraphs (10) through (13) as paragraphs (11) through (14), respectively, and by inserting after paragraph (9) the following:

“(10) enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, including the development and maintenance of an initial pharmaceutical stockpile, including medical kits, and diagnostics sufficient to protect first responders, their families, and immediate victims from a chemical or biological event;”; and

(2) in subsection (b)(3)(B), by striking “(a)(10)” and inserting “(a)(11)”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from Mississippi (Mr. THOMPSON) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

#### GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to support H.R. 5997, the Medical Preparedness Allowable Use Act, a bipartisan bill which amends the Homeland Security Act of 2002 to make it clear that grant funds under the State Homeland Security Grant Program and the Urban Area Security Initiative may be used to enhance medical preparedness and purchase medical countermeasures.

I introduced H.R. 5997 after a series of hearings on medical countermeasures in the Committee on Homeland Security’s Subcommittee on Emergency Preparedness, Response, and Communications. At these hearings, we received testimony from representatives of the emergency response community on the importance of stockpiling medical countermeasures in the event of a WMD attack. This includes pre-deployed medical kits for first responders and their families, similar to those provided to postal workers participating in the national U.S. Postal Medical Countermeasures Dispensing Pilot Program.

The grant guidance for the State Homeland Security Grant Program and the Urban Area Security Initiative currently permits this funding to be used to procure medical countermeasures and for other medical preparedness and medical surge capacity equipment and activities. However, this guidance is developed on an annual basis, and there

is no guarantee that these uses will be authorized in the future.

□ 1710

To be clear, this bill does not create a new grant program or authorize new funding. It simply ensures that these activities will remain allowable uses under SHSGP and UASI.

As the WMD Commission noted in its report, Mr. Speaker, "World at Risk," it is more likely than not that there will be a weapon of mass destruction used someplace on Earth by a terrorist group before the end of the year 2013, and it's more likely that this weapon will be biological, rather than nuclear.

The expenditures authorized and codified by the bill we are considering today can make a difference in the protection of the public, including emergency responders, in the event of such an attack, and there should be no doubt that grant funding may be used to support them now and in the future.

As the chairman of the Subcommittee on Emergency Preparedness, Response and Communications, I consistently find myself in awe of our first responders and the sacrifices that they make on behalf of our public. In the wake of events such as Hurricane Sandy, I am committed to ensuring Congress does all that it can to support those brave men and women, Mr. Speaker.

I am pleased that this legislation is supported by the Emergency Services Coalition on Medical Preparedness, which works to ensure that we protect the protectors.

I reserve the balance of my time.

EMERGENCY SERVICES COALITION  
FOR MEDICAL PREPAREDNESS,  
Falls Church, VA, November 19, 2012.

Hon. GUS BILIRAKIS,  
Chairman, Subcommittee on Emergency Preparedness, Response, and Communications,  
Committee on Homeland Security, House of Representatives, Washington, DC.

DEAR CHAIRMAN BILIRAKIS: The Emergency Services Coalition for Medical Preparedness is pleased to support H.R. 5997 and the proposed amendment of the Homeland Security Act of 2002. The need for home and workplaces of medical caches to protect the emergency services providers in the nation remains high. Recent reports for the congressionally-chartered WMD Commission emphasize the continuing threat posed by biological weapons. Ensuring a resilient emergency services sector is an imperative for a superior response, a major part of this planning is the provision of Medkits pre-event to these professionals.

Emergency services professionals have unique roles, and are expected to serve and protect even in dangerous circumstances. Having responsible pre-event protections in place is necessary to ensure they can carry out this role. Individual physician-based prescription efforts have provided protection to hundreds of postal employees and federal employees, but not the millions of protectors and their families. Your bill addresses this gap.

We look forward to working with you and your staff in the passage of the Bill. Thank

you for your leadership and continuing support in "protecting the protectors."

Sincerely,

TIM STEPHENS,  
Advisor.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 5997, the Medical Preparedness Allowable Use Act, and yield myself such time as I may consume.

Mr. Speaker, although I support H.R. 5997, it is not without reservation and concern about the reduced funding this Congress has allocated to important Homeland Security Grant Programs over the past few years. Due to significantly diminished appropriations for the Homeland Security Grant Program, important targeted grant programs such as the Metropolitan Medical Response System were consolidated into larger umbrella grant programs, such as the Urban Area Security Initiative and the State Homeland Security Grant Program in FY 2012.

I'm concerned that Congress' failure to specify a funding allocation for the Metropolitan Medical Response System sends the message that medical preparedness is no longer a priority.

H.R. 5997 authorizes the use of funding awarded under the Urban Area Security Initiative and the State Homeland Security Grant Program to enhance medical preparedness, medical surge capacity, and mass distribution of medical countermeasures. All of these activities would have been eligible under H.R. 1411, the Metropolitan Medical Response Systems Program Act of 2011.

H.R. 1411, which would have authorized the Metropolitan Medical Response System, was introduced by Representative BILIRAKIS and was marked up by the Subcommittee on Emergency Preparedness, Response and Communications last year. I would rather be standing here today in support of H.R. 1411, which would send a clear message that medical preparedness is a priority for this Congress.

That said, I will support H.R. 5997 because I understand that grant resources are limited and that State and local governments must have the flexibility to utilize the scarce resources available to improve medical preparedness.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no other speakers. I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, despite my reservations regarding this measure, I encourage my colleagues to support H.R. 5997, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Ranking Member, we'll continue to work on getting that bill passed. I promise you. That's my bill, and we worked very hard. As you said, it was marked up in committee, and we'll continue to advocate

on behalf, of course, of the MMRS grant program.

Mr. Speaker, I once again urge Members to support this very important bill that ensures medical preparedness activities remain an allowable use under Homeland Security Grant Programs.

I yield back the balance of my time.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to debate H.R. 5997, the "Medical Preparedness Allowable Use Act," which amends the Homeland Security Act of 2002 to authorize the use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities.

Moreover, this would involve the development and maintenance of an initial pharmaceutical stockpile, including medical kits, and diagnostics sufficient to protect first responders, their families, and immediate victims from a chemical or biological event.

As a proud Member of this body and as the Ranking Member on Homeland Security Transportation Subcommittee on Transportation, I understand the importance of maintaining an unyielding commitment to keeping the American homeland safe from weapons of mass destruction by increasing our preparedness for dealing with chemical, biological, radiological, and nuclear threats, whether they originate from individuals, terrorist organizations, and state sponsors of terror, or horrible accidents.

While much has been done to prepare our first responders for a nuclear, chemical or biological incident in the United States, the healthcare system in this country is not fully prepared to handle the resulting mass casualties that would likely result from such an attack.

Thousands of lives could potentially be saved if our medical personnel are adequately prepared and trained for such an occurrence.

The Metropolitan Medical Response System (MMRS) provides funding to State and local governments to assist in preparing for and responding to mass casualty incidents resulting from acts of terrorism, natural disasters, and other events.

Using the grants, jurisdictions develop response plans, conduct exercises and training, and acquire medical countermeasures and personal protective equipment for dealing with biological events that occur on a large scale.

As it stands, the MMRS program has not been reauthorized or appropriated funds due to recent budgetary constraints.

MMRS Characteristics include: Integrated medical response system; detailed system response & operations plans; specially trained responders at all levels; specialized response equipment; specialized medical equipment and pharmaceutical cache; enhanced medical transport and treatment capabilities.

MMRS has 12 MMRS Capability Focus Areas, which include the following: Strengthen Medical Surge; strengthen Mass Prophylaxis; strengthen CBRNE Detection, Response, and Decontamination Capabilities; strengthen Interoperable Communication Capabilities; strengthen Information Sharing and Collaboration Capabilities; expand Regional Collaboration; triage and Pre-Hospital Treatment; medical Supplies Management and Distribution;

mass Care (Sheltering, Feeding, and Related Services); emergency Public Information and Warning; fatality Management; volunteer Management and Donations.

H.R. 5997 would authorize use of Urban Area Security Initiative (UASI) and State Homeland Security Grant Program (SHSGP) funding toward the enhancement of medical preparedness, medical surgery capacity, and mass prophylaxis capabilities.

This would effectively allow to MMRS program to continue using these funds, which provide important measures such as a pharmaceutical stockpile, medical kits, and diagnostics that will help to protect first responders, their families, and immediate victims from a chemical or biological act of terror or accident.

As Americans, we must ensure that we are adequately prepared for whatever challenges that we face in our Nation; and nowhere is that more true than with the potential for large-scale disasters.

Preparing for large and debilitating disasters has become an inconvenient but necessary facet of modern America, a task that our government has met head on since 9/11. This bill will help to ensure that the resources are there in order to make those preparations.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 5997, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. THOMPSON of Mississippi. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

## CLOTHE A HOMELESS HERO ACT

Mr. BILIRAKIS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6328) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6328

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Clothe a Homeless Hero Act".

### SEC. 2. DISPOSITION OF UNCLAIMED CLOTHING RECOVERED AT AIRPORT SECURITY CHECKPOINTS.

(a) IN GENERAL.—Section 44945 of title 49, United States Code, is amended—

(1) in the section heading, by inserting "and clothing" after "money";

(2) by inserting before the text the following: "(a) DISPOSITION OF UNCLAIMED MONEY.—"; and

(3) by adding at the end the following:

"(b) DISPOSITION OF UNCLAIMED CLOTHING.—

"(1) IN GENERAL.—In disposing of unclaimed clothing recovered at any airport security checkpoint, the Assistant Secretary shall make every reasonable effort, in consultation with the Secretary of Veterans Affairs, to transfer the clothing to local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and veteran families.

"(2) AGREEMENTS.—In implementing paragraph (1), the Assistant Secretary may enter into agreements with airport authorities.

"(3) OTHER CHARITABLE ARRANGEMENTS.—Nothing in this subsection shall prevent an airport or the Transportation Security Administration from donating unclaimed clothing to a charitable organization of their choosing.

"(4) LIMITATION.—Nothing in this subsection shall create a cost to the Government."

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 449 of such title is amended by striking the item relating to such section and inserting the following:

"44945. Disposition of unclaimed money and clothing."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from New York (Ms. HOCHUL) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

### GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. BILIRAKIS. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, as vice chairman of the Veterans' Affairs Committee and a senior member of the Committee on Homeland Security, I rise in support of H.R. 6328, again, a bipartisan bill, a bill sponsored by my colleague, Ms. HOCHUL, the Clothe a Homeless Hero Act.

According to estimates from the Department of Housing and Urban Development, in 2011 approximately 14 percent of all homeless adults were veterans, with more than 67,000 veterans homeless on any given night—unacceptable.

We must do all that we can to ensure that the veterans who have courageously served our country are not forgotten and are receiving the care and services they deserve. VA Secretary Eric Shinseki has set a laudable goal of ending veterans' homelessness by 2015 and has established partnerships with other Federal agencies, such as HUD, to accomplish it.

The bill before us today will forge another important partnership in our efforts to serve homeless veterans, one with the Transportation Security Administration. Each day, as Americans travel through screening checkpoints operated by TSA at our Nation's airports, many articles of clothing are left behind. In fact, TSA reports that they collect between 500 and 1,000 garments per day.

H.R. 6328 directs the TSA Administrator to make every reasonable effort to donate this unclaimed clothing to local organizations that serve homeless or needy veterans.

I urge Members to support this legislation, and I reserve the balance of my time.

Ms. HOCHUL. Mr. Speaker, I rise in strong support of H.R. 6328, the Clothe a Homeless Hero Act, and yield myself such time as I may consume.

Mr. Speaker, I just flew in from the Buffalo airport, and there was a dusting of snow on the ground. I'm sure my colleague from Florida did not have a similar experience, but it bodes poorly for the veterans who are going to be spending the nights on the streets of Buffalo and other cold places. As the weather starts to change, it's something that's very hurtful to see, as an American, and to know that there are veterans who put on their uniform and went overseas to fight and protect all of us, and to know that 20,000 recently returning veterans from Iraq and Afghanistan will find themselves homeless tonight.

□ 1720

That is a national disgrace. As all of us rush through airports every week along with many thousands of Americans, it's not uncommon for scarves and hats and other articles of clothing to be inadvertently left behind at TSA checkpoints. In fact, I, myself, left a scarf behind, which prompted my thoughts of how we could handle this surplus clothing. It adds up to thousands of pounds of abandoned clothes annually. There can be no better purpose than for this unclaimed clothing to help America's homeless veterans.

Homelessness has gone on the rise among our veterans. This is absolutely an unconscionable, untenable situation. As a country, we have a moral obligation to do so much more to eradicate this untenable situation. And I know that in a bipartisan way this is one step toward that effort. Even if one of our veterans stays warm this winter because of the clothing provided through this legislation, it would have been well worth the effort.

The Clothe a Homeless Hero Act directs the TSA to make every reasonable effort to transfer unclaimed clothing to local veterans organizations or other local charitable organizations for distribution to homeless veterans and their dependents. Nothing in this bill

prevents airports or the TSA from donating these items to charities of their choosing if they already have relationships in place. And most importantly, this legislation would not create a cost to the government.

When I offered this proposal in the Committee on Homeland Security, I was so grateful that it received unanimous, bipartisan support from all my colleagues. I thank the overall committee chairman, Mr. PETER KING, Ranking Member THOMPSON, members of the Committee on Homeland Security, and Subcommittee Chairman Mr. BILIRAKIS for all their support.

I urge all of our colleagues to join us in advancing this simple, deficit-neutral bill to assist the heroes who once wore the uniform and have fallen on hard times and need this clothing.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time. If the gentlewoman from New York has no further speakers, I am prepared to close.

Ms. HOCHUL. Mr. Speaker, as you've heard, H.R. 6328 enjoys bipartisan support of the members of the Committee on Homeland Security and deserves the full support of the House today. I think this is an important step we take, particularly with the holiday season approaching, cold weather approaching, and it's a small step that we can take to help these veterans who were heroes at one time and now need the help of all of us as American citizens.

I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I urge Members to support this legislation and, in turn, support homeless veterans.

I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 6328, the "Clothe a Homeless Hero Act."

At the outset, I would like to commend Representative HOCHUL, the author of H.R. 6328, for her tireless work on behalf of her constituents, our veterans and for her service on the Committee on Homeland Security.

Since she joined the Committee, I have watched as Representative HOCHUL worked to identify bipartisan solutions to our Nation's problems.

H.R. 6328 is the byproduct of her collaborative and thoughtful approach.

This measure requires TSA to make every reasonable effort to transfer unclaimed clothing recovered at airport security checkpoints so that it can get to needy veterans and their families.

One of the unfortunate realities we face following times of war is that some of those who fought for our freedoms face challenges in transitioning to civilian life.

We owe it to our veterans to do all that we can to ensure they get the helping hand needed to get back on their feet when they return from the battlefield.

Thanks to Representative HOCHUL's leadership, the House has an opportunity today to take a small, but important, step in support of our veterans by supporting this bill.

Mr. Speaker, as you have heard, H.R. 6328 enjoys the bipartisan support of the Members of the Committee on Homeland Security and deserves the support of the Full House today.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H.R. 6328, the "Clothe a Homeless Hero Act," which Directs the Assistant Secretary of Homeland Security (Transportation Security Administration [TSA]) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations or other local charitable organizations for distribution to homeless or needy veterans and their families. Moreover, it authorizes the Assistant Secretary to enter into agreements with airport authorities for disposing of such clothing.

In my home state of Texas, we have nearly 1.7 million veterans. I represent 18th District in Texas which is home to over 32,000 veterans. Of the 200,000 veterans of military service who live and work in Houston; more than 13,000 are veterans from Operation Enduring Freedom in Afghanistan, and Operation Iraqi Freedom.

Veteran homelessness has been a substantial problem going back to at least the Vietnam era.

An estimated 10–16 percent of our nation's homeless population (between 76,000–136,000) are veterans.

Nearly one in seven homeless adults are veterans, as of \* \* \*

More than 67,000 homeless veterans were counted on a given January night in America last year. More than 4 in 10 homeless veterans were found unsheltered.

Almost half of homeless veterans were African American in 2008 despite the fact that only 11 percent of veterans overall are African American.

1.5 million veterans are at risk of homelessness due to poverty, lack of support networks, and dismal living conditions in overcrowded or substandard housing.

30.2 percent of veterans ages 18 to 24 were unemployed according to unpublished 2011 Bureau of Labor Statistics data.

Nearly 1 in 10 veterans with disabilities were not employed in 2010.

According to Iraq and Afghanistan Veterans of America, a 2007 survey showed that more than one-third of employers were unaware of protections they must provide to servicemembers, and more than half spent less than 2 percent of their recruitment budget on military advertising and/or did not understand the qualifications of military service.

In that same survey more than half of all veterans were unsure of how to professionally network, and nearly three in four felt unprepared to negotiate salary and benefits and/or unable to effectively translate military skills.

More than 968,000 of veterans ages 18 to 64 had been in poverty in the past year in 2010.

More than 33,000 veterans were housed since 2009 by the Department of Housing and Urban Development and the Department of Veterans Affairs in permanent, supportive housing with case managers and access to VA health care.

\$31 million of SNAP/food stamps funding in 2008 was spent at military commissaries to help feed military members and their families who struggle against hunger.

A veteran lives in one in five households benefiting from the Low Income Home Energy Assistance Program, which provides heating and cooling assistance.

After serving this country and protecting our rights and freedoms, these veterans often sustain debilitating injuries or post-traumatic stress that make readjusting to life in the U.S. an arduous task. It is often difficult for them to find jobs and as they slip further into hopelessness, they become more susceptible to drug abuse and violent acts which can lead to homelessness.

This is a disturbing trend that must end. Surely, in this great nation, we can provide for those who fought to defend us. As our men and women in the armed forces have served us, it is our duty to, in turn, serve them.

H.R. 6328 is a step in the right direction towards finding creative solutions for the basic needs of certain veterans. By using unclaimed clothing that has been left at airports is a wonderful way to help ensure that veterans who have fallen on hard times have access to clothing.

With the epidemic of depression, anxiety, and Post Traumatic Stress Disorder (PTSD) in our military, along with the burden of long and repeated deployment during our nation's most recent wars, we must be vigilant about combating the issue of homelessness among our nation's heroes.

Throughout my tenure in Congress, I have remained committed to meeting both the needs of veterans of previous wars, and to those who are now serving. Veterans have kept their promise to serve our nation; they have willingly risked their lives to protect the country we all love. We must now ensure that we keep our promises to our veterans.

I have introduced and supported legislation that increases medical services to our troops, veterans and their families. I recently introduced a measure that resulted in \$500,000 additional funding for PTSD research and treatment. Yet, as we work to improve the physical and mental health of our returning heroes; we must also work to ensure that our service men and women retain their dignity when they return home, and providing them with access to clothes is the least we can do to honor their service. For that reason, I urge my colleagues to support H.R. 6328, the "Clothe a Homeless Hero Act," on Suspension.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, H.R. 6328.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### --- HOUR OF MEETING ON TOMORROW

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?



There was no objection.

# RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 21, 2012.

Hon. JOHN BOEHNER,  
Speaker of the House, The Capitol,  
Washington, DC.

MR. SPEAKER: In 1995 when I was first elected to the House of Representatives I came to Washington with a singular purpose—to serve the constituents of the Second District of Illinois. During that time for seventeen years I have traveled on a journey with the citizens of the Second District of Illinois, and with their unwavering support we have worked together to transform what was once an underdeveloped and nearly forgotten South Side of Chicago.

Along this journey we have accomplished much. We have built new train stations, water towers, and emergency rooms. We have brought affordable housing, community centers and healthcare clinics to those who needed it most. In all, nearly a billion dollars worth of infrastructure and community improvement has been made on the South Side of Chicago and thousands of new jobs have been created. We began this journey by promising fresh water for the people of Ford Heights and a new airport that would employ upon completion 300,000 people. Today the people of Ford Heights have fresh water and sitting on the Governor's desk is a \$400,000,000 proposal for an airport that will cost the taxpayers nothing and only awaits the Governor's commitment to build it. And while our journey to strengthen our communities and provide a better future for our children will continue, I know that together we have made the Second District of Illinois a better place.

For seventeen years I have given 100 percent of my time, energy, and life to public service. However, over the past several months, as my health has deteriorated, my ability to serve the constituents of my district has continued to diminish. Against the recommendations of my doctors, I had hoped and tried to return to Washington and continue working on the issues that matter most to the people of the Second District. I know now that will not be possible.

The constituents of the Second District deserve a full-time legislator in Washington, something I cannot be for the foreseeable future. My health issues and treatment regimen have become incompatible with service in the House of Representatives. Therefore, it is with great regret that I hereby resign as a member of the United States House of Representatives, effective today, in order to focus on restoring my health.

During this journey I have made my share of mistakes. I am aware of the ongoing federal investigation into my activities and I am doing my best to address the situation responsibly, cooperate with the investigators, and accept responsibility for my mistakes, for they are my mistakes and mine alone. None of us is immune from our share of shortcomings or human frailties and I pray that I will be remembered for what I did right. It has been a profound honor to serve the constituents of Illinois's Second Congressional District and I thank them for their

patience, words of support and prayers during what has been, and what will continue to be a very trying time for me and my family.

I also thank my colleagues and staff for supporting me and the citizens of my district over the past several months. I am proud to have worked alongside each of them over these many years. I know that our work and accomplishments will have a lasting positive impact on our community and our nation.

With optimism and hope I look forward to the day when my treatment is complete and my health improves. I will truly miss serving as a Member of Congress and I will never be able to fully express my gratitude to the people of Chicago, and her Southland for granting me the opportunity to serve them for 17 wonderful years.

Sincerely,

JESSE JACKSON, JR.,  
Member of Congress.

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 21, 2012.

Governor PAT QUINN,  
James A. Thompson Building,  
Chicago, IL.

MR. GOVERNOR: In 1995 when I was first elected to the House of Representatives I came to Washington with a singular purpose—to serve the constituents of the Second District of Illinois. During that time for seventeen years I have traveled on a journey with the citizens of the Second District of Illinois, and with their unwavering support we have worked together to transform what was once an underdeveloped and nearly forgotten South Side of Chicago.

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Sincerely,

JESSE JACKSON, JR.,  
Member of Congress.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Illinois (Mr. JACKSON), the whole number of the House is 433.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 27 minutes p.m.), the House stood in recess.

□ 1830

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. POE of Texas) at 6 o'clock and 30 minutes p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 5997, by the yeas and nays; and concurring in the Senate amendment to H.R. 915, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.



# MEDICAL PREPAREDNESS ALLOWABLE USE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5997) to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 397, nays 1, not voting 34, as follows:

[Roll No. 609]

YEAS—397

Ackerman	Chandler	Forbes
Adams	Chu	Fortenberry
Aderholt	Cicilline	Foxx
Akin	Clarke (MI)	Frank (MA)
Alexander	Clarke (NY)	Franks (AZ)
Altmire	Clay	Fudge
Amodei	Cleaver	Garamendi
Andrews	Clyburn	Gardner
Baca	Coble	Garrett
Bachmann	Coffman (CO)	Gerlach
Bachus	Cohen	Gibbs
Baldwin	Cole	Gibson
Barletta	Conaway	Gingrey (GA)
Barrow	Connolly (VA)	Gohmert
Barton (TX)	Conyers	Gonzalez
Bass (CA)	Cooper	Goodlatte
Bass (NH)	Costa	Gowdy
Becerra	Costello	Granger
Benishek	Courtney	Graves (GA)
Berg	Cravaack	Graves (MO)
Berkley	Crawford	Green, Al
Berman	Crenshaw	Green, Gene
Biggart	Critz	Griffin (AR)
Bilbray	Crowley	Griffith (VA)
Bilirakis	Cuellar	Grijalva
Bishop (GA)	Culberson	Grimm
Bishop (UT)	Cummings	Guinta
Black	Curson (MI)	Guthrie
Blackburn	Davis (CA)	Hahn
Blumenauer	Davis (IL)	Hall
Bonamici	DeFazio	Hanabusa
Bonner	DeGette	Hanna
Boren	DeLauro	Harper
Boswell	DelBene	Harris
Boustany	Denham	Hartzler
Brady (PA)	Dent	Hastings (FL)
Brady (TX)	DesJarlais	Hastings (WA)
Braley (IA)	Deutch	Hayworth
Brooks	Diaz-Balart	Heck
Broun (GA)	Doggett	Heinrich
Buchanan	Dold	Hensarling
Bucshon	Donnelly (IN)	Herger
Buerkle	Doyle	Herrera Beutler
Burgess	Dreier	Higgins
Burton (IN)	Duffy	Himes
Butterfield	Duncan (SC)	Hinchee
Calvert	Duncan (TN)	Hinojosa
Camp	Edwards	Hirono
Canseco	Ellison	Hochul
Cantor	Ellmers	Holt
Capito	Emerson	Honda
Capps	Engel	Hoyer
Capuano	Eshoo	Huelskamp
Carnahan	Farenthold	Huizenga (MI)
Carney	Farr	Hultgren
Carson (IN)	Fincher	Hunter
Carter	Fitzpatrick	Hurt
Cassidy	Flake	Israel
Castor (FL)	Fleischmann	Issa
Chabot	Fleming	Jackson Lee
Chaffetz	Flores	(TX)

Jenkins	Moore	Schiff
Johnson (GA)	Moran	Schilling
Johnson (OH)	Mulvaney	Schmidt
Johnson, E. B.	Murphy (PA)	Schock
Johnson, Sam	Myrick	Schrader
Jones	Nadler	Schwartz
Jordan	Napolitano	Schweikert
Kaptur	Neal	Scott (SC)
Keating	Neugebauer	Scott (VA)
Kelly	Noem	Scott, Austin
Kildee	Nugent	Scott, David
Kind	Nunes	Sensenbrenner
King (IA)	Nunnelee	Serrano
King (NY)	Olson	Sessions
Kingston	Oliver	Sewell
Kinzinger (IL)	Owens	Sherman
Kissell	Palazzo	Shimkus
Kline	Pallone	Shuler
Kucinich	Pascrell	Shuster
Labrador	Pastor (AZ)	Simpson
Lamborn	Paul	Sires
Lance	Paulsen	Slaughter
Landry	Payne	Smith (NE)
Lankford	Pearce	Smith (NJ)
Larsen (WA)	Pelosi	Smith (TX)
Larson (CT)	Perlmutter	Smith (WA)
Latham	Peters	Southerland
LaTourette	Peterson	Speier
Latta	Petri	Stearns
Lee (CA)	Pingree (ME)	Stivers
Levin	Pitts	Stutzman
Lewis (CA)	Platts	Sullivan
Lewis (GA)	Poe (TX)	Sutton
LoBiondo	Polis	Terry
Loeb sack	Pompeo	Thompson (CA)
Lofgren, Zoe	Posey	Thompson (MS)
Long	Price (GA)	Thompson (PA)
Lowey	Price (NC)	Thornberry
Lucas	Quayle	Tiberi
Luetkemeyer	Quigley	Tierney
Lujan	Rahall	Tipton
Lummis	Rangel	Tonko
Lungren, Daniel E.	Reed	Tsongas
	Reichert	Turner (NY)
	Renacci	Turner (OH)
	Reyes	Upturn
	Ribble	Van Hollen
	Richardson	Velázquez
	Richmond	Visclosky
	Rigell	Walberg
	Roby	Walden
	Roe (TN)	Walsh (IL)
	Rogers (AL)	Walz (MN)
	Rogers (KY)	Wasserman
	Rogers (MI)	Schultz
	Rohrabacher	Waters
	Rokita	Waxman
	Rooney	Webster
	Ros-Lehtinen	Welch
	Roskam	West
	Ross (FL)	Westmoreland
	Rothman (NJ)	Whitfield
	Royce	Wilson (FL)
	Runyan	Wilson (SC)
	Ruppersberger	Wittman
	Rush	Wolf
	Ryan (OH)	Womack
	Ryan (WI)	Woodall
	Sánchez, Linda T.	Woolsey
	Sarbanes	Yarmuth
	Scalise	Yoder
	Schakowsky	Young (AK)
		Young (IN)

NAYS—1

Amash

NOT VOTING—34

Austria	Gallegly	Pence
Barber	Gosar	Rehberg
Bartlett	Gutierrez	Rivera
Bishop (NY)	Holden	Ross (AR)
Bono Mack	Johnson (IL)	Roybal-Allard
Brown (FL)	Langevin	Sanchez, Loretta
Campbell	Lipinski	Stark
Dicks	Mack	Towns
Dingell	Manzullo	Watt
Fattah	Marino	Young (FL)
Fuizenga (MI)	McCauley	
Hultgren	Murphy (CT)	
Frelinghuysen		

□ 1853

Ms. CLARKE of New York, and  
Messrs. THOMPSON of Pennsylvania

and TIBERI changed their vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 609, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

Mr. LANGEVIN. Mr. Speaker, on rollcall 609, H.R. 5997, as amended, I was unavoidably detained and missed the vote. Had I been present, I would have voted “yea.”

# JAIME ZAPATA BORDER ENFORCEMENT SECURITY TASK FORCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and concur in the Senate amendment to the bill (H.R. 915) to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from transnational crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and across the international borders of the United States, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and concur in the Senate amendment.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 397, nays 4, not voting 31, as follows:

[Roll No. 610]

YEAS—397

Ackerman	Bilirakis	Camp
Adams	Bishop (GA)	Canseco
Aderholt	Bishop (NY)	Cantor
Akin	Bishop (UT)	Capito
Alexander	Black	Capps
Altmire	Blackburn	Capuano
Amodei	Blumenauer	Carnahan
Andrews	Bonamici	Carney
Baca	Bonner	Carson (IN)
Bachmann	Boren	Carter
Bachus	Boswell	Cassidy
Baldwin	Boustany	Castor (FL)
Barletta	Brady (PA)	Chabot
Barrow	Brady (TX)	Chaffetz
Barton (TX)	Braley (IA)	Chandler
Bass (CA)	Brooks	Chu
Bass (NH)	Broun (GA)	Cicilline
Becerra	Buchanan	Clarke (MI)
Benishek	Bucshon	Clarke (NY)
Berg	Buerkle	Clay
Berkley	Burgess	Cleaver
Berman	Burton (IN)	Clyburn
Biggart	Butterfield	Coble
Bilbray	Calvert	Coffman (CO)

Cohen  
Cole  
Conaway  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Costello  
Courtney  
Cravaack  
Crawford  
Crenshaw  
Critz  
Crowley  
Cuellar  
Culberson  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DelBene  
Denham  
Dent  
DesJarlais  
Deutsch  
Diaz-Balart  
Doggett  
Dold  
Donnelly (IN)  
Doyle  
Dreier  
Duffy  
Duncan (SC)  
Duncan (TN)  
Edwards  
Ellison  
Ellmers  
Emerson  
Engel  
Eshoo  
Farenthold  
Farr  
Fattah  
Fincher  
Fitzpatrick  
Flake  
Fleischmann  
Fleming  
Flores  
Forbes  
Fortenberry  
Fox  
Frank (MA)  
Franks (AZ)  
Fudge  
Garamendi  
Gardner  
Garrett  
Gerlach  
Gibbs  
Gibson  
Gingrey (GA)  
Gonzalez  
Goodlatte  
Gowdy  
Granger  
Graves (GA)  
Graves (MO)  
Green, Al  
Green, Gene  
Griffin (AR)  
Griffith (VA)  
Grijalva  
Grimm  
Guinta  
Guthrie  
Hahn  
Hall  
Hanabusa  
Hanna  
Harper  
Harris  
Hartzler  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Heck  
Heinrich  
Hensarling  
Herger  
Herrera Beutler  
Higgins  
Himes

Hinche  
Hinojosa  
Hirono  
Holt  
Honda  
Hoyer  
Huelskamp  
Huizenga (MI)  
Hultgren  
Hunter  
Hurt  
Israel  
Issa  
Jackson Lee  
(TX)  
Jenkins  
Johnson (GA)  
Johnson (OH)  
Johnson, E. B.  
Johnson, Sam  
Jones  
Jordan  
Kaptur  
Keating  
Kelly  
Kildee  
Kind  
King (IA)  
King (NY)  
Kingston  
Kinzinger (IL)  
Kissell  
Kline  
Labrador  
Lamborn  
Lance  
Landry  
Langevin  
Lankford  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Latta  
Lee (CA)  
Levin  
Lewis (CA)  
Lewis (GA)  
LoBiondo  
Loeb  
Loeb  
Lofgren, Zoe  
Long  
Lowey  
Lucas  
Luetkemeyer  
Lujan  
Lummis  
Lungren, Daniel  
E.  
Lynch  
Maloney  
Marchant  
Markey  
Massie  
Matheson  
Matsui  
McCarthy (CA)  
McCarthy (NY)  
McCauley  
McClintock  
McCollum  
McDermott  
McGovern  
McHenry  
McIntyre  
McKeon  
McKinley  
McMorris  
Rodgers  
McNerney  
Meehan  
Meeke  
Mica  
Michaud  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Moore  
Moran  
Mulvaney  
Murphy (PA)  
Myrick  
Nadler  
Napolitano

Neal  
Neugebauer  
Noem  
Nugent  
Nunes  
Nunnelee  
Olson  
Oliver  
Owens  
Palazzo  
Pallone  
Pascarella  
Pastor (AZ)  
Paulsen  
Payne  
Pearce  
Pelosi  
Perlmutter  
Peters  
Peterson  
Petri  
Pingree (ME)  
Pitts  
Platts  
Poe (TX)  
Polis  
Pompeo  
Posey  
Price (GA)  
Price (NC)  
Quayle  
Quigley  
Rahall  
Rangel  
Reed  
Rehberg  
Reichert  
Renacci  
Reyes  
Ribble  
Richardson  
Richmond  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Rokita  
Rooney  
Ros-Lehtinen  
Roskam  
Ross (FL)  
Rothman (NJ)  
Royce  
Runyan  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Sanchez, Linda  
T.  
Sarbanes  
Schalise  
Schakowsky  
Schiff  
Schilling  
Schmidt  
Schock  
Schneider  
Schwartz  
Schweikert  
Scott (SC)  
Scott (VA)  
Scott, Austin  
Scott, David  
Sensenbrenner  
Serrano  
Sessions  
Sewell  
Sherman  
Shimkus  
Shuler  
Shuster  
Simpson  
Sires  
Slaughter  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Southerland  
Speier  
Stearns  
Stivers  
Stutzman

Sullivan  
Sutton  
Terry  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tiberi  
Tierney  
Tipton  
Tonko  
Tsongas  
Turner (NY)  
Turner (OH)

## NAYS—4

Amash  
Gohmert

## NOT VOTING—31

Austria  
Barber  
Bartlett  
Bono Mack  
Brown (FL)  
Campbell  
Dicks  
Dingell  
Filner  
Frelinghuysen  
Gallegly

Kucinich  
Paul

Gosar  
Gutierrez  
Hochul  
Holden  
Johnson (IL)  
Lipinski  
Mack  
Manzullo  
Marino  
Murphy (CT)  
Pence

West  
Westmoreland  
Whitfield  
Wilson (FL)  
Wilson (SC)  
Wittman  
Wolf  
Womack  
Woodall  
Woolsey  
Yarmuth  
Yoder  
Young (AK)  
Young (IN)

## □ 1903

So (two-thirds being in the affirmative) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 610, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

## □ 1910

## CHAIRMAN HALL

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. Mr. Speaker, it is an honor to stand before you today to recognize Chairman HALL and his work as the oldest serving Member of Congress.

Over the last 2 years, I've had the honor of serving with Chairman HALL on the Science, Space, and Technology Committee. Chairman HALL has been an inspiration and a mentor to me in those 2 years. He has been a crucial force in keeping NASA on track and for pushing for a strong American space program. We've had the opportunity to work on space bills, such as the recent indemnification extension and the NASA artifacts bill that passed unanimously back in September.

Another reason I admire Chairman HALL is that he never forgets those back home whom he represents. He doesn't want anyone else to forget either. He's a Texan through and through. Chairman HALL always tells me that he is willing to forgive people who aren't from Texas. Fortunately, he has been especially good to me, and that's probably because I married a Texan myself.

Finally, Chairman, I know at your age you don't like the word "final"; but in closing, I just want to say the no-nonsense way you've led the Science, Space, and Technology Committee, the way you've put good policy and people above politics—all without compromising your principles—is the kind of leadership we need. That's the kind of leader you are, and that's the kind of leader we should all strive to be.

So, today, I thank you for your many years of service, for your model of leadership, and for being so kind to all of those Members who aren't from Texas.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEBSTER). Members are reminded to direct their remarks to the Chair.

## OUR FRIEND, RALPH HALL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, today is a good day. We get to honor a great and magnificent American—my friend, our friend, RALPH HALL.

In the moments and minutes and hour to come, there will be many who will rise to recognize the extraordinary public service, but I want to add, in addition to the extraordinary public service, a man who has seen numbers of Presidents. As an American who has worked, spoken and achieved under all of them, RALPH HALL today reigns as both the oldest Member of Congress and the oldest House Member known to cast a vote on the House floor.

But that is not his only definition, for he is one who has a heart and who recognizes the value of service to the American people.

Oh, he loves his great State of Texas. He is truly a tall Texan. He is a faithful public servant who has dedicated 32 years of service to representing the constituents of the Fourth Congressional District; but he started his life by the service to the United States in the United States military—in the United States Navy. Yes, 1942.

So he has seen this Nation in her ups and her downs, but RALPH HALL has never been down. What a great leader of the Science, Space, and Technology Committee. What an opportunity to serve with him. What a servant as he worked with Presidents like Lyndon Baines Johnson, making difficult and tough decisions—not a partisan but a lover of America.

Yes, I can stand here today and say not only is this great hero and American and Member of the United States Congress—young in age but old in numbers—wise, dedicated, but I can also say that he is a lover of his family: his late wife, his grandchildren, his children. I was able to join him at a time

when he had to visit a grandchild. I was glad to be able to have RALPH in our city, not for the cause that he was, but to be able to say, RALPH, you're a friend, and we stand with you during this time.

Mr. Speaker, I rise today to pay tribute to an American hero and also to a friend and a great leader on this floor, someone from whom I wish years and years and years of service. As a fellow Texan, I join my Texans and others to say, Thank you, RALPH HALL, for the friendship, the leadership, the courage—and, yes, you are an American hero.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings, including applause, is in violation of the rules of the House.

#### RALPH HALL

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Mr. Speaker, I rise today to honor my friend RALPH HALL.

I came to this great House as a result of the election in 2010 and was privileged to be assigned to the Science, Space, and Technology Committee. The chairman was RALPH HALL. Chairman HALL showed me kindness. I went to his office. He showed me the Corsairs that he flew in World War II. He told me stories about playing baseball with Ted Williams in the Navy in World War II.

Truly, this is a great man.

He has shown both sides of the aisle fairness and compassion in his service as chairman, and he has mentored me. More importantly, when I asked him to come to my beloved city of Oak Ridge, Tennessee, he came and visited our great national lab there.

I honor Chairman HALL today, and I thank him for his great service to this House as chairman and as my friend.

#### A TALL TEXAN AMERICAN HERO

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to submit extraneous materials for the RECORD on the topic of this Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, the purpose of tonight's Special Order is to celebrate our friend and colleague RALPH HALL's distinguished service in Congress. If there were a congressional hall of fame, tonight would be Representative HALL's induction as the oldest—some would say the most seasoned—voting Member in the House of Representatives.

As Members of Congress, we have the distinct honor of serving the American people. Each day as a Representative can be both challenging and rewarding; and though we sometimes make headlines, we do not always make history.

□ 1920

That is why today is especially important. Today is a day for the history books. After 32 years of service, Congressman RALPH HALL today became the eldest Member of Congress to cast a vote in the House of Representatives. And on Christmas Day of this year, Representative HALL will become the oldest Member of the House to have ever served in our Nation's history.

They say that with age comes wisdom. So Congressman HALL may also be the wisest man to have served in the House of Representatives. They also say that some things get better with age. In Representative HALL's case, his commitment to both his country and his constituents just continues to increase.

Since he was 19 years old, RALPH HALL has led a life of service for which we can all be grateful. As a lieutenant in the Navy during World War II, Chairman HALL served as a pilot, and since then he has never hesitated to accomplish a mission.

In fact, he recently was back up in the air. Following the lead of another great Texan, President George H.W. Bush, RALPH HALL parachuted out of an airplane this past August, proving that he's never afraid to jump right in.

That mentality has made him a distinguished Member of Congress and a very effective chairman of the Science, Space, and Technology Committee. Congressman HALL represents the Fourth District of Texas, which has only elected three Members of Congress in the last 100 years. His constituents back in northeast Texas are accustomed to electing strong leaders and keeping them there.

It was 100 years ago this month that his district elected a young farmer turned State representative named Sam Rayburn, who went on to serve in the House for the next half century. RALPH HALL knew and worked with Sam Rayburn early in his career when RALPH HALL was a county judge. He was elected to that position while he was still in law school.

Earlier today, we had the privilege of unveiling a new portrait memorializing Representative HALL's tenure as chair-

man of the Science Committee. It was fitting that the ceremony took place in the Rayburn House Office Building.

Throughout his tenure, RALPH HALL has been a consistent advocate for advancement through scientific research and development. He has been an ally of small businesses, and as Science Committee chairman has worked to ensure that business owners are not unnecessarily burdened by excessive EPA regulations.

RALPH HALL has fostered programs to better understand extreme weather and to ensure that citizens are prepared for natural disasters. He also has worked to advance science education and programs that promote medical, energy, and technological breakthroughs to benefit future generations.

Throughout his time in Congress, Chairman HALL has served this institution with style and humor. Back home, you would be hard pressed to find a constituent who hasn't been given an "All for Hall from Rockwall" encased penny that is a fixture of his campaigns going back to his first race.

His constituent service is second to none—which is a large part of why he has had no difficulty in getting re-elected back home no matter how his district lines have changed over the past three decades.

In Washington, to this day, he still gives his constituents more White House tours personally than any other Member of the House.

It is an honor to work with RALPH HALL as both a colleague and a friend. RALPH HALL has always said, "I'd rather be respected at home than liked in Washington." Actually, he has achieved that rare combination of both.

We thank RALPH HALL for his service to the Congress and to our country.

Mr. Speaker, before I recognize other Members of Congress here tonight, I just want to remind us all that this Special Order is only an hour long, and given the number of people from whom we have had requests to speak, we are going to ask each person who does speak to limit themselves to 2 minutes or less so we'll have time not only for the Members who want to speak, but we'll also hear from RALPH HALL at the end of this Special Order.

Having said that, I'm pleased to yield to the gentleman from Texas, Congressman JOE BARTON, who is the second-most-senior Member of the Texas delegation.

Mr. BARTON of Texas. There are many RALPH HALL stories, most of which we can't really tell on the House floor—that's how funny they are—but I want to tell one real, true RALPH HALL story which is the epitome of a Texan.

Several years ago, RALPH told me that he had some property up over in his district and he didn't have time to go visit it. He had been involved in a bank, and apparently the bank had

taken control of the property, and somehow RALPH had gotten control of the bank's assets legally, so it was his property, but he never had time to go visit it. He had a caretaker who was taking care of his property. He began to get letters from the Railroad Commission down in Austin. The Railroad Commission is in charge of oil and gas leases and royalties for the State of Texas, and they kept sending these letters asking where to send his royalty checks. And he finally called down and said: I don't have any oil and gas wells, what are you talking about?

Well, he said, on such and such a plat in such and such a county, you're the listed owner of this producing oil well. So RALPH took time one weekend to drive up by himself, and sure enough there was a producing oil well on some property that he did not know about. Obviously, he made a change in who was his caretaker at that property, but that is one true RALPH HALL story that shows the epitome of being the Texan that he is.

I first got to know RALPH back in 1985 when I was a freshman on the Science and Space Committee and RALPH was subcommittee chairman of the Space Subcommittee. Since that time, he and I have become good friends. He is the epitome of a true Texas gentleman. He is the most well-liked person in the congressional delegation, not just from Texas but from the entire Congress, and I am very honored to be one of the very few who gets to speak on what a great man he is. We're so glad that he's still in the Congress.

So, RALPH HALL, we love you. We hope you serve for another 10-20 years and continue to be an inspiration to the Fourth District of Texas.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, SAM JOHNSON, a true Texas hero.

Mr. SAM JOHNSON of Texas. I thank the gentleman for yielding.

You know, RALPH's district adjoins mine. He and I have represented the same area in Collin County for many years. RALPH is just one of a kind. He's one of the nicest guys I've ever known. It's a privilege to recognize my fellow Texan and good friend for his many years of outstanding service to our country and to the great State of Texas.

RALPH is a man of great integrity whose steadfast commitment of service to our Nation is to be commended. RALPH and I have known each other a long time, and I'm lucky to have him as a neighbor and friend. I don't have a better friend or ally in the Congress, and I want to congratulate RALPH on reaching this milestone.

He was in the United States Navy and he fought for our country in World War II. And then when we got back up where we do an event every year in McKinney, Texas, he was kind of mad

at me because I jumped out of an airplane five times and he hadn't jumped out of one. And so he decided he was going to jump out of one just so he could come to that meeting and tell us he did it. And he did.

He's still a great patriot. He lives and breathes America. I look forward to many more years with RALPH HALL.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentlewoman from Texas, EDDIE BERNICE JOHNSON, who is the ranking member of the Science Committee of which RALPH HALL is the chairman.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I thank the gentleman very much. I rise today to honor Congressman RALPH HALL, who is the dean of our Texas congressional delegation, and a lifelong public servant from the State of Texas.

□ 1930

I don't know that I have a better friend in this body than RALPH HALL, and our relationship goes all the way back to the Texas Legislature.

When I first went to the Texas House back in 1972, he was a part of the senate. And I still have a little penny that is encircled in a little silver band that says, RALPH HALL of Rockwall. And I've always kept it as something special because he is a very special person to me.

When he switched parties in 2004, and I've said this before, I tried to call him several times and I didn't get a response. So I finally said, just, I want to leave this message; tell him I still love him. In 30 seconds, he called me back. And I really meant that. I meant it then; I mean it now, because party has never been anything that separated friendship, and he's a perfect example of that.

His sense of humor has been so useful on the committee that often it's used to make witnesses more comfortable or to break some of the partisan bickering.

But whatever, he's unique in this body. If we had more RALPH HALLs, we wouldn't have the rating that we have today.

Mr. Speaker, I rise today to honor Congressman RALPH HALL, Dean of the Texas Congressional delegation and a life-long public servant from my State of Texas.

RALPH HALL is often quoted, saying "I'd rather be respected at home than liked in Washington." I do both. I have tremendous respect for him as my Chairman of the House Committee on Science, Space and Technology and he is a true friend back home in North Texas. RALPH HALL in many ways has been able to transcend the extreme partisan climate which exists in Washington today with his keen political acumen and candid sense of humor.

Through our shared experiences in the Texas legislature and on the Science Committee, I have learned that RALPH enjoys a good joke and that I should not try to match him in storytelling. RALPH uses humor to dif-

fuse tensions in a room. I have seen him use it to do everything from stopping partisan bickering to easing a witness's nerves. It's a real skill and I have truly appreciated it over the years.

You may recall back in January of 2004 after serving 12 terms as a Democrat, RALPH HALL decided to run as a Republican. I was the first Democrat to call RALPH when he switched parties. As soon as I heard this news I attempted to call him at his office, however I was unable to get in touch. After a few more attempts, I left a message saying, "just tell him that I still love him." He called me right back, and said he was so happy to hear my message because his wife was mad at him. Some said she actually had him sleeping on the couch. He knew several of his Democratic friends would be upset with him.

Our districts are practically right next to each other and we had been friends for years. I wanted him to know that I certainly didn't agree with the switch, but that we would always be friends, and I meant it.

It has been an honor to be his friend and colleague all of these years. RALPH HALL continues to inspire and encourage us all through his milestone of service to our Nation.

Mr. Speaker, I would like to recognize RALPH HALL for his many accomplishments as an exceptional politician, civic leader, businessman and shining example of the American dream.

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield to the gentlewoman from Texas, KAY GRANGER.

Ms. GRANGER. Like all the Members that are speaking tonight, I'm very honored to pay tribute to our friend, RALPH HALL. And I thank Congressman LAMAR SMITH for organizing this very well-deserved tribute.

Congressman HALL served his country as an aircraft carrier pilot in World War II, and has continued his commitment to service ever since.

As the oldest Member of Congress to cast a recorded floor vote, the dean of the Texas congressional delegation, and the oldest Member of this House, Congressman HALL has a long, distinguished career behind him.

More important than the longevity of RALPH HALL's service, however, is the incredible dedication and commitment to his constituents that he's shown in his service. Congressman HALL has repeatedly earned the trust and respect of voters of north Texas who elected him to his first political office 62 years ago, and they've been sending him back with overwhelming support for 32 years. All along the way, in every office he's served, Congressman HALL has made Texas proud, and continues to do so as chairman of the Science, Space, and Technology Committee.

Serving with RALPH has been a true honor, and I look forward to continuing to serve with him well into the future.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, PETE SESSIONS, the next chairman of the Rules Committee.

Mr. SESSIONS. Mr. Chairman, thank you very much.

Tonight we all rise in support of the favorite son of Rockwall, Texas, and perhaps all of Texas, the Honorable RALPH HALL.

And I think of so many wonderful stories about RALPH. Tonight you'll hear many of them, Mr. Speaker, of the Texas delegation, of the life and times of our members, as we not only try and gather together every week, but also work together.

One of my favorite stories about RALPH HALL really took place with the young woman who was just up here, KAY GRANGER. One night KAY GRANGER, then as a Member of Congress, and myself—this is probably 12, 13, 14 years ago—were with RALPH HALL at the brand-new Reagan airport. And we sat down, waiting for a flight that was going to be in 35 or 40 minutes, that got delayed 35 or 40 minutes or maybe longer, and about an hour and a half later, the American Airlines people came and said, Just so you know, the flight left about 30 minutes ago. Do y'all want to have dinner with us or what?

And we looked up at each other and we'd missed the flight, and that was because RALPH HALL was telling the funniest stories of taking time with KAY GRANGER and me, sitting around a small table at Reagan airport.

And he was doing more than just telling stories. What RALPH was really trying to do was to mentor KAY GRANGER and PETE SESSIONS on, not the life and times of RALPH HALL, but to talk about citizenship and of service and of benefit to people. And he talked about how he, in his personal life, lived his life for the benefit of other people.

From that day forward, I learned more about RALPH HALL and have continued to want to hear him and tell the stories. Every time it is about how you can better your life, about how you can look at what your service and your time and the things that you do is about other people, not yourself. RALPH HALL, for all the years that I am sure he has served, whether it was as a State senator or a county judge or as a distinguished Member of Congress, RALPH has done so for others.

RALPH comes and goes every single weekend. I've never spent a weekend here in 16 years that I've been a Member of Congress, and I'm sure RALPH has not in the time he's been here since the early eighties.

Mr. Speaker, RALPH HALL is an important and distinguished Member of this body, and he has brought distinction, not just to the Texas delegation and not just to the people that he represents, but I think to all of America, as a statesman, a man who gets his work done, not to put himself forward, but to put others.

I think he's a model of success. He's a model of somebody that I want to be-

come more like. But I will tell you what: If we will take the time tonight, those of my colleagues that have not known him, to watch the way RALPH does it, he even does it today the same way he did it the first day he came here. And that, to me, is a legacy of RALPH HALL, a great Member of Congress and one of my colleagues.

I'm proud and pleased to be here tonight with the Honorable RALPH MOODY HALL, Member of Congress.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, JOHN CULBERSON.

Mr. CULBERSON. Mr. Speaker, the Proverbs tell us that our good name is our most valuable possession on Earth, and by that measure RALPH HALL is truly one of the wealthiest men in America. He's earned the trust of his constituents over and over again, as he has earned the trust of his colleagues, because we know, his constituents know, that RALPH HALL always keeps his word, that RALPH HALL always does what's right for America. He does the right thing for the right reason on every occasion.

And he understands that his service in Congress is for his fellow man. Just as he served us in uniform in our Armed Forces, RALPH serves here as he served as county judge, as he served as State senator for the benefit of Texas, for the benefit of America.

It's an extraordinary privilege for me to serve with him, to look to RALPH HALL as a mentor, as a friend, as a colleague, as a fellow Texan, to honor him tonight, one of the great Americans, one of the great Texans ever to serve in the United States Congress, RALPH HALL. We honor and thank him for his service to the Nation and to the great State of Texas.

Mr. SMITH of Texas. Mr. Speaker, I am happy to yield to the gentleman from Texas, JEB HENSARLING, the next chairman of the Financial Services Committee.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Speaker, I rise today in great honor to recognize my friend and fellow Texan, RALPH HALL, for being the oldest Member of Congress to cast a recorded vote on the House floor. It is not often that I have been given the opportunity to recognize someone with such a long, long, long, very long history of service to our country.

Everyone in this institution knows that RALPH's passion in this institution is science and space and technology. It represents the areas of the committee he now chairs.

When I came here, I asked someone, Why is RALPH such an expert in science? And someone said, Well, you may not know it, but according to some, he was there when Columbus discovered the Earth was round, Newton discovered gravity, and Franklin discovered electricity.

Now, Mr. Speaker, they say that imitation is the greatest form of flattery, and this was a poor attempt on my part to show how RALPH HALL brightens this institution every day with his humor. He is clearly the wittiest Member of Congress in a body that is in desperate need to be brightened up and occasionally benefited by such wit and humor.

But besides his wit and humor, for those who really know him, he is clearly one of the wisest men to ever serve in this body. And I certainly benefit from that wisdom, as do so many others.

□ 1940

Mr. Speaker, we heard earlier that RALPH has said, I'd rather be respected at home than liked in Washington. The truth is, not only is he respected in Rockwall, Texas, he is beloved in Rockwall, Texas. And not only is he liked in Washington, more importantly, he is respected in Washington. And more importantly, he is respected by both Republicans and Democrats alike. And that, Mr. Speaker, is a huge, huge testament.

And so, Mr. Speaker, I'm honored to recognize a Texas legend, a World War II veteran, a statesman, a role model for all American citizens, including my children. I'm honored to recognize him on this historic occasion. I'm honored to recognize this institution for this historic moment. But most of all, I'm honored to call RALPH HALL my friend.

I thank the gentleman for yielding.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, MICHAEL BURGESS.

Mr. BURGESS. I thank the gentleman for the recognition.

I don't want to say that RALPH HALL has been here for a long time, but he was here when the Earth cooled the first time.

RALPH, I just can't tell you what it's meant to serve with you. When I was a freshman Member of Congress, you actually were on the other side of the aisle. You were the ranking Democrat on the Science Committee, and I served with you there. Certainly, your ability to get your way in that committee was something that I've always marveled at, because we had the votes, but you had the way of getting things done. And then I lost the ability to have my bills bipartisan because I always got RALPH to cosponsor whatever crazy little bill I had up there and it became bipartisan, and then RALPH switched sides on me. I wasn't able to utilize that any longer.

I've got to tell you, RALPH, one of the profiles in courage that I will always remember from my service here in the House, I hadn't been here 3 months and it was the first budget vote that I had lived through. It was a pretty wild night. It went on late. The budget was kind of seesawing back and forth with

not quite enough votes to pass, and then it had enough and then people switched. Right at the end, RALPH HALL came down this very aisle to this table and cast the deciding vote in favor of the Republican budget. At the time, he was a Democrat, but it was important to him. Our country had just gone to war in Iraq. The President needed the support of the House of Representatives. To RALPH, that was an important vote to cast. Honestly, I'll just never forget that profile in courage that you showed that night and how you put country above party, you put country above self, and you made that sacrifice.

RALPH, it has been an honor to serve with you. You are a near neighbor in north Texas. We ride back and forth on that darned plane every week, and it is a testament to your ability to not just serve here in Washington, but take care of your folks at home in Rockwall.

RALPH, it's been an honor to serve with you.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, JOHN CARTER.

Mr. CARTER. I thank you for yielding.

I'm really pleased to step up tonight and say a little bit about my friend, RALPH HALL. Here he is, the oldest Member to cast a vote on this floor.

Texas has sent an awful lot of treasure to this place over the years. We've shared resources. We are a State of resources. We shared our resources, we think, pretty graciously with the rest of the country. And when we shared RALPH HALL with this body, we shared one of Texas's treasures.

We've talked about RALPH, and most of the stories that have been told I have known and thought about sharing. But the truth is that when I think about RALPH HALL, it's amazing. People that don't really know him in Texas think they know him because they know his reputation.

It's been said that a statesman is a person who puts everything above himself and all partisanship aside and tries to do what's right for the country. I've watched RALPH as a Democrat, I've watched him as a Republican, and that's what he does.

A national treasure is something they bury in the ground, so RALPH doesn't like to talk about that, but what he does like to talk about is the fact that we all need to be nice to each other. And RALPH HALL is like what we Texans define as a Texan. And the first definition every Texan will give is a man that'll look you straight in the face, make a deal with you, look him in the eye, he gives you his word, and you can count on it. That's the definition we Texans cherish.

He is the man who originated that definition, because he's the man you can look in the eye, and when he promises you he's going to do something,

he's going to do it; but even more importantly, to be a person who has charm and grace and humor and the ability to make your day brighter every time you see him. I don't know of anybody in my life I've ever met that has that talent like RALPH HALL. That makes him a treasure.

God bless you, RALPH.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, RANDY NEUGEBAUER.

Mr. NEUGEBAUER. I thank the gentleman.

I rise this evening to talk about my young friend, RALPH HALL. One of the things about RALPH is that he is like the Energizer bunny. He's up just about every morning pretty early and walks. But most of the time you will see him down at the White House about 7:30 letting some constituent in for a White House tour or, in some cases, taking that constituent for a tour.

The thing about RALPH is he's never interested in RALPH; he's always just interested in you. If you walk up to RALPH, during that conversation it's going to come out, What can I do for you? What do you need? How can I help you?

What RALPH has done for all of his life is served. He understands that the roles that he's been allowed to serve in were really roles of servanthood. And he is the ultimate servant. He has the servant's heart. It's a delight to be around him.

I've enjoyed serving on the House Science Committee with him. Sometimes there will be some adversarial conversations in a committee hearing, but RALPH has, always, a way to bring levity sometimes when levity is needed.

I woke up one morning here just a few months ago and I read in the paper: RALPH HALL Jumps Out of Airplane. Now that would shock some people, but I guarantee it didn't shock anybody in the Texas delegation, because we know when RALPH wants to make a point, he just goes ahead and makes the point.

Now, you've got this guy that gets up at 7 o'clock in the morning, he's down at the White House, he jumps out of airplanes, he goes back and forth to Dallas every weekend, and the question, RALPH, that all of us want to know, is: What kind of vitamins are you taking? Because we all want to be on whatever diet that you're on.

But what I wanted to say about RALPH tonight is RALPH is a Congressman to many people and the people in Rockwall, but to all of us, RALPH HALL is our friend. And we're very proud of our friend, and we're very proud to have the opportunity to serve with a great man like RALPH HALL.

My RALPH HALL story is: We were celebrating one of his birthdays on a Thursday—the Texas Republican delegation has lunch every Thursday—and somebody had brought a birthday cake

in, and I think we had a candle there. We just had one to kind of commemorate all of the years. The fire marshal wouldn't let us bring all the rest of them, RALPH, I'm sorry. Anyway, he was making light of his birthday, and he looked at us and he said, The worst thing somebody can say to you on your birthday is, Doesn't he look natural?

What we know is that RALPH HALL is not a natural person. He's a supernatural person.

RALPH, we love you and we appreciate the opportunity to serve with you. God bless you, and God bless the United States of America.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, MIKE CONAWAY.

Mr. CONAWAY. Thank you, Mr. SMITH.

I, too, want to add my congratulations and prideful acknowledgement of RALPH HALL's long service. You've heard the long list of his accomplishments and his service. RALPH represents the folks in northeast Texas ably and well, including my alma mater, Texas A&M at Commerce. He is a terrific individual.

I'm in constant awe of his quick wit and his storytelling ability. RALPH is never at a loss for some remark or response to whatever is going on. It just makes you want to laugh out loud. That is a rare talent—one that I would love to have, but don't. I am in awe of his quick wit and his wisdom.

I'm also in awe of his gentle spirit and kindness that he expresses to every single individual. It is deep-seated and it is heartfelt and it is genuine and real. And those of us that have the honor and the privilege of service with RALPH HALL understand it and bask in it on every single occasion.

So I would simply like to add my congratulations and heartfelt admiration to serve with RALPH HALL and to be able to say that when I write about whatever I did in Congress, one of the lines in there will be that I had the honor and privilege of serving with RALPH HALL at a time when he was at his best.

RALPH, congratulations.

□ 1950

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, TED POE.

Mr. POE of Texas. I thank the chairman for yielding. Thank you for sponsoring this Special Order where we can, as a body, recognize our friend and fellow Texan, Chairman RALPH HALL.

Mr. Speaker, we Texans are proud of our State, we're proud of our heritage, and we're proud of the people that have been in our State. Texans have a long history of remarkable Texans in our history, men and women with, I shall call it, personality, uniqueness, all the way back to General Sam Houston—and there are many others. But on that

list will be, and is, Chairman RALPH HALL. He is a person of personality and character—and quite a character.

He has not always been a Republican. At one time he sat over here. He was a Democrat. He switched, got religion, and came over and became a Republican. But his principles have never changed; they have always been the same. Whether he sat over here or whether he sat over there, he has always been a man of remarkable character and always voted his principles.

He is a World War II veteran. We have a special place in this country for veterans like him that served in the great World War II. My dad served in World War II. He was on the other side of the world while RALPH was flying off of aircraft carriers in the Pacific.

There is a special something about World War II veterans. They understand American history. They understand the importance of our military and how it's important for us as a Nation to always do two things—have a strong military, and then support our veterans when they return home, whether they return home as wounded warriors or whether they return home with the scars of war, and some that return home in those caskets. RALPH HALL makes sure that we remember our veterans.

He was a business owner. He ran for office because his wife wanted him to run for office. Mary Ellen was responsible for him spending many years on the campaign trail running for office. As the chairman of the Science Committee, he has been a special fan of NASA. We in Texas, we love NASA. When he learned—rumor has it—that the space shuttle was going to New York City instead of Houston, Texas, rumor is that he was trying to get a posse to go up to New York and bring that shuttle back to Houston where it belongs. I don't know if that's true or not.

RALPH HALL loves America, he loves this body, he loves Texas, but most of all he loves the American people. It's a great honor to recognize you, a statesman and favorite son of Texas, Chairman RALPH HALL.

And that's just the way it is.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, LOUIE GOHMERT.

Mr. GOHMERT. Thank you, Mr. Chairman, for yielding.

It is an honor, privilege and a pleasure—all three—to be here to pay tribute to our friend RALPH HALL. I think I'm the only one that has spoken that was actually represented by RALPH HALL, and so it's not my first testimony for the gentleman from Rockwall.

In fact, in 2001, it looked like there was a new redistricting map the legislature had come out with, and it was going to put my home town of Tyler in a different district. During my years on

the bench, I had been concerned about some of the Federal laws that were luring people into ruts they couldn't get out of without any hope, and that's when I first thought about running. But I knew, and I said publicly, as long as RALPH HALL is my Congressman there's no need for me to run. I know that man, I know his heart, I know his convictions—not criminal convictions, I don't know of any of them—but I know the convictions of his heart, and I know him to be a man of conscience, a moral, upright, decent man who had a wonderful wife, and there was no way there was a need for me to run as long as RALPH HALL was my Representative.

I was told by some Republican leaders, look, he's a Democrat, you ought to run against him anyway, and I said no way. I couldn't do any better than RALPH HALL. I'm well represented. But in 2003, finally the legislature actually did redistricting, and we ended up in a different district, and I ran. But I've been amazed not only by the incredible knowledge of science and technology and the workings of this body, but as others have alluded to, the sense of humor. But now one thing I've noticed, a lot of times around here people get a good joke, they just keep it to themselves, whereas RALPH shares even funny material.

We had a college coach here that was going to speak to a big group of Members of Congress, and somebody told him, just start off with something funny and you'll be fine. He was nervous, and he said, I don't know anything funny. So RALPH said, well, what would you like it on? He said, well, what about education? He said, here's your joke:

A teacher tells her first-grade kids that they've got to come back and tell some family story that is told around the family. Everybody in the classroom the next day had their story, but little Johnny never raised his hand. Finally, she said, Johnny, everybody's done their family story but you, don't you have one? And he said, well, I do have one, it's even got a moral, but I don't know. The teacher said: Well, is it clean? He said sure. She said, Well, go ahead and tell it. So Johnny got up and said, Well, my Aunt Katie was in the Air Force as a pilot, and she got over hostile territory. My Aunt Katie always was prepared for the worst. She had a bottle of whiskey, an Uzi, a 9mm and a knife in the cockpit with her just in case something happened. Sure enough, she got hit, she's going down. She ejects, drinks the bottle of whiskey real quickly, and then sees all these enemy soldiers coming at her, wipes out a couple dozen of them with the Uzi, takes the 9mm, wipes out 12 more, and then hits the ground. Three more come at her, and she takes them out too.

The teacher said: Good grief, that's a family story and you say it has a

moral? He said, Well, I don't know if you'd call it a moral, but it's what everybody in our family knows, and that is, when Aunt Katie's been drinking, you don't mess with her.

So, anyway, I was impressed that he shared that, but more than anything I'm proud to have shared time here and seen a true Representative at work. It's been my honor. Thank you, RALPH, for all you've done.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, PETE OLSON.

Mr. OLSON. I thank my colleague and fellow Texan for giving me a couple of minutes to talk about RALPH HALL, a man we all know, a man we all love.

My comments are going to focus on some of the amazing events that have occurred during RALPH HALL's life and brought him to this record-setting vote he cast earlier this evening.

God had a plan for RALPH, some might call it fate—fate, which is appropriate, because RALPH's journey to get here started in Fate, Texas, population 299. RALPH was born there on May 3, 1923. Fate ensured that RALPH would have amazing brushes with history.

One amazing brush with history RALPH had occurred as a young teenager pumping gas in Rockwall, Texas. RALPH filled up a car of a young couple, a man and a woman, very well dressed, heading east. RALPH got a great tip—a quarter. In those days that was a lot of money.

□ 2000

He went into the service station to tell the boss what had happened, about the tip. He glanced at the newspaper, and he froze.

He had just filled up a car, the two occupants of which were the pictures of two people on the newspaper, the front page. These two people were Bonnie and Clyde, the notorious gangsters who met their demise shortly after leaving Rockwall, Texas. RALPH pumped gas for Bonnie and Clyde.

But RALPH has not just had amazing brushes with history, like Bonnie and Clyde. He's made history. As a county judge, a State legislator, a United States Congressman, RALPH made our country stronger and made the world better.

I have had the honor and privilege to work with Chairman HALL for nearly 4 years to ensure America retains its dominance in human space flight.

When the Obama administration's ill-conceived budget of 2010 threatened to lose that dominance, RALPH used every tool in the toolbox of life that he had accumulated in public service to give him the tools to win the battle.

Here are a couple of those tools: Neil Armstrong; General Tom Stafford, who was here earlier today; and Gene Cernan. RALPH built a bipartisan coalition and saved the Orion crew capsule



and put the United States on a path to go beyond low Earth orbit.

As a boy who grew up a mile and a half from the Johnson Space Center, I have seen RALPH HALL make history and put our country on a course where my kids, your kids, our grandkids can see an American walking on another celestial body.

RALPH, thank you for the impact you've had on my life and my family's life.

We've all talked about the chairman going parachute jumping earlier this year. I thank you for that, Mr. Chairman. Because you did that, my 15-year-old daughter came up to me and said, Dad, let's jump out of a plane when I turn 18. Thank you. Thank you for that, Mr. Chairman. You've made a difference in my life. You've made a difference in the world. We love you. We thank you.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Florida, BILL POSEY.

Mr. POSEY. I thank the gentleman for yielding.

I appreciate the opportunity to join with my colleagues in recognizing Chairman RALPH HALL for his tenure and as chairman of the House Science Committee.

During his service, Congressman HALL has been one to reach across the aisle and forge bipartisan coalitions to support important legislation. And no program, in my view, has benefited more from his bipartisan commitment than the United States space program.

Representative HALL has been an especially strong voice for our Nation's human space flight program, which has benefited not only Texas and Florida, but has propelled our Nation on a path of unprecedented scientific and technological advancements.

We can all learn a lot from our colleague. Congressman HALL leads by example, and he is well known for calling a spade a spade. His word truly is his bond, and you can always take that to the bank.

Advancing our Nation's human space flight program has been a hallmark for Chairman HALL. And as we look out at America's next generation of explorers, space is their destiny. And he'll help ensure that they reach it.

RALPH, there's a lot of work to do, and I'm truly honored by the opportunity to serve with you to get 'er done. I only hope and pray that when I'm 65 years old, I'll be in half as good shape or half as smart as you. God bless you, RALPH.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, QUICO CANSECO.

Mr. CANSECO. I thank my friend and colleague and fellow Texan, Chairman SMITH, for yielding.

Today, I honor a great man, a great Texan, a great American, RALPH HALL. As he makes history today for being

the most experienced Member—in life-long years—of this Chamber to cast a vote, I am proud, as a member of the Texas delegation, to call him a friend and a colleague.

RALPH HALL embodies so many of the virtues we celebrate as Americans. He is a man who is forever devoted to his family. He is a patriot who served his country during World War II. He is a public servant who has dedicated his life to serving the people of Texas and the United States. He is an example to all Americans not just for his service to family and country but in the graceful manner in which he goes about his tasks and the joy that he inspires in all of us.

This Chamber will always be grateful for the service that RALPH HALL has given to the House of Representatives and to the Nation.

We all enjoy his good humor, his dedication, and his love of country that he brings to his job each and every day.

Tonight, as we pay tribute to RALPH HALL and wish him many more years of service to the people of Texas and the United States, I thank him for the privilege of serving by his side as a friend and a colleague in the House of Representatives of the United States Congress.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, BILL FLORES.

Mr. FLORES. I thank Chairman SMITH for yielding.

Mr. Speaker, I rise today to honor one of my Texas colleagues who has just become the oldest known Member of the House of Representatives to cast a recorded vote on the House floor. And I applaud Congressman RALPH HALL for passing this historic milestone.

RALPH was first elected to represent the Fourth District of Texas back in 1980 and is preparing to enter his 17th term when the 113th Congress convenes next year.

Congressman HALL currently serves as chairman of the Science, Space, and Technology Committee. He is the longest-serving Member of the committee and is the first Member to serve as ranking member as both a Republican and as a Democrat.

Now, everybody knows what a comedian RALPH is, and I want to share a funny story with you about him. At his birthday party in May of 2011, I was asked to say a few words about him. So I talked for a few minutes about him and about what it was like to serve with him. And I ended by saying that I hoped to wrap up my time in Congress in just three to four terms and that I would never aspire to serve as long as he has, to which RALPH dryly replied, Well, BILL, we're going to miss you. So that's just the way RALPH is. He adds levity to every situation.

Mr. Speaker, it's an honor to work alongside RALPH. I look forward to serving with him in the future in ad-

ressing the many pressing needs of the American people.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, BLAKE FARENTHOLD.

Mr. FARENTHOLD. I am honored to be here today, as well, to pay my respect in tribute to Congressman RALPH HALL.

As a freshman in Congress, there's a whole lot to learn. When I came in, RALPH HALL was one of those people that was larger than life. And he remains larger than life after I've been here for 2 years.

He is the kind of guy that you aspire to be like in Congress—able to solve problems, able to get things done across party lines, friends with everybody, always a smile on his face, always a joke on his lips. He is a problem-solver, and that's what we need here in Washington is people who solve problems.

A perfect example that you've heard some of my colleagues allude to earlier today, there were some folks saying, RALPH HALL is too old to serve in Congress. Well, he solved that problem by jumping out of an airplane. And I'm going to tell you something. For a Navy pilot—I represent two naval training facilities—I guarantee you naval pilots do not like to jump out of a perfectly good airplane. Getting out of an airplane is a bad sign for a Navy pilot before it's landed.

RALPH HALL epitomizes and is the perfect example of what it is to be a Congressman. He could make friends with a fence post. And as I've told my wife Debbie, When I grow up, I want to be RALPH HALL.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Texas, KENNY MARCHANT.

Mr. MARCHANT. Mr. Speaker, today we honor our dear friend and colleague RALPH HALL for becoming the oldest Member to cast a vote in the history of the House of Representatives.

I have had the privilege of knowing RALPH for decades. He is a dear friend and a tireless advocate for the people of the Fourth Congressional District of our home State.

□ 2010

RALPH's service to the country did not start with his election to Congress in 1980, but started long before. He answered the country's call to serve in the service in World War II, serving in the Navy as an aircraft carrier pilot from 1942 to 1945. Later in his life, RALPH served in the Texas Legislature from 1962 to 1972.

RALPH, I did not have the opportunity to serve with you in the Texas Legislature. We were there at different times. But you served with honor, and you served as the Senate pro tempore for 2 years.

Though RALPH'S time in the Texas Legislature predated me, he has always

been and always will be a legend in Austin, Texas. Today, my friend continues to distinguish himself in Congress serving as the chairman of the Science, Space, and Technology Committee.

There never has been anyone quite like RALPH before. He is a true Texan, a true Texan hero, and I am proud to call him my friend. Though he qualified for retirement a couple of decades ago, he still serves his country and constituents with honor and distinction.

Mr. SMITH of Texas. Mr. Speaker, I yield to the gentleman from Illinois, RANDY HULTGREN.

Mr. HULTGREN. Thank you, Chairman SMITH.

I rise today to honor my colleague from Texas, Congressman RALPH HALL, whom I have come to know over the last few years, not only as the chairman of our Science Committee, but also as a personal friend and leader.

As Science Committee chairman, RALPH HALL has been a strong advocate for our Nation's leadership and preeminence in space exploration and launch capabilities. It is self-evident that his personal experience and expertise has carried over into a passion for American preeminence and flight in aviation.

Today, as you have heard, RALPH HALL will become the oldest known House Member to cast a recorded floor vote, and this is a great opportunity to reflect on his record of service to our Nation. We recognize not only his service here in Washington as a Member of the House of Representatives, but also his home State of Texas as a member of their legislature and as a veteran of the Second World War.

While Congressman HALL's wit, humor, and bipartisanship are rare today, they're attributes sorely needed now more than ever. I feel privileged to have served with him during my first term of Congress, to follow his leadership on NASA and human spaceflight policy, to hear his stories and knowledge spanning nine decades, and to count him as friend.

I realize more than ever that someone who is 89 years old can say a lot of things that someone 46 years old would get in a lot of trouble saying. So I'm grateful hearing you speak all the time, and I enjoy your jokes so much. Congressman HALL is not only a fighting ace and a military hero, but the living embodiment of southern hospitality and good heartedness.

Mr. Chairman, thank you for your service, and congratulations on this wonderful milestone. I know we're going to see you continue to set records for years to come.

Mr. SMITH of Texas. Mr. Speaker, the time has come to recognize the man we have been honoring here tonight.

Earlier this evening, Congressman HALL broke the record for the eldest

Member of Congress to have ever cast a vote in the United States House of Representatives. Actually, Mr. Speaker, every day RALPH HALL sets a record for his service to our country.

Mr. Speaker, the time of the Special Order is going to appear to expire in about 5 minutes, and I hope the Speaker might consider wielding a gentle gavel.

With that, I look forward to hearing from the gentleman from Texas, the gentleman from Rockwall, Texas, himself, RALPH HALL.

Mr. HALL. Well, I don't really want to make a speech. I've enjoyed these speeches I've listened to here. A lot of it was true. Good people, great guys and gals that I work with. I'm honored to be a part of it.

For the past 32 years, I've been here. I really came up here to stay 4 years, and that's what my wife and I agreed on. I just didn't say which 4 I was talking about. But she was always one to encourage me to run, because I had a son who was a district judge, and I think she felt that me being in Congress helped that son. Mommas always love their little cubs. I think he was really helping me, because he was running on the Republican ticket then and I was running on the Democratic ticket. I soon saw the light, and I came over. But I left good friends over here, and there's good people on both sides of the docket.

There's a lot of talk about the parachute. There are things you have to do in politics sometimes. I had a race that started this last time with 78 percent of the votes it looked like. A gentleman from Houston spent \$450,000 against me. He didn't know me, didn't know the two people running against me, but spent that amount of money to defeat me for some reason because he thought I was too old to be here. He picked five of us, and the other four didn't take him on. I tried to take him on some, but in taking him on I had to assure my people that I wasn't the old goof that he was saying I was, that I was capable of the work.

The only way I could think of doing it—I run a couple of miles every morning, and when I was running, I looked up and there was an airplane up there. I thought, If I could jump up and touch that airplane, they'd think I was agile enough maybe to keep on being their Congressman. If running 2 miles every morning, voting 99-plus percent of the time, if that wasn't enough, I had to do something else. So I decided if I jump 2 miles, maybe that would be it.

We got in an airplane. I got this guy, and he really was great. He trained me and showed me how to get in and out. Of course, I had flown probably a couple or 300 hours or 400 hours during the war, and I had made one jump during the war, but it wasn't a forced jump. I knew what it was, and I knew that it was okay. I also knew that it would

tell people I had not had a stroke, and that's what they were putting out. I wanted them to know I was able and capable of representing them. They had to know that, and they were entitled to know that, so I decided to jump out of that airplane.

We got right over the opening there, and I looked down. I had maybe a couple of hundred people on the ground waiting there. He said, As you jump out, reach with your heel and kick me in the rear. I was glad to do that. Right at the last, I almost decided not to jump, but I was too close and I knew I had to. I might have been pushed a little. I don't even know. I did jump, and he held on to me so tight—there were two of us there. He was holding tight, and that kind of struck me. I turned around and asked him, "Do you mean it?" He said, "What do you mean?" I said, "You're holding me so tight. Do you care for me? What's the deal? There's a preacher down there, and the President said men can marry men. Maybe he'll just marry us when we get there." He said, "Shut up. The ground is going to be here in just a few minutes."

It was a pretty thing to see the Earth coming up to us there and seeing good friends down there that waited in hope for me. Even my undertaker was there. My undertaker meets me every time I go home with a tape measure and tells me he has one in store for me. He also tells me not to worry about flyers; if you don't like them, they'll finally grow on you. It's kind of a smart aleck way to do it, but he's my close friend. He was an intern when I was in the Texas Senate and one of the fine leaders of Rockwall.

For the past 32 years, I've had the honor and the privilege of representing the Fourth District of Texas here in Congress, and I think it's just an honor to know that there have been 10,747 men and women elected to serve and that I may be the oldest to ever serve or to ever vote on the floor. There are others that have been here but didn't vote. I think that date comes up sometime around the 21st day of December.

My first impression of the House of Representatives when I got here began with Speaker Sam Rayburn, whose district I represent. Speaker Rayburn and my wife were good friends at Mayo College. That's what the college name was before it was East Texas State Teachers College. When I was in the senate, I changed it to East Texas State University. My wife graduated from there, and I had the privilege of handing her her diploma. Those are good things, and that's a great institution over there.

Mr. Rayburn, was called by my mother, who had known him back in the earlier days and was at Mayo College with him, to give me some kind of a recommendation to be an officer in the Army or the Navy or the Marine Corps

or something. He didn't call her back. He didn't write her a letter back. He came to the breakfast table to tell her, "Maude, I can't appoint that boy to anything. There's four reasons." She said, "What on Earth can that be?" He said, "All four of his grades." That was kind of true, because I always thought everything over 70 was wasted.

□ 2020

Not a good student. Not a good football player. We lost our car early in the Depression. One guy in the Depression said he'd eaten so many rabbits he was afraid of his own dog. We didn't have that kind of a problem, but we knew what the Depression was.

I fear for this country right today in that, if we don't get together and maybe forget that we're more Republican than we are Democrat or more Democrat than we are Republican, our children are going to suffer. We need to make a move and think of them. We owe our children an opportunity, and they owe us the effort. It's just that simple. I think, in this next session, we're going to all have some give, that we're all going to get together and try to work something out.

In our leader, we have a good Speaker. He's a guy I admire and respect, a kind Speaker, a guy who means the things that he says. He is a Speaker who cares about us. I don't agree with everything he says, but we need to forget any little pettiness that we have, get behind the leadership here, and try to write some legislation. It's for our children and for our children's children. That's the most important thing I think we can do.

I know my time is about up.

The SPEAKER pro tempore (Mr. WEST). The time of the gentleman has expired.

Mr. SMITH of Texas. Mr. Speaker, would it be appropriate to ask unanimous consent that the gentleman from Texas have an additional 5 minutes, or more?

The SPEAKER pro tempore. The Chair cannot entertain that request.

Mr. HALL. I say to the Chair, thank you very much. I appreciate and understand what the rules are, and I thank my folks for being quiet up there when I know they wanted to be heard.

God bless this Speaker. God bless you, LAMAR SMITH. You'll make a good chairman of Science, Space, and Technology.

Mr. BOEHNER. Mr. Speaker, over the course of our history, nearly 10,750 individuals have served in the House of Representatives. According to congressional historians, the gentleman from Texas, Mr. HALL, has just become the oldest known House Member to cast a recorded floor vote.

It is yet another extraordinarily milestone for this World War II veteran from Rockwall, Texas, a small town east of Dallas. This is a proud moment for Mr. HALL's family, constituents, and all of us who have the privilege to serve with him.

Today, the House of Representatives is also accepting a portrait of Mr. HALL in recognition of his tenure as chairman of the Committee on Science, Space, and Technology. RALPH's record of service to the committee, and to our country, has been a thing of beauty, and John Boyd Martin's work certainly matches that description.

The portrait contains a view of the Capitol and a picture of RALPH and his wife Mary Ellen, who spurred him to get involved and run for his mentor Sam Rayburn's old seat. The House is accepting the portrait in honor of her memory.

Also worth noting in the portrait is the space shuttle on Mr. HALL's lapel. It's a fitting symbol of his long-standing commitment to the space program and America's leadership in discovery and innovation. It also signifies how Chairman HALL has focused on exploring all of our next frontiers—starting with our own energy resources. Chairman HALL not only keeps the shuttle—and all the promise it embodies—on his lapel. He keeps it in his heart too.

Like the casting of a vote, the presentation of portrait is a personal act, but its acceptance is a shared commitment. It is for us, Mr. HALL's peers and admirers, to continue the labors the portrait honors, to sustain the curiosity it celebrates. The House's efforts to commemorate Mr. HALL's voting milestone is a good start. There is much more to do, and we can rest assured that Mr. HALL himself will make a robust contribution to this work.

Mr. BRADY of Texas. Mr. Speaker, I rise today in honor of Congressman RALPH HALL, representing Texans in the 4th District of Texas. A patriotic American, U.S. Navy Veteran of World War II, Texan, and more personally a true friend and mentor. First elected to Congress in 1980, Congressman HALL has committed over thirty years of his adult life ensuring his constituents are heard throughout the halls of Congress, all the way from the Lone Star State.

Congressman HALL's public service didn't just start when he arrived in Washington—RALPH was first elected as County Judge of Rockwall County, served as President of the State Judges and Commissioners Association and devoted ten years serving in the Texas Senate, where he rose to President Pro Tempore.

It is an honor to serve the great State of Texas side-by-side with Congressman RALPH HALL and his track record of success is admired far and wide; pretty good—for a boy born and raised in Fate, Texas.

I commend the family of Congressman HALL, the late Mary Ellen Murphy, and their three sons, Hampton, Brett, and Blakeley along with their five grandchildren for the countless hours they have sacrificed while RALPH represented Texas on the national stage.

Mr. Speaker, I look forward to tackling the pressing issues of our current time and getting our country back on a track to fiscal sanity alongside with Representative HALL and as he puts it quite frankly and I agree, "I'd rather be respected at home than liked in Washington."

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise to recognize and honor the extraordinary public service commitment of Congressman RALPH HALL, the Science, Space, and Tech-

nology Committee chairman, the dean of the Texas Congressional Delegation, and my long serving colleague.

Today, Congressman HALL reigns as both the oldest Member of Congress and the oldest House Member known to cast a vote on the House Floor. I am pleased to say that Congressman HALL will also become the oldest person ever elected to a new House term, during the 113th Congress.

Congressman HALL, a lifelong native of the great State of Texas, has been a faithful public servant and has dedicated 32 years of service to representing the constituents of the 4th Congressional District of Texas.

In 1942, Congressman HALL became an aircraft pilot for the United States Navy and served our country during World War II. Congressman HALL soared to the top of military rankings, becoming a senior grade lieutenant.

Congressman HALL, thank you for your service in the Armed Forces in efforts to protect our freedoms and to ensure America is the greatest country on the Earth.

Congressman HALL also served the great State of Texas in both State and local government.

In 1950–1962, he served as County Judge of Rockwall County, Texas.

In 1958–1959, he served as President of the State Judges and Commissioners Association.

He served in the Texas Senate from 1962 to 1972, where he served as President pro tempore for a year.

In addition to a successful early political career, Congressman HALL is an accomplished businessman. He served as:

The President and CEO of Texas Aluminum Corporation,

The General Counsel of Texas Extrusion Company, and

He was a founding member of Lakeside National Bank in Rockwall County.

After his service in State government and achievements in the private sector, Congressman HALL decided to run for U.S. Congress. In 1980, he was elected to serve the Fourth Congressional District of Texas and has been re-elected each succeeding Congress.

Some say that his long tenure in Congress is related to his love for the Fourth Congressional District of Texas. I can attest that Congressman HALL loves his District, and he certainly loves the United States of America. Congressman HALL is often quoted, saying, "I'd rather be respected at home than liked in Washington."

Congressman HALL, we need more politicians like you who value the demands of the American people and recognize, we as elected officials, are accountable to those who elect us to office.

While in Congress, Congressman HALL has been the recipient of numerous awards. Among Congressman Hall's many achievements:

He has been credited for helping to advance research and development for new technologies to keep America competitive.

Congressman HALL has worked to utilize abundant domestic energy resources and helped explore alternative energy sources that would lower costs.

He has also played an integral role in ensuring America's preeminence in human space exploration.

I stand proudly before this body of Congress to honor Congressman RALPH HALL. He has contributed so many great things to our country, and he is the epitome of a great leader. I pray that you serve as the oldest Member of Congress for years to come.

Mr. BENISHEK. Mr. Speaker, while today we commemorate Chairman RALPH HALL becoming the oldest Member to vote in the House of Representatives, we truly honor him, not for his age, but for the leadership, dedication, and commitment he has displayed since he was first elected to Congress in 1980. When I was first elected to the House two years ago, Chairman HALL asked me to join the Science Committee to bring my experience as a practicing surgeon to the Committee. In this way, Chairman HALL has recognized the experience and backgrounds of our colleagues on both sides of the aisle, newcomers and seasoned politicians alike.

Although Chairman HALL has made many friends here in Washington, what I admire most about him is his genuine commitment to the residents of the 4th district of Texas. As he often says he'd rather be respected at home than liked in Washington. With his gentle disposition and strong leadership, I believe he has found a way to do both.

On behalf of the 1st District of Michigan, and my colleagues on the Science Committee, Chairman HALL I thank you for your service to our country and for your leadership on the Committee, and I commend you on this momentous occasion. I look forward to serving with you for many years to come.

Mr. ROHRBACHER. Mr. Speaker, I rise today to recognize Chairman RALPH HALL for his leadership on the Committee on Science, Space, and Technology; for his decades of selfless service to our country; and for his dedication to this esteemed body.

Today, Chairman HALL became the oldest Member to ever cast a vote in the House of Representatives. He has served in the House for 32 years, occupying the same seat that was once occupied by Speaker Sam Rayburn. RALPH's energy is legendary, second only to his sharp wit, and I hope to have half as much energy as he has when I reach his age.

His service to America started when, as a 19-year-old from Texas, he joined the United States Navy in 1942. Lieutenant HALL served as a pilot for the duration of World War II, and he has never stopped vigorously fighting for our nation.

I look forward to continuing to work with him in the future, and God-willing, he'll be here for 32 more years, continuing to cast every vote the right way.

Mr. Speaker, I ask that you and all of the Members of the House join me in honoring Chairman RALPH HALL for his leadership, his service, and his dedication.

Mr. COSTELLO. Mr. Speaker, I rise today to recognize the esteemed career of my friend and colleague RALPH HALL.

Today, RALPH became the oldest known House Member to cast a recorded floor vote. Also the oldest serving member of the U.S. House of Representatives and dean of the Texas delegation, RALPH has charmed friend and foe alike with his good humor and demeanor.

A man of incredible integrity and energy, RALPH has served his district with distinction in

Congress for over three decades. A lawyer by trade, RALPH's career in public service began as a County Judge of Rockwall County, Texas, and he went onto serve in the Texas Senate.

I have served with RALPH on the Science, Space, and Technology Committee and have appreciated his careful attention to the priorities of the Committee members and the science community. As an example, RALPH and I have worked closely to educate Committee members on the benefits of clean coal technologies. Like Illinois, Texas relies on coal for energy production, and our districts and the nation will benefit from technologies that can cleanly and efficiently utilize our most abundant source of energy. I am thankful to RALPH for his commitment to ensuring coal remains a part of a diverse energy portfolio.

Further, I was proud to work with RALPH on important Committee measures, such as reauthorization of the America COMPETES Act, which is critical to ensuring America remains a leader in science, technology, engineering, and math (STEM) education.

Finally, proving time and time again that age has no bounds, I believe RALPH's most daring feat was his 10,000 foot drop from an airplane last August, skydiving at the age of 89. I admire RALPH's courage for taking that leap and see regularly how his bravery and nerve benefit those he serves. He fights daily for the interests of his constituents and they have continued to affirm his contributions to their community for the last 16 terms of Congress.

Mr. Speaker, I ask my colleagues to join me in an expression of appreciation to Congressman RALPH HALL for his years of dedicated service to the U.S. House and Texas, and to wish him and his family the very best in the future.

Mr. LIPINSKI. Mr. Speaker, it has been a pleasure to work with Chairman HALL ever since I joined the Science Committee in 2005. First and foremost, I want to thank him for the work he has done as Chairman of the Science, Space, and Technology Committee and as a champion of NASA. When the Republicans captured control of the House in 2010, there was no one more deserving of being elevated to chairman than RALPH HALL, especially given the fact that he is probably the only member of Congress to ever serve as Ranking Member of a committee from both sides of the aisle before becoming chair.

The Science Committee has historically been a place where the day-to-day grudge match of partisan politics takes a backseat to thoughtful policy making. Chairman HALL is a great exemplar of that tradition, in the same vein as past chairmen such as Bart Gordon and Sherwood Boehlert. RALPH knows how to make things work and get things done, and he always has a way of doing it with a smile. That style is a throwback to the days when Congress was a more genial place and members worked together across the aisle with others even when they had disagreements. We could use more people in Congress like Chairman HALL, and I look forward to continuing to work with him to get things done for our constituents and for our nation.

Mr. MCCAUL. Mr. Speaker, I rise today to pay tribute to a dear friend and great leader in this body: Science Committee Chairman

RALPH HALL, who just became the oldest known House member to cast a recorded floor vote. I am honored to serve on the Science Committee with the Chairman, and I have seen first hand his dedication not only to America's scientific endeavors, but also to our country and the great state of Texas.

Chairman HALL was born in Rockwall County, Texas, a place he has represented in Congress since he was elected in 1980. He was an aircraft carrier pilot in the Navy from 1942–1945 and received his law degree from Southern Methodist University in 1951. In the 1950s, he served as Rockwall County judge and in the 1960s he served in the Texas state senate. During this time he was also a successful business leader in Rockwall County.

He brought his strong sense of leadership and service to the U.S. House of Representatives, where he has faithfully served since Ronald Reagan was elected president. As House Science Committee chairman, he has been a leader promoting science, technology, engineering, and math education. He has worked to ensure that sound scientific principles are the bedrock of any related public policy decisions being made. He has put a priority on research and development to ensure that America remains competitive. And he has been a leading proponent of America's space exploration program.

In addition to all of his professional achievements, Chairman HALL has a great sense of humor. Congress can be a place of intense political maneuvering and infighting, and he always brings levity to tense situations with his wit and charm. He endears his colleagues to him on both sides of the aisle.

It is with great pride today that I congratulate my friend and colleague, RALPH HALL, on his distinguished career; his service to our country; and his leadership in the U.S. House of Representatives. This body is better because of his service, and I wish him many more years of success and happiness.

#### THE UNITED STATES ECONOMY AND JOBS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, if the gentleman from Texas would like to finish his statement, I would be happy to yield him 5 minutes.

Mr. HALL. I thank the gentleman—and you are a gentleman. You are my friend and I appreciate you.

I just think we need to get together and remember the most important part of all of us is our children and our children's futures. That's why we all get together, and that's the reason for us to change some of the positions we've taken in the past—to try to work something out that the American people expect us to.

You're a gentleman to offer me that. Maybe I've used part of that 5 minutes. Thank you very much.

Mr. GARAMENDI. You had a lot of people speaking to your extraordinary

career here, and I didn't want to cut it short. Your advice is sound and, hopefully, taken by all of us.

Mr. HALL. My mother always told me to be silent and be thought a fool rather than to open my mouth and remove all doubt. So I don't want to get to talking too much. It's been too good tonight. All these people have said things, and I care for them. I care for this institution. I care for the people on both sides of this aisle. I'm honored to get to be a part of this.

Thank you. God bless this country.

Mr. GARAMENDI. Thank you, Mr. HALL.

Apparently, a lot of people would agree given your extraordinary career and the work that you've done here in Congress over these many, many years and decades.

Part of what you've spent a good deal of your career working on, Mr. HALL, has been the improvement of the American economy. Tonight, I'd like to join a couple of my colleagues on the Democratic side to talk about the economy and to talk specifically about jobs and the things that we can do here in the waning days of this Congress to create some job opportunities.

We've got some very heavy lifting here in Congress in the next month and a half. Everybody wants to talk about the fiscal cliff. Some talk about an austerity bomb. Others talk about what needs to be done to lift the debt limit. All of these issues are before us—tax increases or not. Underlying all of that, foundational to all of that, is putting Americans back to work, getting Americans back into their jobs. If we do that, we will clearly increase employment. When you increase employment, you also increase tax revenue to the Federal Government, to State governments, and to local governments.

So our principal task, as I see it—and I think I'm joined by many of my colleagues, both Democrat and Republican—is to get the American economy going, to put it back in gear, and there are many reasons beyond just employment and the opportunities that families have to make it.

One of the critical elements in all of this is to protect Americans. We recently saw superstorm Sandy smash into New Jersey and New York. It had devastating results: loss of life, an incredible loss of property—both public and private—and a very, very big cleanup bill. Joining me in a little while will be some of our Representatives from the State of New York, and they'll talk about that in detail. But before Sandy ever hit the coast, there was a need here in America to protect Americans from storms and floods. We know what happens when the protection isn't there—devastating results.

In the news today, in northern California, there was in the headlines a series of storms coming to northern California—into my district, where my

home is. The word is to get ready for serious flooding. I mean, this is very early in the season; although, Californians with any memory at all will know that there are a series of infamous Christmas floods in northern California. Now, this is really a Thanksgiving flood potential, but nonetheless, it's there.

I will tell you clearly that the Sacramento region, which is the second most risky region in the Nation for flooding and flood damage, is right at the center of this storm. So that's the city of Sacramento. Perhaps 100,000 or more people are in serious jeopardy. Should a levee break in that region—and those levees are not up to 200-year standards—people would have less than 20 minutes to find high ground, to get out. It's an impossible situation. So we need serious infrastructure improvement—and that's Sacramento. The rest of my new district goes further north into Marysville and Yuba City, along the Sacramento River further north, and along the Feather and Yuba River—again, communities at high risk. Serious infrastructure needs to be developed. Levees need to be improved, upgraded, enhanced; otherwise, citizens are at risk, just as they were on Staten Island.

This is our responsibility. This is not only a local responsibility and a State responsibility—this is a national responsibility. This is when we become a national community, looking out for each other—in providing the basic infrastructure to protect us. We also have infrastructure that is necessary for commerce: our roads, our highways, our Internet systems, our rail transportation systems. All of these infrastructure items are critical to the economic well-being of America in addition to the human and commerce safety of this Nation. We're going to talk about that tonight.

Joining me is my colleague from New York. He has been working on this issue for some time. He has a project and a program that he is proposing, one that caught my attention. I've asked him to come and join us.

In being from the State of New York, we are talking about something that's very, very real for you. Please tell us what this is all about.

Mr. HIGGINS. I want to thank my colleague from California for his leadership on the infrastructure issue.

I think the problem that we see here in Washington is that the discussion is focused on the wrong thing. When you have a recession—an economic contraction—what your objective needs to be in terms of public policy is growth, growth in the economy. What we are experiencing now is anemic growth. For example, our growth rate is about 2 percent or less. That current rate of growth is not enough to sustain the current level of employment. In other words, if we don't grow this economy,

our unemployment rate will necessarily go up.

We talk about debt and deficit in this Chamber, but if we remember, less than 12 years ago, we had a budgetary surplus of \$258 billion, meaning that we were taking in \$258 billion more in each year than we were spending. How was that possible?

□ 2030

It was made possible by having created 22 million private sector jobs in the previous 8 years. What was the policy then? The policy was to invest in the American economy, to invest in the American people, in education, scientific research and infrastructure. So I think the lessons from our most recent past are very instructive today as to what we should be doing in Washington to promote growth.

The gentleman from California spoke of a plan that I was working on, and that is a \$1.2 trillion investment in rebuilding the roads and bridges of America. That plan, advanced by the New America Foundation, would create 27 million private sector jobs in 5 years. The first year alone, over 5 million jobs which would reduce the current unemployment rate from where it is today to 6.4 percent and in the second year, 5.2 percent.

Now, public infrastructure as we know is a public responsibility. It's never a question as to whether or not we're going to rebuild our roads and bridges. The question is when does it make most sense to undertake that responsibility. And I would submit to you, the time to do it is now. Money is cheaper than it is ever going to be. Equipment is cheaper because it is idling, and labor is cheap because of the high unemployment rate.

We need to do nation-building right here at home. And when you consider we just spent as a nation \$89 billion rebuilding the roads and bridges of Afghanistan, we just spent \$67 billion rebuilding the roads and bridges of Iraq, nations of 30 million and 26 million respectively. And for this Nation, for America, a population of over 300 million people, and the American Society of Civil Engineers puts the quality of our infrastructure at a D, when the World Economic Forum rates us 24th in overall quality when in 2001 we were number two, we are going to spend less than \$53 billion. That's not only weak; it's pathetically weak.

Mr. GARAMENDI. Mr. HIGGINS, thank you so very, very much for bringing this issue in very stark terms to our attention. You caught my attention earlier when we were talking about this; but here on the floor, this is a \$1.2 trillion program that could create 27 million jobs in the next 5 years, and those are economic analyses that have been done by the New America Foundation.

Mr. HIGGINS. That's correct.

Mr. GARAMENDI. How do we pay for this again?

Mr. HIGGINS. Well, you pay for it as you pay for transportation improvements at the local, State, and Federal level. You issue debt to finance the life of the project.

Mr. GARAMENDI. The same way we build and own our homes. We borrow the money to build that personal infrastructure, our home.

Mr. HIGGINS. That's right.

Mr. GARAMENDI. Now, the borrowing rate for the Federal Government on a 10-year note is a little over 1 percent or hovering around 1 percent now?

Mr. HIGGINS. A little over 1 percent for a 5-year Treasury note. It's one-half of 1 percent.

Mr. GARAMENDI. That's virtually free money.

Mr. HIGGINS. It's virtually free money.

Mr. GARAMENDI. Now, it does run up the debt; but we are using that money to create infrastructure, a necessary investment for the economy to grow and to protect ourselves.

Mr. HIGGINS. That's right. And according to Transportation for America, there are 69,000 structurally deficient bridges in the United States. There are over 2,000 structurally deficient bridges in New York State. There are 99 structurally deficient bridges in my community of western New York. Every second of every day, seven cars drive on a bridge in this Nation that is structurally deficient.

Mr. GARAMENDI. Well, we saw what collapse can do with the Minnesota bridge and the loss of life. We saw what inadequate infrastructure protecting New Jersey and New York can do with extraordinary loss of public investment as well as private investment—and lives.

Joining us for this discussion on jobs and creating jobs is part of what we like to call the east coast-west coast team. Congressman PAUL TONKO, you and I are often here on the floor to talk about how we can grow the American economy in a bipartisan way. This infrastructure notion that Mr. HIGGINS has brought to us I think has considerable merit and fits, I think, very easily with what President Obama has recommended in his American Jobs Act, which was an immediate \$50 billion enhancement of the \$60 billion that we would otherwise spend, bringing the total to over \$100 billion in the coming year. Again, enormous infrastructure.

Mr. TONKO. I know you are up on this issue. We have spent time talking about it in the past. Why don't you share with us your thoughts.

Mr. TONKO. Sure. And, Representative GARAMENDI, thank you for bringing us together for an hour of discussion on what is very important: growing jobs, strengthening our economy and strengthening the fabric of our

communities by addressing public safety via investment in infrastructure, a very sound investment. It is always a pleasure to join you. It is an honor to serve in the New York delegation with Representative HIGGINS, BRIAN HIGGINS, who served with me, or I with him, perhaps better stated, in the New York State Assembly where I sat on the Transportation Committee. And I was seated on that committee right in 1987, in the shadow of the collapse of a New York State thruway bridge where 10 people perished. We recently commemorated the 25th anniversary of that event. It was very tragic, and it was in the heart of my home county, a small county of 50,000 people, Montgomery County, New York. And the impact economically that that devastating occurrence brought to bear was incalculable.

So when you talk about, and I listened with interest to the exchange that you and Representative HIGGINS had about how do you pay for it, one way you don't want to pay for it is through an impact on the economy of your local region. The commerce hit that was taken was severe. The loss of dollars to the community was just incomprehensible, and of course the loss of lives which surpasses anything in importance. And interestingly, many of the individuals who were on that victims list were not from the region. So we're all impacted by weak infrastructure no matter in which State that might be because you never know when you're traveling over a situation that is unsafe.

So I think it is a wise investment to go forward and put to work tens of millions of skilled laborers who can make a difference in public safety in our communities, making certain that the soundness of investment and improvement, absolutely essential for our quality of life, for our public safety, for the strengthening of our commerce. And we know that infrastructure improvements—you and I have talked in the past about the infrastructure bank bill. We have talked about ways of leveraging dollars to weaken the impact on the public sector, on the taxpayer. There are ways to do that in very strident terms that allow us to go forward with the commitment and with the investment that is required.

But certainly with the aged infrastructure in this country, and to the earlier point made by Representative HIGGINS, if we can build other nations, and thank goodness that we have helped people strengthen their situation for their own people, but, my gosh, we should take advice, our own advice here, and understand that there is a strong bit of economic growth that occurs when you strengthen your infrastructure—from traditional roads and bridges to rail to communications, wiring our communities, and to the grid.

The grid system has had several tests—designed to run in a monopoly

situation, and now being used to wield electrons from region to region, State to State, country to country. So there is a huge, vast involvement of infrastructure there that begs our investment. And I think for sound reasons, for public safety reasons, and for economic recovery purposes, it makes sense; and let's put the people to work, and let's build a stronger community.

Mr. GARAMENDI. It is all about jobs. Thank you very much, Mr. TONKO. Your personal experience in the New York Legislature and in your own community brings this issue into focus here on the floor of this House.

□ 2040

As we build this infrastructure, if we add one additional element to the creation of the infrastructure, something that, again, we've talked about here many times, and that is that we use our money, our taxpayer money, whether it's borrowed or directly paid, that we use that money to buy American-made equipment, so that the steel that goes into the bridges is American-made, the cement made in America, manufactured in America, that we use that American money on American-made equipment.

In other words, make it in America, so we not only are doing the infrastructure and the jobs that come with it, but we also use that to revitalize our manufacturing sector. This is a very powerful way in which we can more rapidly expand the American economy.

I just happen to have two bills that would do that, one for the clean energy industry. If we're going to use our taxpayer money to subsidize the clean energy industry, wonderful. We need to do that for all kinds of reasons, but buy American-made clean energy products, whether it's a solar system or a wind turbine.

And similarly, with regard to transportation, the trains, the buses, the steel, let's buy that in America, American manufacturing.

I noticed a lovely lady joining us from the State of Ohio. It would be MARCY KAPTUR. You've talked about these issues many times. Thank you very much for joining us this evening.

Ms. KAPTUR. Congressman GARAMENDI, I want to say I'm just so privileged to join three such dedicated Members whose States have been wise enough to send them here to Washington. Obviously Congressman GARAMENDI from northern California and Congressman TONKO from the State of New York, the great State of New York, and Congressman BRIAN HIGGINS, also of the State of New York, a little bit upstate.

Mr. GARAMENDI. I thought he was associated with Ohio as much as he is with New York. Isn't he on the border out there somewhere?

Ms. KAPTUR. Well, you know, there's the St. Lawrence Seaway that



kind of connects it all as it flows into the Atlantic Ocean.

But I wanted to say, you know, many of us, all of us have come through very difficult campaigns in this political year of 2012. But what is wonderful about serving with the three of you is you keep the focus on jobs in this country, and the importance of making goods in America, and where wealth is really created, how we do that as a country, and what it takes to build a great country.

I look at the St. Lawrence Seaway, and I think about Dwight Eisenhower, a great general, led our forces in Europe, and came home and decided that America needed to create the St. Lawrence Seaway so that we would unlock the potential of the Upper Great Lakes and the Lower Great Lakes.

And you say to yourself, today, with some of the limited thinking that some exhibit—of course, no one in this Chamber would ever be accused of that, right?—but could we do the St. Lawrence Seaway again?

I've had the great privilege of traveling out West—I think I've probably been in every State and almost every congressional district at one point in my career—and to look at the Hoover Dam. And as I admired the dam, I thought to myself, America has it in her to land a man on the moon and to create NASA, but here at home, our public works, do we have the vision?

Do we have a vision big enough today, in the 21st century, to match what those who came before us gave to us that put this continent together?

And as I travel, I see water systems in disrepair. In fact, in my hometown of Toledo, they're trying to find \$45 million to put a roof on the water treatment plant, which really needs \$500 million to fix.

I go to the new parts of the Ninth District, in the city of Cleveland, and I look at the need for infrastructure repair and, in the same city, so many unemployed people who could be put to work fixing the heart and soul of Cleveland.

Or Lorain, Ohio, the number of brownfields that are there where we're waiting to clear property so that we can clean it up, move the sewage treatment plant, move other assets that are there and create a much greater port on Lake Erie. And I say, do we have it in us?

I know I have it in me to want to do this. But I look back at what our heritage really is, the interstate highway system itself, when, again, during the 1950s, if we think about what was done, there was a time when this country, if you moved from—well, you couldn't move from Ohio to California on roads that intersected. People think that just happened, but it didn't. It took real vision to do that.

All the statistics show that when we invest in infrastructure, that is the

most job-rich program that this country could ever promote. And to create efficiencies and intermodal connections—Congressman TONKO talked about fiber optics and about telecommunications and all of the new ways of connecting our country.

I've had the privilege in my career of representing many rural areas that are short, not just on doctors, but on telecommunications capabilities. It isn't just in the heart of Ukraine where people can't communicate; it's in rural America as well.

So I just came down here, I heard you speaking, and I thought, I identify with your cause. Thank you for talking about jobs inside the Congress of the United States. Thank you, Congressman GARAMENDI, Congressman HIGGINS, Congressman TONKO.

Now you all come from what is regarded as the coast, right? But I'm from a coast too, the north coast along Lake Erie, and it's actually quite a long coast when you take a look at it, you unwind it in all the various lakes. So we're coastal America too, and I identify with your cause.

And believe me, the people that sent me here identify with the cause of jobs and economic growth and infrastructure investment in our country to push us far beyond where perhaps Roosevelt and Eisenhower and Kennedy dreamed.

Thank you so very much for this Special Order tonight.

Mr. GARAMENDI. How correct you are to look back to those heroes of the past that laid down the infrastructure. You can actually go back a little bit further. George Washington, in his first year as President of the United States, instructed Alexander Hamilton to develop an industrial policy. One part of that industrial policy was the development of the infrastructure for America's commerce. And it was canals and it was ports and it was roads.

Mr. HIGGINS, so, how are we going to make this happen? You've got \$1.2 trillion you want to put out there.

Mr. HIGGINS. Well, I think you made a very good point, particularly with your leadership on the Make It in America initiative. Keep in mind, when you invest in American infrastructure you're buying labor from American businesses. You're buying supplies and material from American businesses. You're buying engineering and design services from American businesses.

And we also forgot a very important element of our economy. It's the thousands of returning veterans who've been serving our country in Iraq and Afghanistan. The unemployment rate today for those returning veterans under the age of 24 is 19 percent.

There was a program started by the Department of Defense, it's now a not-for-profit called Helmets to Hardhats, and what it basically does, it identifies 60,000 American businesses and some of the trade unions. They collaborate to

get together to identify veterans who have already had extraordinary training and discipline and leadership and teamwork, and it accelerates their apprenticeship program. So these individuals could be making \$60,000, \$70,000 a year, if there was work to be had here.

So it's an investment in America. It's an investment in American businesses, and it says to our returning veterans in a real sincere and genuine way, thank you for your service.

Mr. GARAMENDI. You said earlier that the American Society of Engineers—I think that was the name—said that we have a D rating for infrastructure, and that we need over \$2 trillion.

I don't know anybody in my district, where we may have a serious flood in the next 3 days, that says the infrastructure is adequate. They're looking at those levees, and they're watching the water rise, and they're going, this isn't sufficient to protect us. So in a very real sense of just safety, infrastructure is needed. But also, it's needed for employment.

You correctly raised the issue of the veterans coming back, \$2 trillion—there's no doubt about the need. America knows there's a need. As the four of us have discussed here, there is a need, even a crying need, and a human safety need right now, not tomorrow, not 10 years from now, but immediately.

□ 2050

The question is: How do we go about making that happen? And here 435 of us and 100 Senators on the other side of this building have the ability to answer the crying need of Americans to build our infrastructure, to give us the jobs to provide the foundation for economic growth, and to protect us. We have that power.

Let's continue our discussion.

Mr. TONKO.

Mr. TONKO. Representative KAPTUR made an interesting point that there was a sense of vision when they pursued the efforts with the St. Lawrence Seaway. There was a sense of vision in my district as a donor area and in Representative HIGGINS' when Governor DeWitt Clinton perceived this Erie Canal as a way to transport goods and to open up the westward movement to spark an industrial revolution. That gave birth not only to a port called New York City, but birth to a necklace of communities called mill towns that became the epicenters of invention and innovation.

So it's that spark of vision that is the first step. And we're going to denounce any of these creative opportunities to invest in nation-building by denouncing it as socialism? Was President Eisenhower a Socialist? Were all those who preceded him or followed him that came up with these great visions—a space program that gave us an unleashing of technology? No, they were thinkers. They were visionaries.



They were leaders. That's the first step. And then we develop policy from that vision. We tether it into real terms, and then we invest in the implementation of that policy. That's America at her finest.

If we look back at the Erie Canal history, when they did that, it wasn't easy times. They were tough times. They were tough economic times. And so they stepped up to the plate and said, We're going to do this. It's not easy to launch, but we're going to do it because it's the way through the tough times.

We have tough times now, chronically high unemployment that, for many, preceded the recession. They need opportunity. Our economy grows when we invest in those workers of whom Representative HIGGINS spoke, in those materials and goods that allow for our Nation's businesses to prosper, add jobs, become part of a recovery. So that is all very critical.

I talked earlier about the bridge collapse that spans the Schoharie Creek in upstate New York that you can walk across in the summertime. It was flowing equal to the efforts, the CFS, of Niagara Falls. So there are some economic impacts coming from Mother Nature that are driven by global warming and climate change. So when we do some of these visionary things, incorporate all of the policies so that environmental concerns as policy formats with economic recovery terms, with energy terms, with transportation can all be woven together and you solve some of our ills where we're being impacted by Mother Nature with natural disasters that are draining our infrastructure, as we witnessed with Sandy all along the east coast, where now tens of billions of dollars of recovery are required.

Let's add the policy dimensions that allow us to reduce the threats from Mother Nature, build our economy by adding jobs and providing for public safety, and creating a state-of-the-art economy driven by transportation, communication, energy transformation with renewables and the like that will cut down on the emission of particles and dangerous substances that are toxic on the ozone layer. That's America at her finest.

And if we do that simple thing of providing vision, followed with policy, followed with resource advocacy, we will have achieved, and brightest, best days lie ahead, not denouncing that thinking as Socialist.

Mr. GARAMENDI. There's a critical moment now. Right now. That moment is seen in the deliberations that are going on here in this Hall, in the Capitol, about the fiscal cliff, about the deficit. And there are those who would suggest that the only way to deal with it is with an austerity program, reduce government expenditures at every level.

There's some evidence cited by Mr. HIGGINS earlier that there's another way of dealing with this, and that is to put people to work, to use the power of government to put people to work, even if that means borrowing money at 1 percent. Putting it into an infrastructure bank to finance projects that have a cash flow, such as your sanitation facility in Toledo, Ohio, or a toll road or the St. Lawrence Seaway, all of which have a cash flow. You could maybe charge a percent and a half. You borrow at 1 percent, you charge a percent and a half, and we build. We put people to work.

Ms. KAPTUR, why don't you pick this up, and then Mr. HIGGINS, and we'll carry on our conversation

Ms. KAPTUR. I thank you, Congressman GARAMENDI. I am really listening carefully to what Congressman TONKO and Congressman HIGGINS have been saying this evening and thinking about what's going on in Ohio, the northern band of Ohio, from Toledo through Cleveland, and the importance of manufacturing and thinking about how hard our businesses and our workers have to compete in a very unlevel global playing field. And I've seen this directly in the automotive industry, where to this day one of the reasons that our automotive industry had difficulty and why it required the Nation to not let it fail and to pay back what was borrowed was because we are in competition with state-managed economies.

For example, I'm a member of the China Commission. And several economists testified before our committee a few years ago that what you really have in operation is market Leninism. I said, Describe to me what you're seeing. Because I've had companies in my district that have business deals in China that have lost billions of dollars. They have paid for goods that have never been received. Now, in a transparent legal system like our own, that could never happen. You have a court system. You have a way of getting your money back. But when you're dealing with a state-managed economy under a market Leninist approach, you have powerful political people pulling the strings that isn't truly a free market.

And so whether you have a closed market in Japan that's still largely closed to automotive products or you have a state-managed economy as in China, then you ask our automotive producers or any company to compete in that kind of environment, you end up harming our domestic production. And one of the reasons we are so elated that our automotive industry is recovering, you see it all over our region, the power of industry to lift people into the middle class and beyond. You can see it everywhere: in suppliers, in restaurants, in theaters, and places where people are going. Even grocery stores, frankly, where people are able

to buy more because of the recovery of this powerful, powerful industry.

And I just want to end with one image, which is really hard to capture in words, but one of our companies in Cleveland has the only 50,000-ton press in the United States of America—Alcoa. It is seven stories in magnitude. I feel very privileged as a Representative to have been invited into the company to see this literally mammoth, magnificent machine be able to take parts and form them for industry as well as our defense systems. And it's seven stories high. Three layers on three stories at the bottom just dealing with the hydraulics.

The engineering and the brain power it takes to manufacture high-end goods is incredible. We are so proud of that company and other companies that are able to make it in America, despite all of the unfair global playing fields on which they are asked to play. And we see the components going into the automotive industry, into our defense systems. And we thank the corporate leadership and the workers, those who work very, very hard jobs that help us build the strongest country in the world.

So I just had to say that tonight because you get as excited as I do about actually making things and seeing this genius that takes ideas and engineers them into products that affect all of us and allows America to be the strongest Republic in the world. So I wanted to place that on the record. And thank you for giving me the time to do it.

□ 2100

Mr. GARAMENDI. As you were talking so enthusiastically, I was thinking of some of Carl Sandburg's incredible poetry on the power of America and all that was done there.

Mr. HIGGINS, you brought this to how we can finance our infrastructure, how we can Make It in America, create jobs. Why don't you carry on with that discussion—or take that anywhere that you would like to.

Mr. HIGGINS. Well, I would just say, back to the power of America, you hear in this Chamber a lot of tough talk about China. The best way to respond to China is to stand up to them, to compete with them. They cheat on their currency, they treat their workers poorly, they destroy their environment. But whining about China is not going to resolve this problem; investing in America and the American people will.

You also mentioned the issue of austerity, and I think it's important to bring up. Historically in this Nation, the economy went into recession. We had the Great Depression in the early thirties. The American economy was starting to show signs of anemic growth right after the Great Depression in late 1936. Congress and the President pulled back with austerity

measures; the economy went into recession again.

In Japan, in the 1990s, they were experiencing financial problems. They imposed comprehensive austerity measures. That economy remains in a recessionary mode and has been for the last decade. You see what's going on in Europe today; austerity doesn't work. Again, I go back to our recent history. The year 2000, budgetary surplus in this Nation of \$258 billion made possible by having created 22 million private sector jobs by investing in infrastructure, scientific research, and education.

The best tax policy is not right or left; it's bringing lost taxpayers back to productivity. That's the best, quickest way to do it, and you're helping American businesses in the process.

Mr. GARAMENDI. Mr. TONKO.

Mr. TONKO. Representative GARAMENDI, again, thank you for bringing us together again.

You talked about that austerity budget that some would advance. I have to tell you another disaster last year, Irene and Lee, that hit as a hurricane and tropical storm, impacted the several counties I represent, from Schoharie in upstate New York, to Montgomery, Schenectady, Rensselaer, Albany. These counties were severely impacted. To talk to the people directly devastated—I mean devastated, lost their homes, everything for which they ever worked—and to tell them we're going to change the rules in the middle of the game on disaster aid, it took fights galore to win that argument on this floor. That austerity approach didn't cut it with folks who might have believed it before the disaster, but certainly not in the midst of.

So we need to be there for situations, not only disastrous situations, but the investment that occurs so that we can effectively compete. We know in our heart, we know in our minds that there are ways to do this.

I know, just listening to the unanimous description of the situation in the auto industry that Representative KAPTUR defined for us, on a much smaller scale, but equally significant, I watched some of the businesses in my district retrofit and do that through research in incubator programs and providing for our advanced manufacturing which allows them to add that competitive muscle that enables them to compete in that global marketplace. That made a total difference.

Folks like Kintz Plastics in Schoharie County, New York, where they were engaged in an incubator program with Rensselaer Polytechnic Institute. Some very smart science and tech minds came up with ways to automate what they were doing and trained through the community college their workers to pick up on this new phase of activity within their assembly line process. Today they are successful, but it took investment, investment of cap-

ital infrastructure, physical infrastructure, and human structure, training the worker and providing for those relationships to prosper. Everyone wins in that situation.

So we know we have it within us to make this all possible. It talks to investment. It speaks to investment. It speaks to the opportunity that we can provide so that people can have that American Dream tethered in reality, so that it can be within their grasp, so that they can continue to build upon this Nation's significance.

A great nation stays great if it continues to stretch itself. It's about the churning and the turning and becoming more mighty through investment of research, development, retrofitting our manufacturing base. We can win this by doing it smarter. We don't necessarily have to do it cheaper. Do it smarter and you win those contracts that then equate to jobs. Research equals jobs. I see it all the time. It gives birth to new ideas, new product lines, better efficiencies. It drives an economy.

You can't walk away from this tough moment and talk about austere responses. You need creative responses—not just throwing money at a situation, but thinking it through, thoughtful, analytical, economic approaches that then provide for the best policy formats.

The President has offered several ideas that were not taken up in this House. We could grow that economic recovery, which has been slow and steady with 32 consecutive months of private sector job growth. We can expand upon that, and we can create much stronger numbers if we do it wisely.

So I think the American people have spoken. They've spoken to an investment in the middle class, the investment in the American Dream, the investment in ideas and research. We know—we've all talked about it on this floor—where research occurs, that's where manufacturing will network. It will migrate toward that research element. So we are wise to invest in research and to invest in the human infrastructure, the worker. The important significant part of the equation: having that trained, skilled, educated workforce that can make it all happen.

Mr. GARAMENDI. Earlier today I was asked by a reporter from San Francisco about the effect of sequestration and the austerity budget proposals on research in that area. The San Francisco Bay area is one of the great research centers in the world, with the University of California, the laboratory at Berkeley and Lawrence Livermore, Stanford and other institutions in the area. The austerity program that is being proposed will devastate the research.

Years ago—actually, in the mid-eighties, when I was in the California

Legislature, we were talking about how to keep the California economy going, and I developed a plan, a program. There were five pieces to it. We've talked about all of those five today. Every one of those five were critical investments that the economy, the society would make.

The first was the best education system in the world. Now, America has an enormous challenge here and we're not measuring up as we should, and that should be a discussion we should have here on the floor perhaps at another day.

The second was the best research. The austerity budget that's out there, the sequestration and other proposals that have been put forward, slash the research budgets of the United States in health care, in energy, in transportation, in manufacturing, in those areas and in those areas that create opportunity.

The third is manufacturing, making things that come from that research and enhancing the current manufacturing technologies using, as you suggested a moment ago, Mr. TONKO, the advanced manufacturing technologies which come from research, and the engineering that goes with it that Ms. KAPTUR discussed a few moments ago.

The fourth was infrastructure. You have to have the foundation for economic growth. Mr. HIGGINS brought to our attention the potential for 26–27 million jobs within the next 5 years by really going full on into building the American infrastructure, repairing what we have and building for the next generations.

The fifth was change. You have to accept change. That means that we have to learn from past experiences here in Congress. Mr. HIGGINS very correctly pointed out the economic history when a recession was about to recede because of government policies but austerity was implanted and a new recession commenced. We ought to take cognizance of that.

□ 2110

So we have to change and grow and learn. Those are the five things I often talk about.

Let's carry on this discussion. We have about another 10 minutes. And maybe if each one of us takes 2½ or so minutes, we can wrap up in time. I think I started with Mr. HIGGINS and then Ms. KAPTUR, Mr. TONKO, and then I will say good night to all.

Mr. HIGGINS.

Mr. HIGGINS. Again, I want to thank you for your leadership on these issues and for bringing us together tonight to discuss this important issue. Hopefully it will be the first of many or a continuation of this discussion.

But even groups like the United States Chamber of Commerce, they put out a report stating that we will lose \$336 billion over the next 5 years because of bottlenecks, because of inefficiency in our infrastructure. You can't

identify the problem without supporting a solution.

My point is that Democrats and Republicans in this Nation should come together to support a robust nation-building program right here in America. It benefits American small businesses; it benefits returning veterans; and it has a measurable influence on improving this economy.

The New America Foundation, as I mentioned previously, has a report, "The Way Forward." It's not a right or a left group. It's a centrist group that is very prestigious and basically says, a \$1.2 trillion investment in infrastructure—roads and bridges, sewer systems, water systems, the electricity grid—will create 27 million jobs in a 5-year period. It will create 5.2 million in the first year alone. That's 433,000 jobs every month for the first year.

Can you imagine what the stock market would do if the jobs report came out next month and said that we created 433,000 jobs? Our economy is consumer confidence. We are all economic actors. When we're confident, we move; when we're not, we don't.

So I just think it's very clear that what's worked in the past is what will work in creating the kind of economy that everybody in this Nation wants very desperately.

Mr. GARAMENDI. Ms. KAPTUR.

Ms. KAPTUR. Thank you.

I wanted to tie together Congressman HIGGINS' ideas on the Helmets to Hardhats, a program that I have supported, and commend him for his leadership on that, and also Congressman TONKO for the efforts that he's made in suggesting to us that we have to be visionary, and we have to promote new research, new research and development.

One area we have not focused on during these discussions tonight as much as I would hope is housing. Every recovery America has had since World War II has been led by housing, and housing has been in the dumpster for several years now. And one of the ways we do that is think about ways in which programs like Helmets to Hardhats could identify sectors in communities that were depleted by the Wall Street crisis. And think about how to modernize the manner in which energy is provided to them, for example. So we're not just rebuilding to the past but building the future.

In my home community, we have something called Advanced Energy Utility that the Port Authority has established where they can loan funds that are then paid back through the bond offerings they do. And right now it's in its early stages. But one could see where a neighborhood could be identified and new technologies in the building sector brought to bear to create the new neighborhoods of tomorrow.

One company—Owens Corning—in our region has established a new manu-

facturing plant near Milan, Ohio, building a seven-layer roofing and the most incredible equipment. I defy any Member of Congress to build what they have built there and to bring off these big roles and be able to apply this roofing that I think is going to lead the industry. They could build four new factories depending on sales in the northern environments of the United States and Canada. And I see this and I think, all we have to do is put the parts together to build the residential neighborhoods of a 21st century America.

So I am just proud to join my colleagues tonight. And thank you, Congressman GARAMENDI, for bringing us together, as you so often do, to keep the focus here in the Congress on jobs and economic growth, which is what the American people sent us here to do.

Mr. TONKO. Again, thank you, Representative GARAMENDI. It's great to join with our colleagues here this evening to share thoughts about how we move from a very trying, difficult time into perhaps America's glory days.

I think it's important for us to first acknowledge that every Member elected to serve in this wonderful Chamber of the House of Representatives and those down the road here at the United States Senate, each of us is challenged, required, and responsible to polish that American Dream and make it within the grasp, provide it to be within the grasp of America's working families and those who will grow into the middle class and those who are being further empowered by work, the dignity of work, and stronger outcomes with correct policy formats.

I think that this journey that we've asked to embark upon, by putting our names on the ballot, begins with us: being a people of vision, being a House that provides a vision for America. That tells me we only need to look to our history—recent and some not so recent. But that will instruct us. Our history will instruct us.

We have built a strong Nation. We have provided for growth around the world. We know the secret to the success. We know how we built a Nation. And it took a vision, a New Deal that provided for housing, for manufacturing, for a strong defense, for the opportunity for us, as a Nation, to respect its labor force and insert a value-added connotation for that workforce. That was us in our glory days. And we're going to be even more gloried because of investments that we can make by sound thinking.

The research that we need to provide will enable us to compete. We will create products not yet on the radar screen. And if we think all the products ever needed by society have been conceived and designed and manufactured, then the story's over. But we know better than that. Product lines are coming up as we speak that allow us to use our resources much more wisely.

We are a Nation of abundance. But that means we can't be wasteful. We need to be resourceful. That challenge is out there to us. And as we become resourceful, we become more efficient, and we become more profitable by sound policy. We can do it. We have ways to invest in our infrastructure, invest in research, invest in workforce development, invest in housing, invest in communities. And that investment will earn lucrative dividends. It's not spending. It's investing with the expectation—the rightful expectation, mind you—that we will get that just return.

And so tonight I feel hope for our Nation, driven by a sense of ideals carved by the richness of our history.

Mr. GARAMENDI. Mr. TONKO, thank you very much. Ms. KAPTUR, Mr. HIGGINS, thank you very much.

As I was listening to the three of you and thinking my own thoughts, I'm excited. I'm excited for the prospect of America. I can see the opportunities that are there. I can see the policies coming together. And each of the three of you described specific policies that we could put in place.

I don't know if we can get 27 million jobs from infrastructure. But I do know that we can get millions of jobs from an infrastructure program and, in so doing, lay the foundation for safety, from floods, fires, from other catastrophes that could occur. I know that in doing so, we can rebuild our manufacturing sector by using American-made products in that infrastructure program. I know that we can provide the jobs that Americans desperately want today—not just cheap jobs but real middle class jobs, as all three of you have described.

I am excited. I am excited about the prospect of building America, coming home from the wars and building America, as happened when my father came back from World War II. America went after building. Ms. KAPTUR, you talked about the St. Lawrence Seaway. You talked about the interstate highway, that system that President Eisenhower talked about.

We are on the cusp of a new building in America. We have the wherewithal. We can finance it with really cheap money now. And we can use these projects to repay that money. It's a very exciting time. And it's our responsibility, as Representatives of the 300-plus million Americans, to enunciate that vision, to put in place those programs. And when we do, we'll make it in America. And Americans will make it.

Thank you so very, very much for joining us.

I yield back the balance of my time.

□ 2120

#### A HOUSE OF CIVILITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the

gentleman from California (Mr. LUNGREN) for 30 minutes.

Mr. DANIEL E. LUNGREN of California. Thank you very much, Mr. Speaker. I appreciate the opportunity to be able to share some comments here in the last few weeks in which I am privileged to be a Member of this House. I thought I would read into the RECORD a letter that I penned to my constituents upon the conclusion of my election process. I said at the time:

I'm satisfied that enough votes have been counted to determine that I will not be representing the citizens of the Seventh Congressional District during the 113th Congress. It was a tough campaign, and I accept the outcome. I congratulate Dr. BERA in his victory, and I wish him well as he accepts this new challenge. It is my hope that Dr. BERA approaches Congress, as have I, with a humble heart, respect for the institution, and a desire to perform his duties in the best interest of the people he represents and the country.

No one can fulfill the obligations of public service alone. The contributions of my wife Bobbi and our family have been inestimable. I could never thank them enough. My staff has worked tirelessly on behalf of others. There are no better public servants anywhere.

I'm proud of the work that we've accomplished representing Californians both in the California Department of Justice and in the United States Congress. The experience of 18 years serving in the House of Representatives and 8 years as California's Attorney General truly has been an honor and one for which I will be forever grateful.

During my time in the House, we were able to build coalitions across the aisle to advance legislation that not only benefited the people of the district, but all Americans. I'm proud of the meaningful working we have achieved with Folsom Dam, our levees, U.S. port security, chemical facility security, cybersecurity, criminal justice reform, immigration reform, national security, human trafficking, reining in government spending, and the myriad of other issues that came before the Congress.

Bobbi and I wish to thank the multitude of volunteers and supporters who were by our side in this effort. Your support is gratifying and humbling, and for that we are immensely grateful.

God bless you, and God bless this land of ours.

I read that to suggest the feelings that I have at this time when I am approaching the end of my service in this House. One of the thoughts that I have as I do that is the question of civility in this House, in the Congress, in the political dialogue, and in the country at large.

If one examines the history of the House of Representatives, one understands immediately that we are governed not by Robert's Rules of Order, but by, in fact, Jefferson's Manual, the manual authored in the first instance by Thomas Jefferson. If you analyze the spirit—and I believe the letter—of that manual, you will find that President Jefferson believed that vigorous and robust debate was appropriate, but he also understood the nature of man. He understood that we sometimes did

not maintain the type of discourse that would be of honor to us and this House. As a result, he envisioned a place for debate, a place for legislating, reflecting the views, aspirations, and hopes of the American people that would guard against the temptation, the tendency, perhaps, to allow the emotions of the day to govern and cause conflict on this House, indeed, physical altercations or confrontations.

One of the manners in which he believed that we could guard against that was to have Members of the House address the presiding officer rather than directly respond to another Member. Some may think this is arcane. Some may think this is outdated. Some may think this is difficult to understand. Yet it serves a purpose. It reminds us that while we're on the floor, that we are here representing this country. We're elected from different districts, but we are here as Members of the U.S. House of Representatives. We address one another through the Chair as the distinguished gentleman or gentlelady from a particular State. We don't call people by their first name. Frankly, if we do call them by their last name, it is an adjective describing the particular person from the State that they represent.

There are those who find it difficult to understand why it is wrong to traverse the well, why it is inappropriate for someone to walk here in the well because this is a large Chamber. It would seem natural that you would move from Point A to Point B. Yet the idea is as I am addressing this House, I am addressing the presiding officer. For someone to traverse the well is in essence an act of rudeness, an act of incivility, a lack of respect for those who are speaking and the institution. It is as if I were speaking to someone immediately in front of me and someone walks between the two of us while we're having the conversation. One would immediately understand that to be not in keeping with proper conduct. Yet I think sometimes we forget the purpose of the rules that we have here.

I would say I was taught when I was a young attorney that you are to be court-ready. If you're a male Member of this House, you are to wear a coat and tie. You could vote easily without a coat and tie. You could vote easily in shorts here. You could vote easily in a T-shirt here. But what would that do? That would in a very real sense demean the institution of the House, and it would suggest that perhaps we weren't ready to do business.

I recall several decades ago when a number of school districts believed that in an effort to increase the level of comportment in school, they would have students wear uniforms. It was unheard of at the time, yet they found that when students wore uniforms, in some ways the "gang colors" didn't come into play. People weren't looking

at who has the rich clothes versus who has the poor clothes. But more importantly, I remember a comment by someone who was in favor of it and said this reminds the young people that they are there to do work to advance themselves for their future. In other words, it was their "work clothes." That is a similar sort of thing that we do in this institution. Those are just some physical manifestations of the kinds of things that lead to the idea of civility in this House.

The other thing is that we follow the precedents of the House, rulings of the House that guard against us bringing uncivil behavior to this House, that guard against us from violating the spirit of this House. What do I mean by that? One of the rules is you should not do anything that brings the House into disrepute. One of the many precedents in the House is if you engage in a debate in which you question the motivation of your opponent, you question the motivation of a Member of the Senate, you question the motivation of the President, that is considered out of order, and you can be called to account for that.

How do we do it in this place? Again, some would consider it an arcane way. Another Member gets up and asks that the person who has spoken those words have his or her words taken down, and the process is, of course, the reporter transcribes the words, those words are then uttered, they are considered by the presiding officer with the assistance of the Parliamentarian. If, in fact, they're offensive words, unless one is granted unanimous consent to have those words removed from the RECORD, that person is not allowed to speak for the rest of the day.

Some would say what is that? It's like timeout in a schoolyard. No, it really goes to the essence of this place. We are here as representatives of the people of the United States from particular districts and particular States, but part of our purpose in representing our constituents is being able to articulate on their behalf, being able to argue on their behalf, being able to speak on this floor. Therefore, the penalty of not being able to speak on the floor goes not just to the Member, but goes to those he or she represents. They are rendered silent for that day. If you really think about it, that is, in fact, a particularly pernicious punishment because it goes to your ability to represent your constituents.

It seems to me that those who have been privileged to serve in the House, less than 11,000 in the entire history of this body, have an obligation to understand that this is beyond each and every one of us. It is the institution, the continuing perpetual institution of democracy in our country. We should be very proud to be a part of that. Civility should be a part of that. Tough, vigorous, robust debate should be a

part of it. Insulting, demeaning language, calling into question the motivation of another ought to have no place here.

And while we are here—someone suggests in a cocoon—that is, the Chamber of the House, I would rather consider it to be a venerable place. A symbol of the institution with the words of our national motto is above the very rostrum: “In God we trust.” As we think about that, we also should understand that we are part of more than just this institution. We are a part of the society in which we play, hopefully, a significant role.

□ 2130

The manner in which Members get to have the opportunity to represent their constituents is through a process that we call “political.” It is through an electoral process, and the electoral process reflects our society as well as giving guidance to our society. There, I fear, the level of civility has been diminished. Let me give you an example—and I’m not suggesting in any way that this made the difference in my election, but it is my observation, having been a part of it, that the rules of civility have been tossed aside.

There was an ad run against me and the gentleman from Florida and others, but it was made specific to each of us and our individual races in which they had a girl who was approximately 5 years old, looking into the camera, asking this question, “Why does DAN LUNGREN want me to die?” as did a 19-year-old, who indicated that he had suffered some paralysis from an accident, as did an approximately 40-year-old woman for some disease she had.

Stunning. Stunning.

The only thing I could see on the other side of the philosophical divide would be someone who was an Army vet, having been paralyzed, sitting in a wheelchair, looking at the camera, and saying about a Member who had voted against a defense bill, Why do you want me to die? Why do you want me to be in a wheelchair?

In either case, the civility is out the window. The ability to talk about an issue that is underlying is lost. In the example I gave, the questions would be, was it an appropriate level of funding for defense? Were there certain problems with the defense bill? Not, do you want this veteran to die?

In the case that I cited in which I was the subject of that ad, the issue was embryonic stem cell research, not the question of what is the moral and ethical thing to do in a very difficult circumstance. I remember when President of the United States George W. Bush had a national address to the country in which he talked about the difficult moral and ethical decision about whether you would have lines of stem cell research allowed that originated from embryos. It was the question of

when life begins. Is that an individual? Is it a potential individual? Is it an individual who has any rights?

None of that talked about in the ad. There was the question of umbilical cord blood stem cells, of which I have been privileged to be a leader with CHRIS SMITH from New Jersey and others, and of having a press conference, I remember, with the great basketball star Dr. J, because, in fact, we had found that using blood cord stem cells had actually already been applied to some people with success, including, I believe, to some in this Nation who suffered from sickle-cell anemia.

Forgetting totally about adult stem cells, the ad appeared the very week that the Nobel committee announced its prize for medicine to the two scientists who had unlocked the key in the ability to take adult stem cells and reprogram them back to induced pluripotent cells, meaning that they had the capacity to become different types of cells. Then, in just the 2 weeks before, I believe it was a German experiment in which they successfully cured paralysis in dogs by using cells from the dog’s nasal passages.

There can be a legitimate debate about the moral and ethical concerns surrounding stem cell research and embryonic stem cell research, but to have an ad that reduces it to the question of whether a 5-year-old can look in the camera and say, “Why does this Congressman want me to die?”—how does that elevate the debate? How does that in any way enhance our ability to make very difficult decisions?

Does that condemn anybody who happens to have traditional values consistent with the traditional teachings of the Catholic church and other churches to be ridiculed? To be condemned for a lack of concern for fellow human beings? And to have the ad run in the last weeks of the campaign without any ability to respond to it. I ask you, is that civil?

That ad was produced by the pro-majority PAC, by the way, with connections to some Members of the House. They don’t have to abide by the rules in terms of advertising, but my question is, where does that leave us as a Nation when we can’t talk about difficult, serious issues—issues of morals and issues of ethics and issues of conduct—without reducing it to that level?

Look, I’m, as they say, a big boy. I’ve been involved in politics and government a long time. I know campaigns can be tough. But is that an excuse for losing any sense of proportionality? Any sense of respect for one another? Any sense of civility?

We hear many in the press decry the level of debate—but yet, not a peep about ads such as that. We hear people decry the lack of respect for one another—but yet, not a mention made of ads like that, which, I think, eliminate civility.

Some would say the rule of traversing the well while someone is speaking is unnecessary. Why would you complain about that? If you don’t understand the basis of civil conduct in the House, you would say that makes no sense at all. If you do understand it, you will understand that it is part and parcel of the entire complex of things we do that either shows respect or disrespect for the institution we serve and for our fellow Members.

I’m not a Pollyanna. I’ve seen campaigns since I was a very little kid. I think I was 4 or 6 years old when I handed out literature for one of my neighbors who was running for Congress for the first time. I’ve been blessed to be involved with this. It has been a great ride to be able to represent my fellow constituents here in the House of Representatives in two different tours of service and as the California attorney general. I want tough and vigorous and robust debate, but I do wonder whether the coarseness of the debate, whether the lack of any respect for another’s thoughts or another as a person makes us a better or a lesser Nation.

There is something called “appeal to the better angels of human nature.” Maybe once in a while we ought to do that here. Maybe once in a while we ought to not only listen to a great speech by Abraham Lincoln or a great speech by Martin Luther King, Jr. or a tremendously written statement by George Washington, but maybe we ought to listen to what they say, and how they say it, and the respect with which they held those who may have disagreed with them.

This is a great institution, representing the greatest country on the face of the Earth. So I don’t say this as a loser’s lament. Maybe it’s a lover’s lament. I love this country. I love the State that I represent. I love the people of this country. It is in a real sense an unconditional love, but it is not an uncritical love. We have an obligation to review, to criticize, to constantly guard against the lesser angels of human nature. You can do that with all the vigor in the world, and you can do that with all the respect in the world. If, in fact, we wish to solve the problems of this Nation, recognizing that there has to be some work across the aisle, perhaps the first way in which we do it is to think, how can I be civil in the discussion that I have even though I think my opponent, my counterpart on the other side of the aisle, is dead wrong?

□ 2140

I always thought Ronald Reagan had the best attitude. I would probably sum it up this way. They said that he always saw the glass as half full rather than half empty, but I always thought he had what I called the openness of a confident and a cheerful conservative.

He believed that we ought to conserve essential values of this country; we ought to avoid the fad of the day. And he believed that we ought to be proud in expressing our point of view. But I do believe he also thought that he could sit down with just about anybody and attempt to persuade them, much like my friend and someone who I considered almost a brother, Jack Kemp.

I used to say about Jack: I'm sure there's somebody out there who doesn't like Jack Kemp, but I don't think Jack ever met someone he didn't like. And I don't think Jack Kemp, and I don't think Ronald Reagan, ever believed they met a man or woman that they couldn't persuade to their side.

And maybe if we kept that in mind, how do we continue to work by putting all of our effort into persuading not only our side but persuading those who disagree with us to the rightness of our position, we might in fact find and they may find that we have far greater commonality of interest and approach than we ever thought.

Now, Mr. Speaker, if you know me at all, you know that I don't give up easily. You know that I don't back down from a fair fight or any fight. And you know that I believe deeply in those principles and values that brought me to this place, and I believe deeply that

I have not lost them. But I do respect those who have a different point of view, and I respect their sincerity and I respect their genuineness, but I can question their judgment without calling into question their motivation.

And maybe that's the summation of what I'm trying to say here. I have had the great privilege of serving this House for almost two decades. I've had the great privilege of serving 8 years as California's attorney general, so 26 years in public service as an elected official. I don't give up on this place. I don't give up on this country. I don't give up on its people. We've always had difficult times, and the key to solving those difficult times is to recognize their difficulty, recognize their presence, and recognize that we have no right to say it's not our job. When we are in this place in this time, it is our job.

And I would hope and I would pray that we would approach that, and my colleagues would approach that, and those that come after in this new Congress, that they would approach it with a sense of civility and a sense of love of this country. And if we do that, I have no fear for our future.

Thank you, Mr. Speaker, and with that, I yield back the balance of my time.

## BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 16, 2012, she presented to the President of the United States, for his approval the following bills.

H.R. 2606. To authorize the Secretary of the Interior to allow the construction and operation of natural gas pipeline facilities in the Gateway National Recreation Area, and for other purposes.

H.R. 4114. To increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes

## ADJOURNMENT

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, November 28, 2012, at noon.

## EXPENDITURES REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the third quarter of 2012 pursuant to Public Law 95-384 are as follows:

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JENNIFER M. STEWART, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN AUG. 25 AND SEPT. 5, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Jennifer M. Stewart	8/25	8/28	Turkey		602.00		18,000.00				18,602.00
	8/28	8/30	Jordan		572.00						572.00
	8/30	9/02	Israel		1,494.00						1,494.00
	9/2	9/4	Yemen		484.00						484.00
	9/4	9/5	United Arab Emirates		0.00						0.00
Committee total											21,152.00

<sup>1</sup> Per diem constitutes lodging and meals.

<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. JOHN A. BOEHNER, Speaker of the House, Oct. 26, 2012.

### REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Harold Rogers	7/1	7/4	Czech Republic		1,499.00						1,499.00
	7/3	7/3	Poland								
	7/4	7/8	Italy		1,285.00						1,285.00
	7/6	7/6	Algeria								
Misc. delegation costs							( <sup>3</sup> )		2,130.15		2,130.15
Hon. Norman Dicks	7/1	7/4	Czech Republic		1,499.00						1,499.00
	7/3	7/3	Poland								
	7/4	7/8	Italy		1,285.00						1,285.00
	7/6	7/6	Algeria								
Misc. delegation costs							( <sup>3</sup> )		2,130.15		2,130.15
Hon. Ken Calvert	7/1	7/4	Czech Republic		1,499.00						1,499.00
	7/3	7/3	Poland								
	7/4	7/8	Italy		1,285.00						1,285.00
	7/6	7/6	Algeria								
Misc. delegation costs							( <sup>3</sup> )		2,130.15		2,130.15
Hon. Tom Cole	7/1	7/4	Czech Republic		1,499.00						1,499.00
	7/3	7/3	Poland								
	7/4	7/8	Italy		1,285.00						1,285.00
	7/6	7/6	Algeria								

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Misc. delegation costs .....							( <sup>3</sup> )		2,130.15		2,130.15
Hon. Ander Crenshaw .....	7/1	7/4	Czech Republic .....		1,499.00						1,499.00
	7/3	7/3	Poland .....								
	7/4	7/8	Italy .....		1,285.00						1,285.00
	7/6	7/6	Algeria .....								
Misc. delegation costs .....							( <sup>3</sup> )		2,130.15		2,130.15
Hon. Lucille Roybal-Allard .....	7/1	7/4	Czech Republic .....		1,499.00						1,499.00
	7/3	7/3	Poland .....								
	7/4	7/8	Italy .....		1,285.00						1,285.00
	7/6	7/6	Algeria .....								
Misc. delegation costs .....							( <sup>3</sup> )		2,130.15		2,130.15
Anne Marie Chotvac .....	7/1	7/4	Czech Republic .....		1,499.00						1,499.00
	7/3	7/3	Poland .....								
	7/4	7/8	Italy .....		1,285.00						1,285.00
	7/6	7/6	Algeria .....								
Misc. delegation costs .....							( <sup>3</sup> )		2,130.15		2,130.15
James Kulikowski .....	7/1	7/4	Czech Republic .....		1,499.00						1,499.00
	7/3	7/3	Poland .....								
	7/4	7/8	Italy .....		1,285.00						1,285.00
	7/6	7/6	Algeria .....								
Misc. delegation costs .....							( <sup>3</sup> )		2,130.15		2,130.15
William Inglee .....	7/1	7/4	Czech Republic .....		1,499.00						1,499.00
	7/3	7/3	Poland .....								
	7/4	7/8	Italy .....		1,285.00						1,285.00
	7/6	7/6	Algeria .....								
Misc. delegation costs .....							( <sup>3</sup> )		2,130.15		2,130.15
Clelia Alvarado .....	7/1	7/4	Czech Republic .....		1,499.00						1,499.00
	7/3	7/3	Poland .....								
	7/4	7/8	Italy .....		1,285.00						1,285.00
	7/6	7/6	Algeria .....								
Misc. delegation costs .....							( <sup>3</sup> )		2,130.15		2,130.15
Erin Kolodjeski .....	7/1	7/4	Czech Republic .....		1,499.00						1,499.00
	7/3	7/3	Poland .....								
	7/4	7/8	Italy .....		1,285.00						1,285.00
	7/6	7/6	Algeria .....								
Misc. delegation costs .....							( <sup>3</sup> )		2,130.15		2,130.15
John J. Bartrum .....	8/6	8/9	Guatemala .....		649.00						649.00
	8/9	8/14	Brazil .....		1,926.00						1,926.00
Misc. embassy costs .....									2,558.00		2,558.00
Commercial airfare .....											
Jennifer Gera .....	8/19	8/25	Finland .....		2,433.00						2,433.00
Misc. transportation costs .....							230.22				230.22
Commercial airfare .....							1,564.00				1,564.00
Lisa Molyneux .....	8/19	8/25	Finland .....		2,433.00						2,433.00
Commercial airfare .....							9,771.00				9,771.00
Hon. Tom Graves .....	8/3	8/4	Mexico .....		271.40						271.40
	8/4	8/6	Colombia .....		692.80						692.80
	8/6	8/7	Paraguay .....		190.00						190.00
	8/7	8/9	Argentina .....		681.34		( <sup>3</sup> )				681.34
	8/5	8/8	Colombia .....		1,091.66						1,091.66
Brooke Boyer .....									66.66		66.66
Misc. embassy costs .....											
Misc. transportation costs .....							65.00				65.00
Commercial airfare .....							1,623.70				1,623.70
BG Wright .....	8/5	8/8	Colombia .....		1,091.66						1,091.66
Misc. embassy costs .....									66.66		66.66
Misc. transportation costs .....							66.00				66.00
Commercial airfare .....							1,623.70				1,623.70
Megan Rosenbusch .....	8/5	8/8	Colombia .....		1,091.66						1,091.66
Misc. embassy costs .....									66.66		66.66
Misc. transportation costs .....							75.00				75.00
Commercial airfare .....							1,623.70				1,623.70
Hon. Jack Kingston .....	8/10	8/12	Morocco .....		496.05						496.05
	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/15	South Sudan .....								
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69
Misc. delegation costs .....								( <sup>3</sup> )	3,735.00		3,735.00
Hon. Adam Schiff .....	8/14	8/15	Kenya .....		350.00						350.00
	8/15	8/15	South Sudan .....								
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69
Misc. delegation costs .....									2,386.91		2,386.91
Part commercial air .....							<sup>3</sup> 5,879.40				5,879.40
Hon. Steve Austria .....	8/10	8/12	Morocco .....		496.05						496.05
	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/15	South Sudan .....								
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69
Misc. delegation costs .....							( <sup>3</sup> )		3,735.00		3,735.00
Hon. Kevin Yoder .....	8/10	8/12	Morocco .....		496.05						496.05
	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/15	South Sudan .....								
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69
Misc. delegation costs .....							( <sup>3</sup> )		3,735.00		3,735.00
Elizabeth Bina .....	8/10	8/12	Morocco .....		496.05						496.05
	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/15	South Sudan .....								
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69
Misc. delegation costs .....							( <sup>3</sup> )		3,735.00		3,735.00
Tom O'Brien .....	8/10	8/12	Morocco .....		496.05						496.05
	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/15	South Sudan .....								
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69
Misc. delegation costs .....							( <sup>3</sup> )		3,735.00		3,735.00
Susan Adams .....	8/10	8/12	Morocco .....		496.05						496.05
	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/15	South Sudan .....								
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69



## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON APPROPRIATIONS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Misc. delegation costs .....							( <sup>3</sup> )		3,735.00		3,735.00
Ciella Alvarado .....	8/10	8/12	Morocco .....		496.05						496.05
	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/15	South Sudan .....								
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69
Misc. delegation costs .....							( <sup>3</sup> )		3,735.00		3,735.00
Erin Kolodjeski .....	9/5	9/7	Haiti .....		496.00						496.00
Commercial airfare .....							1,452.50				1,452.50
Jennifer Miller .....	8/26	8/28	Turkey .....		602.00						602.00
	8/28	8/30	Jordan .....		571.34						571.34
	8/30	9/2	Israel .....		1,494.00						1,494.00
	9/2	9/4	Yemen .....		484.00						484.00
Hotel taxes and service charge .....									58.14		58.14
Misc. transportation costs .....							155.00				155.00
Commercial airfare .....							12,496.00				12,496.00
Joseph Levin .....	9/24	9/26	Switzerland .....		966.00						966.00
	9/26	9/29	France .....		1,017.95						1,017.95
Hotel taxes .....									62.15		62.15
Misc. transportation costs .....							243.45				243.45
Commercial airfare .....							2,163.70				2,163.70
Jennifer Hing .....	9/24	9/26	Switzerland .....		966.00						966.00
	9/26	9/29	France .....		1,017.95						1,017.95
Hotel taxes .....									62.15		62.15
Misc. transportation costs .....							243.45				243.45
Commercial airfare .....							2,867.30				2,867.30
Taunja Berquam .....	9/24	9/26	Switzerland .....		966.00						966.00
	9/26	9/29	France .....		1,017.95						1,017.95
Hotel taxes .....									62.15		62.15
Misc. transportation costs .....							243.45				243.45
Commercial airfare .....							2,163.70				2,163.70
Hon. Robert Aderholt .....	9/24	9/26	Mexico .....		596.07		( <sup>3</sup> )				596.07
Commercial airfare .....							1,255.52				1,255.52
Hon. David Price .....	9/24	9/26	Mexico .....		535.98		( <sup>3</sup> )				535.98
Commercial airfare .....							1,233.75				1,233.75
Kathleen Kraninger .....	9/24	9/26	Mexico .....		699.71		( <sup>3</sup> )				699.71
Commercial airfare .....							1,853.00				1,853.00
Stephanie Gupta .....	9/24	9/26	Mexico .....		699.71		( <sup>3</sup> )				699.71
Commercial airfare .....							1,853.00				1,853.00
Committee total .....					71,239.85		59,520.14		54,255.87		185,015.86

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> Part military air transportation.<sup>5</sup> Part domestic travel to Texas (reported separately).

HON. HAROLD ROGERS, Chairman, Oct. 30, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Visit to Slovakia, Georgia, Yemen, Djibouti, Spain, June 29–July 6, 2012:											
Hon. Bill Shuster .....	6/30	7/2	Slovakia .....		365.30						365.30
	7/2	7/4	Georgia .....		396.00						396.00
	7/4	7/4	Yemen .....								
	7/4	7/5	Djibouti .....		342.97						342.97
	7/5	7/6	Spain .....		276.00						276.00
Hon. Duncan Hunter .....	6/30	7/2	Slovakia .....		365.30						365.30
	7/2	7/4	Georgia .....		396.00						396.00
	7/4	7/4	Yemen .....								
	7/4	7/5	Djibouti .....		342.97						342.97
	7/5	7/6	Spain .....		276.00						276.00
John Wason .....	6/30	7/2	Slovakia .....		365.30						365.30
	7/2	7/4	Georgia .....		396.00						396.00
	7/4	7/4	Yemen .....								
	7/4	7/5	Djibouti .....		342.97						342.97
	7/5	7/6	Spain .....		276.00						276.00
Visit to Japan, Guam, Singapore, Australia, July 14–July 22, 2012:											
Ryan Crumpler .....	7/15	7/16	Japan .....		157.00						157.00
	7/17	7/19	Guam .....								
	7/19	7/20	Singapore .....		145.00						145.00
	7/21	7/22	Australia .....		302.00						302.00
Commercial transportation .....							20,053.10				20,053.10
Craig Greene .....	7/15	7/16	Japan .....		157.00						157.00
	7/17	7/19	Guam .....								
	7/19	7/20	Singapore .....		145.00						145.00
	7/21	7/22	Australia .....		302.00						302.00
Commercial transportation .....							20,053.10				20,053.10
Brian Garrett .....	7/15	7/16	Japan .....		72.00						72.00
	7/17	7/19	Guam .....								
	7/19	7/20	Singapore .....		101.00						101.00
	7/21	7/22	Australia .....		207.00						207.00
Commercial transportation .....							20,157.10				20,157.10
Visit to Guam, Viet Nam, August 5–12, 2012:											
Hon. Joe Wilson .....	8/7	8/9	Guam .....								
	8/9	8/10	Viet Nam .....		278.00						278.00
Commercial transportation .....							6,192.15				6,192.15
Hon. Madeleine Bordallo .....	8/7	8/9	Guam .....								
	8/9	8/10	Viet Nam .....		278.00						278.00

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ARMED SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial transportation .....							6,192.15				6,192.15
Craig Greene .....	8/7	8/9	Guam .....								
	8/9	8/10	Viet Nam .....		278.00						278.00
Commercial transportation .....							6,358.46				6,358.46
Debra Wada .....	8/7	8/9	Guam .....								
	8/9	8/10	Viet Nam .....		278.00						278.00
Commercial transportation .....							6,103.68				6,103.68
Visit to Afghanistan, United Arab Emirates, August 13–17, 2012, With STAFFDEL Stewart:											
Robert L. Simmons .....	8/14	8/15	United Arab Emirates .....		329.66						329.66
	8/15	8/16	Afghanistan .....		28.00						28.00
Commercial transportation .....							9,747.90				9,747.90
Visit to Israel, Lebanon, Turkey, Italy, August 11–19, 2012:											
Catherine McElroy .....	8/11	8/14	Israel .....		1,289.13						1,289.13
	8/14	8/15	Lebanon .....		192.70						192.70
	8/15	8/17	Turkey .....		457.00						457.00
	8/17	8/19	Italy .....		700.77						700.77
Commercial transportation .....							10,763.50				10,763.50
Kimberly Shaw .....	8/11	8/14	Israel .....		1,314.13						1,314.13
	8/14	8/15	Lebanon .....		192.70						192.70
	8/15	8/17	Turkey .....		432.00						432.00
	8/17	8/19	Italy .....		750.77						750.77
Commercial transportation .....							7,868.20				7,868.20
Alexander Gallo .....	8/11	8/14	Israel .....		1,289.13						1,289.13
	8/14	8/15	Lebanon .....		192.70						192.70
	8/15	8/17	Turkey .....		457.00						457.00
	8/17	8/19	Italy .....		723.77						723.77
Commercial transportation .....							10,306.50				10,306.50
Michael Casey .....	8/11	8/14	Israel .....		1,489.13						1,489.13
	8/14	8/15	Lebanon .....		192.70						192.70
	8/15	8/17	Turkey .....		557.00						557.00
	8/17	8/19	Italy .....		800.77						800.77
Commercial transportation .....							10,626.50				10,626.50
Visit to Thailand, Burma, India, Azerbaijan, Austria, September 4–10, 2012, With CODEL Rohrabacher:											
Hon. Doug Lamborn .....	9/4	9/5	Thailand .....		103.00						103.00
	9/5	9/5	Burma .....								
	9/5	9/7	India .....		577.69						577.69
	9/7	9/8	Azerbaijan .....		627.65						627.65
	9/8	9/10	Austria .....		1,105.22						1,105.22
Visit to Brazil, Argentina, Chile, Colombia, September 23–30, 2012:											
Catherine Sendak .....	9/23	9/25	Brazil .....		215.00						215.00
	9/26	9/26	Argentina .....		121.00						121.00
	9/26	9/28	Chile .....		198.00						198.00
	9/28	9/30	Colombia .....		210.00						210.00
Commercial transportation .....							10,745.50				10,745.50
Kevin Gates .....	9/23	9/25	Brazil .....		215.00						215.00
	9/26	9/26	Argentina .....		121.00						121.00
	9/26	9/28	Chile .....		198.00						198.00
	9/28	9/30	Colombia .....		210.00						210.00
Commercial transportation .....							10,745.50				10,745.50
Jamie Lynch .....	9/23	9/25	Brazil .....		215.00						215.00
	9/26	9/26	Argentina .....		121.00						121.00
	9/26	9/28	Chile .....		198.00						198.00
	9/28	9/30	Colombia .....		210.00						210.00
Commercial transportation .....							10,745.50				10,745.50
Paul Lewis .....	9/23	9/25	Brazil .....		313.00						313.00
	9/26	9/26	Argentina .....		121.00						121.00
	9/26	9/28	Chile .....		198.00						198.00
	9/28	9/30	Colombia .....		210.00						210.00
Commercial transportation .....							10,745.50				10,745.50
Timothy McClees .....	9/23	9/25	Brazil .....		313.00						313.00
	9/26	9/26	Argentina .....		121.00						121.00
	9/26	9/28	Chile .....		198.00						198.00
	9/28	9/30	Colombia .....		210.00						210.00
Committee total .....					24,559.43		177,404.34				201,963.77

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. HOWARD P. "BUCK" McKEON, Chairman, Oct. 24, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Carolyn Maloney .....	8/19	8/20	Spain .....		321.32		( <sup>3</sup> )				321.32
	8/20	8/23	Germany .....		1,028.00		( <sup>3</sup> )				1,028.00
Kristofer Erickson .....	8/19	8/20	Spain .....		261.32		( <sup>3</sup> )				261.32
	8/20	8/23	Germany .....		943.00		( <sup>3</sup> )				943.00
	8/23	8/25	England .....		1,370.00		( <sup>3</sup> )				1,370.00
William W. Liles .....	8/19	8/20	Spain .....		286.43		( <sup>3</sup> )				286.43
	8/20	8/23	Germany .....		923.33		( <sup>3</sup> )				923.33
	8/23	8/25	England .....		1,455.00		( <sup>3</sup> )				1,455.00
Christopher Russell .....	8/19	8/20	Spain .....		291.32		( <sup>3</sup> )				291.32
	8/20	8/23	Germany .....		967.00		( <sup>3</sup> )				967.00
	8/23	8/25	England .....		1,420.00		( <sup>3</sup> )				1,420.00
Hon. Scott Garrett .....	8/19	8/20	Spain .....		296.32		( <sup>3</sup> )		1,199.00		1,495.32
	8/20	8/23	Germany .....		1,003.00		( <sup>3</sup> )		4,574.00		5,577.00
	8/23	8/25	England .....		1,435.00		( <sup>3</sup> )				1,435.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FINANCIAL SERVICES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012—  
Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Committee totals .....					12,001.04				5,773.00		17,774.04

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. SPENCER BACHUS, Chairman, Oct. 31, 2012.

## (AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Kristin Jackson .....	8/20	8/23	Mexico .....		807.57		1,331.28		427.00		2,565.85
Hubbell Knapp .....	8/20	8/23	Mexico .....		812.57		1,331.28				2,143.85
Hon. Karen Bass .....	8/13	8/15	Kenya .....		700.00		7,826.10		2,071.17		10,597.27
	8/15	8/15	South Sudan .....				( <sup>3</sup> )				
	8/15	8/18	Tanzania .....		563.10		( <sup>3</sup> )		1,225.16		1,788.26
	8/18	8/19	Spain .....		220.69		( <sup>3</sup> )				220.69
Hon. Dennis Cardoza .....	7/4	7/9	Monaco .....		2,254.00		1,433.00				3,687.00
Sajit Gandhi .....	7/4	7/9	Monaco .....		2,194.00		1,433.00				3,627.00
Hon. Dennis Cardoza .....	8/4	8/5	Ireland .....		866.85		( <sup>3</sup> )				866.85
	8/5	8/7	Greece .....		860.77		( <sup>3</sup> )				860.77
	8/7	8/8	Italy .....		962.00		( <sup>3</sup> )				962.00
	8/8	8/9	Spain .....		544.34		( <sup>3</sup> )				544.34
	8/9	8/10	Portugal .....		531.06		( <sup>3</sup> )				531.06
Alan Makovsky .....	8/30	9/4	Czech Rep. ....		860.40		1,922.20				2,782.60
Hon. Dan Burton .....	6/29	6/30	Latvia .....		252.95		( <sup>3</sup> )		5,354.45		5,607.40
	7/1	7/3	Kazakhstan .....		720.00		( <sup>3</sup> )		4,411.10		5,131.10
	7/3	7/5	Kyrgyz Republic .....		622.00		( <sup>3</sup> )				622.00
	7/5	7/6	Tajikistan .....		372.07		( <sup>3</sup> )				372.07
	7/6	7/7	Uzbekistan .....		399.00		( <sup>3</sup> )				399.00
	7/7	7/8	Spain .....		364.84		( <sup>3</sup> )				364.84
Hon. Ted Deutch .....	6/29	6/30	Latvia .....		252.95		( <sup>3</sup> )				252.95
	7/1	7/3	Kazakhstan .....		720.00		( <sup>3</sup> )				720.00
	7/3	7/5	Kyrgyz Republic .....		622.00		( <sup>3</sup> )				622.00
	7/5	7/6	Tajikistan .....		372.07		( <sup>3</sup> )				372.07
	7/6	7/7	Uzbekistan .....		399.00		( <sup>3</sup> )				399.00
	7/7	7/8	Spain .....		364.84		( <sup>3</sup> )				364.84
J. Brady Howell .....	6/29	6/30	Latvia .....		252.95		( <sup>3</sup> )				252.95
	7/1	7/3	Kazakhstan .....		720.00		( <sup>3</sup> )				720.00
	7/3	7/5	Kyrgyz Republic .....		622.00		( <sup>3</sup> )				622.00
	7/5	7/6	Tajikistan .....		372.07		( <sup>3</sup> )				372.07
	7/6	7/7	Uzbekistan .....		399.00		( <sup>3</sup> )				399.00
	7/7	7/8	Spain .....		364.84		( <sup>3</sup> )				364.84
Brent Woolfork .....	6/29	6/30	Latvia .....		240.76		( <sup>3</sup> )				240.76
	7/1	7/3	Kazakhstan .....		706.00		( <sup>3</sup> )				706.00
	7/3	7/5	Kyrgyz Republic .....		396.57		( <sup>3</sup> )				622.00
	7/5	7/6	Tajikistan .....		307.87		( <sup>3</sup> )				372.07
	7/6	7/7	Uzbekistan .....		324.00		( <sup>3</sup> )				399.00
	7/7	7/8	Spain .....		353.84		( <sup>3</sup> )				364.84
Hon. Jean Schmidt .....	6/29	6/30	Latvia .....		252.95		( <sup>3</sup> )				252.95
	7/1	7/3	Kazakhstan .....		720.00		( <sup>3</sup> )				720.00
	7/3	7/5	Kyrgyz Republic .....		614.38		( <sup>3</sup> )				614.38
	7/5	7/6	Tajikistan .....		372.12		( <sup>3</sup> )				372.12
	7/6	7/7	Uzbekistan .....		299.00		( <sup>3</sup> )				299.00
	7/7	7/8	Spain .....		366.03		( <sup>3</sup> )				366.03
Hon. Greg Meeks .....	6/29	6/30	Latvia .....		246.76		( <sup>3</sup> )				246.76
	7/1	7/3	Kazakhstan .....		720.00		( <sup>3</sup> )				720.00
	7/3	7/5	Kyrgyz Republic .....		622.00		( <sup>3</sup> )				622.00
	7/5	7/6	Tajikistan .....		324.87		( <sup>3</sup> )				324.87
	7/6	7/7	Uzbekistan .....		423.00		( <sup>3</sup> )				423.00
	7/7	7/8	Spain .....		364.84		( <sup>3</sup> )				364.84
Brian Wanko .....	6/29	6/30	Latvia .....		252.95		( <sup>3</sup> )				252.95
	7/1	7/3	Kazakhstan .....		720.00		( <sup>3</sup> )				720.00
	7/3	7/5	Kyrgyz Republic .....		622.00		3,371.00				3,993.00
Hon. Dan Burton .....	9/3	9/5	Azerbaijan .....		857.39		10,033.00				10,890.39
	9/5	9/5	Georgia .....								
	9/5	9/8	Armenia .....		767.42				1,002.20		1,769.62
J. Brady Howell .....	9/3	9/5	Azerbaijan .....		857.39		10,033.00				10,890.39
	9/5	9/5	Georgia .....								
	9/5	9/8	Armenia .....		767.42						767.42
Hon. Steve Chabot .....	8/12	8/13	Libya .....		47.00		10,212.60				10,259.60
	8/13	8/14	Egypt .....		245.29						245.29
	8/15	8/15	Kenya .....		477.50				24.43		501.93
Kevin Fitzpatrick .....	8/12	8/13	Libya .....		47.00		10,756.10				10,803.10
	8/13	8/14	Egypt .....		245.29						245.29
	8/15	8/15	Kenya .....		477.50						477.50
Hon. Elton Gallegly .....	6/30	7/3	Portugal .....		807.00		( <sup>3</sup> )		8,097.00		8,904.00
	7/3	7/4	Spain .....		345.00		( <sup>3</sup> )		115.96		460.96
	7/4	7/9	Croatia .....		1,488.33		( <sup>3</sup> )		5,820.00		7,308.33
Steven Sutton .....	6/30	7/3	Portugal .....		807.00		( <sup>3</sup> )				807.00
	7/3	7/4	Spain .....		272.00		( <sup>3</sup> )				272.00
	7/4	7/9	Croatia .....		1,462.33		( <sup>3</sup> )				1,462.33
Sarah Leiby .....	8/26	8/29	Kenya .....		925.00		10,885.17				11,810.17
	8/29	9/3	South Sudan .....		1,160.00						1,160.00
Jacquiline Quinones .....	8/26	8/29	Kenya .....		925.00		10,885.17				11,810.17
	8/29	9/3	South Sudan .....		1,160.00						1,160.00
Greg McCarthy .....	8/6	8/8	Pakistan .....		371.00		12,741.64				13,112.64
	8/8	8/11	India .....		1,091.00				2,949.19		4,040.19
	8/11	8/15	Sri Lanka .....		1,131.00				2,168.00		3,299.00
Sajit Gandhi .....	8/6	8/8	Pakistan .....		363.00		12,776.64				13,139.64
	8/8	8/11	India .....		1,091.00						1,091.00
	8/11	8/15	Sri Lanka .....		1,122.00						1,122.00
Christina Jenckes .....	8/6	8/8	Pakistan .....		357.00		12,776.64				13,133.64

## (AMENDED) REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON FOREIGN AFFAIRS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Diana Ohlbaum .....	8/8	8/11	India .....		1,129.00						1,129.00
	8/11	8/15	Sri Lanka .....		1,133.00						1,133.00
	8/6	8/8	Pakistan .....		357.00		12,776.64				13,133.64
	8/8	8/11	India .....		1,129.00						1,129.00
Greg Simpkins .....	8/11	8/15	Sri Lanka .....		1,131.00						1,131.00
	8/4	8/7	Senegal .....		568.00		5,288.60				5,856.60
	8/7	8/9	Cote d'Ivoire .....		613.00				1,306.00		1,919.00
Jacquiline Quinones .....	8/4	8/7	Senegal .....		565.00		5,323.60				5,888.60
	8/7	8/9	Cote d'Ivoire .....		619.00						619.00
	8/7	8/9	Cote d'Ivoire .....		619.00		4,005.10				4,624.10
Eric Williams .....	8/4	8/7	Senegal .....		572.00		5,323.60				5,895.60
	8/7	8/9	Cote d'Ivoire .....		613.00						613.00
	9/1	9/4	Jordan .....		1,290.00		(*)				1,290.00
Janice Kaguyutan .....	9/4	9/8	Turkey .....		1,617.00						1,617.00
	9/4	9/5	Thailand .....		238.32						238.32
	9/5	9/5	Burma .....								
Hon. Dana Rohrabacher .....	9/5	9/7	India .....		595.36						595.36
	9/7	9/8	Azerbaijan .....		368.80				3,999.21		4,368.01
	9/8	9/10	Austria .....		708.00						708.00
Hon. Ted Poe .....	9/4	9/5	Thailand .....		238.32		(*)				238.32
	9/5	9/5	Burma .....				(*)				
	9/5	9/7	India .....		389.60		(*)				389.60
Paul Berkowitz .....	9/7	9/8	Azerbaijan .....		254.80		(*)				254.80
	9/8	9/10	Austria .....		392.00						392.00
	9/4	9/5	Thailand .....		238.32						238.32
Paul Berkowitz .....	9/5	9/5	Burma .....								
	9/5	9/7	India .....		595.36						595.36
	9/7	9/8	Azerbaijan .....		368.80						368.80
Paul Berkowitz .....	9/8	9/10	Austria .....		708.00						708.00
Committee total .....					66,337.41		152,465.36		38,970.87		258,149.27

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.<sup>4</sup> TBD—figures not submitted.

HON. ILEANA ROS-LEHTINEN, Chairman, Oct. 31, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Bonnie Bruce .....	8/22	8/23	Palau .....		182.00		5,244.90		127.85		5,372.75
Brian Modeste .....	8/22	8/23	Palau .....		182.00		5,306.90		168.74		5,475.64
Committee total .....					364.00		10,551.80		296.59		10,848.39

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DOC HASTINGS, Chairman, Sept. 30, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Jason Chaffetz .....	7/13	7/15	China .....		707.00						707.00
Commercial airfare .....	7/15	7/17	Korea .....		700.00						700.00
							10,350.60				10,350.60
Thomas Alexander .....	7/13	7/15	China .....		707.00						707.00
Commercial airfare .....	7/15	7/17	Korea .....		700.00						700.00
							10,350.60				10,350.60
Hon. Dennis Ross .....	8/10	8/12	Morocco .....		496.05						496.05
Hon. Dennis Ross .....	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/18	Tanzania .....		563.10						563.10
	8/18	8/19	Spain .....		220.69						220.69
Hon. Todd Platts .....	8/10	8/12	Morocco .....		496.05						496.05
	8/12	8/15	Kenya .....		1,050.00						1,050.00
	8/15	8/18	Tanzania .....		563.10						563.10
Hon. Todd Platts .....	8/18	8/19	Spain .....		220.69						220.69
Committee total .....					7,473.68		20,701.20				28,174.88

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DARRELL E. ISSA, Chairman, Oct. 31, 2012.

November 27, 2012

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## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>

## HOUSE COMMITTEES

Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return. ☒<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. RALPH M. HALL, Chairman, Oct. 24, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Jason Altmire .....	6/30	7/2	Bratislava .....		186.00		(3)				186.00
	7/2	7/4	Georgia .....		196.00		(3)				196.00
	7/4	7/5	Yemen-Djibouti .....		115.00		(3)				115.00
	7/5	7/6	Spain .....		276.00		(3)				276.00
Hon. Blake Farenthold .....	6/30	7/2	Bratislava .....		186.00		(3)				186.00
	7/1	7/4	Georgia .....		196.00		(3)				196.00
	7/4	7/5	Yemen-Djibouti .....		115.00		(3)				115.00
	7/5	7/6	Spain .....		276.00		(3)				276.00
Hon. Jason Altmire .....	7/13	7/15	China .....		707.00		10,350.60				11,057.60
	7/15	7/17	South Korea .....		700.00						700.00
Hon. Daniel Lipinski .....	8/30	9/6	Italy .....		2,645.27		4,754.00				7,399.27
Hon. Randy Hultgren .....	9/2	9/4	Germany .....		241.25		(3)				241.25
	9/4	9/7	Sweden .....		483.00		(3)				483.00
	9/7	9/9	Norway .....		352.00		(3)				352.00
Committee total .....					6,674.52		15,104.60				21,779.12

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.<sup>3</sup> Military air transportation.

HON. JOHN L. MICA, Chairman, Oct. 31, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Kenny Marchant .....	8/20	8/23	Germany .....		1,028.00						1,028.00
	8/19	8/20	Spain .....		321.32						321.32
	8/23	8/25	England .....		1,460.00						1,460.00
Neena Shenai .....	9/13	9/18	India .....		1,469.51		10,770.08		78.00		12,317.59
Committee total .....					4,278.83		10,770.08		78.00		15,126.91

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Chairman.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Devin Nunes .....	8/4	8/6	Europe .....		513.67						
	8/6	8/7	Europe .....		326.00						
	8/7	8/8	Europe .....		378.00						
	8/8	8/8	Middle East .....								
	8/8	8/10	Middle East .....		591.00						
	8/10	8/12	Middle East .....		474.00						
	8/12	8/13	Europe .....		392.00						
	8/13	8/15	Europe .....		569.76						
	8/15	8/18	Europe .....		1,706.00						
Commercial airfare .....							15,017.50				
George Pappas .....	8/4	8/6	Europe .....		513.67						
	8/6	8/7	Europe .....		326.00						
	8/7	8/8	Europe .....		378.00						
	8/8	8/8	Middle East .....								
	8/8	8/10	Middle East .....		591.00						
	8/10	8/12	Middle East .....		474.00						
	8/12	8/13	Europe .....		392.00						
	8/13	8/15	Europe .....		569.76						
	8/15	8/18	Europe .....		1,706.00						
Commercial airfare .....							12,305.00				
Carly Scott .....	8/4	8/6	Europe .....		513.67						
	8/6	8/7	Europe .....		326.00						
	8/7	8/8	Europe .....		378.00						
	8/8	8/8	Middle East .....								
	8/8	8/10	Middle East .....		591.00						
	8/10	8/12	Middle East .....		474.00						
	8/12	8/13	Europe .....		392.00						
	8/13	8/15	Europe .....		569.76						

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, PERMANENT SELECT COMMITTEE ON INTELLIGENCE, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012—Continued

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Commercial airfare .....	8/15	8/18	Europe .....		1,706.00		12,481.50				
Hon. Mike Rogers .....	8/20	8/22	Middle East .....		319.00						
	8/22	8/23	Middle East .....		296.32						
	8/23	8/24	Middle East .....		660.50						
Commercial airfare .....							12,556.00				13,831.82
Michael Allen .....	8/20	8/22	Middle East .....		319.00						
	8/22	8/23	Middle East .....		296.32						
	8/23	8/24	Middle East .....		660.50						
Commercial airfare .....							11,620.80				12,896.62
Chelsey Campbell .....	8/20	8/22	Middle East .....		319.00						
	8/22	8/23	Middle East .....		296.32						
Commercial airfare .....							11,620.80				12,236.12
Hon. Mike Thompson .....	8/23	8/26	South America .....		783.00						
Commercial airfare .....							1,283.40				2,066.40
Nate Hauser .....	8/23	8/26	South America .....		783.00						
Commercial airfare .....							1,137.90				1,920.90
Linda Cohen .....	8/23	8/26	South America .....		783.00						
Commercial airfare .....							1,137.90				1,920.90
Jamil Jaffer .....	9/4	9/5	Africa .....								
	9/5	9/6	Africa .....								
	9/6	9/7	Africa .....		164.31						
	9/7	9/8	Africa .....		541.00						
Commercial airfare .....							16,120.50				16,825.81
Khizer Syed .....	9/4	9/5	Africa .....								
	9/5	9/6	Africa .....								
	9/6	9/7	Africa .....		164.31						
	9/7	9/8	Africa .....		541.00						
Commercial airfare .....							16,120.50				16,825.81
Committee total .....											133,179.67

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. MIKE ROGERS, Chairman, Oct. 31, 2012.

## REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMISSION ON SECURITY AND COOPERATION IN EUROPE, EXPENDED BETWEEN JULY 1 AND SEPT. 30, 2012

Name of Member or employee	Date		Country	Per diem <sup>1</sup>		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>	Foreign currency	U.S. dollar equivalent or U.S. currency <sup>2</sup>
Hon. Robert Aderholt .....	7/7	7/9	Monaco .....		278.00		3,466.30				3,744.30
Mark Milosch .....	7/6	7/9	Monaco .....		417.00		3,271.10				3,688.10
Robert Hand .....	7/10	7/14	Austria .....		998.00		1,885.20				2,883.20
Allison Hollibaugh .....	7/24	7/28	Austria .....		457.57		1,602.40		170.87		2,230.84
Shelly Han .....	9/10	9/15	Czech Republic .....		1,506.42		1,888.30				3,394.72
Kyle Parker .....	9/23	9/29	Poland .....		1,689.65		1,460.50				3,150.15
Alex Johnson .....	7/1	8/15	Austria .....		15,642.00						15,642.00
Orest Deychakiwsky .....	9/20	9/25	Belarus .....		1,690.00		3,154.00				4,844.00
Janice Helwig .....	8/13	8/21	Uzbekistan .....		1,717.00		11,848.70				13,565.70
	9/4	9/23	Austria .....		5,881.15		3,158.40				9,039.55
Committee total .....					30,276.79		31,734.90		170.87		62,182.56

<sup>1</sup> Per diem constitutes lodging and meals.<sup>2</sup> If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. CHRISTOPHER H. SMITH, Chairman, Oct. 23, 2012.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8431. A letter from the Director, Policy Issuances Division, Department of Agriculture, transmitting the Department's final rule — Requirements for Official Establishments to Notify FSIS of Adulterated or Misbranded Product, Prepare and Maintain Written Recall Procedures, and Document Certain Hazard Analysis and Critical Control Point System Plan Reassessments [FDMS Docket No.: FSIS-2008-0025] (RIN: 0583-AC34) received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8432. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2012-0755; FRL-9366-3] received No-

vember 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8433. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Xylenesulfonic acid, sodium salt; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-0951; FRL-9361-3] received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8434. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule — Federal Agricultural Mortgage Corporation Funding and Fiscal Affairs; Farmer Mac Investment Management (RIN: 3052-AC56) received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8435. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Enforcement of Subsidiary and Affiliate Contracts by the FDIC

as Receiver of a Covered Financial Company (RIN: 3064-AD94) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8436. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Assessments, Large Bank Pricing (RIN: 3064-AD92) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8437. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting the FY 2011 report on activities to preserve and promote minority ownership of insured financial institutions; to the Committee on Financial Services.

8438. A letter from the Secretary, Department of Health and Human Services, transmitting written notification of the determination that a public health emergency exists and has existed in the State of New York since October 27, 2012, pursuant to 42 U.S.C. 247d(a) Public Law 107-188, section 144(a); to the Committee on Energy and Commerce.

8439. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the South Coast Portion of the California State Implementation Plan, CPV Sentinel Energy Project AB 1318 Tracking System [EPA-R09-OAR-2010-1078; FRL-9751-3] received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8440. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Implementation of the Middle Class Tax Relief and Job Creation Act of 2012: Establishment of a Public Safety Answering Point Do-Not-Call Registry [CG Docket No.: 12-129] received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8441. A letter from the Special Inspector General for Afghanistan Reconstruction, transmitting the seventeenth quarterly report on the Afghanistan reconstruction; to the Committee on Foreign Affairs.

8442. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

8443. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report concerning methods employed by the Government of Cuba to comply with the United States-Cuba September 1994 "Joint Communiqué" and the treatment by the Government of Cuba of persons returned to Cuba in accordance with the United States-Cuba May 1995 "Joint Statement", together known as the Migration Accords, pursuant to Public Law 105-277, section 2245; to the Committee on Foreign Affairs.

8444. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a report on progress toward a negotiated solution of the Cyprus question covering the period June 1 through July 31, 2012 pursuant to Section 620C(c) of the Foreign Assistance Act of 1961 as amended; to the Committee on Foreign Affairs.

8445. A letter from the Associate Director for PP&I, Department of the Treasury, transmitting the Department's final rule — Yemen Sanctions Regulations received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8446. A letter from the Associate Director, Department of the Treasury, transmitting the Department's final rule — Iranian Financial Sanctions Regulations received November 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

8447. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Audit of the Metropolitan Police Department's Investigations and Preliminary Inquiries Involving First Amendment Activities"; to the Committee on Oversight and Government Reform.

8448. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting a report entitled, "Fiscal Year 2011 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Oversight and Government Reform.

8449. A letter from the Acting Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Importation, Exportation, and Transportation of Wildlife; User Fee Exemption Program for Low-Risk Importations and Exportations [Docket No.: FWS-HQ-LE-2012-

0091] (RIN: 1018-AZ18) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8450. A letter from the Acting General Counsel, National Indian Gaming Commission, transmitting the Commission's final rule — Issuance of Investigation Completion Letters (RIN: 3141-AA49) received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8451. A letter from the Acting General Counsel, National Indian Gaming Commission, transmitting the Commission's final rule — Enforcement Actions received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8452. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers employed at the Ventron Corporation in Beverly, Massachusetts, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

8453. A letter from the Regulatory Specialist, Department of the Treasury, transmitting the Department's final rule — Rules of Practice and Procedure; Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments [Docket ID: OCC-2012-0011] (RIN: 1557-AD61) November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

8454. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Boise, ID [Docket No.: FAA-2011-1181; Airspace Docket No.: 11-ANM-20] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8455. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class E Airspace; Kerryville, TX [Docket No.: FAA-2011-1399; Airspace Docket No.: 11-ASW-14] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8456. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Circle Town, MT [Docket No.: FAA-2012-0539; Airspace Docket No.: 12-ANM-10] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8457. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Modification of Area Navigation (RNAV) Route Q-62; Northeast United States [Docket No.: FAA-2011-1407; Airspace Docket No.: 11-AGL-25] (RIN: 2120-AA66) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8458. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Establishment of Class E Airspace; Fort Garland, CO [Docket No.: FAA-2012-0617; Airspace Docket No.: 12-ANM-18] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8459. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Class D and Class E Airspace; Lakehurst, NJ; Correction [Docket No.: FAA-2012-0456; Air-

space Docket No.: 12-AEA-9] received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8460. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Fundamental Properties of Asphalts and Modified Asphalts — III"; to the Committee on Transportation and Infrastructure.

8461. A letter from the Assistant Chief Counsel for Hazardous Materials Safety, Department of Transportation, transmitting the Department's final rule — Hazardous Materials: Minor Editorial Corrections and Clarifications (RRR) [Docket No.: PHMSA-2012-0080 (HM-244E)] (RIN: 2137-AE90) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8462. A letter from the Acting General Counsel, National Indian Gaming Commission, transmitting the Commission's final rule — Management Contracts — Background Investigations received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

8463. A letter from the Public Affairs Specialist, Disabled American Veterans, transmitting the 2012 National Convention Proceedings Of The Disabled American Veterans, pursuant to 36 U.S.C. 90i and 44 U.S.C. 1332; (H. Doc. No. 112—156); to the Committee on Veterans' Affairs and ordered to be printed.

8464. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — *Johanne Wandry v. Commissioner* [AOD: 2012-05] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

8465. A letter from the Deputy Commissioner, Social Security Administration, transmitting Annual Report of Payment Recapture Audits in compliance with Section 2(h)(2)(D)(ii) of the Improper Payments Elimination and Recovery Act of 2010; to the Committee on Ways and Means.

8466. A letter from the Secretary, Department of Energy, transmitting a letter regarding the Savannah River Site Building 235-F Safety; jointly to the Committees on Energy and Commerce and Armed Services.

8467. A letter from the Special Inspector General for Iraq Reconstruction, transmitting the Special Inspector General for Iraq Reconstruction (SIGIR) October 2012 Quarterly Report; jointly to the Committees on Foreign Affairs and Appropriations.

8468. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Home Health Prospective Payment System Rate Update for Calendar year 2013, Hospice Quality Reporting Requirements, and Survey and Enforcement Requirements for Home Health Agencies [CMS-1358-F] (RIN: 0938-AR18) received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. HALL:

H.R. 6603. A bill to authorize research, development, and demonstration activities that increase energy security and affordability by enabling the safe and responsible



production of the United States vast domestic unconventional oil and gas resources; to the Committee on Science, Space, and Technology.

By Ms. PELOSI (for herself and Mr. BOEHNER):

H.R. 6604. A bill to designate the federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, as the "Thomas P. O'Neill, Jr. Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. CONYERS (for himself and Mr. SMITH of Texas):

H.R. 6605. A bill to eliminate an unnecessary reporting requirement for an unfunded DNA Identification grant program; to the Committee on the Judiciary.

By Ms. DEGETTE (for herself, Mr. COFFMAN of Colorado, Mr. PAUL, Mr. FRANK of Massachusetts, Mr. BLUMENAUER, Mr. FARR, Ms. LEE of California, Mr. POLIS, Mr. COHEN, and Mr. GRIJALVA):

H.R. 6606. A bill to amend the Controlled Substances Act to provide that Federal law shall not preempt State law; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. ELLMERS:

H.R. 6607. A bill to designate the Federal building and United States courthouse located at 300 Fayetteville Street in Raleigh, North Carolina, as the "Jesse Helms Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. MCCARTHY of New York:

H.R. 6608. A bill to amend the Public Health Service Act with regard to research on asthma, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KISSELL (for himself, Mr. PRICE of North Carolina, Mr. WATT, Mr. SHULER, Mr. RAHALL, Mr. COOPER, Mr. HASTINGS of Florida, Mr. HARPER, Mr. MICHAUD, and Ms. JACKSON LEE of Texas):

H. Res. 818. A resolution expressing support for designating January 8th as Elvis Presley Day; to the Committee on Oversight and Government Reform.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

293. The SPEAKER presented a memorial of the Senate of the State of Utah, relative to Senate Concurrent Resolution No. 201 supporting a Balanced Budget Amendment to the Constitution of the United States; to the Committee on the Judiciary.

294. Also, a memorial of the Legislature of the State of California, relative to Assembly Joint Resolution No. 19 urging the Congress to enact H.R. 3729; to the Committee on Ways and Means.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. HALL:

H.R. 6603.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

Article I, Section 8, Clause 18

By Ms. PELOSI:

H.R. 6604.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the Constitution.

By Mr. CONYERS:

H.R. 6605.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, Clause 18.

By Ms. DEGETTE:

H.R. 6606.

Congress has the power to enact this legislation pursuant to the following:

Amendment X to the Constitution of the United States.

By Mrs. ELLMERS:

H.R. 6607.

Congress has the power to enact this legislation pursuant to the following:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular state.

By Mrs. MCCARTHY of New York:

H.R. 6608.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the powers granted to the Congress by Article I, Section 8, Clause 3 of the United States Constitution.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 181: Ms. DELAURO.

H.R. 492: Mr. NADLER.

H.R. 601: Mr. NADLER.

H.R. 718: Mr. YOUNG of Alaska.

H.R. 894: Mrs. DAVIS of California.

H.R. 1005: Mr. BARLETTA.

H.R. 1063: Mr. RUSH and Mr. PERLMUTTER.

H.R. 1265: Mr. OLSON.

H.R. 1322: Ms. MCCOLLUM and Mr. SIRES.

H.R. 1325: Mr. BARLETTA.

H.R. 1358: Mr. WALBERG.

H.R. 1546: Mr. DOYLE.

H.R. 1831: Mr. MASSIE.

H.R. 1867: Mr. BRADY of Pennsylvania, Mr. BLUMENAUER, and Mr. CAPUANO.

H.R. 2103: Mr. CICILLINE.

H.R. 2104: Mr. YOUNG of Indiana, Mr. REYES, and Ms. BERKLEY.

H.R. 2479: Mr. MARKEY.

H.R. 2492: Mr. SESSIONS.

H.R. 2697: Mrs. EMERSON.

H.R. 2823: Mr. LARSEN of Washington and Ms. RICHARDSON.

H.R. 2985: Mr. RANGEL, Ms. HANABUSA, and Mr. WALBERG.

H.R. 3102: Mr. SMITH of Washington, Mr. MURPHY of Connecticut, and Mr. LYNCH.

H.R. 3126: Ms. CASTOR of Florida.

H.R. 3179: Mr. LARSEN of Washington, Mr. GRIJALVA, and Ms. TSONGAS.

H.R. 3307: Mr. ELLISON.

H.R. 3522: Mr. HONDA.

H.R. 3618: Ms. SCHAKOWSKY.

H.R. 3760: Mr. LOBIONDO.

H.R. 3771: Mr. HONDA.

H.R. 3798: Mr. BECERRA.

H.R. 3808: Mr. GINGREY of Georgia.

H.R. 4077: Mr. VAN HOLLEN, Mr. CAPUANO, and Ms. WATERS.

H.R. 4137: Ms. BORDALLO and Mr. KING of New York.

H.R. 4271: Mr. YARMUTH.

H.R. 4336: Mr. WOMACK.

H.R. 4342: Mr. KIND.

H.R. 5749: Ms. EDWARDS.

H.R. 5817: Mrs. MALONEY.

H.R. 5873: Mr. GOSAR.

H.R. 5943: Mr. MCKINLEY.

H.R. 6021: Mr. CLARKE of Michigan.

H.R. 6087: Mrs. NAPOLITANO.

H.R. 6174: Mr. MCCLINTOCK.

H.R. 6200: Mr. CLAY.

H.R. 6258: Mr. SABLAN.

H.R. 6275: Ms. ZOE LOFGREN of California.

H.R. 6364: Mr. MCINTYRE.

H.R. 6372: Ms. HIRONO.

H.R. 6385: Mr. HIGGINS, Mr. CRITZ, Ms. FUDGE, and Ms. SLAUGHTER.

H.R. 6388: Mr. WALSH of Illinois.

H.R. 6400: Mr. LEWIS of Georgia.

H.R. 6402: Ms. FUDGE.

H.R. 6408: Mr. CULBERSON.

H.R. 6429: Mr. JOHNSON of Illinois.

H.R. 6446: Mr. SCHRADER.

H.R. 6463: Mr. COOPER, Mr. CONAWAY, and Mr. WESTMORELAND.

H.R. 6480: Ms. LEE of California.

H.R. 6482: Mrs. MCMORRIS RODGERS.

H.R. 6490: Mr. DAVID SCOTT of Georgia, Mr. FORBES, Ms. BUERKLE, Mr. PETERSON, Mr. LAMBORN, Mr. NUGENT, Mr. GARDNER, Mr. NUNNELEE, Mr. MARINO, Mr. GRIFFIN of Arkansas, Mr. JOHNSON of Ohio, Mr. HARPER, Mr. COHEN, Mr. YOUNG of Florida, and Mr. HURT.

H.R. 6578: Mr. ROGERS of Alabama.

H.R. 6584: Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. CLAY, and Mr. RANGEL.

H.R. 6587: Mr. CALVERT, Mr. MCCLINTOCK, Mr. FARR, Mr. HONDA, Ms. LEE of California, Mr. BERMAN, Ms. LORETTA SANCHEZ of California, Mr. ROYCE, Ms. LINDA T. SANCHEZ of California, and Mr. NUNES.

H.R. 6588: Ms. CHU, Ms. SCHAKOWSKY, and Mr. MCGOVERN.

H.J. Res. 47: Mr. CONYERS and Mr. HIMES.

H. Res. 549: Mr. MORAN.

H. Res. 798: Ms. MCCOLLUM.

H. Res. 809: Mr. CALVERT.

H. Res. 814: Mr. CALVERT, Mr. RAHALL, Mr. STIVERS, Mrs. CAPITO, and Mr. CULBERSON.

## EXTENSIONS OF REMARKS

HONORING DEBORAH KHALILI

**HON. JOHN A. BOEHNER**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. BOEHNER. Mr. Speaker, I rise today to honor an employee who is retiring after four decades of distinguished service to the House. Deborah Woodard Khalili of the Office of the Parliamentarian's Office of the Compilation of the Precedents will retire at the end of November.

A Virginia native, Debby Khalili came to the Office of the Compilation of the Precedents from the Library of Congress to assist with the production and development of Deschler's Precedents in the fall of 1973. She has remained with the office since that time, exhibiting exemplary service under five Parliamentarians, eight Speakers, and eight Presidents.

Debby has helped with the production of all 18 volumes of Deschler's Precedents, encompassing 41 chapters of House precedent. She is the sole staff member to cover the entirety of the project's tenure, working from the days of hot-metal type to the digital age. She has worked closely with fifteen legal editors during her time with the project, allowing the Deschler's Precedents volumes to maintain a consistent editorial quality standard throughout its development.

In addition, Debby has assisted in the biennial production of the House Rules and Manual and all three versions of House Practice. However, her most lasting and important contribution has been preserving the House precedents for more than twenty Congresses. She leaves behind a detailed and rich historical record, one that will be used by the Office of the Parliamentarian and by legal scholars for decades to come.

A wealth of institutional knowledge will depart the House upon Debby's retirement. I thank her for her service and wish her well in her retirement with her husband, Hassan, and her children Ramin and Meena.

HONORING BILL MASTERSON, JR.,  
PUBLISHER OF THE TIMES  
MEDIA COMPANY OF NORTH-  
WEST INDIANA

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with profound respect and admiration that I stand before you today to honor Mr. Bill Masterson, Jr., for his remarkable success as Publisher of The Times Media Company of Northwest Indiana, as well as for his devotion to professional and ethical business and community leader-

ship. Bill was named Publisher of the Year 2012 by Editor & Publisher, a monthly international publication covering the newspaper industry. Bill will be honored at a reception sponsored by the Northwest Indiana Forum on Thursday, November 29, 2012, at the Briar Ridge Country Club in Schererville, Indiana.

Bill Masterson, Jr., was named Publisher of the Year 2012 by the Editor & Publisher editorial board. Publishers from across the nation, and as far as Germany and Nigeria, were nominated by their employees and peers for this prestigious honor. In this era of expanding technology and economic difficulty, the newspaper industry has been forced to make significant adjustments in order to compete with the revenue, marketing, and demographic challenges facing traditional ink-on-paper media. For his ability to think outside the box and his innovative approach to shift the role of the local newspaper within the community of Northwest Indiana, Bill certainly exemplifies the qualities of a true leader and is a worthy recipient of this award.

Bill's publishing career spans twenty-five years. In 2006, Mr. Masterson became Publisher of The Times Media Company of Northwest Indiana and was recently promoted to Vice President of Publishing for Lee Enterprises, Incorporated, the parent company of The Times. While he will continue to serve as Publisher of The Times Media Company of Northwest Indiana, in his new position, Bill and three other vice presidents will oversee print and digital operations for Lee Enterprises in twenty-three states. Under his leadership at The Times, Bill has been able to increase revenue while avoiding major staff cuts. He has cultivated an environment of innovation and continues to provide high-quality content to readers.

The changing role of the local newspaper within the community motivated Mr. Masterson to create "One Region: One Vision," which strives to improve the quality of life for the people of Northwest Indiana. The movement was launched five years ago and brings together local business, political, and community leaders in order to promote positive change within the community. The program has led to urban revitalization, a bimonthly mayor's roundtable discussion, the establishment of a health care council, and it has helped to increase community involvement and awareness. Bill also serves on the executive board of directors for the Barden of Gary Foundation and the Boys and Girls Clubs of Northwest Indiana, where he initiated a campaign to raise funds for a new Boys and Girls Club and community center in Gary, Indiana. To date, the campaign has raised more than \$5.5 million.

Bill Masterson is the epitome of an excellent person of business. He innately understands and actively lives the words spoken by Jacob Marley in A Christmas Carol: "Mankind was my business. The common welfare was my business; charity, mercy, forbearance, and be-

nevolence, were, all, my business." We are fortunate that he walks among us.

Bill's exceptional dedication to his field and to his community is exceeded only by his devotion to his amazing family. Bill and his beloved wife, Julie, have six wonderful children and three grandchildren.

Mr. Speaker, I respectfully ask that you and my other colleagues join me in congratulating Bill Masterson, Jr., on being named Publisher of the Year 2012. For his unwavering commitment to improving the quality of life for the people of Northwest Indiana and his remarkable career with The Times Media Company of Northwest Indiana, Bill serves as an inspiration to us all.

TRIBUTE TO MS. AMANDA ROGERS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Ms. Amanda Rogers who was born on April 17, 1997. Ms. Rogers's tenacity to excel and kind heart have been emphasized through her community service and her academic achievements.

Ms. Rogers graduated from Pre School with the highest GPA at the school. She was valedictorian and she served with distinction as President of the Student Body, where she also tutored students with learning difficulties. She continued to excel academically while at Urban Assembly Institute School for Young Women in Science and Math. Ms. Rogers was Valedictorian once more and graduated with an impressive 99.2 GPA, achieving high scores in all of her Regents exams. It is worth noting that Ms. Rogers graduated from both elementary and intermediate schools with perfect attendance.

Ms. Rogers now attends Brooklyn College Academy where she finished her first year of high school receiving the highest Regent scores. Ms. Rogers continues to help her fellow students through tutoring. Next year, as a junior, she will be on Brooklyn College's campus taking courses towards an Associate's degree.

In addition to her education, this former Girl Scout finds time to do community service work through several organizations. She is a two time recipient of the White House U.S. Presidential Award. She has studied Modern, African, Ballet, Hip-Hop, Tap and Belly Dancing.

Mr. Speaker, those who meet the young Ms. Rogers are taken by her humility and giving spirit. Ms. Rogers aspires to become a doctor and with her determination we are sure that she will continue to excel and be an example of leadership to her peers.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Ms. Amanda Rogers.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

79TH ANNIVERSARY OF THE  
UKRAINIAN FAMINE-GENOCIDE

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. LEVIN. Mr. Speaker, this year marks the 79th anniversary of the Ukrainian famine-genocide, a tragedy that claimed the lives of an estimated 7 to 10 million Ukrainians between 1932 and 1933. I rise today to commemorate the lives of those who perished at the hands of Josef Stalin's Soviet Union and to remember the suffering of the Ukrainian people.

Using food as a weapon, Stalin's barbaric regime orchestrated a famine of genocidal proportions, attempting to suppress the Ukrainian nation by systematically starving its people. In 1932, the Soviet government confiscated Ukraine's grain crop as "social property" and executed anyone who resisted the seizure. Then, in an action that clearly reveals the murderous motivation behind the Soviet plan, the Red Army closed Ukraine's borders, sealing in the starving people who were trying to flee and shutting out any outside aid.

Unfortunately, the Ukrainian famine, referred to as the Holodomor, remains one of the least known human tragedies, in part because of generations of denial by the Soviet Union. By claiming the famine was the result of drought, food shortages, or other natural causes, the Soviet government engaged in a pernicious type of behavior that Holocaust survivor Elie Wiesel has called a "double killing." The Soviet Union carried out a deliberate campaign between 1923 and 1933 to eliminate the Ukrainian nation, killing millions of victims, and in the subsequent years denied that it ever happened, attempted to kill the memories of the victims.

There should be no doubt that the Holodomor was manmade and deliberate, a fact that has been confirmed by evidence gained through the opening of the Soviet archives over the last decade. This evidence will help ensure that the horrors of the Ukrainian famine-genocide are never repeated and the memories of the victims are never forgotten.

Another way we are ensuring that the Holodomor remains in our collective consciousness is the creation of a memorial in our Nation's capital honoring the famine's victims. Set to open next fall, the Ukrainian Famine Memorial is the product of cooperation among the Congress, the Ukrainian Government, and the 1.5 million strong Ukrainian-American community. The memorial will provide a reminder to us all that tyranny must not go unchallenged and that victims of inhumanity must never be forgotten.

I urge my colleagues to join me in remembering the victims of the Holodomor on its 79th anniversary.

HONORING DIRECTOR JOE JUDGE  
UPON HIS RETIREMENT FROM  
THE SANTA CLARA VALLEY  
WATER DISTRICT

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise to acknowledge and honor Director Joe Judge upon his retirement from the Santa Clara Valley Water District.

Joe has been a Director at the Santa Clara Valley Water District since 1986, when the Santa Clara County Board of Supervisors appointed him as At Large Director to represent North County. He was elected to the Board of Directors in 1996 to represent District 2, which includes central and downtown San Jose, portions of East San Jose, and Willow Glen.

During his tenure, he served as vice chairman in 1995 and 2009. Joe also served as chairman in 1989, 1996, and 2004. Joe championed the importance of Santa Clara County's water supply and flood protection. He gained community support for eighteen flood protection projects totaling \$529 million for District 2, including eight projects for the Guadalupe River, four projects for Calabazas Creek, mitigation plantings at the Children's Discovery Museum, erosion repair along the Los Gatos Creek, and the construction of a local child care center. He played a key role in the development of the Guadalupe River Park as a collaborative effort within the District.

While at the Santa Clara Valley Water District, he was able to help ensure that the county had a plentiful pure water supply, improve our water infrastructure, and preserve our watersheds, creeks, and trails. He advocated for state and federal policies to resolve long-standing Delta issues, including the restoration for the Delta ecosystem and a reliable Delta conveyance system.

Joe graduated from San Jose State University with a degree in business administration. He owns and operates his construction firm, Judge Construction. As a local businessman, he provided an open channel of communication between the business community and government, which advanced water conservation countywide. As a dedicated public servant for 26 years, his presence will be missed.

Director Joe Judge is retiring and I wish him all the best in the years to come. I commend Joe for his valuable service and wish him the best in his future endeavors. The community is very fortunate to have benefited from his expertise, passion, and commitment. He has left his mark in Santa Clara County.

100TH ANNIVERSARY OF SAINT JOSEPH THE WORKER CROATIAN CATHOLIC CHURCH

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is my great pleasure to congratulate Saint Joseph the

Worker Croatian Catholic Church in Gary, Indiana, as it celebrates its 100th anniversary as a parish on Sunday, October 14, 2012. I would also like to take this opportunity to congratulate Father Stephen Loncar, parish pastor, on this special occasion. The 100th anniversary festivities will begin with a Mass of Thanksgiving at 10 a.m. at the church, celebrated by the Most Reverend Dale J. Melczek, Bishop of Gary. After the service, a banquet will be held at the Croatian Center in Merrillville, Indiana.

I would also like to commend the members of the Saint Joseph the Worker Parish Council and Anniversary Committee for the work they have put forth in the planning of this momentous event. Members include: Robert Balash, John Benich, Larry Brown, Irene Flores, Glenda Garriot, Charlene Gyurko, Anne Krpan, Tom Lashenik, Carmen and Frances Lenzo, Cheryl Lenzo, Sam and Celeste Linde, Marta McCobb, Marian Nicksich, Peter Podnar, Charlene Reynolds, Joe Ruda, Nick and Esther Sanchez, Mike Stulac, Guy and Rose Sutton, Kathy Swanson, Rosella Tuszyński, Michael Velasco, and Paul Yurkas.

In 1906, Croatian immigrants, comprised mainly of small business owners and steel workers, arrived to the growing city of Gary, Indiana, seeking employment opportunities and a better quality of life. Upon arrival, the immigrants dealt with numerous obstacles and prejudices, including a difficult language barrier. In order to create a sense of community with the hope of preserving Croatian heritage and culture, they joined together to create their own parish, and in 1913, Holy Trinity Croatian Catholic Church was built. The church continued to grow over the years due to the unwavering dedication of its leaders and parishioners. By 1919, a parochial school was added under the leadership of Reverend Charles Jesih of Croatia. Due to the growing population, the church continued to expand, and by 1956, under the leadership of Father Venceslav Ardes, a new larger church was completed and consecrated Saint Joseph the Worker Croatian Catholic Church in Gary, Indiana. One hundred years ago, the immigrants longed for a parish where they could attend mass in their own language and today that practice remains. The pioneers would be proud to know that this tradition is still alive today.

The church continues to seek innovative ways to sustain the traditions and ideals of the Catholic Church throughout Gary and Northwest Indiana. In 2009, Saint Joseph the Worker joined in an alliance with the Gary Cluster Parishes, a group formed by pastors and commissions with the goal of maintaining the Catholic Church in Gary, Indiana.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Saint Joseph the Worker Catholic Church on the 100th anniversary of its founding. Throughout the years, the leaders and parishioners of the church, both past and present, have dedicated themselves to preserving Croatian tradition and upholding the values of their Catholic religion. For their commitment to public service and for touching the lives of countless individuals, the leaders and parishioners are worthy of the highest praise, and I wish Saint Joseph the Worker Catholic Church many prosperous years to come.

TRIBUTE TO MS. ANGELA  
EDWARDS

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Ms. Angela Edwards.

Ms. Edwards started her nursing career in 1983 at Port of Spain General Hospital. She received her diploma in Nursing in 1986 and immigrated to the United States in 1989. She received a Bachelor's degree at St. Joseph College and a Master Degree in Nursing from Teachers College at Columbia University.

Ms. Edwards then started work at Mount Sinai Medical Center in 1993 and in 1996 she received the Nursing Award for Nursing Excellence. Ms. Edwards' stand-out service helped her get promoted from Staff Nurse to Clinical Coordinator and finally Clinical Nurse Manager. Ms. Edwards also served as Clinical Director of Nursing at the Saint Vincent Medical Centers from 2008 until the center's closure in April 2010.

Ms. Edwards started work at Woodhull Medical Center and during her brief tenure she created and implemented a Quality Nursing Dashboard to monitor clinical, financial and human resources sensitive indicators. She was instrumental in creating an all RN model in the Medical Surgical units, thereby ensuring high quality care for out-patients and she implemented Focus Charting to ensure improved nursing documentation in acute care units. All these initiatives to improved patient care culminated with the Implementation of Primary Nursing Model, which is as a Best Practice at the Woodhull Medical Center.

All through her nursing career Ms. Edwards provided compassionate and quality care to all patients especially those without resources. Today, she continues to tirelessly work to eliminate health disparities among the communities she serves.

Ms. Edwards now serves as the Deputy Director of Nursing at the North Brooklyn Health Network where she leads the nursing team providing quality care for the Inpatient Unit which consists of Critical Care, Medical/Surgical, Behavioral Health and Maternal Child Health services.

Mr. Speaker, I would like to recognize Ms. Edwards for her contribution to the medical fraternity and our community.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Ms. Angela Edwards.

IN MEMORY OF DAISY LEA  
ALEXANDER KENNEDY

**HON. ALCEE L. HASTINGS**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to commemorate the life of Daisy Lea Alexander Kennedy, the beloved wife of my dearest friend and Chief of Staff, Arthur "Art" W. Kennedy. Sadly, she passed away on November 21, 2012. I am truly blessed to

have known Daisy and my thoughts and prayers go out to Art, his family, and friends during this most difficult time.

Daisy was a loving wife and mother, a lifelong educator and mentor, and an active member of her community. Born on October 3, 1932 in Evergreen, Alabama to the late Delilah and Richard Alexander, she was the youngest of five children. At an early age, the family moved to Pensacola, Florida. Daisy was educated in the Escambia County Public School System and graduated from Booker T. Washington High School. She went on to attend Florida A&M University (FAMU), where she received both her undergraduate and graduate degrees.

With a great passion for teaching and mentoring, Daisy worked tirelessly for 37 years in the Broward County Public School System. She also played a critical role in her grandchildren's education, teaching them important skills such as writing, reading, and math.

Furthermore, Daisy was a faithful member of First Baptist Church Piney Grove since 1956. She sang soprano in the choir, started the noonday bible study, and held several leadership positions. These included being the first chairperson of the church directory, a past president of the Pastor's Aide, a former Sunday School Superintendent, a member of the hospitality committee, and an active member of the Missionary Circle of Mary of Bethany.

In addition, Daisy was a highly respected and admired member of the community, dedicating her time to numerous organizations. She was a strong supporter of the FAMU Alumni Association, the Golden Heights Neighborhood Association, the Kappa Silhouettes, and the Retired Teachers' Association.

On July 8, 1984, Daisy was united in holy matrimony to Art Kennedy. With this union came seven children, eighteen grandchildren, and nine great-grandchildren, plus one on the way.

Daisy leaves to cherish her wonderful memory a loving and devoted husband, Art; her children, Sharon Telfer of Winter Haven, Florida; Lennard Robinson, Sr. of Plantation, Florida; Janice (Jerome) Boger of Conyers, Georgia; Michael Bruce (Joyce Marie) Kennedy of Miramar, Florida; Vikki Johnson of New Carrollton, Maryland; Arthur (Yolanda) Kennedy of Fort Lauderdale, Florida; and Jill Kennedy of Plantation, Florida; her grandchildren, Patrick, Shante, Shannon, Daima, Danielle (Marcus), Trawick, Kendall, Bryce, David (Amanda), Kasey Korey, Kiara, Daniel, Lennard, Moriah, Marion, Rico, Alex, and Tyler; her great-grandchildren, Marcus, Kamari, Lauren, Elijah, Ayden, Cameryn, Khambrea, King, and Kennedy; two brothers, Henderson Alexander and William Crosby; one sister, Alberta Lewis; a host of nieces, nephews, and cousins; her goddaughter, Deetra Durham; two very special friends, Mary Ellen Sands and Jackie Hall; and countless others.

Mr. Speaker, for those of us whose lives she touched, Daisy Kennedy will always have a special place in our hearts. She will be remembered fondly and dearly missed.

JUDGE DOMINICK SPADACCINO

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life of Judge Dominick Spadaccino who passed away recently at the age of 91. Judge Spadaccino will be remembered as one of the more colorful and unique characters to have served Bucks County. He served 23 years as a Magisterial District Judge in Middletown, PA before retiring in 1987. His service earned him a commendation from President Ronald Reagan.

Judge Spadaccino served in the U.S. Army Air Force in the China-Burma-India Theater of World War II along with his six brothers. He operated as a medical technician and earned a presidential citation for service, armed forces medal and distinguished service award. During his time in Bucks County, he was involved with the Uptown String Band in Hulmeville and was known for his lively wedding services.

He was described as a straightforward judge who was not afraid to speak his mind. He was known as a fair judge, who was respected for both his humorous nature and esteemed service to our community.

75TH ANNIVERSARY OF THE  
ALUMNAE CHAPTER OF DELTA  
SIGMA THETA SORORITY

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with great respect and admiration that I recognize the Gary, Indiana Alumnae Chapter of Delta Sigma Theta Sorority for recently celebrating its 75th anniversary. The theme for the event was "Through the Looking Glass: A Supreme Record of Sisterhood, Scholarship and Service." In honor of this momentous occasion, a reception was held on Friday, October 19, 2012, at the Genesis Convention Center in Gary, Indiana.

Delta Sigma Theta Sorority, Incorporated, is a private, non-profit organization that was founded on January 13, 1913, by 22 students at Howard University in Washington, DC. The organization was founded in order to promote academic excellence and to assist the underserved population by providing scholarships, supporting community organizations, and by empowering people to fight for positive public policy. In one of their first public acts, the Delta founders participated in the Women's Suffrage March in Washington DC on March 3, 1913. The Deltas were incorporated in 1930 and today, the sisterhood has over 200,000 female members and 900 chapters across the world.

Throughout the years, the sorority has continued to establish programs that strengthen the African American family and improve education, healthcare, and international development. The programs supported and developed by Delta Sigma Theta are based on the organization's five-point thrust that includes: economic development, educational development,

international awareness and involvement, physical and mental health, and political awareness and involvement. Each program is coordinated by committees that work together to develop and implement this five-point thrust.

The Gary, Indiana, Alumnae Chapter has worked diligently to serve the city of Gary and all of Northwest Indiana. The Gary Alumnae chapter has created many innovative programs that have helped numerous people throughout the community. Delta Days at Gary City Hall is a program that was created in order for chapter members to voice their concerns about issues affecting the community to the mayor, city council, and other elected officials. Every year, the Gary Chapter gives out five \$1,000 scholarships to girls that attend Northwest Indiana schools. The mentoring program has been implemented to help students learn the importance of staying in school, setting goals, and making positive decisions. The Gary Alumnae Chapter contributes to the Maama Project, which supports efforts to help with the healthy and safe delivery of babies of women in Africa. For several years, the chapter has hosted a free Thanksgiving dinner feeding hundreds of people. There is so much that the chapter has accomplished over the years, and Northwest Indiana is not only proud but inspired by the good works of this outstanding organization.

Mr. Speaker, I want to thank the members of the Gary, Indiana, Alumnae Chapter of Delta Sigma Theta Sorority for the exceptional contributions they have made to the city of Gary, Northwest Indiana, and throughout the world. I ask you and my other distinguished colleagues to join me in congratulating the Gary, Indiana, Alumnae Chapter on the organization's 75th anniversary.

TRIBUTE TO THE HONORABLE  
CHARLES J. HYNES

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise to celebrate and pay tribute to Charles J. Hynes for his important and respected commitment to his community as the District Attorney of Kings County.

Charles began his career in public service in 1963 as an associate attorney for the Legal Aid Society. In 1969, he joined the Kings County District Attorney's Office as an Assistant District Attorney. In 1971, he was named Chief of the Rackets Bureau and in 1973, he was promoted to First Assistant District Attorney.

In 1999, Mr. Hynes created the ComALERT (Community And Law Enforcement Resources Together) public safety program which supports individuals on probation or parole as they re-enter their Brooklyn communities. In 2005, Mayor Michael Bloomberg and Mr. Hynes started a United States Department of Justice funded Family Justice Center—a one stop shopping service for victims of domestic violence and their surviving children.

Since 2000, District Attorney Hynes has served as a member of the American Bar As-

sociation. In 2008, he received the American Bar Association Award, "Lawyer as Problem Solver," and the "Cyrus R. Vance Tribute" from The Fund for Modern Courts. In 2009, he was given the Diversity Championship Award by The New York City Bar Association. On November 3, 2009, Charles J. Hynes was re-elected to his sixth term as the District Attorney of Kings County (Brooklyn), New York.

Mr. Hynes continues to demonstrate his commitment to public service and education by serving as an Adjunct Professor of Trial Advocacy at three New York City Law Schools. He was appointed to both St. John's and Brooklyn Law School in 1984, and Fordham University Law School in 1992.

Mr. Hynes is now spearheading a groundbreaking alternative-to-prison program for mothers and their children through a not-for-profit foundation named in honor of his mother, Regina Drew. The Drew Foundation is planning to operate the first residence of its kind in the country in which women will be permitted to remain with all of their children in a secure, community-based setting while receiving intensive trauma-focused, rehabilitative services.

District Attorney Hynes is a proud and lifelong resident of Brooklyn, where he was born and raised in the Flatbush section. He met his wife, Patricia L. Pennisi, a registered nurse, while they were undergraduate students. He attended St. John's University while she was at Kings County Hospital.

Mr. Speaker, I call on my colleagues to join me in recognizing the contributions and accomplishments of Mr. Charles J. Hynes.

NORTH MIAMI MUSEUM OF  
CONTEMPORARY ART

**HON. FREDERICA S. WILSON**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Ms. WILSON of Florida. Mr. Speaker, I rise today to recognize the North Miami Museum of Contemporary Art (MOCA) for receiving a 2012 National Medal for Museum and Library Service, our nation's highest honor conferred on museums and libraries for community service. MOCA's record truly embodies the essence of this award.

In addition to being a world-renowned art institution, MOCA houses various programs that support the South Florida community. MOCA has made a difference in thousands of lives through programs that help to curb drop-out rates, improve literacy, empower women and promote good behavior. For example, through "Women on the Rise," MOCA trains local women artists to go into detention centers to teach female detainees how to express themselves through art. Furthermore, MOCA regularly hosts classes, workshops and seminars to promote lifelong learning.

Mr. Speaker, I ask my colleagues to join me in commending the North Miami Museum of Contemporary Art for having received a 2012 National Medal for Museum and Library Service and Director Bonnie Clearwater and her staff for their outstanding work.

IN HONOR OF ANDREW MICHAEL  
FREEMAN

**HON. MIKE PENCE**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. PENCE. Mr. Speaker, it is with a heavy heart that I rise to mark the passing of Andrew Michael Freeman, a combat veteran from the Hoosier state who recently earned an honorable discharge from the United States Army. As our nation paused on Veteran's Day to honor those men and women in uniform who have served our country, the community of Anderson sadly mourns the loss of one of their own.

Andrew graduated from Anderson High School in 2004. In January 2009, Andrew enlisted in the United States Army and soon thereafter served in the 2nd Stryker Cavalry Regiment. While serving in Afghanistan, Andrew earned numerous distinctions, including several Army Achievement Medals and other awards for his dedication and hard work.

Andrew is survived by his father and stepmother, Stephen and Stephanie; his mother, Christina; his siblings, Amanda, Monica and Justin; as well as his grandparents, Morris and Maurita Freeman, Nancy Lantz, Harold and Gertrude Granger and Judy Waymire. Andrew also leaves behind many friends and fellow servicemembers and I wish to extend my deepest condolences to all of those who mourn his passing, especially his beloved girlfriend, Heather Majors.

We are told to mourn with those who mourn, and grieve with those who grieve. As we mourn the passing of Andrew Michael Freeman, our thoughts and prayers will continue to be with his family.

HONORING REVEREND CHARLES  
EMERY

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to congratulate Reverend Charles Emery on his 34th anniversary as Pastor of Pilgrim Missionary Baptist Church in Gary, Indiana. For his many years of dedicated service to the church and the surrounding community, he was honored at a celebratory banquet on Monday, October 15, 2012 at the Genesis Convention Center in Gary, Indiana.

Reverend Charles Emery was born in Madison County, Tennessee to W.A. and Macie Emery. Pastor Emery attended religious services throughout his childhood and accepted Christ into his life at the very young age of nine. While attending college in Tennessee, Pastor Emery chose to enlist in the United States Air Force. Throughout his military service, Pastor Emery felt he was being called into the ministry. Reverend Emery decided to pursue religious studies and was the first of his family to graduate from college. He earned a

Bachelor of Arts degree in Religious Education from Toledo Bible School in Ohio and a Bachelor of Arts degree from Trinity Theological Seminary in Newburg, Indiana. He has also taken specialized courses in church administration, youth evangelism, and personal counseling at Moody Bible College of Chicago, Illinois. In 1968, Pastor Emery married his adoring wife, Willie Ruth Bonds, and they have four beloved children: Mary, Bernard, Victoria, and Kim.

In 1978, Reverend Emery became Pastor of Pilgrim Missionary Baptist Church. Throughout the years, Pastor Emery has worked diligently to serve the members of the congregation, the community of Gary, and all of Northwest Indiana. Reverend Emery has served as President of the Baptist Ministers Conference of Gary and Vicinity, Vice President-at-Large for the General Missionary Baptist Convention of Indiana, Incorporated, teacher of the National Baptist Congress of Christian Education Youth Division, President of the Gary Police Chaplain Association, and Secretary of the Gary/Chicago Airport Board. Currently, Reverend Emery serves as President of the General Missionary Baptist Convention of Indiana, Incorporated. He continues to work hard for people most in need and does not hesitate to get involved in the tough struggles that face the surrounding community. For his constant and passionate devotion to public service, Reverend Emery is worthy of the highest praise.

Mr. Speaker, Reverend Charles Emery is a man of God and a man concerned with creating a just society for his congregation, his community, and our nation. He has selflessly devoted his life to the service of others and it is an honor to consider Pastor Emery a friend. For his uncompromising dedication over the past 34 years, Reverend Emery is truly an inspiration to us all, and it is right to honor him today.

#### TRIBUTE TO CINDI VAN PETTEN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Cindi Van Petten, a highly motivated educator at The Dr. Ronald E. McNair, Public School 5, under the leadership of Principal Lena S. Gates and Assistant Principal Kesha Townsel. Ms. Van Petten has more than ten years of accomplishments in education and is fiercely committed to her students who call her Ms. Van. Under her watch, students have participated in debates, Meet Our Community Leaders Workshops, and participated in the Adelaide Sanford Institute Oratory Contest and Public School 5's first annual National Urban Alliance Literacy Workshop for Children, just to name a few. She believes that with the right formula every child can be successful by using innovative ways to meet the needs of all students and their learning styles.

Ms. Van Petten's devotion to education extends beyond the classroom as a participant in the Principal Aspiring Leaders Program

through the Grapevine Network, sponsored by Margarita Nells, the network leader. Ms. Van Petten is a member of Caring Educators In Action, Inc. and is a member of the National Science Teacher Association, NSTA, and The City College of New York tech program where she conducts workshops in teaching engineering in elementary schools in Pennsylvania, Washington DC, California, and Texas. Ms. Van trains new teachers and mentors up and coming teachers helping them to blossom into great educators. As a member of the Adelaide Sanford Institute, she conducts parent workshop on new and exciting educational trends, especially the new common core curriculum in literacy and math. She gives back to her community by teaching GED classes through the Brooklyn Adult Learning Center. She is a member of The Brown Memorial Baptist Church over which Pastor Clinton Miller presides. On top of all that she is the mother of two beautiful children, Calynn and Caleb IV. Her dedication to her craft is second to none.

Cindi Van Petten's philosophy about work can be found in a quote by John Ruskin: "Education . . . is a painful, continual and difficult work to be done in kindness, by watching, by warning . . . by praise, but above all, by example."

Mr. Speaker, I would like to recognize Cindi Van Petten for her tremendous contributions to the community.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Cindi Van Petten.

#### IN RECOGNITION OF MR. JOHN CUBBA'S 25 YEARS OF SERVICE TO OUR COMMUNITY AS A LEADER IN MUNICIPAL FINANCE

### HON. DAVID ALAN CURSON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. CURSON of Michigan. Mr. Speaker, I rise today to recognize Mr. John Cubba, Finance Director for the Charter Township of Redford, on his retirement. As a Member of Congress, it is both my privilege and honor to recognize Mr. Cubba for his many years of service and his contributions which have enriched and strengthened our community.

Mr. Cubba brings a lifetime of experience to his current position with the Charter Township of Redford, a career which began nearly 34 years ago on the finance staff in the city of Detroit. In November of 1987, Mr. Cubba was hired as the Finance Director for the Charter Township of Redford, and served with distinction in that position for the last 25 years. During a tenure which has seen many economic changes in the region, Mr. Cubba maintained a reputation of providing sound financial guidance which has promoted stability and progress in Redford Township.

Mr. Cubba believes in his community and has shown a commitment which has exceeded the years of his tenure as Finance Director. Mr. Cubba has been a long-time member of the Redford Rotary, and is a past President. He has volunteered his time in a broad array of capacities in community organizations including The Goodfellow's Paper Drive, St. Val-

entine's Parish, Catholic Central, the Michigan Municipal Risk Management Authority, the Government Finance Officers Association, the Michigan Townships Association, Boy Scouts, March of Dimes, and the Clean-up Redford Township Committee, among others. In addition to his service to the community, Mr. Cubba is the proud husband to his wife Candy, father to four sons and a daughter, and proud grandfather to nine grandchildren.

Mr. Speaker, I ask my colleagues to join me today to honor Mr. John Cubba for his dedicated public service. I wish him many more years of health, happiness, and productive service to our community.

#### TRIBUTE TO CARMEN WARSCHAW

### HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. WAXMAN. Mr. Speaker, I join my colleague HOWARD BERMAN in paying tribute to our lifelong and dear friend, Carmen Warschaw. Carmen passed away on Election Day, November 6, a fitting day for an activist who viewed politics as a participatory sport, in which she was a master player as well as a passionate fan.

Carmen loved political gossip and good jokes. Her home was a veritable salon, where elected officials, old and new friends, and family members gathered for very good food and even better conversation and camaraderie.

She was literally woven into the tapestry of Democratic politics and the California State Party. Always a leader, Carmen attained recognition on the national stage but played a large role in shaping party politics on the state level.

Carmen and her college sweetheart and husband, Louis, who passed away in 2000, were truly a team to be reckoned with. They were actively involved in politics from their youth when the State of California was growing in Democratic representation. As leader of the state Democratic Party, Carmen played a central role as California's governor and legislature worked to create a model public education system with world famous universities, and highways and waterways that fed the thriving economy of the Golden State. She was a mentor, supporter, and strategy expert to a whole generation of politicians and public servants. She never shied away from taking sides and plunged wholeheartedly into the fray when she felt that those she had helped were not living up to her expectations.

Carmen's reach went much further than politics. She leaves a remarkable legacy of interest in and generosity to the Jewish community. She was an indispensable leader in the Jewish Federation, the Los Angeles Music Center and the Otis Art Institute.

Carmen and Lou also established the Carmen H. and Louis Warschaw Chair in Practical Politics at the University of Southern California, their alma mater. She established the Louis Warschaw Prostate Cancer Center at Cedars-Sinai Medical Center and they both also helped to establish the USC Casden Institute for the Study of the Jewish Role in American Life.

Carmen is survived by a large and loving family, her daughter Hope and son-in-law, John Law, her daughter Susan and son-in-law, Carl Robertson, and grandchildren Jack Law-Warschaw, Cara Robertson and Chip Robertson and great-grandchildren Louis Harvey Robertson and Rose Frances Harvey Robertson.

We ask our colleagues to join us as we celebrate and remember the legendary life of Carmen Warschaw.

CELEBRATING THE 36TH ANNUAL  
GALA OF THE ASIAN AMERICAN  
MEDICAL ASSOCIATION

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with sincere admiration that I recognize the Asian American Medical Association, which hosted its 36th Annual Gala on Saturday, November 3, 2012, at the Avalon Manor in Merrillville, Indiana. Each year, the Asian American Medical Association pays tribute to prominent, outstanding citizens and organizations for their contributions to the community. In recognition of their efforts, these honorees are awarded the prestigious Crystal Globe Award at this annual banquet.

The Asian American Medical Association has always been a great asset to Northwest Indiana. Its members have selflessly dedicated themselves to providing quality medical services to the residents of Northwest Indiana and have always demonstrated exemplary service through their many cultural, scholastic, and charitable endeavors.

At this year's Annual Gala, the Asian American Medical Association will present the Crystal Globe Award to one of Northwest Indiana's finest citizens, Dr. Ilwoong Chang, M.D. For his outstanding contributions to his community, he is to be commended.

In 1966, Dr. Chang graduated from medical school at Yonsei University in Seoul, South Korea. He then completed his internship at Yonsei University, during which time he participated in medical missions in rural areas of South Korea. Dr. Chang was a Naval Medical Officer from 1967 to 1970, during which time he served in Vietnam. He completed his residency at Wayne State University Hospital in Detroit, Michigan, in 1974, and in 1976, he went on to complete his Gastroenterology fellowship at the University of Illinois in Chicago. Doctor has dedicated much of his life to medical education and currently serves as Clinical Associate Professor in Internal Medicine and Gastroenterology at the Indiana University Northwest Center for Medical Education in Gary, Indiana. Dr. Chang also operates his private practice in Munster, Indiana, specializing in Gastroenterology.

Dr. Chang's remarkable résumé includes many prestigious positions in the field of medicine. He has served as Chairman of Medicine at Community Hospital in Munster and President of Medical Staff, as well as Chairman of Quality Coordination Control at Saint Catherine Hospital in East Chicago. Doctor is also

a member of many medical societies, including: the American Medical Association, the American Gastroenterology Association, and the American Society of Gastrointestinal Endoscopy. In addition, he is a delegate of the Indiana State Medical Association, a member of the Insurance Committee of the Indiana State Medical Association, and Chairman of the Board of the Lake County Medical Society of Indiana. For his exceptional dedication to organizations that have a tremendous positive impact within the medical community and to the people of Northwest Indiana, Dr. Chang is worthy of the highest praise.

Dr. Chang's dedication to medicine and the community of Northwest Indiana is exceeded only by his devotion to his wonderful family. He has been married to his loving wife, Young Zin Chang, for 42 years. They have three amazing children: Gene, Elizabeth and David, and six beloved grandchildren.

Doctor is committed to his family, to improving the lives of the patients he serves, and working selflessly to enhance the quality of life of all those who live in Northwest Indiana. It is an honor to call him a friend.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in commending the members of the Asian American Medical Association, as well as this year's Crystal Globe Award recipient, Dr. Ilwoong Chang, for their outstanding contributions to the medical field, as well as to their communities and beyond. Their unwavering commitment to improving the quality of life for the people of Northwest Indiana and throughout the United States is truly inspirational, and I am proud to serve as their representative in Washington, DC.

TRIBUTE TO COLVIN W. GRANNUM

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Colvin Grannum, for his commitment to developing his community.

Born and raised in Bedford Stuyvesant, Mr. Grannum graduated from Erasmus Hall High School. He earned an undergraduate degree from the University of Pennsylvania and a law degree from Georgetown University Law Center. He serves as a member of the board of directors of the New York City Workforce Investment Board, Center for New York City Neighborhoods (CNYCN), Local Initiatives Support Corporation (LISC), Brooklyn Chamber of Commerce, Bedford Stuyvesant Early Childhood Development Center, Inc., and Head Start Sponsoring Boards Council.

He has served on advisory boards of JP Morgan Chase, Goldman Sachs New Markets Fund, Fannie Mae, HSBC Bank, the Federal Reserve Bank of New York, and Pratt Center for Community Development, just to name a few. He also served as a trustee of the Brunswick School, in Greenwich, Connecticut. Mayor Bloomberg appointed Mr. Grannum to serve on the Mayor's Commission for Economic Opportunity, and former Governor Spitzer appointed him to the then Governor-elect's Housing Policy Transition Team.

Mr. Grannum practiced law for over 17 years primarily as a litigation attorney before embarking on his career in community development. He has been employed by the United States Department of Justice, the New York State Attorney General, the NYNEX Corporation, and the New York City Corporation Counsel, respectively, where he held a variety of senior level positions and was responsible for handling and supervising litigation, including trials, appeals, and regulatory proceedings.

Colvin Grannum has served as president of Bedford Stuyvesant Restoration Corporation (Restoration) since March 2001. Under Mr. Grannum's leadership, Restoration is experiencing a robust resurgence. Restoration provides services and programs in the areas of arts and education, including Bedford Stuyvesant Head Start, the Restoration Information Technology Education (RITE) Center, the Youth Arts Academy and the Restoration Dance Theater, and economic development, including the Restoration Capital Fund.

Prior to joining Restoration, Mr. Grannum served as a founding director and the chief executive officer of Bridge Street Development Corporation (BSDC), a faith-based not-for-profit community development corporation affiliated with Bridge Street African Methodist Episcopal Church in Brooklyn, New York.

Mr. Speaker, I would like to recognize Mr. Colvin Grannum for his outstanding accomplishments and dedication to his community.

CONGRATULATING ASHLEY JOHNSON FOR STUDIES IN THE CRITICAL LANGUAGE SCHOLARSHIP PROGRAM

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. MARCHANT. Mr. Speaker, I rise today to recognize and congratulate Ashley Johnson, a constituent of mine from Coppell, Texas, on studying the Mandarin Chinese language in Beijing, China, under the Critical Language Scholarship Program.

The Critical Language Scholarship program was established in 2006 as part of the National Security Language Initiative. This interagency effort was formed with recognition of the need for our future diplomatic and intelligence personnel to learn languages such as Arabic, Farsi, Urdu, and Chinese. It provides an intensive regimen of study at beginner, intermediate, and advanced levels for both undergraduate and graduate students. The program goes beyond just language and provides cultural experiences by immersion in the host country.

I was proud when the U.S. State Department informed me that one of my constituents, Ashley Johnson, had successfully participated in the Critical Language Scholarship Program this past summer. Acceptance is highly competitive, and so I commend her studying Intermediate Chinese in Beijing. Johnson's success is a testament to dedication, skill, and hard work; and I look forward to her accomplishing great things in any endeavor that she pursues in life.



Mr. Speaker, on behalf of the 24th Congressional District of Texas, I ask all my distinguished colleagues to join me in congratulating Ashley Johnson for her studies in the Critical Language Scholarship Program.

IN HONOR OF JIM COCHRAN

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. FARR. Mr. Speaker, I rise today to acknowledge California native and long-time Santa Cruz County resident, Jim Cochran, who established Swanton Berry Farm 29 years ago in Davenport, California. Since its establishment, Swanton Berry Farm has become the first modern organic strawberry farm in California, utilizing standards and methods that have become a model for organic and sustainable farming.

Jim has displayed an incredible commitment to social justice. He has created a safe and friendly work environment that provides living wages, a medical plan, a retirement plan, and vacation and holiday pay for agricultural workers. Additionally, employees of Swanton Berry Farm are provided with access to low-cost housing options, which more than 75% of Swanton Berry Farm employees take advantage of. Because of this commitment, Swanton Berry Farm has become the first organic strawberry farm in the United States to be unionized by the United Farm Workers of America.

Jim's commitment to sustainable organic farming and the well-being of agriculture workers continues in his work with Roots of Change. Roots of Change brings a diverse range of Californians to the table to build a common interest in food and farming so that every aspect of our food—from the time it's grown to the time it's eaten—can be healthy, safe, profitable, affordable, and fair.

Mr. Speaker, it is with great pleasure that I rise to honor Mr. Jim Cochran, his achievements with Swanton Berry Farm, and his commitment and service to sustainable agriculture and socially just business practices.

HONORING COMMISSIONER  
FRANCES DUPEY

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and immense respect that I stand before you today to honor one of Northwest Indiana's finest public servants, Commissioner Frances DuPey, and to wish her well upon her upcoming retirement. Commissioner DuPey's many years of dedication and commitment to the residents of Lake County, Indiana, have had a tremendous impact on our community. In honor of Fran's retirement, a reception was held on Sunday, November 11, 2012, at Dynasty Banquets in Hammond, Indiana.

Fran DuPey was raised in Hammond, Indiana, and attended Hammond Technical Vocational High School until relocating to Lamoni, Iowa, where she completed her high school courses. Soon after, Fran returned to Northwest Indiana and enrolled in Hammond Business College.

Fran married her beloved husband, Frank, a Hammond police officer who would later become the Chief of Police, on November 14, 1964. Fran and Frank, who passed away last year, were blessed with one daughter, Veronica, and one son, Frank, as well as three beautiful grandchildren. It was her husband who first introduced Fran to the Democratic Party, and she has been a constant voice for the party in Northwest Indiana ever since. A loyal Democrat, Mrs. DuPey served eleven years as vice chair for the Hammond Democratic Precinct Organization, followed by five years as the Hammond Democratic Chairperson, and she has been a vice-precinct committeewoman for the past thirty years.

Commissioner DuPey's commitment to the people of Northwest Indiana spans far beyond party lines. In 1987, recognized for her tenacity and leadership qualities, Fran was elected to serve on the Lake County Council and served ten years in that capacity. With her election in 1987, then Councilwoman DuPey marked her place in Lake County's history as the first woman to serve on the Lake County Council. Fran, never one to rest on her laurels, was subsequently elected to serve as a Lake County Commissioner, again being the first woman to hold this office in Lake County. Commissioner DuPey, who has served in this capacity for the last sixteen years, also has the distinction of being the first woman to serve as president of both the Lake County Council and the Lake County Board of Commissioners.

During her many years of service, Commissioner DuPey has received numerous awards and acknowledgements for always going above and beyond for her constituents. One of her most notable recognitions came when she was honored as the "Most Enterprising First Term Commissioner" in the state of Indiana, an award bestowed upon her by the Indiana Association of County Commissioners. Fran's career will be remembered for her dedication to the people of Northwest Indiana and her always candid, up-front approach to tackling the issues at hand.

Fran DuPey has led a life dedicated to the service of others. I am fortunate to call her a friend.

Mr. Speaker, I respectfully ask that you and my other distinguished colleagues join me in honoring a devoted public servant, Commissioner Frances DuPey. Fran's constant efforts to improve the quality of life for people of Lake County, Indiana, have had an immense impact on her peers and the many citizens whose lives she has touched. It has been an honor to work with Fran throughout the years, and I wish her the best upon her retirement.

TRIBUTE TO NAOMI COLLINS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Naomi Collins, for her track record in public service and her commitment to charity.

Naomi Collins was born in Brooklyn, New York, to the late James and Louise Miller. Mrs. Collins was educated in the New York City public school system. She attended Public School 309, Junior High School 35, Franklin K. Lane High School and Brooklyn College. She is married to Elder Michael Collins and has seven children and five grandchildren.

She currently attends Unity Temple Church of God in Christ in Brooklyn, New York, where the pastor is Elder Melvin Cooper. Mrs. Collins serves on the Deaconess Board as well as the Youth Department. She currently serves as District Youth Leader under Auxiliary Bishop Willie G. Robinson. She holds several licenses including a First Class FCC license as Chaplain in the State of New York and a Deaconess and Food Protection license.

From a young age Mrs. Collins was raised to be a valued and contributing member of her community. She served her community and church throughout her youth and as an adult, she always sought to do more to help others. It was this desire that led her to found the Faith Outreach Food Program to help feed the hungry and disadvantaged in her community. Now over 25 years later, Mrs. Collins is still operating the Faith Outreach Food Program through which she feeds thousands of underprivileged individuals each month. During her years of operating the Food Program, Mrs. Collins saw to other critical community needs. Each year Mrs. Collins adds new programs and events in order to reach as many disadvantaged and underserved groups in New York as possible. Her entire life has been devoted to serving others.

Mr. Speaker, I would like to recognize Mrs. Naomi Collins for her commitment to serving others and continued dedication to the community.

TRIBUTE TO AMERICAN HERO  
GLEN DOHERTY

### HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. HUNTER. Mr. Speaker, I rise today to express my profound respect for the four patriotic Americans who gave their lives on behalf of this nation, when the U.S. consulate in Benghazi, Libya, was attacked on the 11th anniversary of the 9/11 terrorist attacks. All of them are heroes not just for their service in a foreign land that presented danger and a difficult diplomatic mission, but also for their selfless actions to defend the consulate and their immeasurable sacrifice protecting the cause of freedom.

One of the brave Americans who stayed at the consulate to repel the assault by a band

of terrorists was former Navy SEAL, Glen Doherty. Glen was an inspiration in every part of his life, but his actions in the face of immense danger and personal risk, which saved the lives of many others, were not a surprise to those who knew him best. Glen's passion for life, his unbreakable loyalty and his commitment to helping others were only some of the reasons why he was so admired and respected, both personally and professionally.

When the consulate was attacked, Glen fought tirelessly throughout the night and into the next morning. It was on September 12 that Glen lost his life, after a mortar attack on the consulate. Because of Glen's awareness, his tactical coherency and experience as a sniper and combat paramedic, lives that otherwise might have been lost were preserved. And we all take great pride in the fact that Glen was someone who faithfully represented the most enduring and admired quality that's associated with elite combat warriors like the SEALs. He stood his ground. He never gave up and he fought hard to the end.

Glen's pioneering spirit, his determination and his selflessness is emblematic of America's goodness and the willingness of so many of our citizens to sacrifice for causes bigger than themselves. The preservation of freedom is dangerous and costly, but individuals like Glen are the reason why freedom is possible for others across the world who are eager to break the chains of oppression and put an end to violence that threatens innocence.

Glen's legacy now lives through a foundation in his name: The Glen Doherty Memorial Foundation. The foundation honors Glen's life and his beliefs, truly a fitting way to ensure that his ambition to serve and protect others continues for many years to come.

A close friend and SEAL Teammate of Glen's described him in a few words, which are worthy of repeating. He wrote, "My friend Glen: he would never pound his chest or tell you how great he was. Glen was a great listener and always had experienced advice. He was the jack-of-all-trades AND master of all. A rare person that was great at everything he did. A warrior spirit balanced by the kindest of hearts. . . ."

Mr. Speaker. All of the Americans that died that day are heroes in their own right. Glen's story is one among three others, but I know I speak for all of my colleagues, especially those of us who have ever worn a uniform in defense of this great country, when I say that Glen Doherty is a patriotic warrior whose service and sacrifice will never be forgotten.

IN HONOR OF THOMAS HELMUT  
GRIFFIN

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. FARR. Mr. Speaker, I rise today to honor Thomas Helmut Griffin, who has shown exemplary commitment to both his country and his community.

Tom was adopted by an American Army Sergeant and brought to America in 1952. He worked nights at the U.S. Post Office Rincon

Annex during his senior year of high school in order to help support his family. After his high school graduation, Tom was appointed to the United States Military Academy at West Point. He graduated from West Point in 1963 and became an Infantry Officer.

Tom's Army career shows assignments as a Platoon Leader, Company Commander, and Operations Officer at the Battalion, Brigade and Joint Staff levels. He has also served as Executive Officer of a Company, Battalion, and Infantry Brigade, as Interim/Acting Battalion and Brigade Commander, and as Senior Advisor at Infantry, Battalion, and Regiment levels to Vietnamese Combat units.

Tom served three tours of duty in Vietnam as Infantry Airborne Ranger involved in direct combat. He was wounded by enemy fire during his first tour, yet continued fighting in hand-to-hand combat with enemy soldiers. During his second tour in Vietnam, he was a senior advisor to a Vietnamese Infantry Battalion. On his final tour of duty, he was an advisor to the 23rd Vietnamese Infantry Division Intelligence Staff in Kontum. He finished his service in the war as a Senior Advisor to a Vietnamese Infantry Regiment. Tom was the last American actually in contact and combat with the enemy in 1973.

For his exceptional service, Tom has been awarded the Silver Star for gallantry in action, two Bronze Stars—one for heroism in ground combat—a Purple Heart, two Air Medals, four Army Commendation Medals, two Meritorious Service Medals, a Joint Services Commendation Medal, a Defense Meritorious Service Medal, numerous campaign medals, foreign awards, and the Combat Infantryman Badge.

Tom finished his 20 years of service in the Army as a Lieutenant Colonel of Infantry. His last two assignments were as a member of the Joint Chiefs of Staff in the Pentagon, and at Fort Ord as a Brigade Executive Officer in the 7th Infantry Division.

But Tom's dedication to serving the people of his county and his community extends beyond his military career. Tom has earned his Master's Degree, a Specialists Degree, and a Doctorate. Licensed as a professional counselor, Tom uses his skills to help veterans and underserved or low-income families in Monterey County.

Tom spent seven years researching and studying Army families, with specific focus on the impact that military life has on children. He served the county's housing authority, with responsibility for the psycho-social services of 3,000 underserved, low-income families, many of them veteran families in need of assistance. He also built and started the HUD-mandated Family Self Sufficiency Program, which was selected by the National Housing Authority Association as one of the top three programs in the United States.

Tom has also served as a social worker for Child Protective Services in Monterey and Santa Clara Counties. He acted as a liaison between the counties and the service families for the Army, National Guard, and all active components.

In 1998, Tom became a member of Monterey County's Vietnam Veterans and the founding President of the Veteran's Transition Center. This program now owns 40 homes on the former Fort Ord and is housing 55 home-

less veterans and families in a two-year program that leads from being homeless and jobless to self-sufficiency.

In June 2012, Tom put together a Stand Down for homeless veterans, where 297 homeless veterans including 10 homeless families were served.

Mr. Speaker, it is my honor to rise today to honor this man, Thomas Helmut Griffin, for his outstanding dedication, commitment, and service.

HONORING NICK KAVADAS AND  
OTHER MEMBERS OF THE AMERICAN  
HELLENIC EDUCATIONAL  
PROGRESSIVE ASSOCIATION

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and admiration that I stand before you today to honor Nick Kavadas, who has been recognized by the American Hellenic Educational Progressive Association, AHEPA, as Chapter, District, and National Ahepan of the Year. AHEPA honored Nick at a celebratory reception that took place on Saturday, November 10, 2012, at Dynasty Banquets in Hammond, Indiana. Also honored at the event were Pete Kavadas, for his heroic efforts at a recent AHEPA conference, and Joseph Skora, who received the Prometheus Award in recognition of his many years of service to AHEPA.

The Order of AHEPA was founded on July 26, 1922, in Atlanta, Georgia, joining the NAACP and B'nai B'rith in the effort to end racism, bigotry, and discrimination against all immigrants. AHEPA was founded on the principles of ancient Greece, to promote civic responsibility, education, philanthropy, family, and individual excellence through volunteerism and community service.

On November 10, AHEPA honored Nick Kavadas, AHEPA Supreme Governor of Region 6 representing districts 12, 13, and 14 of the Supreme Lodge, who has been an outstanding leader, and who has worked tirelessly to develop AHEPA in presence and membership throughout the state of Indiana. Under Supreme Governor Kavadas's direction, AHEPA membership has grown to its highest level this year with over 450 members in the state of Indiana. Brother Nick has spearheaded many of AHEPA's charitable endeavors supporting worthy causes including the Saint Baldrick's Foundation, which does exceptional work for children's cancer research, the National Hellenic Foundation, the National Hellenic Museum, Greek relief efforts, and the District #12 Scholarship Foundation, among many other charitable endeavors. Over the years, Nick has held numerous positions including serving on the Gary/Merrillville Chapter #78 Board of Governors, as Lieutenant Governor and Governor of Hoosier District #12, and as Chairman of the Standing Governor's Committee. Nick Kavadas has been able to touch the lives of countless individuals through his work with AHEPA, and for his passionate, selfless life of public service, he is worthy of

the highest praise. I am pleased that AHEPA has recognized these admirable contributions with such a prestigious award.

Nick's brother, Pete Kavadas, was also honored at this event for his heroic efforts in a critical situation. While attending an AHEPA conference in Las Vegas, Nevada, Pete came across a young man who was contemplating suicide by jumping off of the Hoover Dam Bypass Bridge. Pete, along with the help of his brother, persuaded the young man to cease his efforts and obtain the help he needed. For his courageous efforts, Pete is an inspiration, and we are grateful for his incredible bravery in this dire situation.

Joseph Skora was honored at the event with the Prometheus Award in recognition of his many years of service to the organization. Joseph has been one of the most involved members in the Gary/Merrillville Chapter #78 as well as Hoosier District #12. Brother Joe has worked extensively with AHEPA housing and serves as a board member for AHEPA Chapter #78's Housing Board. Brother Joe also served as the Assistant Project Manager for part of the construction of the six apartment phases in Merrillville, Indiana, which provide housing for senior citizens. He has also been the manager of repairs and improvement projects for the AHEPA apartments. For his many years of service and noteworthy dedication to AHEPA, Joseph is to be commended.

Mr. Speaker, at this time, I ask that you and my other distinguished colleagues join me in congratulating AHEPA Brother Nick Kavadas as he is recognized as Ahepan of the Year, Brother Pete Kavadas for his heroic efforts, and Brother Joseph Skora as he is honored with the Prometheus Award. For their remarkable leadership, commitment, and enthusiasm shown through their service to so many in need throughout Northwest Indiana and across the nation, they are worthy of the honors bestowed upon them, and I am proud to represent them in Congress.

#### TRIBUTE TO TAHARKA ROBINSON

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Taharka Robinson for his devotion to public service in his community.

Taharka Robinson was born and raised in the Bedford Stuyvesant Community of Kings County. He attended Community Head Start, Martin De Porres School, Uhuru Sassa Shule, the Dwayne Braithwaite School, J.H.S 35 and Boys and Girls High School. Growing up, he was fortunate enough to have been exposed to community affairs at an early age. Rev. Taharka attended P.T.A. meetings, school board meetings, community board meetings, rallies, voter registration drives, political campaign meetings and even protests. Exposed to all of these events, Rev. Taharka understood that there was something significant about serving the community.

In 2002 after working on numerous political campaigns, Rev. Taharka started Urban Con-

sulting Group Inc., a political consulting firm that targeted urban communities throughout the state of N.Y. Through his commitment and dedication Taharka successfully orchestrated the election of five African American Judges to the Kings County Civil Court over the course of three consecutive election cycles.

In 2006 Rev. Taharka Robinson took a leave of absence from political consulting to pursue ministerial studies. After completing his studies and acquiring the required certification, Rev. Taharka Robinson started Victory Consulting Group, Inc. a full service consulting firm that handles every phase of a campaign, from strategy, management, community outreach, polling, to media and field coordination. Since 2003, Rev. Taharka Robinson has worked to help promote equity in the Kings County Court System. Through his work, serving as a Judge in Kings County is a more attainable goal for people of color.

Taharka has demonstrated his commitment to public service through interaction with community faith based and political organizations. Rev. Taharka convenes an annual Clergy Luncheon that is focused on highlighting the needs of the most fragile people in our communities. Rev. Taharka is the founder of The Brooklyn Anti-Violence Coalition, an organization that deals with the issue of crime and violence in the community. Rev. Taharka Robinson's life vision is to promote leadership within the community, create mentoring opportunities for young men and women and continue the legacy of his mother.

Mr. Speaker, I would like to recognize Mr. Taharka Robinson for his commitment to serving others and continued dedication to the community.

#### PERSONAL EXPLANATION

#### HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. PENCE. Mr. Speaker, I was unavoidably absent on November 16, 2012, and missed rollcall vote 608. Had I been present, I would have voted "aye" on rollcall vote 608.

#### CELEBRATING DICK BOYSEN'S 35TH ANNIVERSARY AS EXECUTIVE DIRECTOR OF SPOKANE GUILDS' SCHOOL AND NEUROMUSCULAR CENTER

#### HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to recognize Dick Boysen's 35th anniversary serving as the Executive Director of the Spokane Guilds' School & Neuromuscular Center.

On November 21, 1977, Dick Boysen set out to make a difference in the lives of children with disabilities in Eastern Washington. Believing in the worth of every individual, Dick looked forward to helping Spokane's most vul-

nerable population. Thirty-five years later, his focus remains the same—nurture the full potential of families and their children, from birth to three, with disabilities.

Dick arrived at the Spokane Guilds' School & Neuromuscular Center with a passion for making a difference in the lives of children with developmental and physical disabilities and a vision to make the Spokane Guilds' School & Neuromuscular Center program the best in the country. To that end, over the last 35 years, Dick has tirelessly worked to ensure this dream became a reality. Under Boysen's leadership, the Spokane Guilds' School & Neuromuscular Center has become not only one of the most comprehensive and respected programs in Washington State but has gained national acclaim.

Founded in 1960, the Spokane Guilds' School & Neuromuscular Center has grown from a part-time, volunteer staffed respite center for children with developmental disabilities, to a full-time, quality center with a professional staff of certified teachers and therapists serving children who experience developmental delays. Today, the Spokane Guilds' School & Neuromuscular Center serves 200 children in Spokane County who experience developmental delays or disabilities.

Not only am I encouraged by Dick's tireless effort to advocate and improve the quality of life for children with disabilities in Spokane, but in the past 2 years, he has received the Sacred Heart Children's Hospital's "Advocate of the Year" award and was given a Founder's Award by the Early Childhood Development Association of Washington because of his great work with the organization and around the State.

So today, I want to congratulate Dick Boysen on his 35th Anniversary as Executive Director of Spokane Guilds' School and Neuromuscular Center.

#### PERSONAL EXPLANATION

#### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. ANDREWS. Mr. Speaker, I was not present for votes in the House of Representatives on November 15, 2012. Had I been present, I would have voted in the following manner:

Rollcall No. 606 for H. Res. 808, had I been present, I would have voted "nay."

Rollcall No. 607 for Senate Amendment to H.R. 2453, had I been present, I would have voted "aye."

#### 102.7 FM "THE GOAT'S" 18TH BIRTHDAY

#### HON. JARED POLIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. POLIS. Mr. Speaker, I rise today to pay tribute to a beloved radio station, 102.7 FM KYGT, which turns eighteen on February 4,

2013. The station, which is fondly known as "The Goat," started with an antique phonograph and a dream. Over the years, this humble station has transformed itself into the voice of Clear Creek and a local institution.

This community owned radio station's mission is clear: "Broadcast entertainment, news and information, both over the airwaves and via the Internet, to the residents of Clear Creek County, Colorado, and the world through an eclectic mix of programming." The Goat encourages creative expression and believes in the importance of community.

The Goat is a commercial-free station that is funded by local business sponsors, fund-raisers, and an intergovernmental agreement with all the towns in Clear Creek County. In addition to playing diverse music, the station encourages civic engagement and community building. There are live broadcasts of local high school athletic events, public service announcements about community events, and a dedicated line for the Sheriff's Department to take over the broadcast in case of an emergency. The Goat informs and educates its audience, as exemplified by founder and General Manager Greg Markle and Mark Cucinella's show, "All Things Reconsidered."

The Goat's dedicated staff is also a long-tenured staff. Gary and Doc have been rocking Clear County for almost 18 years with their show "So Much Music, So Little Time." Many mountain residents have woken up to snowy mountain mornings with "Mornings with Mozart" (even though sometimes the show is played in the afternoon), put on their square dancing shoes during "Texas Tunes," been constantly surprised by "The Mystery Hour," and head-banged through Mikey and Jen Jen's metal show.

This radio station epitomizes not only what a community radio station could be, but also what a community radio station should be. With a laid-back vibe, an inclusive attitude, and a fun-loving spirit, 102.7 FM consistently has entertained, informed, and supported the Clear Creek community. Mr. Speaker, I ask my colleagues to join me today in paying tribute to 102.7 FM The Goat as it soon celebrates its 18th birthday.

#### TRIBUTE TO SANDY DEWALT

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and honor Deacon Sandy Dewalt devoted husband to his loving wife Eva of 65 years, and father to son Sandy Jr. and daughter Cassandra.

Deacon Dewalt is a devoted servant of Christ who joined the Union Baptist Church in 1958 under the leadership of the founding pastor, Rev. Dr. Aaron Wood. A member of the Union Baptist Church for 57 years, he was appointed Deacon Chairman Emeritus in 1998. Mr. Dewalt is also a member of the Joint Board of Directors; he has served on the Board of Deacons for the better of 50 years.

"Deek"—as he is affectionately known at Union is the current Superintendent of the

Sunday School Department 2nd, member of the Board of Christian Education, the Pastor's Aide and the Music Ministry. Additionally he works diligently with the Soup and Feeding Ministry.

Mr. Speaker, I would like to recognize Deacon Dewalt for devoting his time to serving those who God sends to in their time of need and to the church that he loves so dearly, the Union Baptist Church, I urge my colleagues to join me in paying tribute to Deacon Sandy Dewalt.

#### HONORING SISTER ELIZABETH VAN STRATEN

#### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. RUSH. Mr. Speaker, I rise today to honor Sister Elizabeth Van Straten, who is a highly esteemed member of the Chicago area and a resident of the Englewood community in the City of Chicago.

At the end of this year, Sister Van Straten will be retiring from her position as the President and Chief Executive Officer of St. Bernard Hospital, which is located in the Englewood community of the City of Chicago.

An alumnus of DePaul University, Sister Van Straten is a member of the religious congregation of women known as the Religious Hospitaliers of Saint Joseph (R.H.S.J.), which founded St. Bernard Hospital in 1904. She is the last member of the religious sisters serving at St. Bernard. In following a line of women dedicated to serving the poor, Sister Van Straten has committed herself and her talents for more than 34 years in service of and promoting the health and well-being of the Englewood community.

Sister Van Straten has met and overcome major challenges in keeping St. Bernard Hospital open, even as three other neighborhood hospitals have closed. In addition to keeping open its doors, under Sister Van Straten's leadership St. Bernard has become the largest employer in the Englewood community and a leading national provider of emergency medical services, dental services and prenatal care services, just to name a few.

Mr. Speaker, I would ask my colleagues to join me in recognizing Sister Elizabeth Van Straten. She is truly worthy of recognition today and onward by this august body—the U.S. House of Representatives.

#### CONGRATULATING THE LONE STAR MODEL A FORD CLUB

#### HON. JOHN R. CARTER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. CARTER. Mr. Speaker, today I rise to recognize the Lone Star Model A Ford Club upon achieving a milestone in the club's history. This Saturday, December 1, 2012, the club will meet for their 1,000th weekly breakfast in Georgetown, Texas.

Organized on September 26, 1993, in Georgetown, Texas, the Lone Star Model A Ford Club is for owners and admirers of Model A Fords who are interested in restoring and maintaining the automobile in a manner to attract prestige and respect within the community.

The Lone Star Model A Ford Club has served as a medium of exchange of ideas, information and parts for admirers of the Model A Ford car, manufactured from 1928 through 1931, and to aid them in their efforts to restore and preserve the car in its original likeness.

In addition, the Lone Star Model A Ford Club encourages and maintains among its members the spirit of good-fellowship, sociability, and fair play through sponsored activities including the use of the Model A Ford and family participation.

The Lone Star Model A Ford Club has consistently supported local civic endeavors by displaying their Model A's whenever asked by nursing homes, retirement homes, civic clubs, the Chamber of Commerce, the City of Georgetown, and Williamson County, including, during the re-dedication of the Williamson County Courthouse after its renovation.

The Club has twice hosted the statewide Model A Ford Convention in Georgetown with attendance as high as 550 people from throughout Texas in 1998 and again in 2005 and has been selected to host the 50th statewide Model A Ford Convention to be held in June 2013 in Round Rock, Texas.

Club members began meeting for weekly breakfasts every Saturday morning in October 1993 and have consistently continued this weekly social activity to this day.

Mr. Speaker, I congratulate the 77 family members of the Lone Star Model A Ford Club on the occasion of their 1,000th weekly breakfast together and encourage our state's citizens to congratulate these individuals whose efforts should be recognized in preserving an important part of our nation's motoring history for the benefit of future generations.

#### IN SUPPORT OF THE NATION OF ISRAEL

#### HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. MARINO. Mr. Speaker, I rise today in strong support of the nation of Israel, and ask my colleagues to join me in condemning the terrorist attacks against the Israeli people from the Palestinian Hamas in the Gaza Strip.

As Hamas militants continue to target its assault against innocent Israeli civilians, Israel will continue its efforts to defend her people. No nation should be forced to subject itself to such violence and destruction, nor should its people be forced to live in fear. Just as the United States would not stand idly by if such horrific attacks were waged against Americans, I support Prime Minister Netanyahu's acts of self-defense.

It is equally concerning that Egyptian President Mohamed Morsi has moved away from Egypt's traditional role as a mediator between Palestine and Israel, and has publically supported the actions of Hamas, which is an offshoot of the Muslim Brotherhood, to which

President Morsi belongs. That is why I strongly urge President Obama and Secretary Clinton to use the strongest forms of diplomacy to support our ally Israel, and work with Israelis and Palestinians to end this violence.

In less than three days, Hamas militants have fired an estimated 550 missiles into Israel. Israel's justified response has debilitated Hamas's rocket-firing facilities and has significantly reduced their strategic capabilities.

To date, three Israeli civilians have been killed, along with twenty Palestinian militants and civilians. Israel ended its military and civilian presence in Gaza in 2005, attempting to end further conflict in the area, but Hamas militants continue to provoke armed conflict against Israel.

My thoughts and prayers are with the nation of Israel as they withstand and defend against these heinous attacks. I hope that this conflict soon ends and firm groundwork is established to solidify a long-term, mutually agreed upon peace agreement between Israel and Palestine.

A TRIBUTE TO THE SHEPHERD OF  
THE HILLS CHURCH IN HONOR  
OF ITS 100TH ANNIVERSARY

**HON. BRAD SHERMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. SHERMAN. Mr. Speaker, it is my great pleasure to congratulate Shepherd of the Hills Church in Porter Ranch, California, on the celebration of its 100th Anniversary. For a century, the leaders and parishioners of the Church have dedicated themselves to upholding their faith and bringing the San Fernando Valley community closer together. Originally known as the Van Nuys First Baptist Church, the Church began in 1912 in a railroad car in the town of Van Nuys, California, with less than 100 congregants. Under the direction of senior pastor Dr. Jess Moody, the congregation grew steadily, moving in 1991 to a new building in Porter Ranch, California, where it became known as Shepherd of the Hills Church. In 1995, the congregation merged with nearby Hillcrest Christian Church.

Since its founding, Shepherd of the Hills Church has continued to explore new venues and opportunities for worship throughout the greater Los Angeles area. Today, the Church is a vibrant, diverse congregation of more than 12,000 members, four "daughter" churches, and two satellite campuses throughout Los Angeles County. Since 1999, Shepherd of the Hills Church has also hosted an annual 4th of July Fireworks Spectacular, which attracts over 50,000 residents of the San Fernando Valley. The annual celebration has brought our community together year after year.

I would also like to take this opportunity to congratulate senior pastor Dudley Rutherford on this special occasion. Under the leadership of Pastor Rutherford, who is also celebrating his 25th Anniversary, the Church has seen its congregation and community outreach efforts continue to expand. Pastor Rutherford spearheaded the development of four self-sufficient

satellite campuses within Los Angeles County, the opening of the Church's Family Life Center, and he helped to organize the "Miracle in the Making" Campaign to raise funds for a new church building. Known nationally for his dynamic leadership and communication skills, Pastor Rutherford served as president of the 2011 North American Christian Convention, and was the featured Chapel Speaker at the World Series.

Mr. Speaker, I wish to extend my heartfelt congratulations to Shepherd of the Hills Church on its 100th Anniversary, and to Pastor Dudley Rutherford for his commitment, dedication and vision in helping this praiseworthy congregation carry out its mission of fellowship and community service throughout the San Fernando Valley.

OPPOSITION TO H. RES. 813: EXPRESSING VIGOROUS SUPPORT AND UNWAVERING COMMITMENT TO THE WELFARE, SECURITY, AND SURVIVAL OF THE STATE OF ISRAEL AS A JEWISH AND DEMOCRATIC STATE WITH SECURE BORDERS, AND RECOGNIZING AND STRONGLY SUPPORTING ITS RIGHT TO ACT IN SELF-DEFENSE TO PROTECT ITS CITIZENS AGAINST ACTS OF TERRORISM

**HON. DENNIS J. KUCINICH**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. KUCINICH. Mr. Speaker, I rise in opposition to H. Res. 813, an unfortunately and unnecessarily one-sided resolution that was brought up on Friday, November 16, for consideration without any advance notice to Members of Congress and which was completed in about a minute without any discussion. The hasty nature in which this resolution of such significance was considered undermines the unspoken, but operationally essential understanding, that bills of great importance will not be quietly tiptoed through Congress. A loss of Members' confidence in Leadership results when House floor procedures are conducted in a manner frustrating to good faith. Such conduct can only add to the hyper-partisanship and the breakdown of comity in Congress that Americans find objectionable.

Members must be given the opportunity to debate U.S. support of a military operation that is likely to be of significant consequence in talks between Israel and the Palestinians. This impacts the region and the world.

Only one minute for consideration of a most consequential resolution in the House, when in the past week, the death toll in Gaza has climbed past 100, including 24 children. Over 800 people are reported to have been wounded. Rockets from groups in Gaza have landed in several Israeli towns. Three Israelis have been killed.

This latest military escalation began after Israel assassinated Ahmed Al-Jabari, the head of Hamas' military wing. According to Israeli negotiator Gershon Baskin, who secured the release of Gilad Shalit, Mr. Jabari "wasn't just

interested in a long-term cease-fire; he was also the person responsible for enforcing previous cease-fire understandings. . . . On the morning that he was killed, Mr. Jabari received a draft proposal for an extended cease-fire with Israel, including mechanisms that would verify intentions and ensure compliance." Could anything be more destructive of peace than the assassination of a principal to ceasefire negotiations? And the House only has one minute to consider the ramifications of such action?

The root of this latest flare up in hostilities is deep. Negotiations between Israel and the Palestinians on a two-state solution have been virtually non-existent. Innocent people in Gaza continue to suffer under a blockade that has deprived them of everything from food and clean water to educational opportunities. Illegal settlements continue to be built in the West Bank and East Jerusalem, further diminishing prospects for a negotiated two-state solution.

The hastily written, and even more hastily passed resolution, fails to mention any of that. In its deficiencies are writ the failures of our own Middle East policies. This latest outbreak in violence is deplorable and I am strongly supportive of Egyptian efforts to negotiate a ceasefire. Innocent people on both sides deserve to live without fear. Can the House Leadership spare a minute for that point to be made?

TRIBUTE TO MRS. MABEL  
KITTRELL

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Mrs. Mabel Kittrell who was born in Portsmouth, Virginia on July 18, 1912, and is 100 years young!

Mrs. Kittrell does not have biological children but she helped raise her nephew Kevin Jackson. Mrs. Kittrell was employed as a clerk and nurse's aide among several of the many jobs she has worked during her life.

Mrs. Kittrell became a member of the Zion Baptist Church in Brooklyn New York in 1978. She was the treasurer of the Virginia Club, which is now known as the Southern States Ministry. Mrs. Kittrell supports many of the church's ministries.

Mrs. Kittrell has a number of friends and especially appreciates her two home attendants, Mrs. Jean Moore and Mrs. Annie Everett. Mrs. Kittrell claims to not know the secret to her longevity but acknowledges herself as one of God's creations. Earlier this year Mrs. Kittrell received a certificate of recognition for her 100th birthday from Senior Citizens Ministry of Zion Baptist Church and a card from President Barack Obama congratulating her on her 100th birthday.

Mr. Speaker, she also received a Proclamation from Brooklyn Borough President Marty Markowitz.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Mrs. Mabel Kittrell.

IN RECOGNITION OF THE CARDIOLOGY ASSOCIATES OF ALBANY, GEORGIA

**HON. SANFORD D. BISHOP, JR.**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to salute the members and supporters of the Cardiology Associates of Albany, Georgia as they commemorate their 30th anniversary this year. A celebration event will be held on Thursday, November 29, 2012 at noon in the main lobby of Phoebe Putney Memorial Hospital in Albany, Georgia.

Thirty years ago, a young Cardiology Resident at Emory Medical School in Atlanta, Georgia was recruited to Albany, Georgia by several local physicians seeking to provide advanced Cardiology Services to Southwest Georgia. Dr. Jeffrey Hoopes accepted the challenge and set out to form Cardiology Associates in 1982.

From one physician's vision and commitment, Cardiology Associates has grown into a network of world-class heart and vascular services. Cardiology Associates teamed with Phoebe Putney Memorial Hospital, itself a healthcare leader providing breakthrough technology and innovation to the communities it serves for 100 years. Together they bring the finest Cardiology talent and technology to the citizens of Southwest Georgia.

Dr. Hoopes performed the region's first Cardiac Catheterization, a new and revolutionary diagnostic procedure at the time, at Phoebe Putney Memorial Hospital thirty years ago. Today, more than 50,000 life-saving cardiac catheterization procedures have been performed by Cardiology Associates. Many other Cardiology firsts for the region have followed.

Building on that original foundation, Cardiology Associates through the Phoebe Heart and Vascular Center now provides patients and families facing heart disease access to services at one of the largest and most advanced heart centers in Georgia.

These accomplishments, along with a dedication and commitment to the citizens of Southwest Georgia, have been rendered with compassion and professionalism.

Mr. Speaker, I ask that my colleagues join me in applauding the exceptional efforts of the Cardiology Associates at Phoebe Putney Memorial Hospital in Albany, Georgia for thirty years of healthcare excellence to the residents of Southwest Georgia.

RECOGNIZING MR. RALPH SPEZIO OF ROCHESTER, NEW YORK, FOR HIS DEDICATION TO ERADICATING CHILDHOOD LEAD POISONING

**HON. LOUISE McINTOSH SLAUGHTER**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Ms. SLAUGHTER. Mr. Speaker, it is my esteemed honor to recognize Mr. Ralph Spezio of Rochester, New York for his continuous ad-

vocacy and leadership to prevent and test for childhood blood lead poisoning. It is a pleasure to acknowledge Ralph as an educator, community servant, and leader in the fight to protect children's health.

Ralph Neil Spezio served for 33 years in the Rochester City School District as a teacher, curriculum specialist, vice principal and principal. As principal of Enrico Fermi School No. 17, he excelled at engaging students, faculty, families and the surrounding neighborhood. Ralph addressed the needs of the school both inside and outside its walls in order to restore School No. 17 back to a safe place for learning. He connected with Rochester's leading medical centers to build the Community Health and Family Center on school grounds, established a music program with help from the renowned Eastman School of Music, and promoted an active parent-teacher association.

Despite these improvements, a large portion of Ralph's students continued to struggle with learning and behavioral problems. He felt that his school had more than the average number of students who had trouble with focus, memory, language, and impulsive behavior. It turned out that while Ralph was working to level the playing field for students to have a fair chance at success—even in a school plagued with a 98% poverty rate and located in Rochester's poverty crescent—an unforeseen and silent monster was working against him: lead poisoning.

Lead is a highly toxic metal. The U.S. Environmental Protection Agency (EPA) concludes that in young children, lead poisoning can result in lowered intelligence, reading and learning disabilities, impaired hearing, reduced attention span, hyperactivity, and antisocial behavior. In 1999 Ralph overheard school nurses speaking about students who had been poisoned. Eventually it was discovered that school health records showed 41 percent of the children at School No. 17 had a history of elevated levels of lead in their blood. Worst yet, those were only the results of those children who were tested directly for lead.

Through the Community Health and Family Center he had established, Ralph began testing preschool students for lead. That first year, 100% of the preschoolers tested were positive for lead. Ralph immediately initiated a grassroots effort to educate the community about the dangers of lead and to advocate for blood tests and home inspections.

Mr. Spezio became a founding member of the Coalition to Prevent Lead Poisoning, a group of Rochester doctors, nurses, lawyers, educators, child advocates, health insurers, property owners and community leaders committed to ending childhood lead poisoning. The work of this coalition has earned the EPA's Environmental Justice Achievement Award. In conjunction with local government and with the support of federal resources through the Centers for Disease Control and Prevention, the Coalition reports an 84 percent decline in childhood lead poisoning in Monroe County over the past decade. With this success, Rochester has become a model for other cities combating lead problems.

I am so proud of the excellent, life-changing work that Ralph has done and his commitment to putting children first in Rochester. Mr. Speaker, I ask my colleagues to join me in

recognizing and thanking Mr. Ralph Spezio for his leadership, compassion and dedication to the healthy development of our nation's most precious resources, our children.

HONORING THE LIFE OF BETTY RODRIGUEZ

**HON. JIM COSTA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Betty Rodriguez, who passed away on November 12, 2012, at the age of 83. Betty will be remembered as one of Fresno's greatest treasures.

Betty was born and raised in Fresno, California, where she graduated from Edison High School and met her husband, Armando Rodriguez. Armando and Betty were high school sweethearts and celebrated their 60th wedding anniversary in 2010. Their marriage was filled with happiness, warmth, and compassion. Together, they shared a deep love for one another and also for their community.

Armando was a Superior Court Judge in Fresno County and Betty became extremely active in the community. She spent her time volunteering for many different organizations, including the League of Women Voters, Girl Scouts, Arte Americas, Ladies Aid for Retarded Citizens, Friends of the Library, and the Fresno-Torreón Sister City Committee.

Betty was a trailblazer for women throughout the Valley. It was an important priority for Betty to instill in women, especially Hispanic women, that they could make a difference in the world. She wanted Hispanic women to feel liberated and proud of themselves and their heritage.

One of Betty's greatest achievements was the founding of the League of Mexican American Women. They created the Fiesta Navideña Fashion Show, an event dedicated to raising scholarship money for local youth. Over \$250,000 has been raised since the fashion show's inception. Betty took great pride in the event because the proceeds were going to a wonderful cause. Betty was known to be able to sell tickets to anyone because she would not take no for an answer. Due to Betty's tireless efforts, the fashion show is still something people look forward to year after year.

This past May, Armando and Betty were recognized at the 12th annual Latino Legends of the 20th Century dinner for their service to the community. Their selflessness and passion for the Central Valley made them very deserving of the award.

Mr. Speaker, I ask my colleagues to join me in honoring the life of Betty Rodriguez, a true champion for the people of Central California. Her leadership in the community made her a role model and asset to our community. Betty's generous and kind heart will be sorely missed.

RECOGNIZING MARINE CORPS  
GENERAL JOHN KELLY

**HON. DUNCAN HUNTER**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. HUNTER. Mr. Speaker, it's with deep respect and profound admiration that I rise today to honor Marine Corps General John Kelly, who just recently became the Corps' fifth active four-star general and took the helm of U.S. Southern Command.

General Kelly has a long and distinguished military career, leading Marines through peacetime and war. His record of accomplishment has earned the respect of not just Marines, but the entire military and civilian leadership structure, and members in both bodies of Congress.

General Kelly is not just someone who I consider a good friend. Having served as a Marine, I also consider him to be a high-caliber officer who embodies all the qualities that make the Marines the most effective fighting force in the world. Without a doubt, he's a role model and mentor to younger Marines. He's a trusted voice for U.S. national security and his service to the nation, spanning more than four decades, has been an asset for the Marine Corps and the entire country.

Those who have had the distinct opportunity to learn from General Kelly and observe him in action are even better Marines today. He's been an inspirational figure to many—myself included—and now as head of U.S. Southern Command, he will surely make his mark as a superior and effective officer who is capable of leading at the highest levels.

Among Marines, the rank of four-star general is attainable only to a select few. They are considered the best and brightest military minds. They are tactically coherent. They are masters of strategic planning and they represent both the intimidating strength and goodwill that is associated with the Marine Corps and the rest of America's military.

General Kelly is the right person to lead U.S. Southern Command at the right time. There is no shortage of challenges throughout the Caribbean, Central America and South America. America faces threats from drug trafficking, corruption and cyber attacks. With General Kelly at the forefront, America will be safer and more secure, and we'll surely be in a position to make progress toward improving conditions in countries that are so close to our doorstep.

And I know I speak for the rest of my colleagues in expressing my gratitude for General Kelly's service. He's an exceptional leader who deserves our unending respect and appreciation for a military career that first began in 1970 when he enlisted in the Marine Corps.

Mr. Speaker, I ask that my colleagues join me in wishing General Kelly much success as the Marine Corps' newest four-star general and the head of U.S. Southern Command. Semper Fi.

BETH DUPREE

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor Dr. Beth DuPree, a breast surgeon, oncologist and the medical director for Holy Redeemer's Breast Health Care Program in my home of Pennsylvania.

Earlier this month, Dr. DuPree was honored with the inaugural Be Well Philly Hero Challenge. This award, presented by Philadelphia Magazine, honors local champions of health and wellness.

In addition to recognizing the work of Dr. DuPree in her medical practice, Philadelphia Magazine has awarded The Healing Consciousness Foundation with a \$2,500 charitable donation.

Founded by Dr. DuPree in 2006, The Healing Consciousness Foundation works to improve the quality of life of breast cancer patients through a holistic approach which includes exercise programs, counseling and education services and diet coaching.

The Be Well Philly Hero Challenge award marks the latest in a long line of achievements presented to Dr. DuPree throughout her career.

Many of our families, my own included, have been affected by breast cancer, and it is thanks to the dedication of men and women like Dr. Beth DuPree that treatments are constantly evolving and improving as we work towards a cure.

Congratulations again to Dr. DuPree and I wish her the best of luck going forward.

TRIBUTE TO JASPER E. PEYTON

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to and honor the Reverend Jasper E. Peyton, a man dedicated to serving God, his family, and the community.

Reverend Jasper E. Peyton, native of Richmond, Virginia is a graduate of the Armstrong High School in Richmond, Virginia. He entered the military service while a student at Virginia Union University and while serving in the Philippine Islands, he attended the University of Philippines in Manila and majored in Business Administration. After being discharged from the military he enrolled in City College of New York and graduated in 1952. His education also includes labor studies at Wagner College, Staten Island, New York; and courses at the School of Journalism at Rutgers University and at New York Theological Seminary. Reverend Peyton served as an adjunct professor in the Black Studies Department at Fordham University, Manhattan Campus. In February of 2007 Reverend Peyton was presented the degree of Doctor of Humane Letters from the Eastern Theological Seminary.

Reverend Jasper Peyton joined the International Ladies Garment Workers Union in

1950 and served in several capacities including: organizer, shop steward, editor of the local newspaper, local education director, assistant national education and political director, art class instructor, a founder of the Fulton Art Fair in Brooklyn, New York and ILGWU training institute coordinator. During his labor career, Reverend Peyton participated in international labor conferences in Ethiopia, Kenya, Nigeria and Ghana, Africa. He was listed in Who's Who in American Labor. Reverend Peyton is the former President of the Congress of Christian Education of the New York State Progressive National Baptist Convention, and served as Chaplain in the New York State Supreme Court Officers Association, ILA-AFL-CIO.

Reverend Peyton's many commitments at Bethany Baptist Church have included former President of the Senior Choir, President of the Presidents Council, President of the Virginia Club, Chairman of the Board of Deacons. He is presently the Adult Sunday School instructor. Dr. Peyton served as Interim Pastor at Bethany Baptist Church until January 2008 and as Assistant to the Pastor under Dr. David A. Hampton, the tenth pastor called to the historic Bethany Baptist Church of Brooklyn until his departure in December of 2011.

Rev. Peyton is the father of one daughter, Rose LaVerne Abernathy, grandfather of six and great-grandfather of twenty.

Mr. Speaker, I would like to recognize the Reverend Jasper E. Peyton for his tremendous contributions to his congregants and the community.

Mr. Speaker, I urge my colleagues to join me in paying tribute to the Reverend Jasper E. Peyton.

CONGRATULATING DENNIS  
GEHRINGER

**HON. MIKE ROGERS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. ROGERS of Michigan. Mr. Speaker, I rise to congratulate Mr. Dennis Gehringer on his retirement from First National Bank of Howell after a distinguished 44 year career.

Mr. Gehringer's career is truly an American success story. He progressed from errand boy to teller to collector before becoming a Loan Officer and ultimately a Commercial Loan Officer in 1984. In addition to his job duty progression, Mr. Gehringer was also promoted in rank within the bank from an assistant cashier to assistant vice-president then to vice-president and retires as a Senior Vice President, a rank he has held since 1989, among the highest ranking officers in the bank hierarchy aside from the Chief Executive.

Although Mr. Gehringer gained significant professional accomplishments during his tenure, when asked, he said that he was most proud of the people that he and First National have helped over the years. From helping people start a business or just helping get a customer through a rough patch, Mr. Gehringer demonstrated the real value of a community banker with his ability to build relationships.



Mr. Gehringer has given back to the community where he has lived his entire life. He is the past President of the Livingston County Coin Club; an active participant with the Howell Chamber of Commerce; a Livingston County United Way Volunteer, and active in his church, St. Joseph's, as a Men's Club member and former Endowment Fund Chair. Mr. Gehringer also served on the Salvation Army board and as a Scout Master. Mr. Gehringer's community involvement was specifically recognized and celebrated on two different occasions. In 2001, he received the Charles W. Itsell Volunteer of the Year Award from the Livingston County United Way. Then, in 2003, the Howell Chamber of Commerce presented Mr. Gehringer with its Citizen of the Year Award.

Mr. Gehringer and his wife Laurie, who met at First National, have two children and one grandchild. Mr. Gehringer says he is most looking forward to spending more time with family, playing more golf, and continuing to enjoy the people and places of Livingston County.

I ask that the House of Representatives join me in thanking Mr. Gehringer for his exemplary service to his community and congratulating Mr. Gehringer on his retirement and we wish him the best of luck in his future endeavors.

IN RECOGNITION OF JOYCE C.  
ROSE

**HON. JOHN L. MICA**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. MICA. Mr. Speaker, I rise today to recognize the dedication of Joyce Rose, who is retiring after 25 years of service to the United States Congress. Joyce has worked for the Committee on Transportation and Infrastructure since 2001, and has served as the staff director of the Subcommittee on Railroads, Pipelines and Hazardous Materials since 2008.

Prior to her service with the U.S. House of Representatives, Joyce worked for 13 years on the U.S. Senate's Appropriations Subcommittee on Transportation. Joyce began her career on Capitol Hill as a staff assistant, and through her energy, inquiring mind, and hard work, rose to positions of greater responsibility.

She has worked for a total of 11 different committee and subcommittee chairmen and ranking members, and has given each her total loyalty and professional expertise. For her entire 25-year career, Joyce has worked on transportation policy and funding issues. Over the years, she has become a true subject matter expert, particularly in the areas of rail and transit policy.

Joyce has worked for me directly since I became the ranking member of the Committee on Transportation and Infrastructure in January 2007 and, subsequently, became Chairman last year. She was instrumental in helping me and my constituents in Central Florida get a new, 61-mile commuter rail system called Sun Rail approved and under construction.

She has advised me on legislation ranging from the 9/11 Implementation Act in 2007, to the 2008 Passenger Rail Investment and Improvement Act, to this year's MAP-21 surface transportation bill. I will miss her can-do attitude and deep knowledge of rail and transit issues.

Joyce was born on December 22, 1960 to Mary Jo and Joseph Comer in Leonardtown, Maryland. Her parents instilled a love of God and country, and strong commitment to public service—though Joyce's original plan was to teach music, and in fact, her college degree is in music education. I'm told that Joyce "keeps her hand in" music by volunteering to direct her church choir.

Joyce has been married for 29 years to Dale Rose, a mechanical engineer, and they have two children, Brian and Beau. Beau has Autism, and their experience as the parents of a disabled child has given Joyce and Dale the gift of advocating for those who can't speak for themselves.

Joyce is leaving us to take on a new position as President and CFO of Operation Lifesaver, Inc., a national, non-profit safety education group whose goal is to eliminate deaths and injuries at railroad crossings and along railroad rights of way.

Mr. Speaker, I ask you and all of our colleagues to join in thanking Joyce Rose for her years of service to the U.S. Congress and our Nation. We wish her well in her new career at Operation Lifesaver.

ROCKET ATTACKS ON ISRAEL  
FROM GAZA

**HON. MAZIE K. HIRONO**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Ms. HIRONO. Mr. Speaker, I rise today in strong solidarity with the people of Israel and in support of its right, as any sovereign nation, to defend its citizens against rocket attacks from Hamas, a terrorist organization dedicated to Israel's destruction. The rocket attacks launched from the Hamas-controlled Gaza strip earlier this month against civilian targets in Israel, including Tel Aviv and Jerusalem, continued a reign of terror that includes over 800 rocket attacks this year alone.

Several years ago, I traveled to Israel. It was clear that the constant threat of violence was a harsh reality of everyday life. Israel's efforts to eliminate this threat to her people, stop these attacks by Hamas, and destroy stockpiles of missiles must be viewed in this context. We grieve for the innocent civilians—Israeli and Palestinian alike—who have lost their lives in this tragedy. We appeal to Hamas to honor the ceasefire it agreed to on November 21, 2012; adhere to its terms; and stop storing and using its weapons among a civilian population, putting their lives in grave danger.

We also appeal for peace, and we hope those countries in the region that can help end the conflict will continue to work with us to do so. Our goal is a world where a Palestinian state and a Jewish state of Israel live side by side in peace and security. It can only happen

when the Palestinian people enforce a peace that stops attacks on Israel, keeps their commitments, and acknowledges Israel's right to exist.

America stands firmly behind our friend and ally Israel; Hamas must permanently end its aerial assault against Israeli civilians and its allies must cease supplying these weapons of terror.

IN HONOR OF THE CITY OF IRVING  
ON ITS RECEIPT OF THE MALCOLM  
BALDRIGE NATIONAL  
QUALITY AWARD

**HON. KENNY MARCHANT**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. MARCHANT. Mr. Speaker, I rise today to recognize the City of Irving, Texas, for being named a recipient of the 2012 Malcolm Baldrige National Quality Award—the nation's highest Presidential honor for performance excellence.

Irving, Texas, is the first city in Texas to ever receive the Baldrige Award, and is only the second municipal recipient in the distinguished program's 25-year history. Applicants were evaluated by an independent board of examiners in seven areas defined by the Baldrige Criteria for Performance Excellence: leadership; strategic planning; customer focus; measurement, analysis and knowledge management; workforce focus; operations focus; and results. The evaluation process for each of the recipients included hundreds of hours of process review and an on-site visit by a team of examiners.

I commend the City of Irving, Texas, for adopting private sector programs to make government more efficient and for striving towards performance excellence through innovation, continuous improvement, and visionary leadership. The City of Irving is a Lone Star model of fiscal achievement, values its resident feedback, focuses on strategic planning and process efficiency, and prioritizes public safety initiatives.

Mr. Speaker, I ask my respected colleagues to join me in recognizing the City of Irving, Texas, for being awarded the Malcolm Baldrige Award National Quality Award.

IN MEMORY OF OFFICERS KEVIN  
BOWDEN AND ADRIAN MORRIS

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. HOYER. Mr. Speaker, since August of this year, the people of Prince George's County, Maryland, have lost two of their finest. Tragically, in separate incidents, two Prince George's County police officers were killed in car crashes. Both men served with distinction and were dedicated to keeping our communities safe.

On August 20, while he and his partner were in a high-speed pursuit of a suspect in

an attempted car theft, Officer Adrian Morris's police cruiser veered off of the Capital Beltway near Laurel, Maryland. Adrian was killed in the line of duty, and his partner, Mike Risher, severely injured. An immigrant originally from Kingston, Jamaica, Adrian wanted to be a police officer since a young age. While attending Eleanor Roosevelt High School in Greenbelt, he participated in the Prince George's County Police "Explorers" program, which helps young people learn about and prepare for careers in law enforcement. Adrian achieved his dream by joining the Prince George's County Police Department's Sixth District in 2010. When he was killed this past August, Adrian was only 23 years old. His mother, Sherrin Crosdale, and a younger brother survive him.

In a second, tragic setback to the men and women of the Prince George's County Police Department, on October 18 an accident took another officer's life. Off-duty Officer Kevin Donnell Bowden was headed home in his police cruiser after a shift when he was killed in a crash in Clinton, Maryland. Kevin had been with the force for six years, serving at the Oxon Hill station. His colleagues remembered him as a steady officer with a sense of humor who loved his job. Kevin grew up in the area and graduated from Surratsville High School. He loved football and was an avid fan of the Dallas Cowboys. Kevin, who was 28 years old, was also a devoted father of sons DeAndre and Joshua and daughter Mahogany.

The loss of these two outstanding officers was a terrible blow to the Prince George's County Police Department and to all who call the County home. Adrian Morris and Kevin Bowden represent the finest tradition of service to our communities, and they will be sorely missed. I join in mourning their passing and in comforting their families and communities during this difficult time, and I am confident that their memories will inspire young people to follow in their footsteps in service to county, state, and country.

CONGRATULATING JINSA ON ANOTHER SUCCESSFUL GENERALS AND ADMIRALS TRIP TO ISRAEL

**HON. ERIC CANTOR**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. CANTOR. Mr. Speaker, I rise today to recognize The Jewish Institute for National Security Affairs and their continued excellence in providing American military leaders with an unparalleled look at the challenges facing Israel, our closest ally in the Middle East. JINSA's annual Generals and Admirals Trip to Israel offers recently retired American generals and admirals the opportunity to consult with Israel's senior political and military leadership on the persistent threats Israel faces across its borders and the shared threats our countries face in the region.

America has a long standing commitment to the U.S.-Israel strategic relationship, a unique bond forged by shared interests and shared democratic values. No country in the tumultuous region stands aligned with our ideals

more than Israel. Amid a rising tide of radicalism and violent extremism in the region it is imperative that the United States stand by her ally and ensure that Israel can maintain its Qualitative Military Edge so that threats to Israeli and American security will be answered with strength and resolve. America's military and intelligence cooperation has proven successful and our joint missile defense efforts such as Iron Dome, David's Sling, and Arrow have saved lives from the rockets launched into Israel from the Gaza Strip. These collaborations have also prevented weapon smuggling in the Sinai Peninsula and have effectively protected Israel against terrorism.

Unfortunately, as Iran expands its influence in the region, the threat of terrorism and conflict grows. Iran's radical mullahs call for death and destruction of Israel, America, and all that we stand for. Iran also continues their longstanding efforts to acquire nuclear weapons and today they are closer than ever to a nuclear bomb. The sanctions we have implemented have impacted Iran's economy, but Iran's leaders remain undeterred from their pursuit of their dangerous goal and continue to support various terrorist factions such as Hamas, Hezbollah, and the Taliban. Iran's leaders are also strategic patrons of Syrian Dictator Bashar Assad, a brutal despot and sponsor of terrorism whose violent suppression of his own citizens has fueled sectarian conflict and extremism in violence in Syria. The United States must act as a global leader in order to thwart Iran's nuclear capabilities, combat their terrorist proxies, and ensure that the security of the United States, Israel, and our Arab allies is assured.

Mr. Speaker, please join me in recognizing JINSA for another successful trip that seeks to solidify our nation's support for Israel, with whom we share a commitment to freedom, a respect for human life, and a commitment to security. Global security depends on strong U.S. leadership. The U.S. must stand tall for Israel, now more than ever, and must not abandon our ally at a time of enormous instability in the region.

COMMEMORATING THE 20TH ANNIVERSARY OF TIME WARNER'S NY1

**HON. MICHAEL G. GRIMM**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. GRIMM. Mr. Speaker, I rise today to commemorate the 20th anniversary of Time Warner's NY1 News and honor their commitment to serving the people of New York City as the only city-wide 24-hour local news channel.

NY1 has become a New York institution, part of the fabric of daily life for millions across the five boroughs of New York City. Since its debut on September 8, 1992, New Yorkers have come to depend on NY1's credible, accurate and thorough reporting on the stories and issues we care about.

Born out of Time Warner Cable's commitment to providing New Yorkers with comprehensive information about the city in which

we live, NY1 continues to live up to the mandate to cover the stories big and small, the major events and breaking news as well as the neighborhood and community stories that make the city tick.

New Yorkers have come to depend on NY1 to stay informed with segments including the NY1 Minute, In the Papers, Weather on the 1s, Rail and Road, and From the Floor. NY1 also offers exclusive quality programming such as Inside City Hall, NY1's required nightly viewing for everyone in the political world, or On Stage, which provides a unique perspective on the latest shows on Broadway. In 2003 Time Warner added NY1 Noticias. Modeled after NY1 News it provides a strong emphasis on New York City news, politics and culture from a Hispanic perspective.

Mr. Speaker, this past September 8th, NY1 celebrated its 20th anniversary. Please join me in honoring Time Warner and NY1 News for its commitment to providing quality local news programming to New Yorkers whenever they want it. We should celebrate the benefits NY1's service provides as an indispensable community asset in New York City.

IN TRIBUTE OF BERT AND JANE BOECKMANN

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to two exceptional people my wife, Janice, and I are honored to call our friends, Bert and Jane Boeckmann, who have contributed much to our world as extraordinary entrepreneurs, philanthropists, and volunteers.

Bert Boeckmann, my friend of more than 25 years, is the owner and Chief Executive Officer of Galpin Motors, Inc. Starting from a modest background, he built an automotive empire from the ground up with hard work, integrity, vision, and a deep caring for others. For the past 22 years, Galpin has been No. 1 in Ford car and truck sales worldwide. Galpin currently ranks No. 1 in Jaguar sales worldwide and No. 1 in the Western United States for Mazda and Lincoln.

Boeckmann has been recognized nationally as the American Brand Names Foundation Retailer of the Year; is entered into the Automotive Hall of Fame; is the recipient of Time Magazine's National Dealer of the Year, given to only one of the country's 25,000 dealers each year in tribute to that dealer's customer service, sales volume, and citizenship; and has received thousands of other awards and recognitions.

Boeckmann also has been honored with countless awards for his community service and leadership locally and nationally, including The Fernando Award; the first Business "Star of the Valley" from the Economic Alliance of the San Fernando Valley; and The Presidential Citation for Private Sector Initiatives, the nation's highest award for entrepreneurs. As a Horatio Alger Award recipient, he is named among The Horatio Alger Association of Distinguished Americans.

He served nearly 17 years as a Los Angeles Police Commissioner and was the only police commissioner appointed to serve four consecutive terms under the administrations of Mayors Bradley, Riordan, and Hahn. During his tenure, he served alongside six Chiefs of Police.

His philanthropic endeavors include everything from helping the needy in his own community to building schools, playgrounds, and university libraries. He arranged for the delivery and personally helped distribute 56,000 pounds of seeds to help the Russian people survive the coming winter, and arranged for and presented a \$1 million gift of medical supplies, food, and clothing to Mother Teresa for her worldwide charities.

As President of The Prince of Peace Foundation, he presented The Prince of Peace Prize to Mother Teresa, King Hussein of Jordan (accepted posthumously by his son, King Abdullah), and, most recently, to the Reverend Dr. Billy Graham.

Bert and Jane have been married 45 years and have lovingly supported each other in their mutual and separate endeavors. Jane Boeckmann is President of the Los Angeles based-firm World of Communications, Inc., the publisher of L.A. Brides and Valley Magazine. She also serves as Treasurer of Galpin Motors and is the official Interior Designer for all their facilities. Previously she was treasurer and Interior Designer for Establishment Motor Homes. Her career also includes the role of executive producer of documentaries and docudramas for television, including the award-winning "Desperate Passage."

Among their many honors, Bert and Jane received the coveted Jack Webb Award from the Los Angeles Police Historical Society and were both honored with Honorary Doctorates from Kings College and Seminary.

In addition, Jane and Bert are the devoted parents of five children and devoted grandparents of 11 grandchildren.

Mr. Speaker, I know my colleagues join me in thanking Bert and Jane Boeckmann for their extraordinary business leadership, community service, and deep commitment to humanity, and in wishing them continued success.

**THE PRIDE OF ACADIANA RISES  
TO THE OCCASION DURING  
MACY'S 2012 THANKSGIVING DAY  
PARADE**

**HON. CHARLES W. BOUSTANY, JR.**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. BOUSTANY. Mr. Speaker, I rise to congratulate the University of Louisiana at Lafayette's Marching Band for again being selected to perform during the nationally televised annual Macy's Thanksgiving Day parade in New York City. The band, known as the Pride of Acadiana, lived up to its name under the leadership of Doctors Brian Taylor and Gerald Waguespack.

As a proud alumnus of the University, I want to thank all band members for your hard work and excellent performance before an estimated 65 million viewers.

I specifically want to commend band member Eric Gaudet of Thibodeaux, Louisiana for winning the Bob Hope Band Scholarship Award provided by Macy's and the Bob and Delores Hope Charity Foundation. Gaudet and the band received the \$10,000 prize based on Eric's musical ability, leadership, humor and community service. You gave all of us in South Louisiana another reason to be thankful as we celebrated a national holiday with friends and family.

**HONORING ROBIN J. COPELAND**

**HON. ED WHITFIELD**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. WHITFIELD. Mr. Speaker, I rise today to recognize Robin J. Copeland, who passed away on October 30, 2011 at the young age of 46.

Ms. Copeland served this great Nation with honor and dignity for many years. She had a very distinguished career in international diplomacy, nonproliferation, and scientific engagement.

She began government service working in Russia in 1991, where she became the U.S. Department of Energy's attaché at the U.S. Embassy in Moscow. At the time, this was our largest Embassy in the world. She later served in Moscow with the U.S. Agency for International Development. In this role, she became the first woman and first person under the age of 50 to hold the office of Chairman of the Interagency Council. As an energy specialist, she worked on several non-proliferation programs that resulted in effectively stemming the spread of weapons of mass destruction from the former Soviet Union.

She also was successful in thwarting proliferation of weapons of mass destruction, and exporting of technologies and former Soviet scientists through her work as the Worldwide Director of Nonproliferation for the Civilian Research Development Foundation (CRDF) Global. And due to her expertise in non-proliferation, she took part in contractor efforts to monitor Libya's nuclear programs following the return of Libyan WMD to the United States in 2003.

In addition to her work on non-proliferation issues, she used her expertise on Russia and developed and implemented the U.S. program that trains Russian doctors with our doctors in Africa involved in the treatment and care of those with HIV/AIDS.

Ms. Copeland was born in Florida and grew up in Connecticut, but she and her family have deep roots in West Texas where her parents and grandparents are Dimmitt, Texas natives. In honor of Ms. Copeland, Texas Tech University in Lubbock, Texas, has developed a scholarship for students interested in using scientific and technical skills to promote peace internationally. This is a very unique scholarship as it is the only one of its kind at any major university in America.

I congratulate Texas Tech University in developing this scholarship, and I think it is a great honor to a great American who served this country with such distinction. I send my

thoughts to her family, and it is my distinct pleasure to honor Robin Copeland.

**CONGRATULATING PROFESSOR LEI  
ZUO**

**HON. TIMOTHY H. BISHOP**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. BISHOP of New York. Mr. Speaker, I rise today to recognize and congratulate Professor Lei Zuo of Stony Brook University and his students, Teng Lin and John Wang, for their tremendous achievement as their project was recently named Best Application of Energy Harvesting at the Energy Harvesting and Storage USA 2012 conference.

There has been a significant progress over the last couple of decades to find new and innovative ways to generate, store, and harness energy in an efficient, cost-effective, and environmentally-friendly manner. This is exactly what Professor Zuo and his team have done. The project, entitled "Mechanical Motion Rectifier (MMR) based Railroad Energy Harvester," has the potential to revolutionize the way in which railroad equipment is powered.

Professor Zuo and his team have been studying various uses for MMR technology. They first created a device that can be retrofitted to automobiles and use vibrational energy captured as the car travels to recharge the battery and power other electronic components. They then turned their attention to other industries in which the technology might be useful. The railroad industry presented the type of challenge the team was looking for.

In order to operate the over one hundred thousand miles of track throughout the United States efficiently and with as few train accidents as possible, the industry utilizes a system of signal lights, crossing gates, and track switches. Each of these systems requires electricity to operate, which often means having to find a way to install and maintain power sources in remote or hard-to-access locations.

The device created by the team at Stony Brook University can be installed on train tracks without much difficulty. It collects the unusable up-and-down vibrational energy created by train cars passing over the tracks; this type of energy is generally wasted. The collected energy is then converted into unidirectional energy that can be used to power the safety components needed to operate the rail system. The creation of electricity at the location where it is needed will save time and money that would otherwise be required to install, maintain, and repair electrical lines connected to the components. Over the long run, this technology will help increase the efficiency of rail systems and, hopefully, cut down on costly service disruptions.

I thank Professor Zuo and his team for their important work on energy harvesting. It is critical that we find new and innovative ways to increase energy efficiency. Projects such as this, which find ways to capture energy that would otherwise be lost, are the key to unlocking new avenues of green technology. I also wish to congratulate Stony Brook University, which I am very proud to represent in

Congress, for its continuing support for innovative breakthroughs in science and technology.

Mr. Speaker, on behalf of New York's first congressional district, I again congratulate Professor Zuo and his team on the well-deserved recognition they have received and wish them success in their future research endeavors.

#### RECOGNIZING THE LIFE OF SERVICE OF RICHARD "RJ" KRAUSE

**HON. JERRY F. COSTELLO**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the life of service of Richard "RJ" Krause as well as that of his brother, Russell Krause.

RJ Krause has been a well-known figure in the East St. Louis and surrounding community, particularly for his tremendous work for youth sports.

A product of East St. Louis parochial and public schools, RJ graduated from East St. Louis Senior High School (East Side) and went on to Southwestern Illinois College (then Belleville Area College) and Southern Illinois University Edwardsville. RJ's early interest in serving area youth made a career in education a natural fit and he would go on to teach for 38 years before retiring in 2010.

RJ began his coaching career in 1964, the same year he started high school. He has coached most sports, including basketball, baseball, softball, football, tennis and cheerleading. On February 10, 2004, RJ coached in his 6,000th athletic event, a tremendous accomplishment that bears witness to his tireless dedication to youth sports.

In 1979 RJ founded the RJ Krause All-Stars sports club. Through this organization, a generation of mostly at-risk boys and girls has had the opportunity to develop their athletic talents through organized sports as well as going on educational field trips and many other wholesome activities.

While teaching and coaching, RJ has found time to make many other significant contributions to his community. He has served as precinct committeeman, county board member and township clerk.

RJ's list of awards is long, including the Kimmel Community Service Award, the St. Vincent de Paul Society Volunteer of the Year Award, the St. Louis Sports Commission Award and, most recently, the East St. Louis NAACP Stellar Life Achievement Award.

Through most all of RJ's lifetime of service, he has had a constant companion who has worked just as tirelessly for the youth of our area, his brother, Russell Krause. Russell has also received his share of local awards, including being nominated for the Dr. King Award, being named a Hardee's Hometown Hero and recognition from the St. Louis Sports Commission.

Mr. Speaker, I ask my colleagues to join me in honoring two champions for youth sports and the St. Louis Metro East community, Richard "RJ" Krause and his brother, Russell

Krause and in wishing both of them and their family the very best in the future.

#### CONGRATULATING THE SOUTHERN MARYLAND ELECTRIC COOPERATIVE ON ITS 75TH ANNIVERSARY YEAR

**HON. STENY H. HOYER**

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. HOYER. Mr. Speaker, I rise to congratulate the Southern Maryland Electric Cooperative—known colloquially as "SMECO"—on 75 years of serving communities in Maryland's Fifth District. Since its humble beginnings bringing power to a handful of farmers, SMECO has become a major utility that fuels economic growth across Southern Maryland.

In 1937, SMECO was first incorporated in the wake of President Roosevelt's New Deal initiative to connect rural areas with electricity. With assistance from Roosevelt's Rural Electrification Administration, SMECO brought affordable light and power to families in Charles, St. Mary's, and Calvert Counties for the first time. Over the years, SMECO expanded its service and brought electrical power to communities the major urban and suburban utilities had left in the dark.

As one of the oldest and largest electricity cooperatives in the country, SMECO is owned by the families and businesses it serves, with all profits reinvested in infrastructure improvements or as rebates to shareholders. What began with 400 families just before the Second World War today provides power to over 147,000 homes and businesses across Southern Maryland.

Mr. Speaker, on behalf of all the people of our District, I want to thank the men and women of SMECO for their hard work throughout the years. Whether it is a snow storm or a hurricane, they immediately go to work and, within days, restore power for most shareholders who have lost their connections as a result of downed wires. I commend them for their focus and diligence during these emergencies and for continuing to earn praise from shareholders for their preparedness and responsiveness along with respect from utility management professionals across the country.

I also join in celebrating this milestone of 75 years of creating opportunities for rural Marylanders. For three quarters of a century, the men and women of SMECO have played a vital role in the economy and community of Southern Maryland for which they are to be commended.

#### HONORING THE LIFE OF DR. THOMAS LESTER BRATCHER

**HON. BILL FLORES**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. FLORES. Mr. Speaker, today I rise to pay tribute to Dr. Thomas Lester Bratcher, who resided near Cranfills Gap in Bosque

County, Texas. He passed on November 3 at the age of 70.

Dr. Bratcher was born in Ft. Worth, Texas on July 9, 1942. He graduated from Eastern Hills High School in Ft. Worth and went on to receive a Bachelors of Science in mathematics from Arlington State College, and a Master of Science in statistics and Ph.D. in statistics from Southern Methodist University.

Dr. Bratcher would go on to teach statistics at the University of Louisiana in Lafayette. Years later he moved to central Texas to teach at Baylor University, where he specialized in Bayesian Methods. For the past 20 years he directed the Ph.D. program in statistics at Baylor. Dr. Bratcher was a founder and primary organizer of the Conference of Texas Statisticians which has been meeting now for 32 years.

Dr. Bratcher was an active participant in numerous causes, including the Arts Council and has been serving as Bosque County Republican Chairman since 2009. As Chairman, he was staunch supporter of conservative ideals and helped get city, county, state, and federal officials elected.

Dr. Bratcher was a member and past president of the Council of Texas Statisticians, a member and past president of the Southern Regional Council on Statistics, and a member of the American Statistical Association and the Sigma Xi Society. He was the author of numerous scholarly publications.

Dr. Bratcher is survived by his loving wife, Nancy, mother, Laura Margaret and his loving children, grandchildren, and great-grandchildren.

His loving wife said it best when she wrote that "his legacy—in all its many expressions of love, courage, integrity, principle, and unbribed passion for all he did—is with us always."

Today I pay tribute to a humble man who served Bosque County with honor and great respect. I know I am not alone as I say thank you, Dr. Thomas Bratcher, for all that you have done for the Bosque County community.

Mrs. Bratcher and her family remain in our prayers.

#### OUR UNCONSCIONABLE NATIONAL DEBT

**HON. MIKE COFFMAN**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,306,713,138,468.87. We've added \$5,679,836,089,555.79 to our debt in 4 years. This is \$5 trillion in debt our Nation, our economy, and our children could have avoided with a balanced budget amendment.

IN HONOR OF HARRISON INDUSTRIES' 80 YEARS OF SERVICE

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, November 27, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in honor of Harrison Industries, which was founded 80 years ago when E.J. Harrison offered to haul his neighbors' rubbish to the dump for 75 cents a load. His offer landed him 150 customers in the first year.

From those humble beginnings, Harrison Industries has continued to evolve and set the standards for rubbish collection while generously contributing to its community's success.

Family owned and operated Harrison Industries is one of the oldest and largest privately owned rubbish collection businesses in the United States. It provides residential, commercial, and industrial services to about 90,000 customers in Ventura and Santa Barbara counties.

E.J. died in 1991 but his wife, Myra, remains with the company as founder. Four generations of Harrison family members are involved in the day-to-day operations of the company. Myra's oldest son, Ralph, is president while her other sons, Jim and Myron, serve as vice presidents.

Harrison Industries is on the forefront of the recycling movement in California. In 1990, Harrison was among the first rubbish haulers in California to institute a three-barrel residential curbside recycling service for rubbish, recycling, and yard waste. Recyclables are delivered to Harrison's strategic partner Gold Coast Recycling and Transfer Station, while yard waste goes to Agromin, which uses cutting-edge technology to convert it into reusable soil amendments, barks, and mulches.

In 2012, Harrison Industries is undertaking new efforts toward achieving its goal of "Zero Waste."

Harrison Industries has won many awards in recognition of its financial support of local non-profit organizations and community cultural events.

Of the more than 150 non-profit organizations Harrison Industries has supported over the past eight decades, its substantial donations and support include: The E.J. Harrison Family Youth Center—the future home of the Saticoy branch of the Boys & Girls Club of Ventura; The Myra & E.J. Harrison Room at the East Ventura Boys & Girls Club; the inner courtyard of the Museum of Ventura County; The E.J. Harrison Family Promenade at Ojai's Libbey Bowl; The Harrison Industries Classroom/Computer Lab at the California State University Channel Islands' John Spoor Broome Library; the Ventura Cross; the Ventura Pier; Ventura County Fairgrounds; and, The "Eagle's Nest" at Carpinteria State Beach's Interpretive Play Area.

Mr. Speaker, Ralph, Jim, Myron, and their families have been friends of my wife, Janice, and me for a very long time. I know my colleagues join me in honoring the Harrison family and Harrison Industries for 80 years of business leadership, community service, and deep commitment to public service, and in wishing them continued success.

## HOUSE OF REPRESENTATIVES—Wednesday, November 28, 2012

The House met at noon and was called to order by the Speaker.

### PRAYER

Reverend Kenneth Johnson, Seaman United Methodist Church, Seaman, Ohio, offered the following prayer:

Most gracious Heavenly Father, we thank You for blessing the United States, and we humbly ask You, Lord, for your continued blessings.

Thank You, Lord, for the honorable Members of the House of Representatives. Help each Member and their families with their daily struggles in life. Provide each Member with daily health, providential care, and prosperity. Guide and direct the Representatives to make legislative decisions that will help our country to prosper economically and that the United States will continue to be a guiding light throughout the world.

Lord, we ask You to protect our Nation and help us to remember, "With God, all things are possible." Help us to be one Nation under God. Forgive us of our sins and for the times we have not trusted in You.

As George Washington closed his prayer in April of 1789, "Grant our supplication, we beseech thee, through Jesus Christ, our Lord, amen."

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. HIGGINS) come forward and lead the House in the Pledge of Allegiance.

Mr. HIGGINS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING REVEREND KENNETH JOHNSON

The SPEAKER. Without objection, the gentlewoman from Ohio (Mrs. SCHMIDT) is recognized for 1 minute.

There was no objection.

(Mrs. SCHMIDT asked and was given permission to revise and extend her remarks.)

Mrs. SCHMIDT. I am honored today to have Reverend Ken Johnson as our guest chaplain.

Too often, we don't recognize true heroes among us. But I want to tell you the story of Ken Johnson and Phil Fulton, two pastors in Adams County. You see, they believed that our students and our Nation need to understand the morals of our country. And the best example of that is the Ten Commandments.

So they went out and they gathered money together—not public money, but donations—to put the Ten Commandments monuments on the steps of each of the four high schools in Adams County, one of the poorest counties in Ohio.

The courts didn't like it. So they gathered more money and put up four more monuments. The Magna Carta, the Declaration of Independence, the preamble to the Constitution, and the Justinian Code. But again, the courts didn't like it. And they lost the fight nearly 10 years ago at the U.S. Supreme Court.

But the neighborhood rallied behind these two men and their efforts by taking those Ten Commandments when they were removed from public property and putting them directly across the street on private property. But the momentum swelled because throughout the Nation, people understood the courage of these two men. And so hundreds of thousands of yard signs were in each and every State in the Union, proclaiming that we should acknowledge the Ten Commandments and that they have a right to be placed on public property.

Phil Fulton and Reverend Ken Johnson didn't realize where their journey would lead. But I am proud to know both gentlemen, and I am proud today to have Ken Johnson here with his wife, Doris, whom he met on a mission trip to the Philippines, and their son Joshua. They also have two other children, Matthew and Mary.

Ken Johnson was born in southern Ohio, right in Adams County, and he has lived there his entire life. He became a pastor in 1978, and he has been pastoring ever since.

Thank you for your courage, Reverend Johnson, and God bless you and the United States of America.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. POE of Texas). The Chair will entertain up

to 15 further requests for 1-minute speeches on each side of the aisle.

### REMEMBERING SERGEANT CHANNING "BO" HICKS

(Mr. GOWDY asked and was given permission to address the House for 1 minute.)

Mr. GOWDY. Mr. Speaker, the politicians set the policies, and others carry those policies out. At least that's the way it happens in this country. It hasn't always been like that. Political leaders of yesterday also led the armies and navies. But in this country, for now, we work in this ornate building and make policy while men like Channing "Bo" Hicks from South Carolina salute smartly and carry out the orders.

Mr. Speaker, Bo Hicks' body was returned to his beloved South Carolina Monday, to his family and to his friends. He is in the presence of the Lord. He died fighting for this country, doing what his country asked him to do. And he fought, lived, and died with honor. He died, Mr. Speaker, before his 25th birthday.

The decisions we make in this assembly have real life eternal consequences. May we strive to make the service and sacrifice of Bo Hicks meaningful. May he look down and say, "It was worth it."

Thank you, Bo Hicks. God bless you and your family.

### CEOS INSTRUCT WASHINGTON HOW TO AVOID THE FISCAL CLIFF

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Highly paid CEOs are in town to tell America how to avoid the fiscal cliff. The top priority of the "fix the debt" CEOs is to cut the essential commitments of Medicare, Medicaid, and Social Security. No skin off their noses.

Sorry, you 50 million Americans who are in poverty. Too bad, you millions of children, elderly, and poor who rely on Social Security, Medicare, and Medicaid. Unemployed? You're out of luck if you lose unemployment benefits.

These 71 CEOs who come to Washington to preach fiscal austerity have average retirement assets of \$9.1 million. That's about a \$65,000 check each month for the rest of their lives. Meanwhile, in contrast, the average Social Security check for retired workers is \$1,237 a month.

Of all these debt-cutting CEOs, only two have sufficient assets in their companies' pension funds to meet their obligations to their own workers. The rest who pay any pension at all have underfunded their workers' pension funds by \$103 billion. Those who have already shoved their own retiring workers off the fiscal cliff want to do it to the rest of the middle class and the poor in America. No way.

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#### PRAIRIE STATE ENERGY CAMPUS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute.)

Mr. SHIMKUS. Mr. Speaker, I rise today to recognize the tremendous contributions of the Prairie State Energy Campus in Washington County, Illinois. This state-of-the-art coal-fired electricity-generating facility is making great advancements in environmental stewardship while at the same time benefiting the community that serves in helping live longer and better lives.

Some in Congress have questioned and even attacked advanced coal plants like Prairie State. I have no doubt Prairie State and projects like it are smart investments for our energy future. Here are just a few of the many great benefits of Prairie State: Prairie State will serve more than 2.5 million families in nine States with affordable power for over 30 years. It has created 4,000 real jobs and will employ 500 full-time employees upon completion next year. Prairie State has invested more than \$1 billion in ultra-efficient environmental controls that already meet or exceed Federal and State regulations. Even with these investments in efficiency, it is projected to offer consumer electricity at only 5.5 cents per kilowatt hour.

Prairie State is the largest contributor to the tax base in Washington County, generating over \$785 million in regional economic activity.

I urge my colleagues to take the time to learn the facts about Prairie State and what additional great projects like this could mean for our Nation.

#### GIVING THANKS

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Let me say good morning and wish America a wonderful season, but more importantly I hope everyone had a blessed Thanksgiving. That is what I'd like to speak about, this whole idea of giving thanks and recognizing where we are today. Before I start that, very briefly let me encourage my colleagues to join me in supporting the Congressional Gold Medal for Malala.

We often speak of children, but we often as well fail to recognize children. Malala is a little girl in Pakistan who was willing to stand up to the Taliban to say that we too deserve an education. She is being promoted as the person of the year. I hope Congress will celebrate her, as well.

I mentioned Thanksgiving, and I believe it is important to focus on that because I call upon my colleagues to gather their wits about them as we reflect on what will approach us in January of 2013. It will not be the decline that everyone is being frightened about, because in essence they do not start those cuts right at the beginning. Why don't we be deliberative? Why don't we lay down on the table that we will protect Medicare, Social Security, and Medicaid, what people have earned? Why don't we explain to people that everyone at \$250,00 and below will get a tax cut, everyone will, no matter what your wealth level?

Why don't we stop throwing at each other various stones and other things and be deliberative on behalf of the American people. We should be thankful to live in the great country that we live in.

#### TAXING IS NOT THE SOLUTION

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, William from Humble, Texas, wrote me this about tax increases and how they will affect him and his family. He says:

It seems to me that too many of us are going to be hit with a big tax increase next year. I can't afford to pay any more taxes. My family lives paycheck to paycheck. We stand to lose everything we've worked for. Stop taxes from going up.

With ObamaCare and tax increases, I feel my family stands no chance to get ahead. Tell me, is there any chance for my grandchildren to have a good life? I don't see it. I cannot sleep at nights worrying about the condition of this country and what condition it is in, and there is no end in sight.

Help hardworking people.

Mr. Speaker, Washington has a taxing problem and not a spending problem, because the power to tax is the power to destroy.

And that's just the way it is.

#### INCREASE FUNDING FOR MEDICAL RESEARCH

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, history has shown that our Nation experiences robust economic growth when we invest in America and in Americans, in education, in scientific research, in roads and bridges.

In order to experience this growth, we cannot allow sequestration to make dramatic cuts to medical research. If

the looming budget cuts are allowed to occur, my home State of New York could lose more than \$131 million in funding from the National Institutes of Health to conduct lifesaving research.

Mr. Speaker, western New York is the home to Roswell Park Cancer Institute, the Nation's first cancer center, home to promising advances in cancer research. It lies along the Buffalo-Niagara Medical campus, an economic engine for our community. However, in order to achieve medical or economic success, funding must be sustained over the long term.

We should be increasing, not cutting, funding for medical research. And I urge this House to reject sequestration for this critical investment.

#### BALANCED SOLUTIONS

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, our Nation is at a precipice. We find ourselves at this point after years of government neglect in addressing the fiscal challenges facing our Nation. With uncontrolled spending, explosive entitlement obligations, and a cumbersome Tax Code, our Nation is drowning in red ink and red tape.

Our government is ripe for serious and comprehensive reform. As the end of the year draws near, we have an opportunity to come together as a Congress to create long-term solutions to the challenges facing our country. Band-Aid efforts will not work and will ultimately make our problems worse. We must reform our entitlement programs, we must simplify the Tax Code, and we have to reduce spending and get our budget back in balance.

We cannot tax, borrow, and spend our way to prosperity as a Nation; but working together, I believe we can and must arrive at balanced solutions that involve ideas from both parties. Our Nation is better than the partisanship that has blocked needed reform to fix these problems.

Mr. Speaker, now is our moment. Together, let's renew the spirit and promise of our great Nation.

#### SOCIAL SECURITY IS AN EARNED BENEFIT

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. A group of millionaire and billionaire CEOs that call themselves the Campaign to Fix the Debt is visiting the White House today. According to Lloyd Blankfein, the CEO of Goldman Sachs, Social Security must be reduced.

It didn't contribute anything to the debt or deficit, but that's his solution. What did he say? He said:



You're going to have to do something undoubtedly to lower people's expectations of what they're going to get.

He went on to say:

Social Security wasn't devised to be a system that supported you for a 30-year retirement after a 25-year career.

Well, his arrogance is only exceeded by his ignorance. That's not the way Social Security works, Mr. Blankfein. It's an earned benefit. I know you wouldn't know about that because you've got \$11.9 million in your retirement fund, and you're not too worried about the future of Social Security. The average benefit is \$14,000 a year, and most people work 45 years to get that. And you say they need to lower their expectations?

Well, I've got a solution for you: pay Social Security tax on all your income, and you too will get a benefit. And you might need it because we're not bailing out Wall Street again.

#### THE FISCAL CLIFF

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, my Republican colleagues have talked a lot about the importance of finding common ground in negotiations over tax rates and the fiscal cliff.

The truth is we do have a lot of common ground. We all believe we should extend the tax cuts for 98 percent of Americans and 97 percent of small businesses. We should be building on that common ground, not arguing over semantics. I'm confident there are more Republicans like Congressman TOM COLE, who has come to the realization that we can and we must provide economic security for middle class families and financial certainty for small business owners immediately.

As my Democratic colleagues and I have been saying, that's easy, we should pass the Senate bill to extend current tax rates for middle class families and small businesses. We could do it today.

Too often in Washington we confuse principles with policies. And certainly the difference between asking the wealthy to pay their fair share by raising their income tax rate and by eliminating their deductions can't be a matter of principle. That's policy.

Mr. Speaker, I urge my colleagues and Republican leadership to build on our common ground and bring the Senate bill to the floor for a vote.

#### HONORING SERGEANT FIRST CLASS MICAH WELINTUKONIS AND THE SIXTH GRADE CLASS OF MABELLE B. AVERY MIDDLE SCHOOL

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Mr. Speaker, every year the sixth grade class at the Avery Middle School in Somers, Connecticut, participates in the Three Points on Purpose program to emphasize the importance of giving back to the community.

This fall, the sixth grade class chose to raise funds and awareness for Sergeant Micah Welintukonis, an 18-year Army veteran who was critically injured in Afghanistan on July 9 of this year while trying to rescue fellow soldiers. Micah is now back home. He's had six separate surgeries. He's making great strides; but he and his wife, Camilla, who is now pregnant with their third child, have suffered some economic loss which these kids have stepped forward to help with. They've done a walkathon, they've done collection jars, and they've done bake sales. Next week, they will present a check for over \$4,000 to Sergeant Welintukonis and his family.

Again, Sergeant Welintukonis' recovery is continuing, and he's making remarkable progress. He has put his life on the line to save his fellow soldiers. He's a true hero. And I ask my colleagues to join me in honoring Sergeant Micah Welintukonis' service to our Nation and to the Avery Middle School sixth grade class who chose to dedicate their time and service to helping him and his family.

□ 1220

#### THE FISCAL CLIFF

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, what will it take to address the people's concerns? The people are concerned about the fiscal cliff. We have to begin to put the people first and set partisan politics aside. What does this mean? People will pay.

The Tax Policy Center estimates that, if we do nothing, the average American will see his tax bill rise by \$3,446 in 2013. Unemployment will increase from 7.9 percent to 9.1 in 2013. We will also begin to lose the 30 months of steady private sector job growth. Sequestration will mean FEMA will lose \$878 million. Tell that to the people who are suffering from Hurricane Sandy. \$23 billion will be lost in rental assistance to the poor, and the nutritional programs will lose \$543 million.

Mr. Speaker, is this our message to the people of this great Nation? I hope not. It shouldn't be. Let's begin to work together. We have got to address the people's concerns.

#### WORLD AIDS DAY

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Mr. Speaker, this Saturday is World AIDS Day, which is an opportunity for us to recognize the significant progress that we have made over the last three decades in the fight against HIV/AIDS. Yet, while we have made significant strides during this time, we also have to recognize that substantial work remains to be done. Although the number of new infections is steadily decreasing every year, 34 million people, including 1 million people in the United States and more than 2,000 in my home State of Rhode Island, live with HIV or AIDS today.

In the weeks ahead, as we discuss how we are going to reduce the size of our Federal deficit, it is critical that we move forward in a way that allows our country to continue to play a leadership role in the global fight against this disease. As a member of the Congressional HIV/AIDS Caucus, I applaud the progress that we have made as a Nation since the scientific community first identified this disease, and I urge my colleagues to continue to support advances in its treatment and prevention until we can live in a world without HIV and AIDS.

#### 100TH ANNIVERSARY OF ALBANIAN INDEPENDENCE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Today is November 28, 2012, and it is exactly 100 years to the day of Albanian independence—when the people of Albania threw off the shackles of the Ottoman Empire. Now let's look at Albania today—it's a thriving democracy and it's a member of NATO.

Let's look at the fact that during the fifties and the sixties—for 50 years—and extending into the seventies, Albania was the worst, brutal Communist dictatorship on the face of the Earth. They broke with the Soviet Union because it wasn't doctrinaire enough, and they broke with China because China wasn't doctrinaire enough. As to the lies they told the Albanian people all these years about Americans, do you know what? The Albanian people never bought it.

It has been my experience as the founder and the chair of the Albanian Issues Caucus here in Congress for 24 years that Albanians are the best friends Americans have anywhere in the world. They love Americans. I am so happy that, today, they celebrate their 100th anniversary.

Albania is a member of NATO, and Kosova is a free and independent nation that we hope one day will be a member of NATO and the European Union for both Albania and Kosova. Albanians around the world, be they in the Balkans, in Serbia, in Macedonia or Montenegro, are all sharing in this

wonderful day. As to the great Albanian American community that we have in the United States, particularly in New York, I am just so proud to work with them.

So let's hold up a glass and celebrate this wonderful 100th anniversary, and let's use the Albanian phrase, "Gezuar"—"Cheers."

#### AVOIDING THE FISCAL CLIFF

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. This morning, The New York Times featured an article about California's resurging economy, which was one of the States hit hardest by the recession. After years of struggle, our housing market is bouncing back, and our unemployment rate is the lowest it has been since 2009. Yet this fiscal cliff threatens to drive my State and the rest of the Nation back into the recession we have been climbing out of. The inability for us to compromise would mean that millions more would be unemployed, that there would be higher taxes on the already struggling families, and that there would be cuts to the programs that so many livelihoods depend on.

We are putting the progress that our economy has made at risk. Now is not the time for politics as usual. This holiday season, our constituents deserve better, and I am calling on Democrats and on my friends across the aisle to come together to do what needs to be done to keep our country on track.

Let's put our politics aside. Let's find a way to come together. We know we have differences. Let's work on our common ground so that we can move forward for the American people, whom we love and serve.

#### FAILURE TO YIELD

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, according to a report by the National Economic Council, if the economy goes over the fiscal cliff, it could cut consumer spending by over \$200 billion. In other words, if we come to a consensus with a financial plan and agree, it could be a \$200 billion stimulus to our economy. Having a plan in place would also give certainty to businesses and our markets, adding an additional stimulus.

Failing to take action could slow the growth of our real GDP by 1.4 percentage points in 2013, and allowing the middle class tax cuts to expire would increase Federal taxes on a typical middle class family of four by \$2,200 in 1 year. Continued gridlock would throw the U.S. back into a recession and would cause the jobless rate to go up. Congress would be stuffing a big piece

of coal into the stockings of Americans by not coming together and getting a consensus plan.

#### RESIGNATION AS MEMBER OF COMMITTEE ON NATURAL RESOURCES

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Natural Resources:

CONGRESS OF THE UNITED STATES,  
HOUSE OF REPRESENTATIVES,  
Washington, DC, November 28, 2012.

Hon. JOHN BOEHNER,  
Speaker, House of Representatives,  
Washington, DC.

DEAR SPEAKER BOEHNER: The purpose of this letter is to accept a position on the Agriculture Committee and tender my resignation from the Natural Resources Committee, effective immediately.

Sincerely,

JOHN GARAMENDI,  
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted. There was no objection.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 29 minutes p.m.), the House stood in recess.

□ 1255

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MARCHANT) at 12 o'clock and 55 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

#### THOMAS P. O'NEILL, JR. FEDERAL BUILDING

Mr. DENHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6604) to designate the federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, as the "Thomas P. O'Neill, Jr. Federal Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6604

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. DESIGNATION.

The federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, shall be known and designated as the "Thomas P. O'Neill, Jr. Federal Building".

#### SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the federal building referred to in section 1 shall be deemed to be a reference to the "Thomas P. O'Neill, Jr. Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DENHAM) and the gentleman from Massachusetts (Mr. CAPUANO) each will control 20 minutes.

The Chair recognizes the gentleman from California.

#### GENERAL LEAVE

Mr. DENHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6604.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DENHAM. Mr. Speaker, I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield myself such time as I may consume.

I'd like to thank the majority for bringing this bill up. This is a nice way to honor the longest-continuously-serving Speaker in the history of this country.

For those of you who didn't have the pleasure of knowing Mr. O'Neill, I'd just like to remind everybody that I don't look at him as the historic figure up on the podium. I look at him as a man that I knew a fair amount of my adult life, anyway, and as a man who never forgot where he came from. And I know that's in a phrase that people hear all the time; but for me personally, when people say that of them, it's probably the nicest thing they can say. Everyone who serves in Congress knows that many of us on a regular basis get treated like something special. Somebody opens the door for us, somebody calls us "Congressman," people we don't know call us "sir." And that's all well and good, and it's respectful for the office.

But at the same time, we all came here for the very simple reason of trying to make the world a little better place for the people that elected us. It's a simple thing. And we all have different views on how that gets done. Mr. O'Neill never forgot how to do that, even when he reached the pinnacle of power in this great body. And I will tell you that for me that's the most important historic aspect he could ever leave for us. All the great accomplishments, all the meetings with Presidents and

Kings and Queens are very important. I don't want to diminish them. But at the end of the day, if you've forgotten who you represent, then I think you've stayed here too long. Mr. O'Neill never did.

I knew him even after he retired; and even then he would talk to me about regular, ordinary people—the barbers, the bakers, the truck drivers that I now have the privilege of representing in the district that he once represented. To me, that's the most important reason to recognize anyone—someone who gave of themselves to fight day in and day out.

Even then, with all the fighting that we do around here, it's amazing to me that even at home today, with all the differences of opinion we have, I get the same questions I'm sure we all get: Well, gee, is it really as bad as all that, and do you hate each other? And the truth is, for me, no. I see the Speaker sitting over there. We disagree on probably most every major point. But I like him. I think he's a good man. And I think he's here for the exact same reasons that I'm here: to make this country a better place to live. And I think that way about virtually everyone in this body.

And Speaker O'Neill not only represented that; he spoke it loudly all the time. He loved this body not for all the difficulties that it presents, not for all the messes that we create and then try to fix, but for the fact that we have a lot of people who come here trying to work on the most difficult issues in the world with passion and with commitment and with respect for each other.

I reserve the balance of my time.

□ 1300

Mr. DENHAM. Mr. Speaker, I yield 1 minute to the Speaker of the House, the Honorable JOHN BOEHNER.

Mr. BOEHNER. Let me thank my colleague for yielding.

I rise in strong support of H.R. 6604, and I commend my colleague, the gentlelady from California (Ms. PELOSI), for sponsoring this resolution.

Tip O'Neill needs no introduction to this body. Every Member knows, respects, and admires Tip's record and the long shadow that he casts over the people's House.

We've all borrowed perhaps his best known saying, "All politics is local." That is certainly true today, as we propose to name a building right here at the foot of Capitol Hill, a stone's throw from the great dome, in honor of our 55th Speaker.

This is one of those moments, though, when you wonder how the honoree would feel, especially when it's someone like Tip who never quite held back his opinions. Perhaps he would have enjoyed seeing leaders from opposite sides of the aisle come together to give him a well-deserved hurrah. Certainly he would have gotten a kick out

of being flanked by buildings named after Hubert Humphrey and Jerry Ford—also leaders from opposite ends of the political spectrum. Tip actually considered Mr. Humphrey one of his heroes, and he had one of Humphrey's quotes put up on the wall in his office.

Now, as for Jerry Ford, well, they didn't, frankly, agree on much of anything, but Tip counted President Ford as a true friend. And since friends are always honest with one another, when the new President would explain what legislation he wanted to pass, Tip would say, well, Jerry, that's not going anywhere, but sure, send it over anyway if that's what you want to do. That was Tip, who of course would also be pleased to see us down here telling an old story or two. Now he will stand in good company and, ever the representative, provide the folks back home with yet another source of pride.

Having said all that, Tip might have had one small complaint about today's occasion. A proud partisan, Tip relished nothing more than a close vote, one that would give him a chance to do just a little more wrangling as he tried to secure the vote. Today, when the roll is called on this bill, however, the outcome is likely to be unanimous, a reflection of this body's vast gratitude and appreciation for the gentleman from Cambridge.

So I would urge the whole House to join me in supporting this resolution.

Mr. CAPUANO. Mr. Speaker, I would like to yield 1 minute to the once, and future, Speaker of this House, the current minority leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding, and I thank Speaker BOEHNER for his leadership and cooperation in bringing this legislation to the floor. Thank you, Mr. Speaker.

Tip O'Neill said the Speaker of the House was Millie, his wife. I had the privilege of serving in the office that Tip O'Neill had when he was Speaker of the House and having in my possession the gavel that was given to Speaker O'Neill when he became the leader—not yet the Speaker. It's Waterford, Mr. Speaker, so you could only use it one time, and perhaps he would use it today. But you made this possible. All of us who admire and love Tip O'Neill are grateful to you for that. So I thank you, Mr. Speaker, and for your very fine words.

Two weeks ago, Members of Congress joined members of the O'Neill family and many others to plant a tree in honor of the life of Speaker Tip O'Neill. Today we honor Tip again by passing a resolution to inscribe his name on a Federal building, a lasting tribute to his service and leadership to the State of Massachusetts, to the House of Representatives, and his leadership for all Americans.

I thank again Speaker BOEHNER for leading this bipartisan effort to remember the great Tip O'Neill together

on the floor of the House, where Tip once wielded the Speaker's gavel with courage, dignity, and grace. And I thank you, Mr. CAPUANO, for joining the committee to bring this to the floor of the House. You serve in the same district that Tip O'Neill did. What an honor. I serve in the office that he had. What an honor.

It is fitting that the Tip O'Neill, Jr. Federal Building will stand alongside the office building named for Tip's dear friend, colleague, and partner in public service, former President and House Minority Leader, Gerald Ford. As the Speaker indicated, they will be neighbors. Indeed, reflecting on their long partnership, President Ford once said:

Tip O'Neill is an outstanding political leader and patriot who always carried the torch for the Congress and the American people.

Carrying the torch. The statement captured the essence of Tip's success: his extraordinary leadership; his unflinching patriotism; his belief in the common good; his devotion to the unending fight to "form a more perfect union." Yes, Mr. President Ford, Tip carried this torch for all who believed that the purpose of politics is to improve the lives of others.

Tip carried the torch for the underdog, for the person on the street, for the family struggling to pay the bills. He carried the torch of opportunity and equality into every budget negotiation, every legislative battle, every bipartisan agreement. Tip was the personal manifestation of the American Dream, and he carried the torch for anyone else who strived to achieve it.

For Tip, standing on principle was not about political gain; it was about fighting for the voiceless and for the aspirations of the middle class.

For Tip, the effort to reform and save Social Security was not about figures on a page; it was about seniors fighting to make ends meet. That's why we were so proud of what he did with President Reagan to prolong the life of Social Security.

For Tip, floor debates were not about abstract numbers; they were about people and the consequences of a policy to their lives.

Those were the values that enabled Tip O'Neill to leave his giant footprint on the course of American history. This is the spirit that made him a legend, that allowed him to help the middle class thrive, that ensured his actions would strengthen the character of our country, in his time and for future generations.

By his leadership and his patriotism, Tip O'Neill was a proud champion of his district, his State, and our Nation. With his gavel in hand, he was a giant of the Congress. With his record of progress, he was a bona fide American hero. By adding his name to a Federal building in sight of the Capitol he loved, we all carry the torch of the legacy of Tip O'Neill.

I hope that we have not the close vote that would have been fun maybe at that time, but a unanimous vote that shows that we share Tip's values and take pride in his leadership as he stands as a neighbor to President Gerald Ford.

Mr. DENHAM. I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I yield 2 minutes to the ranking member of the Transportation Committee, Mr. NICKY JOE RAHALL.

Mr. RAHALL. I thank the distinguished gentleman from Massachusetts for yielding me the time, and I join with our Democratic leader and with the Speaker of the House in supporting the pending measure.

□ 1310

Speaker Thomas P. O'Neill, otherwise known as Tip, was first elected to represent the 11th Congressional District of Massachusetts in 1952, and he continued to serve for 17 terms. During his 34 years in Congress, he served as a chair of the Select Committee on Campaign Expenditures, majority whip, majority leader and, finally, Speaker of the House.

Speaker O'Neill holds a special place in my own congressional career because when I was sworn in at the beginning of my first term in Congress in 1977, it was also Tip's first year as Speaker of this body. He held that post for a decade, making him the second-longest-tenured Speaker in the history of the House of Representatives.

Now, there is a litany of legislative accomplishments that could be described as defining the career of Thomas P. O'Neill. However, his most remarkable guidepost was his dedication to Federal programs that addressed the needs of the poor, the middle class, the sick, the fallen, and our working men and women across this great country.

Speaker O'Neill was an unabashed supporter of the New Deal and believed that the government had the ability and the responsibility to provide for those in need. And he championed programs like public education, Social Security, unemployment insurance, Medicare, Medicaid, and Supplemental Security Income for low-income people with disabilities. And that is just the tip of the iceberg.

Part of his success in protecting and growing these programs was Speaker O'Neill's talent in forging political consensus—we've heard that described already—his superb political instincts, and being a pragmatic deal-maker which allowed him to take on the day-to-day responsibilities of holding his caucus together while advancing his commitment to liberalism.

We've heard the Speaker reference Speaker O'Neill and his popular saying that "all politics is local." And believe you me, that was my first bit of advice in coming to this body; and it's the ad-

vice that, to this very day, I've taken to heed.

He had over 50 years of combined public service to both the Massachusetts State House and our House of Representatives, a true public servant in every sense of the word. So because of this and his dedicated service, I am sure that my colleagues will join in a bipartisan round of support for the naming of this Federal building after Thomas P. "Tip" O'Neill.

Mr. DENHAM. I reserve the balance of my time.

Mr. CAPUANO. I yield 2 minutes to the gentlewoman from Massachusetts (Ms. TSONGAS).

Ms. TSONGAS. I thank my colleague, Mr. CAPUANO, for yielding to me.

I rise today in strong support of H.R. 6604, which recognizes and honors the legacy of former Speaker of the House Tip O'Neill. Tip O'Neill had a long and distinguished career in public service, as we've heard. And this was clearly an O'Neill family value, as so many have carried on with such distinction.

Tip, a friend and a mentor to me and my late husband, Paul, when Paul served with him in the House, is often remembered for coining the phrase "all politics is local," as we in Massachusetts are so often reminded. His imprint has shaped the thriving Boston of today and protected the glories of Cape Cod for tomorrow.

And we treasure his innate ability to bring together, with good humor and unwavering purpose, people from both sides of the aisle, a singular aspect to his legacy which is most embodied in his work with President Reagan to strengthen Social Security, protecting this critically important program for decades.

I thank Speaker BOEHNER and Leader PELOSI for introducing this legislation that will name a building in the shadow of this great Capitol after a great Speaker, Tip O'Neill.

Mr. DENHAM. Mr. Speaker, I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. I thank the gentleman for yielding and for his leadership.

I know those of us in the Massachusetts delegation always welcome the opportunity to pay tribute to Tip O'Neill, a giant of this House and a legend in Massachusetts politics. For decades, Tip O'Neill represented the people of his district with distinction, hard work, and wit. And for 10 years, he led this House as Speaker.

Tip got into politics for all the right reasons: to help people. As a New Deal Democrat, he believed that while government doesn't have all the answers, it can and should be a force for good. And while he may be best remembered for his admonition that "all politics is

local" and he always put his constituents first, he also made a great mark in national and international affairs. He fought to protect and preserve Social Security and the safety net. He worked for peace in Northern Ireland and against the war in Vietnam.

And he was a great source of advice to me and so many others: when you're running for office, always ask for someone's vote, and always say thank you. Never judge a beauty pageant or pick a raffle number because you'll make one person happy and hundreds of people mad.

In his second term, Tip was appointed to the House Rules Committee. When he entered the Democratic leadership, my old boss and mentor Joe Moakley took that seat. And when Joe Moakley died, I was given the honor of taking his place on the Rules Committee. So I feel a strong personal responsibility to maintain Tip O'Neill's legacy.

I want to thank the leadership for bringing this bill to the floor and for the effort to designate this Federal building in honor of Tip O'Neill.

Finally, Mr. Speaker, I want to say this: Tip O'Neill believed that politics was an honorable profession. He believed that government should be there for the poor and the vulnerable and the elderly, and he believed in extending ladders of opportunity so that everyone—regardless of their background—could succeed. And I hope that all of us—the Congress and the White House—as we enter these discussions on our budget, I hope we will remember Tip O'Neill's example. Tip O'Neill was a champion for all those who had no voice. We should be too.

Mr. DENHAM. Mr. Speaker, I continue to reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I would like to yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY), the dean of our delegation.

Mr. MARKEY. I thank the gentleman so much for holding this special session.

Mr. Speaker, I was elected to Congress 36 years ago. And on my first day in Congress, my first vote in Congress in January of 1977 was a vote for who would be the Speaker of the House. The Republicans were all going to vote for John Rhodes, a very good man. The Democrats were going to vote for Tip O'Neill.

The tradition is that on that first vote, on that first day, the Member has to stand to actually say the name of the person for whom they are voting. So the first word I ever uttered on the floor of the House, standing at my chair at the top of my voice was just saying one word, O'Neill. And with that, I had voted for Tip O'Neill to begin his first term as Speaker of the House.

He was a wage-and-hour Democrat. He was a Social Security Democrat,

but he could work with Ronald Reagan to save Social Security. He was a man committed to ending the nuclear arms race, and he led that fight here on the House floor; but he did so while ensuring that there would be a complete preservation of the security of the United States of America.

He always asked two questions on every issue out here on the House floor: Is it fair, and does it work? And he said that if it could not pass that two-part test, then it should not become a law in the United States of America.

He passed a comprehensive energy plan off the floor of this House, protected Social Security, and advanced so many other issues. In my opinion, Tip O'Neill was the Albert Einstein of politics. He knew what it took in order to make this institution work. He knew what it took to reach across the aisle to find people of goodwill, to make this Chamber work, and to advance the agenda for this country.

So for me, it's a great honor to be here because buildings, as we name them, also embody that person. And it is my hope that as people walk in and out of this building in the 21st century that they think about who Tip O'Neill was, they think about—yes, how much he loved political war; but at the same time, he brought his own personal warmth to that so that it was not separated here on the House floor. And it's my hope that in naming this building, perhaps this process, this great institution can be animated by his great legacy.

□ 1320

Mr. DENHAM. Mr. Speaker, I reserve the balance of my time.

Mr. CAPUANO. Mr. Speaker, I apparently have no more speakers, but I'd just like to close out by thanking those Members who spoke on behalf of Mr. O'Neill. Thank you very much to the Speaker and the minority leader for bringing this bill to the floor and congratulating the O'Neill family.

I will tell you that I know most of the O'Neill family, and I will tell you that Tip would be proud of them. He was proud of the ones that he knew. But of the ones he didn't know as well, I will tell you he would be proud of them. Every one of them that I know is good, solid stock people who know what they're doing and know who they represent in their lives because they see me on a regular basis. And I want to thank them for being so tenacious in trying to remind us of Tip O'Neill, who he was and what he was, and for living in his shadow and living the type of life that he would have been proud of.

I would also like to just close out by simply saying "thank you" to this Congress for providing, not just me, but for all of us, the opportunity to come have these debates, have these discussions, have these fights. There's nothing wrong with a good fight over

important issues and to understand that each of us brings to this body exactly what Tip O'Neill brought to this body and what the people who come after us will bring to this body: a commitment to this country, a commitment to their State, a commitment to their district and the people they represent. Tip O'Neill epitomized it all, and that's why we're there today, to say "thank you" to him, to recognize through him what this entire body stands for.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. DENHAM. Mr. Speaker, I support passage of this legislation and urge all of my colleagues to do the same.

With that, I yield back the balance of my time.

Mr. TIERNEY. Mr. Speaker, I rise today in support of the bill to name the federal building located at the foot of Capitol Hill in honor of former Speaker of the House Tip O'Neill.

I understand that above his desk Speaker O'Neill kept a framed copy of the famous Hubert Humphrey quotation—"The moral test of government is how it treats those who are in the dawn of life, the children; those who are in the twilight of life, the aged; and those who are in the shadows of life, the sick, the needy and the handicapped." So it seems particularly fitting that this building being named after Speaker O'Neill is adjacent to the Department of Health and Human Services headquarters which bears Senator Humphrey's name.

Speaker O'Neill fought to expand opportunities for the poor, the disadvantaged and those working people who get up every day and do their best to provide a better life for their children and grandchildren.

Among Speaker O'Neill's many legacies is his commitment to public service—and I think public service has become his family's business.

Speaker O'Neill's children and grandchildren have continued his legacy of helping others and making the world a better place. Here in the House we have the pleasure of working with Speaker O'Neill's granddaughter, Catlin, who serves as Leader PELOS's Chief of Staff.

I congratulate Speaker O'Neill's children—Tom, Kip, Susan, and Rosemary—and their entire extended family on this great honor, which comes just days before what would be Tip's 100th birthday.

And I hope this kind of bipartisan effort is not a one-time thing but a sign of how the majority will conduct legislative business in the 113th Congress.

I urge support of this bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DENHAM) that the House suspend the rules and pass the bill, H.R. 6604.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## TRINKA DAVIS VETERANS VILLAGE

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6374) to designate the facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, as the "Trinka Davis Veterans Village."

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6374

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. TRINKA DAVIS VETERANS VILLAGE.

(a) DESIGNATION.—The facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, shall be known and designated as the "Trinka Davis Veterans Village".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Trinka Davis Veterans Village".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentleman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

The legislation before us today does, in fact, name the VA community-based outpatient clinic in Carrollton, Georgia, as the Trinka Davis Veterans Village.

Trinka Davis was a Carroll County business leader who desired that her estate be used to provide support and assistance to veterans and their families. Following her death in 2008, the Trinka Davis Foundation contacted the Atlanta VA Medical Center and determined that there was a need for an outpatient clinic in Carrollton, Georgia, to better serve the 3,500 veterans in northwest Georgia. As such, the foundation worked with local VA leaders to plan, design, and construct the clinic, and in September presented the \$17 million gift in kind to the VA. The 73,883 square foot clinic, which opened to veterans in September, provides primary, home-based, and mental health care and a number of specialty services, including physical and occupational therapy. It encompasses a 42-bed community living center that provides rehabilitation services and long-term care.

She was not a veteran herself, but Ms. Davis' generous gift was already improving the health and daily lives of Georgia's veterans and their families, and will no doubt continue to do so for generations to come.

It is only proper that the facility that she provided the funding for bear her name as recognition of her outstanding service to the veterans of the

State of Georgia. It's received the unanimous support of the Georgia delegation, and Georgia's major veterans service organizations have all supported it. Also, I would like to note that, according to a preliminary cost estimate provided by CBO, it represents a minimal cost of less than \$500,000 to the Federal Government.

This legislation is sponsored by my good friend and colleague, Dr. PHIL GINGREY, and I want to thank Dr. GINGREY for his leadership in spearheading this provision and for his steadfast support of veterans, not only in the State of Georgia, but across this Nation.

I urge all of my colleagues to join me in supporting H.R. 6374, and I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I rise today to offer my support of H.R. 6374, a bill to name a facility of the Department of Veterans Affairs in Carrollton, Georgia, as the Trinka Davis Veterans Village.

Ms. Davis served with great distinction as a businesswoman, but one of her greatest contributions to our Nation can be seen in her commitment to the care and well-being of the servicemen and -women of our country.

As a teenager, Ms. Davis paid a visit to Pearl Harbor in Hawaii and was touched by the sacrifice of American servicemembers. Her brother, Poncet Davis, Jr., then went on to serve in the United States Army. Later, after her successful career in the textile and rubber industry, Ms. Davis continued her work helping wounded veterans and their families. In 2004, she founded the Trinka Davis Foundation to honor service veterans, particularly in the State of Georgia.

I commend the foundation and the Atlanta VA for working closely together to build this facility, which will serve as a community living center and a medical office to provide primary health care and other important services to over 3,000 veterans.

While Ms. Davis is no longer with us, her longstanding commitments to our Nation's heroes live on and make her a perfect candidate for the naming of the Veterans Village in Carrollton.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I want to now yield as much time as he may consume to the sponsor of this piece of legislation, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I rise today in support of H.R. 6374, a bill to designate the Department of Veterans Affairs facility in Carrollton, Georgia, as the Trinka Davis Veterans Village.

Mr. Speaker, much of what I'm going to say has already been said by the distinguished chairman of the Veterans

Affairs Committee, the gentleman from Florida (Mr. MILLER), as well as the ranking member, the gentlewoman from Florida (Ms. BROWN), but I thank them for giving me the opportunity to repeat and maybe elaborate a bit because it deserves to be said.

Katherine—better then known as Trinka—Davis, was a businesswoman from Carroll County who founded the Trinka Davis Foundation back in 2004 after realizing the struggles many servicemen and -women faced upon returning from both Iraq and Afghanistan. As has been stated, though not a veteran herself, through her generosity, Ms. Davis performed an outstanding service for the veterans of northwest Georgia.

Mr. Speaker, Trinka made note of the reports of difficulties that many returning veterans and their respective families were facing: loss of limbs, traumatic brain injuries, post traumatic stress syndrome, unemployment, and loss of their homes.

Although she is no longer with us, her memory lives on. Trinka Davis left almost her entire estate, over \$18 million, to this foundation, which has used it to construct a first-class health facility to aid our wounded warriors in their recovery and treatment. I've been there. I've seen it. I was there at the ribbon cutting ceremony just this past year. It's a beautiful facility in my district in Carrollton.

Mr. Speaker, with the war in Afghanistan, a recent one in Iraq, and unrest around the globe, the United States has more than 196,000 active duty servicemen and -women that put their lives on the line night and day to protect our families and our freedoms. These men and women accepted the call of duty, leaving behind their loved ones and life as they know it, to protect the lives of us and so many others.

When our soldiers return from battle, sometimes they don't get the support and the assistance that they deserve. Simply put, we owe them more. Just as they have answered the call to serve our country, we must answer the call to serve them.

□ 1330

This is what Trinka Davis did and why I rise today, and I am so honored to be a part of the naming of this Carrollton VA facility in her honor.

Thanks to Trinka's generosity and the tireless dedication of her foundation, the new clinic was donated to the Department of Veterans Affairs just this past August. The doors were opened for veterans to receive outpatient treatment on September 24, 2012, and in the coming months the clinic will also include a 42-bed community living center. While providing a variety of services, including primary care, physical therapy, and outpatient mental health services, the facility will serve 3,000 veterans and will allow them to receive treatment closer to their homes.

I believe that, like our veterans, Ms. Davis is, indeed, a hero. She recognized the needs of our veterans, and she worked tirelessly to meet them. The Trinka Davis Foundation ensured that Ms. Davis' commitment to the veterans and to their families in the Carrollton community and beyond would be preserved through the construction of this health facility.

I ask my colleagues to join me in recognizing Trinka Davis' selfless actions by supporting H.R. 6374.

Ms. BROWN of Florida. Mr. Speaker, I have no further requests for time. I urge support for H.R. 6374, and I yield back the balance of my time.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 6374.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. I encourage all Members to support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 6374.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### NATIONAL PARK RANGER MARGARET ANDERSON POST OFFICE

Mr. GOSAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5788) to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office."

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5788

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. NATIONAL PARK RANGER MARGARET ANDERSON POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, shall be known and designated as the "National Park Ranger Margaret Anderson Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "National Park Ranger Margaret Anderson Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GOSAR) and the gentleman



from Pennsylvania (Mr. ALTMIRE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GOSAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GOSAR. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5788, introduced by the gentleman from Washington (Mr. REICHERT), would designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the National Park Ranger Margaret Anderson Post Office. The bill is cosponsored by the entire Washington State delegation, and it was favorably reported by the Committee on Oversight and Government Reform on June 27.

Mr. Speaker, while we will consider multiple bills this afternoon to designate postal facilities after fallen military heroes, H.R. 5788 gives us the opportunity to honor those who wear a different kind of uniform—our country's national park rangers. Specifically, this legislation would name the post office in Eatonville, Washington, for Margaret Anderson, who was a national park ranger who was shot and killed in the line of duty on New Year's Day in 2012.

Ranger Anderson worked to keep the visitors of Mount Rainier safe, and on New Year's Day, she gave the ultimate sacrifice for the safety of others. For going above and beyond a park ranger's duty to protect and serve, I thank Ranger Anderson and all those who serve in our national parks for their service and dedication to our country.

Mr. Speaker, I urge my colleagues to join me in strong support of this bill, and I reserve the balance of my time.

Mr. ALTMIRE. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in support of H.R. 5788, a bill to designate the facility of the United States Postal Service in Eatonville, Washington, as the National Park Ranger Margaret Anderson Post Office. In accordance with committee requirements, the bill is cosponsored by all members of the Washington delegation.

Margaret Anderson was born near Toronto, and she grew up in Connecticut and Westfield, New Jersey. She received her bachelor's degree in fisheries and wildlife sciences from Kansas State University in 1999, and she received her master's degree in biology from Fort Hays State University in Kansas.

She loved the outdoors and was said to be at peace in nature. Margaret An-

derson was living her dream in working with her husband, Eric, at Mount Rainier National Park as a United States park ranger. Her duties were not confined to patrolling but ranged from the supervision of snow plow areas to medical coordination and instruction for her fellow staff members.

Anderson was described by her colleagues as "a candid and honest co-worker who could always bring a smile to your face."

On New Year's Day, Anderson blocked the road with her patrol car to hinder the escape of a man who crashed through a checkpoint. Little did she know at that time that the man was a suspect in an earlier shooting that had wounded four people. The suspect shot at her while she was still blocking the road with her patrol car, and she was fatally wounded.

Mr. Speaker, National Park Ranger Margaret Anderson made the ultimate sacrifice in the line of duty. I urge the passage of this bill to honor her, which is on behalf of all of our colleagues in the House, especially the Washington delegation. The passage of this bill will be dedicated to her family and to the United States Park Service.

I urge the passage of H.R. 5788, and I reserve the balance of my time.

Mr. GOSAR. I now yield such time as he may consume to my distinguished colleague from the State of Washington, the sponsor of this legislation, Mr. REICHERT.

Mr. REICHERT. I thank the gentleman for yielding.

Mr. Speaker, I rise today in support of H.R. 5788, legislation to designate the post office located at 103 Center Street West in Eatonville, Washington, as the National Park Ranger Margaret Anderson Post Office.

You've heard a little bit about some of her history, educational past and some of her family history, but let me tell you that this really hits close to home for me as a law enforcement officer in my previous life. I spent 33 years in the law enforcement profession.

Margaret Anderson was a park ranger for 4 years at Mount Rainier National Park. The little town of Eatonville is nestled in a little valley, right at the bottom of beautiful Mount Rainier, which was where Margaret Anderson lived. It's called the gateway to the national park, the gateway to Mount Rainier, the gateway where folks come to visit in order to reflect on their lives and to dream. It's usually a peaceful, serene, and beautiful place to visit. Margaret's job usually was to guide folks, give direction, patrol the area, offer first aid, and just in general be the loving and kind person as she has been described here today and after her death and throughout the past year by friends and family who dearly miss her.

□ 1340

But on New Year's Day, things changed. Her job took on a totally dif-

ferent meaning. She was now the protector of those people who came to reflect and dream. Their lives were in danger, and she stepped in front. She parked her car, blocked this crazed man with a firearm. Many say that her actions saved many lives that day. But it didn't save hers. She died. She died protecting those she served. And I think it's only fitting because of that sacrifice and the service to that community and the love that that community has had for Margaret and her husband Eric, who also served as a ranger but has now moved on because memories there are too hard for him to bear, it is only fitting that this small little town with this small little post office have the name of Margaret Anderson attached to that building in honor of her service and her sacrifice to that community.

I urge my colleagues to support the passage of this bill.

Mr. ALTMIRE. Mr. Speaker, we have no further speakers on our side.

I yield back the balance of my time.

Mr. GOSAR. Mr. Speaker, I urge all Members to support the passage of H.R. 5788.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GOSAR) that the House suspend the rules and pass the bill, H.R. 5788.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### LANCE CPL. ANTHONY A. DiLISIO CLINTON-MACOMB CARRIER ANNEX

Mr. GOSAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5738) to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the "Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5738

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LANCE CPL. ANTHONY A. DiLISIO CLINTON-MACOMB CARRIER ANNEX.

(a) DESIGNATION.—The facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, shall be known and designated as the "Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GOSAR) and the gentleman



from Pennsylvania (Mr. ALTMIRE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GOSAR. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GOSAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5738, introduced by the gentlelady from Michigan (Mrs. MILLER), would designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex. The bill is cosponsored by the entire Michigan State delegation and was favorably reported by the Committee on Oversight and Government Reform on September 20.

Mr. Speaker, it is altogether fitting and proper that we name this post office in Macomb, Michigan, for Marine Corps Lance Corporal DiLisio, a selfless patriot who made the ultimate sacrifice in Afghanistan at just 20 years of age. Lance Corporal DiLisio was shot and killed by enemy fighters during a patrol he had volunteered for.

Mr. Speaker, Lance Corporal DiLisio and all of our brave and courageous fighting men and women are true heroes. And I'm thankful to have this opportunity to stand before this Chamber and express my sincere gratitude for all that our servicemembers do and all that they sacrifice each and every day.

Mr. Speaker, I urge my colleagues to join me in strong support of this bill, and I reserve the balance of my time.

Mr. ALTMIRE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I'm pleased to join my colleagues in consideration of H.R. 5738, a bill to designate the facility of the United States Postal Service in Macomb, Michigan, as the Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex. In accordance with committee requirements, the bill is cosponsored by all members of the Michigan delegation.

After graduating Dakota High School in Macomb Township, Anthony DiLisio enlisted in the United States Marine Corps. After recruit training, he was assigned to the 1st Battalion, 6th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force out of Camp Lejeune, North Carolina. He was deployed to Afghanistan in December 2009.

While on patrol in the Helmand province, Lance Corporal DiLisio and two other marines were attacked by enemy insurgents. Lance Corporal DiLisio was

fatally wounded in the ensuing gun battle, leaving behind his parents, a fiancée, and a host of siblings and friends who all remember Anthony as a personable guy who always wanted to serve the people.

When we rename this postal facility in his honor, generations to come will know of his heroism and sacrifice.

Mr. Speaker, I urge passage of H.R. 5738, and I reserve the balance of my time.

Mr. GOSAR. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, throughout the history of our great Nation, American patriots have answered their Nation's call to defend the freedom that we all hold dear. Lance Corporal Anthony DiLisio was one such hero.

Anthony DiLisio grew up in Macomb Township, Michigan, which I am very proud to represent. He was an all-American kid. He was a member of the swim team and the baseball team at Dakota High School. And after graduating from high school in 2008, Anthony could have gone on to college or he could have gone to work in his family's small business, but he was determined—determined—to serve the cause of freedom. Against the wishes of his family, he enlisted in the United States Marine Corps in August of that year.

Lance Corporal DiLisio was assigned to the 1st Battalion, 6th Marine Regiment, 2nd Marine Division, 2nd Marine Expeditionary Force based at Camp Lejeune, North Carolina. And he shipped out with his brother marines to Afghanistan for combat operations in the Helmand province in support of Operation Enduring Freedom. And on May 30, 2010, Lance Corporal DiLisio was told by his superiors that he could take the day off. That wasn't Anthony.

That night Lance Corporal DiLisio went on patrol with his marine brothers when they were ambushed just outside the camp and a battle ensued. In that battle, Lance Corporal DiLisio and two of his marine brothers were killed in action in defense of our freedom, just 1 month shy of their scheduled return from Afghanistan.

Lance Corporal Anthony DiLisio loved his country. He loved the Marine Corps, and he fought with courage and honor and distinction to preserve our liberty. In this great Nation, we honor heroes like Lance Corporal DiLisio.

And while nothing we can do will ever fully honor his incredibly brave service and his ultimate sacrifice in defense of freedom, we have a responsibility to do what we can. So I ask every Member of this House to join me in honoring this American hero, this great American patriot, by supporting this legislation which will designate

the postal facility in Macomb Township, Michigan, as the Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex.

Anthony, Mr. Speaker, was loved by his family: his father, Lorenzo; his stepmother, Tina; his mother, Tamra, who sadly just recently passed away; his brothers, Dino, Angelo, and Joe; his sisters, Lisa and Marie. We also honor them for sharing this person whom they loved so much with all of us. We cannot remove their sorrow for the loss of Anthony, but we can show them that the entire Nation honors his service and his sacrifice.

And of course the motto of the United States Marine Corps is *Semper Fidelis*—always faithful. Faithful to their duty, faithful to the cause of freedom and liberty, and faithful to this great Nation.

Anthony was a true marine, and he was always faithful. Again, I would ask every Member of the body to join me in honoring this great American hero and patriot, Lance Corporal Anthony DiLisio.

Mr. ALTMIRE. Mr. Speaker, we have no additional speakers, and I yield back the balance of my time.

Mr. GOSAR. Mr. Speaker, I urge all Members to support the passage of H.R. 5738.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GOSAR) that the House suspend the rules and pass the bill, H.R. 5738.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1350

#### PRIVATE FIRST CLASS VICTOR A. DEW POST OFFICE

Mr. GOSAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3892) to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the "Private First Class Victor A. Dew Post Office," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3892

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. LANCE CORPORAL VICTOR A. DEW POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, shall be known and designated as the "Lance Corporal Victor A. Dew Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to

be a reference to the "Lance Corporal Victor A. Dew Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GOSAR) and the gentleman from Pennsylvania (Mr. ALTMIRE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GOSAR. Mr. Speaker, I yield myself as much time as I may consume.

GENERAL LEAVE

Mr. GOSAR. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GOSAR. Mr. Speaker, H.R. 3892, introduced by the gentleman from California (Mr. MCCLINTOCK), would designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the Lance Corporal Victor A. Dew Post Office. The bill is cosponsored by the entire California State delegation and was favorably reported by the Committee on Oversight and Government Reform on February 7.

Mr. Speaker, it is altogether fitting and proper that we name this post office in Roseville, California, for Marine Corps Lance Corporal Dew, a true American hero who gave his life courageously defending our freedom.

Mr. Speaker, Lance Corporal Dew and all of our brave and courageous fighting men and women are true heroes. There is no way a grateful Nation can adequately express our thanks to those who serve. However, naming this post office after Lance Corporal Dew is a small, but fitting, gesture to the brave men and women who are the reason that this country is free.

Mr. Speaker, I urge my colleagues to join me in strong support of this bill, and I reserve the balance of my time.

Mr. ALTMIRE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join my colleagues in urging the passage of H.R. 3892, to rename the United States Post Office in Roseville, California, in honor of Lance Corporal Victor A. Dew.

Corporal Dew seemed to always have a special place in his heart for the United States Marine Corps since he was a young boy growing up in Granite Bay, California. After enlisting with the Marines in 2009, Victor chose the infantry. He wanted to be on the front line, making a difference to protect his country.

After completing recruit training, he joined the Third Battalion, Fifth Marine Regiment, First Marine Division, Marine Expeditionary Force, as an anti-tank assaultman. During his first tour of duty in Afghanistan while con-

ducting combat operations in the Helmand province on October 13, 2010, Lance Corporal Dew and three other marines from his battalion were killed in action by an improvised explosive device.

Lance Corporal Dew's loyal devotion to duty reflects great credit upon himself and was in keeping with the highest traditions of the United States Marine Corps. He leaves behind his parents, his brother Kyle, his fiancée, and a whole host of family and friends who continue to miss him dearly.

Mr. Speaker, I urge passage of H.R. 3892 in honor of the service and sacrifice of Lance Corporal Victor A. Dew, and I reserve the balance of my time.

Mr. GOSAR. Mr. Speaker, I would now like to yield as much time as he may consume to my distinguished colleague from the State of California, the sponsor of this legislation, Mr. MCCLINTOCK.

Mr. MCCLINTOCK. I thank my friend for yielding.

Mr. Speaker, I never met Victor Dew, but I feel that I've gotten to know him since the day that he came home to Granite Bay to be laid to rest in a hero's grave in the midst of his family, his friends and neighbors, his community, and his comrades in arms.

That day, I discovered that his next-door neighbor is a longtime acquaintance of mine. He had watched this young man grow up, and he was absolutely devastated. In his bitter sorrow, he represented the anguish of an entire community that had watched Victor Dew grow up to be an always good-natured, always helpful, always pleasant lad who everybody knew was destined to do great things.

That same day, I met Victor Dew's younger brother, Kyle, and I think I got a fleeting glimpse of Vic in his little brother. Kyle was seated at a table with a group of his grade-school friends. When I offered my condolences, one of his friends said, We came to cheer him up and instead he's cheering us up.

That day, I also met Victor Dew's parents, Patty and Tom Schumacher, whose intense pride in their son fused with inexpressible sorrow into a transcendent dignity that I cannot put into words. Lincoln perhaps came closest in his famous letter to Mrs. Bixby when he wrote of laying "so costly a sacrifice upon the altar of freedom."

I've gotten to know Victor's parents in the more than 2 years since that costly sacrifice. I see them at the funerals of other fallen heroes, offering comfort to other bereaved families in a way I think that only those who have gone through such a loss can truly understand. I frankly cannot begin to understand what they've gone through and continue to go through every day. Whenever I try to imagine myself in their shoes, my mind recoils. I can only marvel at the strength that they summon.

Time does not heal all wounds. For these Gold Star families, every day is Memorial Day; and every day their grief is just as real as when the casualty officer appeared at their threshold.

At a Gold Star dinner several years ago, I confided to our hosts that I still didn't know what to say to these families. She smiled and said, Just ask them about their sons.

So let me tell you a little bit about what I know of Victor Dew. Everybody who knew him always began with the same thing: Vic was one of those sunny personalities who always lifted the spirits of everyone around them. They'd be feeling down, and Victor would lift them up. I have no doubt Kyle got that quality from his older brother.

Victor attended Granite Bay High School where he played on the high school football team. His real passion, though, was martial arts, in which he ultimately achieved a double black belt in jujitsu. His jujitsu teacher, Clint LeMay, told the Los Angeles Times:

When I met him, he was like a 30-year-old man walking around in a 13-year-old's body. He was wise beyond his years and knew how to deal with all kinds of people.

In high school, he met a remarkable young lady by the name of Courtney Gold. They both went on to attend Sierra College, and that's when they began dating.

Victor had great plans. He had grown up dreaming of becoming a marine. When he was 12 years old, he had hung a Marine Corps flag over his bed. Every morning after that, he woke up under that flag and the proud words emblazoned on it: Semper Fidelis.

He steeped himself in military history. He was fully aware of the mortal dangers he would face; yet in the summer of 2009, he enthusiastically enlisted. When Courtney asked him why, he said, It's my dream. I feel like I need to do this.

One of his comrades put it this way:

Victor lived every day with a purpose like it was his last. He always had a joke to tell you or a way to make your day better. He would have tough days and instead of being negative, he would say, This is the kind of stuff I live for.

Well, he had everything to live for. Before shipping out, he brought Courtney to one of his favorite places in the world, Disneyland, where he asked her to be his wife. They were to be married when he returned. In the Marines, he was offered a posting to a ceremonial position in the Presidential detail right here in Washington, but he turned it down. He believed his duty and his destiny was to keep the fight away from our shores, away from his family and his country; and so he chose combat even when he had been offered safe and honorable service at home.

Instead of the prestigious Presidential detail he had been offered, Victor Dew chose to become one of the

boys of 3/5: Third Battalion, Fifth Marine Regiment of the First Marine Division. He deployed to combat duty in Afghanistan on September 25, 2010. Less than 3 weeks later, on October 13, Lance Corporal Victor Dew, age 20, died from his wounds after his column was ambushed and an explosive device destroyed his vehicle. Lost with him were three other fallen heroes.

The next week, a black hearse with the Marine Corps emblem brought him home to Granite Bay and to a hallowed grave. Courtney had already bought her wedding dress in anticipation of a far happier homecoming. The day before Victor's funeral, she put it on, she had a wedding photographer take her portrait, and she placed that photo in Victor's casket. And then he was laid to rest with all of the honors we accord to our heroes: posthumous medals and a promotion, full military honors, a flag given to the grieving mother on behalf of a grateful Nation.

777 days have passed since that awful day in Helmand province. In those 777 days, Victor Dew might have come safely home, he would have married Courtney Gold, they might have started a family by now, and he would be well embarked on a long and happy life and a promising career.

As painful as it is to reflect on what might have been, it's important that we do so because in that pain is the measure of how much these young men gave up and how much their families grieve for them. They won't grow old to enjoy the blessings of liberty they died to secure for our country and for a country half a world away.

□ 1400

A few years ago, I had the honor to visit members of the Third United States Infantry Old Guard, who tend the Tomb of the Unknown Soldiers at Arlington Cemetery. Tourists will often watch them on warm spring days, meticulously dressed and painstakingly drilled, honoring the memory of these soldiers. Tourists don't often show up during hurricanes or in driving snowstorms or at 2 a.m. in sleet and hail, but the Old Guard does. They commit 2 years of their lives to this service, under the strictest of conditions. I asked a young sergeant, Why? Why do you do this? He said, Because, sir, we want to demonstrate to our fellow Americans that we will never forget.

Victor Dew will not be forgotten. His family will see to that. His friends and neighbors will see to that. His marine brothers will see to that. And his country will see to that. Today, the United States House of Representatives considers legislation to name the post office in Victor Dew's hometown of Granite Bay in his honor, as a simple token of that commitment.

All things mortal will pass. Someday this post office will be gone. Someday

we will all be gone. But the selfless deeds and quiet patriotism of young men like Victor Dew are recorded, not in plaques and buildings and monuments, but, rather, in the eternal and indestructible archives of time itself. They will not tarnish or fade. They will stand for the ages as a testament to the value of liberty, the character of those who step forth to defend it, and as a most profound lesson of the true meaning of the words that Victor Dew awakened under from the time that he was 12 and that he now sleeps under for all eternity: *Semper Fidelis*.

Mr. GOSAR. Mr. Speaker, having no further requests for time, I yield back the balance of my time.

Mr. ALTMIRE. Mr. Speaker, I urge all Members to support the passage of H.R. 3892, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GOSAR) that the House suspend the rules and pass the bill, H.R. 3892, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the 'Lance Corporal Victor A. Dew Post Office'."

A motion to reconsider was laid on the table.

#### HARRY T. AND HARRIETTE MOORE POST OFFICE

Mr. GOSAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2338) to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the "Harry T. and Harriette Moore Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2338

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. HARRY T. AND HARRIETTE MOORE POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, shall be known and designated as the "Harry T. and Harriette Moore Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Harry T. and Harriette Moore Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GOSAR) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GOSAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GOSAR. I yield myself such time as I may consume.

Mr. Speaker, H.R. 2338, introduced by the gentleman from Florida (Mr. POSEY), would designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the Harry T. and Harriette Moore Post Office. The bill is cosponsored by the entire Florida State delegation and was favorably reported by the Committee on Oversight and Government Reform on June 27.

Mr. Speaker, it is altogether fitting and proper that we name this post office in Cocoa, Florida, for Harry and Harriette Moore, leaders of the civil rights movement in Florida. Harry Moore established the first branch of the NAACP in Brevard County, Florida, and is considered the first martyr of the civil rights movement. Sadly, on Christmas night in 1951, the Moores were killed by a bomb planted beneath their home.

Mr. Speaker, I urge my colleagues to join me in strong support of this bill, and I reserve the balance of my time.

Mr. CLAY. I yield myself such time as I may consume.

Mr. Speaker, I, too, want to join with my colleague from Arizona in consideration of H.R. 2338, to name the post office in Cocoa, Florida, after Harry T. and Harriette Moore. In accordance with committee requirements, H.R. 2338 is cosponsored by all members of the Florida delegation and was reported out of the Oversight Committee by unanimous consent. It honors the legacy of Harry T. and Harriette Moore, who both fought tirelessly for civil rights and against voter discrimination.

In 1934, Harry and Harriette organized the first NAACP branch, as was mentioned, in Brevard County. In the face of discrimination, the Moores succeeded in establishing additional NAACP branches throughout Florida. In addition, the Moores worked with the Progressive Voters League to register over 100,000 African Americans in the State. Harry's hard work and determination led him to become the president of the Florida State Conference of NAACP branches.

Tragically, as was mentioned, in 1951, Harry and Harriette Moore were fatally injured when a bomb planted underneath their house exploded. The Moores were survived by their only daughter, Juanita.

Mr. Speaker, I urge the passage of this bill to commemorate the legacy of Harry T. and Harriette Moore, and I reserve the balance of my time.

Mr. GOSAR. I yield such time as he may consume to my distinguished colleague from the State of Florida (Mr. POSEY), the sponsor of this legislation.

Mr. POSEY. I thank the gentleman for yielding.

Mr. Speaker, today we take an important step to honor the lives of Harry T. Moore and his wife, Harriette Moore. These leaders in the struggle for civil rights were taken from us 61 years ago this Christmas.

Harry T. and Harriette Moore propelled the struggle for justice and equality far beyond the borders of their home in Brevard County, Florida. Leaders in the modern civil rights movement, they are remembered for their dignity, compassion, and emphasis on education. They left a legacy that remains close to the hearts of community leaders and one that is sure to outlast the length of their lives that were so tragically cut short.

At a young age, the Moores were dedicated teachers and educators in our local community. Harry began his first job as an elementary teacher at Monroe Elementary School in Cocoa in 1925. Two years later, he began a decade of service as a high school principal in Titusville. Then, from 1936 to 1946, he served as a principal and fifth- and sixth-grade teacher at Mims.

The couple first met in Brevard County when Harry was serving as a principal in Titusville and Harriette was an elementary schoolteacher. They were married on Christmas Day in 1926, and were later blessed with two daughters. They committed the remainder of their lives to the pursuit of civil justice for African Americans.

The Moores first founded the Brevard County chapter of the NAACP in 1934, which led to a statewide NAACP conference in 1941. Mr. Moore served as president of the Florida State Conference of the NAACP chapters, as well as the founder and executive director of the Progressive Voters League, as was mentioned earlier.

It was through these channels that the Moores championed such issues as equality, education, and voter registration. But their steadfast adherence to equality was not without a price, as both Mr. and Mrs. Moore were fired from their teaching jobs and found it difficult to find employment. To proclaim them as pillars of the community would be an understatement.

The couple celebrated their 25th wedding anniversary on Christmas Eve 1951. As they celebrated, a bomb exploded beneath their home. Mr. Moore died on his way to the hospital, and Mrs. Moore died as a result of her injuries 9 days later.

□ 1410

The tragic murders sparked an even more resounding outcry for civil rights.

Harry T. Moore has been called the first American civil rights martyr. Brevard County has honored the Moores' deep impact on the community by designating their homesite a Florida Historical Heritage Landmark, creating the Harry T. and Harriette Moore Memorial Park and Interpretive Center, and naming its Justice Center after the trailblazing couple.

Additionally, the NAACP posthumously awarded Mr. Moore the Spingarn Medal for outstanding achievement by an African American. Both these fine citizens undoubtedly touched the lives of others with the dedication, integrity, persistence, compassion, and commitment each of them so courageously demonstrated.

I am pleased that the U.S. House of Representatives is acting today to pass this legislation to name the U.S. Post Office in Cocoa, Florida, in honor of Harry T. and Harriette Moore. Passage of H.R. 2338 will further honor the achievements and sacrifices of the Moores, the leaders and first martyrs of our Nation's modern civil rights era.

Designating the United States Post Office at 600 Florida Avenue in Cocoa as the Harry T. and Harriette Moore Post Office will commemorate the Moores' legacy in a town where Mr. Moore began his service to others. This will serve as a constant reminder to our community of the important and lasting contributions the Moores made to Cocoa and the Nation.

I urge my colleagues to join me in passing this legislation.

Mr. CLAY. Mr. Speaker, let me thank and congratulate my good friend from Florida (Mr. POSEY) for bringing to this House, bringing to our attention these two great Americans and the legacy that they left this country. Thank you for doing that.

Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. GOSAR. Mr. Speaker, I urge all Members to support the passage of H.R. 2338, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GOSAR) that the House suspend the rules and pass the bill, H.R. 2338.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### BRIGADIER GENERAL NATHANIEL WOODHULL POST OFFICE BUILDING

Mr. GOSAR. Mr. Speaker, I move to suspend the rules and pass the bill

(H.R. 3912) to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the "Brigadier General Nathaniel Woodhull Post Office Building."

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3912

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. BRIGADIER GENERAL NATHANIEL WOODHULL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, shall be known and designated as the "Brigadier General Nathaniel Woodhull Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Brigadier General Nathaniel Woodhull Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GOSAR) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GOSAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GOSAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3912, introduced by the gentleman from New York (Mr. BISHOP), will designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the Brigadier General Nathaniel Woodhull Post Office Building. The bill is cosponsored by the entire New York State delegation and was favorably reported by the Committee on Oversight and Government Reform on June 27.

Mr. Speaker, Brigadier General Woodhull was a great Revolutionary hero. He was a leader of the New York Provincial Congress and a brigadier general of the New York militia during the American Revolution. Woodhull fought gallantly for the freedom that we know today. Despite hardship, never did he stray from his dedication to a free United States of America.

Mr. Speaker, Brigadier General Woodhull is a very worthy designee of this postal facility naming, and I urge my colleagues to join me in strong support of this bill.

I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I would like to yield as much time as my colleague

would like to consume to the gentleman from New York (Mr. BISHOP), who is the sponsor of this legislation.

Mr. BISHOP of New York. I thank Mr. CLAY for yielding me time.

Mr. Speaker, I rise today in honor of an American Revolutionary War hero, Brigadier General Nathaniel Woodhull, and I urge my colleagues to support my legislation to name the post office in Mastic Beach, New York, the Brigadier General Nathaniel Woodhull Post Office Building.

I thank all of my colleagues in the New York delegation for cosponsoring this bill and the Oversight and Government Reform Committee for reporting it to the full House.

I also wish to thank the community of Mastic, an area of my district that was hit very hard by Hurricane Sandy and has since demonstrated tremendous strength and resiliency. This bill is a tribute to a favorite son of Mastic and to a community that deserves recognition.

Born in 1722 to a prominent farming family in Mastic, New York, Nathaniel Woodhull entered the British military in 1758 and quickly achieved the rank of major. After experiencing battlefield success as an officer in the French and Indian War, Woodhull rejected the Crown's repressive colonial policies. Entering politics, Woodhull was elected to represent Suffolk County in the Province of New York Assembly in 1769. Six years later, he was selected to lead the rebellious New York Provincial Congress in its attempt to break free from British colonialism and establish New York as an independent State.

In 1775, Woodhull was named brigadier general of the militia of Suffolk and Queens Counties due to his vast experience as a former British officer. General Woodhull was ordered to undertake the tactical role of removing imperative American materiel from Jamaica, Queens, during the Battle of Long Island by General George Washington.

Overwhelmingly outmanned and outmaneuvered, the Continental Army was issued a calamitous defeat by the British at the Battle of Long Island, leaving General Woodhull and his troops vulnerable to capture by the advancing British army. General Woodhull was captured by the 17th British Regiment on August 28, 1776. Woodhull peacefully tendered his sword to the British and accepted his detainment.

Though the details surrounding Woodhull's capture remain imprecise, legend purports that the British were unwilling to accept Woodhull's diplomatic surrender and ordered him to exclaim "God save the King" as punishment for his loyalty to the colonies. Woodhull refused, instead uttering "God save us all" when pressed by his captors.

Furiously, one British officer lashed out at General Woodhull and slashed him across the head and arm with his saber. The wounds to General Woodhull were debilitating. General Woodhull was incarcerated aboard a prison ship docked in New York Harbor, where he was neglected and contracted gangrene due to his untreated wounds. Woodhull's agonizing demise and the apparent refusal of the British to allow medical care galvanized the colonists, reinforcing the stigma of brutality surrounding their enemies. Nathaniel Woodhull died on September 20, 1776, the first high-ranking colonial officer killed in action during the American Revolutionary War.

Mr. Speaker, Nathaniel Woodhull embodied the patriotism and sacrifice of the early revolutionaries in the struggle for American independence. I hope you agree that naming the post office in Mastic is an appropriate honor given General Woodhull's service and ultimate sacrifice to the United States.

I urge a "yes" vote on this legislation.

Mr. CLAY. Mr. Speaker, I also urge my colleagues to pass this bill to continue to promote the legacy of Brigadier General Nathaniel Woodhull, and having no further speakers, I yield back the balance of my time.

Mr. GOSAR. Mr. Speaker, I urge all Members to support the passage of H.R. 5954, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GOSAR) that the House suspend the rules and pass the bill, H.R. 3912.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1420

#### SERGEANT LESLIE H. SABO, JR. POST OFFICE BUILDING

Mr. GOSAR. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5954) to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5954

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SERGEANT LESLIE H. SABO, JR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, shall be known and designated as the "Sergeant Leslie H. Sabo, Jr. Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant Leslie H. Sabo, Jr. Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GOSAR) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

#### GENERAL LEAVE

Mr. GOSAR. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GOSAR. Mr. Speaker, I yield myself such time as I may consume.

H.R. 5954, introduced by the gentleman from Pennsylvania (Mr. ALTMIRE), would designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the Sergeant Leslie H. Sabo, Jr. Post Office Building. The bill is cosponsored by the entire Pennsylvania State delegation and was favorably reported by the Committee on Oversight and Government Reform on September 20.

Mr. Speaker, Sergeant Leslie Sabo, Jr., was known for his heroism while serving in the Army during the Vietnam War. He is a recipient of the United States military's highest decoration, the Medal of Honor. He earned the medal for leading his company during an attack by a North Vietnamese force. Sergeant Sabo distributed ammunition to his fellow soldiers during heavy fire and provided cover to medical evacuation helicopters as they retrieved his injured comrades. During the battle, he was killed by enemy fire.

Mr. Speaker, I am truly grateful for the brave and heroic service of Sergeant Sabo and for all those who serve and defend our Nation every day.

I urge my colleagues to join me in strong support of this bill, and I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues in support of H.R. 5954. And at this time, I would like to yield such time as he may consume to my friend and colleague from Pennsylvania (Mr. ALTMIRE).

Mr. ALTMIRE. Mr. Speaker, I am proud to stand here today to speak in support of my legislation to name the Ellwood City Post Office in honor of Sergeant Leslie Sabo. By passing this bill, we are playing a small part in paying tribute to an exceptionally heroic man and his family for the sacrifices they made for this country.

Sergeant Sabo grew up in Ellwood City, Pennsylvania. He reflected the values of the blue collar steel town in which he grew up: kindhearted, hard-working, and dependable. He was drafted in 1969 and left the next year for Vietnam.

In the early months of 1970, Sabo was platooned in Vietnam. They were difficult years for him. They endured unbearable heat and humidity as they pushed through jungles and rice paddies as well as monsoon rains that seemed to never end.

In May of that year, Sergeant Sabo and his platoon were ambushed by the North Vietnamese soldiers in Cambodia. Amidst heavy fire, he ran to distribute ammunition to his fellow soldiers and was wounded as he threw himself over a wounded combatant to shield him from a grenade blast. Despite his wounds and the danger confronting him, Sergeant Sabo continued to provide cover to the medical evacuation helicopters as they retrieved wounded soldiers until he, himself, was killed by enemy fire.

For his bravery, Sergeant Sabo was recommended to receive the Medal of Honor. However, the recommendation languished for decades until it was discovered in the National Archives in 1999 by Alton Mabb, a Vietnam veteran from Florida. After many more years and some prodding by my friend Congressman GERLACH, who is a native of Ellwood City, and myself, the Department of Defense finally announced in December of 2010 that it would officially recommend to the President the award to Sergeant Sabo for the Medal of Honor.

I was honored to attend the Medal of Honor ceremony with my friend Congressman GERLACH this past May. The award was long overdue and much deserved for Sergeant Sabo, his family, and the entire community.

Sergeant Sabo left behind a wife who loved him, a brother who adored him, parents who cherished him, and a community that admired him. After many years, those who called Leslie a husband, brother, son, and friend are able to celebrate the man that made them all so proud. This year, Ellwood City dedicated a memorial and a bridge to Sergeant Sabo. This bill will allow the town to continue to celebrate its hero in another fitting tribute by naming the town's post office after Medal of Honor recipient Sergeant Sabo.

I want to thank Chairman ISSA and Congressman CUMMINGS, the ranking member, for moving this bill through their committee and allowing it to come to the floor for the vote later this week. I urge my colleagues to support it.

And I thank Mr. CLAY for yielding me the time.

Mr. CLAY. Mr. Speaker, I also urge the passage of H.R. 5954 and reserve the balance of my time.

Mr. GOSAR. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Pennsylvania (Mr. GERLACH).

Mr. GERLACH. I thank the gentleman for yielding, and I thank the Speaker for this time. And a special thanks to my colleague from Pennsylvania, Congressman ALTMIRE, for the sponsorship of this legislation.

I rise today to recognize Congressional Medal of Honor hero Army Sergeant Leslie Sabo, Jr., who was a resident of my hometown of Ellwood City, Pennsylvania, and proudly served in the 101st Airborne Division during the Vietnam War.

Sergeant Sabo arrived in Vietnam on November 14, 1969, and fought on a piece of ground called Hill 474. On May 5, 1970, his company moved into Cambodia and was engaged in daily fire-fights for 5 days. On May 10, his company was caught in a deadly ambush; but despite being wounded three times by enemy fire and from a hand grenade, he continued to purposely draw enemy fire towards himself in order to allow his wounded comrades to be safely evacuated. Tragically, he died of his wounds on that hill.

A few years ago, after being informed that Sergeant Sabo's Medal of Honor review by the Department of Defense had languished for many years, I was pleased to work with my colleague, Representative ALTMIRE, to have the Department reevaluate this case and ultimately recommend that the President posthumously award Sergeant Sabo the Medal of Honor. On May 16, we were both very honored and privileged to be at the White House for the President's presentation of this Medal of Honor award to the Sabo family.

Today I am, likewise, honored to have joined Representative ALTMIRE in sponsoring this bill to rename the post office in Ellwood City the Sergeant Leslie H. Sabo, Jr. Post Office Building. It is important for the citizens of Ellwood City, of Pennsylvania, and of our entire Nation to have a permanent public reminder of one of our greatest local heroes.

His story is a powerful reminder of the sacrifices our soldiers make in order to keep our country safe. Each day in America, we enjoy unprecedented freedom thanks to the distinguished service and tremendous sacrifices of our servicemen and -women and their families. While we can never fully repay the debt we owe our troops and our veterans, we can assure them and their families that we will always remember their extraordinary service.

The legislation before us today appropriately honors Sergeant Sabo's service and sacrifice, and I urge my colleagues to support it.

Mr. CLAY. Mr. Speaker, having no further requests for time, let me again urge my colleagues to vote in support of H.R. 5954, and I yield back the balance of my time.

Mr. GOSAR. Mr. Speaker, I urge all Members to support the passage of H.R. 5954, and I yield back the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I rise today in support of H.R. 5954—To designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building."

On 10 May 1970, Sp4c. Leslie H. Sabo Jr. distinguished himself while serving as a rifleman against hostile forces in the Se San area during the Cambodian Operation west of Pleiku. Specialist Sabo was in the rear element of a reconnaissance patrol when it was ambushed by a large enemy force. While firing his automatic weapon from his defensive position, Sp4c. Sabo saw that his comrades were being assaulted by a flanking enemy force. He immediately turned his fire in the direction of the attacking enemy and with automatic weapons fire and grenades he was able to halt the insurgents from moving forward even though he was wounded while doing so. Then from his defensive position, Sp4c. Sabo saw a wounded comrade about 10 meters to his right and disregarding his own wound he rushed to help the fallen soldier. A grenade was thrown into the friendly area from a nearby enemy ditch and Sp4c. Sabo threw himself on top of the wounded soldier to protect him from the blast. He was again wounded in the back from the grenade. He then took one of his own grenades and assaulted the ditch, threw his grenade into the ditch and killed two enemy soldiers. Now seriously wounded, Sp4c Sabo retrieved three bandoleers of ammo and was able to make it back to his original defensive position. As he threw extra ammo to another comrade he was again shot in the leg area and fell behind a small tree. As two wounded soldiers were trying to get to a tree line to be evacuated out of the combat area, enemy fire was pointed in their direction preventing them from getting to the helicopter. Sp4c. Sabo with multiple wounds stood up from behind his only cover, a small tree, and opened fire on the enemy that was preventing the evacuation. While their fire was now diverted toward Sp4c. Sabo, the two wounded soldiers were able to get to the helicopter safe. Sp4c. Sabo was hit with automatic weapons fire multiple times and died from his wounds. Through his indomitable courage, complete disregard for his own safety and profound concern for his fellow soldiers, he averted loss of life and injury to the members of his patrol.

Leslie Sabo first came to my attention when a constituent, Alton Mabb, Jr. asked me to recommend his friend Leslie Sabo for the Medal of Honor. This was in 2002. After many years and the White House and Pentagon losing and finding the paperwork that I sent they finally were ready to recommend a yes to the medal, but the award was too late and we needed a special amendment in the Defense Authorization bill to allow this to happen. I worked with Chairman Ike Skelton to get it into the National Defense Authorization Act for Fiscal Year 2008.

I was pleased when President Obama finally awarded the Medal of Honor to Sergeant Sabo earlier this year, and believe that naming this Post Office after him is a fitting tribute. I



want to thank the gentleman from Pennsylvania for his leadership on this bill and thank all those men and women who defend this Nation every day.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GOSAR) that the House suspend the rules and pass the bill, H.R. 5954.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

#### HEIDTMAN STEEL

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. For decades, America's trade policy has been broken. When Congress granted permanent normal trade relations to China, those of us in Congress who opposed the deal were promised that U.S. businesses would be treated fairly in China. Well, that didn't happen. Instead, we see cases of corruption and outright theft with little or no justice for U.S. companies.

In our Ohio district, one of our local manufacturing companies, Heidtman Steel, was the victim of corrupt business practices in China. Heidtman supplies steel to the U.S. auto industry. Heidtman took a chance by trying to do business in China. Do you know what? They essentially were robbed by a Chinese company. After 8 years of trying to get justice, Heidtman is still owed \$7 million.

I've asked the Chinese Ambassador and their government for answers to this case, and our Federal trade establishment needs to be more forceful on issues of business fraud. America and the Congress should not stand idly by as American companies are fleeced and as the promises of a level playing field are broken.

[From the Toledo Blade, Nov. 21, 2012]

HEIDTMAN STEEL PRODUCTS, INC. SAYS  
CHINESE FIRM OWES IT \$7 M

(By Ignazio Messina)

A Toledo company that has supplied steel for the Detroit Three automakers and raw materials to steel mills says it was duped eight years ago by a Chinese business that claimed to have a great supply of coking coal for sale.

After nearly a decade of legal wrangling overseas, Heidtman Steel Products Inc. is still owed nearly \$5.9 million, plus 5 percent interest from the Chinese company. The interest brings the award to about \$7 million.

"A simple business transaction. Well, it never shipped and they never returned the money," said Mark Ridenour, chief financial officer for Heidtman Steel. "I think we got ripped off, to be perfectly honest. I think we got shanghaied."

Toledo Mayor Mike Bell and about 20 local businessmen left for China on Nov. 13 and are to fly back today.

The mayor has been urging Toledo businesses to explore doing business with Chinese investors and businessmen.

The trip to China to seek investors is Mr. Bell's fourth. His spokesman, Jen Sorgenfrei, reached in China on Tuesday morning, declined to make the mayor available for comment about the problems Heidtman Steel had in China.

In December, 2010, an arbitrator in Geneva agreed with Heidtman and ordered the Chinese company—Hebei Huiyuan Group Tangshan Import & Export Co. Ltd.—to repay \$3.5 million plus other costs for 44,000 tons of coke it had promised to deliver but did not. Two years later, Heidtman is still without its money and never received the shipment.

In 2004, when coke was difficult to obtain and the price of steel was sky-high, John Bates, Heidtman's chief executive officer, thought he had found a supply of coke to satisfy his customers.

"We became aware that there was maybe some coking coal available in China for export to the United States, so our CEO went over and met with some individuals," Mr. Ridenour said. "We signed a contract [and] made a payment in order to obtain this coking coal, which we would then turn around and sell to a steel producer; in this case, it was SeverStal."

The deal with Hebei was signed on Nov. 13, 2004, and the money was wired three days later. The coke was supposed to be waiting on a dock in China north of Beijing on Dec. 5, 2004.

After Hebei failed to deliver the coke, Heidtman agreed to cover the difference between the contract price and the cost of buying 44,000 tons of coke on the dock from another seller to honor its commitment to SeverStal. In January, 2005, SeverStal demanded \$1.68 million from Heidtman for the purchase price difference of that coke and extra shipping costs.

The arbitrator awarded Heidtman \$3.51 million as reimbursement and the \$1.68 million it had to pay to SeverStal. Heidtman was also awarded \$440,000 plus \$185,876 in legal fees, hearing costs, and arbitration fees.

Xu Jianguo, chairman and legal representative of Hebei, could not be reached for comment at his office in China. Mr. Xu and the company are listed on a variety of Chinese-language Web sites. One site calls him "the city of Tangshan coke king" and says that he has been chairman of the board of the Entrepreneurs Association of Hebei Province, Tangshan City Federation executive committee.

Mr. Ridenour alleged Mr. Xu asked for an additional \$10 million after the coke shipment didn't arrive at the docks.

John Carey, a lawyer with Eastman & Smith Ltd. who is working for Heidtman, said the arbitration award has been ignored but there are legal options in China.

"We have a two-year window to do something with it in China," Mr. Carey said. "We have had a Chinese lawyer in Beijing for about a year trying to help us. . . . We have been told by everybody and their aunt that you can go through the Chinese judicial process if you want to; it will take a really long time; it will be really expensive, and really there is no certainty for outcome."

Derek Scissors, an expert on China and an Asian scholar at the Heritage Foundation in Washington, said he was not surprised to hear about Heidtman's troubles with the Chinese company. He said American companies should first check out businesses in China before proceeding because recovering money in a legal dispute is very difficult.

"No certainty for an outcome is an understatement," Mr. Scissors said. "The funda-

mental problem for the U.S. is that it wants to encourage private Chinese companies, but private does not mean ethical or well run. . . . It could be owned by thieves and all of these companies have the shelter that they are not going to be forced to pay unless they have other overseas exposure."

Mr. Scissors said American companies in similar disputes will not get a judgment on any basis of law. "There is no rule of law in China," he said. "Decisions are made on a political basis and the top one is keeping people employed, so if the Chinese company says it would have to lay off workers to pay this order, then forget it, you are not going to get squat."

Mr. Ridenour admits Heidtman should have used an international letter of credit rather than paying up front for the coke.

"This was our first foray into China and maybe our last," he said. "It's a story about the perils of doing business in China without having your behind protected."

Heidtman and its law firm have asked for help from U.S. Sen. Rob Portman (R., Ohio), U.S. Rep. Marcy Kaptur (D., Toledo), the U.S. Department of State, the U.S. Department of Commerce, the American Embassy in Beijing, and the International Chamber of Commerce.

Miss Kaptur said she is trying to "get justice" for Heidtman by going through official channels.

"I am seeking a personal meeting with the ambassador from China to the United States and we have asked for that meeting and we are waiting for a reply," she said. "We are operating with a country that does not have reciprocal trade practices. They do not have a rule of law and they do not abide by the normal practice of global trade."

She said Heidtman's situation is a cautionary tale.

"This is indicative of many American companies doing business in China," Miss Kaptur said.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996.

#### DEVASTATING EFFECTS OF SEQUESTRATION CUTS TO MATERNAL AND CHILD HEALTH PROGRAMS AND RESEARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized for 60 minutes as the designee of the minority leader.

Ms. SCHAKOWSKY. Thank you, Mr. Speaker, for yielding to me for a very important hour.

I want to begin with Elodie Michaud, this beautiful, beautiful baby and hope that everyone will think about Elodie as every child, as any child, as your child. Because what I rise to talk about today is the importance of protecting very important maternal and child health programs and research, some wonderful things that our country does



to make sure that children like Elodie, regardless of their circumstances and where they live and how much money their parents make, will be able to grow up healthy and happy and productive in our country.

□ 1430

Investments in maternal and child health improve the well-being and quality of life for women and children and families all over the country while actually reducing government costs. So as we deal with all of the issues of the debt and the deficit, I want to make sure that everybody is keeping Elodie, and children like her and her mother and her father and her family, in mind and making cuts that really make sense and avoiding cuts that absolutely make no sense, that don't save money, and certainly don't make our country any better. The investments that we make help children remain healthy, achieve success in school, and become productive members of society.

While we all agree that we want to tackle our fiscal challenges, we want to make sure that we take the kind of balanced and sensible approach that reduces our deficit, puts our fiscal house in order, and protects the health of women, children, and families. So we should all agree, both sides of the aisle, that we want to increase revenue to tackle our budget deficits and ask those who can afford it—the wealthier individuals and profitable corporations—to pay their fair share so that we don't ask children and families, like Elodie's family, to bear the burden.

Elodie certainly had nothing to do with creating the deficit, and many families that the Elodies of the world live in had nothing to do with creating the deficit. Asking them to pay more doesn't make any sense. We need to find more savings in the bloated defense budget and waste, fraud, and abuse throughout many different systems. Obviously, we want to get rid of unnecessary and duplicative programs that we don't need, and we should go very carefully through our budget. We don't want to do it at the expense of children.

When we talk about sequestration, these are automatic budget cuts that will go through if we don't resolve the fiscal problems that we have right now. These are, I would argue, inefficient, across-the-board cuts that will be made. And even though some programs for vulnerable Americans are protected, others would be severely cut. We should not allow this.

American families shouldn't be paying for a budget deficit largely caused by things like two unpaid-for wars and two unpaid-for tax cuts that disproportionately benefited the wealthy and Wall Street gone wild, which led to the worst recession since the Great Depression. Our budget should not be balanced on the backs of vulnerable Amer-

icans, including women and children. Funding programs that assist vulnerable women and children have already experienced serious cuts in recent years, and we shouldn't be asking more from these safety net programs.

We also want to ensure that we don't replace sequestration, these automatic cuts that will go into place, with something even worse. Some alternatives are being considered that would actually do even more harm than sequestration to women and children. Although Medicare beneficiaries are protected under sequestration, some proposals would make cuts and/or change Medicaid into a block grant. That means giving just a sum of money to the States pretty much to do what they want with and not necessarily covering the children and poor people, poor families that need Medicaid support.

In the United States of America, Medicaid covers more than 40 percent of all births and covers one in three children. Think about that. Forty percent of all births and one in three children are in families that qualify for Medicaid support. That means that they're low income enough to be able to qualify for Medicaid, and we certainly don't want to do something that would make that unavailable and so we can continue to have the birth of healthy children.

Sequestration would devastate our public health system, impeding our ability to bend the health care cost curve, to prevent illness, to cure diseases, to ensure access to quality health services, and to ensure the healthy development of our children.

Sequestration will eliminate nearly \$1 billion in Federal funding for programs and research designed to promote and protect the health of women and children. These cuts will hinder our ability to extend quality health care services to women and to families.

I want to talk about a very important and often under attack program that we call title X, and that is family planning services, family planning clinics. I also want to talk about the title V maternal and child health services block grants, two programs that reduce barriers for low-income women and children to access critical health care services and support. If we go to these automatic cuts, again called sequestration, we will be cutting \$24 million in funding to title X clinics, decreasing Federal funding for the only dedicated family planning program to its lowest point in a decade. Title X clinics are critical and vital components of our health care safety net, providing critical access to breast and cervical cancer screening programs, prevention and treatment services for sexually transmitted diseases, and reducing the rate of unintended pregnancies, and reducing the rate of abortions. Access to family planning means

that there will be less abortions in the United States.

For many women, title X clinics provide the only health care services that they ever receive in their lives. Without access, some women will have a harder time obtaining preventive care and treatment services. I'm talking about clinics that provide for up to 5 million women across the country. People like to think about Planned Parenthood as being the place where women can get abortions. That's a tiny part of their services, about 3 percent. Mostly they provide primary health care, including access to contraception. That's a very important service that we want to make sure that we don't cut.

The breast and cervical cancer screening program has been particularly important to providing access for women to early detection and screening services. In my State of Illinois—I'm from the Chicago area—title X clinics have caught 1,400 cases of cervical cancer and 713 cases of breast cancer over a 5-year period through the program. Sequestration cuts mean that 550 fewer Illinois women will be screened for cancer through this program, potentially costing women's lives because their cancer will be found too late without access to these lifesaving services.

I have been joined by one of the chief advocates for women in the United States of America who has been such an incredible and consistent advocate. I am so proud and grateful that CAROLYN MALONEY from New York has joined us. I would like to yield to the gentlewoman.

□ 1440

Mrs. MALONEY. I would like to congratulate my good friend and colleague JAN SCHAKOWSKY for her incredible leadership in this body and for organizing this Special Order that focuses on the impact of sequestration on women, children, and families. It's very important.

Just yesterday, JAN, there was a report that came out from the National Economic Council and the Council of Economic Advisers which said that if we go over this fiscal cliff—if we do sequestration—that it would cut consumer spending by \$200 billion. So, by having a consensus on the budget and a financial plan that is fair and balanced going forward, it could be \$200 billion in stimulus. On top of that stimulus, there would be business and market stimulus just by having some certainty in where we're going. Having an agreement that is fair and balanced is critical for the overall economy, but the impact on women and children and on some of our most vulnerable would be devastating. That's why your particular focus today in this Special Order is so important.

The United States currently ranks about 50th in the world in infant mortality. In Morocco, 1.8 infants under 1

year of age die for every 1,000 live births each year. In Japan, the number is 2.2. In the United States, to our shame, the number is six. From New Zealand to all other advanced countries around the world, they do much better than the United States in this most fundamental measure of health and well-being. The people who are most affected by this failure are not those who have been irresponsible—they are not slackers; they are not lazy. They are babies. They are mostly babies who have been born into poverty. This is a metric that we should feel morally bound to improve by leaps and bounds, but instead, we are about to make it worse for these babies if we don't act swiftly to prevent sequestration.

If this Congress does not act to prevent this country from plunging over the fiscal cliff under the terms of the sequestration provisions, the Women, Infants, and Children program will experience a savage cut of 8.2 percent—a reduction of over a half a billion dollars. The program, which is known as WIC for short, provides nutrition and breast-feeding education, healthy food, and improved health care to millions of low-income families and mothers and children. Nearly 735,000 participants would be cut from the program next year. These are not families who can just make up the difference by taking shorter vacations or by whipping out a little credit card. These are low-income families, and they would be permanently hurt.

In my home district of New York, these cuts would seriously threaten the ability to deliver critical services to mothers and babies, which are services that they need. It disproportionately affects low-income families.

Sequestration would devastate the title V Maternal and Child Health Services Block Grant Program. This block grant currently serves over 7 million individuals in New York by supporting initiatives that promote health, that reduce economic disparities, and that combat infant mortality. Under the cruel consequences of sequestration, more than 5 million fewer families would be served.

Cuts under sequestration would mean that, in New York alone, over 1,000 fewer women would be screened for cancer, that 11,000 fewer children would be vaccinated, and that 1.1 million fewer women and children would be receiving health care. In New York right now, about 14,000 cases of breast cancer and over 914 cases of cervical cancer are diagnosed each and every year. Sequestration would cut more than \$268,000 from the breast and cervical cancer screening program.

In this fragile economy, States simply cannot absorb these cuts without cutting vital services. New York, like every other State in this country, has its own extreme problems, and we are

running our State now at a deficit, and we have to make that up in a year. Under our State constitution, we can't carry deficits, and you can't tell a baby to just go out and get a job.

Let's work together to protect these critical programs for women and children. It's time to change direction. It's time to acknowledge that elections matter, and it's time to listen to the American people. This bus, at great speed, is headed over a cliff, and it's time for the people in the majority, the people in the driver's seat here in the House, to take a turn and to change it.

What would happen if we went into sequestration and if the middle class tax cuts expired? That would mean an increase in taxes of \$2,000, on average, against every middle class family in America. Failing to take action would slow the growth of our own real GDP by 1.4 percentage points in 2013, and this continued gridlock would throw the United States back into a recession and cause the jobless rate to go up.

Congress is going to be stuffing, I would say, a big, ugly lump of coal into the stockings of the American workers if we don't save this country from sequestration, and we know that those who would be hurt are those who are the most vulnerable. It was our great President, John F. Kennedy, who said, When you balance budgets, don't balance them on the backs of the poor. As to the programs that really serve the neediest and the most vulnerable—the children, the mothers, the retired women—this sequestration is going to hurt them the most. I would say nobody in their right mind would vote to do that.

The American people made their wishes clear in this last election. They supported President Obama, and they want this Congress to get going and to get the job done, but at the rate we're going, we're all going no place fast except over a cliff. As you pointed out, the impact of going over this cliff will be devastating to our overall economy but particularly to those who are the most vulnerable—our children and our mothers and our elderly women.

So I want to congratulate my colleague and partner in so many efforts for women, children, families, and for working Americans and, really, for getting a compromise, for getting a solution that will keep us from going over this fiscal cliff. I thank my distinguished colleague for organizing this.

Ms. SCHAKOWSKY. I want to underscore a pretty shocking statistic. You mentioned that the United States of America is 50th in infant mortality. Was that the statistic?

Mrs. MALONEY. Yes, yes. Here we are so wealthy, and yet we are 50th in the world in infant mortality.

Ms. SCHAKOWSKY. One being the best of course.

And you mentioned countries that we wouldn't necessarily expect would be

better than the United States—Morocco, for example—and I'm sure there are a bunch of others. Yet the United States of America is 50th. Now, many people don't live in communities in which they see that, but that means that there have to be neighborhoods and communities in our country in which the infant mortality rate is probably very much like those in underdeveloped countries, where they rely on programs like the Women, Infants, and Children program which make sure that women don't have underweight births, children born of low weight.

The other thing you were talking about was the WIC program. It sounds like what you're saying is that we would actually be taking food out of the mouths of little children.

Mrs. MALONEY. Literally, and we can't afford to do it. I would say it really is scandalous, absolutely scandalous.

We have to work together and prevent this from happening. Always, it's those parts of our society that can't afford a lobbyist, that don't have the money. Babies can't get jobs, and they can't hire lobbyists. So those programs that help poor children are going to be incredibly vulnerable with this sequestration. As I said, no one in their right mind would let this happen, yet the parties seem so far apart, and we don't seem to be getting the consensus that we need to make this happen. It's absolutely critical. Getting that consensus and not falling over that cliff is literally going to save lives, millions of lives.

□ 1450

Ms. SCHAKOWSKY. That's why, because we all get into the numbers game, we talk about a billion here and a billion there, et cetera, and that's why I wanted to put up a picture of the beautiful Elodie Michaud, who happens to actually be the daughter of Megan Michaud, who is my legislative director, so people can look at a face. This is the kind of face, if not Elodie's face, that we are talking about. Here's a mom and a baby, too. These are the kinds of faces that we want people to keep in their mind because there are real people behind these numbers. It's easy to say we are going to cut money from the WIC program, Women, Infants, and Children program, and then you realize what that would mean to perhaps this mother and this baby and so many across the country.

Mrs. MALONEY. I would say so. And providing the resources for WIC, which provides food literally for children, for babies and their mothers, this is a fundamental measure of health and well-being around the country, the birth of children and the health of their mothers; and yet we are doing so poorly in it. We are 50th in the world in infant mortality. That is not a statistic; that is a scandal.

Taking money away from the support of these young babies, these are not irresponsible people that aren't carrying their weight. These are not people that are slackers, like some of my colleagues on the other side of the aisle talk about some people. They're not lazy; they just happen to be born poor. And in the richest country in the world, we have to be there. As John F. Kennedy said, we cannot balance the budget on the backs of the poor. It's wrong.

Ms. SCHAKOWSKY. I thank you so much for your contributions—continuing contributions—to the well-being of women and children.

Yes, it's true that title V Maternal and Child Health Services Block Grant also does things like combat preterm birth, teen pregnancies, preventing chronic conditions, reducing disparities that are often present in our society. Let's be clear, not everybody has access to quality, affordable health services; and we want to improve that for more than 40 million women, infants, and children with special health care needs.

My State uses title V funding to reduce infant mortality, prevent teen pregnancies, and to ensure newborn screenings, to test children early on for things that can become chronic conditions and make sure that we take care of them early, and to coordinate care for children with physical disabilities. And the sequestration cuts will reduce critical funding to these efforts by over \$1.65 million in Illinois alone. And with those cuts, 306,000 fewer Illinois women, infants, and children can be served.

Another really important area that I think a lot of people don't focus on is training of doctors. One of the things that sequestration, these automatic budget cuts, will do is reduce our ability to train pediatric physicians needed to ensure access to quality health care services to children and adolescents.

The Children's Hospitals Graduate Medical Education program trains more than 40 percent of general pediatricians and 43 percent of all pediatric subspecialists. Sequestration, automatic cuts, would take \$21 million from this program forcing the reduction of residency slots, training of doctors, at Children's Hospitals across the country. We want to have these quality doctors that are able to make sure that they can care for our children.

I want to go back to something that Representative MALONEY raised, and that's the WIC program—Women, Infants and Children—and immunizations. Experts agree that we must combat our deficit by bringing down the total cost of health care. That's true, but sequestration could result in just the opposite. The sequestration cuts to programs such as what we call the food stamp program, the SNAP program, or the Special Supplemental Nutrition

Program for Women, Infants, and Children and the 317 Immunization Program that will have their funding cut, if we are to reduce our national health care expenditures, we have to make sure that we fund those programs, those special nutrition programs and the immunization programs. They have a track record of saving money on future medical expenses.

Imagine, you're sending your children to school and they're sitting next to a child who simply cannot afford to get the kind of immunizations they need because those funds have been cut. None of us want that. I certainly don't want that for my grandchildren.

The Supplemental Nutrition Program for Women, Infants, and Children, the WIC program, improves health outcomes by providing nutritious food and nutrition and breast feeding education to women and young children. The WIC program has resulted in healthier pregnancies, healthier birth outcomes, and better growth and development of young children.

For every dollar we spend on a pregnant woman in the WIC program, as much as \$4.21 is saved in Medicaid expenditures because WIC reduces the risk for preterm birth by 25 percent and low birth weight babies by 44 percent. These are successful programs.

In spite of the proven success and cost savings from the WIC program, sequestration would cut \$529 million from the WIC program, which would allow the WIC program to serve approximately 735,000 fewer women and young children who are at nutrition risk, including 24,200 from my home State.

I see that I have been joined by a fearless and tireless advocate for women and children, particularly low-income women and children. This is my next-door neighbor and great friend and great Congresswoman from the great State of Wisconsin, GWEN MOORE.

Ms. MOORE. Well, I thank you so much, my good friend from Illinois, JAN SCHAKOWSKY. You have always, even before your tenure as a Member of Congress, been an advocate for good, healthy, nutritious food. It really occurs to me that kids can't wait. It's not as if we malnourish them now, that somehow when the economy picks up, we can supply them with calcium and vitamin A and vitamin C, protein and iron that they need retrospectively and say: well, let's just pick up where we left off. Here's this pregnant woman who, if she can just manage to get that child into the world, by the time they are three or four, we'll back up and provide them with that nourishment.

I can tell you that, JAN, you have for a long time been a shero in this. And so has my good friend, ROSA DELAURO from Connecticut, who will be joining us very soon as well.

We've got to take a balanced approach to this deficit reduction. There

is just no question that these programs, which serve women, infants, children, will lose if sequestration takes place as scheduled. We know that every year, millions of women and children depend on health, nutrition, and other services that are provided through their State and local public health departments because of Federal funding.

These services not only include nutrition but well-child and well-mother checkups, basic immunizations, education on healthy eating and nutrition, and referrals, when appropriate, to programs like WIC, which help ensure a healthy start for women and children. Let's not fool ourselves, sequestration will cripple these efforts that help women and children.

According to one estimate, sequestration will eliminate nearly \$1 billion in Federal funding for research and programs designed to promote and protect the health of women and children. Many of these programs have already been subject to two straight years of funding cuts and left flat or near-flat funding prior to that. Sequester will cut even deeper and for much longer.

□ 1500

So when we start saying we have to have a balanced approach in terms of raising revenue and cuts, we have already cut \$1.7 trillion from these programs. You can cut to the bone and into the bone when you start talking about cutting these programs any more.

Some make the argument that our Nation can no longer afford to invest in programs that support the health and well-being of women and children. I would argue that we cannot afford not to make these investments. We sure hear a lot about "family values" that, quite frankly, isn't reflected in the support of funding for programs that aim to provide the most basic of necessities for women and children in need.

I want to talk about one of these programs, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC). WIC serves over 9 million mothers and young children every month, including a majority of infants throughout our Nation, and about one in four pregnant women. The program focuses on low-income pregnant, breastfeeding, and postpartum women, infants, and children under age 5 who are at nutritional risk. We're talking about women and youngsters who are low-income and at risk for some very troubling health and developmental outcomes and very expensive outcomes for our Nation down the road as their health deteriorates because we did not do basic preventive things like giving them a decent meal.

Research has consistently shown that participation in WIC improves nutrition, resulting in overall healthier pregnancies, healthier birth outcomes,

and better growth and development of young children. Yet, this hard-fought progress and the lives of at-risk women and children are at risk due to pending budget cuts.

Administrative costs for these programs is just a steal, only about 7.5 percent, meaning that the vast majority of these funds go to getting healthy food, education, and referrals to women, infants, and children in need. So when we talk about the cuts that are called for under sequestration, we aren't talking about trimming overhead or waste. We're talking about taking away food—food, people—and vital services from vulnerable populations. We're talking about denying an infant access to good, healthy breast milk and the food package that they need to help develop normally.

WIC is a short-term intervention that makes a lifelong difference. On average, a woman participates for 13 months, but science tells us that those 13 months make a heck of a difference to mothers and children over a lifetime.

If we can't agree as a nation that ensuring pregnant women, infants, and children are adequately nourished is a must, then what can we agree on? We will not balance the budget by cutting WIC and other Federal programs like the Maternal and Child Health Block Grant, Healthy Start, and HIV/AIDS programs.

WIC represents less than two-tenths percent of the Federal budget. Funding immunizations for children did not put our Nation in this fiscal mess, but it is these proven, cost-effective innovations that help us all which are poised to bear the brunt of these cuts. In allowing sequestration to occur, we put lives in jeopardy in spite of the considerable evidence that these programs are making a difference and saving costs to the taxpayers down the line.

Thank you so much for this time, JAN. Thank you for doing this Special Order. When we start talking about food, we're talking about a very basic need. And if we're talking about cutting food from infants, we're talking about not making a hard choice, we're talking about making a cruel choice.

Ms. SCHAKOWSKY. Thank you so much, not only for your words today, but for all your work that you do on behalf of women and children every day.

I want to call now on one of the incredible advocates and leaders when it comes to making sure that our children, in particular, and low-income people have adequate nutrition in a country that is the richest in the world, an advocate for women and children from the State of Connecticut, ROSA DELAURO.

Ms. DELAURO. Thank you very, very much. There are not enough words to express our thanks collectively to you, Congresswoman SCHAKOWSKY, for calling this Special Order today.

As I was coming to the floor, I saw our colleague CAROLYN MALONEY, and our colleague GWEN MOORE just completed her remarks, and we know the strength of her passion, and I know that waiting to speak today, as well, is Congresswoman LOIS CAPPS.

The issues that we talk about today are not just about women; it's about our families and what's happening in the lives of our families. It has been such an incredible road for families today, given the nature of the recession and how deep that recession was and how basically people are trying to hang on and to try to make their way to take care of themselves and their families. It's about maternal and child health. It's about their well-being. And I think that it is appropriate to talk about this now.

You know, we did just come through an election, and I think one of the things that we saw in this election is that the issues that face women and children and their families were front and center. Women collectively addressed these issues and began to perk up their ears and to look to see: How am I going to take care of my family? Who is watching out for me and for my family?

I know, as you are and my colleagues on this side of the aisle, we are very grateful for the decisions that they made, and now we have to make good on the promises that we made to families, and they are promises. We have a moral responsibility to address these issues of nutrition and health in this Nation. This is not something—when people want to say that there isn't any money to do these efforts, let's take a look at other areas where there is money and the enormous subsidies that we pay out to various interests and where we provide our Tax Code which we can use for good purposes but oftentimes may be used for a purpose that's contrary to the well-being of this Nation. Let's look to those places first before we start to look at cuts that affect the people in that photograph. They're real. They're not statistics. And this institution has that moral responsibility and that obligation to do well by them.

My colleague, GWEN MOORE, talked about the WIC program, the Supplemental Nutrition Program for Women, Infants, and Children, short-term program, science-based. It's a lifetime of good nutrition and health behaviors for at-risk women and children.

What we have here is the investment in this program. What does it do? It doesn't just sink to the bottom of the ocean. It means healthier pregnancies, healthier birth outcomes, growth and the development of young children. Over half the babies born in the United States every year and 9 million mothers every month participate in this program all across the United States.

My colleague, Congresswoman MOORE, talked exclusively about the

WIC program. I was going to do that, but let me take a different tack. Let me talk about the bounty in this Nation that you spoke about, my colleague. This is a land of plenty. We produce more food than any other nation in the world.

I will tell you about my congressional district, the greater New Haven, Connecticut, district. One out of seven people in my district go to bed hungry. They don't know where their next meal is coming from. Connecticut, statistically, is the richest State in the Nation. It is essentially because we have something called Fairfield County and the Gold Coast where there's a lot of affluence. But we also have cities like New Haven and Hartford and Bridgeport and others who have families who are at risk.

□ 1510

But what's happened with the issue when people talk about food insecurity, you know what it means, I know what it means, Congresswoman CAPPS knows what it means. It means people are hungry, and they don't know where their next meal is coming from. And we're now looking at food pantries that are out of food. There are all kinds of drives to fill up these shelves so that people who never thought they would have to use this kind of a service are in fact looking at the need to put food on their table.

And yet we look at a set of circumstances here in the programs that we have jurisdiction over where we would see \$134 billion in cuts to the food stamp program, the Supplemental Nutrition Assistance Program, or the SNAP program. What that means is when you have that massive cut there, millions of people are going to be jettisoned from the ability to feed their families and feed themselves. And that mother and child in that photograph are going to be without access to food. It is unconscionable.

And then I will just say one more point. The Emergency Food Assistance Program, which is a program for families who are not eligible for food stamps, their funding is dependent upon what happens in the food stamp program. So the young woman in Branford, Connecticut, who came to an event with me, in a blue-collar town, the young woman had a job as a human resources administrator, helped to invest pension funds, had three sons, 18, 14 and 10, she got up and said, I am not eligible for food stamps so I come to the food bank to get emergency food assistance. She and her family, three grown boys, eat one meal a day in the United States of America, a land of plenty. She had tears in her eyes. She wants a job. She wants to go to work. She hasn't been able to find one. Connecticut has 9 percent unemployment. So her family is eating one meal a day. It's outrageous. It's unconscionable.

We have the ability in this institution to change that so that our children don't go to bed hungry at night. That is not who we are. That's not where our values are. It is that moral responsibility. And if we move forward with what they're talking about in these deep cuts, this sequestration, all it is is letting people know about the deep cuts, and there will be even more cuts to food programs, nutrition programs, which will rob people of their lives and their ability to succeed. And it's particularly important for our children, our babies, our toddlers.

Let's have the courage not to make this happen and to pull back from these unconscionable cuts to our food and nutrition programs.

Thank you for doing this. God bless you.

Ms. SCHAKOWSKY. Thank you for your passion, which is obvious every day, for making sure that we make the smart investments in our children and in women and in health care in this country. Thank you, ROSA DELAURO.

And now it is my pleasure to bring up one of the handful of trained nurses that are in this House of Representatives. LOIS CAPPS from California has been a leader on health care and all those programs that are really going to help our families to live the kinds of lives that all of us want to live in the United States. So thank you for joining us, LOIS CAPPS of California.

Mrs. CAPPS. I rise to voice my very strong support of our Nation's maternal and child health programs. And I want to thank my colleague from Illinois, JAN SCHAKOWSKY, for getting the idea that we come together around this topic today because of the implications that it has for the beautiful young woman and her child that you're picturing next to you that is a reminder to all of us that these are not numbers when we're talking about sequestration. They really have impacts in people's very lives.

So it's an honor for me to follow our colleague, ROSA DELAURO from Connecticut, and also to have as part of your discussion GWEN MOORE, a very eloquent spokesperson from Milwaukee, Wisconsin. So, really, this is very diverse in terms of regions of the country that are going to be impacted should we ever cross this threshold. But most of the public discussion we've had so far on this fiscal cliff, however it's described, that we face, the discussion has been about taxes, about who's going to pay what in taxes.

But what has been so underreported and overlooked, which is why I'm so grateful to you for calling this out today for us, is the impacts that sequestration cuts would have on our economy, but especially on that vital element of our economy which is our most vulnerable in our society—our children.

They're our future. They are not just statistics. They are real little people

who cannot wait for services because their bodies will change, their minds will be stunted. They will lose out if we withhold support for them. And I speak from my many years of being a nurse, as you described, and being a nurse in our public sector, in our public schools and a public health nurse. And I've seen firsthand what happens when we cut services to our children. We need to be investing in our children because they are our economic engine for tomorrow and we cannot afford to leave one of them behind.

We, therefore, can't afford to slash the very programs that will give them the kind of healthy start in life. You invest a dollar up front in a child and you recoup that dollar so many times over their lifetime and you prevent a lot of other kinds of dollars from being spent in ways that we don't want to. But sequestration would be devastating for our children.

I focused on my State of California in terms of looking at what this would be like. These cuts, should sequestration come to pass, would be so devastating to the health and well-being of hundreds and thousands of women and children in the State I come from. For example, in the program that we've all been talking about because it's so central to what families need—food security—the Women, Infants and Children's program that helps those who don't have enough for their children to give them that healthy start, over 120,000 women and children would be cut from this essential program just in California if sequestration came to be. And this provides nutrition assistance, vital links to a healthy, thriving brain and body for families that might not have access to healthy food.

For Maternal and Child Health Services Block Grants, nearly 400,000 fewer women and children would be served by these block grants that go to the State to provide the essential services in the local communities. And so the ripple effect down our State and throughout our communities would be so tremendous because these services provide a wide range of health care and they allow the expansion of certain quality health care programs for children, for example, with disabilities.

In California, we would be facing, should sequestration happen, 2,000 fewer women having access to breast and cervical screenings, the preventive services that keep cancer full-blown from occurring in these women's lives, so costly to them personally, to their families, but also taxpayers, and nearly a million dollars—and this is what I want to close by focusing on, because we don't stop and think when we cut a million dollars from the Children's Hospitals Graduate Medical Education Program, in sequestration a million dollars would be cut just for these training programs in California. That program makes sure that we have

enough resources necessary to train the next generation of pediatric physicians, people who are there on the front line with families to pull them through what they face in life.

I met the real-life impact of this program when a remarkable young man came to Capitol Hill from California last year, Max Page. Now, you may not remember his name, but you probably remember if you watched the Super Bowl in 2011 little Darth Vader in the ad, the popular Volkswagen Super Bowl commercial. He's a real young child. He's only 7 years old. And I came to meet him here on Capitol Hill last year. He was born with a congenital heart defect—not uncommon. But it has required numerous surgeries during the 7 years of his short life.

□ 1520

He is being treated at Children's Hospital in Los Angeles, which my colleagues from California know very well as an outstanding medical facility serving a wide region in the Southwest.

Last year, when Max came to Washington with his parents and little brother, he came to tell Members of Congress his own story and how important it is that we continue to invest in preparing new doctors to care for our children. I know it's every parent's worst fear what will happen if their child becomes sick, not just a runny nose or a sore throat, but seriously ill with perhaps a life-threatening or a chronic condition that needs lifelong treating. We owe it to every parent in America to do what we can to make sure that every child has access to the best health care available if they need it. We don't want them to be concerned that there is not going to be that trained pediatrician, that hospital to send their sick child to should that happen, and it's because we couldn't get our act together and avoid the sequestration.

So I'm so pleased that you took the time to organize this hour of sharing with the American people the impact of sequestration, that it would have such a profound effect on our lives when we think about ensuring that every child in America gets a healthy start to life. We take it for granted that every small child needs and deserves this right in this country that we are proud to live in, the United States of America.

So we need to come together now on behalf of our Nation's children and their mothers and their families to stop these sequestration cuts, to ensure that we have a balanced approach to reducing our debt, and to continue to support our communities and the frontline services that they provide to our families, because our smallest, our most vulnerable and their families, they're depending on us now in this hour.

So again, I thank you for bringing us together, my colleague from Illinois,

and for focusing us on the real-life impact of what we're facing here with the cliff.

Ms. SCHAKOWSKY. Let me also just underscore the point you made about training pediatricians and pediatric specialists. That would affect, across the board, everyone who seeks—this is not just for vulnerable communities or individuals, but all of us with small children want to make sure that the doctors are there when our kids may need them. So this is very important. I'm glad you brought them up. Thank you.

Mrs. CAPPS. Thank you for this opportunity.

Ms. SCHAKOWSKY. I want to just mention another cost-effective reason that we should avoid cuts. For example, we have immunization programs that decrease our future health care costs, and let me just give you the actual dollar numbers.

Every dollar we spend on the childhood vaccine series through this program saves our health care system \$16.50 in future medical costs. By anybody's estimation, that's a really good return on investment, \$16.50 back for every dollar that we spend on childhood vaccines.

Another aspect of sequestration cuts that would really hurt everyone are the cuts for research into the health challenges facing our country. The proposed cuts to the National Institutes of Health of almost \$2.5 billion will cause irreparable harm to our research infrastructure and our ability to treat and cure diseases. Eliminating funding for almost 2,400 research projects will decrease our ability to identify new methods to prevent and combat health challenges such as cancer and diabetes, impede our ability to remain the world leader in biomedical research, eliminate jobs in local communities throughout this country, and hinder our ability to train and develop the future leaders of our biomedical sciences workforce. Research into costly diseases affecting mothers and babies will be especially harmed by these cuts.

The National Institute of Child Health and Human Development, which is responsible for conducting and funding research into these diseases, has the lowest percentage of grant applications funded of all the NIH institutes. The \$106 million cut to the National Institute of Child Health and Human Development will likely worsen this trend and dampen our hopes of finding innovative treatments and cures for conditions that are affecting mothers and babies. These are just some of the examples of the devastating effect of sequestration cuts to maternal and child health programs and research. We can't afford these cuts.

So I just want to end this hour by saying that all of us want to make sure that we do put our fiscal house in order. But the real question is, at what

cost are we going to do it to certain people? Who is actually going to pay? I think we all have an interest in making sure that we keep our children, our mothers, and our families healthy, well fed, and make sure that we raise productive children in this country.

I yield back the balance of my time.

#### HONORING MEMBERS OF CONGRESS

The SPEAKER pro tempore (Mr. PLATTS). Under the Speaker's announced policy of January 5, 2011, the gentleman from California (Mr. CALVERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. CALVERT. Mr. Speaker, today we honor seven Members of Congress from California who have honorably served in the United States House of Representatives. The combined experience, knowledge, and expertise of my departing colleagues will be sorely missed.

I have been joined by some of my California Members who will be coming in and out; they may wish to speak and we will be happy to yield to them. But first we have a good friend from North Dakota who is also departing, U.S. Representative RICK BERG, and I will yield to him.

Mr. BERG. I want to thank the gentleman from California.

It's been a distinct honor for me to represent the people of North Dakota in this Congress, the 112th Congress.

I ran for Congress because I believed that we needed to continue to have an economic environment, an economic climate that has stability and encourages growth and encourages jobs. And I'm sure we can all agree that there is more work that needs to be done. But I'm hopeful in the days, the weeks, the months, and the year ahead that we can finally come together, not as Democrats and not as Republicans, but as Americans who are concerned about the future and concerned about that next generation. In doing so, I know that we will tackle the challenges that our country faces.

I'm always proud to tell the people I meet that I represent North Dakota. Down here in Washington, we are the envy of the Nation. We have the lowest unemployment in the country, a budget surplus, we are seeing unprecedented economic growth, and one of the brightest futures ahead.

To the great people of the State of North Dakota, I want to express my deepest gratitude for giving me the opportunity to be North Dakota's voice, a voice here in the U.S. House of Representatives for the last 2 years. I would also like to thank my staff for their hard work. I've put them through some long hours serving the people of North Dakota, and I know the people of North Dakota appreciated the hard work and the dedication that they brought forward.

My faith in the democratic process is unwavering, and I truly believe that America's brightest days are ahead. Serving the people of North Dakota in Congress was an adventure and an experience of a lifetime. It's something that I will always look back at with pride and appreciation. Personally, I'm not sure what lies ahead, but I'll say this: it will be great spending a lot more time in the great State of North Dakota. Thank you, and may God bless.

Mr. CALVERT. I thank you for your service.

Mr. Speaker, we have a number of people coming shortly, but first I'd like to say some words about the dean of our California delegation, JERRY LEWIS.

JERRY was first elected in 1978 to the United States House of Representatives. We're losing a great man with the retirement of a good friend to all of us, and certainly a mentor to me, JERRY LEWIS.

□ 1530

From his early days in Congress, JERRY LEWIS has worked tirelessly for the good of the Nation and for the well-being of his constituents. Whether it was securing water supplies for southern California, rebuilding our defense programs, supporting the nascent unmanned aerial vehicle, eliminating wasteful spending, or improving the quality of life for thousands of Inland Empire residents, JERRY LEWIS has been the definition of a leader and a patriot.

His great depth of knowledge will be sorely missed by the entire House and especially the House Appropriations Committee, where he served as the chairman and ranking member. I know all of us are grateful for JERRY's years of service to our country, and we'll miss his vision, his leadership, his sense of humor, and certainly his intellect.

I congratulate JERRY on his retirement. And while he will be deeply missed in Washington, D.C., he has much to look forward to as he enjoys retired life with his wonderful wife, Arlene, his children, and his grandchildren.

Next I would like to take a moment to say a few words about the former California attorney general, Congressman DAN LUNGREN. Congressman LUNGREN was first elected to Congress in 1978, where his legal background was instrumental in his leadership on judiciary, criminal justice, and immigration issues. He was called back to State service in 1989 and successfully ran for attorney general, where he served from 1991 to 1999.

As attorney general, Congressman LUNGREN helped author, and later defended in court, California's landmark Three Strikes and You're Out law. During his tenure and due to his tough on

crime policies, crime plunged 30 percent to historic lows in California.

After a few years in the private sector and the aftermath of September 11, 2001, Congressman LUNGREN decided to return to Congress and was reelected in 2004. Since his return, Congressman LUNGREN has used his time and talents as a member of the Judiciary and the Homeland Security Committees.

Throughout his career, Congressman LUNGREN has been supported by his wonderful wife, Bobbi, and their family.

Thank you, Congressman LUNGREN. Your contributions to both California and our country will be long remembered. And I know you're very proud of your alma mater, Notre Dame, as they head toward another national championship.

Now I would like to return to California again with DAVID DREIER, who is the current chairman of our California Republican delegation. DAVID was elected as part of the Reagan revolution in 1980. He has remained true to the principles of free markets, free trade, limited government, strong national defense, and personal freedom during his 31 years of service.

Congressman DREIER holds the distinction of being the youngest chairman of the House Rules Committee and the first from California. As chairman of the Rules Committee, Congressman DREIER has been instrumental in restoring regular order to the House, ensuring Members' voices are heard on legislation, and supporting the ideals of civil debate in the House.

Congressman DREIER has also been a leader in reforming Congress to increase transparency, demand accountability, and ensure dignity of the United States House of Representatives.

In 2001, Mr. DREIER was unanimously selected by his California colleagues to chair the State's Republican congressional delegation, where he leads California's House Republicans on critical statewide issues. Congressman DREIER's leadership, especially as chairman of the House Rules Committee, will be sorely missed.

Next is someone I have also worked with for many years. We had worked together to address California water supply issues and reform the Endangered Species Act, Congressman WALLY HERGER.

WALLY has been a tremendous asset to his constituents and certainly to this body. During his time in Congress, Congressman HERGER has been a vocal and active supporter of efforts to enhance and improve flood control and water storage infrastructure to meet the public health and safety needs of growing communities in northern California. He's also been a strong supporter of improved forest management to protect communities from catastrophic wildfire and provide local eco-

nomic development opportunities. Accordingly, he has been a champion of several pieces of commonsense forest health legislation, including the Herger-Feinstein Quincy Library Group Forest Recovery Act of 1998 and the Secure Rural Schools and Community Self-Determination Act of 2000.

Congressman HERGER was instrumental in the reauthorization expansion of the 1996 welfare reform law. The reauthorization measure enacted in 2006 strengthened the 1996 law to help even more parents on welfare go to work and further strengthened their families.

In the 112th Congress, Congressman HERGER was selected chairman of the House Ways and Means Subcommittee on Health and was a leader in fighting the government takeover of health care.

In addition to many accomplishments in Congress, Congressman HERGER and his wife, Pamela, are proud parents and grandparents of 9 children and 12 grandchildren. Congressman HERGER's spirit, tenacity, intelligence, and leadership have been the hallmark of a distinguished career, and we certainly salute him as he retires.

And I'm now happy to yield to Mr. HERGER.

Mr. HERGER. I thank my good friend from California (Mr. CALVERT) for those kind remarks and your great friendship over the years and great leadership that you have offered.

I was deeply honored and humbled when the good people of northern California elected me 26 years ago to be their Representative. I came to Washington as President Ronald Reagan, one of my personal heroes, was wrapping up the final years of his second term. That was more than a quarter century ago, and yet the years have moved by at a breathtaking pace.

Time does not permit me to even begin to recount the memories. There have been incredible highs and incredible lows, but I always treasure the time I was allowed to serve in this amazing institution that was forged by the wisdom of our Founding Fathers.

I have mixed feelings today. I will deeply miss the company of dedicated colleagues who have become my good friends. I value and treasure the members of my staff who have literally become a second family, and I know I will feel a sense of loss when we say goodbye. I know that when I pick up the morning newspaper next January and I read about the enormously important issues that are being put to a vote, a part of me will wish I could still be here to fight the battle.

And yet I look forward to the next phase of my life. I want to see more of those 12 grandchildren. I get to have more time with my dear wife, Pam, the most supportive spouse any man could hope and pray for. And I know that when I step down, a host of deeply com-

mitted patriotic colleagues will do everything in their power to advance the cause of liberty.

I am greatly encouraged by the dedication and passion of the large class of Republican Members who were swept into office in the historic election of 2010. I am also very gratified that northern California will be represented next year by a Republican freshman who knows what it is like to drive a tractor and get mud on his boots. I have confidence in this new generation of leaders.

I cannot leave this Congress without saying a few words about the wonderful people of northern California. In my rural district, you will find farmers with rough hands and sunburned faces. You will find tough timber fallers and mill workers. The people of rural northern California have that old-fashioned and refreshing patriotism that leads them to post this kind of sign at the county line: "Where we honor veterans."

In my two decades of service, the thing that has always struck me the most about my constituents is that what they really want most from the Federal Government is simply to be left alone. They do not want a new program. They want to run their small businesses, their farms, and their mills without being wrapped up in 15 yards of red tape. They want to compete. They want to prosper.

They understand the premise of this country: personal liberty; the freedom to pursue a dream; the concept of risk and reward. That's not too much to ask. For their sake and for the sake of all Americans, I ask my colleagues to get back to the roots of our Nation, to freshly embrace our heritage, to trust the ingenuity of the American people to thrive and prosper if we will simply get out of their way.

I have deeply appreciated the opportunity to serve with you, and I extend my deepest thanks to the constituents of northern California for allowing me the extraordinary privilege of fighting for them in the United States House of Representatives.

□ 1540

Mr. CALVERT. I thank the gentleman. I want you to know how much of a privilege and an honor it has been for me to serve with you for the last 20 years. I'm grateful.

Mr. HERGER. I thank my good friend.

Mr. CALVERT. Next, I yield to DAN LUNGREN, one of our senior Members, a former attorney general from the State of California. I have to point out he is a great fan and alumnus of Notre Dame.

Mr. DANIEL E. LUNGREN of California. I thank my friend for yielding, and I must say that I very much appreciate the time that he has taken to recognize those of us who are leaving this



institution who hail from the State of California.

Twenty-four years ago, in 1988, I stood on this floor during this moment to say good-bye to the House for the first time. I was privileged to be elected in 1978, just before Ronald Reagan came to Washington, D.C. I was proud to be one of the first seven Members of Congress to endorse him for President in 1979 and to travel with him at that time. I recall that whenever he was campaigning east of the Mississippi, he asked those of us Members of Congress who supported him to attend his political press conferences with him. What we would do is basically stand behind him and use ourselves as a backdrop to show that Ronald Reagan had some connection with Washington, D.C. It was a proud moment for me.

It was even a greater experience for me to serve for 8 years in the Congress while he was President of the United States. He, in fact, showed that you can change a country and you can change a world through the power of your ideas. It was wonderful to be a foot soldier in the army of Ronald Reagan as we transformed this House, as we transformed this Congress, as we transformed this Nation, and as we allowed liberty to ring much louder than it had before.

One of my proudest moments in the House of Representatives is being a member of the House Administration Committee that accepted the statue of Ronald Reagan from the State of California to be one of the two official statues here in the House Chamber. I was privileged to write the legislation which officially accepted it. If you look at that legislation, it permanently places the Ronald Reagan statue in the rotunda of the United States. So it will take a positive vote of the Congress to ever remove it. That is probably appropriate.

When people look at that statue of Ronald Reagan, they should see the crack along the base, and those cracks are there because that is a piece of the Berlin Wall with Ronald Reagan standing above it. Our belief at the time was that this would allow for generations in the future, children in the future, when they're accompanied by their parents, to ask their parents why they would put a statue here honoring a President that's cracked at its base, and it will allow those parents and others to explain to those children the story of the defeat of communism and the victory of freedom.

For 10 years, I was able to work here in the House. I went home 2 years later and ran for attorney general. I was lucky enough to be attorney general of California for 8 years. Following an unsuccessful attempt to be Governor, I thought that I was finished with public service, but I happened to be here in Washington, D.C. on 9/11. I happened to be one of those not here in the Capitol,

but in an office building downtown, one of those which was evacuated. We stood on the street corner for hours until we were allowed back in the building.

I recall that while it was a terrifying moment, it was a unifying moment because people that you didn't know, black, white, Hispanic, and Asian, were all coming up to one another and asking who was attacking us. It was a threat, but it was also unifying in that we felt they were attacking us. It didn't matter what our color was. It didn't matter what our religious belief happened to be. It was that we were all Americans.

I was joining a law firm at the time, and I was going to have an office here in Washington, D.C., and I had the copies of the Constitution of the United States and the Bill of Rights that had been made off the original copies and given to those of us as Members of Congress on the bicentennial of the Constitution. After I went back to the office, I got a hammer and some nails, and I tacked it up to the wall because I was trying to make a statement that no matter who it was that was attacking this Nation and us, they weren't going to succeed and they weren't going to destroy this country and they weren't going to destroy this constitutional democracy. I vowed at that time if I had the opportunity, I would seek public office again to see if I could add something to the fight against terrorism.

So I've been privileged to be a member of the Homeland Security Committee for 8 years, and I've been privileged to be a member of the Judiciary Committee where we've worked on FISA, the Foreign Intelligence Surveillance Act, and we worked on other acts that were extremely important like the PATRIOT Act, where on the one hand we ensured that the civil liberties of this country would not be trampled upon, but we also ensured that this Nation would not be destroyed by those who wish us ill and wish to destroy us.

I've been privileged to serve as chairman of the House Administration Committee and served before that as the ranking member in attempting to try and make this House function better and attempting to help Members become better Members in servicing their constituents, and to try and provide a modicum of security for this House to ensure that this institution is not attacked physically or through the cyberworld, or in other ways.

I have to say when you are lucky enough to be one of the less than 11,000 people in the history of this Nation to be a Member of this House, to be a Member of the Congress, you realize how lucky you are, you realize what a privilege it is, and you realize that this institution was here before you were, will be here after you leave; and if you can put a mark on it that helps it maintain its integrity and allows it to

be the symbol of freedom that it has been, that you will have achieved something.

One of the things I attempted to do, and was successful in, was making sure that the national motto "In God We Trust" is not only here over the rostrum, but as people come to the new entry way to the Congress of the United States, the CVC, the Capitol Visitors Center, the first thing they see are the words "In God We Trust" illuminated in stone. So in a funny way you can say I left my mark on this place. One would not think it would be controversial; but believe it or not, we were sued for putting that up there. But it is there, and it will be there as long as this institution remains.

I would just say thank you to those who have elected me. I was privileged to serve from southern California and northern California. I was privileged to represent the entire State. I was privileged to have my children on the floor with me as I was sworn in and have my grandchildren on the floor with me when I was sworn in in my second tour. Not many men and women get that opportunity. So I thank the people of my State.

I thank my colleagues from all over the country, but particularly those from California. We are a band of brothers and sisters. We've worked together over the years. We have worked, I think, with integrity, with honesty, and hopefully with a modicum of humility, understanding how important this place is and understanding that as long as you consider what you do important and yourself not so important, you will succeed.

So I thank my friend from California, and I thank my colleagues from California for this opportunity to at least say another good-bye.

□ 1550

Mr. CALVERT. I thank the gentleman. I certainly wish you well, and I know Notre Dame will do very well in the coming days and weeks.

Mr. DANIEL E. LUNGREN of California. Will the gentleman yield for just one moment?

Mr. CALVERT. I yield to the gentleman.

Mr. DANIEL E. LUNGREN of California. It was 24 years ago that I left this House, I went to the LA Coliseum, I saw Notre Dame beat SC, and then I went on to see them win the national championship. Last Saturday, I went to the LA Coliseum, and I saw Notre Dame beat SC. In 6 weeks, I'm going to go to the national championship game and see Notre Dame win again. I don't know whether I'll have another 24 years, however.

Mr. CALVERT. I thank the gentleman.

We are going to go out of order for a minute, and I yield to our good friend from Illinois (Mr. DOLD).

Mr. DOLD. I want to thank my good friend for yielding, and I certainly want to thank my colleague Mr. LUNGREN, who is the chairman, for his leadership over the course of these many years.

It is, indeed, one of the highest honors and privileges of my life to be able to represent the people of Illinois' 10th Congressional District in this esteemed body. I've always remembered who I work for and what they wanted to see accomplished, and the importance of bringing thoughtful, independent leadership to the Congress.

When I first ran, I saw far too many people—far too many Americans—who were struggling and out of work in a tough economy. As a small business owner, I certainly understand firsthand the pressures that small business owners and family businesses are facing all across the country. I felt that the Federal Government was making it harder and harder for me to put the key in the door and open up my business each and every day. Frankly, they should be doing quite the opposite. We here should be trying to make it easier for businesses to open up their doors, easier for them to hire that next individual.

I've talked at length in this Chamber about my Main Street Jobs Agenda. With its focus on pro-growth tax reform, increasing exports and manufacturing, access to capital for small businesses, making investments in infrastructure, utilizing domestic energy resources, the importance of STEM education, and implementing smarter regulations as opposed to simply more of them, I do believe that this is the best recipe for moving our country forward and for getting our economy back on track. Now, there is certainly much more work to be done in the future, but I do want to recognize two important steps that we have taken in the 112th Congress.

This Chamber has advanced—and I have been proud to support—a framework for tax reform that is focused on economic growth and on providing much-needed tax relief to American families. The realization of this tax reform will be essential in helping our economy reach its full potential in the future.

I am also proud of the work that we have been able to do to promote domestic manufacturing, exports, and jobs created by them. As the second-largest manufacturing district in the Nation, we know how important it is to have trade agreements, which we passed with Colombia, Panama and South Korea, and we are already seeing the positive impact that these agreements are having today on jobs back home.

I would also like to take this time to highlight a number of more locally focused achievements, specifically noteworthy for the people of Illinois' 10th Congressional District.

For nearly 20 years we've been working closely with the local coalition of stakeholders and the Army Corps of Engineers, with the U.S. EPA and the Illinois EPA to try to clean up Waukegan Harbor and to delist it as an area of concern. For Lake County, it is the gateway to the Great Lakes. I am pleased to say that that cleanup has begun and that we are going to delist that. That did happen under our watch, and it's something that a number of us are very, very proud of.

Of vital interest to every person in the 10th Congressional District is our transportation system. In this Congress, we passed a 2-year transportation bill, one which I can say is good and fair for our district. I fought hard and, yes, even broke with the party when I felt that the legislation that was drafted would jeopardize our priorities and the people in the district. Fortunately, these concerns were remedied in the final legislation, and I am proud that we were able to come together in a bipartisan fashion to pass a transportation bill.

I also want to highlight the STOCK Act, which included some legislation that I had fought for—my “no pensions for felons” language. This provision strengthened existing Federal law to ensure that taxpayers are not funding congressional pensions for lawmakers convicted of public corruption crimes. As residents of Illinois are all too familiar with our recent Governor, Rod Blagojevich, this provision has special meaning, unfortunately, to the constituents of Illinois. Yet the interests of the people of the 10th District and, I would argue, of our country obviously carry beyond our own borders.

I was proud to lead an early effort in showing a commitment of the House freshmen to make sure that foreign aid in this early budgetary crisis would not be jeopardized for our one true ally in the Middle East, the State of Israel. This included showing some support for what has now become widely known as the Iron Dome rocket defense system, but our focus in the Middle East certainly has not stopped there.

We have gone to great lengths in this Congress to zero in on what I believe is the greatest threat we have to our own national security, and that is a nuclear armed Iran. I've been pleased to team with Representative TED DEUTCH and Senator KIRK on a number of bills to confront this threat. Our actions have ranged from strengthening sanctions on Iran's energy sector to promoting human rights and democracy inside Iran and much more. In fact, one of our most important accomplishments in this Congress will have been a strong sanctions package, which passed both Houses this summer and which included these provisions that we authored.

Finally, I would like to highlight the ongoing work to pass a bipartisan

budget agreement. This is an initiative that I have been proud to advance, starting with a bipartisan letter that urges the supercommittee to go big—to put everything on the table—with a debt reduction agreement that puts literally everything that people don't want to talk about out into the open and on the table in order to try to structure a deal that will, in essence, put our economy on a course to fiscal solvency.

I certainly look forward to continuing these bipartisan efforts. Yet again, we find ourselves today at the fiscal cliff. Just today, I had an opportunity to sit down with Erskine Bowles and Alan Simpson and other members of the “brave 38” who voted for the only bipartisan budget to come to the floor in, I guess, a generation. I hope that we can come together and talk about something bigger—bigger solutions, not deals. We want solutions to the problems we face because that's what the American public, I believe, needs.

Governing in a democracy is not easy. It requires compromise, and it requires working together. Yet, as I've often said, putting people before politics and progress before partisanship is the only way that we can truly move this country forward and to have a better future.

Mr. CALVERT. I thank the gentleman for his service.

Next, I would like to recognize our dean, the dean of the California Republican delegation, Congressman JERRY LEWIS.

Mr. LEWIS of California. Thank you very much, my colleague KEN CALVERT, for holding this hour for members of the California delegation and for friends beyond that. Your kind remarks earlier about my work here is much more than I would like to take the time to talk about, but I do very much appreciate your mentioning my bride, Arlene, in all of this because, as you know, she is my partner in all of my work.

In thinking about any remarks that might have been made regarding my years of service here, one of the first things that comes to mind was early on in my career when I experienced a major flood in California, the 1938 flood. I'll never forget dropping a ping-pong ball out my back window. It fell a couple of feet and hit the water and floated out through the back fence. During my years of service here we've had a chance to address questions like that. The Seven Oaks Dam—a huge facility in southern California sponsored by the Corps of Engineers—made it possible to assure that such a flood will never occur again in the region known as the Inland Empire.

It has been a great privilege of mine, most of all, to recall the fact that the vast percentage of issues that we deal with here in the House have almost

nothing to do with partisan politics. It's very, very important that we be willing to recognize that, in working together, we can make a difference on behalf of the American people.

At home, issues like the Proton Therapy Center at Loma Linda University, which provides for a noninvasive cancer treatment that has a dramatic impact upon issues like small tumors in the human brain, like prostate cancer, even breast cancer—a noninvasive treatment as a result of nonpartisan, bipartisanship support for the kind of medical research that is a part of the National Institutes of Health.

Over the years, probably the greatest privilege I've had is to serve for a short time as the chairman of the full Appropriations Committee, the committee where I've spent my life. During that time, issues like the unmanned aerial vehicle, which has been a part of our work, have, indeed, made a difference for those of us who care about making certain that in the future America continues to be the force for peace in the world.

□ 1600

But most importantly, Congressman CALVERT, I want you to know that as the new chairman of the California Republican delegation, I'm proud of the fact that you are my colleague and friend. In the years ahead, we will continue to work together on behalf of the people of our region.

Mr. CALVERT. I certainly thank the gentleman. Not only has he been a great colleague of all of us in California, but a great friend to every one of us. I'd say we'll miss you, but I know we will be seeing you around both in California and here in Washington, D.C.

Next, I would like to introduce the new dean of the California delegation, the incoming dean next year, DANA ROHRABACHER from Orange County, California.

Mr. ROHRABACHER. I would say that I have big shoes to fill, but I don't think I will ever be able to fill Congressman LEWIS' shoes. He has a list of accomplishments that I just don't know anybody else in this body who has more to be proud of and more over the years who's meant as much to me as JERRY LEWIS.

When he talked about the dam, I happen to represent an area in California, Orange County, California, in which that man, because of what he did, with Mr. CALVERT at his side, has built the Santa Ana River project that protects tens of thousands of homes from flood damage, and it was due to their hard work. I was supporting them, but they were providing the leadership that got that through the Congress.

So today we are saluting JERRY LEWIS, but also saluting the other Members who are not going to be with us next year:

WALLY HERGER, who was here earlier, a man who fought so long and hard for the timber industry and the economic well-being of Northern California;

DAN LUNGREN, who is a highly principled person who we all look to, a man with strong religious and principled positions, you can't help but admire him, and a man who was the attorney general of the State of California as well as then running for Congress twice. I might add that I took DAN LUNGREN's seat when he decided not to run for Congress and run for higher office in the State of California;

DAVE DREIER, who is one of the best liked people here in the United States Congress—besides JERRY LEWIS. I will have to say, DAVE DREIER is one of the nicest guys. And he has had such authority in his hands, and it is very hard to be as nice as DAVE DREIER is and to hold the authority he has as chairman of the Rules Committee;

BRIAN BILBRAY, he is leaving us as well. BRIAN, from San Diego, I have had a lot of problems with BRIAN because before he was elected, I was the best surfer in the United States Congress. Of course, there were no other surfers at that time, so that accolade really wasn't as important. But then BRIAN comes along and spoils that little bragadocio that I was able to do. BRIAN has been so active on science issues. I have worked closely with him on small modular reactors and on water quality for our coastline;

MARY BONO MACK is perhaps one of the most lovely Members of Congress that I can imagine. She has been hardworking. She came here with her husband. Her husband, as we know, had an accident. She was elected in his seat and has done a terrific job ever since she took office in this very tragic way, but she made the most of it. She has done wonderful things for the Inland Empire in California;

And finally, ELTON GALLEGLY, who represents the area of southern California up in the area where you have the Reagan Library, which is located in his district. ELTON GALLEGLY was a mayor before he came to the House of Representatives. He represents more than just about anybody else here of that promotion, that natural evolution of someone who has been active in their community, was elected to local office, and then came to serve his time in Washington to put those skills to use for his country.

So all of these people have made huge contributions. It's been my honor.

Before I came to work here, for 7 years I worked in the Reagan White House. I worked for President Ronald Reagan. I thought that was going to be the greatest honor of my life, and it was. But I can tell you, right up there alongside that, it's been an honor working with these people I have just described, and Mr. CALVERT as well. But my colleagues like WALLY HERGER,

DAN LUNGREN, DAVE DREIER, JERRY LEWIS, BRIAN BILBRAY, MARY BONO MACK, and ELTON GALLEGLY, it has been my honor and the joy of my life to have worked alongside wonderful people like this trying to make our country and our world a better place.

Mr. CALVERT. I thank you, Mr. ROHRABACHER, and I look forward to serving with you for a long time in the future. God bless.

ELTON GALLEGLY was brought up, and I'd like to say something about ELTON. ELTON and I are close friends. We've spent a lot of time together in the automobile going back and forth to the airport. I don't know what I'm going to do now that ELTON is retiring. ELTON is a person who is universally admired for his fighting spirit and tenacity. He is someone who will fight to the end for the things that he believes in. I've had the honor of working with Congressman GALLEGLY on a number of issues, including E-Verify, invasive species issues, and regional water projects. Congressman GALLEGLY holds the distinction as the only Member of Congress, by the way—and this is an important thing if you're a Member—who can get from the Capitol to Dulles Airport in 30 minutes or less. I think he holds the record.

From the start, Congressman GALLEGLY has been a leader on immigration issues, most recently as the chairman of the Judiciary Committee Subcommittee on Immigration Policy and Enforcement. He understands the nuances of our legal immigration system and the vital importance of secure borders, especially as it relates to his role as vice chairman of the Foreign Affairs Committee. Congressman GALLEGLY brought a unique perspective to the Foreign Affairs Committee, having served 8 years on the Permanent Select Committee on Intelligence and its Terrorism, Human Intelligence, Analysis and Counterintelligence Subcommittee.

In the aftermath of September 11, Congressman GALLEGLY chaired the Subcommittee on International Terrorism, Nonproliferation and Human Rights and held one of the first hearings on the 9/11 Commission's recommendations, a hearing that led to more than 10 provisions that were included in the final bill.

Congressman GALLEGLY's long and distinguished career has been supported by the love and support of his wife, Janice, and their four children and ten grandchildren. Congressman GALLEGLY's dedication to our national security, strong borders, and legal immigration has contributed immensely to the betterment of our Nation, and we certainly thank him for all the years of his service.

Next I want to talk about my friend, BRIAN BILBRAY. Working alongside Congressman GALLEGLY on immigration issues is Congressman BILBRAY,

the chairman of the House Immigration Reform Caucus. Anyone who knows Congressman BILBRAY knows his commitment and dedication to his constituents. He is always on the go, never misses an opportunity to meet and discuss issues important to those he represents.

Congressman BILBRAY is a member of the House Energy and Commerce Committee, with subcommittee appointments to the Oversight and Investigations, Communications, Technology and the Internet, and Energy and Environment. He is chairman of the House Immigration Reform Caucus, where he works with Members on both sides of the aisle to enact meaningful immigration reform.

In this Congress, Congressman BILBRAY was a leader on policy initiatives that would incentivize companies to return their businesses to the United States, as well as encourage the private sector to hire veterans. I personally worked with him on a number of issues, including making E-Verify mandatory.

Throughout his career, Congressman BILBRAY has been supported by his wonderful wife, Karen, their five children and seven grandchildren. It's been an honor to serve with Congressman BILBRAY, and I would like to extend my gratitude to his many years of dedicated service. We're great friends and will continue to be so.

□ 1610

Our final departing Member is someone, as all of these Members, someone I have known very closely and consider a very close personal friend and whose leadership will be sorely missed, Congresswoman MARY BONO MACK, California's only Republican woman in the United States House of Representatives. She's been a trailblazer in the House.

Congresswoman BONO MACK's selection as subcommittee chairman of Commerce, Manufacturing, and Trade for the 112th Congress was historic, making her the first Republican woman in American history to hold a gavel on the Energy and Commerce Committee, one of the oldest standing committees in the United States House of Representatives. As chairman, Congresswoman BONO MACK has become a national leader on privacy issues, an expert on technology matters, and a global champion of Internet freedom.

In addition to her impressive chairmanship, Congresswoman BONO MACK passed landmark legislation that called for country-of-origin labeling for fresh fruits and vegetables, in addition to several innovative energy-saving bills, rewarding companies for utilizing clean-burning fuel technologies, and increasing the energy efficiency of Federal buildings. The House of Representatives also overwhelmingly passed MARY BONO MACK's SPY ACT, which

helps to protect Americans' personal information on the Internet.

Congresswoman BONO MACK is married to fellow Congressman CONNIE MACK, has two children, three stepchildren, and is now a new grandmother. All of us will certainly deeply miss Congresswoman MARY BONO MACK's humor, intellect, compassion, and expertise; and I know we'll see her in town.

On a personal note, I remember shortly after Sonny was killed a number of years ago visiting her along with Congressman JERRY LEWIS. It was a very difficult time, but she stood in the breach and came in, as DANA mentioned, under very tragic circumstances but represented her beloved Coachella Valley in a wonderful way and has been a fantastic member of the California delegation. Again, we will sorely miss her service.

Mr. Speaker, in closing, I would like to mention that among the seven departing Members, the House is losing 163 years of experience. The careers of my colleagues have had a positive impact on hundreds of thousands of constituents, Californians and Americans.

Due to schedule changes, not everyone could be here, but I'm sure as we go through the remainder of this session, they will find an opportunity to say their farewells to the House.

With that, I thank you, and I yield back the balance of my time.

#### DELEGATES' PLEA FOR JUSTICE

The SPEAKER pro tempore (Mr. WOODALL). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 30 minutes.

Ms. NORTON. Thank you, Mr. Speaker.

I come to the floor with other Delegates to make a plea for respect that we are pleased to say that the House has already honored. Mr. Speaker, this House has seen many disagreements on many issues, and that's what the American people expect. We believe and the House has shown that it believes that some matters, however, are beyond dispute. There are some matters where unity is to be expected. These matters go to basic respect for our members of the armed services.

The House, to its great credit, has already demonstrated that respect, and I want first to thank the Delegate whose provision, whose amendment, was chiefly responsible, Delegate GREGORIO SABLÁN from the Mariana Islands, whose amendment has, I believe, twice been put in the House defense authorization bill that requires that when the flags of the 50 States are raised or honored by our Armed Forces that the flags of the Territories and of the District of Columbia also are honored.

I want to also thank House Armed Services Committee Chairman BUCK

McKEON and Ranking Member ADAM SMITH for putting this provision in the defense authorization bill that is now pending. This bill will be considered, I suppose, in conference by the House and the Senate. It is in the House bill. We regret that it is not in the Senate bill, and so the Delegates and I have come to the floor to ask that the Senate follow the lead of the House on this matter of common courtesy and respect.

Delegate SABLÁN's provision in the House-passed bill simply requires that the flags of the Territories and of the District of Columbia be respected when the armed services choose to honor the flags of the 50 States. I have, in addition, written a letter to the President asking for a Presidential memorandum directing all Federal agencies including the Armed Services to do the same. I regret to report that the Army alone recognizes the D.C. flag and the flags of the Territories as a matter of policy. I want to give one example that I think will make the House understand why this is so important to us. A mother wrote me of having attended the graduation of her son from the Naval Station Great Lakes. She had wanted this boy to go to college. He had gotten admitted to college. He wanted to go to the Navy and so they said, to the Navy you will go. As graduation day came at the Naval Station Great Lakes and they called the names of the graduates one by one and they got to one name, Jonathan Rucker, and they called his name, the flag of every other graduate had been raised when the name of the graduate was called, but this young man, graduating from boot camp induction into the Navy, had his name called but his flag was not raised, the flag of the District of Columbia.

His parents were heartbroken, as you might imagine, and as the mother wrote me. It was from that example that I understood how very important this was and understood how important my fellow Delegate's bill, now adopted by the House, is. It was personal disrespect for the young man as he became a member of the United States Navy. It was disrespect for the District of Columbia flag. It was disrespect for the residents of this city who have served and died in every war that our country has ever fought, including the war that created the United States of America.

To let you know how much this means to those of us who have no vote but whose constituents pay taxes the same as the rest who are Members of this House and go to war, you now see the huge disproportion, at least in my own district. You will find this disproportion in the districts of the other Delegates as well.

World War I, 635 casualties, more than three States.

World War II, 3,575 casualties, more than four States.

Korea, 547 casualties, more than eight States.

These are all District of Columbia residents.

And from the Vietnam war, 243 D.C. casualties, more than 10 States.

We are calling on our Senate colleagues to follow the example of the House and include the language requiring the Armed Forces to fly the D.C. flag and the flag of the Territories whenever the flags of the 50 States are raised.

Mr. Speaker, we think that is far from too much to ask in light of the young men and women we represent who are in the Armed Forces today and those who have given their lives for the United States of America.

It is my privilege to ask the sponsor of the successful amendment, Delegate SABLAN from the Northern Mariana Islands, if he would speak at this time.

□ 1620

Mr. SABLAN. Thank you very much, Congresswoman NORTON, the distinguished representative of the District of Columbia. She represents me whenever I am not at home, and has done an exceptional job. And I thank you for sponsoring today's Special Order.

Mr. Speaker, just imagine returning home to the United States after many months of life-threatening combat. Imagine the relief you feel to be safe and the joyfulness of the welcome you expect to receive. Then, imagine as you enter that welcoming ceremony you see displayed the flags of every State, but the flag of your own home is missing. This is a sad experience for some 36,000 servicemen and -women whose home is the District of Columbia or one of the United States territories—American Samoa, Guam, Puerto Rico, the United States Virgin Islands, and my own district, the Northern Mariana Islands.

The flags of our home jurisdictions are often missing from the flag displays at military installations during welcome-back ceremonies, deployment ceremonies, and graduations. A constituent alerted me to this problem about 2 years ago. This individual had noticed the absence of the Northern Marianas flag from a display of U.S. State and territorial flags at Fort Drum, New York. She reported how troubling it was to her as a member of our armed services from the Northern Marianas, returning from combat duty, looking up to see her own flag missing from the ranks of flags there at Fort Drum.

Let me read what she said:

It's been 9 months, still no CNMI flag displayed at Fort Drum, New York, military base. No CNMI flag displayed at a field where deployment ceremony being held, and no CNMI flag displayed where welcoming ceremony being held welcoming back our soldiers from deployment. I wonder what is going on to our CNMI elected leaders. There are Micronesian and Guam flags, no CNMI flag. Very sad.

I remember coming back from the first Gulf War and seeing the rest of my unit being greeted by family and friends. As a single soldier back then I did not have family waiting for my return. However, the Guamanian family that I frequented while in Fort Lewis was there to greet me with hugs, mwar-mwars, and leis. What made them stand out and is forever etched in my mind is our CNMI flag being wielded by these friends of mine. The pride of seeing our flag waving at that concourse was overwhelming and gave me—an NMI native—the sense of belonging to these United States. As a veteran, and more so as a proud NMI Chamolinian, I hope the lack of representation in Fort Drum is corrected.

This was not an isolated incident. Last year, I visited a soldier who was receiving treatment at Walter Reed National Military Medical Center in Bethesda. A grand display of the flags of the 50 States lined the lobby of the main facility. Unfortunately, the flag of that young soldier, who was lying upstairs in a bed, painfully recovering from his wounds, was missing from the grand display downstairs. None of the territory flags nor the flag of the District of Columbia were present at Walter Reed.

I also received a report of the same situation at Fort Jackson in South Carolina. A family there to see their nephew graduate from basic training saw the flags of all 50 States and every territory on display—all except the flag of the Northern Marianas.

Let me read what they said in that email:

Congressman Kilili, my nephew graduated from basic training in Fort Jackson, South Carolina, yesterday. My niece and my sister-in-law were looking for the CNMI flag to take pictures with the graduate. Seems they could not find the CNMI flag so they had to settle with the Guam flag to have their picture taken. Please look into this—why the CNMI flag was not displayed during basic training graduation.

On another occasion, several of my constituents attended a basic combat training at Fort Jackson, South Carolina. The venue where the ceremony took place was adorned with flags from all the 50 States and every territory—except the Northern Mariana Islands. Those soldiers shared their deep disappointment with me. They felt that their command and their country did not recognize their contributions or their home.

Another constituent informed me that the Northern Marianas flag was not flying with the State flags at the Marine Corps Recruit Depot in San Diego, where her husband worked.

Here's what she wrote:

Good morning, sir. I happened to stumble upon an article regarding our flag being raised in all U.S. Army installations during ceremonies. Well, my husband works on the Marine Corps Recruit Depot in San Diego, and I am tiring of him complaining about not seeing our flag during graduations here. Could you please extend this to other armed services as well? Thank you, sir. Respectfully, Julie S. Tebuteb.

Over 20,000 Marine recruits pass through there every year. So not only are our own soldiers feeling forgotten but recruits from other areas are being sent a message that the District of Columbia and the five U.S. territories are not really a part of the Nation those marines will be defending.

Of course, I brought all these cases to the attention of the Pentagon. The Secretary of the Army responded with an assurance that our flag would be flown at Army installations whenever the flags of the States are on display. And many of the individual installations I mentioned took corrective action when I contacted them. But despite this response, I continue to receive reports of situations where territorial flags are forgotten.

The problem is there is no uniform regulation governing the inclusion of the flags of the District of Columbia and the territories. Though the Army Secretary took action, it is the policy of the Air Force, Coast Guard, the Marines, and the Navy to let local commanders have the discretion to display State flags with or without the flags of the territories on their installations. I have requested that all the services modify their regulations to include our flags, but no action has been taken. And I believe it should not be at the discretion of individual base commanders to decide to exclude any part of the United States—or the fighting men and women from any part of the United States—from recognition. It is a point of pride for all of our brave members of our armed services from the District of Columbia or the Northern Mariana Islands or any of the U.S. territories to see their home flag on display. That flag confirms that the sacrifices and risks these men and women take are recognized and appreciated. That flag demonstrates that their territory is a part of this great Nation of ours.

That's why I included a provision in this year's National Defense Authorization Act requiring the flag of all the States and all U.S. territories and the District of Columbia whenever and wherever the official flags of all 50 States are flown on U.S. military installations. That's why we're here this afternoon. Speaking on behalf of those 36,000 servicemembers from our districts, we are asking the other body, the Senate, to include the same provision in their bill. This provision ensures recognition for all our country's servicemembers no matter what part of the United States they call home.

I just celebrated Veterans Day in the Northern Mariana Islands at the American Memorial Park. There is in this park a court of honor for those soldiers who died there during World War II. And guess what, Mr. Speaker? All the flags—the territories and the 50 States—were displayed there in recognition of our great Nation, the

United States of America. Not one State was left out. Not one territory was left out. They're all displayed there.

So let us all spare our soldiers, marines, sailors, airmen, coast guardsmen, and our veterans the disappointment of not seeing their flags together with the flags of the U.S. States whenever they fly.

I thank you for sharing your time with me. Congresswoman NORTON, thank you for your leadership and for taking a leading position on this issue.

Ms. NORTON. I thank you, Delegate SABLAN, because you are the leader on this issue with your provision that you succeeded in getting included in the House Defense authorization bill.

May I inquire of the Speaker how much time we have remaining?

The SPEAKER pro tempore. The gentleman has 14 minutes remaining.

Ms. NORTON. I thank you very much.

I did want to mention that Delegate SABLAN indicated he had received these complaints from his constituents. That's how we know about this issue. The veterans, the members of the Armed Forces bring it to our attention. And he also mentioned that some commanders had the discretion as to whether or not to fly our flags. I note that Under Secretary of Defense Erin Conaton has indeed issued a memorandum to all parts of the armed services, and her word was that she "encouraged" but left to the "discretion"—"encouragement" is her word, "discretion" are her words—of commanders whether to display the flags of the territories and the District of Columbia when the flags of the 50 States are displayed.

DEFENSE, PENTAGON,  
Washington, DC, August 28, 2012.

MEMORANDUM FOR SECRETARIES OF THE  
MILITARY DEPARTMENTS

Subject: Display of District of Columbia and United States Territorial Flags during Official Ceremonies

Our Nation's Armed Forces are more diverse than ever, and brave men and women from all our states and territories continue to answer the Nation's call to duty. On these occasions where you intend to display the flags of all 50 states, I am urging you also to display the flags of the District of Columbia and United States (U.S.) territories. I especially encourage this practice as our soldiers, sailors, airmen, and marines graduate from entry level training.

This memorandum is not intended to affect the authority or discretion of commanders. Rather, it encourages the appropriate recognition of residents of the District of Columbia and U.S. territories at official ceremonies.

ERIN C. CONATON,  
Under Secretary of Defense for  
Personnel and Readiness.

□ 1630

Now, I would ask the Undersecretary of Defense, I would ask the President of the United States, I would ask the Sec-

retary of Defense whether there would ever be discretion left to a commander whether to fly the flags of Virginia or Utah or North Carolina or Florida. That would be considered an insult to those States; we consider it no less.

I'm pleased to yield time as well to the delegate from the U.S. Virgin Islands, Congresswoman CHRISTENSEN.

Mrs. CHRISTENSEN. Thank you, Congresswoman NORTON, for holding this Special Order. And thank you, Congressman SABLAN, for your steadfast leadership on this issue of significant importance to our constituents, but particularly to the military men, women, and families from the District of Columbia and the U.S. territories.

Last year, Congressman SABLAN successfully worked to include his provision in the House National Defense Authorization Act, and it was opposed by the Senate due to cost. How much could six extra flags cost? It could not even be a fraction of a blip in the defense or the military budget. But I'm proud to stand here with my other distinguished and hardworking colleagues in strong support of our veterans, our active military, National Guard, and Reservists and to ask for respect for our flags.

We are here to call on our colleagues in the other body to follow the example of the House and include language requiring all branches of the Armed Forces to fly the flags of the District of Columbia and the five territories of the United States whenever the flags of the 50 States are displayed.

All national flags are potent patriotic symbols. As proud Americans who have sacrificed for our Nation in every conflict, it should naturally follow that wherever and whenever all flags from the 50 States are represented, we also see the flags of the District of Columbia, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, Puerto Rico, and the U.S. Virgin Islands right alongside—just as our men and women serve bravely alongside other Americans on the battlefield.

As we said earlier, the Senate reasoned that if flying the D.C. and the territories' flags at each military installation where there are now State flags were to be legislatively mandated, these bases would need to tap into their budgets to pay for those six flags. In my estimation, this is but a miniscule repayment of the debt we owe to the men and women of the U.S. territories and the District of Columbia—who serve in the military in higher per capita numbers than many States—for their service and ultimate price that many have paid to protect our country.

A major goal of the FY13 National Defense Authorization Act is to rebuild our military after a decade of war. Part of that rebuilding process should be respecting all who have served and are

serving and ensuring that they receive the recognition they deserve with their fellow Americans from the 50 States.

The U.S. territories and the District of Columbia have long and distinguished military histories. In our case, the Virgin Islanders have fought in every war and conflict, including the American Revolution. Not only did we serve, but the then-Danish West Indies played a role in keeping the Revolutionary Army supplied with gunpowder, and the story is told that our rum helped to keep Washington's troops warm in cold, wintery conditions.

Alexander Hamilton, who grew up on my home island of St. Croix, served in the Revolutionary War. At the start of the war, he organized an artillery company and was chosen as its captain. He later became senior aide-de-camp and confidant to General George Washington.

A Virgin Islander designed one of the first offerings for a flag for the 13 Colonies, and it's reported that we were the first to salute the Stars and the Stripes in one of our beautiful harbors.

As of last year, the U.S. Virgin Islands had a total of 1,807 men and women armed service personnel serving in the Air Force, Army, Coast Guard, U.S. Marine Corps, and Navy. We have 734 enlisted men and women and 108 offices proudly serving in our National Guard and Air Guard. And sadly, we too lost soldiers; we lost eight in the Afghan and Iraq wars.

Presently, as we've heard, the decision on which flags fly and are displayed on military installations rests with the individual base commander. The display of flags of the territories and the District on U.S. military installations, both at home and abroad, varies. The Department of the Army is the only branch of the military that has taken steps to ensure a servicewide policy requiring display of all 56 flags.

I stand today with my five delegate colleagues to again call on the Senate to adopt the House bill that includes language requiring all branches of the Armed Forces to fly the flags of the District of Columbia, American Samoa, the Commonwealth of the Northern Marianas, Guam, Puerto Rico, and the U.S. Virgin Islands whenever the flags of the 50 States are displayed. We are tired of being overlooked in programs and initiatives, but today we draw the line at disrespecting our soldiers and, by extension, my constituents and those of my fellow delegates. We are part of the United States, and flying our flag with all of the others is the least that our military men, women, and their families deserve.

The following is my statement in its entirety:

Thank you, Congresswoman NORTON for holding this Special Order and Congressman SABLAN for your steadfast leadership on this issue of significant importance to our constituents, but particularly to the military men,



women and families from the District of Columbia and the U.S. territories. This is the second consecutive year in which Congressman SABLAN has successfully worked to include this provision in the House National Defense Authorization Act. Last year, the measure was added to the FY 12 Act but was opposed by the Senate because of the "cost."

Cost??? How much could 6 extra flags cost? It would not even be a fraction of a blip in the defense or military budget.

It is a shame that we have to come to the floor on this issue, but here we are and I am proud to stand with my other distinguished and hard working colleagues in strong support of our veterans, active military, national guard and reservists and to demand respect for our flags. We are here to call on our colleagues in the other body to follow the example of the House and include language requiring all branches of the armed forces to fly the flags of the District of Columbia and the five territories of the United States whenever the flags of the 50 States are displayed.

All national flags are potent patriotic symbols. Like all 50 States, each U.S. territory has its own flag which we hold in high honor just as we do the stars and stripes of our Nation. As proud Americans who have sacrificed for our Nation in every conflict, it should naturally follow that wherever and whenever all flags from all 50 States are represented, we also see the flags of the District of Columbia, Guam, American Samoa, Commonwealth of the Northern Marianas, Puerto Rico and the U.S. Virgin Islands right alongside—just as our men and women serve bravely alongside other Americans on the battlefield. If they are flown at non-military places—and they are—then surely we should see them at all military installations.

As we said earlier, the Senate reasoned that, if flying the DC and the territories' flags at each military installation where there are now State flags were to be legislatively mandated, these bases would need to tap into their budgets to pay for those six flags. In my estimation, this is but a minuscule repayment of the debt we owe to the men and women of the U.S. territories and the District of Columbia who serve in the military in higher per capita numbers than many States, for their service and the ultimate price many have paid to protect our country.

A major goal of the FY 13 National Defense Authorization Act is to rebuild our military after a decade of war. Part of that rebuilding process should be respecting ALL who have served and are serving and ensuring that they receive the recognition they deserve with their fellow Americans from the 50 States.

The U.S. territories and the District of Columbia have long and distinguished military histories.

In our case, Virgin Islanders have fought in every war and conflict including the American Revolution. Not only did we serve but the then Danish West Indies played a role in keeping the revolutionary army supplied with gunpowder and the story is told that our rum helped to keep Washington's troops warm in cold wintery conditions.

Alexander Hamilton, who grew up on my home island of St. Croix, served in the Revolutionary war. At the start of the war, he orga-

nized an artillery company and was chosen as its captain. He later became senior aid-de-camp and confidant to General George Washington.

Beyond his military service, one cannot overstate his contributions to our Nation as a Founding Father, economist, political philosopher and strategist, one of America's first constitutional lawyers and the first United States Secretary of the Treasury.

A Virgin Islander designed one of the first offerings for a flag for the 13 colonies and it is reported that we were the first to salute the stars and stripes in one of our beautiful harbors.

As of last year, the U.S. Virgin Islands had a total of 1,807 men and women Armed Service Personnel serving in the Air Force, Army, Coast Guard, U.S. Marine Corps and Navy. We have 734 enlisted men and women and 108 officers proudly serving in the National Guard and Air Guard. Sadly, we lost 8 soldiers in the Afghan-Iraq war.

Presently, the decision on which flags display and fly on military installations rests with the individual base commander. The display of the flags of the territories and the District on U.S. military installations, both at home and abroad, varies. The Department of the Army is the only branch of the military that has taken steps to ensure a service-wide policy requiring the display of all 56 flags. I stand today with my 5 Delegate colleagues to again call on the Senate to adopt the House bill that includes language requiring all branches of the armed forces to fly the flags of the District of Columbia, American Samoa, The Commonwealth of the Northern Marianas, Guam, Puerto Rico and the U.S. Virgin Islands whenever the flags of the 50 States are displayed.

We are tired of being overlooked in programs and initiatives, but we today draw the line at disrespecting our soldiers and by extension my constituents and those of my fellow Delegates.

We are a part of the United States and flying our flag with all of the others is the least that our military men, women and families deserve.

Ms. NORTON. I thank the delegate for those very important remarks and certainly join her in those remarks.

We have another delegate who has come to the floor. I am pleased to invite Congressman FALÉOMAVAEGA of American Samoa to step forward at this time.

Mr. FALÉOMAVAEGA. I thank the gentlelady from the District of Columbia for giving me this opportunity to speak today.

As negotiations begin on the final fiscal year 2013 Defense Authorization bill, I rise today with my fellow delegates to urge the Senate to adopt the House provision in the FY13 National Defense Authorization Act. This provision would require in statute the integration and display of the flags of each of the U.S. territories at U.S. military installations when and where the flags of the 50 States are flown or displayed.

Mr. Speaker, the lack of a unified Armed Forces policy requiring the display of the flags of our U.S. territories

is indeed a serious oversight. It is an oversight on the District of Columbia and the U.S. territories who are part of the American family and who have unique histories with our Nation.

Mr. Speaker, in our Nation's history, soldiers have fought valiantly in battle, but at times with little recognition—from the hundreds of thousands of African Americans who fought for our Nation since the time of the Revolutionary War, to some 200,000-plus soldiers who made up 10 percent of the entire Union Army in the Civil War, to the tens of thousands of Japanese American soldiers who fought alongside their fellow Americans in Europe during World War II.

Servicemembers and veterans of the District of Columbia and the U.S. territories are marginalized by this oversight, despite our significant contributions to our Nation. As a matter of fact, the U.S. territories were, in large part, acquired for the very purpose of our national defense and important strategic and military interests.

A noted Navy admiral, Alfred Mahan, was one of those who advocated the theory during the late 19th century that a nation who controls the oceans would rule the world. At a time in the world when words like "colonialism" and "imperialism" and "manifest destiny" were accepted norms of foreign policies of various nations, Admiral Mahan's theory was proven correct when a little island nation known today as the United Kingdom, or Great Britain, or England, established one of the most powerful nations ever in the world. It was due primarily to the fact that Great Britain had the most powerful navy in the world.

During World War II, the Samoan islands were a major staging location for some 40,000 marines and soldiers before they were transferred to Guadalcanal, Tarawa, Iwo Jima, and other destinations in the war against Japan during World War II.

For years, the U.S. naval officials pleaded earnestly for the United States to show presence in the South Pacific, and the suggestion was the harbor in Pago Pago on Tutuila island in the Samoan islands would be an ideal place to build a coaling station and a naval facility to allow U.S. naval ships and commercial vessels to utilize especially during the hurricane season.

In 1899, in Washington, D.C.—not known to the Samoans—the United States, Great Britain, and Germany held a conference whereby a tripartite treaty was agreed upon so that Germany and Great Britain would continue their colonial policies of figuring out how to control the two largest islands—Savai'i and Upolu—and the U.S. was free to deal with the traditional leaders and chiefs of the islands of Tutuila, Aunu'u, and Manu'a. And by consent of these chiefs, they ceded these islands to the United States in



1900 and 1904. These proposed treaties were never approved by the United States Congress until 1929.

□ 1640

Some ask today, Is a territory like American Samoa still relevant to our Nation? And to that I would argue, absolutely—especially given the U.S. pivot of focus on the Asia Pacific region, from our continuous involvements for over 10 years now in Iraq and Afghanistan.

Mr. Speaker, I would ask the question, What would happen if the leaders of Samoa or perhaps Fiji or Vanuatu or the Solomon Islands or Tuvalu or Kiribati would agree to have, let's say, China perhaps build a submarine base on these islands? I would be curious if our Department of Defense or the Pentagon or even the Congress might indicate some concern in this region of the world.

Mr. Speaker, as a Vietnam veteran and as a representative of a district with high rates of military enlistment, I respectfully urge the Senate to adopt the House provision that would give due honor to all of our servicemembers from the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands.

I thank my colleagues who have gathered here today. And with one voice today, we say, Do the right thing and honor the ultimate sacrifices of the tens of thousands of our men and women who proudly served the armed services of our Nation who are from our U.S. territories and the District of Columbia.

Mr. Speaker, I want to note for the record that I know that our colleague, the gentlelady from Guam who is also a senior member of the House Armed Services Committee, would have been here. But because of other commitments, she was unable to join us in this Special Order.

Mr. Speaker, in closing, I am reminded again of a statement made by a retired U.S. Marine brigadier general and a dear Republican friend of mine, a native Chamorro from Guam, a graduate of the University of Notre Dame and a very dear Republican friend, as I said, and former colleague of ours in Congress. He was a former Member of this House. He observed that in our relationship between our Nation and the Territories, he said, We are equal in war but not in peace.

With that, Mr. Speaker, I sincerely hope that our colleagues in the Senate, Chairman CARL LEVIN; the distinguished Republican Senator, the senior ranking member and dear friend as well, JOHN MCCAIN; and all the members of the Senate Armed Services Committee will support this provision.

And to the gentlelady from the District of Columbia, I cannot help but to say more. There are 600,000 U.S. citi-

zens living in her district. They pay Federal income taxes, and yet she is denied the right to vote on the floor. I think this is something that is unbecoming of what we call "democracy," if I will.

Ms. NORTON. You have heard movingly from three of my colleagues. I hope the Senate has been as moved as I was by hearing from them.

I want only to say now, Mr. Speaker, you've heard from all of us who are American citizens who represent American citizens and American citizens who fight and have fought for their country, who were pleased and continue to volunteer in disproportionate numbers into the Armed Forces, who are among the less than 1 percent, who carry all of us, who carry all of us on their shoulders. That's what the volunteer Army is all about today.

We've asked the Senate to do what we congratulate and commend and thank the House for having already done. Thank you, House of Representatives, for respecting our flags and for respecting us as representatives of the American people and of American veterans.

And I yield back the balance of my time.

#### BACK TO CONGRESS TO PROTECT THE HOMELAND

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from California (Mr. DANIEL E. LUNGREN) for 30 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, on 9/11, I was in the city and, therefore, was an eyewitness to the impact of the attack on the United States in the Capital City.

I had a friend who was on the airplane that was crashed into the Pentagon. There was a gentleman who was a partner in the law firm that I had just joined who was on that airplane. A young man who had attended school with my children and his family had worshiped at the same Catholic church was on the level hit by the first airplane in the Twin Towers.

And understanding the nature of the attack against the United States, at that time, I felt a strong urging to once again be involved in public service. And that was the genesis of my decision, when the opportunity presented itself several years later, to return to this body. That was the compelling reason.

I was privileged to be appointed to the permanent Homeland Security Committee, and I was privileged to serve as chairman of one of the subcommittees; and since that time, I have been privileged to continue to serve on that committee as well as to serve on the House Judiciary Committee where we had responsibility for, among other things, the PATRIOT Act

and FISA, the Foreign Intelligence Surveillance Act, both of which were, in my judgment—and are, in my judgment—essential to our response to the threat that existed at the time of their creation and the threat that remains.

One of the ironies of my service is that I am elected from a district in Sacramento County, California, nearly 3,000 miles from the site of the attack in New York and the attack here in Washington, D.C. And while we have had a plot to blow up L.A. airport that was thwarted by tremendous work by a Federal employee on our northwestern border, it has been somewhat difficult to articulate in sufficient terms the threat that remains to us, as a Nation, to my constituency.

But those in California are not alone in their failure to understand the urgency of the moment. I think we, as a Nation, have, as a result of the successes that we have achieved in our defense of this Nation, allowed ourselves some level of complacency and a misapprehension of the danger that remains.

When I served in the Congress in my first tour of service from January of 1979 to January of 1989, I for several years was a member of the House Intelligence Committee. At that time, the phrase "homeland security" or the word "homeland" was never uttered. If you had uttered it then, it would have a foreign sense to it. Protect the homeland, wasn't that what Hitler was talking about? There was a strange notion to that term.

It, of course, began to be used in normal parlance after 9/11. And now it regularly trips off our tongues, "homeland security," "the Committee on Homeland Security," "the defense of the homeland," because we understand that the nature of the war in which we are presently engaged is very different than the wars that we have engaged in in the past.

Those were wars of territorial conquest. Those were wars where you could gauge success or failure by the amount of territory that you had taken, by the number of people who had died, by the men and armaments that were proceeding into battle. And in some ways, you could anticipate the success or failure by the location of the troops, by the array of weapons.

Today we're facing a very different threat. In addition to fighting the war that has gone on in the Middle East—with our men and women in uniform performing bravely and as well as any that we have ever had—we are now dealing with an enemy that is not defined as a nation-state solely, is not defined as a physical army moving to our shores but is in many ways engaged in the essence of asymmetric warfare. That is, not pitting one military force against a military force, one grouping of military equipment versus another but, rather, the essence of asymmetric

warfare in attempting to create psychological more than physical damage but physical damage if they may do so.

□ 1650

On 9/11, we suffered tremendous physical damage. We lost over 3,000 people. We saw one of the symbols of American capitalism destroyed, one of the symbols of American free enterprise, one of the symbols of one of America's greatest cities. We also saw an attack on the Pentagon. It didn't destroy the Pentagon. It didn't cause the number of casualties you would see in a major battle, although every life lost was a tragedy; but it was a psychological blow to the United States. It was in some ways the foundational principle of terrorism.

How do you exact the greatest amount of terror, a lack of confidence, a fear in a people, particularly in the civilian population, while doing what would be, relatively speaking, a small amount of damage? I don't want to diminish the amount of physical damage that was done, but relative to the scenes that we have seen from World War II for destruction of entire cities, for destruction of buildings and infrastructure that existed not for years, not for decades, but for centuries. Yet, the threat is as great as the threats we have faced before.

Within the context of this war of terror, as opposed to the war on terror, because the war is really against those who would destroy us utilizing terror, I don't think you should define a war as against the tactics used by the enemy. You have to define the enemy. We've had some difficulty in doing that in part because of political correctness, but an essential part of this war on terror is found in the world of cyber. That's what I would like to address this evening for a few moments, cybersecurity.

I think one of the great failings of this Congress and one of the things that I regret having not accomplished before I leave this House in several weeks is our successful addressing of the threat we find in the world of cyber. The cyberworld is difficult to grasp because you can't smell it, you can't feel it, you can't touch it, and you can't hear it. Yet it is embedded in virtually everything we do. If you would look at the world of computers, the world of technology, the world of connectivity of those things, and the wireless world—that is a term that needs to be defined, and we don't have the full time to talk about that because wireless means partly wireless instrumentalities and partly wired instrumentalities and partly cables, which are utilized to spread what started may end as wireless communications to distant lands. Nonetheless, because you can't physically see it in most instances, it is not readily apparent that it is there.

While the essence of this new computerized technology-connected world allows us to do things we never dreamed of doing before, and while that enhances our standard of living and permits us to be able to receive goods and services and specific essential communications instantaneously from far away places, it also creates tremendous vulnerabilities. To the extent that you are connected, you're also vulnerable. To the extent that you rely on that connectivity to be able to send control decisions to distant places, you also create a vulnerability along that pathway; you create a vulnerability for someone who might be able to capture that control.

And as you understand the place that the cyberworld plays in our critical infrastructure, that which gives us the guts of the underpinnings of our standard of living—power, electricity, water, just to name a few—you understand if someone controls those or interferes with those or sends off false messages on those, the world as we know changes. And if those who control in that way by hacking, by intervention, by malware, if they are successful, they change our standard of living tremendously, and not for the better.

What do we have to do? In the first instance, we have to recognize the problem. In this body, we've not recognized that problem. In the Senate, they have not recognized that problem. With all due respect, even though I work very closely with the administration, it hasn't been priority enough. The public doesn't understand it or appreciate it in part because it is not a politically sexy thing to talk about.

I grew up in southern California where a news director many years ago coined the phrase "if it bleeds, it leads," meaning we will put it on TV if you can find a car crash. You find somebody bleeding somewhere, we'll put it on TV long before we'll put some good that someone has done on TV. Cybersecurity doesn't bleed until someone invades it, someone captures it.

One of the remarkable things that happened over the last couple of years was something called Stuxnet, S-t-u-x-n-e-t. Stuxnet is an example of—I'll call it malware or a virus or whatever you want to call it. It was an intrusion into an already-existing IT system, the Iranian Government's system that they utilized for purposes of developing their nuclear weapons systems. At least that is what is suggested in the public press.

According to the public press, whatever this was that was interjected there laid dormant for a period of time, gave off false signals that everything was okay to those who were operating the system, and then at some period of time carried out commands that were contrary to the integrity of the system, causing, as reported in public articles, the centrifuges in their nuclear

system to basically destroy themselves.

Why is that important? It was the first example we've seen publicly of a physical destruction of a system. I would call that in the nature of critical infrastructure as a result of a cyberattack. We've seen suggestions of other such things. Whoever did that, thank God they seemed to be on our side. But now the genie is out of the bottle. And if it were done by those who are friends of ours, what would happen if people captured it that were not friends of ours? Now that it has been done successfully, evidently they know it can be done. So you can have people who try and reverse engineer it, or you can have people just start from ground zero saying, look, it has been done, let us now theoretically determine how it was done and how we can do it. My point is once it has happened, we should understand that there are those who want to destroy us that will use it against us.

Let me ask a question, and that would be: What would happen if someone introduced malware or viruses into several of the major medical or health systems in this Nation? If you went to the hospital and instead of you having accurately recorded what your blood is, you had another blood type and you're going to need a blood transfusion during that surgery, what if they were able to change the indications you have for indications or the contraindications that you have so you would be subjected to medicines that were not, in fact, good for you?

□ 1700

What if that happened in a couple of major health systems in this country in different parts of the country? Would that be a psychological attack on the Nation if we shook the confidence people had in the system? What if they were able to invade a financial services operation so that your account could not be verified and someone else's account couldn't be verified? What if, in fact, they controlled some of the systems that deal with our trains so that trains would be colliding rather than missing one another? What if they controlled the critical infrastructure that we call our water systems or our electricity delivery systems?

I mean, these are real questions. What do we need to do? We need to understand that it's going to require cooperation and a collaboration between the public sector and the private sector.

Look, I'm a small-government guy. I believe in limited government. I also believe that the limited government we have ought to work, that it ought to be robust. In my judgment, the Federal Government has a responsibility in the area of cybersecurity; and we have been, in some ways, not facing up to

that. This administration and the previous administration have done some tremendous work in advancing the cause—Congress has examined it; we've held hearings; we've put forth some proposals—but we haven't had a completed project. We need to do a number of things, it seems to me.

Number one, we need to make sure that we understand that, as far as the Federal Government is concerned, the entry point for the private sector ought not to be NSA, because it's part of the military. It ought to be DHS. Some people say, I didn't like DHS. Well, DHS exists. It has for a decade. It has gotten more robust. It has gotten much, much better in terms of its competency in the area of cybersecurity. We ought to build on that. We ought to have that as the entry point so that we don't have a violation of what we know as *posse comitatus*, or the idea of civilian control over the military.

NSA is unbelievably good. They're the best in the world at what they do, but we've got to make sure that there is the proper relationship. I think the previous administration and this administration have established the means of doing that, but it ought not to be the idiosyncratic answer by one administration to another. It ought to be institutionalized so we know that that's the permanent structure and that people can rely on it.

Secondly, we need to create a platform of trust and confidence and experience between the public sector and the private sector to be able to utilize the information that comes to one or the other. What do I mean by that?

When the Federal Government learns about cyberattacks that are taking place in one place, they ought to be able to give that information to other elements of the private sector on an immediate basis so they can protect themselves against that. At the same time, we ought to set up a platform to establish that confidence so that the private sector will feel better about giving their information to the government so that they can help them protect against that attack and let others know that that attack might be there. That comes with experience. That comes with trust and confidence that can only be established over time, and we need to have a structure that allows that to happen.

I produced legislation to do that. Unfortunately, it never reached the floor of the House of Representatives for reasons I won't go into, but the fact of the matter is that we still need to do that. You can say you want to build trust by establishing something, but you have to have it established. You have to have people there. They have to understand one another. They have to work with one another. They have to gain that trust. That takes time. We need to do it immediately.

We need to have some sort of means by which we work with the private sec-

tor that involves itself in critical infrastructure in such a way that the impact of a failure of that piece of infrastructure to the public will be protected against. Let me give you a simple example. This was an example that I paraphrased from former Secretary Chertoff.

Let's say you are a piece of the critical infrastructure and that you realize that a failure will cause \$1 billion worth of damage to your company, but that the impact on society may be \$50 billion. The delta between \$50 billion and \$1 billion is one that has to be, in some ways, dealt with in terms of that relationship between the Federal Government and the private sector; and we haven't figured that out yet.

My way of doing it was to create a voluntary program by which you would have different elements of our economy deal with DHS, with the support of others, coming up with what would be best business practices. Then, if those best business practices were adopted by those within that element of the economy, they would get liability protection, liability immunity. Now, some say, wait a second. That leads to the slippery slope, and the Federal Government is going to come in with a crash on you. Look, I don't know the perfect answer, but I was trying to find the lightest regulatory touch we could have.

If those who are worried about the Federal Government becoming too heavy handed are truly concerned about that, they ought to think about this: if we have a successful cyberattack against a part of our critical infrastructure, my fear is that Congress and whoever is President at the time will overreact because the public will require it. Wouldn't it be better for us to anticipate it? Wouldn't it be better for us to get ahead of the crisis and then have a means by which we defend against it? We know we're not ever going to be totally, 100 percent successful; so when it happens, we should diminish the impact on whatever part of critical infrastructure we have.

Third, mitigate against the damage when it occurs; and, fourth, be available to rebuild, respond and have the services available to the public sooner rather than later.

I had hoped to be here another 2 years to work on that—I will not be—but I will be on the outside, wherever I am and in whatever I do, urging this Congress to look this issue squarely in the face and to do something about it. I am absolutely convinced, as Secretary Panetta said, that one of the greatest threats to this Nation is a cyber-Pearl Harbor, and the potential of that is greater because the capacity to strike against the country is more diffuse than ever before.

The capital investment for a successful cyberattack is much less than the

capital investment needed for weapons of mass destruction. We ought to understand it, and we ought to understand that sooner rather than later. Cybersecurity ought to be an issue on the front burner of this Congress going forward. There ought to be an effort for the administration and the Congress—Democrat, Republican, conservative, liberal—to work for the good of this Nation.

I can think of no external threat that is greater than the threat of cyberwarfare. As I leave this place, I don't know if I'd call it a confession, but it is an admission of mine that we have not done all we've needed to do. I'm not blaming anybody. In the aftermath of 9/11, the first thing we had to do was to try and protect against a similar attack. We have strengthened our air travel in this country. We have strengthened our security against an attack to our ports. We have strengthened our ability to protect against a terrorist attack on our chemical facilities, although we still need to do more there. We have protected our transportation systems to a greater extent than existed before. We have greater cooperation and coordination among all levels of law enforcement. There is a greater level of respect among the private sector parts and the public sector; but cybersecurity remains, in my judgment, the lagging indicator and the lagging response.

I would hope that partisanship would be thrown aside. I would hope that fear of the government—although I understand that well and I've been a proponent of that—of an overly sized government and an overly strong government will be tempered in the sense that we understand the threat to all of us and to our standard of living in so many different ways is real and that, right now, we have the greatest minds working on cyber.

The last thought is this: if any young person is looking for a job or a career for the rest of his or her life, start training in the area of cybersecurity. We need to do more in terms of our educational programs. We need to do more in terms of our training. China is training a lot more people in cybersecurity than we are. It's not just because they have a larger population; it's because they're dedicated to it. We could lose our edge if we don't do that.

So I would ask this Congress going forward and I would ask this administration going forward to put cybersecurity at the front of the line, not at the back of the line, in terms of training our people, educating our young people, identifying this as a career path for so many of them, making the commitment in our government in terms of the budget that is necessary, but also in terms of that spirit of cooperation and collaboration that must exist between the private sector and the public sector.

□ 1710

We are at risk. There is a real and present danger out there. We have the capacity to respond to it. We have the ability to be the best in the world at this. We have the ability to protect ourselves better than any other country in the world, and we will if we will turn our face towards the problem rather than away from the problem.

So, Mr. Speaker, I thank you for the time. It is my hope that this country recognizes the threat, deals with the threat, and successfully looks to the future for ourselves, our children, and our grandchildren.

I yield back the balance of my time.

#### REMEMBERING DAN MCKINNON

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from California (Mr. HUNTER) for 30 minutes.

Mr. HUNTER. Thank you, Mr. Speaker.

It is my unfortunate honor to come before you and speak about a true son of America who lost his battle with cancer 6 days ago on November 22. I have an article here from the local paper in San Diego talking about Dan McKinnon, and it says, Dan McKinnon: Navy pilot, radio, and airline executive. Appointed to two Federal boards, was son of San Diego congressman. Those are a lot of things, but Dan McKinnon was so much more than those, even put together.

First, his father was a Democrat congressman from San Diego here in the 1950s, probably stood at this table and spoke like I'm speaking now. Dan was a page, when we still had pages in this House on this floor in the fifties during the Truman administration as well. He had a great respect and love for this country, and he had a great respect and love for this body and the institution.

He has some great claims to fame. One of those is this: As a young man, Dan served in the Navy as a helicopter pilot, and he's credited with 62 saves on land or sea. That's more saves during peacetime than any other Navy pilot in American history. He loved the Navy and he loved flying, and that led him to do other things later in his life. But he was a great pilot. He was inspired to fly from some words taken from the movie "The Bridge Over Toko-Ri." And basically the words—I'm going to summarize what made him want to be a helicopter pilot. There were some folks talking in this movie, and they basically said: Where does America get these kinds of people that want to fly off these little platforms that are floating in the ocean, go and rescue men or take out the enemy, and then fly back out to these platforms again in the middle of the ocean, try to find those platforms and then land on them? Where does America get them? They are the greatest in that country.

That inspired Dan to join the Navy and do exactly that—to fly helicopters and rescue his fellow sailors that had the bad luck or the bad skills to land in the water.

He bought a country radio station in San Diego and transformed it, made it into one of the most successful radio stations in San Diego County. At the same time, in 1977 he was the president of the Country Music Association in Nashville. He also served on the National Association of Broadcasters' board of directors here in Washington, D.C.

And as I go through this litany of things that Dan McKinnon did, you can see where his courage, his faith in God, and his selfless service to country and Christianity played through throughout his entire life.

He ran for Congress. He tried to get in this body in 1980. He had an unsuccessful run for Congress in 1980, but the next year President Reagan nominated him to lead the Federal Civil Aeronautics Board which basically oversaw the deregulation of all of the airlines. And as I know, as somebody who wants less government and less Big Brother intervention, Dan McKinnon was the rare sort of man who, after he did his work on the Civil Aeronautics Board and deregulated the airline industry, so we have what we have now, which is competition and low rates and extremely high safety measures, he shut down his own board that President Reagan started. Rarely in Washington do you see a creature that starts up some kind of board or blue ribbon panel or commission and actually closes it down on themselves after they've done the work that they needed to do. That takes a special person. It takes a special person to give up the reins and say, we don't need more bureaucracy, we're going to shut it down. We've done the work that we were assigned. So he did that. He didn't get paid for that either. He did it because he wanted to help the country and he loved being a pilot and he loved the airline industry.

People say that the airline industry right now, the way that it is is a direct reflection of how he deregulated it during these times. That was a big deal when you had the Federal Government dictating fares and routes, and to change that into a free market system where competition could enter, it took a long time and it took a man of special character and significance to do that, and Dan did it.

His daughter Lisa, who is, I think, a lieutenant in the Navy right now in Coronado doing intelligence work for the Navy SEALs, said this about her dad: He would say that his Navy wings were the only thing that he ever did by himself. He said everything else was a team effort. He loved being a pilot. He loved flying for the Navy, and he flew and sailed to the end of his days.

He also worked for the Central Intelligence Agency. They had him doing

special projects, and he actually got the Seal Medallion from the Central Intelligence Agency.

So you take all of these things together, and you see a man who had a full life, a full family, that loved his country and served his country, and someone who had courage and true grit and a true faith in God, that God would help lead him through his life and his path, and he trusted in the Lord to do that.

On a couple of other separate stories, Dan taught me how to jump motocross bikes at his ranch when I was a kid. I got my first job in high school at a TV station doing the news camera that his brother had. I got to work on his airlines after high school and between college. I'm a young guy. I'm only 35 years old, Mr. Speaker, and sometimes young guys like myself need people to look up to, people that give us structure and people that tell us which way is the right way to go and which way is the wrong way to go. Dan always knew what the right way to go was. He was a mentor of mine. And on November 22, when he lost his battle with cancer, America and San Diego truly lost one of their sons and one of the people that make this country truly great.

With that, I yield back the balance of my time.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 17 minutes p.m.), the House stood in recess.

□ 1739

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOODALL) at 5 o'clock and 39 minutes p.m.

#### REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6429, STEM JOBS ACT OF 2012; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NUGENT, from the Committee on Rules, submitted a privileged report (Rept. No. 112-697) on the resolution (H. Res. 821) providing for consideration of the bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes; and providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3642. An act to clarify the scope of the Economic Espionage Act of 1996, the Committee on the Judiciary.

## ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2453. An act to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

H.R. 6063. An act to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

H.R. 6118. An act to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

H.R. 6131. An act to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers Beyond Borders Act of 2006, and for other purposes.

H.R. 6570. An act to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements.

## ADJOURNMENT

Mr. NUGENT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, November 29, 2012, at 10 a.m. for morning-hour debate.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8469. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluazinam; Pesticide Tolerances [EPA-HQ-OPP-2012-0009; FRL-9366-6] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8470. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Fluridone; Pesticide Tolerances for Emergency Exemptions [EPA-HQ-OPP-2012-0756; FRL-9366-8] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8471. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Metconazole; Pesticide Tolerances [EPA-HQ-OPP-2012-0455; FRL-9364-8] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8472. A letter from the General Counsel, Federal Housing Finance Agency, transmit-

ting the Agency's final rule — 2012-2014 Enterprise Housing Guide (RIN: 2590-AA49) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

8473. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard [EPA-R09-OAR-2011-0492; FRL-9749-4] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8474. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Idaho; Regional Haze State Implementation Plan [EPA-R10-OAR-2010-0930; FRL-9750-1] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8475. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Hampshire; Reasonably Available Control Technology Update to Address Control Techniques Guidelines Issued in 2006, 2007, and 2008 [EPA-R01-OAR-2012-0255; A-1-FRL-9749-8] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8476. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations. (Crowell, Knox City, Rule, and Quanah, Texas [MB Docket No.: 08-97] (RM-11428) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8477. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Interim Staff Guidance Augmenting NUREG-1537, Part 1 and 2, "Guidelines for Preparing and Reviewing Applications for the Licensing of Non-Power Reactors: Format and Content", for Licensing Radioisotope Production Facilities and Aqueous Homogeneous Reactors October 17, 2012 received November 7, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8478. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc Turbofan Engines [Docket No.: FAA-2010-0821; Directorate Identifier 2010-NE-30-AD; Amendment 37-17183; AD 2012-18-07] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8479. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Division Turbofan Engines [Docket No.: FAA-2012-0079; Directorate Identifier 2012-NE-06-AD; Amendment 39-17148; AD 2012-16-01] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8480. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Division Tur-

bofan Engines [Docket No.: FAA-2012-0228; Directorate Identifier 2012-NE-09-AD; Amendment 39-17179; AD 2012-18-03] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8481. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0142; Directorate Identifier 2010-NM-275-AD; Amendment 39-17188; AD 2012-18-11] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8482. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0645; Directorate Identifier 2011-NM-352-AD; Amendment 39-17190; AD 2012-18-13] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8483. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1065; Directorate Identifier 2011-NM-007-AD; Amendment 39-17175; AD 2012-17-12] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8484. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2011-1250; Directorate Identifier 2010-NM-031-AD; Amendment 39-17176; AD 2012-17-13] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8485. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Costruzioni Aeronautiche Tecnam srl Airplanes [Docket No.: FAA-2011-0816; Directorate Identifier 2011-CE-022-AD; Amendment 39-17180; AD 2012-18-04] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8486. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc. Turbofan Engines [Docket No.: FAA-2011-1045; Directorate Identifier 2011-NE-32-AD; Amendment 39-17168; AD 2012-17-05] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8487. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2012-0222; Directorate Identifier 2011-SW-007-AD; Amendment 39-17166; AD 2012-17-03] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8488. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes [Docket No.: FAA-2012-0489; Directorate Identifier 2011-NM-229-AD; Amendment 39-17174; AD 2012-17-11] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8489. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0327; Directorate Identifier 2011-NM-125-AD; Amendment 39-17198; AD 2012-19-03] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8490. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc (RR) Turbofan Engines [Docket No.: FAA-2012-0848; Directorate Identifier 2012-NE-20-AD; Amendment 39-17167; AD 2012-17-04] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8491. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Honeywell International, Inc. Turbofan Engines [Docket No.: FAA-2011-0945; Directorate Identifier 2011-NE-18-AD; Amendment 39-17161; AD 2012-16-14] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8492. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Helicopters [Docket No.: FAA-2011-1408; Directorate Identifier 2008-SW-10-AD; Amendment 39-17184; AD 2012-18-08] (RIN: 2120-AA64) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8493. A letter from the Secretary, Federal Maritime Commission, transmitting the Commission's final rule — Commission's Rules of Practice and Procedure [Docket No.: 11-05] (RIN: 3027-AC43) received November 5, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of the rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. NUGENT: Committee on Rules. House Resolution 821. Resolution providing for consideration of the bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes; and providing for consideration of motions to suspend the rules (Rept. 112-697). Referred to the House Calendar.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GRIJALVA:

H.R. 6609. A bill to expand the Pajarita Wilderness and designate the Tumacacori Highlands Wilderness in Coronado National Forest, Arizona, and for other purposes; to the Committee on Natural Resources.

By Ms. NORTON:

H.R. 6610. A bill to provide for several critical National Park Service authorities, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Transportation and Infrastructure, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SPEIER (for herself, Mr. DEUTCH, and Mr. CICILLINE):

H. Con. Res. 141. Concurrent resolution expressing the sense of Congress efforts by mental health practitioners to change an individual's sexual orientation and gender identity or expression are dangerous and harmful and should be prohibited from being practiced on minors; to the Committee on Energy and Commerce.

By Mr. KUCINICH (for himself and Mr. HOLT):

H. Res. 819. A resolution directing the Attorney General of the United States to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, any documents and legal memoranda in the Attorney General's possession relating to the practice of targeted killing of United States citizens and targets abroad; to the Committee on the Judiciary.

By Mr. NADLER (for himself, Mrs.

MALONEY, Mr. PALLONE, Mr. HIMES, Mr. KING of New York, Mrs. LOWEY, Mr. TURNER of New York, Mr. GRIMM, Mr. ACKERMAN, Mr. ANDREWS, Mr. BISHOP of New York, Ms. BUERKLE, Mr. CARSON of Indiana, Mr. CICILLINE, Ms. CLARKE of New York, Mr. COURTNEY, Mr. CROWLEY, Ms. DELAURO, Mr. ENGEL, Mr. FITZPATRICK, Mr. FRELINGHUYSEN, Mr. GARRETT, Mr. GIBSON, Mr. AL GREEN of Texas, Ms. HAYWORTH, Mr. HIGGINS, Mr. HINCHHEY, Mr. HOLT, Mr. ISRAEL, Mr. KEATING, Mr. LANCE, Mr. LANGEVIN, Mr. LARSON of Connecticut, Mr. LOBIONDO, Mr. MARINO, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MORAN, Mr. OWENS, Mr. PASCRELL, Mr. RANGEL, Mr. REED, Ms. RICHARDSON, Mr. RICHMOND, Mr. RIGELL, Mr. RUNYAN, Ms. SCHWARTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SIREN, Ms. SLAUGHTER, Mr. TONKO, and Mr. WALZ of Minnesota):

H. Res. 820. A resolution expressing condolences to the victims of Hurricane Sandy, commending the resiliency of the people of New Jersey, New York, Massachusetts, Connecticut, Pennsylvania, Maryland, the District of Columbia, Rhode Island, New Hampshire, West Virginia, and Delaware, and committing to stand by them in the relief and recovery effort; to the Committee on Transportation and Infrastructure.

#### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. GRIJALVA:

H.R. 6609.  
Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution.

By Ms. NORTON:

H.R. 6610.  
Congress has the power to enact this legislation pursuant to the following:

clauses 14 and 18 of section 8 of article I of the Constitution.

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Ms. DELAURO.  
H.R. 181: Mrs. CAPITO.  
H.R. 420: Mr. MASSIE.  
H.R. 625: Mr. DUNCAN of Tennessee and Mr. BACHUS.  
H.R. 676: Ms. KAPTUR.  
H.R. 797: Mr. CONYERS.  
H.R. 891: Mr. BASS of New Hampshire.  
H.R. 2168: Mr. POE of Texas.  
H.R. 2505: Ms. BONAMICI.  
H.R. 2524: Mr. DEFazio.  
H.R. 2563: Mr. WELCH.  
H.R. 2981: Mr. MCGOVERN.  
H.R. 3423: Mr. AMODEI.  
H.R. 3881: Mr. HOLT.  
H.R. 3890: Mr. COSTA.  
H.R. 4077: Mr. GENE GREEN of Texas.  
H.R. 4122: Ms. EDDIE BERNICE JOHNSON of Texas and Ms. TSONGAS.  
H.R. 4205: Mr. CLAY.  
H.R. 4290: Ms. BONAMICI.  
H.R. 4309: Mr. HECK.  
H.R. 4336: Mr. MEEHAN.  
H.R. 4373: Mr. CUMMINGS.  
H.R. 5817: Mr. CARNEY.  
H.R. 6107: Mr. RAHALL.  
H.R. 6199: Mr. KUCINICH.  
H.R. 6200: Ms. BORDALLO and Ms. NORTON.  
H.R. 6299: Mr. CHABOT and Mr. GRIMM.  
H.R. 6490: Mr. FITZPATRICK, Mr. DESJARLAIS, Mr. AUSTIN SCOTT of Georgia, Mr. TIPTON, Mr. DENT, Mr. GUINTA, Mr. RENACCI, Mr. CRENSHAW, Mr. WELCH, Mr. LONG, Mr. CRITZ, Mr. BOSWELL, and Mr. NUNES.  
H.R. 6582: Mrs. EMERSON and Mr. LONG.  
H.R. 6588: Mr. HASTINGS of Florida.  
H.R. 6598: Mr. GRIMM.  
H. Con. Res. 39: Mr. HARRIS.  
H. Res. 733: Mr. HASTINGS of Florida and Mr. GENE GREEN of Texas.  
H. Res. 809: Mr. FORBES and Ms. DELAURO.  
H. Res. 814: Mr. KINZINGER of Illinois, Mr. AMODEI, and Mr. LUETKEMEYER.

#### CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY Mr. SMITH OF TEXAS

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 6429, the STEM Jobs Act of 2012, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

**SENATE—Wednesday, November 28, 2012**

The Senate met at 10 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

**PRAYER**

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Father of all, out of the noisy world, we come to this quiet place of prayer. We depend on Your goodness, Your mercy and grace.

As our lawmakers face the challenges of their calling, inspire them to have a mature faith in Your providential leading. Lord, fill them with Your spirit so that they will acknowledge their dependence on You for every breath they breathe and every creative thought they think. May today be for them a building block for making America a nation that glorifies You.

We pray in Your great Name. Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, November 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—MOTION TO PROCEED—Resumed

Mr. REID. Madam President, I now move to proceed to Calendar No. 419, the DOD authorization bill.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to the bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

**SCHEDULE**

Mr. REID. Madam President, the first hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half. We expect to begin consideration of the DOD authorization bill today.

**DISABILITIES CONVENTION**

On April 14, 1945, a very young Robert Dole lay gravely wounded in the mud of a war-torn Italian hillside. He had been hit with shrapnel which tore through his shoulder and his spine. But 24 years later, after years spent rebuilding his body and building a political career, the future Senate majority leader gave his maiden speech on the Senate floor. His first floor speech here in the Senate was about the challenges faced each day—even in this the richest of nations—by people just like Robert Dole, people with disabilities. That is what he spoke about. He described the discrimination disabled Americans faced as “maybe not exclusion from the front of the bus, but perhaps from even climbing aboard it.”

Over the next 27 years of his Senate career, including 11 years as majority leader, and throughout his years in the private sector, Bob Dole would remain a vocal advocate for Americans with disabilities. Since Senator Dole fought for passage of the Americans With Disabilities Act in 1990, barriers have been lifted, helping people with disabilities in this country live the full and productive life they want and deserve.

There is no finer example of the extraordinary goals Americans can achieve in spite of their disabilities than Bob Dole’s inspiring career. In my mind’s eye, I can see Senator Dole on the Senate floor standing straight and tall, slim, and articulate—as I indicated yesterday, always with something funny to say. But what people did not notice was that one of his arms was

inoperative. He always kept a pen in that hand so people would not grab his hand or something like that. But it was distinctive. That was the distinctive Robert Dole. He was such a force here in the Senate, and to think that he did it all after having been really blown up in a war.

The United States has been a leader in expanding disability rights across the globe. U.S. law has been the gold standard for the rest of the world. But the United States must continue to lead by example and must do more to protect American citizens traveling and working abroad.

The disabilities convention before the Senate today—a treaty ratified by 125 nations—would advance those goals. This convention would give us an opportunity to strengthen our leadership on disability rights around the world. It is another step toward ensuring that all people with disabilities in any country are treated with dignity and given the right to achieve to their full potential.

Ratification of this treaty will not cost the U.S. taxpayers a single dime. It will not require any changes in our existing law. It has the support of veterans groups and disability groups around the country. It has the strong backing of a bipartisan group of Senators and leading Republicans such as George H.W. Bush as well as Senator Dole. He called me a few days ago to tell me how much he wanted this passed.

Like passing the Americans With Disabilities Act, ratifying the treaty is the right thing to do. Ralph Waldo Emerson wrote, “If you would lift me up you must be on higher ground.” If the United States wishes to be a global example for the huge strides people with disabilities can make when barriers to succeed are removed, we must take the high ground.

I thank Senator KERRY, the chairman of the Foreign Relations Committee, Senators McCAIN, LUGAR, DURBIN, BARRASSO, COONS, TOM UDALL, MORAN, and others, and especially Senator HARKIN, who is the father of the Americans With Disabilities Act, leading the way on this issue. With their help, I hope we can quickly ratify this treaty.

**RECOGNITION OF THE MINORITY LEADER**

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

**FISCAL CLIFF**

Mr. McCONNELL. Madam President, over the past few weeks Americans have started to really focus on the debate we are having here in Washington



about how the two parties can work together to prevent a short-term economic crisis in January and an even bigger budgetary crisis later on. So it may come as a surprise to many to see that with just a few weeks to go before a hard deadline on solving the short-term issue, President Obama has decided to hit the road—hit the road—this week to drum up support for his favored approach. It is hard to believe, really. I mean, every week he spends campaigning for his ideas is a week we are not solving the problem. It is completely counterproductive. The election is over. He won. Congratulations. We have a hard deadline here, however. He is still out on the campaign trail kind of celebrating. This is a problem.

If the President really wants to reach an agreement, he needs to be talking with the members of his own party right here in Washington, trying to broker an agreement, not out there firing up crowds and giving speeches. He is the only one who can do it, the only one who can bring folks together to broker a consensus solution that can pass a Democratic-controlled Senate as well as a Republican-controlled House. This has been my message for weeks. I reiterated it on Monday. I repeat it today.

There are some important points to keep in mind as well. Yesterday I came to the floor to remind folks that we did not get here by accident. The only reason we are even facing these twin crises right now is because Democrats have spent taxpayer money with total abandon over the past 4 years and done nothing to address the main drivers of the debt.

Our Democratic friends like to say we cannot simply cut our way to prosperity. Well, leaving aside for a moment the fact that no one is actually proposing we do that, we cannot spend our way to prosperity either. That is exactly what Democrats have been trying to do for 4 years. We have been trying to spend our way to prosperity. It has not worked yet and is not likely to work in the future.

This is not complicated. We are not in this mess because Washington taxes too little, we are in this mess because Washington spends too much. The American people know that. And we are not going to get out of it until Democrats get serious about real spending cuts and meaningful entitlement changes. So this morning I would like to speak in a little more detail about why it is that we need to strengthen and protect these entitlement programs through reforms that match them up with the Nation's changing demographics.

Democrats like to pretend they are the great protectors of Social Security, Medicare, and Medicaid. They make solemn pledges all the time about how they will not even entertain a discussion about reform. What they do not

say is that ignoring those programs is the surest way to guarantee their collapse.

All we are calling for is an honest conversation. We all know these programs are in trouble. Let's figure out a solution. When it comes to entitlements, Republicans are guided by a simple principle: We do not want Americans to age into a system that no longer exists. We do not want Americans to age into a system that no longer exists. We want to protect them and to protect people's investment in them. But we can't do it alone. Reform is something that can only be done by both parties together. That is the reality. And there has been a scandalous lack of leadership on this issue for years among Democratic leaders in Washington because they think it is a winner politically.

What I am saying is that the Democrats just won the election. Congratulations. Turn off the campaign and recognize the opportunity that divided government presents to actually do something to strengthen these programs and protect them for future generations. That is all Republicans are asking for. Medicare, Medicaid, and Social Security are critical to the economic and health care security of millions of older, lower income, and disabled Americans. We want to make sure they remain viable not only for today's seniors but for their children and their grandchildren and that they do not consume so large a share of Federal spending that we do not have the money to pay for other necessities.

Here are the facts, just the facts. Longer lifespans and Federal spending patterns threaten the viability of all of these programs as well as the economic well-being of our country and our children. Think about it. The number of Americans over the age of 65 will increase from 40 million in 2010 to 54 million at the end of this decade and then 72 million a decade after that. Americans are living longer, more productive lives. That is great and a testament to modern health care here in the United States, but it creates obvious challenges for which we need to prepare. We cannot just let seniors age into promises that can no longer pay promised benefits. It is not right. Yet already Medicare and Social Security are both paying out more benefits than they take in from taxes. Medicare and Social Security are paying out more benefits than they take in from taxes now—not some other day, now.

The problem is particularly urgent in Medicare, which paid out nearly \$30 billion more than it took in last year and which is on the road to bankruptcy in about 10 years—10 years from now, a bankrupt Medicare. This is not alarmism. It is math. It is a fact. And the studies that illustrate the gravity of the problem come from members of the President's own Cabinet who serve as the Medicare trustees.

In discussing the Medicare Part A trust fund, for example, the Medicare trustees report that expenditures for this program have exceeded income every year since 2008, and projected expenditures continue to do so every year until the fund becomes exhausted in 2024, which is not that far away.

What do the President's own trustees think we should do about all of this? This is from their report:

The financial projections in this report indicate a need for additional steps to address Medicare's remaining financial challenges. Consideration of further reforms should occur in the near future. Not some other day, now.

Again, these are the President's own trustees. They are the ones saying we need to do something about the problem; not just me, the Medicare trustees.

Yet Democrats are telling those on the hard left, don't worry about it, don't worry about it. They won't do anything to reform and protect these programs. For some reason these groups all applaud, as if this is some kind of an achievement—as if this is some kind of an achievement, allowing entitlements to crumble. That is the kind of leadership vacuum we have had on this issue from Democrats in Washington literally for years. Here is a concrete example of what I mean.

The Medicare Modernization Act requires Medicare trustees to send a funding warning letter whenever Medicare begins to rely on the Treasury for more than 45 percent of its financing. The law then requires the President to submit a plan to Congress on how he plans to address the shortfall. The trustees issued their first such warning back in 2007, and they have continued to issue one every year since. President Bush submitted his plan. This President has ignored the warnings every year he has been in office, every year.

Here is another example. In 2010 the Director of the nonpartisan Congressional Budget Office warned that “the single greatest threat to budget stability of the Federal Government is the growth of Federal spending on health care.” Yet how did President Obama and his allies respond to these warnings about overspending on health care? He increased Federal spending on health care by \$580 billion. That was their response, to increase spending on health care by \$580 billion. That was their solution.

As for Social Security, the only thing we hear from Democrats is that they don't want to talk about it. Don't want to talk about it? Why in the world wouldn't they want to talk about the fact that this vital program started spending out more than it took in in 2010 for the first time in nearly 30 years, and that its trustees now estimate that it will keep spending more than it takes in for 75 years unless we strengthen it?

But, again, it is not just a question of when these programs go broke, it is also about the strain they continue to put on the rest of the Federal budget on their way to going broke. Look, I understand that when it comes to government spending, those on the hard left have no limiting principle. No limiting principle. They don't think about this. They think every dollar secured is sacrosanct forever and forever, amen. But when you are in charge, when you are the steward of the Nation's finances, you don't have that luxury. You are actually responsible.

These are just a few of the ways in which Democrats have been slowly undermining the very programs they claim to champion, making it even harder for us to reform and strengthen them in the future. The good news is these challenges are neither unprecedented nor insurmountable. We have done it before. When a President of one party has decided to sit down with leaders of the other party in Congress, we have faced up to challenges such as these and made the tough choices necessary to resolve them.

In 1983, President Reagan worked with Tip O'Neill to reach an agreement that increased the retirement age and laid the groundwork for preserving Social Security for decades to come. In 1997, Medicare faced total insolvency by 2001. President Clinton, working with a Republican Congress, reached an agreement that added decades to the life of the Medicare trust fund.

We can do this. We can do this. But the President, as I have said, has to lead. That is the issue. It is that simple.

#### RULES CHANGES

Madam President, we have been having a spirited discussion this week over the plans of the Democratic majority to break the rules to change the rules. That is how my friend from Nevada repeatedly described it when Republicans considered doing something similar several years ago but wisely chose not to.

At the end of the following year, my friend was poised to become Senate majority leader, which was back in 2006. With the experience of having served in the minority in his mind, the majority leader, the soon-to-be majority leader, the Senator from Nevada, made a commitment to practice the Golden Rule, as he put it, by running the Senate with respect for the rules and for the minority rights the rules protect.

Unfortunately, he appears to have repudiated that clear commitment. Unfortunately, he no longer recognizes, as Senator Byrd did, by the way, that the Senate was not established to be efficient but to make sure minorities are protected.

Then my friend recognized that is what the Senate is all about. That is what he said back then. Now he says

the primary consideration is "efficiency." He seeks to minimize concerns about this majoritarian power grab by characterizing the effect as "tiny," just a little change, a "minor change," as changing the rules just a little bit.

But when one of my new Members asked the majority leader if this change occurred what recourse he would have to ensure he ever got an amendment to the bill, the majority leader quipped, "You can always vote against the bill." In other words, my friend from Nevada acknowledged that if this change occurred, the minority will no longer have any ability to ensure that it and those whom it represents have a meaningful voice in the legislative process.

My new colleague was surprised, but I can't say I was. After all, the majority leader brazenly told Senator McCain that "the days of amendments are over."

The record of the Democratic leadership, of course, backs this up. It is engaged in a systemic effort to use and abuse Senate procedures to marginalize the voice of the minority in the legislative process. Let us review the record.

It used to be unprecedented to use Senate rule XIV frequently. This rule allows the majority to bypass committees and write bills behind closed doors. Doing so deprives all Senators, Republicans and Democrats, of the chance to have their committee work actually make any difference.

According to the Congressional Research Service, the majority has used this rule to bypass committees nearly 70 times—70 times. When Republicans were last in the majority under Senator Frist, we used that rule less than half as often, only 30 times to be specific, which is a much lower rate, proportionately speaking.

When a bill that has bypassed committee goes straight to the floor under the current Democratic leadership, there often isn't an opportunity to participate there either. In fact, according to the Congressional Research Service, the current Democratic leadership continues to break records there as well. It has blocked Senators from both sides of the aisle from offering amendments on the floor 68 times—68 times. That is a conservative figure in which the majority has simply made it impossible for any Senators to offer any amendments on the floor. For if the Democratic leadership indicates it won't let us offer any amendments to a bill, and in response we don't allow the majority to get on the bill, then there is no tree to fill that shows up in the statistics, but there is a filibuster. Of course, the filibuster statistic doesn't indicate the reason for the filibuster in the first place. Let me say that again. The filibuster statistic doesn't indicate the reason for the filibuster in the first place.

But even this conservative figure is 70 percent greater than the number of times the six prior majority leaders combined—combined—shut their colleagues out of the amendment process. Our friend, the majority leader, cavalierly dismisses this unprecedented blocking of Senators of both parties from offering amendments. He said this behavior has "no bearing on what's going on around here." It has "no bearing on what's going on around here."

Well, maybe in his mind it doesn't, but that is a pretty convenient and, frankly, self-serving attitude coming from the one who is picking the amendments. It is a little bit bigger deal to the other 99 of us who don't get to offer any amendments, when our constituents elected us to be a meaningful voice for them.

Of course, that wasn't the majority leader's view when he was in the minority and had to live under that procedure. Senator Frist as majority leader blocked his colleagues from offering amendments a relatively modest 15 times in 4 years—15 times in 4 years. Do you know what the reaction of my friend from Nevada was when Senator Frist did this a relatively modest number of times over 4 years? He said it was "a bad way to run the Senate." He said it was a "very bad practice." He said it "runs against the basic nature of the Senate."

Well, if it was a bad way to run the Senate, if it was a very bad practice, if it ran against the basic nature of the Senate to do it 15 times in 4 years, what would be the fair way to characterize the practice when it happened nearly 70 times on bills, especially when many of those never went through committee? Is it fair to conclude that this sort of stewardship of the Senate might be more than just a few tweaks shy of how this institution, which is supposed to protect the rights of all Senators, including those in the minority, is supposed to function?

But the current Democratic leadership wasn't content to stop there in marginalizing the minority. Because the minority isn't allowed to offer amendments in committee and isn't allowed to offer amendments on floor, some of our Members began to put forth legislative ideas by moving to suspend the rules.

This wasn't exactly a level playing field for us because of the requirement in the Senate rules that motions to suspend the rules receive 67 votes to prevail. But even if the deck was stacked against us, it was a chance for us to put our ideas and those of our constituents before the body.

Well, of course, that was even too much, too much legislative freedom for the majority. Even if the majority started with a 27-vote built-in advantage under the rules to defeat these motions, having to bother with them was just too much, just too much of a

bother. It got in the way of efficiency. So the majority leader used a simple majority to change Senate procedure to shut down the minority there too.

Even that is not enough. That is not enough. The same Democratic leadership now wants to take away the right to extend the debate on motions to proceed to a measure. Don't worry, they say. Don't worry about it. Trust us, they say. We would never take away the right to extended debate on the measure itself.

Really? Really? In light of the systemic effort to marginalize the minority at every turn, are we supposed to believe that the current majority won't subsequently cite "efficiency" as a reason to take away that Senate rule as well? Are we supposed to believe this assurance when the Democratic leadership so easily discards past unequivocal commitments to respect the rights of the minority?

On the record of this Democratic leadership, there is no basis, none, to believe that the proposed changes are "tiny," that they are "minor," that they would affect the Senate just "a little bit" or that they would stop there. To my colleagues who have never served in this body in the minority, who have never served under different leadership, this is not how the Senate is supposed to function.

To my Democratic friends in particular who have never served in the minority but no doubt will at some point, are you prepared to live under the rules you are now demanding? Are you prepared to be shut out from even offering amendments when the shoe is on the other foot?

We in the minority cannot fairly expect the majority to allow us to offer every amendment we wish to a bill. I understand that. We need to exercise self-restraint and good judgment as well. We know we will not get every amendment we wish to offer. But the majority cannot prevent us from offering amendments in committee, block us from offering amendments on the floor before cloture, and change Senate procedure so it can rule out of order motions we want to offer after cloture and then turn around and assert that these systemic practices "have no bearing on what's going on around here." That is an abdication of responsibility.

I would encourage my friend the majority leader not to employ a heavy-handed procedure. With the House of Representatives in control of Republicans, it is important to note here, what short-term advantage would be gained by all of this nuclear option activity? The House of Representatives is in the hands of my party. So you will have degraded the Senate, created a bad precedent for the next time you are in the minority, and sent measures to the House nowhere. But in the long term it will establish a precedent for

breaking the rules to change the rules that our Democratic colleagues will have to endure when they are next in the minority.

Now, what we should be doing, Madam President, is we should work together on a bipartisan basis to resolve our respective differences. That is what the Standing Rules of the Senate anticipate, and that has been how changes to Senate rules have occurred in the past. We can reach agreement, as previous majority leaders have done, without making the Senate irrelevant.

The time for the majority leader and myself to discuss these matters has come.

Madam President, I yield the floor.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### ORDER OF PROCEDURE

Under the previous order, the following hour is equally divided and controlled between the two leaders or their designees, with the majority controlling the first half.

The Senator from Illinois.

#### ENTITLEMENT PROGRAMS

Mr. DURBIN. Madam President, the minority leader, Senator MCCONNELL, has addressed two issues: the entitlement programs as well as rules changes. I would defer to my colleagues from New Mexico and Oregon to address the rules changes. I would like to briefly respond to Senator MCCONNELL on entitlements.

There is no question that as a Senate and House of Representatives we should address the longevity and solvency of Social Security and Medicare. It should be part of our conversation about the deficit facing this country and the debt of our Nation. But the way we approach it, the changes we make, are significant. It should be looked at carefully.

On the issue of Social Security, I might remind those following this debate that the answer from the Republican side for years has been to privatize Social Security; to get government out of the business of retirement and let individuals take their life savings in Social Security and invest them. That debate disappeared when we had a recession recently—in the last 7 or 8 years—and people saw their life savings evaporate, melt away, as a result of downturns in the stock market. They started envisioning what would have happened had they retired at that moment in time with their Social Security savings. So the Republican answer of privatization of Social Security is a nonstarter and never mentioned in polite company in these times because it is not a credible position.

My belief is Social Security has performed admirably since its creation under President Franklin Roosevelt. I can recall in 1983, when we revised So-

cial Security in anticipation of the baby boomers' arrival, we said: We will collect more money while they are still working so we can take care of them when they arrive in large numbers after they retire.

That is exactly what has occurred, with 10,000 people turning 65 yesterday in America, 10,000 today, 10,000 tomorrow, and 10,000 a day for the next 18 years. The boomers have arrived, having paid a lifetime into Social Security, and, rightfully, they expect their coverage to be there when they need it. It will be. But beyond the 21 or 22 years of solvency and longevity, I believe we should take a step further.

Having studied this for some time—the Simpson-Bowles Commission and other places—I think it is thoughtful and perhaps careful for us to take a look at the future of Social Security and that we need to create something like the Simpson-Bowles Commission on Social Security to report back to us in 6 or 8 months with a plan to increase the longevity of Social Security for 75 years. I think we can do that, and we can do it in a sensible way since we have 20 years to make small changes and then let them play out to give solvency to Social Security. We can then bring the issue to the floor and let bipartisan groups of Senators offer alternatives, if they wish.

But let's do this on Social Security separate from this deficit and debt debate. Social Security does not add one penny to the deficit. It is an important program, a critical program. Let's take care of it in the future, but let's do it separate from the debt debate.

Medicare is another story. Medicare has 12 years of life left. Let me make a point of saying it has 8 of those years because of President Obama's leadership. He said: We will reduce the reimbursement to providers under Medicare over the next 10 years because we are going to increase the number of people under health insurance coverage under ObamaCare. As we reduce the compensation to providers, we will buy more life for Medicare. And we did, literally—12 years. We need to do more; 12 years is not enough.

What I said yesterday and will repeat today is we cannot come up with a solution on Medicare in the next 2 or 3 weeks. We shouldn't even try. It is too important, it is too serious when it comes to this fiscal cliff debate. But Medicare entitlement reform should be part of our conversation over the next 10 years in deficit reduction. Let's find a way to do it that does not reach the extreme of the Paul Ryan budget, which created premium supports which literally foreclosed opportunities for seniors to have Medicare coverage when they needed it the most.

Let me also add to my colleague's comments that the notion about extending the eligibility age for Medicare is one we ought to think about long

and hard. To think a person would retire at the age of 64 or 65 and not have Medicare coverage until 67 raises an obvious question. These people in their midsixties, probably with a health history, will find it difficult to buy health insurance on the open market or afford whatever is available. I want to make sure there are no gaps in coverage for those who need it the most—retired Americans who have a health history and can't find affordable health insurance. So before we jump at the notion of increasing the eligibility age for Medicare, let's make certain there are insurance exchanges, good competition, and affordable health care available for those seniors. That should be part of the conversation about this entitlement reform.

Let's get to entitlement reform, but let's start where we should. Let's bring in the revenue and taxes needed for deficit reduction. That is the President's plan. We sent a bipartisan bill to the House—a bill passed in the Senate—to protect every American family making \$250,000 or less so that they have no increase in their income taxes on January 1 after the cliff. It is in the hands of the Speaker of the House. He could call it today. He could pass it today. I hope he will. That is what the President is asking.

What we are also saying is those who have lived the American dream, have been successful and blessed with wealth and a good position in America, should be willing to give a little more in taxes so another generation would have a chance to attain that American dream. Asking those in the highest income categories to pay a little bit more to reduce our deficit is not unreasonable. It is the President's starting position, and should be, before we get into serious discussion about deficit reductions over the long period.

I will now yield to my colleagues and thank them for their leadership. I will say, as a way of introduction, what the Republican Senate leader failed to mention, which that in the last 6 years we have had no fewer than 386 filibusters on the floor of the Senate. Senator MCCONNELL, as their leader, has led us into more filibusters than ever in the history of the Senate. That is why most people who tune in to C-SPAN and look at the Senate floor say: Where are the Senators? Why aren't they here working? We have been stuck in Republican filibusters to a record level.

What my colleagues are addressing is a way to avoid that in a sensible manner which could apply to either party in the majority or the minority.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

#### SENATE RULES CHANGES

Mr. MERKLEY. Madam President, I am pleased to be here with my colleague from New Mexico, Senator TOM UDALL, to talk a little about the issue of how this body, which was once con-

sidered the world's premier deliberative body, can actually discuss and decide things in this modern era—a modern era that has seen unlimited paralysis, with huge hurdles placed in the way of addressing the large issues facing America.

The last couple of days we have heard a lot of passionate terms—terms such as power grab and suppression of minority rights, broken promises or abuse of the rules. I must say all of those allegations create a smoke screen designed to take away from thoughtful conversation about a broken system, about the dysfunction of the Senate. So let's take a step back and recognize that the goal of this discussion about rules is to simply enhance or restore the ability of this body to deliberate and decide issues.

Perhaps during the time we have the honor to serve in this body we will be able to once again claim that we are the world's greatest deliberative body. The conversation often starts with the Constitution and about the design of this body as being the cooling saucer, as President Washington was alleged to have claimed. And, indeed, the early debate over this body did say let's take a longer term for Senators—6 years rather than 2—so they are more insulated from the public debate. Let's have the indirect election of Senators. States used to have a legislative process to decide who would represent them in the Senate rather than direct election. Let's do that so there is a little more insulation for Senators to be able to thoughtfully consider issues, whereas the House might be a little rash.

But, colleagues, there is a huge difference between being a cooling saucer and a deep freeze. Indeed, we have become a deep freeze.

Let's take a look at this first chart. This chart essentially shows the rise in the number of cloture motions. If you can't see the details, what you can see is the trend of this great soaring number. I think what captures attention is that during the 6 years Lyndon Johnson was majority leader in this body he had to file just one cloture motion—just one—in order to get to a final simple majority vote.

During the 6 years that Senate Majority Leader REID has presided here we have had 386 filibusters. Realizing that each one can consume a week of the Senate's time, we quickly see the paralysis that has invaded this body.

When Members talk about the frustration of not getting to appropriations bills and how few of them we have considered and debated, we know why. It is because of the incessant, day-in-and-day-out filibusters launched by members of the minority. This must be addressed.

I first came to the Senate to observe this Chamber in 1976. I was an intern for Senator Hatfield. I sat in the staff gallery and covered the debate that

summer over the Tax Reform Act of 1976. There were no cameras on the Senate floor, no e-mail, so I would run down and meet Senator Hatfield outside of the elevators and brief him on each amendment. I watched as every hour or hour and a half an amendment was brought up, it was debated in this body, and it was voted on. There was no filibuster of a motion to proceed. There was no filibuster of amendments. There was no 3-week deep freeze during the negotiation of what amendments would come up because it was understood we were here as a majority body to debate issues.

The filibuster would be a rare exception, occurring once or twice in one's career, when someone would stand and say: There is a principle so profound at stake, an interest of such concern to me personally, to the Nation, or to citizens of my own State that I am going to break and interfere with the majority decision and hold this floor and make my case before the people. But that is not what we have now. So there are various ideas being put forward on how we can restore the filibuster as something that happens in front of this Chamber, in front of the public; that there is accountability and transparency that facilitates debate. Rather than throwing accusations about abuses of power, let's just have a thoughtful debate about how to make this Chamber work.

One question is whether we should have filibusters on the motion to proceed. I have a little chart that shows what has happened. It used to be unheard of that the motion to proceed was filibustered. In the time period between about 1930 and 1970 the motion to proceed was only filibustered 12 times or roughly once every 3 to 4 years.

What we have here is 57 filibusters in 2007–2008 of just the motion to proceed. In other words, we see this growing trend of trying to paralyze the Senate from even getting to a debate on an issue. This makes no sense because whatever one is filibustering at the front end one can do at the back end. So we need to consider the possibility of saying, no, this does not enhance debate.

Filibustering to prevent the Senate from debating cannot possibly enhance debate. So we need to be thoughtful about whether we continue this change, this change that has emerged since 1970.

We need to look at the problem of motions being filibustered going to conference committee. A conference committee is a chance to negotiate with the House on a bill that has been passed by both bodies. Why should we possibly obstruct a bill from getting to conference committee? Yet we rarely have a conference committee now because of the routine threat to filibuster the motions necessary to get to conference committee. Yes, we should still

be able to debate and filibuster what comes back from conference committee. Absolutely. But to prevent negotiations—again, that doesn't seem reasonable in any frame other than to paralyze this body, which is paralysis not about debate, it is about preventing debate.

I put forward the notion of the talking filibuster. That is simply to say that the American people believe that if you are going to object to a simple majority vote and say there should be more debate, then there should be more debate—more debate on this Chamber floor. So I am proposing that after cloture, when you have a majority but not a supermajority, that Members be required to actually debate. I can tell my colleagues that the public reaction to this is so strongly in the affirmative. And there are other ideas being put forward that merit thoughtful consideration.

Today the minority leader said the test should be whether you feel as though a proposal would work when you place yourself in the minority. Both Senator UDALL and I have expressed that very position from the beginning of this conversation 2½ years ago, that whatever we support on this floor needs to be something we would accept in the minority, and that means it enhances debate and dialog without crushing in any way the right of the minority to be heard.

Madam President, at this moment I yield the floor for my colleague from New Mexico, who has done a spectacular job at framing that we have a responsibility to American citizens to enable this Chamber to work and that we have an opportunity at the start of every 2 years to have a thoughtful and considerate debate on how to fulfill that responsibility.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. UDALL of New Mexico. Madam President, I ask unanimous consent that the remaining time on the Democratic side be equally divided between Senator MURRAY and me.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of New Mexico. Madam President, I say to Senator MERKLEY, who has been a good friend and partner on this issue of filibuster reform, I couldn't agree more with his comments and with the kinds of things he has been talking about: commonsense proposals to make the Senate work.

What Senator MERKLEY and I have been talking about is the way we can have the Senate do the work of the American people. We just went through an election. We know our States are hurting. People want to create jobs. They want us to deal with health care costs and make sure there is quality health care. On education reform, we haven't even reauthorized the No Child

Left Behind Act or dealt with education. So all of those issues are front and center. As we know, the last couple of years, because of the filibuster and because of the delay and because of the obstruction we have had go on, we haven't been able to get to those issues. And I think Senator MERKLEY has experienced what I have when we have talked to our friends on the Republican side—they agree it is not working.

Really what we are trying to do is come up with commonsense proposals such as the Senator has talked about to make the Senate work. The first one is very simple. It is to make sure that the motion to proceed to a bill will not be debatable. We are talking about not allowing filibusters on the motion to proceed because, as we have seen on the chart here, we are in a situation where we now cannot even get on the bills. So this is a commonsense proposal.

One of the other areas we are trying to address deals with conference committees. There are three debatable motions—three motions that can be filibustered to get us into the conference committee. We have not gone to conference as a result, and so we don't resolve differences between the House and the Senate—another important area we could reform and really make the process work much better.

The final one is one Senator MERKLEY and I have worked on. Senator Specter, a Republican who at the very end of his career became a Democrat, talked about it as the talking filibuster. He said: If you are going to object, if you are going to slow down the Senate and prevent the Senate from doing anything, you should have to come down here and talk about it. That is really the essence of what we are trying to do—shift the burden onto the people who are obstructing to say: Come down here and talk about it. And as Senator MERKLEY has said several times, it could be that what you talk about, you become a hero or you become a bum in the eyes of the American people. But the reality is that the Senate is deliberating, the Senate is doing its work, the Senate is engaging—we are engaging each other and having a debate about those particular issues.

I think these are commonsense proposals, and the minority should understand that we have thought through these proposals in such a way that if we were in the minority, we could live with them. That is the crucial fact here. We are not trying to ram something through that we couldn't live with in the minority. I believe this place can work a lot better and we can do a better job if we just work with each other and try to come up with rules and not abuse the rules.

My colleague and our leader, Senator MURRAY, has joined us. Senator DURBIN

was here earlier. I know the time has been equally divided. It was shortened a little bit with Senator DURBIN's talk at the beginning of our half hour. At this time, I yield for Senator MURRAY's remarks.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I thank my colleagues.

We have been hearing a lot recently about the inability of our Nation's elected officials to come together on a balanced and bipartisan budget deal. Here in Washington, DC, this issue is often viewed through the prism of partisanship and political point-scoring.

The conversations and the coverage are very focused on the moment that we are in—this debate, the next few weeks, the next year—but for families who are sitting around their tables and in communities across America, this issue is about a lot more than that. It is about their lives and their futures. It is about tough questions too many of them have to ask themselves every day: Will they be able to afford to stay in their homes? Will they get the support they need to get skills and get back on a job? Are they going to be able to send their kids to college or go to the doctor when they get sick? Is Medicare going to be there for their parents or for them or for their children? Are their taxes going to go up next year?

Those are the questions they are asking, and they want their elected officials to come together around real answers and real solutions and smart policies that work for families like theirs.

These are the people I am fighting for as we work toward a balanced and bipartisan deal in this lameduck session of Congress. Those are the questions I feel very strongly we need to be answering. That is why I am absolutely focused on making sure any deal we make over the next few weeks works for middle-class families and for our seniors and for our country, and that is why I have been very clear that I will not sign on to a deal that throws the burden of deficit reduction right on to the backs of families and communities who have already sacrificed so much.

As cochair of the Joint Select Committee on Deficit Reduction last year, I made it very clear: Democrats were willing to compromise, we were willing to make some tough concessions, but only in the context of a balanced and fair deal that called on the wealthy to pay their fair share as well. As we all know, Republicans didn't just refuse to meet us halfway then, they wouldn't even step out of their corner. They insisted that seniors and the middle class feel all of the pain in that deal and that the wealthiest Americans—millionaires and billionaires—be protected from paying a single penny more in taxes.

Democrats rejected that deeply unfair approach, and we decided to keep fighting for the middle class rather than roll over and let Republicans lock in new giveaways to the rich and major cuts to programs on which our families depend. And then we made our case to the American people. We built our campaigns from the top to the bottom around the idea that budgets need to work for our middle class and that the wealthy need to pay their fair share. The Republican approach—the Ryan budget plan—was literally on the ballot, and Romney and RYAN and other Republicans were not shy about telling the American people they didn't think the rich should pay a penny more in taxes in this deal. Well, not only did Democrats win races across the country, but in exit polling it was clear that the vast majority of Americans supported our approach to deficit reduction—a balanced approach, an approach that cuts spending responsibly but also calls on the wealthy to pay their fair share. Voters spoke pretty clearly in this election, and they stood behind Democrats to fight for a budget deal that works for the middle class.

We are hearing encouraging words from some of our Republican colleagues who have indicated a willingness to put revenue on the table and to break the stranglehold DC lobbyist Grover Norquist has on the modern Republican Party. One of my Republican Senate colleagues said Republicans should “put revenue on the table . . . We don't generate enough revenue.” And he said he would not be beholden to the Norquist pledge.

Another has said:

The world has changed. And the economic situation is different. Ronald Reagan and Tip O'Neill realized that in the 1980s. I think everything should be on the table.

Another said:

I'm not obligated on the pledge . . . The only thing I'm honoring is the oath that I take when I'm sworn in in January.

Another Republican Senator recently said:

I care more about my country than I do about a 20-year-old pledge. If we do it his way, then we'll continue in debt.

Of course, Grover Norquist is fighting back. He called those statements by my Republican colleagues impure thoughts; he called one of them a weasel. He is used to blind allegiance from the Republican Party, and he is not going to take this lying down. But I am hopeful that more and more Republicans will break away from Grover Norquist and that they will actually follow up on their new rhetoric with a genuine willingness to help us call on the wealthy to pay their fair share. And it should be easy for them because the Senate actually has already passed a bill to do that and in a way that works for our middle class. The Senate passed a bill that would extend the tax cuts for 98 percent of our workers and

97 percent of small business owners and just let the tax cuts for the wealthiest Americans expire as scheduled. We have sent that bill over to the House now. The President said he would sign it. All House Republicans have to do is pass that bill, and a significant chunk of the fiscal cliff will disappear for the middle class. When that is done, we will then continue the serious conversation we need to have about our country's budget future.

But there is no reason middle-class families should have to go into the holidays not knowing if their taxes are going to go up. Democrats and Republicans both agree that the middle class should have their tax cuts extended. So there is no reason the House should continue holding that bill and the middle class hostage.

By the way, one conservative Republican in the House agrees. Representative TOM COLE of Oklahoma told his colleagues and reporters yesterday: “The first thing I'd do is make sure we don't raise taxes on 98 percent of the American people.” He said that was “the right thing to do” and that “where there is common ground . . . we should seize that common ground.” I applaud Representative COLE for that commonsense and brave position. I am hopeful that he can persuade other Republicans to do the right thing for our families, small business owners, and communities across the country who have so much at stake and who are looking to us to solve this problem. I am hopeful they will join Senate Democrats and pass that middle-class tax cut, and I am confident that once we move forward on that bill, then both sides will sit down and listen to the American people, allow the wealthy to pay more, and then focus on the questions families are asking about—our budgets, our priorities, our fiscal health, and the future of the Nation.

Madam President, I yield the floor.

#### THE FISCAL CLIFF

Mr. BARRASSO. Madam President, I rise today to talk about the fiscal cliff this country is facing and is coming upon us on January 1. As my colleagues have been pointing out, Congress must act soon to take on the numerous expiring tax provisions in the sequester. I believe President Obama needs to supply the leadership in those efforts. If he does not, we know taxes are going to go up on all Americans; we know the economy is going to be thrown back into a recession; and we know unemployment will return to even higher rates than we have right now.

Our recovery from the last recession has been far too sluggish. We see that all across the country. It has left too many Americans still out of work. Today our economy has created 9 million fewer jobs than we were promised under the President's own stimulus

plan. Our economy has rebounded far more slowly than it did following previous recessions. As a nation we simply cannot afford another recession right now.

It would be especially tragic if there were a recession caused by a failure of leadership coming out of the White House. That is what we are trying to avoid, and we have a very limited amount of time to do it.

As chairman of the Republican policy committee, we have come out with a policy paper called “On the Fiscal Cliff, Entitlement Reform Is Key” because what we see is that no amount of tax revenue will fix entitlement spending when we look at the history of the United States. Over the last 40 years the average amount of tax revenue was a little over 18 percent of the gross national product. The highest ever was a little over 20 percent of the gross national product. Yet when we take a look at the tidal waves coming at us of Social Security and Medicare, unless we deal with those two tidal waves we are going to significantly have problems long term, and that message to the markets is going to be one that is quite destabilizing.

Tax increases do not solve the spending problem. If we do what the President requests, which is raising tax rates on people with over \$200,000 a year of income, in terms of spending for next year that would pay for about 6.8 days. If we did it at the other level of over \$1 million of income as some suggested, it would only pay for 4 days of spending.

I am very concerned about what I call the fiscal cliff. Yesterday, Politico reported that some Democrats want to call it the fiscal slope. It is time for Democrats in Washington to stop searching for better sound bites and start looking for solutions.

President Obama has said repeatedly that he wants to take a balanced approach. This balanced approach should govern how we deal with other issues as well and how Democrats work with Republicans in the Senate. Given the challenges we face, it is unfortunate that some of the President's closest allies in the Senate are for pushing the exact opposite approach.

#### RULES CHANGES

The majority leader and some members of his party have now proposed what would be an unprecedented power grab that will forever change this Chamber's rules. It will make it easier for the political majority to silence those who disagree with them and even harder to find common ground. I am speaking, of course, about the Democratic plan to change the rules of the Senate to drastically limit the use of the filibuster.

I believe the majority leader would take a dangerous step toward abolishing the rights of the political minority and restricting the right to free and



open debate. They seem to want to break the rules to change the rules, and I believe it is fundamentally wrong to break the rules in order to change the rules. This would be a terrible mistake and a irresponsible abuse of power. The rules of the Senate ensure a balanced approach to debating important matters such as the fiscal crisis. Among these rules, filibuster is critically important.

The filibuster was created so that competing groups of Senators would actually have to work together to find responsible solutions—not solutions based on one political ideology or the other.

Back when he was a Senator, President Obama understood the need for rules to protect the rights of political minorities. In 2005, then-Senator Obama said:

If the majority chooses to end the filibuster—if they choose to change the rules and put an end to democratic debate—then the fighting and bitterness and the gridlock will only get worse.

Another former Senator was Vice President BIDEN, currently the President of the Senate. He agreed. He said:

At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation.

At the time, in 2005, some Republicans wanted to vote on well-qualified judges despite Democrats' insistence not to. They believed we needed to change the Senate rules to get these votes. Back then, Democrats called this the nuclear option. That is because of the damage it would do to the balance and compromise in Washington. Today some of those same Democratic Senators are preparing to use this nuclear option themselves.

Anytime one party or group is frustrated with the Senate's inefficiency, there are always calls to change the rules. The frustration is natural, but it is also intentional. Our Nation's Founding Fathers purposely made the pace of the Senate deliberate. They wanted to make sure there was free debate on important subjects. That is what has happened now for more than 200 years.

Way back in 1789, the very first session of the first Congress, Senators used the rules to slow down one of the first votes this body ever took. Naturally, there were complaints at the time about the delay. The father of our Constitution, James Madison, explained the importance of the rules that allowed the brakes to be applied to policymaking. He wrote:

If angels were to govern men, neither external nor internal controls on government would be necessary.

Angels have always been in very short supply in Washington, so voters must keep an eye on government officials and hold them responsible. Those officials must also keep close watch on each other. At times they must be able to stop each other from doing harm.

Restricting the right to debate would seriously undermine the ability of Senators to keep that watchful eye. It will lead to more bickering, more bad blood, and more bills being written by one party behind closed doors. There will be less transparency, less consideration of the unintended consequences in bills and less open discussion for the American people to see.

The filibuster is not just about stopping bad ideas. More often it is about amending bills to make them better. It is about taking the time to have the reasoned discussion that the Founders knew we should be having. It is about maintaining the balanced approach the President is calling for in these important talks on the fiscal cliff. It is about giving members of the minority and the people they represent a chance to offer their solutions.

Instead of allowing that measured approach the Founders intended, what we are seeing is the majority leader has already done an awful lot to limit debate. He has already restricted the rights of minority Senators and the people they represent. He has bypassed committees at an extraordinary pace, and he has made unprecedented use of the parliamentary trick known as filling the tree.

Senator REID has filled this amendment tree 67 times since he has been majority leader. That is more than twice as often as the four previous majority leaders combined. Now the majority leader wants to cut off debate and abolish the filibuster. He wants to change the rules by breaking the rules. He would set the precedent that just 51 Senators could band together to change any rule of the Senate at any time. Currently, it takes 67 votes to change the rules of the Senate. In January it might be filibusters on motions to proceed. Then when the majority gets impatient on something else, it might change the rules again.

President Obama recognized in 2005 the damage that this kind of chipping away at minority rights would do to prospects for compromise. If Senate Democrats succeed now, they will destroy, for temporary political gain, any hope of achieving a truly balanced solution to the challenges we face as a nation.

Our political system functions on majority rule but with strong minority rights. That is true when the minority is outvoted 51 to 49 or 99 to 1. Democracy is not winner-take-all. The right to debate is not a luxury for the majority to hand out. It is essential to our system of government. Majorities are temporary. Being forced to listen to someone give an opinion you disagree with can be exasperating, but as a country it does us more good than harm.

Way, way back, John Adams wrote on the need for minorities to have the ability to stop the majority in the legislature. He said:

Every Member must possess it, or he can never be secure that himself and his constituents shall not be sacrificed by all the rest.

That was centuries ago. Sixteen years ago, Senator Robert Byrd spoke to the newly elected Members of the Senate about the history of this body. He said:

As long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will be secure.

Through his excessive use of filling the tree, the current majority leader has gone a long way toward gutting the power to amend. The proposals he has now made to do away with the power of unlimited debate would do even greater harm to the liberties of the people. Many Senators here today were not around 16 years ago to hear that speech by Senator Byrd, but I hope all of us on both sides of the aisle take his warning to heart.

If Members on the other side of the aisle are frustrated with how the Senate is being run, look at how the majority leader has set the calendar and cut off amendments. Don't take this terrible and irresponsible step. We are not only arguing about the rights of the Senators to speak, we are not just talking about maintaining rules for their own sake, or even the terrible precedent that would be set under the proposal of the majority leader. We are talking about the rights of the people we represent, the right to be heard in the Senate.

The Senators who are so eager to change our rules by breaking the rules should not be so eager to take away the rights of the American people whom those rules were designed to protect. The cost is simply too high. We have too much important work to do in the Senate. We should be focused on doing all we can to avoid the fiscal cliff, to grow our economy, and to create the jobs the American people need and deserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Dakota.

Mr. THUNE. I want to echo the words of my colleague from Wyoming with regard to the whole issue of the Senate rules. I come from the House of Representatives. I came to the Senate having first served in the House of Representatives, three terms there. The House of Representatives, of course, is very structured. There is a Rules Committee. If someone wants to get an amendment considered, debated, voted on in the House of Representatives, there is a process. They have to go plead their case to the Rules Committee.

The Rules Committee can decide, no, we are not going to allow that amendment to be considered; we are not going to allow that amendment to be debated. They can decide which amendments are offered in what order and



how much time is allowed on each amendment. It is a very structured process in the House of Representatives, but it makes it very difficult for an individual Member to be able to have their voice heard in the House of Representatives.

That is the way it works. I had the luxury, I guess, while I was serving there of being in the majority. But even in the majority a lot of times I could take what I thought was a very worthwhile amendment, reflective of the views of the people who sent me there to represent them, and they could shoot it down. I never got a chance to have that amendment debated or voted on.

That is what is distinctive about the Senate. That is what the Founders intended with the Senate—to allow for open debate, to allow individual Members to come down to represent their constituencies and to debate the big issues of the day in a way that is different and distinct from the House of Representatives.

I think what many of my colleagues who are proposing this rules change want to see happen is they want to see the Senate function more like the House. It was not designed to. This is a very different place. It was designed to be a very different place where we have debate, where we have votes on amendments, where individual Members have an opportunity—particularly members of the minority in the Senate—have an opportunity to have their voices heard and the voices of their constituents heard.

So this is an unprecedented power grab by the majority. What the majority leader is proposing is essentially to break the rules to change the rules. That will be a legacy, if he is successful, that he will have to live with because he will change the way that this institution has functioned for so long. If we think about how this ought to be done, there is a process by which rules changes can be considered in the Senate, and it starts with the leaders consulting and talking about whether some of those changes ought to be put in place, whether those are appropriate, and then getting the necessary two-thirds vote that is required under the rules of the Senate to change the rules.

The Senate is a very different place from the House of Representatives. What we do ought to reflect that. We should not have these power grabs and attempts to violate the rules of the Senate in order to change the rules in a way that is completely inconsistent with the history and the tradition in the Senate. What the Founders intended when they created the Senate, distinct and separate from the House of Representatives, was to allow for debate and votes on amendments.

I hope the majority leader and members of his party will see clearly to do

the right thing and to go about this in the right way; that is, for the leaders to consult, and if there is a need for changes in the rules or modifications, let's do it in the way it has always been done, not by breaking the rules or changing the rules.

#### FISCAL CLIFF

Madam President, I wish to speak as well to the issue that was raised by my colleague from Wyoming; that is, the fiscal cliff. We are on the threshold of something that could be very harmful to the economy of this country, very harmful to jobs. If we go over the fiscal cliff, the experts are telling us—and by the experts I mean not only private economists but the CBO and others in Washington, DC, who analyze and study such things—that we could plunge the country into another recession, we could see unemployment go above 9 percent if tax rates go up and a sequester is triggered a little more than 1 month from now. Longer term, we place unsustainable fiscal imbalances largely because of entitlement programs that have not been reformed in a way that aligns our current demographics with the needs of these programs.

Entitlement spending is the largest driver of our national debt over the long term. Those who argue that we can dig our way out of more than \$16 trillion in debt simply by raising taxes are ignoring reality. We have to do something to address what is our real problem in Washington, DC; that is, the spending problem, not the revenue problem. While it is true Federal revenue has declined over the past few years, it is due to the great recession, not because tax rates are too low. The average ratio of Federal revenue to GDP over the past 40 years has been about 18 percent. According to the Congressional Budget Office most recent forecast, under the current tax rates—the tax rates in place today—revenues from 2013 to 2022, the next decade, would average roughly 18 percent of GDP.

So let's be clear about exactly what the CBO is saying. The CBO is telling us Federal revenues will return to the historical average over the next 10 years without raising taxes on anyone. We are going to get back to the historical average. In fact, according to the CBO, under the current tax rates, revenues as a percentage of GDP will reach 18.6 percent by 2022, and that is more than one-half of a percent higher than the historical average.

Clearly, any deal to address our fiscal situation should be first and foremost about spending, not taxes. Our spending problem is exemplified by the past few years in particular. If we go back to the fiscal year 2007, before the recession, total Federal revenue was roughly \$2.5 trillion and total Federal spending was approximately \$2.7 trillion. So \$2.5 trillion in revenue and \$2.7 trillion

in spending, so we were still running a deficit of about \$200 billion a year. For fiscal year 2012, which recently ended, total Federal revenue was \$2.45 trillion, basically back to the prerecession levels, but total Federal spending was above \$3.5 trillion. So what happened. Tax revenue is back to where it was before the recession, but Federal spending is now \$800 billion—almost \$1 trillion—higher than it was just 5 years ago in fiscal year 2007. It is no wonder that Federal spending and our national debt will continue to grow for the foreseeable future.

According to the CBO, mandatory spending, which comprised about 60 percent of total Federal spending in fiscal year 2012, is going to continue to grow, and if we look at what is driving that, it is Medicare, Medicaid, and Social Security. Those programs alone represent over 40 percent of Federal spending currently. Spending on these programs is projected to grow at an unsustainable rate and we cannot simply raise taxes to pay for all this new spending. That is the problem. We have a spending problem in Washington, DC, and not a taxing problem.

We have to make significant changes in these programs to make our Federal entitlements sustainable and in line with today's demographics, and we need Democrats to join us in that effort.

To put a fine point on all that, I wish to mention what the nonpartisan Congressional Budget Office report, which was issued on November 12 of this year—just a couple weeks ago—said: “With the population aging and health care costs per person likely to keep growing faster than the economy, the United States cannot sustain the Federal spending programs that are now in place. . . .”

That is from the Congressional Budget Office.

The President's own fiscal commission, the Simpson-Bowles Commission, noted in its official report: “Federal health care spending represents our single largest fiscal challenge over the long run.”

Earlier this month, the Washington Post editorial board said, “Entitlement reform must be on the table.”

Of the debt reduction plan, the Post editorial board went on to say, “No serious plan can exclude entitlements.”

So we have experts inside and outside the government, we have the editorial boards of newspapers around this country, all recognizing what the real issue is; that is, the fact that Washington spends too much and it spends too much on programs that are unsustainable for our future.

What we have to be able to do is to come up with ways in which we can reform these programs to make them more sustainable. Of course, if we look at Medicare spending alone, in 1967, it was proposed that by 1990 Medicare

would spend about \$12 billion. That is what the Congress projected when they created that program in 1967. That calculation, by the way, included inflation. If we look at actual Medicare spending in 1990, it was \$110 billion—almost 10 times the amount that was estimated in 1967. This year, we will spend \$550 billion on Medicare. Ten years from now, the Congressional Budget Office projects we will spend \$1.1 trillion on Medicare.

With regard to Social Security, for the past 2 years, this program has been operating at a cash deficit. If we look at the next 75 years, benefits promised to current and future beneficiaries exceed payroll tax revenue and trust fund redemptions by \$8.6 trillion. The present course of Social Security is unsustainable, and the trustees report projects that the trust fund is going to be exhausted by the year 2033.

In order to protect Social Security for future generations, it, too, must be reformed. We have to take on what is driving Federal spending and that is entitlement programs. We have to reform them. Raising taxes is not the solution.

The President's only proposal so far is to raise taxes on small businesses to generate this next year what would be \$68 billion in revenue which, by raising the two top tax rates in the process, would hit nearly 1 million small businesses. What is ironic about that is raising taxes on the small businesses that create jobs in this country and that grow our economy—actually raising taxes on them to generate \$68 billion would fund the government a little under 1 week. That is what we are talking about. The dimensions of this problem are so vast we cannot solve them simply by raising taxes and particularly raising taxes on the very people we are looking to—small businesses. Raising taxes on small businesses would do harm to the economy. We would give back everything we get in the form of higher tax revenue by reduced economic growth. We have to deal with the fundamental problem we have; that is, entitlements.

I hope my colleagues on the other side will work with us. I hope the President will work with us. The President knows what the problems are, but he has folks all across the country who are putting pressure on him to not deal with the issue of entitlement reform. But I hope he will come to the table and address this issue. We have a spending problem and we have a growth problem. If we can address the spending problem, get entitlement program reform on a sustainable path. If we can get progrowth tax reform put in place to grow the economy and expand the economy, we can solve these problems. People across this country expect us to. The world expects us to. The financial markets expect us to. It can't be done simply by raising taxes on

small businesses which so far is all we have gotten from the administration and from many of the Democrats in Congress.

We have to fix the spending problem and the growth problem. We have a solution to do that. We hope our colleagues will work with us to do that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

WORKING TOGETHER

Mr. HELLER. Madam President, one of the most visible expressions of the strength and resilience of our democracy is the moment when the incoming President stands on the steps of the Capitol, lays his hand on the Bible, and takes the oath of office. In that moment, America undergoes a peaceful transition of power that so many countries can only hope for or, as in this year, the President will smoothly resume his duty for another 4 years.

As we anticipate this remarkable moment in just a few short weeks, we are reminded of the ability of the American people to come together, even after long and challenging campaigns. I will watch the inauguration and remember my own difficult campaign. As we reflect on this past year, we are all reminded that this President, the House, and the Senate have not been given any mandate by the American people. For proof, look no further than the close margin of victories and the wide disparity in the ideology between the two parties. The only mandate is for Republicans and Democrats to work together.

What we saw during this election was an American electorate frustrated by gridlock in Washington and a Congress that does not get enough done for the American people. Our Nation has endured a brutal campaign season of attack ads and partisan sniping. The ads are now off the air, the campaign offices are cleaned out, and now we face some very difficult decisions. Right now, Congress must find a way to steer our Nation away from this fiscal cliff. We must move forward knowing that the only way to build a better, stronger nation is by working together and finding solutions on which both Republicans and Democrats can agree. Any solution to the impending fiscal cliff must be a bipartisan effort that fairly weighs the concerns of both parties. We must find a way to come together right now. The severe spending cuts and looming tax increases require it.

Nevada is already struggling to overcome the highest rates of unemployment, foreclosures, and bankruptcies in the Nation. The threat of this fiscal cliff and any failure to find a solution would have a real and negative impact on the recovery of my State. In the days following the election, I received phone calls from job creators in Nevada concerned about this fiscal cliff. These business owners told me this fiscal cliff

would be too much for Nevada. Their employees are already bearing the brunt of Congress's inaction. Find a solution, they told me, and cut a deal. The devastating effect this fiscal cliff would have on Nevada's small businesses would simply be too much for their businesses and the small business sector in Nevada to handle.

There are a number of issues Republicans and Democrats can work together on to address immediately. First, we must stop living by a temporary Tax Code. Right now, there is no certainty for a small businessman or woman to grow or start a new endeavor. These men and women need to know how to plan for the future so they can invest in new equipment, new buildings, and more employees.

Second, we need fundamental tax reform. As with many small businesses across this country, businesses want nothing more than to grow, hire more people, and pass on a legacy to their children and grandchildren that shows with hard work and dedication, anything is possible in America. As I have often said, our current Tax Code is too costly, too complex, and too burdensome. There is no question the Tax Code is unfair and needs an overhaul. Our Nation is long past due for an honest discussion about how to transform our Tax Code into one that encourages job growth and one that doesn't hinder it.

Third, we need to put a stop to the ever-increasing number of regulations. Instead of encouraging businesses to develop and grow, Washington has increased their burden with miles and miles of regulatory redtape, passed a health care law that is costing jobs, and continues with a top-down, Washington-knows-best mentality that has led to an anemic economy.

While I do not believe sequestration is the answer, Congress must engage in honest debate on spending reform to right our Nation's fiscal situation. Nevadans and all Americans deserve a federal government that is more efficient and more effective. Washington cannot continue to spend money we don't have and place our Nation in deeper debt and threatening future opportunity for our children and grandchildren.

Divisive partisan politics does a great disservice to every American. Far too many Nevadans are forced to stay up late at night wondering how they are going to make their mortgage payment, send their children to college or feed their family. While people across our country are struggling to get by, Congress has a responsibility to prioritize the people over the party and find a way to avoid this looming crisis and get our economy back on track.

These next few weeks are absolutely critical for the health of our country. Similar to that moment when the President takes office, how we work together to reach across the aisle and

find bipartisan solutions is a testament that our democracy—the greatest democracy in the world—is alive and well.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. HELLER. Madam President, I ask unanimous consent to speak as in morning business for an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HELLER. I thank the Acting President pro tempore.

As I was mentioning, like that moment when the President takes office, how we work together to reach across the aisle and find bipartisan solutions is a testament that our democracy—the greatest democracy in the world—is alive and well. Let's not squander this opportunity to place our Nation on a path to greater economic prosperity.

The American people have children to raise, mortgages to pay, businesses to grow, and new discoveries to make. It is time for Congress to come together to make the tough decisions necessary so that Americans can get back to work and create a brighter future for generations to come.

Madam President, thank you very much. I yield back the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, what is the matter now before the Senate?

The ACTING PRESIDENT pro tempore. The motion to proceed to S. 3254.

Mr. REID. Is there further debate on this matter?

The ACTING PRESIDENT pro tempore. Is there further debate on the motion to proceed?

If not, the question is on agreeing to the motion.

The motion was agreed to.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2985

Mr. REID. Madam President, on behalf of Senator UDALL of Colorado, I call up amendment No. 2985.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. UDALL of Colorado, for himself, Mrs. MURRAY, Mrs. SHAHEEN, and Mr. BINGAMAN, proposes an amendment numbered 2985.

Mr. REID. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike section 313, relating to a limitation on the availability of funds for the procurement of alternative fuel)

Strike section 313.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I want to describe to the Senate what we just did. It is a little different from what we sometimes do around here, which is we have long threats of filibusters on motions to proceed; then, we, finally, often or sometimes reach unanimous consent agreements to proceed. What we did here—and it was very deliberate—was to proceed by motion, not by unanimous consent, to this bill so that if persons were going to filibuster the motion to proceed, they were then going to have to come to the floor and debate it—not just simply threaten to filibuster the motion to proceed, but they would have to come and actually debate it. Because I believe that is the correct way for us to operate.

Motions to proceed, I believe, have been abused. The threats to filibuster those motions have been allowed to be successful. One way we can overcome what has been a bad habit of allowing threats to filibuster motions to proceed to succeed is to basically tell those folks, our colleagues, that if they want to filibuster a motion to proceed—in this case, the Defense authorization bill—they are going to have to come over and filibuster.

This is something which is significant. It may sound like a nuance to many. I think it probably would to most outside this body and our staffs as to what I am saying. But it is important to those of us who are trying hard to get this body to be more functional that we use the existing rules—and I am all in favor of rules changes, by the way—but that we use in the meantime the existing rules to get this body more functional than it is right now. And one of those existing rules is the one we just used, which is to proceed by a motion to proceed, and then to indicate, as our leader just did, there appears to be no one who wishes to be recognized to debate it, and then for the Chair to put the question, the Presiding Officer to then put the question to the body: All those in favor of the motion say "aye," all those opposed say "nay." The ayes have it, and now we are on the bill.

So, Madam President, I have a long opening statement. I will, however, with the assistance here of my friend, Senator MCCAIN, also make the following statement. There is no cloture motion which is filed or pending. We hope we can adopt this bill without a

cloture motion. We are hopeful that people who have amendments will bring them over. We will try to dispose of them, either by saying we could agree to them or we cannot agree and putting them in line for debate; but proceeding in a way that if folks, colleagues, have amendments, they bring over those amendments and let us try to work those amendments through this process without having to go through cloture and without having to set aside pending amendments in order to make other amendments pending.

If we can proceed without a cloture motion, we are not going to have to use that process of setting aside pending amendments, making other amendments pending, because if we can avoid a cloture motion, we are not going to have a postcloture period where that pendency of amendments becomes relevant. If we are not going to need to go to a cloture, then it is not relevant that an amendment is made pending because the bill is open to amendment. That is what we are hoping to do.

We are willing to stay here late hours. Senator MCCAIN and I have spent a lot of time talking about this—we spent a lot of time getting this bill to the floor, by the way; and it came out of our committee unanimously—but we spent a lot of time talking about how do we get this bill done in 3 days because that is what we told the majority leader we think we can do. By the way, that is all the time we are going to have. The majority leader has made it clear we do not have more than 3 days.

We want colleagues, Senators, who have amendments to bring those amendments to us. We will try, if we cannot resolve them, to put them in packages. If they need to be debated and voted on, that is fine. That is what we are here for. We are going to then try to line up those amendments so that we will go back and forth to the extent we can between Democrats and Republicans offering amendments and voting on those amendments.

So, therefore, I intend to object, in the absence of a cloture motion being filed, to laying aside amendments because, again, in the absence of a cloture motion pending, there is no need to do that and it confuses and complicates the life of the managers of this bill. So I want to make that clear to our colleagues.

I wonder if Senator MCCAIN might have a comment on that.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Madam President, could I say, I thank my dear and old friend from Michigan. I was recollecting that he and I have now worked together for over a quarter of a century. But far more important than that, this legislation and how we handle it, I say to all my colleagues, can be a model for how this body should do

business: Take up a piece of legislation, have amendments and debate, and move forward. If that requires long hours, and even occasionally a Friday or even more, then I think our colleagues should be prepared to do that. We are not sent here for a 3-day work-week. We are sent here to do the people's business.

I am not proud, Madam President—and I will not point fingers at anybody—it was judged by historians the last session of Congress was the least productive since 1947. Now, maybe Senator LEVIN and I were around in 1947, but we do not remember exactly what happened in those days. But the fact is that when we are looking at basically continuous gridlock, day after day, week after week, month after month, then we have to change the way we do business.

Hanging over all this, I say to my friends on this side of the aisle, is a change in the rules, which could cause what we used to call the nuclear option, which we were able to avoid some years ago when this sort of same thing was contemplated on the confirmation process of judges.

So we are now proceeding, I say to my friend from Michigan, without a motion to proceed, without a cloture vote, without the normal parliamentary back and forth that takes up 2 or 3 days of every week here, and we want people to come to the floor, have amendments—as there is one pending from the Senator from Colorado—we debate it openly and honestly, we have votes on it, and we move forward. If it requires quite a while—because we are talking about this Nation's security, the National Defense Authorization Act—then we should be willing to spend those hours on it.

So it seems to me, if we can do what the distinguished chairman and I contemplate; that is, that we move forward with the amendments, we have open and honest debate—we will work with any of our Members to try to make sure their issues and their amendments get the consideration they deserve. But we also may have to put in long hours in order to do so. There is no reason to use a parliamentary mechanism to keep us from addressing this Nation's national security. The lives of the men and women who are serving are dependent upon the work we are doing, and for someone—individual Members of this body—to hold up the whole process because of his or her specific issue is not appropriate treatment of this issue.

I urge all my colleagues to cooperate. I believe we can show the entire country that we are capable of moving forward and addressing the issues in a measured, mature, and productive fashion, which is what the American people are demanding of us. I do not need to remind my colleagues of our approval ratings. But there is ample reason for

that disapproval because we have not moved forward and done the people's business.

Again, I urge all my colleagues to show the kind of forbearance and the kind of maturity that is necessary in order to complete this legislation.

I would like to take this opportunity to thank my friend from Michigan, Chairman LEVIN, for his leadership in writing this year's Defense authorization bill. We have worked together for many years now, and the chairman has set a high standard of cooperation and bipartisanship that befits the esteemed history of the Senate Armed Services Committee.

I am pleased that we will finally have the opportunity to discuss and debate this crucial piece of bipartisan legislation, which has been on the Senate's calendar for almost 6 months. My colleagues and I have come to the Senate floor numerous times during those months to ask the majority leader to call up the Defense authorization bill. While I had hoped to get started on this bill much earlier, I do appreciate the majority leader's offer to bring up the bill with an open process for dealing with amendments. Unfortunately, here we are, with only a few weeks left in this Congress, just beginning debate on one of the most critical pieces of legislation the Congress annually considers. So I ask my colleagues' cooperation in offering relevant amendments with limited time for debate, so that we may afford all Senators an opportunity to address their ideas and concerns with respect to national defense.

Because of the delay in bringing up this bill, we are considering the Defense authorization bill under the imminent threat of budget sequestration mandated by last year's Budget Control Act. Pentagon leadership has repeatedly warned that these automatic, across-the-board cuts to defense spending, totaling almost half a trillion dollars over the next decade, would devastate the Department's ability to provide for the Nation's defense. Sequestration would undermine the readiness of the armed services; dramatically reduce our ability to project power and defend our interests at a time when the world is becoming more dangerous; jeopardize the livelihood of civilian and uniformed personnel alike; and bring with it the likelihood of hundreds of thousands of layoffs. Furthermore, the way in which these cuts would be applied will likely require that thousands of contracts be terminated and renegotiated at a huge cost to the taxpayer.

It is unconscionable that the President has not come to the Congress with a proposal to avoid the devastation of sequestration, not only on our national security but on our economic security as well. It has been over a year since the Joint Select Committee on Deficit Reduction, or supercommittee, admitted defeat, and the President has

shown no leadership and offered no solutions to the impending sequestration. Many of us in this body have been meeting and discussing potential alternatives to sequestration. Sequestration will take effect on January 2, just a short time from now. We need leadership to avoid this disaster and to address the spending and revenue issues that have brought our Nation to the fiscal cliff.

The Fiscal Year 2013 National Defense Authorization Act contains many "must pass" authorizations, including a pay raise for our men and women in the Armed Forces, bonuses, health care, and quality of life programs that are essential to the readiness of our Armed Forces and the well-being of their families. The bill helps to address the needs of wounded service members and their families. Military construction and family housing projects cannot proceed without the specific authorizations contained in this bill.

This bill also includes important authorities that support our national security objectives around the world, including an extension of the Afghan Security Forces Fund, a program instrumental to our efforts to build the capacity of the Afghan Army and Police. It also extends the CERP program which provides commanders on the ground with the ability to fund small-scale humanitarian projects that directly benefit the Afghan people, as well as the Coalition Support Funds program which reimburses cooperating nations supporting the effort in Afghanistan. The bill also contains a provision mandating an independent assessment of the size, structure, and capability requirements of the Afghanistan National Security Forces necessary to provide enduring security for their country so it does not revert to a safe haven for international terrorism.

In the area of military compensation, according to the Congressional Budget Office, the President's request for fiscal year 2013 for pay and benefits of current and retired members of the military represents more than one-quarter of DOD's total base budget request. In light of this, the bill would establish a Military Compensation and Retirement Modernization Commission to review these benefits and recommend any future changes necessary to ensure both quality of life and sustainable benefits for those who serve.

In the area of acquisition and contracting, the bill includes provisions that would improve how the Department buys weapons systems and other goods and services by prohibiting the use of cost-type contracts for the production of major weapon systems; requiring the Department to revise its "profit policy" to make sure that it effectively incentivizes contractors to control costs; requiring that the Department notify Congress of potential termination liability on contracts for

major weapon systems; and calling on the Department to improve its guidance on how it procures capability in response to "joint emergent operational needs".

Several provisions in the bill continue the committee's strong oversight of troubled programs. The bill fences 50 percent of the funding for the second Ford-class aircraft carrier until the Navy submits a report on how it will control its construction costs, while the accompanying Senate report directs the Navy to recertify the current \$8.1 billion cost cap on CVN-79. Other provisions enhance oversight of, and transparency into, the Navy's Littoral Combat Ship Mission Packages; subject how the Air Force maintains and modernizes F-22A aircraft to greater oversight; and continue strong oversight of the F-35 program.

This year's bill also contains important initiatives intended to ensure proper stewardship of taxpayer dollars by codifying the 2014 goal for the Department of Defense to achieve an auditable statement of budgetary resources; requiring the implementation of recommendations provided by the GAO to eliminate duplicative programs and functions; imposing additional protections for DOD whistleblowers; and requiring a detailed cost estimate and personnel plan for the new Defense Clandestine Service.

Another important provision would require the commander of U.S. Cyber Command to provide a strategy for the development and deployment of offensive cyber capabilities to serve as deterrents to, and for response in the event of, a cyberattack. I believe strongly that cyber warfare will be the key battlefield of the 21st century, and I am concerned about our ability to fight and win in this new domain without a robust offensive capability. Crafting a comprehensive, well-defined strategy, required under this provision and others, should also spur U.S. Cyber Command to identify critical personnel requirements for offensive cyber missions, which are presently understaffed.

Again this year, the committee restricted further construction on Guam related to the realignment of U.S. Marines in the Pacific theater until Congress has a clear understanding of the costs and strategic implications of the proposed force realignments on our strong allies in the region. The bill also contains no funding for the Office of Economic Adjustment activities on Guam, and it requires future requests for the construction of public facilities and infrastructure be specifically authorized by law, thereby eliminating another potential source of earmarks.

In addition, this bill would impose restrictions on DOD expenditures to develop a commercial biofuels industry. I strongly support continued Defense Department research in energy tech-

nologies that reduce fuel demand for our weapons systems and save lives on the battlefield. But I do not condone siphoning defense funds from those critical efforts to pay \$27 per gallon for biofuels or \$170 million to use as venture capital for the construction of a commercial biofuels refinery. This is not a core defense need and should be left to the private sector, or to the Department of Energy, which received over \$4 billion last year for energy research and development for related programs. The committee's action corrects this misplacement of priorities.

Even without the massive budget cuts that will occur if sequestration is not averted, the President last year proposed \$487 billion in defense budget cuts by fiscal year 2021. The total funding authorized in this bill reflects the President's reduced defense budget plan. However, within that total funding, the Armed Services Committee cut an additional \$3.3 billion from programs requested by the Department of Defense to fund congressional special interest items. I am concerned that, in light of the budget realities facing the Pentagon and the Nation, at a time when our military is being asked to make drastic cuts in personnel, some of our colleagues continue to divert resources from vital military requirements to fund unnecessary and unrequested projects.

Some argue that the Department of Defense does not have a monopoly on good ideas. While true, the committee has an obligation to ensure that funding added to new programs results in tangible value to our national security and our military personnel. Terms like "Committee initiative," as used in this bill, do not effectively disguise additions to the budget that are earmarks by any other name. Two perennial additions that highlight the problem of unrequested authorizations are the Industrial Base Innovation Fund, IBIF, and the Defense Rapid Innovation Program, DRIP, which together are earmarked for \$230 million in this bill. These funds were not requested by the Department of Defense and as a result, the Department has struggled to put them on contract and manage the money for any useful purpose.

Serious threats face our Nation, most recently evidenced by the deaths of four brave Americans in Benghazi, and our Armed Forces are still engaged in operations in Afghanistan and deployed around the world. At the same time, our Nation is facing a severe fiscal crisis which is only weeks away, due to the unwillingness or inability of the President and Congress to agree on a solution to the current tax-and-spending stalemate.

And once again, Congress has failed to enact either an authorization or appropriations bill for the Department of Defense almost 2 months into the fiscal year. We have failed to provide the De-

partment with a baseline to plan for sequestration, if it is ultimately not averted. Therefore, I urge my colleagues to swiftly approve this legislation so that a Defense authorization bill can be enacted before the end of the year.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Madam President, I thank my good friend from Arizona for those comments.

Madam President, on behalf of the Senate Armed Services Committee, I am pleased to bring S. 3254, the National Defense Authorization Act for fiscal year 2013, to the Senate floor. The Armed Services Committee approved the bill by a unanimous, 26-0 vote, making this the 51st consecutive year that our committee has reported a defense authorization act. Every previous bill has been enacted into law.

This year's bill would authorize \$631.4 billion for national defense programs—the same amount as the President's budget request and \$31 billion less than the amount appropriated for fiscal year 2012. U.S. forces are drawing down in Afghanistan and are no longer deployed in Iraq. However, real threats to our national security remain and our forces are deployed throughout the globe. I am pleased that this bill provides our men and women in uniform the funding and support that they need as they engage in continued combat in Afghanistan, work to track down al-Qaida and associated forces in the Arabian Peninsula and North Africa, and perform other military missions around the world.

First and foremost, this bill continues the increases in compensation and quality of life that our service men and women and their families deserve as they face the hardships imposed by continuing military operations around the world. For example, the bill authorizes a 1.7 percent across-the-board pay raise for all military personnel, extends over 30 types of bonuses and special pays aimed at encouraging enlistment, reenlistment, and continued service by active-duty and reserve military personnel, and authorizes increases to several of these bonuses; does not accept Department of Defense proposals that would have increased the cost of medical care for service members and their families by establishing enrollment fees for TRICARE Standard and TRICARE for Life, and increasing TRICARE deductibles and the annual catastrophic cap; authorizes \$30 million in supplemental impact aid and related education programs for the children of service members, and adjusts the impact aid formula to alleviate delays in impact aid funds; requires the Secretary of Defense to provide recommendations for statutory or regulatory changes to further increase career and service opportunities for women in the armed forces; and

strengthens protections on consumer credit for members of the armed forces.

The bill includes funding needed to provide our troops the equipment and support that they need in Afghanistan, while preparing the way for a transition of responsibility to Afghan forces. For example, the bill funds the President's request for \$88 billion for overseas contingency operations; fully funds the President's request for \$5.7 billion to train and equip the Afghan National Army and Afghan Police—growing the capabilities of these security forces so those forces can continue the transition to taking the security lead throughout Afghanistan by 2014; reauthorizes the use of DOD funds to support a program to reintegrate insurgent fighters into Afghan society at the requested level of \$35.0 million; reauthorizes the Commanders' Emergency Response Program in Afghanistan with a reduction in the Administration's request, given reductions to U.S. force levels in Afghanistan; reauthorizes the Afghanistan Infrastructure Fund at a reduced level and restricts the availability of the authorized funds until the Secretary of Defense submits information on how new projects will be sustained following completion; and requires an independent assessment of the size and structure requirements of the Afghanistan National Security Forces necessary to ensure that Afghan forces are capable of providing security for their own country after 2014.

The bill also contains a number of provisions that will help improve the management of the Department of Defense and other federal agencies. For example, the bill enhances protections for contractor employees who blow the whistle on waste, fraud, and abuse on DOD contracts; restricts the use of "pass-through" contracts by requiring that at least 50 percent of the work on any service contract be performed by the prime contractor or by a subcontractor identified in the contract; lowers the cap on contractor salaries and compensation that is allowable for DOD reimbursement from \$750,000 to \$230,700; prohibits the use of cost-type contracts for the production of major weapon systems, with limited exceptions; and adds \$59 million to enable the DOD IG to provide more effective oversight and help identify waste, fraud, and abuse in DOD programs, especially in the area of procurement.

There are a number of controversial issues that are not addressed in this bill.

First, the sole detainee-related provision in this bill is a one-year extension of existing language addressing certifications for transfers of GITMO detainees and the construction of facilities inside the United States to house GITMO detainees. I understand that some of my colleagues would like to revisit issues we addressed last year re-

garding the authority to detain individuals apprehended in the course of our ongoing fight with al-Qaida, the Taliban, and associated forces, and they have that right, but those issues are not addressed in the bill reported by the Senate Armed Services Committee.

Second, the bill does not authorize new rounds of base closures, as requested by the administration. In fact, the bill includes a one-year moratorium on implementing any realignment that would result in a military installation falling under the threshold for closure without going through the BRAC process. The Department of Defense has achieved savings through previous BRAC rounds, but there are other options—including further reductions to our overseas basing structure—that should be considered to achieve savings before Congress authorizes a new round of base closures inside the United States.

Third, in accordance with the policy that the Armed Services Committee has adopted over the last two years, the bill does not contain any earmarks, as defined in rule XLIV of the Standing Rules of the Senate. I continue to believe that we it is wrong for us to give up the power of the purse given to Congress in the Constitution. I don't believe that the executive branch has a monopoly on good ideas; in fact, I think that we are often more receptive to creative, new ideas that can lead to advances in the national defense than the defense bureaucracy is. Nonetheless, there are no earmarks in this bill.

Finally, I would like to discuss four issues in the bill that are of particular importance to the Department of Defense and the Nation.

First, the budget proposal included a plan by the Air Force to retire or realign various aviation units, resulting in a 4.8 percent reduction to the Air National Guard, compared to a reduction of only 1.2 percent to the active duty Air Force. The Air Force provided no convincing justification for the imbalance in these cuts. Some of the proposed cuts in National Guard force structure were accompanied by proposed increases in active duty force structure for the same aircraft. The rationale provided for other cuts was inconsistent with statements that the Air Force made as recently as two years ago about the capability of its aircraft. In fact, the Air Force was unable even to provide the committee with consistent numbers documenting the impact of the proposed cuts on affected locations.

The bill before us rejects the Air Force plan and fully restores \$1.4 billion in fiscal year 2013 funding for the force structure that the Air Force proposed to cut—without increasing the overall top-line of the defense budget. While we understand that the Air Force has to make tough choices in its

budget, major changes in Air Force structure are too important to be made without the support of objective analysis. For this reason, the committee bill would delay the actions proposed by the Air Force and instead establish a national commission to provide an objective analysis of how the structure of the Air Force should be modified to best fulfill current and anticipated mission requirements in a manner consistent with available resources. It is our expectation that this analysis will provide a far more sound and defensible basis for future force structure decisions.

Second, the bill establishes a Military Compensation and Retirement Modernization Commission to review elements of military compensation and retirement benefits with the objective of modernizing these systems, ensuring the long-term viability and sustainability of All-Volunteer force, and enabling a high quality of life for military families. In proposing such a commission, the Department of Defense took note of significant changes in the demographics of the national workforce and private sector retirement plans, concerns about the extent to which military compensation is deferred and the vesting of benefits is delayed, and the continuing fiscal pressures on the nation. As recommended by the Department, the provision in our bill provides for expedited legislative consideration of the commission's recommendations—including an up-or-down vote on those recommendations without amendment. Our legislation would ensure that proposed changes do not break faith with the current force by expressly requiring that the commission's recommendations grandfather all members serving in the armed forces as of the date of enactment of the provision.

Third, the bill includes a provision requiring the Department of Defense to develop and implement a plan to reduce the size of its workforce of civilian employees and contractor employees by an amount commensurate with the 5 percent reduction in military end-strength planned through fiscal year 2017. This provision recognizes the reality that a reduction in military end-strength and force structure should be accompanied by a comparable reduction in supporting elements.

In recent years, we have come to understand the critical role played by the acquisition workforce—and the risk that we could lose billions of dollars in failed acquisition programs by trying to save millions of dollars in ill-advised cuts to that workforce. But it is not just the acquisition workforce that plays a critical role in ensuring that our military is prepared to meet current and future challenges. DOD's civilian workforce also includes 45,000 nurses, pharmacists, and other medical



professionals; 86,000 personnel in cybersecurity, information assurance and related fields; 15,000 personnel in science and technology; and 6,000 personnel in intelligence functions. Our civilian employee workforce plays a critical role in ensuring that our troops get the supplies that they need, that they receive the pay that they earn, that their bases are safe and well-maintained, and that their children receive the education that they deserve. Without this workforce, we would not be able to build, test, and maintain the weapon systems we need to face today's challenges, and we would not be able to conduct the research and development we need to keep our technological edge into the future.

In the current budget environment, however, no area of the Department of Defense can be off limits as we look for savings. I am well aware that the Department has already developed plans to reduce its civilian employee workforce by two to three percent over a 5-year period, and is achieving additional savings through an ongoing pay freeze for its civilian employees. However, these efficiencies initiatives were developed before the current budget crunch and fall short of the 5 percent reduction planned for military end strength. The cuts imposed on the Department's contractor employee workforce have been significantly less deep. The provision in our bill should ensure that savings achieved in the Department's civilian personnel workforce and contractor employee workforce are brought in line with the savings achieved through the newer, deeper cuts to military end strength. It is our expectation that the Department will utilize a deliberative, needs-based planning process to achieve this objective.

Finally, the bill includes a number of provisions on energy conservation, energy research, and alternative fuels. The Department of Defense is the single largest consumer of energy in the United States, spending close to \$20 billion a year on purchases of fuel and electricity. I am pleased that the bill authorizes \$150 million for the Energy Conservation Investment Program and \$200 million for the research of innovative technologies, including technologies that will enhance energy security and independence, through the Rapid Innovation Program. In the long run, these 12 investments should result in substantial savings in fuel costs, reduce logistics requirements for military operations, and enhance our energy security.

The bill also contains two provisions—each adopted on a razor-thin 13-12 vote—restricting the Department's continued investment in alternative fuels. The first provision prohibits the use of fiscal year 2013 funds for the production or purchase of an alternative fuel if the cost exceeds the cost of traditional fossil fuels available for the

same use. The second provision prohibits the Department from entering into a contract to plan, design, or construct a biofuels refinery or any other facility or infrastructure used to refine biofuels, unless specifically authorized by law. These provisions may result in short-term savings, but they will impose significant long-term costs by undermining the Department's efforts to diversify its fuel supplies and enhance its energy independence and security. It is my expectation that we will revisit these provisions as we debate this bill on the Senate floor.

As of today, we have roughly 1.4 million U.S. soldiers, sailors, airmen and marines serving on active duty—with tens of thousands engaged in combat in Afghanistan and stationed in other regional hotspots around the globe. While there are issues on which Members may disagree, we all know that we must provide our troops the support they need. Senate action on the National Defense Authorization Act for Fiscal Year 2013 will improve the quality of life of our men and women in uniform and their families. It will give them the tools that they need to remain the most effective fighting force in the world. Most important of all, it will send an important message that we, as a Nation, stand behind them and appreciate their service.

I look forward to working with my colleagues to pass this vital legislation.

#### AMENDMENT NO. 2985

Senator UDALL's amendment is now pending, and I am wondering whether there is a time agreement yet on this amendment and, if not, whether we can work on a time agreement.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

Mr. UDALL of Colorado. Pursuant to Senator LEVIN's question about a time agreement, I ask unanimous consent that the majority side have 30 minutes to speak to my amendment and the Republican side have 15 minutes to speak to my amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. I ask unanimous consent to speak to my amendment for 10, 12, maybe 15 minutes. I know Senator INHOFE would like to speak. Then I have additional speakers on our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. UDALL of Colorado. Madam President, I rise today in support of the Department of Defense and our men and women in uniform who stand watch around the clock around the world to protect us from a truly staggering range of threats. As I have alluded, I rise specifically to speak to my amendment No. 2985, which I have in-

troduced in concert with our military officials and leadership.

As a proud member of the Senate Armed Services Committee, I have designed this amendment to support the Department of Defense and their efforts to pursue alternative fuels and energy investments. Senators MURRAY, SHAHEEN, BINGAMAN, HAGAN, KERRY, BEGICH, and TOM UDALL have joined me in cosponsoring this legislation.

We, as Senators and as Americans, frequently acknowledge the courage and the sacrifice of our troops. But I would also point out that they are incredibly smart, insightful, and forward thinking. In order to keep ahead of current enemies and future threats, our military leaders must be students of history. They have to understand the past in order to predict the future. They have to be ready to face challenges from the air, sea, and land, and now increasingly from the cyber domain. They must prepare to defend our Nation from hostile nation States such as Iran and from terrorist organizations such as al-Qaida.

In order to do all of this, they must have the best technology in the world. We must also provide them with the flexibility to adapt to an ever-changing landscape and the resources they need to research, develop, and employ new technologies. That is our solemn commitment, and I would offer our solemn responsibility, to those who fight on our behalf. They have placed themselves between us and harm's way. In return, we promise to invest in the technology, training, and resources they need to stay safe.

For me and many of our colleagues that includes encouraging, supporting, requiring, actually, the DOD to invest in energy sources and fuel technologies that reduce our dependence on foreign oil. Ultimately, section 313 of the Defense authorization bill before us today would severely limit the ability of the Department of Defense to use alternative fuels.

Given the threats facing our Nation today and in the future, that is not acceptable. I want to point out the Department of Defense strongly opposes the constricting provisions in the current Defense authorization bill for that reason and for a number of other reasons. I want to quote what the Office of the Secretary of Defense says about section 313.

The OSD says that 313 is "detrimental to DOD's long-term energy security;" that it is "overly broad," "ambiguous," and it "restricts the flexibility of military commanders." Those are the DOD's words about this section. I want to point out I strongly agree with those words. Therefore, I have offered this very simple amendment that would remove this limiting provision from the bill. I firmly believe that removing section 313 of the Defense authorization bill is in the best



interests of our military and our country. Let me tell you why.

In the carrying out of the work of our Nation, the Department of Defense consumes approximately 330,000 barrels of oil every single day. That works out to 120 million barrels of oil per year. That is a truly staggering number. This year, given those numbers, the military has already spent \$15 billion on fuel. Because of rising global oil prices that is about \$2.5 billion more than they forecast, and the year is not even over yet. We have another month to go.

Those rising costs in dollars and operational capability are staggering. Think of it this way: For every 25-cent increase in the price per gallon of oil, the military's fuel bill increases by \$1 billion. So then what happens? In order to make up for that shortfall, the DOD then has to pull money from the operations and maintenance accounts, which means that rising fuel costs result in less training, deferred maintenance, and reduced operational capability.

Let me be clear. The current language that was added to this bill by some of my colleagues tells the Defense Department they cannot pursue energy security and instead must rely on an energy source that is quickly eating away at their capabilities and effectiveness. That means our people are less prepared when they go into harm's way, and they are less ready to fight when it matters most. For me, and I hope for the majority of my colleagues, that is far too steep a price.

That is why the DOD is investing in technology to increase fuel efficiency, promote conservation, and to find alternatives to foreign oil. General Dempsey, the Chairman of the Joint Chiefs of Staff, has said simply but powerfully: Saving energy saves lives. It should tell us something that in an era of reduced DOD budgets our senior leaders remain fully committed to this effort. We should support them in these commonsense approaches. That is why the DOD is funding research and development for new fuels that can be made from biological feed stocks. And these are fuels that can be literally grown here and refined here, right in our own country, right at home.

This R&D effort I am alluding to is part of a proud legacy of military research programs that have benefited our entire country through many decades. So what I am saying is even under the threat of sequestration, investments in new energy technology and alternative fuels remain a top priority for our military leadership. For those who would say we cannot afford to spend money on alternative fuels, our uniformed senior leaders tell us otherwise and, in fact, suggest that we cannot afford not to make these investments.

Let me share another way of looking at this. The investment is tiny when

we compare it to the potential payoff. For less than .03 percent of the defense budget, our military is building a foundation for a new domestic energy source that could save billions of dollars and keep more of the money we do spend on fuel right here at home.

We spend about \$300 billion a year on overseas sources of oil—\$300 billion. If we could keep one-twentieth of a percent of that money at home we would pay for this program. Let me put it in perspective another way.

For about half of what we spend on military bands each year, we could be establishing a domestic energy industry. For less than the cost of a single F-35, we could diversify our energy portfolio and drive down costs. We would be taking billions of dollars out of the hands of terrorists and reducing the risk to our military personnel.

So in that context, what is the problem? Well, the proponents for cutting off these investments in alternative fuels argue that the Defense Department should not be involved in the development of new energy sources. I think it has already become clear, but I want to say it again: I could not disagree more. These biofuels, when we produce them, cannot be used as leverage against us. These refineries cannot be overrun by Nigerian rebels or blockaded by Iranian gun boats.

Energy security is national security. This is exactly the kind of investment our military should be making. In fact, military R&D has sustained the enormous technological advantage that we have maintained over our adversaries historically. Our willingness to invest in the future has kept us safe. So my colleagues say the DOD should not be spending money on energy development. I would respectfully remind them we have always spent money on energy development, and it has made us safer.

If that view had prevailed in years passed, we would not have a nuclear-powered Navy. Without military investment in emerging technologies, we would not have jet engines, microchips, microwave ovens, radar, or GPS navigation. Ensuring our energy security ought to be a national priority. Our reliance on foreign oil is a threat to our security and our economy. Our reliance on foreign oil harms our economy and our national security. Now we have the chance to do something about it.

This is a national problem. That is why DOD has partnered with the Department of Energy, Department of Agriculture, and private industry to find a solution. That is exactly how our government is supposed to work.

If we believe the DOD has a vested interest in having reliable sources of fuel and energy, then we should agree they have a role to play in ensuring that new fuels we have to develop meet their needs.

Now, as with any technology, the cost of alternative fuels starts high,

but they are coming down steadily. As we all know, the price of oil continues to climb and, equally important, is subject to those sudden spikes due to unpredictable global events. My colleagues who are opposed to the DOD energy programs would have us believe that alternative fuel prices are unaffordable. But let me share some facts.

In 2009 the Navy paid about \$66 per gallon for biofuels used for research. But that price decreased over a 3-year period by 61 percent. During that same period, oil prices rose by about 120 percent. Today, right now, drop-in biofuels for cars and jet aircraft are available for around \$4 per gallon. These costs will continue to drop if we keep making smart investments in smart technologies.

These are the facts, but even if we disagree with those points, there is another important factor I hope we will consider. Section 313 of the Defense authorization bill harms military missions and technologies that are being used right now to find and destroy our enemies.

Let me explain. The Office of the Secretary of Defense has said the language is so broad and so poorly defined that it would prohibit the DOD from purchasing any nonpetroleum fuel that costs more than traditional fuels. So we have to ask, what does that mean?

Let me give a couple of examples. That would include the solid oxide fuels used in rockets and missiles. That would include coal-to-liquid fuels. That includes alternative fuels purchased overseas where there are no petroleum-based fuels available, like in South Africa and in countries that have mandatory alternative fuel blends. It restricts fuel blends to a 50-50 ratio, even if that is not the best or the most practical mix.

So the outcome of that would be if the DOD wanted to use a more efficient or cost-effective mix of traditional fuel to biofuel, they would not be able to do so. So I believe section 313 of the bill we are debating will send the wrong political message as well. It will make investors wary of the U.S. Government's commitment to weaning ourselves off foreign oil. It would help keep us reliant on foreign oil. Let me list the countries: Russia, Venezuela, Iraq, Saudi Arabia, I have not even mentioned Iran.

It is poorly drafted and damaging to our security. Instead, we have an opportunity today to help our military and our country. This is how we move forward. This is not about an environmental agenda or some kind of a green conspiracy. It is about doing the right thing, supporting our military brass, establishing a stronger national security and energy security posture in the years ahead.

I urge my colleagues to support my amendment to strike section 313. As I

conclude, I ask unanimous consent that Senators GILLIBRAND and TOM UDALL be added as cosponsors to my amendment No. 2985 to S. 3254.

The PRESIDING OFFICER (Mr. FRANKEN.) Without objection, it is so ordered.

Mr. UDALL of Colorado. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, it is my understanding that the Senator from New Hampshire has a time issue and she would like to have 5 minutes before my time will begin. That is acceptable.

I yield 5 minutes to my friend from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, first of all, I appreciate my colleague's graciousness in allowing me to speak first.

I rise today in support of Senator UDALL and his amendment, which would restore the Department of Defense' ability to invest in advanced biofuels. I don't think we should be tying the hands of our military as they attempt to manage a significant national security threat our energy dependence.

As our Nation has become more technology dependent, our energy use has increased dramatically. Businesses and families are more conscious than ever of how they use energy and its costs. Our military is no different.

Advanced technology has not only reshaped our economy, it has also changed how we think about defense. No matter how you look at it, as long as we are dependent on other nations for our energy, we have a fundamental strategic vulnerability. Fortunately, for the first time since the oil crisis in 1979 our military is making real progress addressing it. I hope we will get out of their way.

Over the past ten years the Department of Defense has invested significant time and resources into improving our nation's energy security.

Energy security is not some sort of feel-good, pie in the sky, goal that would be nice to have. Energy security is imperative to the success of today's military, and it becomes more critical with each passing generation.

As our Current Chairman of the Joint Chiefs General Dempsey has said: Without improving our energy security, we are not merely standing still as a military and as a Nation, we are falling behind.

Let's be clear: Energy security is national security. Our military leadership understands this. Our Sailors, Soldiers, Airmen and Marines understand this. Other countries including some of our strongest competitors also understand this. And we ignore this fact at our own peril.

As is often the case when our military commits itself to a new mission,

particularly when you add a little friendly inter-service competition, we are seeing dramatic results. For example, new solar arrays and mini smart grids have allowed Marines at Forward Operating Base Jackson, in Helmand province, Afghanistan to cut their fuel use from 20 gallons to 2.5 gallons per day. More efficient cargo management and routing are projected to save Air Mobility Command half a billion dollars over the next decade. By reducing drag, new stern flaps are expected to save the Navy almost \$500,000 annually per ship in fuel costs.

I saw the Navy's new stern flaps in person earlier this year during an Energy Subcommittee hearing I chaired aboard the USS *Kearsarge*. The purpose of the hearing was to highlight the significant advancements the Navy continues to make in both energy efficiency and harnessing new, renewable energy resources. One of those important, home-grown energy resources is biofuels.

Biofuels offer reliable, domestic energy, capable of powering our most advanced military equipment. The Navy recently demonstrated the capabilities of advanced biofuels during a massive exercise that featured a Carrier Strike Group powered exclusively on renewable energy, highlighted by a F-18 traveling at twice the speed of sound and a ship traveling at 50 knots.

Despite biofuels' impressive performance record and their potential strategic impact, we continue to hear two arguments against further investment by the Department of Defense.

The first is that energy investments should be handled by the Department of Energy and not the Department of Defense.

Energy security is going to require an all-of-government approach, and that is the direction we are currently going with the Department of Agriculture and the Department of Energy playing a fundamental role on the biofuels initiative. In addition, as the largest fuel consumer in the world today—and by far the largest in the U.S. Government—the Department of Defense has a special role to play in this effort.

Moreover, because of our dependence, we continually send our men and women in uniform into harm's way to maintain our access. In the past year alone, the Arab spring, conflict in Libya, and the threat of Iranian mining of the Strait of Hormuz have all demonstrated the challenges of assuring continuous access to overseas oil.

Not only is access to oil difficult to maintain, instability in the global price of oil continues to plague our economy and our defense budget as well. Every \$1 dollar increase in the price of oil per barrel costs DOD \$130 million. Last year alone, the Department was forced to shuffle \$1.3 billion from other accounts to cover increased fuel costs.

The second criticism we often hear is that biofuels are too expensive.

It is true that advanced biofuels are not yet in full production and cannot compete with an oil market that is over 100 years old. However, in the last two years alone, DOD investment has caused the price to drop dramatically. Moreover, biofuels are more immune from the price-shocks that are increasingly consuming our defense budget.

In addition, as many of you know, there are significant costs to traditional foreign sources of energy—unseen at the gas pump—associated with protecting our shipping lanes and oil supplies. For over 60 years, we have been patrolling the Persian Gulf. These costs for oil remain underappreciated.

The fact is, throughout its history, our military has played a leading role in energy innovation and development. From wind, to coal, to oil, to nuclear power, their ability to exploit new forms of energy has been key to our Nation's technological edge and combat effectiveness. As Admiral Greenert, Chief of Naval Operations, has noted, "efforts to reduce the Navy's dependence on fossil fuels and outdated energy technologies is in the finest traditions of military scientific leadership."

For our military the issue of energy security and investment in biofuels is simple: dependence on foreign oil is a strategic vulnerability, creates problematic fluctuations in the defense budget, and puts our men and women in uniform at unnecessary risk.

We need to make sure our military leaders are able to continue their historic tradition of identifying long-term challenges and seeking innovative ways to solve them. Energy use is no different and nothing—including the Congress—should get in the way. We can't allow the debate over the military's energy use to become a proxy for other ideological debates around energy. We should let our military do what it does best. We should let them lead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I hear all the time from my good friend who is involved in this. In this rare case it is true. The Senator from Colorado and I are very close friends, and he and I disagree on this issue. I think it is important for us to understand where this came from. Senator MCCAIN and I are responsible for section 313, and I think when people understand what it is, all of these arguments I have heard against it, none of them holds weight. What we are trying to do is experiment in green energy at the expense of our ability to defend America, and our readiness. Our military is deployed in more locations around the world at a greater rate than was ever the case during the Cold War. I sometimes say, I look wistfully back on the days of the

Cold War. Back then we had an enemy we could define. It was an enemy who was predictable. That is not the case anymore, and after almost two decades fighting and all of these contingencies worldwide, including four major regional conflicts with a force structure that is 40 percent smaller and equipment that is decades older than the military readiness during its decline, this is what we are faced with right now. All of this is coming at a time when the Obama administration has cut the defense budget, projecting over the 10-year period, by some \$487 billion. If the Obama sequestration becomes a reality, that would be \$1 trillion over this period of time coming out of our defense budget.

Even the Secretary of Defense, President Obama's Secretary of Defense, said that would be devastating. He used the word "devastating." But if that were not enough, the Obama administration continues to force the military to spend greater proportions of its already depleted funds on an expensive green energy agenda, to include the purchase of biofuels for operational use and construction of commercial biofuel refineries.

I fully support the development and the use of alternative fuels, including biofuels, but not at the expense of the military. Secretary Mabus's primary focus must be or should be on the readiness of the Navy, not on propping up the biofuel industry.

By the way, I have to remind everyone we have a bureaucracy called the Department of Energy. They are the ones who are supposed to be doing all of this experimentation we talked about. Our Navy, according to the Chief of Naval Operations, ADM Jon Greenert, will see a 15-percent increase in the number of ships set to deploy, with the number of ships and attack boats deployed at any time rising from 93 today to 107 by 2016. This increased deployment rate will impact sailors and marines as well as the required maintenance of ships and aircraft.

President Obama talked about pivoting to Asia from the Middle East and some of the concentrations. This is going to create another very serious problem. When every defense cut dollar degrades our military readiness, why should we want our Navy to pay four times the amount than almost any other fuel, or in some cases 100 times the amount? With a military budget that continues to decrease, where is the Navy going to get additional funding to pay its biofuel bill?

What is the Navy willing to give up in order to pay this bill? What is DOD willing to give up in order to pay the higher fuel bills? They have been talking about this on the other side. However, the higher fuel bills are not what this section 313 is all about. We discussed this in the committee. I fully support the efforts that make it afford-

able are mixed in, but biofuels still face challenges in technologies that remain imprudent. Again, we have a Department of Energy that is supposed to be doing this.

This is a 2011 RAND report, which says:

There is no direct benefit to the Department of Defense and the services from using alternative fuels rather than petroleum-derived fuels. In short, the military is best served by efforts directed at using energy more efficiently in weapon systems and at military installations.

That is a 2011 RAND Commission direct quote.

Despite the recent assertions by biofuel lobbyists that the two biofuel provisions in S. 3254, the National Defense Authorization Act for fiscal year 2013, do not restrict the Department of Defense from purchasing alternative fuels, including biofuels, section 313 allows the continued use of the Department of Defense funding for biofuels for testing but precludes them from using the funds authorized for readiness and training. That is what this is all about, readiness.

Section 313 contained in the bill is intended to restore fiscal responsibility and accountability for defense spending at a time when our Nation simply cannot afford to waste taxpayers' funds on speculative green initiatives such as Solyndra and dozens of other companies that are foundering or bankrupt despite billions of government investment, as they call it.

A recent DOD report revealed that the biofuels program will amount to an extra \$1.8 billion a year in fuel costs to the Navy alone. That is just the Navy, not the Air Force, not the rest of them. This ludicrous pricetag is not surprising.

Through congressional oversight efforts, we found that in 2009—now listen to this, this is significant—the Navy paid an outrageous \$424 a gallon for 20,000 gallons of renewable diesel. In December of 2011, the Navy purchased 450,000 gallons of biofuels for \$12 million, equaling about \$27 a gallon. That is \$27 a gallon we are talking about in our defense budget when we are paying for something that should cost \$3, maybe \$4 a gallon.

The Navy is not the only service being subjected to this greening agenda. Last month the Air Force bought 11,000 gallons of alcohol to jet fuel at \$59 a gallon, twice as much per gallon as what the Navy was forced to spend. So we are talking about amounts such as \$400, \$450, and \$29 a gallon for fuel just to experiment, and this is something the Department of Energy should be doing if anyone is going to be doing it.

DOD has been forced to drastically cut its personnel, the number of brigade combat teams, ships, fighters, and airlift, and it has had to eliminate or postpone critical military moderniza-

tion programs. Now thanks to President Obama's defense budget cuts, DOD can't afford to do business as usual. Yet they are being coerced to spend \$27 a gallon.

Secretary Panetta has warned repeatedly that President Obama's deep cuts will have a devastating effect to our economy. He used the word "devastating" when he talked about what was going to happen if he is successful in the next step, which would be the sequestration.

Knowing this, how could anyone support including another \$1.8 billion from an already stretched budget? President Obama's climate chief, Heather Zichal, defended the green fleet by arguing that even a dollar rise in gasoline prices would cost DOD \$30 million. I think my good friend, the Senator from Colorado, said essentially the same thing. I agree with it. If every \$1 of rise in gas prices costs \$30 million, a \$27 increase in fuel costs due to the forced use of biofuels would add up to about \$660 million. So that argument falls completely flat.

Realizing that the economic angle is a political loser, the Obama administration has tried to say that it is about national security in getting off of foreign oil. That is where I want to get.

I spent several years as chairman of the Environment and Public Works Committee and several years as the ranking member. All during that time, people were saying the one thing we all agree on is we need to be off of foreign oil. We need not to be dependent upon the Middle East. Yet right now we know no one is going to refute this fact, no one in this room, no one today or in the future, that when we had the USGS reports and the other reports saying that we now are in a different position than we have been before. People are saying of the resources and the reserves in fossil fuels—and I am talking about "oil and gas"—we are No. 1 in the world now. We didn't used to be. Two years ago we couldn't have said that. Right now we are. We have the opportunity, and we can look at the opportunity, in terms of our reserves that are usable, of being totally self-sufficient.

The other thing that is so disturbing, when people talk about they don't want to be dependent on the Middle East, therefore we have to spend billions of defense dollars to experiment on biofuels when, in fact, we could be completely self-sufficient, all we have to do is do what every other nation in the world does, and what is that? Every other nation in the world depletes it. They go after their own resources. We have recoverable reserves in gas and oil to take care of this country for the next 50 and 90 years, respectively, and yet we are trying to use this as an argument to go and spend this money on experimental biofuels. I think that part of the argument has to be exposed for what it is. It is a phony argument.

You know, we look, we see, and people ask from around the world, they say why is it that your country, the United States—in my position on this committee I have been asked this many times—why is it that you are the only country that won't exploit its own resources, and I say, well, it is a political thing.

Right now if you want to do something about becoming energy totally sufficient—I asked the other day, because the President keeps saying, well, you know, you are wrong because if we were to develop all of our public lands and be able to get the resources off of that, it would take 10 years for that to reach the pump—I actually called up a man named Harold Hamm. He has testified before our committees up here in Washington several times. I said, let me ask you a question. I am going to be on a TV show and they are going to ask me, if this administration would lift all of the restrictions we have on public lands how long would it take for the first barrel of oil that would come from that to reach the pumps? Otherwise, you go through the refining process and all of that, because we have heard this administration say it would take 10 years. Well, in fact, it would take—his answer was—and I said: Be careful, Harold Hamm, because I am going to use your name on nationwide TV. He said: Yes, I have thought about this. It would take 70 days. Not 10 years but 70 days.

So we are talking about sufficiency that we could have just in this country in a matter of days, not in a matter of years. And I only bring that up—and I know people don't think it should be part of this debate, but it is because they are using the argument that we have to use billions of defense dollars in experimenting with biofuels to wean us off fossil fuels when, in fact, we are doing that now. And we have a Department of Energy that is responsible for actually carrying that out. The argument completely falls on its face.

It was the U.S. Geological Survey report that revealed that America has 26 percent of the world's recoverable conventional oil reserves—which is more than we are using, so we could become independent—and almost 30 percent of the world's technically recoverable conventional gas resources. So with all these things in mind, the Congressional Research Service agrees and the USGS agrees we could become independent. So it all comes together.

This isn't happening in a vacuum. We have a good bill here, and we need to get it done in the short period of time given us by the leadership. I think we can do it. I agree with the chairman of the committee that we can get this done. But this one amendment is one that would, probably more than any other amendment, take away our ability to spend this money on readiness—on readiness for the experimental program on green energy.

With that, Mr. President, I yield the floor and reserve the remainder of the time.

Mr. LEVIN. Mr. President, I ask unanimous consent that at 2 p.m. today the Senate proceed to vote in relation to the Udall amendment No. 2985; further, that there be no second-degree amendment in order to the amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I wish to commend Chairman LEVIN, who has brought his usual thoughtful approach to these issues, and to thank him for his help specifically in two areas in which I have been interested.

I also see my friend Senator MCCAIN. He and I have worked often on these and other matters, and I thank him for his wise counsel as well.

Mr. President, as I indicated, I am going to talk briefly on two amendments in which I have a special interest. The first is the amendment of Senator UDALL to strike section 313 of the bill.

As a member of the Senate Committee on Energy and Natural Resources, I have followed closely the proposition that the Department of Defense is the single largest user of energy in the United States, with annual fuel expenditures in excess of \$16 billion. This is an extraordinary thirst the Department of Defense has for energy. It creates a host of issues for the Pentagon, and fluctuations in global energy prices can have dramatic effects on defense spending. For every \$10 increase in a barrel of oil, it costs the American military annually an extra \$1.3 billion.

Recognizing the potential instability DOD's current energy needs can cause, military experts from across the various branches of the armed services have begun looking at ways to cut energy use and find energy alternatives. I continue to hear all of this discussion about how this is somehow a "green agenda," that it is a subversive plot and that it is being forced upon a resistant Pentagon. I would like to take a minute or two to say that I don't think anything could be further from the truth, and I wish to describe for a moment why I feel that way.

First, those who oppose defense energy initiatives often argue that in today's fiscal environment, the country can't afford to waste money on energy programs when it is necessary to provide for our Nation's security. I don't believe it is an either/or proposition because my view is that an investment in energy efficiency and energy self-sufficiency is hugely important to protecting our country's national security in a dangerous time.

I have heard some argue that military research, development, and test-

ing of alternatives to oil-based fuels is a "misplacement of priorities," but this argument is based largely on the proposition that biofuels currently cost more per gallon than petroleum. But the reality is that the makers of biofuels have not reached full-scale production, and the Department of Defense contracts include research and development costs. So any attempt at a gallon-to-gallon analysis of biofuels versus petroleum is really what I would call an apples-to-oranges comparison. The fact is that DOD investments in biofuels development have resulted in a cost-per-gallon reduction—a cost-per-gallon reduction of 94 percent in just the last 3 years.

Bloomberg New Energy Finance analysts predict that some aviation biofuels will be cost-competitive with standard jet fuel by 2018, given the continuation of current rates of development. So in about 5 years, the American biofuels industry could produce fuel for our military aircraft and vehicles at a cost equal to that of foreign oil.

The Truman National Security Project recently held a press call with retired generals, and one in particular was quoted as saying the following:

Moving away from oil . . . ensures we remain the most capable and effective fighting force on the planet. . . . And this is what this is all about. This is not about politics or saving polar bears. It is about being effective as a fighting force.

Those are not my words but the words of an important retired general.

So that is what this boils down to, in my view—having the most effective fighting force and being in a position to save the lives of our servicemembers.

I know there is going to be a fair amount of discussion throughout the debate on this bill about this issue, but I continue to believe that energy efficiency and energy self-sufficiency increase our national security. I hope my colleagues will support the Pentagon's alternative energy efforts and vote for Udall amendment No. 2985.

Briefly, I wish to turn my attention to the other amendment I have, and I again thank Chairman LEVIN and Senator MCCAIN for giving me this opportunity to speak.

This morning the Associated Press reported that Iraq war contractor Kellogg Brown & Root has sued the Federal Government to pay the \$85 million in damages KBR owes soldiers sickened because of KBR's negligence.

This case started in 2003 when members of the Oregon National Guard were assigned to provide security for contractors from KBR in Iraq at the Qarmat Ali water treatment facility. These soldiers and others were exposed to dangerous levels of chemicals, including sodium dichromate, which contains hexavalent chromium, one of the most carcinogenic chemicals on Earth.

A group of the exposed soldiers sued KBR based on the evidence indicating KBR managers were aware of the presence of the dangerous chemicals but failed to warn the soldiers working in and around the plant. A jury recently agreed that KBR was negligent and awarded the soldiers \$85 million in damages, and more of the affected soldiers also have lawsuits pending, so the damage awards, in my view, are likely to increase significantly.

However, a recently declassified indemnification provision in the contract between KBR and the U.S. military for work in Iraq passed all financial liability for misconduct from KBR to U.S. taxpayers, even in cases of—and I want to emphasize this—willful misconduct by KBR. These provisions also provided for unlimited reimbursement of legal costs incurred by KBR. In effect, the company—KBR—was handed a blank check drawn on the American taxpayer, and yesterday the company went to court to cash that check.

My amendment would prevent DOD from putting the American taxpayer on the hook for the negligence of contractors without notifying Congress. Our soldiers know when they sign up that they are putting their lives on the line, but they expect their commanders and the contractors working beside them to not expose them to unnecessary risk.

Both the DOD inspector general and a jury have confirmed what Oregon soldiers and I and other members of the Oregon congressional delegation have been saying for years—that KBR failed to protect our soldiers from a known threat. We can't know if the fact that KBR had basically a get-out-of-jail-free card caused them to be negligent, but what we do know is we shouldn't let this happen again.

My amendment was debated as part of the last DOD authorization bill, and my understanding is that it was actually acceptable to both sides, but we weren't able to get it into the final bill. I hope now, especially in light of today's news right over the wire services this morning, we can agree to include this amendment before more of our brave men and women in uniform are harmed by the actions of negligent contractors who then try to pass the buck to American taxpayers.

I again thank Chairman LEVIN and his staff for their leadership, and I look forward to working with them, particularly on this amendment here this afternoon.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to speak in favor of the Udall amendment, of which I am very pleased to be a cosponsor. I want to start, though, by thanking our terrific chairman, who we are so proud is from Michigan, and the distinguished rank-

ing member for all their hard work in putting together what is incredibly important to support our troops and what they need, for their families' needs, and giving us tools for a strong defense.

Part of having a strong defense is making sure we give the military the flexibility they need and deserve to use the fuels that make sense for them and not tie their hands for any reason. As we go forward, we know there are opportunities to both save lives and dollars by using a variety of fuels. This amendment, by striking language that stops the military from having that flexibility, is very important.

We all know our dependence on oil has serious costs in terms of dollars but, more importantly, in terms of lives. One in every 50 convoys results in a U.S. casualty. We lose an American life from every 50 convoys. Since 2003 more than 3,000 troops have been killed in those attacks. Most of the time, military leaders will tell us: We are moving troops and moving fuel to be able to support the troops. So we need to give the military opportunities, whether it is from new kinds of hydrogen fuel cells or biofuels or advanced batteries.

There is a tremendous amount of work that is happening in Michigan through TACOM and TARDEC, which are the arms of the Army that are doing the very important research and development of new technologies, and they have now developed advanced battery technology they are using in the field that will save money and lives. So these are important things to be doing as we move forward to the future, and the Udall amendment would guarantee we can continue to do that.

The Navy estimates that they spend about \$84 billion—\$84 billion—every year protecting oil supplies. Think about that—not being able to do what we need to do on the front lines in terms of defense but just protecting the oil supplies, shipping lanes, and commercial vessels in the Persian Gulf region alone.

Again, this amendment would save lives, save money, and it would allow the Department of Defense to move forward on these new technologies, such as hydrogen, E85, and biofuel blends for flex-fuel vehicles such as the ones we are building in Michigan. These new technologies are our future. They are our future in jobs, and they certainly are our future as it relates to saving dollars and getting us off foreign oil and, as I said before, are so important to our military and to all of us in saving American lives.

The operational benefits of using different kinds of fuel are enormous. We have research going on in Michigan right now around advanced batteries. I was pleased to be there at the launch of the first advanced-battery Jeeps going into the field, allowing those convoys of trucks to be brought down to a much

smaller level and thus stopping the endangerment over the years of thousands of our troops. Shorter supply lines means more flexibility for our men and women in uniform and less danger for them on the front lines.

I strongly support the Udall amendment. I am pleased to be a cosponsor. This will give our military the flexibility they need to accomplish their mission. Why in the world would we want to limit the flexibility of our military as they move forward to the next generation of new technologies to save dollars and lives?

The PRESIDING OFFICER. The Senator from Colorado.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that Senators HAGAN, KERRY, BEGICH, and FRANKEN be added as cosponsors of my amendment No. 2985.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I believe we are reaching the end of our time.

The PRESIDING OFFICER. All Democratic time has expired.

Mr. UDALL of Colorado. I would add just a couple final remarks.

I think we have heard a compelling reason to remove section 313 from the National Defense Authorization Act. National security is energy security and vice versa. Let's stand with our military leadership, let's stand with our NCOs, and let's stand with our enlisted personnel and ensure that the military can continue to invest in this important area of energy security which will save lives, create economic opportunity, and make sure we can project force abroad and protect the values we hold so dear.

I urge my colleagues to vote for this amendment at 2:00 p.m. We have a tentative agreement.

Mr. President, I yield the floor.

Mr. SANDERS. Mr. President, it is not a tentative agreement; there is a unanimous consent order that we are going to vote at 2 o'clock.

The PRESIDING OFFICER. The Senator is correct.

Mr. UDALL of Colorado. Mr. President, I urge all my colleagues to support this amendment at 2 p.m.

Mr. MCCAIN. Mr. President, I inquire of the Chair, what are we waiting for?

The PRESIDING OFFICER. To get on the amendment offered by the Senator from Colorado.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the amendment introduced by Senator UDALL of Colorado. The purpose of this amendment is to strike section 313 from the National Defense Authorization Act that would place undue restrictions on Department of Defense's alternative energy investments. This provision, during our committee markup, passed by the closest of margins by a 13-12 vote.

Section 313 aims to block the Department from purchasing or producing alternative fuels if the cost exceeds that of traditional fossil fuels. This would force key decisions regarding energy security to be made exclusively on the basis of cost, without regard for the mission, military capability, or circumstance.

Maybe the intent of section 313 to kill the alternative fuel project currently being conducted under the authority of the Defense Production Act, Title III. However, the impact this provision would have on our military operators, creates a real strategic vulnerability to our men and women on the ground, which reach far beyond biofuels. For example, if the Department wanted to deploy a hydrogen-fueled unmanned aerial vehicle that could operate for an extended duration in a combat zone, this amendment would prevent that since the cost of hydrogen fuel may be higher than a traditional fossil fuel. Or if the Department wanted to generate fuel or energy at tactical locations, including waste-to-energy technology, which the DOD is exploring today, section 313 would again prevent that. Section 313 may also prevent the Department from purchasing non-traditional fossil fuels, such as E85 or B20 biofuel blends, for flex fuel vehicles. Potentially, any fuel which is not a "traditional fossil fuel" could be affected.

Mr. President, the sponsors of section 313 have focused on current high costs associated with the production of alternative fuels. However, Secretary of the Navy, Ray Mabus, has already testified before the Armed Services Committee that the Navy will not purchase any alternative fuel for operational purposes until they are cost-competitive with traditional fossil fuels. It's as simple as that. The Department is positioning itself to take advantage of drop-in alternative fuels when they are cost competitive with traditional fossil fuels. This is a prudent insurance policy that requires investments today, which section 313 would prevent.

For years now, the Department has been subjected to significant spikes in the global price of oil, which has created huge bills to pay, leaving less funding for training exercises, flying hours, steaming days, and other negative impacts to readiness. The Department estimates that for every 25 cent increase in the prices of a gallon of oil, it costs the DOD an additional \$1 billion to cover the costs, whether it is a result of foreign actions or natural disasters such as Hurricane Katrina. The advancement of a reliable, domestic energy source such as biofuel would provide us with a safeguard against such unpredictable expenses. In my view, global price volatility is a burden the Department should not be subjected to, particularly if it can be avoided by establishing a viable domes-

tic alternative. Yet section 313 appears designed to ensure that the DOD remains entirely dependent upon traditional fossil fuels.

Admittedly, the current price for alternative fuel is high. For example, the Navy purchased biofuel this past July for demonstration purposes at approximately \$16 per gallon. Yet small batches of any new technology are expensive, as that is the very nature of research and development. With time to develop a domestic alternative fuel market, the costs of alternative fuels will continue to drop, as the price has already been cut in half since 2009. Furthermore, our military has a rich history of innovation. Investments in technology such as global positioning services, microchips, and the Internet have each carried with them significant up-front costs, but have ultimately paid sizeable dividends far beyond their initial military usage.

The Navy has a notable and effective track record in the arena of alternative fuel development, going back to when the Navy first switched from sails to steam and coal in the 1850s. Once again from coal to oil around the time of World War I, and in the 1950s from oil to nuclear propulsion for aircraft carriers and submarines. And each period has had its complement of critics. Yet think of where we would be today without that long-term eye toward innovation and military capability.

In section 313 there is yet another practical problem in its exception clause, which allows the Department to continue engine or fleet certification of 50/50 fuel blends. That is far too narrow to cover the wide-ranging array of research and development activities conducted by the Department. In the future, it may be determined that the proper ratio for a weapons platform requires a blend of 60/40, or 70/30. Limiting the DOD to only 50/50 blends would put an entirely arbitrary restriction upon the Department, and is simply not wise.

Mr. President, the DOD and Secretary Mabus have told us that the development of a domestic capability to produce cost-competitive advanced drop-in biofuels at a commercial scale is important to our long-term national security. It is a core defense need. We were also reminded of our strategic vulnerability to fossil fuels and the need to improve our energy security in the last iteration of the 2010 Quadrennial Defense Review. There are valid questions concerning how much a gallon of biofuel will cost in the long run compared to a traditional fossil fuel. Last year alone, the DOD purchased billions of gallons of fuel at a cost of \$15.3 billion to conduct worldwide military operations. And we now pay 225 percent more for fossil fuel than we did just 10 years ago. And 12 percent of our gross domestic product goes to fuel for automobiles. By striking section 313,

we allow the DOD the freedom to pursue a domestic production capability and it is a smart long-term investment.

Keeping section 313 would hinder efforts currently underway to curtail our reliance on foreign oil by fostering a domestic biofuel capacity. Those in opposition to the Department's alternative energy investments have argued that the cost of these initiatives is too high. They claim that the money would be better spent on other priorities within the DOD. Mr. President, these arguments are shortsighted. The Department has told us that investment in alternative fuels represents less than 4 percent of the Department's total planned investment in operational energy initiatives over the next 5 years, and less than 0.6 percent of what the Department spent on fuel last year. Our military leaders have stated time and again that it is in our national security interest to make these strategic investments, that there is a concrete need to increase flexibility and insulate our forces against volatility in the global oil market. For the future, our men and women in uniform will need alternative fuels to keep our supplies diverse and effective, especially for our legacy fleet of ships and planes, which will be with us for decades to come. The DOD has been examining, testing, and certifying alternative fuels for operational use since 2003. Last July, the Navy successfully demonstrated biofuels with no operational differences in the performance of their ships and aircraft. These efforts are relatively small, yet an important part of the Department's strategy to improve energy security.

Section 313 is in direct conflict with these goals. Reducing our dependence on fossil fuels is a strategic vision that has been articulated and embraced in the past on a bipartisan basis—by President George W. Bush in his 2006 State of the Union Address and by a large bipartisan majority in Congress in the Energy Independence and Security Act of 2007. That bipartisan path is still the best approach today.

I thank Senator UDALL and the co-sponsors for introducing this important amendment. I urge my colleagues to support this effort to ensure that our military has the flexibility necessary to meet their energy requirements and bolster our national security, by striking section 313.

Mr. SANDERS. Mr. President, I understand Senator BAUCUS and Senator MURRAY are on their way and wish 5 minutes each to speak relative to this amendment. I ask unanimous consent that between now and 1 o'clock, they be allocated 5 minutes each and that the amendment then still would be the pending amendment.

I ask unanimous consent that we now proceed to the amendment of Senator MCCAIN and that when those two Senators arrive and are recognized, they be



allowed to speak for 5 minutes each on the Udall amendment.

The PRESIDING OFFICER. Is there objection to the request for extra time for Senator BAUCUS and Senator MURRAY?

Without objection, it is so ordered.

Mr. SANDERS. Mr. President, I ask unanimous consent that Senator WEBB be added as a cosponsor to Senator MCCAIN's amendment that he is now going to offer.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Arizona.

AMENDMENT NO. 3051

Mr. MCCAIN. Mr. President, I call up amendment No. 3051 and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself and Mr. PORTMAN, proposes an amendment numbered 3051 to S. 3254.

Mr. MCCAIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize additional Marine Corps personnel for the performance of security functions for United States embassies, consulates, and other diplomatic facilities abroad)

At the end of subtitle A of title IV, add the following:

**SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.**

(a) **ADDITIONAL PERSONNEL.**—

(1) **IN GENERAL.**—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) **PURPOSE.**—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.

(b) **CONSULTATION.**—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) **FUNDING.**—

(1) **BUDGET REQUESTS.**—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:

(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel under the Marine Corps Security Guard Program as result of the plan required by subsection (a).

(2) **PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.**—In determining the amounts to be requested for a fiscal year for the Marine Corps Security Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) **REPORTS.**—

(1) **REPORTS ON PROGRAM.**—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—

(i) any increased internal security provided at United States embassies and consulates throughout the world;

(ii) any increased support for emergency action planning, training, and advising of host nation security forces; and

(iii) any expansion of intelligence collection activities.

(B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

(2) **REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.**—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security

Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

Mr. MCCAIN. This amendment is to authorize additional Marine Corps personnel for the performance of security functions for the U.S. Embassies, consulates, and other diplomatic facilities abroad.

The tragic events in Benghazi on September 11 and the ongoing tumult throughout the Middle East and north Africa should serve as a stark reminder that the security environment confronting American personnel serving in U.S. Embassies and consulates abroad is as dangerous as any time I can remember.

Despite claims by some, al-Qaida and its affiliates remain dangerous and determined to kill Americans. This reality must force us to reassess the threat to U.S. Embassies and consulates around the world and provide additional resources and military end strength; that is, U.S. marines, to increase protection of diplomatic personnel from those threats. This amendment will do that. It will provide the necessary end strength and resources to support an increase in Marine Corps security at U.S. Embassies and consulates throughout the world—up to 1,000 additional personnel—in particular at locations identified by the Secretary of State as in need of increased security in light of known and emerging threats to U.S. personnel and property by terrorists.

Most Americans believe that U.S. marines are stationed to protect our Embassy personnel abroad, but I think they would be surprised to learn that marines are assigned in only slightly more than half of our diplomatic missions worldwide—182 missions in 137 countries. Moreover, their numbers are small. A typical detachment consists of only six military Marine personnel. Today there are 126 U.S. diplomatic missions outside the United States without Marine Corps security protection, including parts of Asia and Africa where we suspect al-Qaida is expanding its presence.

As the nature of threats to American diplomatic personnel is changing, the Marine Corps security guard mission has not. The current mission of this program dates back to the post-war era of 1948, principally for the protection of classified information and equipment in diplomatic facilities.

The Marine Security Guard Program is also the only Marine Corps program that is under the operational command of the Department of State. For this



reason, this amendment would also require the President to present discrete budget requests for Marine Corps security personnel overseas in support of diplomatic personnel and Marine Corps end strength and resources required to maintain readiness to protect our national security. These are distinct missions, and increasing one—as is necessary in light of the attack in Benghazi—cannot come at the expense of another.

Americans may believe our marines are the first line of defense in attacks on diplomatic compounds overseas. The truth is that they are not. They are not mandated to engage with attackers and in some cases may not be permitted to engage. For this reason, this amendment calls on the Department of Defense to reassess this mission and rules of engagement as we increase our capability to protect embassies and consulates throughout the world.

As the world now knows, there were no marine guards at the consulate at Benghazi at the time of the September 11 attack despite the rapidly deteriorating security situation. Would their presence have made a difference and saved the lives of our heroic Ambassador and his security personnel? I think I know the answer to that question, and so do the American people.

So I think it is time for the administration to rapidly complete a reassessment of the risk to U.S. personnel conducting diplomacy abroad posed by terrorists and others wishing to do us harm and ensure that personnel at all 285 missions, not just 182, have adequate protection, including by U.S. marines. I am not saying this amendment requires that marine presence at every one of these missions. What we are saying is that as a result of the risk assessments, we have sufficient authorization and appropriation for adequate protection, part of which—and a major part—is the presence of the U.S. Marine Corps.

I call on my colleagues to fulfill the mission of the Marine Security Guard Program to ensure that U.S. personnel are protected and authorize the necessary end strength and resources for the Marine Corps to achieve this necessary goal.

Mr. President, at this time I yield to Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2985

Mrs. MURRAY. Mr. President, I thank the Senator from Arizona for allowing me to speak about an amendment we are going to be voting on at 2 o'clock. I wish to express my concerns with provisions in the Defense authorization bill that we are currently considering that would limit the Department of Defense in investing in alternative fuels.

This underlying bill is a very important piece of legislation. I have always

supported it to make sure our military has the equipment and resources and effective policies it needs to perform its mission. But I can't support the inclusion of provisions that would severely limit the Department's ability to use alternative fuels. I strongly believe those limitations will cause lasting harm to our national security and our military readiness and our efforts to decrease American dependence on foreign oil. That is why we are considering an amendment that I cosponsored that will strike one of those troubling provisions in section 313 of the committee-passed bill.

As many of our colleagues are aware, DOD is the single largest consumer of oil in the world, using over 355,000 barrels of oil per day in fiscal year 2011. Even though we have increased the domestic supply of traditional fossil fuels here in the United States, the price of oil is still set on the global market. That means that DOD's fuel bill was significantly more than it had budgeted for, mostly, of course, due to the price of fuel being higher than expected. In fact, in fiscal year 2012, the Navy alone was \$500 million over its budget for fuel, and that is just one of our services. So what does that mean? It means our military leaders have had to pull billions of dollars from operational accounts in recent years, which has led to decreased unit readiness, deferred maintenance on some of their critical equipment, and less training for our troops preparing for deployment into harm's way. Conveniently, critics of biofuels leave out these very real threats when they insist on the kinds of harmful policies the amendment we are offering addresses.

It is true that alternative fuels will not replace fossil fuels in the immediate future, but it is also true that replacing even a fraction of the oil consumed by the Department of Defense with domestic alternative fuels will advance our national security and our military readiness, it will save many millions of dollars, and it will protect the Department from the price volatility of the global oil market and spur a domestic industry that will decrease our dependence on foreign oil.

Some of our colleagues have said this is all about the cost of alternative fuel, and they will likely use some misleading figures attributed to a training exercise that actually, by the way, ended up proving these types of fuels work seamlessly. But the truth is that the cost of biofuels has decreased by over 50 percent in the last 2 years alone. The truth is that the test fuel purchase they like to mention was only 0.3 percent of the Navy's annual fuel bill. And the truth is that those concerns over costs don't take into account the very real and very high price of inaction and continued dependence on oil.

I mentioned earlier that the Department uses 355,000 barrels of oil every

day. The Department estimates that for every 25-cent increase in the price per gallon of oil, it will spend over \$1 billion in additional fuel costs. Given the high price of oil and gas, that is not a bet I want to make long term.

We are facing difficult fiscal times, as everyone here knows, and the Department of Defense, like the rest of the Federal Government, has to make sure it is responsibly spending taxpayer dollars—today and tomorrow. The Department's efforts to develop alternative fuels is in keeping with the best traditions of military technology development programs.

In the past, programs have brought us products that have benefited both DOD and the civilian users, such as GPS or jet engines, microwave ovens, and cell phones. Our Navy pioneered the transition from sails to coal, from coal to oil, and from oil to nuclear power. I know we can make the next leap to alternative fuels—and we need to.

Our Nation's reliance on foreign oil is a significant and well-recognized military vulnerability. Our military leaders are telling us the ability to use fuels other than petroleum is critical to our national energy security. The Department is strongly opposed to the language limiting its flexibility in the committee-passed bill, and DOD supports our amendment.

I urge our colleagues to join us and support the amendment we will be voting on shortly and strike this troubling provision.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 3051

Mr. McCAIN. I ask unanimous consent the following Senators be added as cosponsors to my amendment No. 3051: Senators INHOFE, AYOTTE, BROWN of Massachusetts, and WEBB.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent Senator BOXER also be allocated 5 minutes to speak on the pending amendment.

The PRESIDING OFFICER. Is there objection? The Senator from Arizona.

Mr. McCAIN. Mr. President, are we going to voice-vote the amendment at this time?

Mr. LEVIN. Can I ask the Senator from Montana if he wishes to speak on the Udall amendment?

Mr. BAUCUS. Correct.

Mr. LEVIN. Mr. President, I know of no further debate on Senator McCAIN's amendment No. 3051. We are not quite ready.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2985

Mr. BAUCUS. Mr. President, I thank my good friends from Michigan and Arizona for their gracious willingness to

find an opportunity for me to make a brief statement.

I rise today in strong support of the amendment to protect the military's ability to purchase American-made fuels.

Powering our military with American-made energy makes our country safer and our economy stronger. Tying our hands and forcing the American military to depend on foreign oil is short-sighted and dangerous. Instead, we need to give our commanders the flexibility to power our military with homegrown energy, like Montana camelina that supports jobs right here in America.

The Department of Defense is the largest single user of oil in the world—consuming more than 355,000 barrels of oil per day last year. Despite increased domestic production of fossil fuels, rising global prices and market volatility caused DOD's fuel bill to rise by more than \$19 billion in 2011. The trend is expected to continue.

This is why I strongly support the efforts of our military leaders—that is what they want—to develop and employ alternative fuels. Our military leaders recognize the problem of rising fuel costs and dependence on foreign oil. The Pentagon's largest energy user, the Air Force, has established a goal of purchasing half of its domestically consumed aviation fuel from alternative sources by the end of 2016. The Navy has also invested in the F-18 Green Hornet program—a fighter jet powered by a biofuel blend.

The DOD relies on a sustainable biofuel market to meet its goal of lessening the nation's dependence on foreign oil. It is very important to the Pentagon. Regrettably, a provision in the underlying bill will limit our military's ability to develop alternative fuels.

Members on both sides of the aisle are concerned that this section of the Committee-passed bill would cause harm to our national security and military readiness. That is why I am fighting to allow the Pentagon to enter into long-term deals to buy biofuels as long as they are made right here in the USA.

Montana is in the perfect position to provide the homegrown fuels our Nation needs to move toward energy security.

There is clearly a demand from both the military and the private sector to use American-made biofuels.

In 2011, the Navy, the Department of Energy and the Department of Agriculture aimed to assist the development and support of a sustainable commercial biofuels industry. They investigated the development biofuels as alternatives to diesel and jet fuels.

The agreement included Montana farmers and corporations. Limitations placed on our military's procurement of alternative fuel would be detri-

mental to Montana's alternative fuel industry.

As a result of investing in biofuels, renewable Montana-grown crops like camelina have been used by our military as the predominate feedstock for biofuel blends. I call these freedom fuels. Why? Because they help get us off of foreign oil and help bring good paying jobs to Montana.

Researchers at Montana State University Northern in Havre, MT showed early that camelina to be a promising dryland crop for use in biodiesel and other bioproducts. Camelina, also known as "Gold of Pleasure," is an oilseed crop that includes canola, mustard and broccoli. The small-seeded, cool-climate crop has been grown in Europe and the Northern plains of the United States.

Since its initial production, the cost per gallon of camelina-based fuel in Montana has dropped annually by half.

That is another reason why I think it makes sense to ramp up our domestic energy production, whether it is biofuels wind, coal, oil, natural gas, or hydropower. We need an energy policy that puts America back in control. We must reduce our dependence on foreign oil and work to develop all of our domestic resources—just like we have in my State of Montana.

Alternative fuels will not replace fossil fuels all-together—no way. However, replacing even a small fraction of fuel consumed by our military with alternative fuels made here in the United States can improve strategic flexibility, insulate the defense budget from spikes in the cost fossil fuels, create good-paying jobs for Americans, and make the United States a more secure nation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that Senator BOXER be allocated 5 minutes of debate time on the Udall amendment.

The PRESIDING OFFICER. Is there objection?

AMENDMENT NO. 3051

Mr. LEVIN. We are waiting for just one further word on the McCain amendment. We hope to be able to voice-vote that in the next few minutes.

The PRESIDING OFFICER. On the matter of Senator BOXER, without objection, it is so ordered.

Mr. LEVIN. Mr. President, I support the McCain amendment.

Mr. MCCAIN. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3051) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, was Senator BOXER's 5 minutes agreed to?

The PRESIDING OFFICER. Yes.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that there be a period of debate only on S. 3254, the Defense authorization bill, until 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FISCAL CLIFF

Mr. NELSON of Florida. Mr. President, while we are waiting for further debate on the Defense authorization bill and any possible amendments, I wanted to offer a couple of comments regarding all of the concern in the Nation about the fiscal cliff as we approach that fateful day of December 31 and the need to get something done.

In the opinion of this Senator, sequestration, which is this additional cut of \$1 trillion in a most unorthodox way, is like a meat cleaver coming down and cutting off—I am rounding here—\$½ trillion off defense and \$½ trillion off nondefense discretionary. Sequestration, let us remember, in the historical context was never supposed to happen. Sequestration was a mechanism that was set up in the Budget Control Act in August 2011, almost a year and a half ago. The act called for \$1 trillion to be cut off of the top to begin with, and it set up a process by which additional deficit reduction over a 10-year period would occur. That process was—after the \$1 trillion was whacked off, which it already has been—a supercommittee of six from the House and six from the Senate would deliberate and a majority vote of that committee of 12 could determine additional deficit reduction that would apply over the next 10 years.

To give a little incentive for that supercommittee not to deadlock, the process of sequestration was set up which, in effect, was this meat cleaver that in a nondiscriminate way was going to drop a meat ax approach of

another \$½ trillion out of defense and \$½ trillion out of nondefense discretionary, which nobody wanted. It was never contemplated sequestration was going to go into effect because the effects were going to be so onerous that surely people of goodwill could come together on a 12-member committee and not deadlock. But, instead, at least one would provide the majority, even if it were only 7 to 5 out of the 12, because the alternative was so unpalatable.

Of course, we know what happened. People of goodwill, in this highly charged atmosphere of the coming Presidential election—this is almost a year and a half ago—could not agree. The ugly head of excessive partisanship raised itself, and the ugly head of excessive ideological rigidity raised itself, and the supercommittee deadlocked 6 to 6 which, under the law, left the meat cleaver to drop, the budget meat ax to drop. That is what we are facing today. We are facing something that nobody ever intended to go into effect.

So how do we get out of this? We have people of goodwill that have to be reasonable and utilize a little common sense, lessen their partisanship, lessen their ideological rigidity. That is the atmosphere under which we can come together.

I wish to tell a story and then I am going to sit down. I wish to tell the story about one of the brightest shining moments in government which occurred back in 1983 when this Senator was a young Congressman. We were within 6 months of Social Security running out of money. Two old Irishmen, one who was President, and his name was Reagan, and the other one who was Speaker, and his name was O'Neill, decided they were going to do something about this. They were reasonable people who could operate in a bipartisan way and in a nonideological way.

They said: What we are going to do is take this subject that is so thorny—namely, Social Security—so thorny at the time of elections, and we are going to take it off the table at the next election so as not to use it as a hammer to beat your opponent over the head, and we are going to do it in the mechanism of a blue ribbon panel that is going to make recommendations on the solvency of Social Security.

That committee met. They reported to the Congress in a bipartisan way, and the Congress passed that recommendation overwhelmingly. The President signed it into law, and that made Social Security solvent for the next 50-plus years from 1983. I think the most current estimates are that it is now something like 2034.

So we see what was done so effectively. But we have to have people of good will who will come together and will do so with some common sense,

which is what this place has not been operating on in a long while.

I wanted to share that memory of one of the great moments of government working as our government is intended to work.

With that, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. GILLIBRAND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. GILLIBRAND. Mr. President, I rise to speak on behalf of the approximately 20,000 military families with loved ones on the autism spectrum. Sadly, thousands of these Americans suffering from autism are not receiving the treatments that are the best practices that have been determined they need. These military families are receiving fewer services than their civilian government counterparts across the country, many of whom have been rightly aided by laws passed in over 60 percent of our States representing over 75 percent of the country's population.

Autism places tremendous strains on our Nation's military families and non-military families—including tremendous health, financial, and emotional tolls. I wish to share briefly just a couple stories from our brave military families.

One veteran was severely wounded in Iraq while heroically serving our country. His injuries forced him to medically retire. Because he is retired, his autistic son Shane was no longer eligible to receive the ABA services he had previously received. The wait list for Medicaid waiver services is over 9 years. Shane's family had to sell their home to pay the roughly \$5,000 per month of out-of-pocket expenses that the ABA treatments require that he so desperately needs. The money is running out for their family, and their family's effort is only to do what is best for their son. Without any relief, we risk allowing brave military families just like this one to fall through the cracks.

Another Active-Duty marine, who has served in Iraq and Afghanistan three times, has maxed out his ABA care for therapy treatments to treat his 11-year-old autistic son Joshua. Joshua is nonverbal and his safety is a key concern, so Joshua is prescribed 35 hours of these ABA therapy treatments each week. Due to the severity of Joshua's symptoms, the family is faced with the nearly impossible decision of forgoing the recommended care for their son or paying the bills out of pocket as long as they are able to.

In my opinion—and it is shared by many families—this should never happen to any child, but it should also par-

ticularly not happen to the child of someone from our military service. That is why I am submitting an amendment requiring TRICARE to cover medically recommended autism treatments, including ABA therapy, in a manner that is consistent with best practices so our military families, our heroes, get the care they need for their children, children such as Shane and Joshua.

Every parent who has a child with autism faces challenges in ensuring that their child has access to the treatments they desperately need. For military families, these challenges are often compounded by frequent deployments overseas, frequent movements to different bases across State lines, and sometimes gaps in coverage.

Today, TRICARE coverage of ABA is severely limited. It is capped at \$36,000 per year for an Active-Duty servicemember. This falls far below what is medically recommended. This care is limited to Active-Duty servicemembers only. Guard and Reserve families receive intermittent care, and children of retirees cannot get any coverage at all.

As a consequence, military servicemembers must often turn to State-run Medicaid programs to help their children, but these programs are often unavailable to a mobile military family because of the extensive wait lists. In Maryland, for example, the wait is 17 years long, essentially eliminating ABA coverage during the early development years when a child needs it most. The wait list in Virginia, for example, is over 10 years long.

Even more remarkable than TRICARE not covering these treatments is that the Office of Personnel Management has already determined that such treatments may be covered as medical therapies for Federal civilian employees. A recent court decision, which DOD is still reviewing and may appeal, determined that TRICARE must cover these treatments, but this decision is being applied under the most narrow definition in the interim, limiting the potential pool of providers. This amendment basically requires TRICARE to provide coverage and deliver services in a manner that is consistent with best practices. This would, thereby, improve access to care for our military families, and it would finally align TRICARE with the other types of coverage that is available in civilian sectors.

We have a duty to stand by our military families and to address this very difficult health issue that affects their children. When we ask our men and women to serve, we promise we will support them and their families. This amendment simply fulfills that promise.

I also rise to speak about another issue concerning the armed services authorization bill, and this is equally as serious and troublesome; that is, the issue of sexual violence.

While the vast majority of our servicemembers serve our country honorably and bravely and are simply the best our country has to offer, sexual violence in the military continues to occur at an alarming rate by a minority of servicemembers who should not be serving.

Despite Secretary Panetta's efforts to create a zero-tolerance policy in 2011, still more than 3,000 military sexual assaults were reported. But the DOD's estimates themselves indicate that number is much closer to 19,000 cases.

In the words of DOD:

[Sexual violence in the military] is an affront to the basic American values we defend, and may degrade military readiness, subvert strategic goodwill, and forever change the lives of victims and their families.

All our service branches have in place some version of a policy that sends convicted sex offenders to an administrative separation process for discharge. However, the most recent Annual Report on Sexual Assault in the Military shows that in fiscal year 2011, 36 percent of convicted sex offenders remained in the Armed Services, despite these policies.

If one-third of convicted sex offenders within the military are being retained, then clearly we must do better. Creating a uniform standard to correct deficiencies in the respective branch policies would be a good step forward.

Experts reviewing current policies have found that the Navy has established a mandatory policy that calls for administrative discharge of any personnel who are convicted of a sex offense.

My amendment would require the Department to oversee that each service branch establish policies that would mandate servicemembers convicted of a sex offense be processed for administrative separation. This means each such perpetrator would get due process but that the process would be required.

This amendment is common sense, and it is one that would strengthen the policies the services have actually already put in place and reinforce DOD's zero-tolerance policy.

I am very pleased Senators COLLINS and SNOWE have joined me as cosponsors of this amendment, and I wish to thank them for their leadership.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. CARDIN are printed in today's RECORD under "Morning Business.")

Mr. CARDIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2985

Mr. WEBB. Mr. President, I would like to speak on the Udall amendment. I have great admiration and respect for the Senator from Colorado as well as his cousin who now presides. I have concerns about this amendment that were raised during the committee markup. I think they have become even more of a concern since that time period.

Let me begin by saying as someone who spent 5 years in the Pentagon, one as a marine and four as a defense executive, I would hope that the top order of business for our President as he begins his next term would be to call for a reexamination, a rigorous reexamination of all of the programs in the Department of Defense.

In other words, not quite to zero-based but to examine the justifications for all of the programs that are in place with an eye toward the realities of the future, I think we could benefit as a country. People who care about national security, but also care about the tax bills they are getting, would benefit as well from something of a triage of the programs in the Department of Defense.

We should ask the Secretary of Defense and his people who work—or her—with these programs to examine which programs in DOD are the must-haves, which are absolutely vital to our national security, and which programs are the need-to-haves, the programs that might place our national security at some level of risk if they were to be altered or modified. Then we also need to have some painful examination of programs that might be called the nice-to-haves, those that are essentially ancillary to the harder definitions of national security, even though they have been supported.

I would say these, the costly biofuels programs, in the sense that we are proposing to fund them in the operational environment at this time, would have to qualify as nice-to-haves. That does not mean we should eliminate the biofuels programs. There is money in R&D to continue to examine them.

But I will tell you, Mr. President, what a must-have is. A must-have is our shipbuilding program. When I was commissioned in the U.S. Marine Corps in 1968, we had 930 combatant ships in the U.S. Navy. By the time we went

into the post-Vietnam drawdowns, we had 479 combatants.

When I was Secretary of the Navy in 1987–1988, we were able to rebuild the Navy up to 568 combatants. Since that time, national strategy has changed. Our commitments have changed, but the size of the Navy has been dramatically reduced down to the point where today it is about 285 operational combatant vessels.

We have been trying, since I came to the Senate, to rebuild the Navy up to a minimum of 313 combatants. It is very difficult to do this when we have other programs in place that are not directly contributing to our national security but are competing for programs.

I understand the concerns about energy independence. I also would like to remind my colleagues of the advances we have made in this country in that area just over the past few years in a way that many of us could not even have imagined 6 years ago when I came to the Senate. The International Energy Agency just made a report called "The World Energy Outlook," and in this report as summarized by Reuters the United States, according to their estimates, will overtake Saudi Arabia and Russia as the world's top oil producer by 2017.

IAEA Chief Economist Faith Birol told a news conference in London that he believed the United States would overtake Russia as the biggest gas producer by a significant margin by 2015, and by 2017 it would become the world's largest oil producer.

Will this prediction hold out? I don't know, but are we on our way toward significant gains in terms of our energy independence? Yes, we are. The language in section 313, which this amendment proposes to strike—I want to be very clear about this—does not affect programs that have been discussed here in such areas as hydrogen fuel as a fuel of choice for engine design or doing away with R&D dollars. It is just not true.

It states, in part, that this restriction goes to the cost of producing or purchasing alternative fuels if they exceed the cost of producing traditional fossil fuel that would be used for the same purpose—very narrowly defined.

There is a second paragraph in section 313 that goes to an exception to this program, which only applies to 50–50 blends of fuels. I personally believe that section should be modified and actually could be modified in conference. I think it is too narrow. But in general this is not a paragraph that totally does away with the biofuels program in the Department of Defense.

We have to make decisions. We have to get competitive programs into the

Department of Defense. We must increase the readiness. We are not proposing to decrease the research and development programs. For those reasons, I will be opposing this amendment with the hope that we can continue the R&D programs for biofuels.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I am going to be very proud to support amendment No. 2985. I think it has to do with our military readiness; I think it has to do with our national security; and I think that the fact that we have this opportunity is commendable. I thank Senator UDALL for it.

Striking section 313 is important because that section harms DOD's ability to diversify its fuel supplies by developing and using effective alternative fuels.

Now, lots of colleagues can come down here and proclaim this isn't important or it is important. You know what. I want to listen to the DOD themselves and what they say. There was an Armed Forces press service news report in July 2012, and this is what they said:

Smart investing and less reliance on petroleum-based fuels will help ensure an agile, lethal, and adaptable combat force, and, ultimately, national security.

So, Mr. President, I was distraught when I heard that the Armed Services Committee, by one vote, put in the section that would stop the ability of the DOD to invest in these very important fuels so they can have an "agile, lethal, and adaptable combat force and, ultimately, national security."

Now this is coming from the DOD. Why on Earth would anyone support something that the DOD tried to take away, the ability of the DOD to have an agile force?

I don't understand it. I can't understand it. The report also quotes Assistant Secretary of Defense Sharon Burke who said:

The department is going to have ships, planes and vehicles that were designed to use petroleum fuels for a very long time to come. . . . [Alternative fuels] investment ensures our equipment can operate on a wide range of fuels, and that's important for our readiness over the long term.

How many wars do we have to have over oil?

How many wars do we have over oil? I can tell you a story from a colleague of mine who said he went up to the White House when George W. Bush was President before the Iraq war, and George W. Bush had pictures of all the oil wells in Iraq.

If anyone says there was no connection to oil and that war, I would say they are wrong. I have met with many veterans who say the same thing. They don't want to go and fight and die for oil.

So this is of critical importance, this vote. There is no more important mis-

sion for the Department of Defense than to fight and win battles needed to defend our Nation and return our troops home safely to their families.

Section 313 could undercut the ability of the Department of Defense to achieve these goals.

In a letter to Senator UDALL, Vice Admiral Cullom said:

Section 313—

That's the section we are trying to strike—

Section 313 is overly broad and has the potential to restrict investments that would address tactical and operational needs for our Navy. . . . As fuel technologies advance, the Navy may wish to test and satisfy multiple types of alternative fuel, including some that might be 100 percent alternative fuel, not a blend.

Why would anyone in this Senate want to stop us from developing alternative fuels? I don't get it. We are trying so hard to become energy independent. We have made great success under President Obama with fuel economy in place and investment in alternative energy.

The military says it is important for them to "ensure an agile, lethal and adaptable combat force, and ultimately, national security." Their words. In addition to everything else, this is a need that the military has definitely outlined for us.

A Statement of Administration Policy on the House Defense authorization bill, which contains a nearly identical provision, says that affecting DOD's ability to procure alternative fuels in this way would "further increase America's reliance on fossil fuels, thereby contributing to geopolitical instability and endangering our interests abroad."

Some of the same people who called for boycotts on Iran, which I support, somehow believe it is not important for us to be free from reliance on those kinds of countries for our oil. It makes no sense. We can't make these compartments. We are going after countries that have oil, and we are right to do it because they are dangerous, many of them. We are embargoing. We have embargoes on many of them. We have sanctions on many of them. At the same time, with the other hand we are saying to the DOD: Forget about alternative fuels. It makes no sense from a national security perspective.

In addition to harming the military's ability to achieve its goals that I have outlined here, that were written very clearly by the Defense Department itself, section 313 precludes research into fuels such as hydrogen, which has the potential to power some military vehicles over much longer missions.

I have been around a while. Something tells me Big Oil is calling the shots. I would hope not, but I don't understand why this section, which Senator UDALL is trying to strike, is in this bill when the military says it is

critical for them to continue this program.

The section could also prevent DOD from purchasing fuels that are sold today in the United States, such as E-85, which is 85 percent ethanol. The Department of Defense has flex-fuel vehicles in its suite that can run on E-85.

Can you imagine going after that as well? It would restrict DOD's efforts to develop technologies to generate fuel at tactical locations, including waste to energy. These are precisely the types of technologies in which the Nation should be investing.

I thank Senator UDALL for bringing this to our attention. This is a very important amendment, perhaps one of the most important I have voted on in a long time.

I will close by saying this: If you believe this country should be energy independent, then vote with Senator UDALL. If you believe it is dangerous for us to rely on oil from countries who want to cause us harm, then you should support the Udall amendment. If you believe it is good for our health, our environment, to invest in alternative energy, then vote for the Udall amendment. It is a win-win-win and, most of all, the military tells us we should continue this program. It is important so that we have an agile, adaptable force, and it is important for our national security.

I will be proud to vote for this amendment.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARDIN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the Senator from Colorado is recognized.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be lifted.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that Senators BAUCUS, COONS, Mr. BROWN of Ohio, LIEBERMAN, STABENOW, CANTWELL, SCHUMER, DURBIN, Mr. JOHNSON of South Dakota, BENNET, BLUMENTHAL, WHITEHOUSE, and COLLINS be added as cosponsors to my amendment No. 2985.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of Colorado. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 2985.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senator is necessarily absent: the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 37, as follows:

[Rollcall Vote No. 206 Leg.]

#### YEAS—62

Akaka	Grassley	Murkowski
Baucus	Hagan	Murray
Begich	Harkin	Nelson (NE)
Bennet	Hoeven	Nelson (FL)
Bingaman	Inouye	Pryor
Blumenthal	Johanns	Reed
Blunt	Johnson (SD)	Reid
Boxer	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Snowe
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Thune
Conrad	Lugar	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	Menendez	Warner
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Moran	

#### NAYS—37

Alexander	Enzi	Paul
Ayotte	Graham	Portman
Barrasso	Hatch	Risch
Boozman	Heller	Roberts
Brown (MA)	Hutchison	Rubio
Burr	Inhofe	Sessions
Chambliss	Isakson	Shelby
Coats	Johnson (WI)	Toomey
Coburn	Kyl	Vitter
Corker	Lee	Webb
Cornyn	Manchin	Wicker
Crapo	McCain	
DeMint	McConnell	

#### NOT VOTING—1

Kirk

The amendment (No. 2985) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MANCHIN. I move to lay that motion on the table.

The motion to lay upon the table was agreed to.

#### AMENDMENT NO. 3016

Mr. LEVIN. Mr. President, I now ask unanimous consent that we proceed to the consideration of amendment No. 3016 of Senator GILLIBRAND.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the amendment.

Mr. LEVIN. I was going to add something further to the request, and that is that there be 5 minutes of debate on the Gillibrand amendment and then Senator MIKULSKI be recognized to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator will suspend for a moment.

Mrs. GILLIBRAND. Mr. President, I request my amendment be called up.

The PRESIDING OFFICER. The clerk will report.

The assistant bill clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND], for herself, Ms. COLLINS, and Ms. SNOWE, proposes an amendment numbered 3016.

Mrs. GILLIBRAND. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for the processing for administrative separation from the Armed Forces of members who are convicted of certain sexual offenses under the Uniform Code of Military Justice and not punitively discharged in connection with such convictions.)

On page 138, strike lines 14 through 20 and insert the following:

(8) A requirement that each Secretary of a military department establish policies that require that each member of the Armed Forces under the jurisdiction of such Secretary whose conviction for a covered offense is final and who is not punitively discharged from the Armed Forces in connection with such conviction be processed for administrative separation from the Armed Forces, which requirement shall not be interpreted to limit or alter the authority of such Secretary to process members of the Armed Forces for administrative separation for other offenses or under other provisions of law.

(b) DEFINITIONS.—In this section:

(1) The term “covered offense” means the following:

(A) Rape or sexual assault under subsection (a) or (b) of section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice).

(B) Forcible sodomy under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice).

(C) An attempt to commit an offense specified in subparagraph (A) or (B) under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(2) The term “special victim offenses” means offenses involving allegations of any of the following:

(A) Child abuse.

(B) Rape, sexual assault, or forcible sodomy.

(C) Domestic violence involving aggravated assault.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mrs. GILLIBRAND. Mr. President, I rise to talk about an amendment that I believe is on an incredibly urgent matter.

Today the vast majority, almost all of our servicemembers, serve this country so honorably, so bravely. But there is a very small number who do not, who are engaging in sexual assault in the military. Despite Secretary Panetta's efforts to have a zero tolerance policy in this country, in 2011 alone

there were 3,000 military assaults reported, and the Secretary of Defense reports the real number is much closer to 19,000 assaults. In the words of the DOD, sexual violence in the military “is an affront to the basic American values we defend, and may degrade military readiness, subverts our strategic goodwill, and forever changes the lives of victims and their families.”

My amendment is very simple. Today each of the services have policies that address this issue, but the one that the Navy has is the best. My amendment requires the Department to oversee that each of the service branches has established a policy that would mandate that servicemembers convicted of sexual offenses will be processed for administrative separation.

The reason this is so important is because one-third of convicted sexual offenders in the military are still retained. They are still serving. So, obviously, we must do better. We need a uniform standard to correct these deficiencies in the respective branch policies to be able to serve our military families and our military members as we should.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I know of no further debate on the Gillibrand amendment.

Mrs. GILLIBRAND. Mr. President, I would like to say Senator COLLINS and Senator SNOWE are cosponsors of this amendment.

Ms. SNOWE. Mr. President, I am pleased to rise in support of this amendment, which will require that every military service must establish a crystal-clear, zero-tolerance policy that military personnel who are convicted of a sexual offense will not be permitted to continue to serve our Nation in uniform.

According to the Department of Defense, approximately 3,000 sexual assaults were reported in the military in 2011. Yet some estimate that the actual number of sexual assaults in our military in 2011 is closer to 19,000, accounting for the terrible reality that many attacks are never reported. Without question, this is an entirely unacceptable situation, and is another compelling reason that the Department of Defense, as well as Congress, must continue to do what is necessary to eliminate, once and for all, sexual assaults from occurring within our military ranks.

Unfortunately, as my colleague Senator GILLIBRAND has noted, each of the services have different policies for dealing with military personnel who are convicted of a sexual offense. As a result, according to the Department of Defense's April 2012 Sexual Assault Prevention and Response report, approximately 40 percent of servicemembers who have been convicted of a sexual offense in a courts-martial are not

discharged or dismissed as part of that judgment.

Our honorable and law-abiding military personnel deserve far better. And that is why our amendment is so important. By requiring all military services to establish a policy that all who are convicted of sexual assaults must be processed for administrative separation from the military, we will remove from our military ranks sexual assault offenders who threaten the welfare of the men and women of our armed services, as well as their families.

I was very pleased to join with Senator GILLIBRAND in crafting this amendment, and urge my colleagues to join me in supporting its passage today. Unfortunately, our work is not yet done, which is why I have also joined with Senator KLOBUCHAR to develop several additional amendments to this bill in furtherance of the effort to eradicate sexual assault in the military. I urge my colleagues to join us in supporting each of these amendments as well. We owe it to our military personnel to do everything possible to stop sexual assaults from occurring within our armed services.

Mr. LEVIN. I know of no further debate on the Gillibrand amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on the adoption of the amendment, No. 3016.

The amendment was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I understand under the unanimous consent agreement the Senator from Maryland is to be recognized for 5 minutes as in morning business.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

#### THE FISCAL CLIFF

Ms. MIKULSKI. Mr. President, I am not going to linger because there is much to be discussed on the Defense authorization. What I wish to talk about for a few minutes is about the safety and security of the United States of America, meaning our solvency and the demonstration of our ability to govern.

We need a sense of urgency about solving the fiscal cliff problem. We need to end the culture of delay in this institution. I am very concerned that as we talk about solving the problems of the fiscal cliff, there is this whole dynamic going on. There is this whole patter going on, from staff level to Senators. It is, oh, we are going to be here until Christmas Eve.

I think that is a disaster. I think it is a disaster for our economy, I think it is a disaster for the demonstration of our ability to govern, and I think it is a

disaster for our standing in the world. We need to show we can govern ourselves, and we can put ourselves on a sound fiscal path with the right combination of growth, frugality, and ensuring a safety net for the most vulnerable of our citizens. I am here to say to my colleagues on both sides of the aisle, both sides of the dome, and even the White House: Let's get the job done. I propose let's really conscientiously work hard to make sure we have a framework that we could vote on by the weekend of December 15.

Why do I want December 15 as a deadline? It is Saturday. Mr. President, you, yourself, have tweeted about—Oh, let's have Saturday as Small Business Week. We have had cyber Mondays. Let's have a strong economy closing of the week before Christmas.

I can tell you, Mr. President, if we show that we can govern and actually pass a bill by Saturday, December 15, that does exactly what I said. It shows that we have a sense of frugality and are on a path where we are solving our issues around debt, but we also have the elements that promote growth and ensure a safety net for the most vulnerable. We could do three things: We could show that we can govern. That would be very big in the mind of the public, that we could govern ourselves. It would be important to the public, and it would be important to the world, particularly those who lend us money.

It would be an enormous sense of boosting consumer confidence 10 days before Christmas. We would show that we are on the way to solving our problems. For those who benefit from either Federal employment or contracts with the Federal Government, there would be stability in their employment.

I can also say as to the stock market we could have a floor under the stock market, and we might even have a jump in the stock market. Just one-third of Americans believe Congress can be counted on to behave like responsible adults—only one-third. They have seen no compromise or cooperation. They have seen lip service. We don't need to be trading pet rocks over what we need to do, and we should not throw them either. We have to come together, both sides of the aisle, both sides of the dome, with the White House.

We do not lack in ideas. The content for a solution is not new. We have had excellent people working on this. We have seen Simpson-Bowles in a report, Domenici-Rivlin, wise heads giving us good ideas. We have had the supercommittee that fleshed out a lot of these issues and knows where the disagreements are. We have had the Gang of 6, the Gang of 8. Let's get to the Gang of 100 and pass this bill. I would be happy with the Gang of 51.

I want to be sure we know, because we do know, the ideas. We do not lack

in ideas. What we lack is will and momentum to get this job done. My principles are simple and straightforward: No. 1, let's have a sense of urgency. No. 2, make sure when we look at cuts that we count the cuts that we have already done. For example, the \$900 billion we have done in the Budget Control Act because that would also include the \$450 billion that we have done in defense spending—the kinds of issues we have talked about. Let's also count the \$550 billion that we did in reforming Medicare during health care reform.

We have had good words, now we need good deeds and swift action. Just think what it would mean to reach an agreement by December 15. Americans could see that we can work together. Think about the energy this would unlock to avoid a sequester. Think about what a signal this would be to middle-class people on Main Street as well as the people on Wall Street because business would have certainty, we would have consumer confidence, and we could have a new self-confidence about ourselves that we could govern.

The Presiding Officer and I represent a great State. We represent a State that has an innovative economy, from both the Federal Government and its great Federal labs, such as NIH, to its great national security areas, such as the Cyber Command at Fort Meade. Yes, they would be devastated by a sequester. So would our contractors, both defense and civilians. Great iconic institutions such as Hopkins would take a huge hit in not only research and development but in providing care to the needy, care to the desperate who come from all over the country to get help for a sick child or an aging relative or to get eyesight restored at the Wilmer Eye Institute. Sure, I am for jobs in Maryland, but I am here trying to stand for America.

We need to show we can govern, and we cannot wait until December 24, that somehow or another this is going to be Santa Claus, because if we don't act soon, we are going to get rocks in our socks, and I think they would be well deserved.

I yield the floor.

Mr. LEVIN. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. (Mr. MERKLEY). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senator from Illinois be allocated 7 minutes to speak as in morning business.

Mr. MCCAIN. Mr. President, reserving the right to object, I ask that the



Senator modify his request that the Senator be immediately followed by Senator KYL to offer an amendment, with the proviso that it is cleared by the majority.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Illinois.

THE DREAM ACT

Mr. DURBIN. Mr. President, we just concluded a Presidential campaign. Who could have missed it? There were a lot of issues that were discussed, but one of particular interest to me was one that involves a personal effort I have made to pass a piece of legislation known as the DREAM Act. I introduced the DREAM Act 11 years ago. Things move slowly in the Senate, but this has taken way too long.

It has been heartening over the years to watch the support for the DREAM Act grow among the American people. It has also been interesting to me that in the last Presidential campaign one of the issues asked of Governor Romney, as well as President Obama, point-blank, was: Are you for the DREAM Act? I guess that says quite a bit for this piece of legislation and the idea and principle behind it.

When I introduced the DREAM Act 11 years ago, it was because I met a young woman from Chicago, Tereza Lee, who was Korean, who came to this country as a child, was raised in the United States, but her parents never filed the necessary documentation. So Tereza Lee was graduating from high school in Chicago, an accomplished pianist, and she had been accepted at the Manhattan Conservatory of Music in the Juilliard School of Music, but she was undocumented, she was not a citizen, she was not here legally.

So she came to our office and asked what she could do, and we had to advise her mom, under the law, Tereza, having lived in this country for more than 16 years, had to leave and go back to Brazil, where her family had been before they immigrated to the United States, wait 10 years, and then try to come back in. What a waste of talent. So I introduced the DREAM Act to give her and many like her a chance—a chance to be legalized, to become part of America.

Over the years, we have had many votes. I have always had a majority vote on the floor, a bipartisan majority vote, but I have been unable to break the filibuster from the other side of the aisle.

Well, now this issue's time has come because this President issued an executive order earlier this year to allow those who have been here and would qualify for the DREAM Act to stay without deportation if they registered, made it clear that they qualified otherwise for the DREAM Act, had no serious criminal past that would jeopardize anyone in the United States, and go

through the process of review to be fingerprinted, to be basically identified as part of the system.

It was a great leap of faith for these young people, who had been here for so many years hiding, to step up in front of somebody and say: I am going to report myself to the Government of the United States. But they did it. Tens of thousands did it, and they continue to.

This deferred action that is being offered to so many of these young people gives them a chance now to work in the United States, to go to school in the United States, and to be here legally. That is why this issue is so important. But we are far from finished. We have not passed the law. We have an executive order from the President that gives them this chance.

This weekend, in Kansas City, MO, hundreds of DREAMers—that is what we call these young people now—are going to get together. They are part of the largest national organization of DREAMers: United We Dream. They will be planning their next effort—advocating for immigration reform legislation that will bring them and their families out of the shadows once and for all and give them a chance to earn their way to legal status and citizenship in America.

One part of immigration reform—the DREAM Act—is near and dear to me. But I want to see comprehensive immigration reform before it is all over. We know if we pass the DREAM Act, it will help the economy, creating new jobs and economic growth when the talent of these young people, as they come out of high school and college, is brought into our economy.

In my home State of Illinois, by 2030, the DREAM Act would contribute \$14 billion in economic activity and DREAMers would create up to 58,992 new jobs.

I come to the floor of the Senate frequently to tell their stories. They used to hide in the shadows. They did not want to talk about who they were because they were undocumented and afraid of being deported. Many were deported. But I came to the floor to tell the stories of those who had the courage to step up and identify themselves and run that risk, just so people knew who they were.

I will tell a story today about Pierre Beranstain.

Pierre and his sister were brought to the United States by their parents from Peru in 1998, when they were children. Pierre did not speak a word of English when he first arrived in Carrollton, TX, but he worked hard to learn English. He excelled academically and was accepted into the Academy of Biomedical Professions in his high school.

In 2006, Pierre was accepted at Harvard, one of the best universities in our country. He went on to get a bachelor's degree with honors. He is currently

pursuing a master's degree at Harvard Divinity School.

In addition to working on this graduate degree, he is active in his community. Among many other volunteer activities, Pierre works at Renewal House, a domestic violence shelter in Boston.

His volunteer work led Harvard to award Pierre the Thomas E. Upham Scholarship, which is given to an outstanding graduate student committed to public service.

Pierre recently wrote an article about growing up as an undocumented immigrant. This is what he said:

I am not a criminal, a monster, a predator, or someone who sits at home doing nothing substantive or meaningful. I care for this country; I care for its successes as well as its struggles, for its joys as well as its sorrows. I am not asking that our government maintain an open-door policy for immigrants. I am simply asking that it give an opportunity to those of us who have proven ourselves.

Well, Pierre is right. America needs young people just like him, who love their country and are dedicated to caring for our society's most vulnerable.

So what do the American people think about the idea of the DREAM Act? Listen to a recent poll. A Bloomberg poll found that 64 percent of likely voters—almost 2 out of 3, including 66 percent of Independents—support the policy, compared to only 30 percent who oppose it. By a margin of 2 to 1, the American people know this is the right thing to do.

Now we need to pass comprehensive immigration reform. On our side, the negotiating effort will be led by Senator SCHUMER of New York, who chairs the Immigration Subcommittee, and a number of us will join in that effort. We are going to join with those on the other side—Senators JOHN MCCAIN, LINDSEY GRAHAM, MARCO RUBIO, SUSAN COLLINS, RAND PAUL, and Senator-elect JEFF FLAKE—who have expressed an interest in this issue to make sure we move forward in a bipartisan fashion to try to finally find a solution to immigration reform.

Let me close by thanking Senator JON KYL and Senator KAY BAILEY HUTCHISON. Yesterday they introduced the ACHIEVE Act, which has been called the Republican version of the DREAM Act. I have worked with them for a long time. We share many of the same ideas. We have some differences. I have some concerns, but I appreciate that Senator KYL and Senator HUTCHISON have come forward with this proposal.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. Mr. President, I ask unanimous consent for 2 additional minutes, please.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I am sorry I will not have the chance to work with these

two Senators on this measure because they are both retiring. But I hope we can build on what they have offered on their side of the aisle in a bipartisan fashion.

In that spirit, let me point out two major concerns with the ACHIEVE Act. The bill is limited to young people who arrived in the United States since the age of 13 or under. That would have the effect of excluding DREAMers who were brought when they were still children at the age of 14 or 15.

Let me give you two examples of people I know.

This is a picture I have in the Chamber of Tolu Olubunmi. She was brought to America from Nigeria when she was 14 years old. Tolu obtained a bachelor's degree in chemical engineering 10 years ago. She still cannot work as an engineer. We can use her talent.

Let me also show you a picture of Novi Roy. He was brought to America from India when he was 14 years old. Novi graduated from the University of Illinois at Urbana-Champaign with a bachelor's degree in economics and two master's degrees, one in business administration and one in human resources. His dream is to help provide affordable health care to a lot of people who do not have it in America.

Tolu and Novi should be eligible for the DREAM Act. They would not be under the ACHIEVE Act. The other thing is, I want them to have a path to citizenship. At the end of the day, after they have earned their stripes, paid their price, paid the taxes, did everything they were supposed to do, give them a chance—not to go to the front of the line but the back of the line—and give them a chance to be American citizens. It is the right thing to do.

It is time for this to become a truly bipartisan issue. I hope in the next Congress we can truly come together for the sake of these young people, and so many others just like them all across America, to finally let their dream come true.

Mr. President, I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 3123

Mr. KYL. Mr. President, I send an amendment to the desk No. 3123.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms.

COLLINS, and Mr. SESSIONS, proposes an amendment numbered 3123.

Mr. KYL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require regular updates of Congress on the military implications of proposals of the United States and Russia under consideration in negotiations on nuclear arms, missile defense, and long-range conventional strike system matters)

At the end of subtitle F of title X, add the following:

#### **SEC. 1064. BRIEFINGS AND CONSULTATIONS ON THE MILITARY IMPLICATIONS OF PROPOSALS OF THE UNITED STATES AND RUSSIA UNDER CONSIDERATION IN NEGOTIATIONS ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEM MATTERS.**

(a) BRIEFINGS AND CONSULTATIONS.—

(1) BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, provide to the appropriate committees of Congress a briefing on the military and strategic implications of any offer or proposal, by either the Russian Federation or the United States, to limit or control nuclear arms, missile defense systems, or long-range conventional strike systems, including any proposal as part of formal negotiations between the two countries or otherwise exchanged between official entities of the two countries.

(2) BASIS OF QUARTERLY CONSULTATIONS.—The briefings under paragraph (1) shall serve as the basis for quarterly consultations to be provided by the Secretary to the appropriate committees of Congress on any current proposals described in that paragraph.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any agreement of the United States with the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems that would limit, constrain, or reduce the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section, 2, clause 2, of the Constitution of the United States, as consistent with section 303(b) of the Arms Control and Disarmament Act.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

Mr. KYL. Let me begin by saying that I send this amendment to the desk with an understanding of the chairman of the Foreign Relations Committee and of the Armed Services Committee that before I would request a vote on this amendment, we would work out the language, the specific language of this amendment, along with the ranking members, and would not ask for a vote unless that is achieved.

This amendment has been offered not only for myself, but also Senators LIEBERMAN, INHOFE, RISCH, LUGAR, SESSIONS, DEMINT, CORNYN, RUBIO, WICKER, AYOTTE, and COLLINS. Our purpose is to get a greater involvement at an earlier stage of the Senate in discussions between the United States and the Russian Federation regarding nuclear arms, missile defense, and potentially long-range conventional strike systems. These are all three matters that have been the subject of treaties and agreements.

There has been an indication by different people within the administration, indeed even the President, that he may be wanting to talk to the Russian Federation representatives about additional agreements in these areas.

There have been concerns that the Congress is not adequately briefed on those discussions and certainly not at an early enough date. Clearly, if these agreements reach a formal stage, they can require ratification by the Senate. We think it is important that they not be, in effect, negotiated in their entirety before they are known to the Senate and before some input from Members of the Senate can be provided to the administration.

What the amendment as originally introduced therefore would do is to require regular updates of Congress on the military implications of proposals that the United States and Russia have under consideration in their negotiations on nuclear arms, missile defense, or long-range conventional strike systems, and in its current form would require the Secretary of Defense to brief the Foreign Relations, the Armed Services, and the Appropriations Committees.

One of the changes that we might want to make here is that the briefings might include other groups within the Congress as well. These briefings could occur, under this proposal, no later than 30 days after the act goes into force, and would affect the quarterly briefings where the administration would, on a quarterly basis, provide consultation between the Congress and the Secretary of Defense regarding any proposals to limit or reduce nuclear arms, missile defense or, as I said, long-range conventional strike systems.

The amendment also does something else which we may have to modify the language of, but it would express the sense of Congress that any agreement between the United States and Russia that would limit or constrain or reduce our missile defense or our nuclear weapons or long-range conventional strike systems in any militarily significant manner could only be done pursuant to the treaty-making power of the President as set forth in the Constitution. And that, of course, is in order to protect our right to consult,

provide advice and consent to any matters that reach that level of negotiation between the administration and, in this case, the Russian Federation.

We will have more to say about this if we have an opportunity to further debate. As I said, I am happy to sit down with the chairman of the Senate Foreign Relations Committee and the Armed Services Committee to consider any changes they might want to make to this language with the purpose of getting it adopted, rather than just having something to talk about.

This is something we need. Congress needs to be advised. We need to be consulted on matters this important. I do not think the administration would argue with that; it is a matter of coming to an agreement on how we would actually do it.

I appreciate the cooperation of the chairman of the committee and the ranking member.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank my friend from Arizona, Senator KYL, for his willingness to sit down and try to work this out in a way which is satisfactory to him and the Foreign Relations Committee. We very much appreciate that. We know what he is after and we believe there should be consultation. So we are trying to make that happen.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

#### AMENDMENT NO. 3099

(Purpose: To improve mental health care programs and activities for members of the Armed Forces and veterans)

Mrs. MURRAY. Mr. President, I call up amendment No. 3099.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes an amendment numbered 3099.

Mrs. MURRAY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mrs. MURRAY. Mr. President, the amendment that is pending in front of us is to improve the mental health and suicide prevention services. It is language that is derived from our Mental Health ACCESS Act, which was unanimously approved by the Veterans' Affairs Committee.

This amendment is critical legislation that improves how DOD and VA provide mental health care. I think everyone in this body knows about it and is distressed by the alarming rate of

suicide and mental health problems in our military and veterans populations.

We know our servicemembers and veterans have faced unprecedented challenges, multiple deployments, difficulty finding a job here at home, isolation in their communities, and some have faced very tough times reintegrating into family life with loved ones trying to relate but not knowing how. These are the challenges our servicemembers and veterans know all too well. But even today as they turn to us for help, we are losing the battle.

Time and again we have lost servicemembers and veterans to suicide. While the Departments of Defense and Veterans Affairs have taken very important steps toward addressing this crisis, we know more does need to be done. We know any solution depends on reducing wait times and improving access to mental health care. We know they need to have the proper diagnosis, and we know we need to achieve true coordination of care and information between the Departments of Defense and Veterans Affairs.

What this amendment does is require a comprehensive, standardized, suicide prevention program across the Department of Defense. It requires the use of best medical practices in suicide prevention and behavioral health programs to address some serious gaps that exist in the current programs, and this amendment expands eligibility for VA mental health services to family members of our veterans. This amendment would also give servicemembers an opportunity to serve as peer counselors to fellow Iraq and Afghanistan veterans and create a quality assurance program for the historically troubled disability evaluation system.

It would require the VA to offer peer support services at all medical centers and create opportunities to train more veterans to provide these needed peer services. It will require the VA to establish accurate and reliable measures for mental health services.

We must have an effective suicide prevention program in place. It is often only on the brink of crisis that a servicemember or a veteran seeks care. If they are told, sorry, we are too busy to help you, we have lost the opportunity to help them. To me and to all of us here, that is not acceptable.

I wish to thank Senator LEVIN and Senator MCCAIN for their work on this Defense authorization bill and for their help in bringing this amendment to the floor today. I believe there are no objections to this amendment, and I hope we can move it as quickly as possible.

I would ask unanimous consent to add Senator BAUCUS as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I wish to commend and thank Senator MURRAY

for her huge effort in this area. Her efforts on behalf of our veterans and our troops have been instrumental in bringing some of the corrections that are needed to the forefront, and we very much welcome this amendment. It touches issues which are very much on the minds of most Americans; that is, the mental health care we provide for our veterans and for our troops.

I simply not only support this amendment, but I wish to commend Senator MURRAY for her leadership and her initiative and I hope and believe it can be passed on a voice vote.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to amendment No. 3099.

The amendment (No. 3099) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. MURRAY. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LEAHY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. KLOBUCHAR). Without objection, it is so ordered.

Mr. LEAHY. Madam President, I know we have matters under discussion with the distinguished chairman and the distinguished ranking member of the committee. I have discussed with them that I am not bringing up an amendment at this point. But let me talk about an amendment that I will bring up and expect to pass at some point.

The amendment I will call up at some appropriate point is legislation I have been trying to get enacted for more than 3 years called the Dale Long Public Safety Officers' Benefits Improvement Act. This legislation improves the Public Safety Officers' Benefits Act, which is the Federal death and disability program for our Nation's first responders who are killed or disabled in the line of duty.

Just so Senators will know, an earlier version of this legislation was adopted here on the Senate floor by voice vote in December 2011. The Presiding Officer will recall it was almost exactly a year ago when we brought that up. It was adopted as part of the FAA Air Transportation Modernization and Safety Improvement Act. During the course of conference negotiations related to the FAA legislation, the House Judiciary chairman LAMAR SMITH and I negotiated additional measures to be added to the legislation. Our work together produced a package of improvements that contains a modest expansion of benefits for deserving emergency medical responders, and a host of reforms to make the Public Safety Officers' Benefits program stronger, more effective, and more cost efficient.

The legislation has become one of the cornerstones of the partnership we have between the Federal Government and our first responders and will make that partnership even stronger. In fact, the reforms Chairman SMITH and I developed in consultation with the Department of Justice and the first responder community completely offset and eliminate an estimated modest increase in spending.

Unfortunately, at that time, due to an error made by the Congressional Budget Office, the matter was dropped from the FAA conference report. The CBO, to their credit, later corrected their error, and provided an official cost estimate which makes clear this legislation will result in no new Federal spending. I ask unanimous consent to have printed in the RECORD a copy of that letter.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL BUDGET OFFICE COST  
ESTIMATE

June 22, 2012.

H.R. 4018—PUBLIC SAFETY OFFICERS' BENEFITS  
IMPROVEMENTS ACT OF 2012

*As ordered reported by the House Committee on the Judiciary on June 6, 2012*

CBO estimates that implementing H.R. 4018 would have no significant cost to the federal government. Enacting the bill could affect direct spending; therefore, pay-as-you-go procedures apply. However, CBO estimates that any effects would be insignificant for each year. The legislation would not affect revenues.

Under current law, the families of public safety officers who have died as a result of injuries sustained in the line of duty are eligible for a one-time payment of about \$320,000. Public safety officers who have been permanently disabled are eligible for the same payment, but this payment is subject to the availability of appropriated funds.

This legislation would make members of rescue squads or ambulance crews operated by nonprofit entities eligible for benefits paid when public safety officers are permanently disabled or die as a result of injuries sustained in the line of duty. H.R. 4018 also would narrow the eligibility of members of rescue squads or ambulance crews for benefits under the Public Safety Officers' Benefit (PSOB) program; as a result, some individuals would no longer receive benefits that they could receive under current law. The bill would prevent individuals from receiving certain benefits under the program if they receive payments from the September 11th Victim Compensation Fund of 2001. In addition, the proposed legislation would make many technical and administrative changes that aim to expedite the processing of claims for benefits.

Based on the number of fatalities of members of nonprofit rescue squads or ambulance crews in recent years, CBO expects that, on average, a few persons each year would be affected by the proposed legislation and that additional payments from the PSOB program would be made. CBO estimates that those payments would total \$13 million over the 2013-2022 period. However, based on information from the Department of Justice, we expect that those costs would be offset by savings from other provisions of the bill that

would result in fewer persons receiving PSOB payments than will receive them under current law. As a result, CBO estimates that enacting the legislation would have no significant net effect on direct spending or discretionary spending from the PSOB program.

H.R. 4018 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Mark Grabowicz. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Mr. LEAHY. Despite our setback, Chairman SMITH and I were, and have remained, determined to move forward. I know I have his full support for inclusion of this measure in the Defense authorization measure we now consider, and I greatly appreciate the efforts he made in a bipartisan manner to get this done. In fact, the legislation containing this amendment was unanimously passed in the House of Representatives in June of this year by a voice vote.

I know a lot of Senators on both sides of the aisle care about reforming government programs and making the Federal Government work better. This is a bipartisan measure that does that. It will speed up claims processing, it will reduce costs to the Department of Justice, and it will lessen unnecessary paperwork burdens for claimants. It has passed with overwhelming Democratic and Republican support in the House. It had stalled in the past over misguided objections. Some might say this is not the responsibility of Congress. As a constitutional matter, that is simply not true. It is a matter of policy.

Since 1976, Congress has made the judgment that the right thing to do is to take care of surviving spouses and children of police officers, firefighters, and emergency medical responders who are killed in the line of duty. Congress has always provided assistance to these heroes. If there is a Senator who believes this is beyond the responsibility of Congress, then introduce and defend legislation to repeal the policy first enacted in 1976.

Americans take care of each other. We live by the ideal that we take care of our own. Just as the Federal Government is working hard to help those suffering from Hurricane Sandy or as the Federal Government provides critical assistance to people and communities devastated by tornadoes or droughts or wildfires, just as Congress stood by the families of those killed in the attacks of September 11, 2001, we take care of our own. We always will.

As I said, at some appropriate time I will call up the amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Will the Senator from Vermont yield?

Mr. SANDERS. Yes.

Mr. LEVIN. I understand the Senator will take about 10 minutes; is that correct?

Mr. SANDERS. Somewhere in that vicinity.

Mr. LEVIN. And then the Senator will take approximately 10 minutes?

Mr. WHITEHOUSE. I would like to be recognized at the conclusion of the remarks of the Senator from Vermont for about 10 minutes.

Mr. LEVIN. I ask that the two Senators be recognized for 10 minutes each as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WALL STREET

Mr. SANDERS. Madam President, sometimes there is no end to arrogance. I find it literally beyond comprehension that we have folks from Wall Street who receive huge bailouts from the people of our country, from working families in this country, because of the greed and recklessness and illegal behavior that Wall Street did to drive us into this recession, and now these very same people are coming here to Congress to lecture us and the American people about how we have to cut Social Security, Medicare, and Medicaid while they enjoy huge salaries and retirement benefits.

Lloyd Blankfein is the CEO of Goldman Sachs. In 2006 and 2007 he was the highest paid executive on Wall Street, making over \$125 million in total compensation. My understanding is that he has wealth of hundreds of millions of dollars. Goldman Sachs received a \$278 million refund—Goldman Sachs did—from the IRS in 2008 even though it made a profit of \$2.3 billion. During the financial crisis, Goldman Sachs received a total of \$814 billion in virtually zero interest loans from the Federal Reserve and a \$10 billion bailout from the Treasury Department. This is the CEO of Goldman Sachs. Now, with his huge wealth, he is coming here to Washington to lecture the American people on how we have to cut Social Security, Medicare, and Medicaid for tens of millions of Americans who are struggling now to keep their heads above water.

This is a statement Lloyd Blankfein recently made, I believe, on a TV show:

You're going to have to, undoubtedly, do something to lower people's expectations, the entitlements, and what people think they're going to get because they're not going to get it. Social Security wasn't devised to be a system that supported you for a 30 year retirement after a 25 year career . . . So there will be certain things, like the retirement age will have to be changed, maybe the benefits will have to be affected,

maybe some of the inflation adjustments will have to be revised . . . But, in general, entitlements have to be slowed down and contained.

This comes from a man worth hundreds of millions of dollars whose company, along with the rest of the companies on Wall Street, drove this country into the recession it is in, which, by the way, contributed to the deficit we are in. He is coming to Capitol Hill to lecture us and lecture the working families in this country on how we have to cut Social Security, Medicare, and Medicaid. I think arrogance has no end, that people from Wall Street can come down here and tell us that.

I think most Americans understand that the reason we are in the terrible recession we are in right now and the reason we went from a \$236 billion surplus when Bill Clinton left office has everything in the world to do not with Social Security but with the fact that we went into the wars in Iraq and Afghanistan and forgot to pay for them; we gave huge tax breaks to people such as Mr. Blankfein and did not offset them; passed the Medicare Part D prescription drug program, not paid for; and as a result of the Wall Street recession, significantly less revenue is now coming into the Federal Government. That is why we went from a \$236 billion surplus in 2001 to a \$1 trillion deficit today.

The deficit is a serious issue and it has to be addressed, but it has to be addressed not in the way that Mr. Blankfein, Pete Peterson, and the other Wall Street billionaires want us to address the deficit but in a way that is fair to working people. Among other things, we have to protect Social Security, protect Medicare, protect Medicaid.

I was appreciative the other day when I read that the White House has said something that many of us have wanted them to say, which is that Social Security had nothing to do with the deficit; Social Security should be treated separately. I think that is a real step forward. Many of us signed a letter to that effect.

But what does worry me is this issue of chain CPI. I want everybody to understand what the chain CPI is about. Nobody outside of Capitol Hill knows what it is about. What it is about is reformulating how we determine COLAs. If this chain CPI passed, what it would mean is that if somebody was 65 now—this would go into effect immediately if it were passed—by the time they were 75, there would be a \$560-a-year reduction in what they otherwise would have gotten in Social Security benefits through the COLAs. By the time they are 85, it would be \$1,000 a year. We must defeat any and all efforts to oppose a chain CPI not only on Social Security beneficiaries, but it would also apply, if my colleagues can believe this, to disabled veterans. Mr.

Blankfein and his other CEO friends on Wall Street really want us to balance the budget on the backs of the disabled vets? Well, this Senator surely is not going to support that.

There are ways to deal with deficit reduction that are fair. Everybody has to understand that we have already cut approximately \$1 trillion in benefits. So when we talk about \$4 trillion in deficit reduction, \$1 trillion has already taken place.

Second of all, obviously, at a time when the wealthiest people are doing phenomenally well and we have growing wealth and income inequality in America, of course we have to repeal Bush's tax breaks for people making \$250,000 a year or more. That is another \$1 trillion. We have to appreciate the fact that one out of four corporations in America doesn't pay a nickel in taxes. We can bring in significant amounts of revenue through tax reform that asks corporations to start paying their fair share of taxes. We are losing \$100 billion a year because corporations and the wealthy are stashing their money in the Cayman Islands and other tax havens, thus losing substantial revenue in the United States.

Defense spending has tripled since 1997. We are now spending almost as much as the rest of the world combined. Let's take a serious look at defense spending. If we do that, make some changes toward efficiency in Medicare and Medicaid, make them more efficient but not cut benefits, we can move toward serious deficit reduction without cutting Social Security, without cutting Medicare, and without cutting Medicaid.

We just had an election a few weeks ago—November 6—and what I think the American people said is that the time is now for the wealthy to start paying their fair share of taxes. We have seen poll after poll after poll, including from some very conservative people who are saying do not cut Social Security, Medicare, and Medicaid. I think it is time for the Senate and the Congress to start listening to the American people. Let's go forward with deficit reduction, but let's not do it on the backs of the elderly, the children, the sick, or the poor.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

#### CLIMATE CHANGE

Mr. WHITEHOUSE. Madam President, we are working toward a national defense authorization act, and as we do that, I rise to discuss the importance of assessing and planning for and mitigating the national security effects of climate change.

Our changing climate is not simply a green issue invented by environmentalists and conservationists; climate change threatens our strategic interests, our military readiness, and our domestic security in many ways. It is a

serious national security issue—so says not just me but the U.S. Department of Defense and, indeed, our national intelligence community.

In 2011 the Defense Science Board provided the Secretary of Defense guidance for a governmentwide approach to preparing for the effects of climate change, concluding that “climate change will only grow in concern for the United States and its security interests.”

The 2010 Quadrennial Defense Review by the Department of Defense noted that climate change is one of the things that “will play important roles in the future security environment.”

The White House's 2010 national security strategist stated that “climate change . . . threaten(s) the security of regions and the health and safety of the American people.”

Back to 2008, Dr. Thomas Fingar, then Deputy Director of National Intelligence for Analysis and the Chairman of the National Intelligence Council, said that “global climate change will have wide-ranging implications for U.S. national security interests for the next 20 years.”

In a report requested by the CIA, the National Research Council wrote this year that “while climate change alone does not cause conflict, it may act as an accelerant of instability or conflict.”

In 2006 the Center for Naval Analysis, a federally funded research and development center that has advised the Navy and Marine Corps since 1942, convened a military advisory board of retired three-star and four-star admirals and generals and asked them to report on national security and the threat of climate change. The report stated:

While uncertainty exists . . . regarding . . . the future extent of projected climate change, the trends are clear. The nature and pace of climate changes being observed today . . . pose . . . grave implications for our national security.

And, of course, as the Presiding Officer knows, in the 5 years since, the evidence has tracked the worst of those climate change projections, not the most gentle.

Our Nation's top military strategists, our Nation's top researchers, the National Research Council, and the National Academy of Sciences all have recommended that our national security institutions prepare for threats caused by climate change.

On the other hand, we have a tiny fringe of scientists, many of whom are funded by industry, that denies these facts and urges us to maintain the status quo. In effect, that little fringe urges us to do nothing. This is the same strategy, often the same organizations, and in some cases even the same people who denied in the past that cigarettes are bad for us or that lead paint harms children. They are professional, industry-paid deniers at large.

The choice is a clear one, and I recommend we follow the findings of our military leaders. They have determined that climate change is real and that our national security requires us to reject the false science of the climate deniers.

The National Intelligence Council has identified more than 30 U.S. military installations that are threatened by risks associated just with rising sea levels. One is Diego Garcia. It is a small island south of India and home to a logistics hub for U.S. and British forces in the Middle East and to Air Force Satellite Control Network equipment. The Navy reports that the average elevation of Diego Garcia is approximately 4 feet. Even absent a storm or tsunami, this installation is threatened by inundation from slow and steady sea level rise.

The Norfolk Naval Air Station and Naval Base on the southern end of the Chesapeake Bay is the Navy's largest supply center and home to the U.S. Atlantic fleet. A New York Times analysis this past weekend using U.S. Geological Survey and NOAA data showed that a 5-foot sea level rise would permanently flood portions of that base. The base is at continuing risk, of course, from storm surges. By the way, a 5-foot sea level rise is now predicted to be a possibility in this century.

Eglin Air Force Base on Florida's gulf coast, the largest Air Force base in the world, is threatened by storm surge, sea level rise, and saltwater infiltration. We know that climate change loads the dice for more and more severe extreme weather.

Retired Brigadier General Steven Anderson and retired Lieutenant General Daniel Christman recently used Hurricane Katrina as an example of how extreme weather can cause what they call "negative operational impacts" to our military. In response to Katrina, the National Guard mobilized 58,000 National Guard members to the relief effort at the same time that 79,000 Guard members were deployed fighting the war on terrorism. The generals pointed out that although Louisiana's physical infrastructure did not hold, our National Guard did hold. But the limits of even our exceptional National Guard would be tested by these changes in extreme weather, and it is imperative that we prepare our emergency management and responders for a new normal of new extremes.

Climate change will also create new strategic challenges. Climate events such as droughts and heat waves, floods and storms exacerbate political and military tensions in areas around the world with fragile governments and instability. This can result in violent conflict and in refugee problems.

It is not just the shock of extreme weather that portends danger. As the temperature of the air and ocean steadily rises, the amount of moisture in the

atmosphere will change and the composition of the oceans will change. Habitats will change, growing conditions will be altered, and the snows and glaciers that feed great rivers will change, changing the seasonal flows of the rivers. The world's great agricultural deltas will face both those changes in the rivers and rising sea levels. All of these changes will disrupt food supplies and water resources. Many poorer regions are unprepared to deal with the effects of famine, drought, crop failure, flooding, and disease that can be anticipated. These slower moving climate disasters will create migration, competition for resources, and government instability that in turn sets the stage for more international unrest.

Last, the changing environment will affect our military's operating environment. Sea ice in the Arctic is already vanishing, and new Arctic waterways are opening. In September, Reuters reported that the first Chinese icebreaker crossed the Arctic, with the expedition leader explaining how surprised he was to find the route to be so open. In addition to new shipping routes, the reduction in Arctic sea ice makes oil, gas, and mineral exploration more likely there. These new operational challenges will expand the Coast Guard's mission along our Arctic borders and the Navy's mission in the Arctic Ocean.

The Department of Defense and our intelligence community have accepted the science of climate change and the fact that we need to prepare for it. We customarily rely on the professional judgments of the sober and thoughtful leaders of these great national security organizations. Their assessments are based on sound and comprehensive science and analysis. I respect the solemn mission our national security institutions have to protect the United States and its interests, and I trust their judgment.

Their judgment is echoed by significant Republican leaders. Our former colleague, Senator John Warner, Republican of Virginia, who was the chairman of the Senate Armed Services committee, has said:

Leading military and security experts agree that if left unchecked, global warming could increase instability and lead to conflict in already fragile regions of the world.

He continued:

We ignore these facts at the peril of our national security and at great risk to those in uniform who serve this nation.

George Shultz was Secretary of Treasury and Labor and Director of the Office of Management and Budget under President Nixon, and the Secretary of State under President Reagan. He leads the Hoover Institution's Shultz-Stephenson Task Force on Energy Policy and has also served on the advisory boards of Stanford's Precourt Institute for Energy and

MIT's Energy Initiative. In his words, "... the globe is warming, which is not a matter of opinion, but a matter of fact. The arctic is melting. If you could bring together the constituencies concerned with national security, the economy and the environment—both local and global—that would be a potent coalition."

So I hope Members on both sides of the aisle can agree that when it comes to protecting our American interests at home and abroad, we should believe our national security institutions when they warn us of the security and strategic implications of climate change rather than align ourselves with a questionable fringe of industry-allied deniers. Ultimately, as I have said before on this floor, we are beholding to our children and grandchildren to do something about the carbon pollution that is causing this climate change. And history's verdict for our failure will be harsh.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, in a moment I am going to ask unanimous consent that we proceed to a debate, to Senator FEINSTEIN, who will speak on an amendment that she intends to offer but not offer it at this time. I will then ask she be followed by Senator PAUL, who will speak on that same amendment. It is our intention then to move to a vote on the Leahy amendment to improve the Public Safety Officers' Benefits Program. This falls within the jurisdiction of the Judiciary Committee, but the chairman, whose amendment it is, and the ranking member, Senator GRASSLEY, have both approved this amendment, and I would simply alert other Senators that if they wish to speak on this amendment, for or against, that it is our intention to proceed to a vote on the Leahy amendment following the speaking of Senator PAUL and Senator FEINSTEIN.

So I ask unanimous consent that the Senate proceed in that way.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the distinguished chairman.

I am going to offer an amendment—a version of it was introduced as a separate bill last year as S. 2003. The cosponsors of the amendment are Senators PAUL, LEE, COONS, COLLINS, LAUTENBERG, GILLIBRAND, and KIRK. I ask unanimous consent to add Senators TESTER, JOHNSON of South Dakota, SANDERS, WHITEHOUSE, and HELLER as cosponsors to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. This amendment is almost identical to the bill I introduced a year ago. That bill has a bipartisan group of 30 cosponsors. It is



called the Due Process Guarantee Act, and the co-sponsors include five Republicans: Senators LEE, PAUL, COLLINS, KIRK, and MORAN. Thanks to Chairman LEAHY, the bill had a hearing earlier this year in the Judiciary Committee, as the Presiding Officer will so note, on February 29, 2012.

The amendment I will offer clarifies questions that arose during last year's defense authorization bill about the U.S. Government's power to detain its citizens indefinitely. Last year's bill had detention provisions in it that never had a hearing in the Judiciary Committee, the Intelligence Committee, or the Armed Services Committee.

Let me just take a minute to describe why this is such an important issue for me.

When I was a very young girl—I remember it was a Sunday because my father worked every other day of the week—my father took me down to a racetrack just south of San Francisco called Tanforan. It was the beginning of World War II. The racetrack was then a staging point for Japanese Americans en route to more permanent detention centers.

Here is the edict that was put out:

Western Defense Command and Fourth Army Wartime Civil Control Administration, Presidio of San Francisco, California, April 1, 1942, Instructions to All Persons of Japanese Ancestry, Living in the Following Area:

Then it describes the area. It says:

All Japanese persons, both alien and non-alien, will be evacuated from the above designated area by 12:00 o'clock noon Tuesday, April 7, 1942.

No Japanese person will be permitted to enter or leave the above described area after 8:00 a.m., Thursday, April 2, 1942, without obtaining special permission from the Provost Marshal of the Civil Control Station.

This was an order which remanded all persons of Japanese ancestry into custody for the duration of World War II.

Let me show you a little of what these facilities looked like. Shown in this picture I have in the Chamber is Tanforan Racetrack, and these are the barracks that were put up to house Japanese-American citizens and non-citizens—only because they were of Japanese ancestry.

In this next picture, this is what it looked like close up. This is a young person walking out of this small cell in that barrack.

In this next picture, these are Japanese Americans standing in line—and here is the racetrack—either to get food or for some other reason.

This stuck in my memory, and I believe it was a stain on the greatness of this country. As I saw the barbed wire, these men, women, and children housed in horse stables, in small buildings, as you can see, it was an experience I will never forget.

To ensure that this shameful experience was never repeated, almost 30

years after the 1942 evacuation order was issued, Congress passed and President Nixon signed into law the Non-Detention Act of 1971, which repealed a 1950 statute that explicitly allowed detention of U.S. citizens without charge or trial.

The Non-Detention Act of 1971 clearly states:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

Despite this history, during last year's debate on the Defense authorization bill some in this body advocated for the indefinite detention of American citizens. This is an issue that has been the subject of much legal controversy since 9/11.

Proponents of indefinitely detaining citizens apprehended in the U.S. argue that the Authorization for Use of Military Force—what we call the AUMF—that was enacted in the wake of 9/11 is “an act of Congress,” in the language of the Non-Detention Act, that authorizes the indefinite detention of American citizens regardless of where they are captured.

They further assert that their position is justified by the U.S. Supreme Court's plurality decision in the 2004 case of *Hamdi v. Rumsfeld*. However, that position is undercut by the 2003 case of *Padilla v. Rumsfeld* in the Second Circuit Court of Appeals. So we have a kind of muddle.

But let me discuss the facts of the *Hamdi* case because it is important to note that Yaser Esam Hamdi was a U.S. citizen who took up arms on behalf of the Taliban and was captured on the battlefield in Afghanistan. The Supreme Court effectively did uphold his military detention, so some of my colleagues seize upon this to say that the military can today indefinitely detain even U.S. citizens who are arrested domestically.

However, the Supreme Court's opinion in that case was a decision by a 4-to-4 plurality that recognized the power of the government to detain U.S. citizens captured abroad as “enemy combatants” for some period, but otherwise repudiated the government's broad assertions of executive authority to detain citizens without charge or trial.

To the extent the *Hamdi* case permits the government to detain a U.S. citizen “until the end of hostilities,” it does so only under a very limited set of circumstances; namely, citizens taking an active part in hostilities who are captured in Afghanistan and who are afforded certain due process protections, at a minimum.

Additionally, decisions by the lower courts have contributed to the current state of ambiguity. For example, consider those decisions involving Jose Padilla, a U.S. citizen who was arrested in Chicago. He was initially detained pursuant to a material witness warrant based on the 9/11 terrorist acts.

In *Padilla*, the Second Circuit held that AUMF did not authorize his detention, saying:

We conclude that clear congressional authorization is required for detentions of American citizens on American soil because . . . the Non-Detention Act . . . prohibits such detentions absent specific congressional authorization.

The Second Circuit went on to say that the 2001 Authorization for Use of Military Force—and I quote—“is not such an authorization, and no exception to [the Non-Detention Act] otherwise exists.”

So here is the problem. We have the Supreme Court that says one thing in a limited way and a federal appeals court that says another thing on an issue not directly addressed by the Supreme Court. When we debated this issue on the Senate floor last year, the Senate ultimately agreed to a compromise amendment which passed by an overwhelming 99-to-1 vote. I worked on that with Senators LEE, PAUL, LEVIN, MCCAIN, DURBIN, LEAHY, and the amendment provided the following:

Nothing in this section shall be construed to affect existing law or authorities relating to the detention of United States citizens, or lawful resident aliens of the United States, or any other persons who are captured or arrested in the United States.

Now, that was adopted to say, leave things as they are right now. It preserved the current state of the law, continuing to leave it to the courts to resolve who is right about whether the AUMF authorizes the military detention of anyone apprehended domestically.

I believe strongly the time has come now to end this legal ambiguity and to state clearly once and for all that the AUMF or other authorities do not authorize such indefinite detention of Americans apprehended in the United States.

To accomplish this, we are offering an amendment which affirms the continuing application of the principles behind the Non-Detention Act of 1971. It amends that act to provide clearly that no military authorization allows indefinite detention of U.S. citizens or green card holders who are apprehended inside the United States.

The amendment states, “An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States unless an Act of Congress expressly authorizes such detention.”

That affirms the Second Circuit's clear statement rule from the *Padilla* case. Some may ask why this amendment protects green card holders as well as citizens. Others may ask why the amendment does not protect all persons apprehended in the United States from indefinite detention? Let me be clear. I would support providing



the protections in this amendment to all persons in the United States whether lawfully or unlawfully present.

But the question is, Is there enough support in this body to expand this amendment to cover others besides U.S. citizens and green card holders? I do not believe there is. We got 45 votes last year on a similar amendment protecting U.S. citizens. We have reworked the amendment and gained more support this year, as reflected in the co-sponsors we have today. So my hope is that at least we can clear up the law with strong protections for citizens and legal permanent residents.

Wherever we draw the line on who should be covered by this legislation, I believe it violates fundamental American rights to allow anyone apprehended in the United States to be detained without charge or trial. The FBI and other law enforcement agencies have proven time and time again they are up to the challenge of detecting, stopping, arresting, and convicting terrorists found on U.S. soil, having successfully arrested, detained, and convicted hundreds of these heinous people, both before and after 9/11.

For example, since January 2009, 98 individuals have been successfully arrested inside the United States by the FBI and other Federal or local law enforcement officers on terrorism-related charges. Last month, the staff of the Senate Intelligence Committee compiled a list of the individuals arrested in the past 4 years as part of more than 50 different terrorism investigations. The list was based on publicly available information from the FBI, the Congressional Research Service, and media reports. I have it here and I ask unanimous consent to have the list printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TERRORIST ARRESTS AND PLOTS STOPPED IN  
THE UNITED STATES 2009-2012

(COMPILED BY SENATE INTELLIGENCE COMMITTEE STAFF BASED ON PUBLICLY AVAILABLE INFORMATION FROM THE FBI, THE CONGRESSIONAL RESEARCH SERVICE, AND MEDIA REPORTS)

(1) Ralph Deleon, (2) Miguel Alejandro Santana Vidriales (Santana), (3) Arifeen David Gojali—Conspiracy to Provide Material Support to Terrorism—November 2012.

On Friday, November 16, 2012, the FBI arrested Deleon, Santana, and Gojali who were planning to travel to Afghanistan to attend terrorist training and commit violent jihad. Deleon, of Ontario, California, is a lawful permanent resident alien, born in the Philippines. Santana, of Upland, California, is a lawful permanent resident, born in Mexico, and whose application for citizenship is pending in the U.S. Gojali, of Riverside, California, is a United States citizen. According to a criminal complaint filed in U.S. District Court in the Central District of California, the defendants conspired to provide material support to terrorists knowing or intending that such support was to be used in preparation for or in carrying out: conspiracy to kill, kidnap, maim, or injure persons and

damage property in a foreign country; killing and attempting to kill officers and employees of the United States; killing nationals of the United States; conspiracy to use a weapon of mass destruction outside the United States; and bombing places of public use and government facilities. The complaint further alleges that Santana, Deleon, and Gojali conducted preliminary training in southern California at firearms and paintball facilities to prepare for terrorist training overseas.

(4) Quazi Mohammad Rezwanul Ahsan Nafis—Plot to Bomb New York Federal Reserve Bank—October 2012.

On October 17, 2012, the FBI arrested Ahsan Nafis, a Bangladeshi national, as he attempted to detonate what he believed to be a 1,000-pound bomb at the New York Federal Reserve Bank in lower Manhattan's financial district. The defendant faces charges of attempting to use a weapon of mass destruction and attempting to provide material support to Al Qaeda. According to an FBI press release, the accused, "traveled to the United States in January 2012 for the purpose of conducting a terrorist attack on U.S. soil. Nafis, who reported having overseas connections to Al Qaeda, attempted to recruit individuals to form a terrorist cell inside the United States. Nafis also actively sought out Al Qaeda contacts within the United States to assist him in carrying out an attack."

(5) Adel Daoud—Plot to Bomb Downtown Chicago Bar—September 2012.

On Friday September 14, 2012, Adel Daoud attempted to detonate what he believed to be a car bomb outside a bar in downtown Chicago. Daoud, a U.S. citizen, was arrested as part of an ongoing FBI counterterrorism operation after he was discovered on the Internet seeking information on how to conduct terrorist attacks. According to an FBI press release, "In about May 2012, two FBI online undercover employees contacted Daoud in response to material Daoud posted online and thereafter exchanged several electronic communications with Daoud. According to the affidavit, during these communications Daoud expressed an interest in engaging in violent jihad, either in the United States or overseas."

(6) Douglas L. Wright, (7) Brandon L. Baxter, (8) Anthony Hayne, (9) Connor C. Stevens, and (10) Joshua S. Stafford—Plot to Bomb Brecksville-Northfield High Level Bridge in Ohio—May 2012.

These five men were arrested on May 1, 2012 after they attempted to detonate an explosive device set on the Brecksville-Northfield High Level Bridge in Ohio that was given to them by an undercover FBI agent. The accused men are self-proclaimed anarchists who considered carrying out a series of attacks, but ultimately decided to target the bridge in Ohio after an initial plot to use smoke grenades to distract law enforcement in order for co-conspirators to topple financial institution signs atop high rise buildings in downtown Cleveland failed to materialize. "The defendants conspired to obtain C-4 explosives contained in two improvised explosive devices to be placed and remotely detonated," according to the complaint.

(11) Bakhtiyor Jumaev and (12) Jamshid Muhtorov—Conspiracy to Provide Material Support to the Islamic Jihad Union (IJU)—March 2012.

On March 15, 2012, the FBI arrested Bakhtiyor Jumaev who was charged with one count of conspiracy to provide material support to the Islamic Jihad Union (IJU). The FBI had been conducting an investiga-

tion into the activities of Jumaev and his associate, Jamshid Muhtorov, who was arrested in January 2012 on similar charges. Jumaev and Muhtorov had pledged support for the IJU and Jumaev sent funds to Muhtorov, specifically intended for the IJU. The U.S. Government has designated the IJU as a Foreign Terrorist Organization.

(13) Amine El Khalifi—Plot to carry out a Suicide Bomb Attack against the U.S. Capitol—February 2012.

Amine El Khalifi, an illegal immigrant from Morocco, was arrested on February 17, 2012 for attempting to detonate a bomb in what was envisioned to be a suicide attack against the U.S. Capitol Building. According to an FBI press release, "El Khalifi allegedly traveled to a parking garage near the U.S. Capitol building. El Khalifi took possession of a MAC-10 automatic weapon and put on a vest containing what he believed to be a functioning bomb. Unbeknownst to El Khalifi, both the weapon and the bomb had been rendered inoperable by law enforcement. El Khalifi walked alone from the vehicle toward the United States Capitol, where he intended to shoot people and detonate the bomb. El Khalifi was arrested and taken into custody before exiting the parking garage." The FBI made initial contact with Khalifi in January 2011. Over the course of the year he cited his anger over the "war on terrorism" and the "war on Muslims" as his rationale behind planned attacks against a military installation and a restaurant in Washington D.C. After acquiring and testing dummy explosives given to him by FBI affiliates, Khalifi modified his plans to conduct a suicide attack against the U.S. Capitol.

(14) Sami Osmakac—Plot to Bomb Locations in Tampa, Florida—January 2012.

On January 7, 2012, the FBI arrested Sami Osmakac, a naturalized U.S. citizen born in the former Yugoslavia (Kosovo) on one count of attempted use of a weapon of mass destruction. The FBI used a sting operation to apprehend Osmakac who was 25 years old at the time of his arrest. According to FBI investigators, in September 2011, an FBI source reported that Osmakac and another person had asked for Al Qaeda flags at the source's business. The source continued to interact with Osmakac and report to the FBI about his activities. Osmakac allegedly expressed interest in obtaining firearms and explosives for attacks he was planning in the Tampa area, and the source introduced him to an FBI undercover employee reputed to have access to such materials. The undercover employee supplied Osmakac with hand grenades, an assault rifle, a pistol, a car bomb, and an explosive belt. Osmakac was unaware that the items actually did not work. In the course of his plotting Osmakac purportedly discussed targets such as "night clubs in the Ybor City area of Tampa, the Operations Center of the Hillsborough County Sheriff's Office in Ybor City, and a business in the South Tampa," according to a DOJ press release. Muslims in Tampa reportedly aided the FBI in its investigation. Osmakac purportedly exhibited extremist views prompting at least one local Muslim to tell authorities about him.

(15) Jose Pimentel—Plot to Bomb New York City Targets and Troops Returning from Combat Overseas—November 2011.

On November 19, 2011, New York City police arrested a convert to Islam named Jose Pimentel on terrorism charges. According to New York City Police Commissioner Raymond W. Kelly, Pimentel purportedly discussed killing U.S. military personnel returning home from Iraq and Afghanistan, in

conjunction with bombing post offices in and around Washington Heights and police cars in New York City, as well as a police station in Bayonne, N.J. The alleged would-be bomber was building explosive devices when he was arrested after two years of surveillance by the New York City Police Department (NYPD). Pimentel reportedly discussed his plans with an individual he did not know was an NYPD criminal informant, Pimentel sympathized with Al Qaeda and drew inspiration from now-deceased radical cleric Anwar al-Awlaki. The alleged would-be bomber purportedly tried but failed to correspond with Awlaki via e-mail, and the cleric's death may have sped up Pimentel's plotting. According to the criminal complaint filed in the case, the NYPD tracked Pimentel's internet activity, finding that Pimentel had posted online pro-Al Qaeda material as well as an article detailing how to make a bomb from Inspire Magazine. Working in the apartment of an NYPD criminal informant, Pimentel supposedly followed Inspire's bomb making instructions, scraping match heads, collecting the incendiary material, as well as drilling holes in three pipes, among other steps.

(16) Mansour Arbabsiar—Plot to Assassinate the Saudi Ambassador to the United States—October 2011.

Mansour Arbabsiar was arrested after he approached a DEA informant, who he believed was a member of Los Zetas, to hire the cartel to carry out a terrorist attack against the Saudi ambassador at a restaurant in Washington. Mr. Arbabsiar had many connections to Iran's military and the Qods Force.

(17) Rezwana Ferdaus—Plot to Attack U.S. Capitol and Pentagon—September 2011.

On September 28, Rezwana Ferdaus, a U.S. citizen from Ashland, MA, was arrested on terrorism charges. He allegedly plotted to attack the Pentagon and the U.S. Capitol with explosives-laden remote-controlled airplanes. According to DOJ, he also planned a ground assault in conjunction with his aerial attack, intending to use firearms and to involve six conspirators in this phase of his plot. Ferdaus also purportedly attempted to provide Al Qaeda with modified cell phones he believed would be used as detonators for improvised explosive devices intended to harm U.S. soldiers abroad. As described by DOJ, FBI undercover employees acting as members of Al Qaeda supplied Ferdaus with money, fake explosives for the airplanes, firearms, and hand grenades. In turn, (among other things) Ferdaus provided the cell phone detonators to these phony Al Qaeda recruiters as well as a training video on how to construct them. Ferdaus supposedly began plotting in 2010. In January 2011, he discussed his plans with an FBI informant. In May 2011, he visited the Washington, DC, area to conduct surveillance of his targets and view the site from which he intended to launch his remote-controlled airplanes. According to the FBI, Ferdaus believed that one of his airplanes could collapse the Capitol dome.

(18) Agron Hasbajrami—Plot to Fight in Pakistan—September 2011.

On September 6, 2011, Agron Hasbajrami was arrested at John F. Kennedy International Airport in New York City as he tried to board a flight to Turkey. Hasbajrami allegedly planned to join a jihadist fighting group in the Federally Administered Tribal Areas of Pakistan. He also purportedly sent more than \$1,000 to Pakistan to support the efforts of a militant with whom he communicated.

(19) Naser Abdo—Plot to Attack Targets Near Fort Hood—July 2011.

On July 27, 2011, U.S. Army Private Naser Abdo was arrested near Fort Hood in Texas for allegedly plotting a shooting spree and bombing in the area—near the same place where Army Major Nidal Hasan reportedly killed 13 individuals in 2009. Abdo, described in the media as a Muslim soldier in the 101st Airborne Division at Fort Campbell, KY, was supposedly absent without leave from the Army after applying for conscientious objector status. A November 2011 superseding indictment charged Abdo with one count of attempted use of a weapon of mass destruction, one count of attempted murder of officers or employees of the United States, two counts of possession of a firearm in furtherance of a federal crime of violence, and two counts of possession of a destructive device in furtherance of a federal crime of violence. Abdo allegedly purchased gunpowder, shotgun ammunition, and a magazine for a semi-automatic pistol at a gun store near Fort Hood. An employee at the gun store supposedly brought Abdo to the attention of law enforcement officers. Federal officials have noted that Abdo also possessed a .40 caliber handgun, bomb making materials, and an article on how to construct an explosive device, among other items. The article was from Inspire, an English-language magazine produced by Al Qaeda in the Arabian Peninsula.

(20) Ulugbek Kodirov—Plot to Assassinate President Obama—July 2011.

Ulugbek Kodirov, an Uzbek living in Alabama, was arrested when he sought assistance to kill President Obama either by shooting him or using explosives. The affidavit said that the source whom Kodirov contacted for help told authorities that Kodirov supported Islamic extremists and regularly viewed jihadist websites.

(21) Emerson Begolly—Plot to Encourage Jihadist Acts in the United States—July 2011.

On July 14, 2011, Emerson Begolly, a U.S. citizen from New Bethlehem, PA, was indicted for attempting to encourage jihadists to commit acts of terrorism within the United States and distributing information related to explosives online. In August 2011, he pleaded guilty to "soliciting others to engage in acts of terrorism within the United States and to using a firearm during and in relation to an assault on FBI agents." According to DOJ, Begolly posted "links to a 101-page document that contain[ed] information on how to set up a laboratory, conduct basic chemistry, and manufacture explosives."

(22) Abu Khalid Abdul-Latif and (23) Walli Mujahidh—Plot to Attack Seattle Military Processing Center—June 2011

On June 22, 2011, Abu Khalid Abdul-Latif and Walli Mujahidh, were arrested on terrorism and firearms charges for plotting to attack a Seattle military processing center. An FBI sting operation apprehended the two as they took possession of machine guns they had purchased for the plot. The firearms had been rendered inert as part of the sting operation. Assistant Attorney General for National Security Todd Hinnen described the plot as, "driven by a violent, extreme ideology." While the two reportedly had not worked out all of the details of their plot, they allegedly were frustrated by "American war policies" and hoped for an attack that would garner wide attention.

(24) Yonathan Melaku—Plot to Shoot Targets in Washington, DC, Area—June 2011

On June 23, 2011, DOJ announced that Yonathan Melaku, an Ethiopian native living in Alexandria, VA, was charged with de-

struction of property and firearm violations. These charges stemmed from five shootings at military installations in Northern Virginia between October and November 2010. No one was harmed in the shootings. It is unclear to what extent Melaku, a Marine Corps reservist, was driven by jihadist motivations; however, investigators linked Melaku to a spiral notebook with numerous Arabic statements referencing the Taliban, Al Qaeda, Osama bin Laden, "The Path to Jihad," as well as a list of several other individuals associated with foreign terrorist organizations. Law enforcement officials also found a video when they searched Melaku's bedroom. It reportedly depicted "Melaku in an automobile driving near what appears to be the U.S. Marine Corps Heritage Museum and repeatedly firing a handgun out the passenger-side window." In the video, he allegedly states, "that's my target. That's the military building. It's going to be attacked," and then he shouts, "Allah Akbar."

(25) Waad Ramadan Alwan and (26) Mohanad Shareef Hammadi—Material Support to Al Qaeda in Iraq—May 2011

Alwan and Hammadi were arrested on May 25, 2011 in Kentucky on charges to commit conspiracy to kill U.S. nationals abroad and provide material support, including weapons, to Al Qaeda in Iraq among other charges.

(27) Ahmed Ferhani and (28) Mohamed Mamdouh—Plot to Attack New York City Targets—May 2011

On May 12, 2011, Ahmed Ferhani (an Algerian native living in Queens, NY) and Mohamed Mamdouh (a naturalized U.S. citizen from Morocco) were arrested for plotting to blow up a synagogue as well as churches in New York City. However, the duo had not chosen a specific target. New York City officials alleged that Ferhani was driven by a hatred of Jews and a belief that Muslims are mistreated the world over. He and Mamdouh allegedly had purchased firearms and a hand grenade from an undercover detective posing as a gun dealer.

(29) Joseph Jeffrey Brice—Testing Explosives and Providing Material Support to Terrorists—May 2011

Joseph Jeffrey Brice was arrested on charges of manufacturing an unregistered firearm and later an additional charge of providing material support for terrorism. Police began to take an interest in Mr. Brice after he was seriously injured in April 2010 while testing a homemade bomb. Investigators discovered videos Brice posted that depicted suicide bombings in Pakistan and links to a terrorism magazine with instructions on how to make explosives. He also posted bomb making videos to YouTube under the name "StrengthofAllah." Mr. Brice also plotted with an unidentified man to rob a Zions First National bank in Idaho although the plot was never acted upon. Authorities believe Brice was not a Muslim; rather, he assumed a Muslim identity online in order to sell his bomb-making expertise.

(30) Hafiz Muhammed Sher Ali Khan, (31) Irfan Khan, and (32) Izhar Khan, —Material Support to the Pakistani Taliban—May 2011

Six individuals located in South Florida and Pakistan were indicted in the Southern District of Florida on charges of providing financing and other material support to the Pakistani Taliban, a designated foreign terrorist organization. Three of them were located abroad. Hafiz Muhammed Sher Ali Khan, Irfan Khan, and Izhar Khan were arrested in the U.S.

(33) Kevin William Harpham—Attempt to Use an Explosive Device—March 2011

On March 9, 2011, Kevin Harpham was arrested for placing an explosive device alongside a planned Martin Luther King Jr. Day

Unity March. Harpham admitted that he was a white supremacist and white separatist.

(34) Khalid Ali-M Aldawsari—Plot to Bomb U.S. Targets—February 2011

On February 23, 2011, FBI agents arrested Khalid Ali-M Aldawsari, a citizen of Saudi Arabia and resident of Lubbock, TX. He was charged with attempted use of a weapon of mass destruction. He also allegedly plotted to purchase material to make an improvised explosive device and had researched potential U.S. targets. A chemical supplier provided information to the FBI about a suspicious attempted purchase by Aldawsari. Prosecutors have stated that among the targets Aldawsari researched was the home address for former President George W. Bush. He also researched the names and home addresses of three American soldiers who had previously served at Abu Ghraib prison in Iraq.

(35) Roger Stockham—Plot to Attack Shia Mosque in Michigan—January 2011

Roger Stockham was arrested on January 24, 2011 outside the Islamic Center of America in Dearborn, Michigan. Mr. Stockham, a Vietnam veteran from Southern California, was caught with explosives in his vehicle outside the Michigan mosque. Authorities found a large but undisclosed quantity of class-C fireworks including M-80s, which are banned in Michigan, in his car. Mr. Stockham had a history of mental health issues and criminal acts ranging from kidnappings to attempted bombings.

(36) Antonio Martinez—Plot to Bomb Armed Forces Recruiting Center—December 2010

Antonio Martinez (aka Muhammad Hussain), a U.S. citizen from Baltimore was charged with attempting to detonate a bomb outside of a U.S. Armed Forces recruiting center in Catonsville, Maryland on December 8, 2010. Unbeknownst to him, Mr. Martinez was working with undercover FBI agents the whole time as they had been monitoring him since October 1, 2010 when a confidential source tipped off authorities to the potential danger. Martinez had attempted to recruit up to five other people to his plot, but they all declined to help him.

(37) Mohamed Osman Mohamud—Plot to Bomb Christmas Tree Lighting Ceremony—November 2010

Mohamed Osman Mohamud a US Citizen from Somalia was charged with attempting to detonate a vehicle bomb at a Christmas tree lighting ceremony in Portland, OR on November 26, 2010. The arrest was the culmination of a months-long investigation and the explosives he was trying to detonate were inert. Mohamud was in touch with contacts in Pakistan and he was trying to travel overseas to engage in a violent jihad, according to the FBI. Mohamud told undercover agents that he had been trying to commit a violent jihad for 4 years, since he was 15.

(38) Mohamud Abdi Yusuf and (39) Abdi Mahdi Hussein—Material Support to Al-Shabaab and Conspiracy to Structure Financial Transactions—November 2010

On November 1, 2010, Mohamud Abdi Yusuf was arrested on charges of providing material support to al Shabaab and one charge of conspiracy to structure financial transactions. Abdi Mahdi Hussein was arrested one day later on a charge of conspiracy to structure financial transactions. The indictment alleged that Yusuf and Hussein sent funds to al Shabaab supporters in Somalia from licensed money remitting businesses operating in the United States, in part by using fictitious names and telephone numbers to conceal the nature of their activities.

(40) Farooque Ahmed—Plot to Bomb Washington, DC, Subway Stations—October 2010

Farooque Ahmed was arrested on October 27, 2010, and charged with conspiring with others he believed to be Al Qaeda operatives to bomb subway stations in Washington, DC. His co-conspirators turned out to be undercover law enforcement officers.

(41) Abdel Hameed Shehadeh—Travel Abroad to Wage Jihad—October 2010

Abdel Hameed Shehadeh was arrested on October 22, 2010, in Honolulu, HI. Among the accusations against him were that he tried to join the U.S. military so he could be deployed to Iraq but would desert and fight with anti-American insurgency forces.

(42) Sami Samir Hassoun—Plot to Detonate an Explosive Device—September 2010

Sami Samir Hassoun was charged with one count each of (1) attempted use of a weapon of mass destruction and (2) attempted use of an explosive device after placing a backpack which he thought contained an explosive device into a curbside trash receptacle near a crowded nightclub.

(43) Amina Ali and (44) Hawo Hassan—Material Support to Terrorist Group al Shabaab—August 2010

On August 15, 2010, 2 Americans and 12 others were charged with terrorism-related crimes linked to the Somali-based organization known as al Shabaab. There were only two arrests of Amina Ali and Hawo Hassan women charged with raising money to support al Shabaab through door-to-door solicitations and teleconferences in Somali communities in Minnesota. Indictments were also unsealed in Minnesota, Alabama, and California charging the other 12 individuals who were believed to be fugitives in Somalia.

(45) Shaker Masri—Attempted Travel to Somalia or Afghanistan to Fight—August 2010

Shaker Masri was arrested by the FBI on August 3, 2010, just before he was allegedly planning to travel to Somalia or Afghanistan to join either al-Shabaab or Al Qaeda. The FBI used a cooperating source who met Masri in November 2008 and subsequently consensually recorded conversations with him for the investigation. According to court documents, Masri encouraged the cooperating source to "review speeches" by Anwar al-Awlaki.

(46) Paul Gene Rockwood and (47) Nadia Rockwood—Charged with Perjury in a Terrorism Investigation—July 2010

Both Paul Rockwood and his wife pleaded guilty to one count of willfully making false statements to the FBI involving terrorism. According to the plea agreements and other documents filed with the court, Paul Rockwood converted to Islam, and later became a strict adherent to the violent jihad-promoting ideology of cleric Anwar Al-Awlaki. According to the filed court documents, after he moved to King Salmon, Alaska in 2006, Paul Rockwood continued his adherence to Al-Awlaki's ideology and by early 2010, he formalized a target list to include 15 specific locations all outside the state of Alaska. In April 2010, Paul Rockwood gave his written target list to his wife, Nadia, who, knowing of its purpose, carried the list with her on a trip to Anchorage. The FBI's Joint Terrorism Task Force (JTTF) subsequently obtained the target list. On May 19, 2010, JTTF agents questioned Paul Rockwood and provided him a copy of the target list. In response to agents' questions, Rockwood made false statements, denying he had created such a list, denying the purpose of the list and denying ever having such a list. JTTF agents also questioned Nadia Rockwood on

May 19, 2010, about transporting the target list authored by her husband to another person. In response, Nadia Rockwood also made false statements to FBI agents.

(48) Zachary Adam Chesser and (49) Proscovia Kampire Nzabanita—Conspiracy to Murder "South Park" Creators—July 2010

On July 21, 2010, Zachary Adam Chesser, of Fairfax County, Va., was arrested on charges that he provided material support to al-Shabaab, a designated foreign terrorist organization. According to court documents, Chesser maintained several online profiles dedicated to extremist jihad propaganda. Chesser eventually admitted to encouraging violent jihadists to attack the writers of South Park, including highlighting their residence and urging online readers to "pay them a visit." Chesser's wife, Proscovia Kampire Nzabanita, eventually pleaded guilty to making a false statement to an FBI agent during the course of the FBI's investigation of her husband.

(50) Mohamed Alessa and (51) Carlos Almonte—Attempting Material Support to Terrorism—June 2010

On June 5, 2010, two New Jersey residents, Mohamed Alessa and Carlos Almonte, were arrested at JFK in New York prior to boarding separate flights to Egypt. Authorities alleged the two had hoped to eventually link up with al-Shabaab in Somalia. The following day, they were charged with conspiracy to kill Americans abroad. They are alleged to have vowed to "slice up" troops in "a thousand pieces," according to the criminal complaint which cites conversations secretly recorded by a NYPD undercover officer.

(52) Tarek Mehanna—Providing Material Support to Al Qaeda—June 2010

Tarek Mehanna (of Sudbury, Massachusetts) and Ahmad Aboursamra (a fugitive in Syria) were charged with conspiring to aid Al Qaeda, as well as attempting to commit murder in a foreign country, conspiracy to commit provide false information to law enforcement, as well as a number of other counts of false statements to law enforcement. Only Mehanna was arrested.

(53) Barry Walter Bujol, Jr.—Attempting to Provide Material Support to Al Qaeda—June 2010

Barry Walter Bujol, Jr. was charged with attempting to provide material support to AQAP and aggravated identity theft.

(54) Faisal Shahzad—Attempted Car Bombing in Times Square—May 2010

Faisal Shahzad was arrested on May 3, 2010 and eventually pleaded guilty to 10 crimes stemming from attempting to detonate a car bomb in Times Square on May 1, 2010. Shahzad was apprehended after being identified at JFK Airport after U.S. Customs agents recognized him from video taken at Times Square. Two other individuals were indicted in connection with this terrorist plot:

(55) Mohammad Younis was arrested in September 2010 and accused of operating an unlicensed money transmitting business which provided funds to Faisal Shahzad. There are no allegations, however, that Younis was aware of the intended use of the money. In the indictment, he was charged with operating an unlicensed money transfer business between the United States and Pakistan and conspiracy to operate an unlicensed money transfer business. In August 2011, he pleaded guilty to the former charge.

(56) Aftab Ali was charged in a criminal complaint in November 2010 with immigration fraud and making false statements. The complaint alleges that Ali provided \$4,900 to

Shahzad in February 2010 as part of a hawala transaction. The complaint does not allege that Ali was aware of the intended use of the money by Shahzad, but in April 2011, Ali pleaded guilty to charges of unlicensed money transmitting and immigration document fraud. He was sentenced to time served and ordered to be deported.

(57) **Khalid Ouazzani—Providing Material Support to Al Qaeda—May 2010**

Ouazzani swore an oath of allegiance to Al Qaeda in June 2008. Ouazzani admitted that, from August 2007 to February 2010, he participated in a conspiracy to provide material support or resources to Al Qaeda. Ouazzani admitted that he personally provided more than \$23,000 to Al Qaeda and performed other tasks at the request of and for the benefit of Al Qaeda. Ouazzani also had conversations with others about various ways to support Al Qaeda, including plans for them to fight in Afghanistan, Iraq, or Somalia.

(58) **Wesam el-Hanafi and (59) Sabirhan Hasanoff—Providing Material Support to Al Qaeda—April 2010**

Wesam el-Hanafi and Sabirhan Hasanoff were indicted for conspiring to provide material support, including computer advice and assistance, to Al Qaeda.

(60) **Colleen R. LaRose, (61) Jamie Paulin Ramirez, and (62) Mohammad Hassan Khalid—Material Support to Terrorists—March 2010**

On March 9, 2010 Colleen LaRose was charged with conspiracy to provide material support to terrorists, conspiracy to kill in a foreign country, making false statements to a government official, and attempted identity theft. The indictment charged that LaRose, an American citizen who went by the alias “Jihad Jane”, was part of a group who recruited men on the Internet to wage violent jihad in South Asia and Europe, and recruited women on the Internet who had passports and the ability to travel to and around Europe in support of violent jihad. Additionally, LaRose was accused of directly plotting to kill a citizen of Sweden. LaRose, aka “Jihad Jane,” pleaded guilty in February 2011 in the Eastern District of Pennsylvania and Ramirez pleaded guilty in the Eastern District of Pennsylvania in March 2011.

On April 2, 2010, Jamie Paulin Ramirez, a U.S. citizen and former resident of Colorado, was also charged with conspiracy to provide material support to terrorists, and linked to the same group as LaRose. The superseding indictment charged that LaRose and Ramirez traveled to and around Europe to participate in and in support of violent jihad.

Finally, on October 20, 2011, Mohammad Hassan Khalid was also charged with providing material support to terrorists linking back to the same case as LaRose and Ramirez. The indictment alleged that, from about 2008 through July 2011, Khalid conspired with LaRose, Ramirez, and others to provide material support and resources, including logistical support, recruitment services, financial support, identification documents and personnel, to a conspiracy to kill overseas.

(63 through 71) **Nine Members of Militia Group “The Hutaree” Charged with Attempted Use of Weapons of Mass Destruction—March 2010**

Six Michigan residents, two Ohio residents, and a resident of Indiana were charged with attempted use of weapons of mass destruction among other charges. The indictment alleged that nine individuals who were part of the Lenawee County Michigan militia group called the Hutaree, conspired to op-

pose by force the authority of the U.S. government. The indictment further alleged that the Hutaree planned to kill an unidentified member of local law enforcement and then attack the law enforcement officers who gathered for the funeral. According to the plan, the Hutaree would attack law enforcement vehicles during the funeral procession with improvised explosive devices, which, according to the indictment, constitute weapons of mass destruction.

(72) **Raja Ladrasib Khan—Provided Material Support to Al Qaeda—March 2010**

Khan was arrested and charged with sending money orders to Ilyas Kashmiri, a Pakistani Al Qaeda Leader on multiple occasions knowing that the money was going to a terrorist organization.

(73) **Hosam Maher Husein Smadi—Attempting to use a Weapon of Mass Destruction—March 2010**

On September 24, 2009, Hosam Maher Husein Smadi was arrested and charged in a federal criminal complaint with attempting to use a weapon of mass destruction after he placed an inert/inactive car bomb near Fountain Place, a 60-story glass office tower in downtown Dallas. Smadi repeatedly espoused his desire to commit violent jihad and had been the focus of an undercover FBI investigation.

(74) **Omer Abdi Mohamed—Conspiring to Provide Material Support to Murder, Kidnap, and Maim Abroad—November 2009**

The indictment alleged that Omer Abdi Mohamed conspired to provide material support to kill, kidnap, maim, or injure persons in a foreign country. Among the activities alleged against Mohamed were that he recruited young men to send to Somalia to fight for al-Shabaab. In July 2011, Mohamed pleaded guilty to the charges filed against him.

(75) **Abdow Munye Abdow—False Statements in a Terrorism Investigation—October 2009**

On October 13, 2009, a federal grand jury returned a two-count indictment charging Abdow Munye Abdow with making false statements to the FBI after being stopped during a road trip from Minneapolis to Las Vegas with young men, allegedly facilitating their travel to Somalia to fight for al-Shabaab.

(76) **David Coleman Headley and (77) Tahawwur Hussain Rana—Terrorism Conspiracy—October 2009**

On October 29, 2009, David Coleman Headley and Tahawwur Hussain Rana were arrested for their alleged roles in conspiracies to provide material support and/or to commit terrorist acts against overseas targets, including facilities and employees of a Danish newspaper that published cartoons of the Prophet Mohammed in 2005. Eventually Headley pleaded guilty to a dozen charges of terrorism stemming from the November 2008 terrorist attack in Mumbai, India. Headley also admitted to attending training camps in Pakistan to prepare for terrorist attacks and to traveling to Mumbai to conduct surveillance in 2005.

(78) **Najibullah Zazi, (79) Adis Medunjanin, and (80) Zarein Ahmedzay—Conspiracy to Use Weapons of Mass Destruction—September 2009**

On Sept. 8, 2009, Zazi drove from Denver to New York, carrying explosives and other materials necessary to build bombs and carry out attacks in New York City, including a plan to bomb the New York subway system. However, shortly after arriving in New York, Zazi learned that law enforcement was investigating his activities, so he traveled back to

Denver, where he was arrested on Sept. 19, 2009. Medunjanin and Ahmedzay were later arrested in connection with Zazi's bombing plot. All three men had traveled to Pakistan for terrorist training and along with others, planned the New York terrorist attacks. Three other individuals were indicted in connection with this terrorist plot:

(81) **Mohammed Wali Zazi, Najibullah Zazi's father was arrested in the fall of 2009 for lying to investigators. On February 1, 2010, he was indicted for conspiring to dispose of his son's bomb-making materials and chemicals. In July 2011, the elder Zazi was found guilty in federal court on one count of conspiracy to obstruct justice and one count of obstruction of justice.**

(82) **Ahmad Wais Afzali, a Queens Imam, was arrested for tipping off Zazi to the FBI investigation. Afzali had been a source of information for federal and New York City investigators in the past. On March 4, 2010, Afzali pleaded guilty to lying to federal officials. He stated in court that he lied about a conversation he had with Zazi tipping him off to the FBI's investigation.**

(83) **Naqib Jaji, Zazi's uncle, eventually pleaded guilty to obstructing justice.**

(84) **Michael Finton—Plot to Bomb the Springfield, Illinois, Federal Building—September 2009**

On September 23, 2009, Michael C. Finton, who had converted to Islam was arrested after he drove a van he thought was loaded with explosives—but was actually full of inert materials provided to him by the FBI—to the Paul Findley Federal Building in Springfield, IL. Prosecutors say he parked and locked the vehicle, then moved a few blocks away before twice making cell phone calls he believed would trigger a blast that would kill or injure people inside the building. In May 2011, he pleaded guilty to attempting to bomb the building and was sentenced to 28 years in prison.

(85) **Daniel Patrick Boyd, (86) Hysen Sherifi, (87) Anes Subasic, (88) Zakariya Boyd, (89) Dylan Boyd, (90) Mohammad Omar Aly Hassan, and (91) Ziyad Yaghi—Terrorism Violations—July 2009**

On July 27, 2009, seven individuals in North Carolina were charged with conspiring to provide material support to terrorists and conspiring to murder, kidnap, maim, and injure persons abroad. The indictment alleged that Daniel Boyd and the other defendants conspired to provide material support and resources to terrorists, including currency, training, transportation, and personnel. The defendants also conspired to murder, kidnap, maim, and injure persons abroad during this period. The object of the conspiracy, according to the indictment, was to advance violent jihad.

(92) **James Cromitie, (93) David Williams, (94) Onta Williams, and (95) Laguerre Payen—Plot to Blow up Synagogues and Shoot down U.S. Military Planes—May 2009**

These four men were arrested for plotting to bomb synagogues in the Bronx, New York. Additionally, they planned to use Stinger, surface to air missiles, to shoot down military planes at New York Air National Guard Base. The men were contacted by FBI informants and given inert weapons, which they proceeded to try and use, which is when they were apprehended.

(96) **Salah Osman Ahmed—Providing Material Support to al-Shabaab—July 2009**

On February 19, 2009, Salah Osman Ahmed pleaded guilty to providing material support to al-Shabaab.

(97) **Abdifatah Yusuf Isse—Providing Material Support to al-Shabaab—April 2009**

On February 19, 2009, Abdifatah Yusuf Isse guilty to providing material support to al-Shabaab.

(98) Kamal Said Hassan—Providing Material Support to al-Shabaab—February 2009

On February 19, 2009, Kamal Said Hassan pleaded guilty to providing material support to al-Shabaab and making false statements to the FBI.

Mrs. FEINSTEIN. It is also important to understand that suspected terrorists who may be in the United States illegally can be detained within the criminal justice system using at least the following four options: One, they can be charged with a Federal or State crime and held; two, they can be held for violating immigration laws; three, they can be held as material witnesses as part of Federal grand jury proceedings; and, four, they can be held under section 412 of the PATRIOT Act for up to 6 months.

I wish to be very clear about what this amendment is and what it is not about. It is not about whether citizens such as Hamdi and Padilla or others who would do us harm should be captured, interrogated, incarcerated, and severely punished. They should be. But what about an innocent American? What about someone in the wrong place at the wrong time with the wrong skin color?

The beauty of our Constitution is that it gives everyone in the United States basic due process rights to a trial by a jury of their peers. That is what makes this Nation great. As Justice Sandra Day O'Connor wrote for the plurality in *Hamdi v. Rumsfeld*:

As critical as the Government's interests may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat.

Just think of it. If someone is of the wrong race and they are in a place where there is a terrorist attack, they could be picked up, they could be held without charge or trial for month after month, year after year. That is wrong. Experiences over the last decade prove the U.S. is safer now than before the 9/11 attacks. Terrorists are behind bars, dangerous plots have been thwarted. The system is working and hopefully improving each day.

So I think now is the time to clarify U.S. law to state unequivocally that the government cannot without trial or charge indefinitely detain Americans and green card holders captured inside this country.

The Federal Government experimented with indefinite detention of U.S. citizens during World War II, a mistake we now recognize as a betrayal of our core values. Let's not repeat it. I urge my colleagues to support this amendment.

I yield the floor for Senator PAUL.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise to support Senator FEINSTEIN's amendment. I compliment her on her work. I also echo the importance of the right to trial by jury. In fact, I am appalled that anyone would think we could arrest anyone in our country without charging them and giving them a right to a trial. It seems so fundamentally un-American.

I agree with her also that I think the Supreme Court would apply this to anyone. Our amendment will say citizens and permanent residents. But I think the Supreme Court, if challenged, will uphold the right to trial by jury of anyone within the United States.

Today, we will either affirm the right to trial by jury or restrict it. Today, we will vote to affirm the sixth amendment to the Constitution or we will spurn it. Today, we will vote to affirm 800 years of history, beginning with the Magna Carta, or we will relinquish or, at the very least, diminish a right that Jefferson referred to as "the only anchor yet imagined by man, which a government can be held to the principles of its Constitution." The right to trial by jury was a check on oppressive government.

Opponents of the right to trial by jury will come and they will argue that the American homeland is now a battlefield and that we must circumscribe our right to trial by jury to be safe from terrorists. But if we give up our rights, have not the terrorist won? If we let fear relinquish our rights—if we relinquish our rights because of fear, what is it exactly then we are fighting for?

We are asked to relinquish our rights because the battlefield is limitless. It is, though, not a temporary suspension they are asking for, and they request this because they also say the battle is also without limit. This is not a war that is going to end, nor is it a right they will suspend temporarily. They are asking people to relinquish their right to trial by jury for the rest of this limitless war.

Those Senators who would propose limiting the right to trial by jury, they deflect and demur that everyone will still have a habeas hearing. A habeas hearing is important. They must present the body and a judge might say: Why are you holding this person? But it is not the end of due process; it is the beginning of due process.

A habeas hearing is not due process. It is the beginning. We must still have a trial by jury or we do not have the due process our Founding Fathers fought for. Those Senators who would abridge this and say a habeas hearing is enough should remember Blackstone's admonition, "Every new tribunal, erected for the decision of facts

without the intervention of a jury . . . is a step towards establishing aristocracy, the most oppressive of absolute governments."

We are told we cannot do this. We have to put these people outside the constitutional court, that somehow we need something beyond the Constitution, that the Constitution is not enough to convict terrorists. Yet hundreds of terrorists have been convicted. In fact, two terrorists in my little small town, Bowling Green, KY, were apprehended and were tried and were convicted to life for terrorism. We can do it.

We are told that only terrorists associated with al-Qaida will this be applied to. We will only take away the right to trial by jury if they are part of al-Qaida. But part of the security apparatus also tells us to know your neighbor. Know your neighbor so you can report your neighbor.

In fact, we are told by the government some of the characteristics that might make you a terrorist. We are told by the Department of Justice that if you have stains on your clothing, that if you are missing fingers, if you have changed the color of your hair recently, that if you prefer to pay in cash, that if you own weatherized ammunition, if you own multiple guns, you might be a terrorist; that your neighbor should report you.

Do we want to relinquish our right to trial by jury if the characteristics of terrorism are wanting to pay by cash? In Missouri, they had fusion centers. They are supposed to accumulate information about terrorists and sort of assimilate Federal and local and have better communications.

Sounds good. I am all for better communications. Before 9/11 we did mess up. We did not communicate well. But from this fusion center comes a document that says: Beware of people who have bumper stickers supporting third-party candidates, beware of people who believe in stricter immigration laws, beware of people who support the right to life; they might be terrorists. This is an official document. Do we want to give up the right to trial by jury when we are being told someone who keeps food in their basement might be a terrorist?

Am I the only one who fears the relinquishing of a right we have had for 800 years? Am I the only one who fears that a terrorist might be someone whom we might describe as someone who is a constitutionalist? This is an ancient right to trial by jury we have had since virtually the beginning of our historic times. The Greeks and the Romans had a form of right to trial by jury.

In 725 A.D., Morgan of Glamorgan, the Prince of Wales, said, "For as Christ and his Twelve Apostles were finally to judge the world, so human tribunals should be composed of twelve

wise men." We have been doing this for hundreds upon hundreds of years. We saw it as a way to check the oppression of the King but also to check the potential oppression of government.

England and America have for centuries prized this right to trial by jury. It seems a shame to scrap it now. Our Founders believed so firmly in the right to trial by jury that they enshrined it in the body of the Constitution, again in this sixth amendment and again every State of the Union has within the body of its constitution the right to trial by jury.

It seems a shame to scrap it now. Churchill proudly remembers our joint devotion to trial by jury. He writes, "We must never cease to proclaim in fearless tones the great principles of freedom and the rights of man which are the joint inheritance of the English-speaking world and which through the Magna Carta, the Bill of Rights, habeas corpus, trial by jury and the English common law find their most famous expression in the Declaration of Independence."

Senator Lafollette, a famous Senator from Wisconsin, put it well. He said:

Let no man think that we can deny civil liberty to others and retain it for ourselves. When zealot agents of the government arrest suspected radicals without warrant, hold them without prompt trial, deny them access to counsel and admission of bail . . . we have shorn the Bill of Rights of its sanctity . . .

Today we have a chance to reaffirm our belief in the right to trial by jury. We have a chance to replace fear with confidence, confidence that no terrorist and no country will ever conquer us if we remain steadfast, steadfast to the principles of our founding documents.

We have nothing to fear except our own unwillingness to defend what is naturally ours, our God-given rights. We have nothing to fear that should cause us to relinquish our rights as free men and women. I urge my colleagues to reject fear, to reject the siren call for an ever more powerful government.

Justice White put it well when he said:

A right to jury trial is granted criminal defendants in order to prevent the oppression by the government.

It is not just about a fair trial, it is about checking your government. This vote today is about more than just combating terrorism or a fair trial, it is about relinquishing the right to the checks and balances, to the checks that cause and help us to check the relentless growth of government. It is about whether a free people are willing to remain steadfast in our defense of an 800-year-old right that finds justice for the accused and provides restraint and limits on despotism.

I hope my colleagues will today vote against limitations on the trial by jury, recognize its sanctity, and recognize the importance of something that

brings Members from the right side of the aisle together with Members of the left side of the aisle who believe strongly in the defense of the Bill of Rights.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. LEE. Mr. President, I rise today to speak in favor of the Feinstein-Lee amendment to the National Defense Authorization Act. At the outset, I wish to note this amendment is the product of bipartisan discussion and collaboration on an issue that is important to all Americans. I am pleased to have been a part of that process.

Senator FEINSTEIN and I have worked closely together over the course of the past year to craft what we believe represents a very prudent course in protecting both our Nation and our liberties at the same time. Security is important. And precisely because it is important it must not be acquired at the expense of our individual liberty. It may well be said that government's most important basic responsibility is to protect the liberties of its citizens. Our Nation has fought wars on American soil and around the world in defense of individual liberty, and we must not sacrifice this most fundamental right in pursuit of greater security, especially when we can achieve security without compromising liberty.

The Feinstein-Lee amendment does precisely that. It protects liberty by ensuring that no American will be deprived of due process. The fifth amendment states:

No person . . . shall be deprived of life, liberty or property, without due process of law.

The sixth amendment, likewise, guarantees that individuals accused of a crime will have access to an attorney and access to a trial by a jury consisting of that person's peers. Our amendment protects those rights and it provides the following:

An authorization to use military force, a declaration of war, or any similar authority shall not authorize detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States.

It is important to note the Supreme Court has never specifically held that an authorization for the use of military force somehow authorizes the indefinite detention of a U.S. citizen or a U.S. person apprehended within the United States, and I don't think we should break new ground here. I don't think we should start opening that precedent and suggest that is somehow acceptable. The Constitution does, in fact, require nothing less than traditional due process for all Americans apprehended within the United States.

As Supreme Court Justice Anthony Scalia has written:

The gist of the Due Process Clause, as understood at the founding and since, was to force the government to follow . . . common-

law procedures traditionally deemed necessary before depriving a person of life, liberty, or property. When a citizen was deprived of liberty because of alleged criminal conduct, those procedures typically required committal by a magistrate followed by indictment and trial.

I understand and respect, of course, the fact that we live in perilous times. We, unfortunately, as Americans have enemies not only around the world but even within our own borders. This is unfortunate. This creates challenging times for us. I hope and pray every day we will be successful in fending off those who would harm us, those who hate our way of life and everything about us and will do everything in their power to destroy us and our liberty. But that does not—it cannot, it will not—mean we, as Americans, should surrender our basic instinct to be free.

We must stand behind our 225-year-old founding document as it has been amended to ensure that our liberty isn't taken away from us to give us a path toward providing for our security without jeopardizing the freedom our American citizens cherish so much and have fought so hard and for so long to protect.

Granting the U.S. Government the power to deprive its own citizens of life, liberty, or property without full due process of law goes against the very nature of our Nation's great constitutional values. This amendment—the Feinstein-Lee amendment—protects those values. I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, somewhere on this desk I have a unanimous consent request.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Senator BAUCUS be added as a cosponsor to my amendment No. 3018.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.



Mr. LEVIN. Mr. President, I ask unanimous consent that it now be in order for Senator LEAHY to call up his amendment No. 2955; that the time until 6 p.m. be equally divided in the usual form; that at 6 p.m. the Senate proceed to a vote in relation to the Leahy amendment No. 2955; further, that there be no amendments in order to the Leahy amendment prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Reserving the right to object, but I am not objecting, I wish to engage in a colloquy with the distinguished chairman.

Is it our intention to continue to consider amendments following this amendment, and I don't know whether there is a possibility of votes, but we certainly— isn't it correct to say we could consider amendments, and we will try to dispose of them given the limited time we have to consider the bill?

Mr. LEVIN. It would be my hope that after this vote, we would be able to clear amendments, perhaps—

Mr. MCCAIN. Debate.

Mr. LEVIN. And to have the Senators debate amendments.

I know Senator COBURN will be here between now and 6 o'clock to debate the Leahy amendment. We don't need to protect him further since the time is equally divided, and he can have part of the half hour of time.

But it is my hope that people who want to dispose of amendments will come after the 6 o'clock vote and bring these amendments to our attention, see if our staffs can make progress, clear amendments, and maybe package some votes for tomorrow morning. We can make progress after this vote if our colleagues will cooperate with us.

Mr. MCCAIN. I thank my friend, and I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO. 2955

(Purpose: To improve the Public Safety Officers' Benefits Program)

Mr. LEAHY. Mr. President, I call up amendment No. 2955.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY] proposes an amendment numbered 2955.

Mr. LEAHY. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. LEAHY. Mr. President, this is actually a simple amendment. It strengthens the Public Safety Officers' Benefits Act. That is the Federal death

and disability program that we have for our Nation's first responders who are killed or disabled in the line of duty. There is nothing new to this body in this amendment.

An earlier version of this legislation was adopted on the Senate floor by voice vote in December of 2001. It was adopted as part of the FAA Air Transportation Modernization and Safety Improvement Act. In fact, following the Senate's adoption of the amendment, I worked closely with the House Judiciary chairman, the distinguished Member of the House, Congressman LAMAR SMITH of Texas. He and I added additional reforms so we ended up with an improved bill. We ended up with a modest expansion of benefits for deserving emergency medical responders and a host of reforms to make the Public Safety Officers' Benefits Program stronger, more efficient, and more cost-effective.

The most important thing, CBO, which initially had concern, reviewed it and found this cost nothing. The CBO recognized the cost savings associated with the reforms and efficiencies that we incorporated and determined that the modest expansion of benefits was fully offset by these reforms. What we are saying, since 1974, this country has recognized that we have first responders who are killed and disabled in the line of duty whose families deserve our help. This bipartisan legislation does that.

We have determined that a police officer who is shot in the line of duty, a first responder, a firefighter, an emergency medical responder and others who are killed in the line of duty, died as a result of their work in the line of duty, that they would have and share in the same benefit we have provided for the whole country. This clarifies the policy for all first responders who serve their communities in an official capacity.

It is hard to think of anybody who could possibly disagree with this amendment. It costs taxpayers nothing. It builds upon and improves what we have always done.

Let me tell a story. Before we had this act, before we had this law, when I was a young State's attorney, the police chief in Manchester, VT, responding to a burglary, was shot and killed. He was a man, the sole support of his wife and his aging mother. It turned out there was no program at that time, no assistance from the state or Federal Government. This was prior to 1974, 1976, and there was no program to care for them, to care for the widow. Therefore, there was not even money to pay for his funeral.

I was president of the Vermont State's attorneys association at the time, and I started making calls around the State. We quickly raised the money for his funeral and for some modest help for his family. I still re-

member that funeral. It was one of those days we often have in the winter during a snowfall when there are very large snowflakes. They call them silver dollar snowflakes, and they are very large. They were falling gently out of the sky. But on the two-lane road leading to this small church, a typical New England church with a white steeple on it, for miles and miles all we saw is that of the snow coming down in the reflection. The blue lights from the police cars were flashing, the red lights from the firetrucks were flashing, and the white and red lights from the ambulances were flashing. I have never forgotten that.

Today, thanks to Federal legislation, if that happened again, there would at least be benefits, as it should be. But this is something that could happen in Vermont or Rhode Island or any other State in this country. This measures contained in this amendment were passed in the House overwhelmingly by voice vote in June of this year. It passed here on the floor of the Senate by voice vote before that. It has no cost to the taxpayers, which is something Chairman SMITH and I worked on together to ensure. I hope it will pass and at 6 o'clock we vote on it.

I reserve the balance of my time and I suggest the absence of a quorum and ask that time be equally divided during the call of the quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that Senator DEMINT be added as a cosponsor of the amendment entitled "Feinstein-Collins amendment No. 3018."

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise to speak in support of the amendment offered by Senator FEINSTEIN. The purpose of our amendment is to make clear that a U.S. citizen or legal permanent resident arrested in this country cannot be detained indefinitely without charge or trial. This amendment is necessary because current law with respect to the indefinite detention of U.S. citizens within the United States remains unclear after more than 11 years of a persistent conflict in which the enemy often does not distinguish itself from civilians.

Without this amendment, it is conceivable that an American citizen could be arrested, detained, and held without charge or trial in order to address the gap in the law. Our amendment is necessary.



Last year the fiscal year 2012 National Defense Authorization Act defined the scope of the detention authority provided under the 2001 Authorization for Use of Military Force for detainees captured outside the United States. But the scope of detention authority, as it relates to U.S. citizens and lawful residents captured or arrested inside the United States, was left nebulous.

Because of this legal ambiguity, despite the guarantees enshrined in our Constitution, an American citizen could be indefinitely detained without charge or trial, even if they are detained in the United States.

I do not believe that many of us intended to authorize such a sweeping detention authority within the United States when we voted to allow our military to pursue al-Qaida following the 9/11 attacks.

Because Congress was responsible for authorizing the use of military force in the first place, it is our duty, our obligation, to define carefully the scope of the detention authority we intended in the AUMF. If we do not clarify this important issue, the Federal courts and the executive branch will be left to substitute their judgment for ours. This amendment specifically addresses the issue of American citizens and lawful permanent residents detained in the United States, and it would clarify that it is not the intention of the Congress to allow for their indefinite detention.

Let me briefly mention what the Feinstein-Collins amendment does not do.

First, it does not change the ruling in *Hamdi v. Rumsfeld*. In that case, the Supreme Court ruled that an American citizen who wages war against U.S. troops in an active combat zone can be taken into preventive detention in order to keep that person from continuing to wage war overseas against American military forces.

When an American citizen leaves this country to wage war against his fellow citizens, he relinquishes certain rights, otherwise supported by the Constitution, and I agree with the Court's decision in this case.

Next, this amendment does not preclude intelligence gathering subsequent to a suspected terrorist being taken into detention.

The intelligence gathered from a suspect in the hours or days after his arrest can be vital to preventing further acts of violence or in uncovering terrorist networks at home or abroad. This amendment balances the ability to gather this important information with the suspect's rights by providing some flexibility within the Constitution's bounds.

For example, it does not circumscribe the existing public safety exception to Miranda. This exception permits law enforcement, in certain

circumstances, to engage in a limited and focused unwarned interrogation and allows the government to introduce the statement as direct evidence in a judicial proceeding. Law enforcement officials, confronted with an emergency, may question a suspect held in custody about an imminent threat to public safety without providing Miranda warnings first.

In addition, nothing precludes other Federal agents from gathering intelligence without providing Miranda rights. Under current law, a U.S. citizen cannot be tried in a military tribunal, and that does not change under our amendment.

Finally, this amendment does not change the treatment of those who are here on temporary visas, such as students or travelers—the kind of visas that were used by the 9/11 terrorists.

In closing, let me talk about how this amendment would have changed the treatment of some U.S. citizens detained under the authorization for use of military courts during the last 11 years had it become law.

First, because this amendment only covers American citizens captured in the United States, it would not have affected the detention of John Walker Lindh, for example. So the only U.S. citizen affected by this amendment would have been Jose Padilla. If this amendment were the law, Jose Padilla's detention would have ended as it did under the Bush administration—in a Federal courtroom, where he was charged with aiding terrorists in a terrorist organization.

Since 2001 terrorism has claimed far too many victims, both abroad and here in our country. But it is crucially important that in pursuing the war on terrorism, we must assure our fellow citizens their constitutional rights—the very foundation of what makes us Americans. For this reason, I am proud to be a cosponsor of Senator FEINSTEIN's amendment, and I strongly urge its adoption.

The PRESIDING OFFICER. The Senator from Oklahoma.

AMENDMENT NO. 2955

Mr. COBURN. Mr. President, I would like to spend a few minutes noting why I am against the expansion of the Dale Long Public Safety Officers' Benefits Improvements Act. And it is a great example of where we find ourselves in the country. If you read the Constitution and look at the enumerated powers, we have a Federal program to benefit what is really the responsibility of States. Now, nobody is going to say this isn't a beneficial program to those poor families who might need this. And the chairman of the Judiciary Committee has done a wonderful job in terms of offsetting this so that there is no additional cost, and for that I congratulate him. But this is a great example of why we have \$88 trillion in unfunded liabilities and are \$16 trillion

in debt—because we are doing a function that is truly the responsibility of the States.

The PSOB Program was originally designed, in its original design, to be a model so that the States would set up and demonstrate to them how they could structurally set up their own programs. Over the last 30 years, Congress has continued to expand this program, and now we spend about \$81 million to \$85 million a year on this program. I am not saying it is not needed money for the families, but we are going to expand a program that is truly not a Federal responsibility.

I have no hopes this will be defeated. I know it won't. But I wanted to raise this question: Given what is in front of us, it is one thing to meet the needs under our Federal requirements for Medicare and Medicaid, but when are we going to stop expanding programs that aren't truly our responsibility? The cause is great. It is appropriate for a government agency to help in times for the people who actually put their lives on the line for us. But is it a Federal responsibility? The answer is no, it is not. It is a State responsibility. As we assume more and more responsibilities for the States, with budget deficits in excess of \$1 trillion, what we are going to do is find ourselves at a point where we are going to have to make cuts in programs that are our responsibility.

All I ask you to do is think about whether this is truly a responsibility of the Federal Government and whether we ought to be expanding the program. It is well-intentioned and does great work, I don't discount that. It is well-deserved, I don't discount that. But is it a responsibility of the Federal Government?

I would state to the chairman that I would be happy to have a voice vote on this and not force a vote because I know the outcome and we shouldn't waste everybody's time to do that. So I ask for a voice vote and to vitiate the vote that is scheduled for 6 o'clock.

The PRESIDING OFFICER. Is there objection to that request?

Mr. LEVIN. Mr. President, I am not sure what that request was.

The PRESIDING OFFICER. The request was for a voice vote on the Leahy amendment now.

The Senator from Arizona.

Mr. MCCAIN. Mr. President, I will be asking for the yeas and nays at the appropriate time.

The PRESIDING OFFICER. Objection is heard.

The Senator from Vermont.

Mr. LEAHY. Mr. President, it is my understanding that we will be voting at 6 p.m. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. And as I understand, the managers will be requesting a rollcall vote.

Mr. President, how much time does the Senator from Vermont have remaining?

The PRESIDING OFFICER. The Senator has 7 minutes remaining.

Mr. LEAHY. Mr. President, the distinguished gentleman from Oklahoma has noted his objection, and I appreciate him doing that, but I would also note that we share different views on this. For example, the Senator from Oklahoma was the lone vote opposing the Bulletproof Vest Partnership Grant Act of 2012. The Bulletproof Vest Partnership Grant Program has saved the lives of hundreds and even thousands of our police officers. He opposes the Public Safety Officers' Benefits Act, which provides a Federal death benefit to surviving families of first responders who are killed in the line of duty. And he is objecting to the passage of the bipartisan, bicameral, and cost-neutral Public Safety Officers' Benefits Improvements Act of 2012, which would make important reforms to a program that has assisted the families of thousands of police officers and other first responders who have lost their lives protecting their communities and fellow citizens.

During the months when we were trying to pass the Public Safety Officers' Benefits legislation, we heard from Chuck Canterbury, the highly respected president of the Fraternal Order of Police. He is one of our Nation's law enforcement leaders. He wrote to the chairs of both the Senate and House Judiciary Committees about the distinguished Senator's opposition to this cost-neutral Public Safety Officers' Benefits Program reform, and he concluded:

The FOP views this not as a politician embracing the principle of federalism, but as a . . . ploy to place even greater strain between law enforcement and other public safety officers that serve on the local and State level and their colleagues employed by the Federal government. When a police officer puts himself in harm's way, he does not stop to think about jurisdiction. He does not ask the offender if he is committing a local, State, or Federal crime. He acts in the best interest of the safety of those he swore to protect. A family that loses a loved one in the line of duty should not just be left adrift, their sacrifice ignored because their loved one was a local firefighter or State Trooper and not a Federal agent.

I hope the Senate will overwhelmingly pass this bipartisan piece of legislation. We have always supported our first responders. I think back to my own experience in law enforcement and also the experience of former Senator Ben Nighthorse Campbell from Colorado, who I joined to write legislation, based upon his experience in the sheriff's department in Colorado, and my experience as a prosecutor, to provide assistance to state and local law enforcement to obtain bulletproof vests. The amendment we consider today is in that same spirit. Anybody who served in law enforcement, anybody who

served as a volunteer firefighter or emergency medical responder, anybody in any part of this country who serves in these capacities knows the need for this. The fact that we have been able to improve the existing law, with no cost to the taxpayer, is even better.

Mr. President, I ask unanimous consent to have printed in the RECORD letters from the Congressional Fire Services Institute, International Association of Fire Chiefs, International Association of Fire Fighters, National Fire Protection Association, National Volunteer Fire Council, and the American Ambulance Association in support of this legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 28, 2012.

HON. PATRICK LEAHY,  
Chairman, Senate Committee on the Judiciary,  
Washington, DC.

DEAR CHAIRMAN LEAHY: We are writing to express support for S.A. 2955, which would amend S. 3254, the National Defense Authorization Act to include language from the Public Safety Officers' Benefits Improvements Act (PSOBIA). As you know, the Public Safety Officers' Benefits (PSOB) program provides critical assistance to the families of public safety officers who suffer a fatal injury in the line of duty and to public safety officers who suffer a permanently disabling injury in the line of duty.

PSOBIA would make several important changes to how PSOB is administered, including making employees and volunteer members of private, non-profit EMS/rescue agencies eligible. Volunteer and career firefighters and EMTs in private, non-profit fire departments already qualify for PSOB while their counterparts in non-fire-based, private non-profit EMS systems generally do not. PSOBIA fixes this inequity.

The bill also clarifies that public safety officers who suffer a fatal vascular rupture injury in the line of duty are eligible for PSOB. The Hometown Heroes Survivors Benefits Act was enacted in 2003 and created a presumption that public safety officers who suffer a fatal heart attack or stroke within 24 hours of engaging in emergency response activity are considered to have died as a result of a line of duty injury and thus qualify for PSOB. Vascular rupture is a type of injury that is similar to but technically distinct from heart attack and stroke.

To reiterate, our organizations support S.A. 2955, which makes several minor but extremely important changes to how the PSOB program operates without any additional cost to the federal government.

Sincerely,

CONGRESSIONAL FIRE  
SERVICES INSTITUTE,  
INTERNATIONAL  
ASSOCIATION OF FIRE  
CHIEFS,  
INTERNATIONAL  
ASSOCIATION OF FIRE  
FIGHTERS  
NATIONAL FIRE PROTECTION  
ASSOCIATION  
NATIONAL VOLUNTEER FIRE  
COUNCIL.

AMERICAN AMBULANCE ASSOCIATION,

November 27, 2012.

HON. CARL LEVIN,  
Chairman, Committee on Armed Services, U.S.  
Senate, Washington, DC.

HON. JOHN MCCAIN,  
Ranking Member, Committee on Armed Services,  
U.S. Senate, Washington, DC.

DEAR CHAIRMAN LEVIN AND RANKING MEMBER MCCAIN: We are writing to ask your support for a critical amendment to the FY 13 National Defense Authorization Act (NDAA) Senate Amendment 2955, the Dale Long Public Safety Officers' Benefits Improvements Act of 2012.

The American Ambulance Association (AAA) is the primary trade association for ground ambulance service agencies whose combined membership provides emergency and non-emergency medical services to over 75% of the U.S. population. Each day our first responders put their lives on the line to serve our nation, yet they face an inequity in the existing Public Safety Officer Benefits Program, a longstanding Federal program designed to help honor those that lose their lives in the line of duty.

In order to fix this inequity, we strongly urge you to support Senate Amendment 2955. The amendment includes critical improvements to the Public Safety Officers' Benefits Program, also known as the Dale Long Public Safety Officers' Benefits Improvements Act of 2012. This amendment would make members of rescue squads or ambulance crews operated by nonprofit entities eligible for benefits paid when a public safety officer is permanently disabled or dies in the line of duty. The amendment also includes a host of important reforms to the program including the reduction of claims processing and administrative to name a few. Just as importantly, the Congressional Budget Office has provided a neutral score on the issue.

Every state in the country has communities that have elected to have their emergency medical services provided by nongovernmental EMS agencies. The Public Safety Officer Benefit (PSOB) program, however, currently applies only to those public safety officers employed by a federal, state, or local government entity. The brave men and women employed by nongovernmental EMS agencies provide the same vital emergency medical services as governmental officers and do so daily in the same dangerous environments. It is unfair to penalize nongovernmental public safety officers and their families simply because their employer is a non-profit EMS agency which cannot afford to offer the same level of benefits as the PSOB program. This amendment would correct this inequity.

We thank you for all your years of service to our country and to the support you've provided to the nation's first responders. Again, we urge you to support Senate Amendment 2955 as you move forward on the NDAA bill. If you have any questions, please do not hesitate to contact Tristan North of the AAA at [tnorth@the-aaa.org](mailto:tnorth@the-aaa.org) or 202-486-4888.

Thank you.

Sincerely,

STEVE WILLIAMSON,

President,

American Ambulance Association.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I ask to call up amendments Nos. 3007, 3008, 3009, 3010, and 3013.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. And No. 3011.

Mr. LEVIN. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana.

Mr. COATS. Mr. President, I was listening to the dialog here that was going back and forth.

The PRESIDING OFFICER. The Republican time has expired under the current order.

Mr. MCCAIN. Mr. President, I ask unanimous consent for 2 additional minutes for the Senator from Indiana.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. COATS. Mr. President, I just wanted to comment that I was listening to the discussion going on here about the Leahy amendment.

I don't know what the history of all this is, but I simply want to say that I think the Senator from Oklahoma asked a very legitimate question that we all ought to consider; that is, Is this legitimately a Federal responsibility? Given the fiscal plight that we are in and careening toward the cliff, do we want to keep expanding Federal programs? But in deference to his colleagues and the timeframe here, he said he understands that it will be a virtually unanimous vote despite his question, which is legitimate and I think we all ought to consider. But that was rejected. And then the response to somebody who I think was trying to be deferential to the Senator from Vermont and his proposals sort of is put in a position where it looks as though he is not trying to be conscious of the situation that exists.

I think he asked a legitimate question to which all of us, given our current fiscal situation, ought to give due consideration.

I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I would note that this is a very modest expansion of benefits for emergency medical technicians who serve at the direction of a state emergency response system, and is entirely offset by other provisions in the amendment. It simply reforms and improves what is already law and adds no cost—no Federal cost.

And if I could have the attention of the Senator from Indiana, this is less an expansion than a correction to a gap in the existing law. It is a reform of programs we have, and it is of no cost to the Federal taxpayers.

I see the Senator from Arizona on the floor. I am perfectly willing to yield back my time and go to vote if he wishes.

Mr. MCCAIN. I thank the chairman.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, two things.

No. 1, we are going to proceed to the rollcall vote in a moment, and with

Senator MCCAIN's support and consent, I would like to let our colleagues know we will be here after this vote. That doesn't mean there will be any additional votes tonight. That is not up to us to decide; that is the leadership call. But we will be here to try to clear amendments for either voice votes or for votes tomorrow if there are no rollcall votes today or for debate. Senator MCCAIN and I are prepared to stay here to receive the amendments people want to discuss and to see if we can't get some of them cleared and perhaps voice-voted tonight.

Mr. MCCAIN. I yield all remaining time.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), and the Senator from Kentucky (Mr. PAUL).

The PRESIDING OFFICER. (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 11, as follows:

[Rollcall Vote No. 207 Leg.]

YEAS—85

Akaka	Grassley	Nelson (NE)
Alexander	Hagan	Nelson (FL)
Ayotte	Harkin	Portman
Barrasso	Hatch	Pryor
Baucus	Heller	Reed
Begich	Hoeven	Reid
Bennet	Hutchison	Risch
Blumenthal	Inouye	Roberts
Blunt	Isakson	Rockefeller
Boozman	Johanns	Rubio
Boxer	Johnson (SD)	Sanders
Brown (MA)	Kerry	Schumer
Brown (OH)	Klobuchar	Sessions
Burr	Kohl	Shaheen
Cantwell	Landrieu	Shelby
Cardin	Lautenberg	Snowe
Carper	Leahy	Stabenow
Casey	Levin	Tester
Chambliss	Lieberman	Thune
Cochran	Lugar	Toomey
Collins	Manchin	Udall (CO)
Conrad	McCaskill	Udall (NM)
Coons	McConnell	Vitter
Crapo	Menendez	Warner
Durbin	Merkley	Webb
Enzi	Mikulski	Whitehouse
Feinstein	Moran	Wicker
Franken	Murkowski	
Gillibrand	Murray	

NAYS—11

Coats	DeMint	Kyl
Coburn	Graham	Lee
Corker	Inhofe	McCain
Cornyn	Johnson (WI)	

NOT VOTING—4

Bingaman	Paul
Kirk	Wyden

The amendment (No. 2955) was agreed to.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I have been talking now with Senator MCCAIN. This is what our plan is for tonight and for the morning. In the morning, we would hope we would be able—we would first hope to address the Kyl amendment. We would hope to take up and dispose of the Kyl amendment first thing in the morning.

We would then expect to move to Senator AYOTTE's amendment, to which there may or may not be a second-degree or a side-by-side amendment offered. After that matter is disposed of, we would expect then to move to a Hagan amendment. And, in between, it is our intent to offer cleared amendments.

I will let Senator MCCAIN join me on this. But these are amendments which have been cleared. People will have a chance overnight to look at them and see if there is any reason that they want rollcall votes or voice votes on these. If there are, we expect they are going to have to come down, object, and vote on those matters. But our staff works hard. We work with the committees of jurisdiction, we work with people we believe have any interest in these amendments. We have perhaps 50 or 100 amendments which we are looking at.

We want to accommodate Senators. We also want to accommodate potential opponents. We have done our best to do both, sponsors and opponents. But that is our plan for tonight and for tomorrow morning. We expect we would then ask Senator HAGAN to be recognized tonight to speak on an amendment, not to call it up but to speak on an amendment that she would be offering tomorrow in the queue which I just described.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank the distinguished chairman. I think we have made reasonably good progress today. I think we have disposed of a number of important amendments. We still have a number of issues, particularly the detainee issue, which will probably require that we have a number of speakers. But also I hope we could reach a time limit on that.

The Senator mentioned that there may be possibly a side-by-side or a second-degree amendment to the Ayotte amendment. But I think the chairman would agree, we have made pretty good progress. We have still got quite a long way to go. We have a full day tomorrow. Hopefully we can get it down to a

bare minimum of amendments so we can finish.

I thank all of our colleagues for their cooperation. We thank the Senator from North Carolina for discussing her amendment this evening.

Mr. LEVIN. There will be no more votes tonight. After Senator HAGAN's remarks are completed, I ask unanimous consent that there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mrs. HAGAN. Mr. President, Mr. President, I wish to call up amendment No. —

Mr. LEVIN. Forgive the interruption again, Mr. President. I hate to interrupt. There will be no amendments called up tonight. The expectation is that you would be recognized tomorrow in that queue to call up the amendment, but that tonight you proceed without calling the amendment up, holding that off until tomorrow.

Mrs. HAGAN. Mr. President, I wish to speak about an amendment I am going to call up tomorrow, amendment No. 3995. I believe it is critical, this amendment to our long-term national security. In August of 2011, the Secretaries of the Departments of Agriculture, Energy, and the Navy signed a memorandum of understanding to invest \$170 million each to spur the production of advanced aviation and marine biofuels under the Defense Production Act.

This joint memorandum of understanding requires substantial cost sharing from private industry of at least a 1-to-1 match. The main objective of this memorandum of understanding is to spur the construction or retrofit of commercial scale advanced biofuel refineries. These facilities will produce drop-in advanced biofuels meeting military specifications. They will be located in geographically diverse locations for ready market access, and will have no significant impact on the supply of agricultural commodities for the production of food.

As the largest single consumer of fuel in the world, the Department of Defense uses approximately 120 million barrels of oil each year, spending over \$17 billion in fiscal year 2011 on fuel. This dependency on a single source of energy leaves our military's readiness at risk.

When the price of oil goes up \$1, it costs the Navy an additional \$30 million and the entire Department of Defense over \$100 million. Last year alone, this forced the Navy to pay an additional \$500 million because the price of fuel was higher than budgeted.

DOD is not going to allow these additional fuel costs to directly affect our missions in Afghanistan. However, cost overruns could force the military to

curtail training and less urgent operations resulting in increased risk to future missions. Developing a commercially viable biofuels industry could help DOD diversify its fuel source and reduce the risk of energy volatility.

Our senior military leaders understand that programs such as this MOU are critical to national security. In July, the Secretary of the Navy, the Chief of Naval Operations, and the Marine Corps Commandant expressed their concern to Chairman LEVIN.

The demand for fuel in theater means we depend on vulnerable supply lines, the protection of which puts lives at risk. Our potential adversaries both on land and at sea understand this critical vulnerability and seek to exploit it.

The Navy and the Marine Corps have been aggressively evaluating how both energy efficiency and alternative sources of energy can provide tactical benefits to expeditionary forces.

Given the impact of this MOU to our national security, I was disappointed when the Senate Armed Services Committee marked up the fiscal year 2013 Defense authorization bill and an amendment was adopted that would prevent the Defense Department from participating further in the MOU. The bipartisan amendment that I offer today seeks to strike that measure.

I believe Senators on both sides of the aisle agree that energy security is a national security imperative.

However, there are honest disagreements over how the United States pursues energy independence. These divergent views are reflected in the debate over the joint MOU.

One argument used by opponents of the MOU is budget related. Given the current budget restraints, the Department of Defense should not be spending resources to help spur a commercially viable advanced biofuels industry. It is important to put in context the amount of money the Navy is spending on this program. The \$170 million dedicated to the MOU in one fiscal year represents .03 percent of the entire fiscal year 2013 budget request of the Department of Defense. Let me repeat that. It is .03 percent.

This is not to dismiss concerns about our current budget situation. I too am deeply concerned about our country's fiscal path, and I continue to advocate for Congress to put politics aside and remake the tough choices necessary to ensure future generations are not burdened by unsustainable debt. However, as we tackle our budgetary challenges, we must not harm programs important to our national and economic security. This joint MOU is one such program.

What about the cost of advanced biofuels? In the past 2 years, the cost of biofuels purchased for these 50-50 fuel blends used in Navy training exercises has dropped by over 50 percent. Moreover, the Navy has made clear that they will not procure large quantities

of biofuels for operations until they are cost competitive with traditional fuels. The MOU is bringing the cost of biofuels in line with petroleum, and now is not the time to stop the program from reaching its goals.

As I mentioned earlier, diversifying our energy mix will also help protect our military from the costs associated with price spikes in oil. Sudden energy cost increases force DOD to reallocate finite resources away from long-term priorities.

Critics of the MOU often say if the government wants to promote advanced biofuels, we have a Department of Energy. Of course, the Department of Energy has an important role to play, but so does the Navy and the Department of Agriculture. From my perspective, leveraging the unique capabilities of each agency, in partnership with the private sector, exemplifies the type of innovative approach needed to solve our country's most vexing problems.

Looking back in history, the Navy's leadership on energy innovation is nothing new. It was the Navy that shifted from sail to steam in the middle of the 19th century, steam to oil in the early 20th century, and pioneered nuclear power in the middle of the 20th century. At each of these transitions, there were those who questioned the need, challenged the cost, or simply opposed change of any kind.

I want to make clear that today's debate is not about oil versus biofuels. I was very pleased with the recent International Energy Agency report that projected that the United States would be the world's top oil producer by 2020 and a net exporter of oil around 2030. However, this does not mean we should abandon efforts to diversify our energy supply.

In 1913, on the eve of World War I, Winston Churchill made a historic decision to shift the power source for the British Navy ships from coal to oil. This decision was not without controversy, but Churchill successfully argued that safety and certainty in oil lies in "variety and variety alone."

Although at the time Churchill was talking about oil, his message is just as applicable to today's debate about biofuels. True energy security requires energy diversity.

I urge my colleagues at a later date—tomorrow—to support this amendment.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BEGICH). The clerk will call the roll.

The legislative clerk proceeded to read as follows.

Mr. MORAN. Mr. President, I ask unanimous consent the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORAN. Mr. President, even in this dysfunctional Senate, we as Members, we as Senators have a unique opportunity to be advocates for those

who need our help, and we need to provide a voice for those who are in need. For years—a decade, really—I have been an advocate for allowing increased engagement with Cuba. I have been an advocate for Kansas and American farmers having the opportunity to sell their agricultural commodities to Cuba. I have always believed that increased engagement with Cuba is a better way to bring about the changes that we all desire for the Cuban people.

Additionally, I thought that our policy toward Cuba was especially damaging and created a significant disadvantage to Kansas farmers and their competition for markets around the globe, and it was ineffective because it was a unilateral embargo. The market and demand for American commodities do exist off our coastline, and yet Congress and administrations over the years have failed to make it possible for there to be much sale or much relationship, commercial relationship, with the people of Cuba.

For more than a decade I have worked to open those Cuban markets to American agriculture. In 2000 I offered an amendment to the Treasury appropriations bill when I was in the House of Representatives that removed those trade sanctions on food, agriculture, commodities, and medicine. It paved the way for American farmers to sell their crops to Cuba for the first time in more than 40 years.

The language of that amendment ultimately became part of legislation called the Trade Sanctions Reform and Export Enhancement Act, TSRA. Over the years, administrations have made changes that have tightened the rules under that legislation and made it, again, difficult for our farmers to sell agricultural commodities to Cuba. On multiple occasions I have fought to reverse those decisions, those new rules by administrations, to make it easier for us to sell those commodities. We are not even talking about trade; we are simply talking about the sale for cash of those commodities.

In fact, we went through this last year as I offered an amendment to an appropriations bill that was approved by the Appropriations Committee to change those regulations. I say all that because I want to highlight how important and how long term my interest in this issue has been, but that is not the point of what I want to talk about tonight. I want to establish that this matters. But even despite the fact that it matters, I have taken a hiatus, in fact, and announced to the Appropriations Committee this year that I would not be offering that amendment again.

It is not that I have changed my mind about the value of engagement or the importance for Kansas and American farmers to be able to sell their commodities to Cuba, but it is a sincere recognition on my part that the Cuban Government has a responsibility

to cooperate with the United States on an issue that many of us are concerned about, which is the unjust detention of an American citizen, Alan Gross.

Nearly 3 years ago, December 3, 2009, Alan was arrested in Havana where he had been working as a U.S. Government subcontractor that had a contract for USAID, an agency whose mission is to help those in need. As a USAID subcontractor, Alan had made five trips to Cuba where he helped a small, peaceful, nondissident Cuban Jewish community. He was arrested. He was detained without charges for 14 months. Later, he had a 2-day trial resulting in a 15-year prison sentence for alleged "actions against the independence or territorial integrity of the State."

Since his arrest, now a long time ago, his detention so long ago, Alan's health has deteriorated. He has lost more than 100 pounds and suffers from several debilitating medical conditions. During his imprisonment, several members of his family have faced serious illness. His daughter has been diagnosed with breast cancer, and his 90-year-old mother has been diagnosed with inoperable cancer.

In light of Alan's continued detention, deterioration of his health, and the health problems experienced by his family, 42 of my colleagues joined me and Senator CARDIN earlier this year calling on the Cuban Government to release Alan on humanitarian grounds and allow him to return to his family in the United States. In recent news—in fact, just yesterday—I learned from a press report that Cuba planned to make an announcement regarding Alan Gross. It fueled hope on the part of many of us that the announcement would be that he would be released. Sadly, unfortunately, today the announcement was nothing other than their assessment, Cuban assessment, that Alan is in good health.

I asked my staff and others who know me and know about this issue to say their prayers last night that the release would occur. Once again, Cuba has failed to do what is right and proper. It is unclear whether their claim that Alan Gross is in good health is true. Certainly, many reports indicate that is not the case. He has never been examined by an independent medical examiner, something that is required by international law.

It is past time for Cuba to release Alan and allow him to return to his family. Failure to do so makes any improvement in the relationship between our two countries so much more difficult and highly unlikely. I think that would benefit the people of Cuba, but their government continues to take an unjust course. Alan should be released and Cuba should do the right thing. Mr. Gross devoted his professional life to helping others through his work in international development. He and his

family have suffered more than most could endure over the last 3 years.

Continuing our efforts to bring Alan home, next week, on December 3—the 3-year anniversary—Senator CARDIN and I will introduce a resolution calling for the immediate and unconditional release of Mr. Gross. I ask my colleagues to join us in supporting this resolution to help send the clear message to Cuba that even those of us who want a better relationship, even those of us who have been willing to cast the votes to increase that opportunity for a relationship between the United States and Cuba, want Alan Gross to come home. It is my hope the Cuban Government will reverse course and that Alan can finally come home to his wife Judy and to their family.

I ask my colleagues to join me in that effort and perhaps, more importantly, I ask Americans to join us in the prayer for Alan's release.

I yield the floor.

#### TRIBUTE TO BAILEY FINE

Mr. CARDIN. Mr. President, I rise today to recognize and give thanks to my State director, Bailey Fine, who is retiring at the end of the 112th Congress after 27 years of devoted service. There is great sadness but deep appreciation as I say goodbye to Bailey who, in 1982, ran my reelection campaign to the Maryland House of Delegates; then served as my campaign aide during my first congressional race in 1986; as my district director for 20 years; and, finally, as my State director during my first term in the Senate.

Over the years, Bailey has been a friend to my entire family, a trusted confidant, a reliable sounding board for my legislative district and statewide agendas. For more than three decades I have been truly fortunate to have her at my side, providing knowledgeable advice and a commonsense approach to the many issues that face Members of the House and Senate.

Bailey is a people person who understands how our work in Washington affects the everyday lives of Marylanders, and she regularly reminds my staff and me of that fact. Bailey's knowledge of Baltimore and of Maryland is unparalleled. She grew up in Northern Virginia but settled in Baltimore in 1970 where she worked first for the Housing Commissioner and later for the late Mayor William Donald Schaeffer.

During her years handling special projects for the mayor, Bailey developed a deep love for Baltimore City and a true understanding of how Baltimore works. Bailey became a creative genius at promoting and highlighting the many achievements of the city under Mayor Schaeffer. Before Mayor Schaeffer left city hall, he nominated Bailey to serve as president of the Baltimore City school board. In that role, she

helped parents navigate the school bureaucracy, suggested workable solutions for teachers, and brought a commonsense approach to the Baltimore City school system.

But Bailey's knowledge and expertise goes beyond how government works. She has her pulse on Baltimore and on Maryland. She knows the key players in the city and the State, many of them on a personal level. For many years Bailey has been the go-to person when people need to get things done.

Without a doubt, Bailey has been an invaluable resource to my entire staff, to me, and to the people of Maryland. But she is also a tireless advocate and a voice for families and individuals who may not have had the understanding or resources to access the services they need. Whether it is working with the mayor of Oakland when spring floods threatened a dam near the town, getting housing and other services for a veteran, or working with community groups to improve their schools, Bailey is a relentless public servant. There is also no denying that her energy and enthusiasm are unstoppable and unsurpassed and that her retirement will leave a real void.

Through her efforts, so many people have been connected to jobs, affordable housing, quality health care, or government benefits. So many of these people have benefited from her advocacy, their lives changed for the better, and most of them will never know her name. To me, that is the highest form of public service.

I ask my Senate colleagues to recognize the many contributions that Bailey has made and the example she has set for public service. I also want to take this opportunity to thank Bailey's family, her husband Stanley, and her children Michael and Laura, for their support and understanding as Bailey has worked to help others.

Today is Bailey and Stanley's 41st wedding anniversary, and on December 8 Laura will be married. Please join me in wishing Bailey Fine a healthy and happy retirement and well-deserved time with her family.

#### REFORMING THE SENATE RULES

Mr. UDALL of New Mexico. Mr. President, I wish to talk about our efforts to change the Senate rules. There has been a great deal of comment on this subject lately.

I have listened with great interest to the arguments against these changes by the other side. Let me just say at the outset: Senators MERKLEY, HARKIN, and I are not talking about taking away the rights of the minority. We are not abolishing the filibuster.

But there must be change. The unprecedented use and abuse of the filibuster and other procedural rules has prevented the U.S. Senate from doing its job. We are no longer the world's

greatest deliberative body. In fact, we barely deliberate at all.

For most of our history, the filibuster was used very sparingly. But in recent years, what was rare has become routine. The exception has become the norm. Everything is filibustered, every procedural step of the way, with paralyzing effect. The Senate was meant to cool the process, not send it into a deep freeze.

For some reason, ever since the Democratic majority came into the upper Chamber in 2007, the Senates of the 110th, 111th, and current 112th Congress have witnessed the three highest totals of filibusters ever recorded. A recent report found the current Senate has "passed a record-low 2.8 percent of bills introduced in that chamber, a 66 percent decrease from the last Republican majority in 2005-2006, and a 90 percent decrease from the high in 1955-1956."

Our proposal to reform the rules is simple, it is limited, and it is fair. Again, we are not ending the filibuster. We preserve the rights of the minority. We are only proposing that, No. 1, Senators should be required to go to the floor and actually tell the American people why they oppose a bill or nominee in order to maintain a filibuster; and No. 2, motions to proceed to a bill or to send a bill to conference should be nondebatable. These are sensible changes. Yet we are warned that these simple reforms will transform the very character of the Senate, will leave the minority without a voice. These arguments are covers for continued abuse of the rules.

The reforms are modest—some would say too modest. But they would discourage the excessive use of filibusters. The minority still has the right to filibuster, but not the right to do so by simply making an announcement and then going out to dinner or, more likely, to a fundraiser.

Nevertheless, the other party insists we are attacking the rights of the minority. But there seems to be another message, too, with a truly odd logic. They say that if we make any reasonable changes in January, they may make radical ones in the future. In short, if we dare to reform any rule, they might throw out all of them when they are in the majority. How this comports with their stated concern for the rights of the minority is unclear.

It is also being argued that we are breaking the rules to change the rules. This has been repeatedly charged by the minority leader. We disagree. We are reforming the rules to save the Senate. The status quo is abusing the rules and debasing the Senate. It is a choice between rules reform and rules abuse.

History contradicts the minority leader as well. Members of the other side have agreed with changing the rules when they have been in the ma-

jority. The RECORD is already chock full with their past remarks, fervent in their support for changing the rules with a simple majority vote.

This reminds me of a story my Uncle Mo used to tell. A former Senator once said of himself that "never has the clammy hand of consistency rested upon my shoulder." He meant it too. On one occasion, he introduced a bill, and he pushed very hard for it. Then, seeing the tide was turning, he led the fight against his own bill. A constituent sent him a telegram that read "I thank God for your courageous stand." And he replied, "Which one?"

And so the question: how to change the rules? The Constitution is clear on this point. The Senate rules reforms can be accomplished by a simple majority at the start of the new Congress in January. This is the "constitutional option," not a "nuclear option." That is something else, and I will speak to it in a moment.

This has been a heated topic of debate this week on the Senate floor, particularly between the majority and minority leaders. I have followed the debate carefully, and I would like to address some of the distinguished minority leader's concerns.

Earlier this week, Leader MCCONNELL said the following:

This small group of primarily senate sophomores is now proposing that when the Senate gavels in at the beginning of the new Congress, a bare majority of senators can disregard the rule that says changes to the Senate's rules can only be approved on the same broad bipartisan basis we reserve for approving treaties and overriding presidential vetoes, a supermajority-plus.

I am glad he framed our argument in this way. Why do treaties and veto overrides require a supermajority vote? Because those requirements are enshrined in our Constitution. The Constitution is very specific about when a supermajority is needed and, just as clearly, when it isn't.

Article I, section 5 of the U.S. Constitution states:

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behavior, and, with the Concurrence of two thirds, expel a Member.

When the Framers required a supermajority in the proceedings of Congress, they explicitly stated so in the Constitution, as they did for expelling a Member. On all other matters, such as determining the Chamber's rules, a majority requirement is clearly implied.

The constitutional option has been used numerous times since the cloture provision was adopted in 1917, the last being in 1975 when it was the catalyst for amending the filibuster rule to its current form.

In 1957, then-Vice President Richard Nixon noted while presiding in the Senate, "[W]hile the rules of the Senate have been continued from one Congress to another, the right of a current majority of the Senate at the beginning of



a new Congress to adopt its own rules, stemming as it does from the Constitution itself, cannot be restricted or limited by rules adopted by a majority of a previous Congress."

Current Republican Senators agree. Senator JOHN CORNYN said in 2003:

Just as one Congress cannot enact a law that a subsequent Congress could not amend by majority vote, one Senate cannot enact a rule that a subsequent Senate could not amend by majority vote."

And Senator ORRIN HATCH noted in 2005 that a

simple majority can invoke cloture and adopt a rules change it is clear that the Senate, at the beginning of a new Congress, can invoke cloture and amend its rules by simple majority.

As I said earlier, some on the other side of the aisle have drawn a false equivalency between the constitutional option and the Republicans' threatened nuclear option of 2005. Yet this misses a crucial distinction. The nuclear option sought to change Senate rules in midsession. The constitutional option follows Senate precedent and would change the rules only at the start of the new Congress.

We don't have to reform the rules with only a majority vote in January. That is up to my colleagues on the other side of the aisle. Each time the filibuster rule has been amended in the past, a bipartisan group of Senators was prepared to use the constitutional option. But they didn't have to. With the inevitability of a majority vote on the reforms looming, enough Members agreed on a compromise and passed the changes with two-thirds in favor.

We could do that again in January. I know many of my Republican colleagues agree with me. The Senate is not working. I said 2 years ago that I would push for the same reforms at the beginning of the next Congress—regardless of which party was in the majority. If Leader MCCONNELL was going to be the majority leader in January, I would ask him to work with me on implementing these reforms.

I will say again that the proposed changes will reform the abuse of the filibuster, not trample the legitimate rights of the minority party. I am willing to live with all of the changes we are proposing, whether I am in the majority or minority.

The other side has suggested that a change in the rules is an affront to the American public but the real affront would be to allow the abuse of the filibuster to continue.

It has also been suggested that "the campaign is over." Well, this effort to change the rules has something to do with the results of the campaign. The American people sent us a message. We have to change the way we do business. We have to govern and pay attention to jobs and the economy and the things that matter to American families. That was their message, and we would do well to listen to it.

As to the comment that some of the reformers are "sophomores," true enough. Senator MERKLEY and I are relatively new to this Chamber, but I don't think the American people think that is a bad thing because we came here to find solutions, to actually get things done for the American people. But what we found was a graveyard of good ideas. No real debate. No real consideration.

Under the abuse of the current rules, all it takes to filibuster is one Senator picking up the phone, period. Doesn't have to even go on the floor and defend it. Just a phone call by one Senator. No muss. No fuss. No inconvenience. Except for the American public. Except for a nation that expects and needs a government that works, a government that actually works together and finds common ground.

Maybe some of my colleagues believe that the Senate is working as it should that everything is fine. Well, Mr. President, we sophomores do not take that view. It isn't working. It needs to change, and I know plenty of experienced Senators agree.

The American people, of all political persuasions, are clamoring for a government that actually gets something done. The challenges are too great, the stakes are too high, for a government of gridlock to continue.

#### VOTE EXPLANATION

Mr. BLUMENTHAL. Mr. President, I was unable to cast a vote yesterday on the motion to proceed to executive session for the consideration of treaty 112-7, the Convention on the Rights of Persons with Disabilities. I spent most of the day in Connecticut, touring the State with FEMA's Acting Administrator to assess damage from Hurricane Sandy and Federal aid for the State. I also joined Attorney General Holder, Governor Malloy, and others in New Haven to roll out a new statewide initiative to combat violence in our urban communities. Had I been present, I would have voted for the motion to proceed.

#### TRIBUTE TO RAYMOND J. AHEARN

Mr. BAUCUS. Mr. President, on behalf of Senator HATCH and myself, we wish to recognize the outstanding career of Mr. Raymond J. Ahearn, Specialist in International Trade and Finance with the Foreign Affairs, Defense and Trade Division of the Congressional Research Service (CRS). Ray will retire on December 28, after more than 37 years of distinguished government service.

Mr. Ahearn began working as a trade and finance analyst at CRS in April 1975, soon after receiving his MA in international affairs from the Johns Hopkins School of Advanced International Studies, SAIS. He later re-

ceived his MA in economics from the George Washington University and also represented CRS at the National War College in Washington, DC, graduating in 1991.

Upon joining CRS, Mr. Ahearn quickly established himself as a leading expert in U.S. trade policy. He wrote numerous reports and confidential memoranda and conducted hundreds of briefings for Members and congressional staff on a broad range of international economic issues. These issues addressed core topics on U.S. trade policy, such as U.S. trade laws to open markets for U.S. exporters, trade reorganization, the debate over free trade versus trade protectionism, and the future of U.S. trade policy. He also focused his authoritative and objective analysis on international financial issues, including the 2008 global financial crisis and the Eurozone sovereign debt crisis.

Mr. Ahearn is well known for his expertise and deep institutional knowledge of the global trading system, particularly with respect to the World Trade Organization and related multilateral "rounds" of trade negotiations over the past 4 decades. More recently, he led important innovative research on rising economic powers and their trade policy implications for the United States. As a policy issue of growing congressional interest, his insightful analysis will continue to support Congress in understanding the transformative changes underway in the global economy.

Mr. HATCH. Mr. President, I rise to join with Senator BAUCUS in commending Mr. Ahearn for his service. Over the years, Mr. Ahearn's impressive portfolio of work also examined major U.S. trading partner policies. Early on in his career, for example, he was a lead CRS expert on the U.S.-Japan trade and economic relationship during heightened trade tensions between our two countries. From September 1993 to August 1994, he worked for the Office of the U.S. Trade Representative, USTR, to serve as Director of Trade Strategy for Japan and China. More recently, Ray became the "go to" CRS analyst on the U.S.-EU trade and economic relationship, writing reports and confidential memoranda and consulting Congress on numerous topics, including on the EU's preferential trade agreements and regulatory issues.

Mr. Ahearn has been especially adept at examining complex issues in international economics of immediate importance to Congress and making his analysis accessible to an audience that approaches the issues with varying degrees of understanding. This skill has played an especially critical role in successfully conveying to Congress the complex, multidimensional challenges associated with globalization. For example, in 2009, Mr. Ahearn wrote a CRS



report titled *The Global Economic Downturn and Protectionism* that addressed the issue of the perceived and real growth of trade restrictions by the United States and its trading partners in response to the global economic crisis that emerged in 2008. In analyzing the issue, he constructed an analytical framework of three potential categories of restrictions that might be taken and the potential consequences of each. Mr. Ahearn applied a similar analysis in his timely CRS report *Globalization, Worker Insecurity and Policy Approaches*, which examined the complex relationship between the increased integration of the U.S. economy with the rest of the world and the decline in U.S. wages and worker security, an issue faced by all Members of Congress as they consider trade agreements and other global economic issues.

We wish Mr. Ahearn the very best in his retirement and thank him for his exemplary record of service to Congress in directly supporting our work on international trade and finance policy issues.

#### ADDITIONAL STATEMENTS

##### REMEMBERING BOBBY PRICE

• Mrs. BOXER. Mr. President, today I ask my colleagues to join me in honoring LT Bobby Price, who died this month in Chula Vista, CA. For many years, I had the pleasure and honor of working with this great champion of America's veterans.

In fact, just 2 months ago, despite his grave illness, Bobby traveled to Washington, DC as the representative of the Veterans of Foreign Wars to meet with me regarding veterans' healthcare, homelessness, and job opportunities for our returning troops. As always, I was impressed by Bobby's knowledge and understanding of issues affecting our veterans and by his passionate commitment to work on their behalf.

During more than 24 years on active duty in the U.S. Navy, Bobby was known for his diligence and determination to carry out any task. Later, he brought this same zeal and perseverance to his work as an advocate for veterans.

No matter how hard Bobby worked, he always made time for his family. As his wife, Julia, wrote, "Day after day he showed me, our children and grandchildren how much he cared for us by giving his time, compassion and generous spirit."

Bobby Price received many awards recognizing his remarkable dedication to veterans including the San Diego County Veteran of the Year award. He served as commander of all California Veterans of Foreign Wars posts and was active in other veterans organizations at the local, State, and national

level. At the time of his death, he was president of the nonprofit Chula Vista Veterans Home Support Foundation and had served on the charity's board for 6 years.

On behalf of the people of California, who have benefitted so much from Bobby's life and work, I send my deepest gratitude and condolences to his wife, Julia; his sons, Paul Hoch, Russ Price, Marcus Bush, and Adam Price; his daughter, Adriana Bush; and his five grandchildren. Bobby Price will be truly missed by all who were touched by his energy, passion for service, and devotion to his fellow veterans.●

#### OHIO UNIVERSITY POST CENTENNIAL

• Mr. BROWN of Ohio. Mr. President, I rise to commemorate the centennial of the Post, an independent, student-run newspaper at Ohio University in Athens, OH.

Finley Peter Dunne once noted that "the newspaper . . . comforts the afflicted, and afflicts the comfortable." Newspapers also connect concerned citizens with their elected officials by providing a venue for valuable discussion on issues that affect our lives and communities. It is no secret that a free press is critical to strengthening and preserving our democracy.

For 100 years, students at Ohio University have celebrated their first amendment rights by creating a newspaper that informs residents, students, and business leaders in Athens County about vital news on campus, around Ohio, and throughout the world.

When students are encouraged to present structured, well-written views in writing, they are given the opportunity to develop life-long skills that will serve them as citizens—and leaders—of our enduring American institutions.

Ohio University has produced many first-class journalists, including thirteen Pulitzer Prize winners and reporters and columnists whose bylines and photographs appear in our Nation's leading newspapers. I regularly witness the fine reporting of several Post alumni, including Columbus Dispatch senior editor Joe Hallett and Washington correspondent Jessica Wehrman, among others.

As the tools and resources of journalism evolve, the Post continues to respond to a changing world. Whether students read the news on a handheld device or hold newsprint in their hands, Ohio University students can expect to hear from an independent voice on campus and in Athens.

Throughout the next century, the Post will undoubtedly continue to play a critical role in training student-journalists to shape and inform Ohio University. As we mark this milestone, it is my privilege to salute the students who work to keep this publication

alive while fully participating in our first amendment freedoms. As the proud husband of a Pulitzer Prize-winning columnist, Connie Schultz, I have immense respect for journalists and the role they play in the public sphere. Improving our democracy starts with papers like the Post, that are willing to cultivate America's next generation of journalists.●

#### COMPLETION OF THE SERIES CULTURE AND CIVILIZATION OF CHINA

• Mr. LIEBERMAN. Mr. President, I wish to commemorate the completion of the series, "Culture and Civilization of China," published jointly by Yale University and China International Publishing Group. Having been published since the early 1990s, the award winning series will be concluded this year with its final volume, "Chinese Silks." The series has brought together leaders from both the United States and China. Former President George H. W. Bush and Secretary of State Henry Kissinger have each head consulting committees.

I congratulate everyone who worked to make this series happen, in particular the Director of Yale University Press John Donatich, the President of China International Publishing Group Zhou Mingwei, and U.N. Under Secretary General Joseph V. Reed.

I ask that Under Secretary General Reed's remarks at a September 19, 2012, event to celebrate the completion of this series be printed in the RECORD.

The remarks follow.

REMARKS BY AMBASSADOR JOSEPH VERNER REED AT THE CELEBRATORY LUNCHEON FOR THE CONCLUSION OF THE CHINESE CULTURE & CIVILIZATION PUBLISHING PROJECT WITH YALE UNIVERSITY PRESS AND THE CHINESE INTERNATIONAL PUBLISHING GROUP, SEPTEMBER 19, 2012

We have come a long, long way with the great publishing project known as CCC . . . started in 1988 and completed with our final volume (our ninth) on "Silks" this autumn.

In President Levin's words—"CCC is the "Crown Jewel" of Yale University".

I have been very proud to have been associated with the Press and CIPG on this historic publishing adventure.

Our Honorary Chair President George H.W. Bush has declared:

"I have been privileged to serve as Honorary Chair for the Culture & Civilization of China project. The CCC project has had a profound impact on international relations between China and the United States in a way that no other undertaking has accomplished. The achievement of collaboration in the development of this superb series of beautiful volumes examining the cultural and artistic heritage of China will serve as a model of cooperation for the future generations committed to building an enduring bond between our two great countries".

The Chair of the Advisory Council Dr. Henry A. Kissinger has called CCC—a "seminal work".

China has recognized the effort with bestowing the highest Award—"The Special

Book Awards of China" to President Levin and yours truly in the Great Hall of the People, by Madame Liu Yangdon, a member of China's Politburo and State Councilor.

CCC has published nine volumes—several having been awarded distinguished honors the volume on painting {Three Thousand Years of Chinese Painting} (1997) won The Hawkins Prize, the highest award in the publishing industry. This volume was the State Gift of the People's Republic to the United States during President Jiang Zeming's State Visit in 1997. President Jiang Zeming gave a copy of this work and the volume on Chinese Architecture to President Bush for the Bush Presidential Library in 2002.

President Hu Jintao visited Yale University in 2006 and donated a large number of Chinese books to the University including the Culture & Civilization series. President Hu also introduced the newly published Chinese Sculpture to Yale faculty, staff and students.

The publishing effort was arduous and not without many differences and difficulties. It is a miracle that we published the volumes in such a cooperative manner. How can one forget the drama with our very first volume on "Painting"? The map of China caused great review/discussion—back and forth for weeks—the borders, the provinces, the islands. There were other "to and froes" but, in the end we have had "a splendid and cooperative result".

There are so many to salute and thank for their efforts starting with President Levin, Vice President Linda Lorimer, former Yale University Press Director John G. Ryden (the godfather of CCC), current YUP Director John Donatich and, of course, all our colleagues at CIPG led by Vice Minister Cai Mingzhao, President Zhou and the distinguished and brilliant Editor Huang Youyi.

To the donors to CCC a special vote of appreciation and admiration for their generosity.

CCC involved 435 specialists including 56 authors, 39 translators and 340 consultants. 348 Museums and research institutes from around the globe provided images, line-drawings, photographs and maps.

I thank Julianne Griffin and Taiping Chang Knecknes and Mary Pasti and Cynthia Forbes for their signal contributions. A special salute to Charles Hill who first introduced me to the Press for work on the CCC project and to James Watt of the Metropolitan Museum for superb counsel.

All in all, CCC was a splendid effort. It has truly contributed to the mutual understanding of the People's Republic and the United States as well as having provided a platform for education for citizens from around the world.

CCC is an historic publishing project. It is a gift for future generations.

Once again, a salute and vote of thanks to one and all.●

#### RECOGNIZING THE HUDSON RIVER SCHOOL

● Mr. MENENDEZ. Mr. President, for half a century after its formation in the 1820s, the Hudson River School was the dominant movement in American art. Its 10 celebrated painters were inspired by the scenery of the Catskills Mountains and the Hudson Valley, with its panoramic vistas and natural landscapes. These artists helped create a conservation and environmental

movement whose legacy lives on today. The Hudson River School paintings helped inspire the development of the National Park Service.●

#### RECOGNIZING HYDRO-PHOTON, INC.

● Ms. SNOWE. Mr. President, 70 percent of the earth is covered by water. Of that, 98 percent can be found in our oceans, which makes it unusable for drinking due to the salt content. Only about 2 percent of the world's water is fresh and, once polar ice caps and glaciers are subtracted, it is a very small percentage that is available for human consumption. Here in the United States we are blessed with, and rely on, an abundance of available clean drinking water. However, even here, mechanical failures, natural disasters, and remoteness of location, can diminish the availability of this vital resource.

I rise today to recognize Hydro-Photon, located in Blue Hill, ME, a company that has identified this problem and works diligently to supply innovative, accessible solutions. By harnessing and shrinking the ultraviolet—UV—technology used by many municipal water treatment plants, Hydro-Photon founder Miles Maiden created the SteriPEN which offers the same safe, efficient water purification used by the treatment plants in a portable, personal device.

The SteriPEN, originally patented in 1999, was the first portable UV water purifier on the market. The product kills viruses, bacteria, and protozoa by emitting UV light that is absorbed by the microbes, preventing their reproduction. With this compact purifier, users are able to have safe drinking water anywhere.

A company conscious of the need to preserve and protect our natural beauty and resources seems right at home in my home State where we are blessed with serene mountains and foothills, dense untouched wilderness, and a shoreline both beautiful and bountiful. Hydro-Photon is dedicated to the preservation and enjoyment of our natural splendors and with the clean water supplied by their SteriPEN, they are making it easier and safer for all to enjoy the great outdoors not only in Maine but around the world.

Not only useful to the active outdoorsmen, the SteriPEN finds use in a vast array of situations and locations. One example is the recent hurricane Sandy that had devastating affects along the northeastern coast. Hydro-Photon recognized the necessity of clean water in such dire situations and selflessly stepped up to help, donating SteriPENs to those affected by the storm in New York and New Jersey.

For their inventiveness, dedication, and compassion for supplying an element so basic to human life, Hydro-

Photon is truly a remarkable company. I am proud to extend my congratulations on their success and offer my best wishes for the future.●

#### TRIBUTE TO KELSEY LUCKHURST

● Mr. THUNE. Mr. President, today I wish to recognize Kelsey Luckhurst, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Kelsey is a native of Garden City, SD and a graduate of Clark High School. Currently, she is attending Northern State University, where she is pursuing degrees in history and political science. She is a very hard worker who has been dedicated to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Kelsey for all of the fine work she has done and wish her continued success in the years to come.●

#### MESSAGE FROM THE HOUSE

At 2:48 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 5913. An act to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department.

H.R. 5997. An act to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities.

H.R. 6025. An act to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes.

H.R. 6328. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

The message also announced that the House agree to the amendment of the Senate to the bill (H.R. 915) to establish a Border Enforcement Security Task Force program to enhance border security by fostering coordinated efforts among Federal, State, and local border and law enforcement officials to protect United States border cities and communities from trans-national crime, including violence associated with drug trafficking, arms smuggling, illegal alien trafficking and smuggling, violence, and kidnapping along and

across the international borders of the United States, and for other purposes.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 2453. An act to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

H.R. 6063. An act to amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

H.R. 6118. An act to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

H.R. 6131. An act to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

H.R. 6570. An act to amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 5913. An act to create an independent advisory panel to comprehensively assess the management structure and capabilities related to the Department of Homeland Security and make recommendations to improve the efficiency and effectiveness of the management of the Department; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5997. An act to amend the Homeland Security Act of 2002 to codify authority under existing grant guidance authorizing use of Urban Area Security Initiative and State Homeland Security Grant Program funding for enhancing medical preparedness, medical surge capacity, and mass prophylaxis capabilities; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6025. An act to provide for annual reports on the status of operational control of the international land and maritime borders of the United States and unlawful entries, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8179. A communication from the Chief Information Officer, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Update of Existing Privacy Act—NASA Regulations" (RIN2700-AD86) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8180. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administra-

tion, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Updates to Contract Reporting and Central Contractor Registration" (RIN9000-AL99) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8181. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Interagency Acquisitions: Compliance by Nondefense Agencies with Defense Procurement Requirements" (RIN9000-AM36) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8182. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-62; Small Entity Compliance Guide" (FAC2005-62) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8183. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-62; Small Entity Compliance Guide" (FAC2005-62) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8184. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2005-62; Small Entity Compliance Guide" (FAC2005-62) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8185. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program Coverage for Certain Intermittent Employees" (RIN3206-AM74) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8186. A communication from the Senior Counsel for Regulatory Affairs, Office of Assistant Secretary for Management, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Benefit Payments Under Certain District of Columbia Retirement Plans" (RIN1505-AC02) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8187. A communication from the Director of Management, U.S. Commission on Civil Rights, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8188. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department of Labor's Annual Performance Report for Fiscal Year 2012 and the

Summary of Performance and Financial Information for Fiscal Year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8189. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration's Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8190. A communication from the Secretary of Labor, transmitting, pursuant to law, the Pension Benefit Guaranty Corporation's Office of Inspector General and the Director's Semiannual Report to Congress on Management Decisions and Final Actions on Office of Inspector General Audit Recommendations for the periods from April 1, 2011 through September 30, 2011 and October 1, 2012 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8191. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2012 through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8192. A communication from the Director, Congressional Affairs, Federal Election Commission, transmitting, pursuant to law, a report entitled "Federal Election Commission Fiscal Year 2012 Performance and Accountability Report"; to the Committee on Homeland Security and Governmental Affairs.

EC-8193. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards: Adoption of 2012 North American Industry Classification System for Size Standards" (RIN3245-AG47) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Small Business and Entrepreneurship.

EC-8194. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards: Health Care and Social Assistance" (RIN3245-AG30) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Small Business and Entrepreneurship.

EC-8195. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards: Real Estate and Rental and Leasing" (RIN3245-AG28) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Small Business and Entrepreneurship.

EC-8196. A communication from the Deputy General Counsel, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Size Standards: Educational Services" (RIN3245-AG29) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Small Business and Entrepreneurship.

EC-8197. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans

Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Servicemembers' Group Life Insurance—Stillborn Child Coverage" (RIN2900-AO30) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Veterans' Affairs.

EC-8198. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Acquisition Regulation: Electronic Submission of Payment Request" (RIN2900-AN97) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Veterans' Affairs.

EC-8199. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Rules Governing Hearings Before the Agency of Original Jurisdiction and the Board of Veterans' Appeals; Repeal of Prior Rule Change" (RIN2900-AO43) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Veterans' Affairs.

EC-8200. A communication from the Assistant Chief Counsel for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Minor Editorial Corrections and Clarifications (RRR)" (RIN2137-AE90) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8201. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Rescission of 10-Day Agency Discretionary Period in Assigning Unsatisfactory Safety Ratings" (RIN2126-AB55) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8202. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1065)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8203. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2011-1408)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8204. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-

2011-0945)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8205. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2012-0848)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8206. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0327)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8207. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0489)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8208. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter France Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0222)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8209. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Honeywell International Inc. Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2011-1045)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8210. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Costruzioni Aeronautiche Tecnam srl Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-0816)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8211. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1250)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8212. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0645)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8213. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0142)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8214. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Division Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2012-0228)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8215. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney Division Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2012-0079)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8216. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2010-0821)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8217. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Use of Portable Oxygen Concentrators on Board Aircraft" ((RIN2120-AK18) (Docket No. FAA-2012-0928)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8218. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Lakehurst, NJ; Correction" ((RIN2120-AA66) (Docket No. FAA-2012-0456)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8219. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled "Amendment of Class E Airspace; Boise, ID" ((RIN2120-AA66) (Docket No. FAA-2011-1181)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8220. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Kerrville, TX" ((RIN2120-AA66) (Docket No. FAA-2011-1399)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8221. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Fort Garland, CO" ((RIN2120-AA66) (Docket No. FAA-2012-0617)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8222. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Circle Town, MT" ((RIN2120-AA66) (Docket No. FAA-2012-0539)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8223. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Area Navigation (RNAV) Route Q-62; Northeast United States" ((RIN2120-AA66) (Docket No. FAA-2011-1407)) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8224. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (18); Amdt. No. 3500" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8225. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (123); Amdt. No. 3499" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8226. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (18); Amdt. No. 3498" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8227. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments; Amdt. No. 3497" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on November 5, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8228. A communication from the Deputy Chief Financial Officer and Director for Financial Management, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalties; Adjustment for Inflation" (RIN0605-AA31) received in the Office of the President of the Senate on November 26, 2011; to the Committee on Commerce, Science, and Transportation.

EC-8229. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the Commission's eighth annual report on ethanol market concentration; to the Committee on Commerce, Science, and Transportation.

EC-8230. A communication from the Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Standard for Infant Swings" (RIN3041-AC90) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8231. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; West Coast Salmon Fisheries; Announcing OMB Approval of Information Collection" (RIN0648-BC29) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8232. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; 2006 Consolidated Highly Migratory Species Fishery Management Plan; Amendment 4" (RIN0648-AW83) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8233. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Interim Action; Rule Extension" (RIN0648-BB89) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8234. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery Off the Southern Atlantic States; Snapper-Grouper Management Measures" (RIN0648-BC03) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8235. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western

Pacific Pelagic Fisheries; Revised Limits on Sea Turtle Interactions in the Hawaii Shallow-set Longline Fishery" (RIN0648-BB84) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8236. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Monitoring and Enforcement Requirements in the Bering Sea and Aleutian Islands Freezer Longline Fleet" (RIN0648-BB67) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8237. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Herring Savings Areas of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC277) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8238. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye Salmon Fisheries; Inseason Orders" (RIN0648-XC222) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8239. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XC295) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8240. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; 'Other Rockfish' in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC312) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8241. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XC301) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8242. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off the West Coast States; Pacific Coast Groundfish Fishery; Pacific Coast Groundfish Fishery; Pacific Whiting and Non-Whiting Allocations; Pacific Whiting

Seasons" (RIN0648-XC302) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8243. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 22 through No. 26" (RIN0648-XC282) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8244. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the awarding of funding made available by the American Recovery and Reinvestment Act of 2009; to the Committee on Commerce, Science, and Transportation.

EC-8245. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (6); Amdt. No. 3493" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on October 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8246. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (99); Amdt. No. 3492" (RIN2120-AA65) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8247. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Sweetwater, TX" (RIN2120-AA66) (Docket No. FAA-2011-0829) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8248. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Battle Creek, MI" (RIN2120-AA66) (Docket No. FAA-2011-1110) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8249. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Lemmon, SD" (RIN2120-AA66) (Docket No. FAA-2012-0391) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8250. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Tullahoma, TN" (RIN2120-AA66)

(Docket No. FAA-2011-1367) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8251. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Montgomery, AL" (RIN2120-AA66) (Docket No. FAA-2012-0411) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8252. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Colorado Springs, CO" (RIN2120-AA66) (Docket No. FAA-2011-1191) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8253. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; 2012 RNC Bridge Security Zones, Captain of the Port St. Petersburg Zone, Tampa, FL" (RIN1625-AA87) (Docket No. USCG-2012-0707) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8254. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zones; Certain Dangerous Cargo Vessels, Tampa, FL" (RIN1625-AA87) (Docket No. USCG-2012-0712) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8255. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation and Safety Zone; America's Cup World Series Regattas, San Francisco Bay; San Francisco, CA" (RIN1625-AA00; RIN1625-AA-08) (Docket No. USCG-2012-0551) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8256. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation, Atlantic Intracoastal Waterway (AIWW); Wrightsville Beach, NC; Cape Fear and Northeast Cape Fear River; Wilmington, NC" (RIN1625-AA09) (Docket No. USCG-2012-0193) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8257. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Upper Mississippi River, Mile 389.4 to 403.1" (RIN1625-AA00) (Docket No. USCG-2011-1087) received during adjournment of the Senate in the Office of the Presi-

dent of the Senate on August 6, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8258. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Port Huron Float-Down, St. Clair River, Port Huron, MI" (RIN1625-AA00) (Docket No. USCG-2012-0771) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8259. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Liberty Freedom Swims, Liberty Island, Upper Bay and Hudson River, NY" (RIN1625-AA00) (Docket No. USCG-2012-0717) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8260. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; America's Cup World Series Regattas, San Francisco Bay, San Francisco, CA" (RIN1625-AA00) (Docket No. USCG-2012-0736) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8261. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Head of the Cuyahoga, U.S. Rowing Masters Head Race National Championship, and Dragon Boat Festival, Cuyahoga River, Cleveland, OH" (RIN1625-AA00) (Docket No. USCG-2012-0569) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8262. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; TriRock San Diego, San Diego Bay, San Diego, CA" (RIN1625-AA00) (Docket No. USCG-2012-0800) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8263. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; ESI Ironman 70.3 Augusta Triathlon, Savannah River; Augusta, GA" (RIN1625-AA00) (Docket No. USCG-2012-0574) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8264. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Miami Paddle Challenge, Biscayne Bay, Miami, FL" (RIN1625-AA00) (Docket No. USCG-2012-0722) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.



EC-8265. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Blue Angels at Kaneohe Bay Air Show, Oahu, Hawaii" ((RIN1625-AA00) (Docket No. USCG-2012-0739)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8266. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Water Main Crossing; Choctawhatchee Bay; Santa Rosa Beach, FL" ((RIN1625-AA00) (Docket No. USCG-2012-0518)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8267. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Chicago Red Bull Flugtag, Lake Michigan, Chicago, IL" ((RIN1625-AA00) (Docket No. USCG-2012-0817)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8268. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone for Fireworks Display, Potomac River, National Harbor Access Channel; Oxen Hill, MD" ((RIN1625-AA00) (Docket No. USCG-2012-0818)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8269. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Gulf Intracoastal Waterway, Mile Marker 35.2 to Mile Marker 35.5 west of Harvey Locks, bank to bank, Lafourche Parish, Larose, LA" ((RIN1625-AA00) (Docket No. USCG-2012-0634)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8270. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; 2012 Ironman US Championship Swim, Hudson River, Fort Lee, NJ" ((RIN1625-AA00) (Docket No. USCG-2012-0223)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8271. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Dredge Arthur J. Lake Huron, Lakeport, MI" ((RIN1625-AA00) (Docket No. USCG-2012-0709)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8272. A communication from the Attorney-Advisor, U.S. Coast Guard, Department

of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Milwaukee Air And Water Show, Lake Michigan, Milwaukee, WI" ((RIN1625-AA00) (Docket No. USCG-2012-0688)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8273. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Mississippi River, Mile Marker 291 to 295" ((RIN1625-AA00) (Docket No. USCG-2012-0662)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8274. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Elizabeth River, Eastern Branch, Norfolk, VA" ((RIN1625-AA09) (Docket No. USCG-2012-0357)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8275. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Grosse Tete Bayou, Iberville Parish, LA" ((RIN1625-AA09) (Docket No. USCG-2012-0115)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8276. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Black Warrior River, AL" ((RIN1625-AA09) (Docket No. USCG-2012-0764)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8277. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Alabama River, AL" ((RIN1625-AA09) (Docket No. USCG-2012-0181)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8278. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Carlin Bayou, LA" ((RIN1625-AA09) (Docket No. USCG-2012-0180)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8279. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation; Tombigbee River, AL" ((RIN1625-AA09) (Docket No. USCG-2012-0179)) received dur-

ing adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8280. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage; Change to Cottonwood Island Anchorage, Columbia River, Oregon and Washington" ((RIN1625-AA01) (Docket No. USCG-2011-0248)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8281. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Part 95 Instrument Flight Rules; Amdt. No. 502" (RIN2120-AA63) received during adjournment of the Senate in the Office of the President of the Senate on October 2, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8282. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones; Multiple Firework Displays in Captain of the Port, Puget Sound Zone" ((RIN1625-AA00) (Docket No. USCG-2012-0488)) received in the Office of the President of the Senate on September 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8283. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Cocoa Beach Air Show, Atlantic Ocean, Cocoa Beach, FL" ((RIN1625-AA00) (Docket No. USCG-2012-0633)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8284. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Bay Bridge Load Transfer Safety Zone, San Francisco Bay, San Francisco, CA" ((RIN1625-AA00) (Docket No. USCG-2012-0706)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8285. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Jet Express Triathlon, Sandusky Bay, Lake Erie, Lakeside, OH" ((RIN1625-AA00) (Docket No. USCG-2012-0072)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8286. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Antique Boat Show, Niagara River, Grand Island, NY" ((RIN1625-AA00) (Docket No. USCG-2012-0043)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8287. A communication from the Attorney-Advisor, U.S. Coast Guard, Department



of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Chicago Air and Water Show, Lake Michigan, Chicago, IL" ((RIN1625-AA00) (Docket No. USCG-2012-0773)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8288. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Superior Bay, Duluth, MN" ((RIN1625-AA00) (Docket No. USCG-2012-0729)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8289. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone for Fireworks Display, Pamlico and Tar Rivers; Washington, NC" ((RIN1625-AA00) (Docket No. USCG-2012-0494)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. TOOMEY:

S. 3643. A bill to amend section 1059(e) of the National Defense Authorization Act for Fiscal Year 2006 to clarify that a period of employment abroad by the Chief of Mission or United States Armed Forces as a translator, interpreter, or in a security-related position in an executive or managerial capacity is to be counted as a period of residence and physical presence in the United States for purposes of qualifying for naturalization, and for other purposes; to the Committee on the Judiciary.

By Mr. COATS:

S. 3644. A bill to provide for indemnification of transferees of property at any closed military installation; to the Committee on Armed Services.

By Mr. BROWN of Ohio (for himself, Mr. TOOMEY, Mr. FRANKEN, Mr. PORTMAN, and Mr. CASEY):

S. 3645. A bill to direct the United States Fish and Wildlife Service, in coordination with the Army Corps of Engineers, the National Park Service, and the United States Geological Survey, to lead a multiagency effort to slow the spread of Asian carp in the Upper Mississippi and Ohio River basins and tributaries, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, and Mr. LAUTENBERG):

S. 3646. A bill to require the Department of Defense to develop a strategy to promote the security of Afghan women and girls during the security transition process; to the Committee on Foreign Relations.

## ADDITIONAL COSPONSORS

S. 833

At the request of Mr. WHITEHOUSE, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 833, a bill to provide grants to States to ensure that all students in the middle grades are taught an academically rigorous curriculum with effective supports so that students complete the middle grades prepared for success in secondary school and post-secondary endeavors, to improve State and district policies and programs relating to the academic achievement of students in the middle grades, to develop and implement effective middle grades models for struggling students, and for other purposes.

S. 1718

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1718, a bill to amend title XVIII of the Social Security Act with respect to the application of Medicare secondary payer rules for certain claims.

S. 1981

At the request of Mr. HELLER, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1981, a bill to provide that Members of Congress may not receive pay after October 1 of any fiscal year in which Congress has not approved a concurrent resolution on the budget and passed the regular appropriations bills.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3461

At the request of Mr. BROWN of Ohio, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3461, a bill to amend title IV of the Public Health Service Act to provide for a National Pediatric Research Network, including with respect to pediatric rare diseases or conditions.

S. 3560

At the request of Mr. WHITEHOUSE, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 3560, a bill to provide for scientific frameworks with respect to recalcitrant cancers.

S. 3638

At the request of Ms. LANDRIEU, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 3638, a bill to establish an Office of En-

trepreneurial Support within the Small Business Administration, and for other purposes.

S. 3640

At the request of Mr. TOOMEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3640, a bill to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security, Transportation Security Administration, to transfer unclaimed clothing recovered at airport security checkpoints to local veterans organizations and other local charitable organizations, and for other purposes.

S. RES. 600

At the request of Mrs. SHAHEEN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 600, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 602

At the request of Mr. AKAKA, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. Res. 602, a resolution designating 2012-2013 as the "Year of the Korean War Veteran" and recognizing the 60th anniversary of the Korean War.

AMENDMENT NO. 2927

At the request of Mr. KYL, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of amendment No. 2927 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2928

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2928 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2929

At the request of Mrs. MCCASKILL, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 2929 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2930

At the request of Mrs. MCCASKILL, the name of the Senator from Montana

(Mr. TESTER) was added as a cosponsor of amendment No. 2930 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2940

At the request of Mr. BLUMENTHAL, the names of the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Montana (Mr. TESTER), the Senator from Maine (Ms. COLLINS), the Senator from Oregon (Mr. WYDEN), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of amendment No. 2940 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2944

At the request of Mr. LIEBERMAN, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2944 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2951

At the request of Mr. BEGICH, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 2951 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2952

At the request of Mr. BEGICH, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of amendment No. 2952 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2957

At the request of Mr. WEBB, the names of the Senator from Connecticut

(Mr. BLUMENTHAL), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2957 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2958

At the request of Mr. WEBB, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Delaware (Mr. CARPER), the Senator from Iowa (Mr. HARKIN), the Senator from Vermont (Mr. SANDERS), the Senator from New Mexico (Mr. UDALL), the Senator from Rhode Island (Mr. REED) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2958 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2960

At the request of Mr. WYDEN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 2960 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2981

At the request of Mrs. BOXER, the names of the Senator from Maine (Ms. SNOWE), the Senator from Texas (Mr. CORNYN) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of amendment No. 2981 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2982

At the request of Mrs. BOXER, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 2982 intended to be proposed to S. 3254, an

original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2985

At the request of Mr. UDALL of Colorado, the names of the Senator from New York (Mrs. GILLIBRAND), the Senator from New Mexico (Mr. UDALL), the Senator from North Carolina (Mrs. HAGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Alaska (Mr. BEGICH), the Senator from Minnesota (Mr. FRANKEN), the Senator from Montana (Mr. BAUCUS), the Senator from Delaware (Mr. COONS), the Senator from Ohio (Mr. BROWN), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Washington (Ms. CANTWELL), the Senator from New York (Mr. SCHUMER), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Colorado (Mr. BENNET), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 2985 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2991

At the request of Mr. HOEVEN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 2991 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2992

At the request of Mr. HOEVEN, the names of the Senator from Montana (Mr. TESTER), the Senator from North Dakota (Mr. CONRAD) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 2992 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2995

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of amendment No. 2995 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2997

At the request of Mr. CASEY, the names of the Senator from Montana (Mr. TESTER), the Senator from Vermont (Mr. LEAHY), the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 2997 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 2998

At the request of Ms. AYOTTE, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of amendment No. 2998 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3009

At the request of Mr. SESSIONS, the names of the Senator from Virginia (Mr. WEBB) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of amendment No. 3009 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3016

At the request of Mrs. GILLIBRAND, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3016 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3017

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr.

WHITEHOUSE) was added as a cosponsor of amendment No. 3017 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3018

At the request of Mrs. FEINSTEIN, the names of the Senator from Montana (Mr. TESTER), the Senator from South Dakota (Mr. JOHNSON), the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Nevada (Mr. HELLER) and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of amendment No. 3018 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Ms. COLLINS, the name of the Senator from South Carolina (Mr. DEMINT) was added as a cosponsor of amendment No. 3018 intended to be proposed to S. 3254, supra.

At the request of Mr. WEBB, his name was added as a cosponsor of amendment No. 3018 intended to be proposed to S. 3254, supra.

### AMENDMENTS SUBMITTED AND PROPOSED

SA 3019. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3020. Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3021. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3022. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3023. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3024. Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3025. Mr. CARDIN (for himself, Mr. AKAKA, Ms. MIKULSKI, Mr. BEGICH, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S.

3254, supra; which was ordered to lie on the table.

SA 3026. Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3027. Mr. TESTER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3028. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3029. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3030. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3031. Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3032. Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3033. Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3034. Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3035. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3036. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3037. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3038. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3039. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3040. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3041. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3042. Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3043. Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by

her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3044. Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, Mr. BROWN of Ohio, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3045. Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3046. Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3047. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3048. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3049. Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mr. SCHUMER, Ms. SNOWE, Mr. BINGAMAN, Mrs. McCASKILL, Mr. WYDEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3050. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3051. Mr. MCCAIN (for himself, Mr. PORTMAN, Mr. WEBB, Mr. INHOFE, Ms. AYOTTE, Mr. BROWN of Massachusetts, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3052. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3053. Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNES, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3054. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3055. Mr. MANCHIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3056. Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3057. Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3058. Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. MENENDEZ, Mr. SANDERS, Mr. AKAKA, Ms. MIKULSKI, Mr. LEAHY, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3059. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3060. Mr. TOOMEY (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3061. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3062. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3063. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3064. Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3065. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3066. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3067. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3068. Mr. CORNYN (for himself, Mr. MENENDEZ, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3069. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3070. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3071. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3072. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3073. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3074. Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3075. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3076. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3077. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3078. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3079. Mr. GRASSLEY (for himself and Mr. COONS) submitted an amendment in-

tended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3080. Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3081. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3082. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3083. Mr. BARRASSO (for himself, Mr. HOEVEN, Mr. ENZI, Mr. TESTER, Mr. HATCH, Mr. CONRAD, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3084. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3085. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3086. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3087. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3088. Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3089. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3090. Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3091. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3092. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3093. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3094. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3095. Mrs. HAGAN (for herself, Mr. JOHNSON of South Dakota, Mrs. MURRAY, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3096. Mr. MERKLEY (for himself, Mr. PAUL, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3097. Mrs. SHAHEEN submitted an amendment intended to be proposed by her

to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3098. Mrs. SHAHEEN (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3099. Mrs. MURRAY (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill S. 3254, supra.

SA 3100. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3101. Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3102. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3103. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3104. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3105. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3106. Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3107. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3108. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3109. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3110. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3111. Mr. COBURN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3112. Mr. BROWN of Ohio (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3113. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3114. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3115. Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3116. Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amend-

ment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3117. Mr. HATCH (for himself, Mr. CHAMBLISS, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3118. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3119. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3120. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3121. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3122. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3123. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. SESSIONS, Mr. VITTER, and Mr. CORKER) proposed an amendment to the bill S. 3254, supra.

SA 3124. Mr. BLUMENTHAL (for himself, Mr. PORTMAN, Mr. LIEBERMAN, Ms. COLLINS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mrs. HUTCHISON, Mr. RUBIO, Mr. BEGICH, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3125. Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3126. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3127. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3128. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3129. Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3130. Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3131. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3132. Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3133. Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3134. Mr. DEMINT (for himself and Mr. CORKER) submitted an amendment intended

to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3135. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3136. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3137. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3138. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3139. Mr. BARRASSO (for himself, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3140. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3141. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3142. Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3143. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3144. Mr. WEBB (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3145. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3146. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3147. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3148. Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3149. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3150. Mr. UDALL of New Mexico (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3151. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3152. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3153. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3154. Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3155. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3156. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3157. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3158. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3159. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3160. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3161. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3162. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3163. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3164. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3165. Mr. REED (for himself and Mr. JOHANN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3166. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3167. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3168. Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3169. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3170. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3171. Mr. HATCH (for himself, Mr. ROBERTS, Mr. CHAMBLISS, Mr. BARRASSO, Mr. INHOFE, Mr. WICKER, Mr. LEE, Mr. COBURN, Mr. RISCH, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3172. Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3173. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3174. Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3175. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3176. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3177. Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3178. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3179. Mr. BENNET (for himself, Mr. WARNER, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3180. Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3181. Mr. WHITEHOUSE (for himself, Mr. MENENDEZ, Mr. MERKLEY, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3182. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3183. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3184. Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3185. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3186. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3187. Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 3019.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### **SEC. 1084. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.**

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after "Guam," the following: "the Commonwealth of the Northern Mariana Islands,".

**SA 3020.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 941 and insert the following:

#### **SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.**

(a) **AUTHORITY TO ESTABLISH.**—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section:

#### **"SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

"(a) **ESTABLISHMENT.**—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the 'Corps').

"(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

"(b) **NATIONAL SECURITY EDUCATION BOARD.**—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

"(c) **MEMBERSHIP.**—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps.

"(d) **TRAINING.**—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

"(e) **SERVICE.**—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

"(f) **FUNDING.**—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended."

(b) **NATIONAL SECURITY EDUCATION BOARD MATTERS.**—

(1) **COMPOSITION.**—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

(A) by striking paragraph (5);

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) The Secretary of Homeland Security.



“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.

(2) **FUNCTIONS.**—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813, including proposing regulations to carry out that section.

“(10) Assess on a periodic basis the needs identified by the departments and agencies of the Federal Government for personnel with skills in various foreign languages.

“(11) Recommend plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government.

“(12) Recommend effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills.

“(13) Advise on the coordination of activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills.”.

**SA 3021.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. GRANTS FOR TRAINING OF VETERANS WHO OWN SMALL BUSINESSES ON APPLYING FOR FEDERAL CONTRACTS.**

(a) **IN GENERAL.**—The Secretary of Veterans Affairs may award a grant to a non-profit organization to assist such organization in providing training to a veteran who is an owner of a small business concern on how to apply for and win a contract with the Federal Government.

(b) **MAXIMUM AMOUNTS.**—

(1) **IN GENERAL.**—The total amount of grants awarded under subsection (a) may not exceed \$1,000,000.

(2) **INDIVIDUAL GRANT AMOUNTS.**—A grant awarded under subsection (a) may not exceed \$200,000.

(c) **MATCHING FUNDS.**—The Secretary may award a grant under subsection (a) to a non-profit organization to conduct training only if the organization agrees to make contributions toward the cost of conducting such training, from non-Federal sources, in an amount equal to not less than the amount of the grant.

(d) **SMALL BUSINESS CONCERN DEFINED.**—In this section, the term “small business concern” has the meaning given such term under section 3 of the Small Business Act (15 U.S.C. 632).

**SA 3022.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 405, line 4, strike “Section” and insert the following:

(a) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the Senate is deeply concerned with the dramatic rise in conflict-induced displacement in Afghanistan and the corresponding increase in humanitarian need, especially as winter approaches;

(2) there have been several reports of children freezing to death in various refugee settlements in Afghanistan during the winter of 2011-12;

(3) the Bureau of Population, Refugees, and Migration of the Department of State and the Special Representative for Afghanistan and Pakistan should jointly develop a comprehensive strategy to address the displacement and human suffering referred to in paragraphs (1) and (2), which shall include—

(A) an assessment of the capacity of the Government of Afghanistan—

(i) to prevent, mitigate, and respond to forced displacement; and

(ii) to provide durable solutions for internally displaced Afghans and Afghan refugees; and

(B) a coherent plan to strengthen the capacity of the Government of Afghanistan to address the causes and consequences of displacement within Afghanistan.

(b) **EXTENSION OF AUTHORITY.**—Section

**SA 3023.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 139, line 3, add at the end the following: “Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security shall submit to the committees of Congress referred to in the preceding sentence a report on hazing in the Coast Guard when it is not operating as a service in the Navy, and, for purposes of such report, the Armed Forces shall include the Coast Guard when it is not operating as a service in the Navy.”.

**SA 3024.** Mr. CARDIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 124, between lines 6 and 7, insert the following:

(f) **APPLICABILITY TO COAST GUARD.**—The Secretary of Homeland Security shall apply the provisions of this section (other than subsection (d)) to the Coast Guard when it is not operating as a service in the Navy in order to achieve diversity in the Coast Guard in the same manner, under the same sched-

ule, and subject to the same conditions as diversity is achieved in the other Armed Forces under this section. The Secretary shall submit to the congressional defense committees the reports required by subsection (e) with respect to the implementation of the provisions of this section regarding the Coast Guard when it is not operating as a service in the Navy.

**SA 3025.** Mr. CARDIN (for himself, Mr. AKAKA, Ms. MIKULSKI, Mr. BEGICH, Mr. DURBIN, Mr. BROWN of Ohio, Mrs. MCCASKILL, and Mr. HARKIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 341 and insert the following:

**SEC. 341. CIVILIAN AND CONTRACT SERVICES WORKFORCE BALANCE.**

(a) **IN GENERAL.**—The Secretary of Defense shall, consistent with the requirements of sections 129 and 129a of title 10, United States Code, ensure that the civilian and contract services workforces of the Department of Defense are sufficiently sized, taking into account military strategy requirements and military end-strength.

(b) **COMPTROLLER GENERAL REPORT.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the sufficiency of sizing of the civilian and contract services workforces of the Department of Defense. The report shall assess whether the sizing is consistent with workforce management and sourcing laws, including sections 129 and 129a of title 10, United States Code.

**SA 3026.** Mr. TESTER (for himself, Mr. BLUMENTHAL, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. STANDARD OF PROOF FOR SERVICE-CONNECTION OF POST-TRAUMATIC STRESS DISORDER AND MENTAL HEALTH CONDITIONS RELATED TO MILITARY SEXUAL TRAUMA.**

(a) **STANDARD OF PROOF.**—Section 1154 of title 38, United States Code, is amended by adding at the end the following new subsections:

“(c)(1) The Secretary shall accept as sufficient proof of service-connection of post-traumatic stress disorder alleged to have been incurred in or aggravated by service in the active military, naval, or air service a diagnosis of post-traumatic stress disorder by a mental health professional together with written testimony by the veteran of such incurrence or aggravation and a written



determination by the professional that such disorder is related to the veteran's service, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of such incurrence or aggravation in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran.

“(2) Service-connection of post-traumatic stress disorder may be rebutted by clear and convincing evidence to the contrary. In the case of such a rebuttal, the Secretary shall make all documents related to the service-connection of the veteran's disability available to the veteran.

“(d)(1) The Secretary shall accept as sufficient proof of service-connection of covered mental health conditions alleged to have been incurred or aggravated by military sexual trauma experienced during service in the active military, naval, or air service a diagnosis of such mental health condition by a mental health professional together with written testimony by the veteran of such trauma alleged to have been incurred during the veteran's service and a written determination by the professional that such mental health condition is related to such trauma, if consistent with the circumstances, conditions, or hardships of such service, notwithstanding the fact that there is no official record of the incurrence of such trauma in such service, and, to that end, shall resolve every reasonable doubt in favor of the veteran.

“(2) Service-connection of covered mental health conditions under this subsection may be rebutted by clear and convincing evidence to the contrary. In the case of such a rebuttal, the Secretary shall make all documents related to the service-connection of the veteran's disability available to the veteran.

“(3) In this subsection:

“(A) The term ‘covered mental health conditions’ means post-traumatic stress disorder, anxiety, depression, or other mental health conditions that the Secretary determines to be related to military sexual trauma.

“(B) The term ‘military sexual trauma’ means, with respect to a veteran, psychological trauma, which in the judgment of a mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty or active duty for training.”.

(b) EFFECTIVE DATE.—Subsections (c) and (d) of section 1154 of title 38, United States Code, as added by subsection (a), shall apply with respect to any claim for disability compensation under laws administered by the Secretary of Veterans Affairs for which no final decision has been made before the date of the enactment of this Act.

**SA 3027.** Mr. TESTER (for himself and Mr. CHAMBLISS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 643. MODIFICATION OF PER-FISCAL YEAR CALCULATION OF DAYS OF CERTAIN ACTIVE DUTY OR ACTIVE SERVICE TO REDUCE ELIGIBILITY AGE FOR RETIREMENT FOR NON-REGULAR SERVICE.**

(a) ACCUMULATION OF 90-DAY PERIODS OF SERVICE WITHIN ANY TWO CONSECUTIVE FISCAL YEARS.—Section 12731(f)(2)(A) of title 10, United States Code, is amended by striking “in any fiscal year” and inserting “in any two consecutive fiscal years”.

(b) RETROACTIVE EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of January 28, 2008, and as if included in the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) as enacted.

**SA 3028.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. TRANSPORTATION OF INDIVIDUALS TO AND FROM FACILITIES OF DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Chapter 1 of title 38, United States Code, is amended by inserting after section 111 the following new section:

**“§ 111A. Transportation of individuals to and from Department facilities**

“(a) TRANSPORTATION BY SECRETARY.—The Secretary may transport any person to or from a Department facility or other place in connection with vocational rehabilitation, counseling required by the Secretary pursuant to chapter 34 or 35 of this title, or for the purpose of examination, treatment, or care.”.

(b) CONFORMING AMENDMENT.—Subsection (h) of section 111 of such title is—

(1) transferred to section 111A of such title, as added by subsection (a);

(2) redesignated as subsection (b);

(3) inserted after subsection (a) of such section; and

(4) amended by inserting “TRANSPORTATION BY THIRD-PARTIES.—” before “The Secretary”.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 111 the following new item:

“111A. Transportation of individuals to and from Department facilities.”.

**SA 3029.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2844. COMMISSION ON REVIEW OF OVERSEAS MILITARY FACILITY STRUCTURE OF THE UNITED STATES.**

(a) IN GENERAL.—

(1) ESTABLISHMENT.—There is established the Commission on the Review of the Overseas Military Facility Structure of the United States (in this section referred to as the “Commission”).

(2) COMPOSITION.—

(A) IN GENERAL.—The Commission shall be composed of eight members of whom—

(i) two shall be appointed by the majority leader of the Senate;

(ii) two shall be appointed by the minority leader of the Senate;

(iii) two shall be appointed by the Speaker of the House of Representatives; and

(iv) two shall be appointed by the minority leader of the House of Representatives.

(B) QUALIFICATIONS.—Individuals appointed to the Commission shall have significant experience in the national security or foreign policy of the United States.

(C) DEADLINE FOR APPOINTMENT.—Appointments of the members of the Commission shall be made not later than 45 days after the date of the enactment of this Act.

(D) CHAIRMAN AND VICE CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(3) TENURE; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) MEETINGS.—

(A) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(B) CALLING OF THE CHAIRMAN.—The Commission shall meet at the call of the Chairman.

(C) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(b) DUTIES.—

(1) STUDY OF OVERSEAS MILITARY FACILITY STRUCTURE.—

(A) IN GENERAL.—The Commission shall conduct a thorough study of matters relating to the military facility structure of the United States overseas.

(B) SCOPE.—In conducting the study, the Commission shall—

(i) assess the number of forces required to be forward based outside the United States;

(ii) examine the current state of the military facilities and training ranges of the United States overseas for all permanent stations and deployed locations, including the condition of land and improvements at such facilities and ranges and the availability of additional land, if required, for such facilities and ranges;

(iii) identify the amounts received by the United States, whether in direct payments, in-kind contributions, or otherwise, from foreign countries by reason of military facilities of the United States overseas;

(iv) assess the feasibility and advisability of the closure or realignment of military facilities of the United States overseas, or of the establishment of new military facilities of the United States overseas;

(v) consider the findings of the February 2011 Government Accountability Office report, “Additional Cost Information and Stakeholder Input Necessary to Assess Military Posture in Europe”, GAO-11-131; and

(vi) consider or assess any other issue relating to military facilities of the United States overseas that the Commission considers appropriate.

(2) REPORT.—

(A) IN GENERAL.—Not later than 60 days after holding its final public hearing, the

Commission shall submit to the President and Congress a report which shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions as it considers appropriate.

(B) PROPOSED OVERSEAS BASING STRATEGY.—In addition to the matters specified in subparagraph (A), the report shall also include a proposal by the Commission for an overseas basing strategy for the Department of Defense in order to meet the current and future mission of the Department, taking into account heightened fiscal constraints.

(C) FOCUS ON PARTICULAR ISSUES.—The report shall focus on current and future geopolitical posturing, operational requirements, mobility, quality of life, cost, and synchronization with the combatant commands.

(c) POWERS.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION SHARING.—The Commission may secure directly from any Federal department or agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(3) ADMINISTRATIVE SUPPORT.—Upon request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support necessary for the Commission to carry out its duties under this section.

(4) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(5) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(d) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission under this section. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL.—

(A) EXPENSES.—Members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission under this section.

(B) MILITARY AIRCRAFT.—Members and staff of the Commission may receive transportation on military aircraft to and from the United States, and overseas, for purposes of the performance of the duties of the Commission to the extent that such transportation will not interfere with the requirements of military operations.

(3) STAFFING.—

(A) EXECUTIVE DIRECTOR.—The Chairman of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties under this section. The employment of an executive director shall be subject to confirmation by the Commission.

(B) STAFF.—The Commission may employ a staff to assist the Commission in carrying out its duties. The total number of the staff of the Commission, including an executive director under subparagraph (A), may not exceed 12.

(C) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAILS.—Any employee of the Department of Defense, the Department of State, or the Government Accountability Office may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) SECURITY.—

(1) SECURITY CLEARANCES.—Members and staff of the Commission, and any experts and consultants to the Commission, shall possess security clearances appropriate for their duties with the Commission under this section.

(2) INFORMATION SECURITY.—The Secretary of Defense shall assume responsibility for the handling and disposition of any information relating to the national security of the United States that is received, considered, or used by the Commission under this section.

(f) TERMINATION.—The Commission shall terminate 45 days after the date on which the Commission submits its report under subsection (b).

**SA 3030.** Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. SENSE OF CONGRESS ON PREMIUMS FOR HEALTH CARE FOR RETIRED CAREER MEMBERS OF THE UNIFORMED SERVICES.**

It is the sense of Congress that—

(1) career members of the uniformed services and their families endure unique and extraordinary demands and make extraordinary sacrifices over the course of a 20-year

to 30-year career in protecting freedom for all Americans; and

(2) those decades of sacrifice constitute a significant pre-paid premium for health care during retirement that is over and above what such members pay in money as a premium for such health care.

**SA 3031.** Mr. BLUMENTHAL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXVIII, add the following:

**SEC. 2824. DEPARTMENT OF DEFENSE GOAL REGARDING USE OF NON-COMBUSTION, DISTRIBUTED GENERATION TECHNOLOGIES TO MEET ELECTRICITY NEEDS.**

Section 2911 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(f) GOAL REGARDING USE OF NON-COMBUSTION, DISTRIBUTED GENERATION TECHNOLOGIES TO MEET ELECTRICITY NEEDS.—Electric energy produced by non-combustion, distributed generation technologies shall have the same standing as electric energy from renewable sources for the purpose of achieving the Department of Defense goal to meet electricity needs established under subsection (e).”.

**SA 3032.** Mr. ROBERTS (for himself and Mr. MORAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 344. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.**

(a) AGREEMENTS AUTHORIZED.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“SEC. 2336. INTERGOVERNMENTAL SUPPORT AGREEMENTS WITH STATE AND LOCAL GOVERNMENTS.**

“(a) IN GENERAL.—(1) The Secretary concerned may enter into an intergovernmental support agreement with a State or local government to provide, receive, or share installation-support services when such an agreement serves the interests of the department by enhancing mission effectiveness or creating efficiencies or economies of scale, including by reducing costs.

“(2) Notwithstanding any other law, such an agreement—

“(A) may be entered into on a sole source basis;

“(B) may be for a term not to exceed five years;

“(C) may utilize, for installation-support services provided by a State or local government, wage grades normally paid by that State or local government; and

“(D) may only be utilized when the Secretary concerned or the State or local government, as the case may be, providing the installation-support services already provides such services for its own use.

“(b) EFFECT ON FIRST RESPONDER ARRANGEMENTS.—The authority provided by this section and limitations on its use do not revoke, preclude, or otherwise interfere with existing or proposed mutual aid agreements relating to police or fire protection services or other similar first responder agreements or arrangements.

“(c) AVAILABILITY OF FUNDS.—Funds available to the Secretary concerned for operation and maintenance may be used to pay for such installation-support services. The costs of agreements under this section for any year may be paid from annual appropriations for that year. Funds received by the Secretary as reimbursement for providing installation-support services pursuant to such an agreement shall be credited to the appropriation or account charged with providing installation support.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘installation-support services’ means those services, supplies, resources, and support typically provided by a State or local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security-guard or firefighting functions.

“(2) The term ‘local government’ includes a county, parish, municipality, city, town, township, local public authority, school district, special district, and any agency or instrumentality of a local government.

“(3) The term ‘State’ means the several states, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Mariana Islands, American Samoa, Guam, and the United States Virgin Islands, and any agency or instrumentality of a State.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting at the end the following new item:

“Sec. 2336. Intergovernmental support agreements with State and local governments.”.

**SA 3033.** Mr. KYL (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XXXI, add the following:

**SEC. 3136. REPORT ON FEASIBILITY, COST, AND ADVISABILITY OF REUSING PITS IN NUCLEAR WARHEADS.**

(a) FINDINGS.—Congress makes the following findings:

(1) A key concept of the proposed interim plutonium pit strategy of the National Nuclear Security Administration is to reuse existing pits to supplement the 20 to 30 pits per year that the Administration asserts may be manufactured at Los Alamos National Laboratory, given extensive modifications to current facilities.

(2) Dr. Charles McMillan, director of the Los Alamos National Laboratory, testified

before Congress on April 18, 2012, that “the extensive work required to convert these concepts into systems that could be certified is yet to be done”. Dr. McMillan elaborated that “we must do the scientific work to further understand the effects of aging and to provide modern safety, safety that starts [with insensitive] high explosive systems. If we choose this path, it will require an investment over the next 5 to 10 years.”.

(3) Pit lifetime is another critical aspect of the proposed interim plutonium strategy. The National Nuclear Security Administration has confidence that pits will last up to 100 years. Yet, Dr. Siegfried Hecker, former director of Los Alamos National Laboratory and a leading plutonium metallurgist, was quoted on July 17, 2012, as saying, “We have never done enough of those [plutonium lifetime] experiments that would make me feel more comfortable with plutonium lifetimes in pits. So as far as I’m concerned, we still haven’t demonstrated that these pits can last 50, 60, 80 or 100 years as some people claim.”.

(4) Regarding the performance of older pits, a 2007 report by the private scientific advisory group known as JASON suggested that “there must be a more detailed understanding of the different types of dynamic strengths involved in the weapons codes, and then a more complete understanding of how these strengths vary with aging through relevant experimental and theoretical work. This is fundamentally difficult . . . New experiments should be carried out on both naturally and artificially aged [plutonium].”.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Energy and the Secretary of Defense shall jointly submit to the congressional defense committees a report on the feasibility, cost, and advisability of reusing pits in nuclear warheads that includes the following:

(1) An assessment of the technical work and experimentation that needs to be done to determine whether or not pit reuse is likely to be a successful strategy that leads to the certification of the safety, security, and reliability of nuclear warheads using those pits and the schedule and cost for that work and experimentation.

(2) A description of the criteria that must be met to determine whether nuclear warheads that reuse pits can be certified as safe, secure, and reliable and an estimate of the time at which the National Nuclear Security Administration anticipates having sufficient data to make such a determination.

(3) A description of the experiments that have been performed to determine whether nuclear warheads that reuse pits can be certified as safe, secure, and reliable and an assessment of the results of those experiments.

(4) An assessment of how pursuing pit reuse increases the cost and complexity of life extension programs and program planning by the National Nuclear Security Administration and the effect of pursuing pit reuse on the safety, security, and reliability of nuclear warheads.

(5) An assessment of the extent to which pursuing pit reuse, as opposed to manufacturing new pits, limits the incorporation of enhanced safety and security features into life extension programs and limits improvements to the performance margin in such programs.

(6) A description of the technical process for and cost of—

(A) requalifying an existing pit for reuse with a weapon for which it was designed; and

(B) requalifying an existing pit for reuse with a weapon for which it was not designed.

(7) An assessment of the extent which the Nuclear Weapons Council has reviewed the processes described in paragraph (6) and the results of any such reviews.

(8) An explanation of the difference between the assessment of the National Nuclear Security Administration with respect to the lifetime of pits and the assessment of Dr. Siegfried Hecker described in subsection (a)(3).

(9) An assessment of the work that has been done by the national security laboratories of the Department of Energy or by other entities with respect to pit aging since 2007 and the results of that work.

(10) An assessment of the anticipated level of confidence of the Secretary of Energy and the Secretary of Defense with respect to experiments to artificially age plutonium and any concerns that there may be differences between natural and artificial aging of plutonium.

(11) An assessment of experiments that have been performed to understand the performance of older pits across the full stockpile-to-target sequence of nuclear warheads, including in highly dynamic environments, and the results of those experiments.

(12) A statement of the military requirement for pit production to have a responsive infrastructure capable of rapidly responding to technical or geopolitical strategic surprises.

**SA 3034.** Mr. BROWN of Massachusetts (for himself and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1710 and insert the following:

**SEC. 1710. RETENTION OF CORE FUNCTIONS OF THE ELECTRONIC SYSTEMS CENTER AT HANSCOM AIR FORCE BASE, MASSACHUSETTS.**

The Secretary of the Air Force shall retain the core functions of the Electronic Systems Center at Hanscom Air Force Base, Massachusetts, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

**SA 3035.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. REPORT ON TRANSFER TO THE GOVERNMENT OF AFGHANISTAN OF ENEMY COMBATANTS DETAINED BY THE UNITED STATES IN AFGHANISTAN.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report setting forth the following:

(1) The policy of the United States on the disposition of Afghanistan enemy combatants captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(2) The policy of the United States on the disposition of non-Afghanistan enemy combatants captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(3) The policy of the United States on the disposition of high-risk enemy combatants captured on the battlefield who are or will be detained in detention facilities in Afghanistan under the control of the United States.

(4) A plan for the transfer of high-risk enemy combatants described in paragraph (3) from detention facilities in Afghanistan under the control of the United States after December 31, 2014.

(5) An assessment of the extent to which the Government of Afghanistan will provide continuing and enduring support to the criminal justice system of Afghanistan for purposes of maintaining the rule of law in Afghanistan after December 31, 2014.

(b) DEFINITIONS.—In this section:

(1) The term “detention facilities in Afghanistan under the control of the United States” means facilities in Afghanistan established to hold persons consistent with the law of war and international humanitarian law, including Additional Protocol II of 1977 to the Geneva Convention of 1949.

(2) The term “enemy combatant” means an individual who—

(A) after September 11, 2001, has purposefully engaged in or materially supported hostilities against the United States or its coalition partners; or

(B) is a member of, part of, or operated in a clandestine, covert, or military capacity on behalf of the Taliban, al Qaeda, or associated forces.

(3) The term “high-risk”, with respect to an enemy combatant, means that the transfer of the enemy combatant to the Government of Afghanistan would create unacceptable national security risks to the United States and its coalition partners.

**SA 3036.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.**

(a) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to

Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) SECRETARY OF STATE REPORT.—Not later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.

**SA 3037.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 601 and insert the following:

**SEC. 601. RATES OF BASIC ALLOWANCE FOR HOUSING FOR ARMY NATIONAL GUARD AND AIR NATIONAL GUARD MEMBERS ON FULL-TIME NATIONAL GUARD DUTY.**

Section 403(g) of title 37, United States Code, is amended by adding at the end the following new paragraph:

“(6)(A) The rate of basic allowance for housing to be paid to a member of the Army National Guard of the United States, or to a member of the Air National Guard of the United States, shall not be changed upon the transition of the member from full-time National Guard duty to active duty unless the transition—

“(i) occurs with a break in active service; or

“(ii) results in a permanent change of station and shipment of household goods.

“(B) For purposes of subparagraph (A)(i), a break in active service occurs when one or more calendar days between active service periods do not qualify as active service.”.

**SA 3038.** Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such

fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 723. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.**

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

**SA 3039.** Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 723. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.**

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with

section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **PROGRAM FOR VETERANS.**—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) **PROGRAM ELEMENTS.**—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

**SA 3040.** Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **PROGRAM ELEMENTS.**—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

**SA 3041.** Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by

her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to military medical treatment facilities to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **PROGRAM ELEMENTS.**—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

**SA 3042.** Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States security strategy in Afghanistan, as established by the President and reaffirmed at the North Atlantic Treaty Organization Conference in Chicago in May 2012 and the North Atlantic Treaty Organization Defense Ministerial in Brussels in October 2012, prioritizes a process of “irreversible transition” of security responsibility from the International Security Assistance Force (ISAF) to the Afghanistan National Security Forces (ANSF) by the end of 2014, and the training of “sufficient and capable” Afghanistan National Security Forces by the Afghanistan Government through the assistance of international donors.

(2) As a key part of the strategy in Afghanistan, North Atlantic Treaty Organization/

International Security Assistance Force (NATO/ISAF) forces have conducted partnered combat and training operations with the Afghanistan National Security Forces. In the course of these operations, as of November 13, 2012, there have been at least 60 deaths and 80 non-fatal casualties from insider attacks conducted by members of the Afghanistan National Security Forces or insurgent infiltrators in Afghanistan in 2012. These attacks account for 16 percent of coalition casualties in Afghanistan in 2012, an almost three-fold increase in the percentage of casualties caused by such attacks in 2011 and more than 16 times greater than the percentage of casualties caused by such attacks in 2008 and earlier.

(3) In September 2012, in a media interview, General John Allen, Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, stated that “we’re willing to sacrifice a lot for this campaign, but we’re not willing to be murdered for it”, in response to a question on insider attacks in Afghanistan.

(4) In September 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, stated that insider attacks in Afghanistan were a “very serious threat to the campaign” and stated that “something has to change” to rectify the situation.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (“insider attacks”) in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(c) **ELEMENTS.**—The report required by subsection (b) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (b), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(d) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (c) shall include an executive summary of the contents of the report in unclassified form.

**SA 3043.** Ms. COLLINS (for herself, Mrs. SHAHEEN, Mr. PORTMAN, Mr. UDALL of Colorado, Ms. SNOWE, and Mr. WICKER) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1536. REPORT ON INSIDER ATTACKS IN AFGHANISTAN AND THEIR EFFECT ON THE UNITED STATES TRANSITION STRATEGY FOR AFGHANISTAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States security strategy in Afghanistan, as established by the President and reaffirmed at the North Atlantic Treaty Organization Conference in Chicago in May 2012 and the North Atlantic Treaty Organization Defense Ministerial in Brussels in October 2012, prioritizes a process of “irreversible transition” of security responsibility from the International Security Assistance Force (ISAF) to the Afghanistan National Security Forces (ANSF) by the end of 2014, and the training of “sufficient and capable” Afghanistan National Security Forces by the Afghanistan Government through the assistance of international donors.

(2) As a key part of the strategy in Afghanistan, North Atlantic Treaty Organization/International Security Assistance Force (NATO/ISAF) forces have conducted partnered combat and training operations with the Afghanistan National Security Forces. In the course of these operations, as

of November 13, 2012, there have been at least 60 deaths and 80 non-fatal casualties from insider attacks conducted by members of the Afghanistan National Security Forces or insurgent infiltrators in Afghanistan in 2012. These attacks account for 16 percent of coalition casualties in Afghanistan in 2012, an almost three-fold increase in the percentage of casualties caused by such attacks in 2011 and more than 16 times greater than the percentage of casualties caused by such attacks in 2008 and earlier.

(3) In September 2012, in a media interview, General John Allen, Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, stated that “we’re willing to sacrifice a lot for this campaign, but we’re not willing to be murdered for it”, in response to a question on insider attacks in Afghanistan.

(4) In September 2012, General Martin Dempsey, Chairman of the Joint Chiefs of Staff, stated that insider attacks in Afghanistan were a “very serious threat to the campaign” and stated that “something has to change” to rectify the situation.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of State and the Commander of North Atlantic Treaty Organization/International Security Assistance Force forces in Afghanistan, submit to Congress a report on the attacks and associated threats by Afghanistan National Security Forces personnel, Afghanistan National Security Forces impersonators, and private security contractors against United States, Afghanistan, and coalition military and civilian personnel (“insider attacks”) in Afghanistan, and the effect of these attacks on the overall transition strategy in Afghanistan.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A description of the nature and proximate causes of the attacks described in subsection (b), including the following:

(A) An estimate of the number of such attacks on United States, Afghanistan, and coalition military personnel since January 1, 2007.

(B) An estimate of the number of United States, Afghanistan, and coalition personnel killed or wounded in such attacks.

(C) The circumstances or conditions that may have influenced such attacks.

(D) An assessment of the threat posed by infiltration, and a best assessment of the extent of infiltration by insurgents into the Afghanistan National Security Forces.

(E) A description of trends in the prevalence of such attacks, including where such attacks occur, the political and ethnic affiliation of attackers, and the targets of attackers.

(2) A description of the restrictions and other actions taken by the United States and North Atlantic Treaty Organization/International Security Assistance Force forces to protect military and civilian personnel from future insider attacks, including measures in predeployment training.

(3) A description of the actions taken by the Government of Afghanistan to prevent and respond to insider attacks, including improved vetting practices.

(4) A description of the insider threat-related factors that will influence the size and scope of the post-2014 training mission for the Afghanistan National Security Forces.

(5) An assessment of the impact of the insider attacks in Afghanistan in 2012 on the overall transition strategy in Afghanistan and its prospects for success, including an

assessment how such insider attacks impact—

(A) partner operations between North Atlantic Treaty Organization/International Security Assistance Force forces and Afghanistan National Security Forces;

(B) training programs for the Afghanistan National Security Forces, including proposed training plans to be executed during the post-2014 training mission for the Afghanistan National Security Forces;

(C) United States Special Forces training of the Afghan Local Police and its integration into the Afghanistan National Security Forces; and

(D) the willingness of North Atlantic Treaty Organization/International Security Assistance Force allies to maintain forces in Afghanistan or commit to the post-2014 training mission for the Afghanistan National Security Forces.

(6) An assessment of the impact that a reduction in training and partnering would have on the independent capabilities of the Afghanistan National Security Forces, and whether the training of the Afghanistan National Security Forces should remain a key component of the United States and North Atlantic Treaty Organization strategy in Afghanistan.

(d) UNCLASSIFIED EXECUTIVE SUMMARY.—The report submitted under subsection (c) shall include an executive summary of the contents of the report in unclassified form.

**SA 3044.** Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, Mr. BROWN of Ohio, and Mr. REED) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 847. PILOT PROGRAM ON PROCUREMENT OF DOMESTICALLY-PRODUCED ATHLETIC FOOTWEAR FOR MEMBERS OF THE ARMY UNDERGOING INITIAL ENTRY TRAINING.**

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to determine the feasibility and advisability of requiring that the athletic footwear used by Army recruits undergoing Initial Entry Training complies with the domestic source requirements in section 2533(a) of title 10, United States Code.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) ensure that Army recruits, upon beginning Initial Entry Training, are provided with athletic footwear that complies with the domestic source requirements referred to in subsection (a), except that recruits may be provided with athletic footwear that does not comply with such domestic source requirements if such footwear is medically required to meet unique physiological needs that cannot be met with athletic footwear that complies with such requirements;

(2) designate the Under Secretary of Defense for Acquisition, Technology, and Logistics as responsible for the sourcing and distribution of athletic footwear produced in



compliance with such domestic source requirements for purposes of the pilot program;

(3) require that the Department of the Army direct the appropriate program office to develop specifications for athletic footwear to comply with such domestic source requirements;

(4) structure the pilot with the goal of incorporating products from multiple domestic suppliers of athletic footwear; and

(5) require that to the extent any of the specified components of the final footwear products cannot be sourced domestically, necessary accommodations be made in accordance with the provisions of section 2533a(c) of title 10, United States Code.

(c) DURATION.—The Secretary shall carry out the pilot program for not fewer than three years, and not more than five years, beginning on the date of the commencement of the pilot program.

(d) REPORTS.—Not later than one year after the commencement of the pilot, and every year thereafter while the pilot program is being carried out, the Secretary shall submit to Congress a report on the pilot program. Each report shall set forth the following:

(1) In the case of the first report, a description of the measures taken to implement the contracting and acquisition structures necessary to carry out the pilot program.

(2) A description and assessment of the domestic industrial base response to the requirement for production of athletic footwear for purposes of the pilot program.

(3) A comparative analysis of the costs associated with the distribution of athletic footwear under the pilot program with the costs associated with the distribution of athletic footwear for Army recruits before the commencement of the pilot program and with the costs associated with the distribution of athletic footwear by the Armed Forces not participating in the pilot program.

(4) A description and assessment of the reliability of the supply chain and inventory management for athletic footwear under the pilot program.

(5) An assessment of the feasibility and advisability of expanding the pilot program to each other Armed Force, and a description of any options for addressing potential impediments to the expansion of the pilot program if expansion is considered feasible and advisable.

**SA 3045.** Ms. COLLINS (for herself, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BLUMENTHAL, Mr. WHITEHOUSE, Ms. SNOWE, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 847. PILOT PROGRAM ON PROCUREMENT OF DOMESTICALLY-PRODUCED ATHLETIC FOOTWEAR FOR MEMBERS OF THE ARMY UNDERGOING INITIAL ENTRY TRAINING.**

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 120 days after the

date of the enactment of this Act, the Secretary of Defense shall carry out a pilot program to determine the feasibility and advisability of requiring that the athletic footwear used by Army recruits undergoing Initial Entry Training complies with the domestic source requirements in section 2533(a) of title 10, United States Code.

(b) ELEMENTS.—In carrying out the pilot program, the Secretary shall—

(1) ensure that Army recruits, upon beginning Initial Entry Training, are provided with athletic footwear that complies with the domestic source requirements referred to in subsection (a), except that recruits may be provided with athletic footwear that does not comply with such domestic source requirements if such footwear is medically required to meet unique physiological needs that cannot be met with athletic footwear that complies with such requirements;

(2) designate the Under Secretary of Defense for Acquisition, Technology, and Logistics as responsible for the sourcing and distribution of athletic footwear produced in compliance with such domestic source requirements for purposes of the pilot program;

(3) require that the Department of the Army direct the appropriate program office to develop specifications for athletic footwear to comply with such domestic source requirements;

(4) structure the pilot with the goal of incorporating products from multiple domestic suppliers of athletic footwear; and

(5) require that to the extent any of the specified components of the final footwear products cannot be sourced domestically, necessary accommodations be made in accordance with the provisions of section 2533a(c) of title 10, United States Code.

(c) DURATION.—The Secretary shall carry out the pilot program for not fewer than three years, and not more than five years, beginning on the date of the commencement of the pilot program.

(d) REPORTS.—Not later than one year after the commencement of the pilot, and every year thereafter while the pilot program is being carried out, the Secretary shall submit to Congress a report on the pilot program. Each report shall set forth the following:

(1) In the case of the first report, a description of the measures taken to implement the contracting and acquisition structures necessary to carry out the pilot program.

(2) A description and assessment of the domestic industrial base response to the requirement for production of athletic footwear for purposes of the pilot program.

(3) A comparative analysis of the costs associated with the distribution of athletic footwear under the pilot program with the costs associated with the distribution of athletic footwear for Army recruits before the commencement of the pilot program and with the costs associated with the distribution of athletic footwear by the Armed Forces not participating in the pilot program.

(4) A description and assessment of the reliability of the supply chain and inventory management for athletic footwear under the pilot program.

(5) An assessment of the feasibility and advisability of expanding the pilot program to each other Armed Force, and a description of any options for addressing potential impediments to the expansion of the pilot program if expansion is considered feasible and advisable.

**SA 3046.** Mr. BOOZMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PROTECTION OF CHILD CUSTODY ARRANGEMENTS FOR PARENTS WHO ARE MEMBERS OF THE UNIFORMED SERVICES.**

(a) CHILD CUSTODY PROTECTION.—Title II of the Servicemembers Civil Relief Act (50 U.S.C. App. 521 et seq.) is amended by adding at the end the following new section:

**“SEC. 208. CHILD CUSTODY PROTECTION.**

“(a) RESTRICTION ON TEMPORARY CUSTODY ORDER.—If a court renders a temporary order for custodial responsibility for a child based solely on a deployment or anticipated deployment of a parent who is a servicemember, then the court shall require that, upon the return of the servicemember from deployment, the custody order that was in effect immediately preceding the temporary order shall be reinstated, unless the court finds that such a reinstatement is not in the best interest of the child, except that any such finding shall be subject to subsection (b).

“(b) EXCLUSION OF MILITARY SERVICE FROM DETERMINATION OF CHILD’S BEST INTEREST.—If a motion or a petition is filed seeking a permanent order to modify the custody of the child of a servicemember, no court may consider the absence of the servicemember by reason of deployment, or the possibility of deployment, as the sole factor in determining the best interest of the child.

“(c) NO FEDERAL JURISDICTION OR RIGHT OF ACTION OR REMOVAL.—Nothing in this section shall create a Federal right of action or otherwise give rise to Federal jurisdiction or create a right of removal.

“(d) PREEMPTION.—In any case where State law applicable to a child custody proceeding involving a temporary order as contemplated in this section provides a higher standard of protection to the rights of the parent who is a deploying servicemember than the rights provided under this section with respect to such temporary order, the appropriate court shall apply the higher State standard.

“(e) DEPLOYMENT DEFINED.—In this section, the term ‘deployment’ means the movement or mobilization of a servicemember to a location for a period of longer than 60 days and not longer than 540 days pursuant to temporary or permanent official orders—

“(1) that are designated as unaccompanied;

“(2) for which dependent travel is not authorized; or

“(3) that otherwise do not permit the movement of family members to that location.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to title II the following new item:

“208. Child custody protection.”.

**SA 3047.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department



of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 643. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

**SA 3048.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 643. ELIGIBILITY FOR PAYMENT OF BOTH RETIRED PAY AND VETERANS’ DISABILITY COMPENSATION FOR CERTAIN MILITARY RETIREES WITH COMPENSABLE SERVICE-CONNECTED DISABILITIES.**

(a) EXTENSION OF CONCURRENT RECEIPT AUTHORITY TO RETIREES WITH SERVICE-CONNECTED DISABILITIES RATED LESS THAN 50 PERCENT.—

(1) REPEAL OF 50 PERCENT REQUIREMENT.—Section 1414 of title 10, United States Code, is amended by striking paragraph (2) of subsection (a).

(2) COMPUTATION.—Paragraph (1) of subsection (c) of such section is amended by adding at the end the following new subparagraph:

“(G) For a month for which the retiree receives veterans’ disability compensation for a disability rated as 40 percent or less or has a service-connected disability rated as zero percent, \$0.”.

(b) CLERICAL AMENDMENTS.—

(1) The heading of section 1414 of such title is amended to read as follows:

**“§ 1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation.”**

(2) The item relating to such section in the table of sections at the beginning of chapter 71 of such title is amended to read as follows: “1414. Members eligible for retired pay who are also eligible for veterans’ disability compensation: concurrent payment of retired pay and disability compensation.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

**SEC. 644. COORDINATION OF SERVICE ELIGIBILITY FOR COMBAT-RELATED SPECIAL COMPENSATION AND CONCURRENT RECEIPT.**

(a) AMENDMENTS TO STANDARDIZE SIMILAR PROVISIONS.—

(1) QUALIFIED RETIREES.—Subsection (a) of section 1414 of title 10, United States Code, as amended by section 643(a) of this Act, is further amended—

(A) by striking “a member or” and all that follows through “retiree”)” and inserting “a qualified retiree”; and

(B) by adding at the end the following new paragraph:

“(2) QUALIFIED RETIREES.—For purposes of this section, a qualified retiree, with respect to any month, is a member or former member of the uniformed services who—

“(A) is entitled to retired pay (other by reason of section 12731b of this title); and

“(B) is also entitled for that month to veterans’ disability compensation.”.

(2) DISABILITY RETIREES.—Paragraph (2) of subsection (b) of section 1414 of such title is amended to read as follows:

“(2) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—The retired pay of a qualified retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service is subject to reduction by the lesser of—

“(A) the amount of the reduction under sections 5304 and 5305 of title 38; or

“(B) the amount (if any) by which the amount of the member’s retired pay under such chapter exceeds the amount equal to 2½ percent of the member’s years of creditable service multiplied by the member’s retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

**SEC. 645. CLARIFICATION OF COMPUTATION OF COMBAT-RELATED SPECIAL COMPENSATION FOR CHAPTER 61 DISABILITY RETIREES.**

(a) IN GENERAL.—Section 1413a(b)(3) of title 10, United States Code, is amended by striking “shall be reduced by the amount (if any) by which the amount of the member’s retired pay under chapter 61 of this title exceeds” both places it appears and inserting “may not, when combined with the amount of retired pay payable to the retiree after any such reduction under sections 5304 and 5305 of title 38, cause the total of such combined payment to exceed”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2013, and shall apply to payments for months beginning on or after that date.

**SA 3049.** Mr. UDALL of New Mexico (for himself, Mr. CORKER, Mr. SCHUMER, Ms. SNOWE, Mr. BINGAMAN, Mrs. MCCASKILL, Mr. WYDEN, and Mr. MERKLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. ESTABLISHMENT OF OPEN BURN PIT REGISTRY.**

(a) ESTABLISHMENT OF REGISTRY.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(1) establish and maintain an open burn pit registry for eligible individuals who may have been exposed to toxic airborne chemicals and fumes caused by open burn pits;

(2) include any information in such registry that the Secretary of Veterans Affairs determines necessary to ascertain and monitor the health effects of the exposure of members of the Armed Forces to toxic airborne chemicals and fumes caused by open burn pits;

(3) develop a public information campaign to inform eligible individuals about the open burn pit registry, including how to register and the benefits of registering; and

(4) periodically notify eligible individuals of significant developments in the study and treatment of conditions associated with exposure to toxic airborne chemicals and fumes caused by open burn pits.

(b) REPORT TO CONGRESS.—

(1) REPORTS BY INDEPENDENT SCIENTIFIC ORGANIZATION.—The Secretary of Veterans Affairs shall enter into an agreement with an independent scientific organization to prepare reports as follows:

(A) Not later than two years after the date on which the registry under subsection (a) is established, an initial report containing the following:

(i) An assessment of the effectiveness of actions taken by the Secretaries to collect and maintain information on the health effects of exposure to toxic airborne chemicals and fumes caused by open burn pits.

(ii) Recommendations to improve the collection and maintenance of such information.

(iii) Using established and previously published epidemiological studies, recommendations regarding the most effective and prudent means of addressing the medical needs of eligible individuals with respect to conditions that are likely to result from exposure to open burn pits.

(B) Not later than five years after completing the initial report described in subparagraph (A), a follow-up report containing the following:

(i) An update to the initial report described in subparagraph (A).

(ii) An assessment of whether and to what degree the content of the registry established under subsection (a) is current and scientifically up-to-date.

(2) SUBMITTAL TO CONGRESS.—

(A) INITIAL REPORT.—Not later than two years after the date on which the registry under subsection (a) is established, the Secretary of Veterans Affairs shall submit to Congress the initial report prepared under paragraph (1)(A).

(B) FOLLOW-UP REPORT.—Not later than five years after submitting the report under subparagraph (A), the Secretary of Veterans Affairs shall submit to Congress the follow-up report prepared under paragraph (1)(B).

(3) COOPERATION BY SECRETARY OF DEFENSE.—

(A) IN GENERAL.—The Secretary of Defense shall cooperate with the Secretary of Veterans Affairs and the organization with whom the Secretary of Veterans Affairs enters into an agreement under paragraph (1) in the preparation of the reports required by such paragraph.

(B) PROVISION OF DATA.—In cooperating as required by subparagraph (A), the Secretary of Defense shall provide the Secretary of

Veterans Affairs and the organization described in such subparagraph with any and all data that is possessed or obtainable by the Secretary of Defense that is relevant to the preparation of the reports required by paragraph (1).

(c) DEFINITIONS.—In this section:

(1) ELIGIBLE INDIVIDUAL.—The term “eligible individual” means any individual who, on or after September 11, 2001—

(A) was deployed in support of a contingency operation while serving in the Armed Forces; and

(B) during such deployment, was based or stationed at a location where an open burn pit was used.

(2) OPEN BURN PIT.—The term “open burn pit” means an area of land located in Afghanistan or Iraq that—

(A) is designated by the Secretary of Defense to be used for disposing solid waste by burning in the outdoor air; and

(B) does not contain a commercially manufactured incinerator or other equipment specifically designed and manufactured for the burning of solid waste.

**SA 3050.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.**

(a) SUBMITTAL REQUIRED.—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall submit to the congressional defense committees a detailed assessment of the risk posed by such change in levels to the United States mission and interests in Afghanistan.

(b) ELEMENTS.—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan resulting from such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan resulting from such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States military capabilities, operations, and objectives in Afghanistan resulting from such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

**SA 3051.** Mr. MCCAIN (for himself, Mr. PORTMAN, Mr. WEBB, Mr. INHOFE, Ms. AYOTTE, Mr. BROWN of Massachusetts, and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle A of title IV, add the following:

**SEC. 402. ADDITIONAL MARINE CORPS PERSONNEL FOR THE MARINE CORPS SECURITY GUARD PROGRAM.**

(a) ADDITIONAL PERSONNEL.—

(1) IN GENERAL.—The Secretary of Defense shall develop and implement a plan which shall increase the number of Marine Corps personnel assigned to the Marine Corps Embassy Security Group at Quantico, Virginia, and Marine Security Group Regional Commands and Marine Security Group detachments at United States missions around the world by up to 1,000 Marines during fiscal years 2014 through 2017.

(2) PURPOSE.—The purpose of the increase under paragraph (1) shall be to provide the end strength and resources necessary to support an increase in Marine Corps security at United States consulates and embassies throughout the world, and in particular at locations identified by the Secretary of State as in need of increased security in light of threats to United States personnel and property by terrorists.

(b) CONSULTATION.—The Secretary of Defense shall develop and implement the plan required by subsection (a) in consultation with the Secretary of State pursuant to the responsibility of the Secretary of State for diplomatic security under section 103 of the Diplomatic Security Act (22 U.S.C. 4802), and in accordance with any current memorandum of understanding between the Department of State and the Marine Corps on the operational and administrative supervision of the Marine Corps Security Guard Program.

(c) FUNDING.—

(1) BUDGET REQUESTS.—The budget of the President for each fiscal year after fiscal year 2013, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth as separate line elements, under the amounts requested for such fiscal year for each of procurement, operation and maintenance, and military personnel to fully fund each of the following:

(A) The Marine Corps.

(B) The Marine Corps Security Guard Program, including for the additional personnel under the Marine Corps Security Guard Program as result of the plan required by subsection (a).

(2) PRESERVATION OF FUNDING FOR USMC UNDER NATIONAL MILITARY STRATEGY.—In determining the amounts to be requested for a fiscal year for the Marine Corps Security

Guard Program and for additional personnel under the Marine Corps Security Guard Program under paragraph (1), the President shall ensure that amounts requested for the Marine Corps for that fiscal year do not degrade the readiness of the Marine Corps to fulfill the requirements of the National Military Strategy.

(d) REPORTS.—

(1) REPORTS ON PROGRAM.—Not later than October 1, 2014, and annually thereafter through October 1, 2017, the Secretary of Defense shall, in coordination with the Secretary of State, submit to Congress a report on the Marine Corps Security Guard Program. Each report shall include the following:

(A) A description of the expanded security support provided by Marine Corps Security Guards to the Department of State during the fiscal year ending on the date of such report, including—

(i) any increased internal security provided at United States embassies and consulates throughout the world;

(ii) any increased support for emergency action planning, training, and advising of host nation security forces; and

(iii) any expansion of intelligence collection activities.

(B) A description of the current status of Marine Corps personnel assigned to the Program as a result of the plan required by subsection (a).

(C) A description of the Department of Defense resources required in the fiscal year ending on the date of such report to support the Marine Corps Security Guard program, including total end strength and key supporting programs that enable both its current and expanded mission during such fiscal year.

(D) A reassessment of the mission of the Program, as well as procedural rules of engagement under the Program, in light of current and emerging threats to United States diplomatic personnel, and a description and assessment of options to improve the Program to respond to such threats.

(E) An assessment of the feasibility and advisability of authorizing, funding, and administering the Program as a separate program within the Marine Corps, and if such actions are determined to be feasible and advisable, recommendations for legislative and administrative actions to provide for authorizing, funding, and administering the Program as a separate program within the Marine Corps.

(2) REPORT ON CHANGES IN SCOPE OF PROGRAM IN RESPONSE TO CHANGING THREATS.—If the President determines that a modification (whether an increase or a decrease) in the scope of the Marine Corps Security Guard Program is necessary or advisable in light of any change in the nature of threats to United States embassies, consulates and other diplomatic facilities abroad, the President shall—

(A) notify Congress of such modification and the change in the nature of threats prompting such modification; and

(B) take such modification into account in requesting an end strength and funds for the Program for any fiscal year in which such modification is in effect.

**SA 3052.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON MILITARY RESOURCES NECESSARY TO EXECUTE UNITED STATES FORCE POSTURE STRATEGY IN THE ASIA PACIFIC REGION.**

(a) REVIEW REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, conduct a comprehensive review of the national defense strategy, force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program and policies of the United States with regard to the Asia Pacific region to determine the resources, equipment, and transportation required to meet the strategic and operational plans of the United States.

(2) ELEMENTS.—The review required under paragraph (1) shall include the following elements:

(A) The force structure, force modernization plans, infrastructure, budget plan, and other elements of the defense program of the United States associated with the Asia Pacific region that would be required to execute successfully the full range of missions called for in the national defense strategy.

(B) An estimate of the timing for initial and final operational capability for each unit based in, realigned within, or identified for support to the Asia Pacific region.

(C) An assessment of the strategic and tactical sea, ground, and air transportation required for the forces assigned to the Asia Pacific region to meet strategic and operational plans.

(D) The specific capabilities, including the general number and type of specific military platforms, their permanent station, and planned forward operating locations needed to achieve the strategic and warfighting objectives identified in the review.

(E) The forward presence, phased deployments, pre-positioning, and other anticipatory deployments of manpower or military equipment necessary for conflict deterrence and adequate military response to anticipated conflicts.

(F) The budget plan that would be required to provide sufficient resources to execute successfully the full range of missions and phased operations in the Asia Pacific region at a low-to-moderate level of risk and any additional resources (beyond those programmed in the current future-years defense program) required to achieve such a level of risk.

(G) Budgetary recommendations that are not constrained to comply with and are fully independent of the budget submitted to Congress by the President pursuant to section 1105 of title 31, United States Code.

(b) CJCS REVIEW.—Upon the completion of the review under subsection (a), the Chairman of the Joint Chiefs of Staff shall prepare and submit to the Secretary of Defense the Chairman's assessment of the review, including the Chairman's assessment of risk and a description of the capabilities needed to address such risk.

(c) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review required under subsection (a).

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the elements set forth under subsection (a)(1).

(B) A description of the assumptions used in the examination, including assumptions relating to—

(i) the status of readiness of the Armed Forces;

(ii) the cooperation of allies, mission-sharing, and additional benefits to and burdens on the Armed Forces resulting from coalition operations;

(iii) warning times;

(iv) levels of engagement in operations other than war and smaller-scale contingencies and withdrawal from such operations and contingencies;

(v) the intensity, duration, and military and political end-states of conflicts and smaller-scale contingencies; and

(vi) the roles and responsibilities that would be discharged by contractors.

(C) Any other matters the Secretary of Defense considers appropriate.

(D) The assessment of the Chairman of the Joint Chiefs of Staff under subsection (b), including related comments of the Secretary of Defense.

(3) FORM.—The report required under paragraph (1) may be submitted in classified or unclassified form.

**SA 3053.** Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNES, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. TRANSFER OF EXCESS AIRCRAFT FOR WILDFIRE SUPPRESSION PURPOSES.**

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture for use by the Forest Service for wildfire suppression purposes. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service as a suitable platform for wildfire suppression missions;

(B) subject to paragraph (2), excess to the needs of the Department of Defense, as determined by the Secretary of Defense; and

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture.

(2) LIMITATION ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be excess for purposes of this subsection if such aircraft are expressly prohibited from being determined excess by law.

(c) PRIORITY IN TRANSFER.—The Secretary of Agriculture shall be afforded a priority in the transfer under subsection (a) of excess aircraft of the Department of Defense speci-

fied in subsection (b) before any other department or agency of the Federal Government.

(d) CONDITIONS OF TRANSFER.—Excess aircraft transferred under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) EXPIRATION OF AUTHORITY.—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

**SEC. 1085. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.**

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) PERIODS FOR EXERCISE OF AUTHORITY.—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”.

**SA 3054.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1024. NOTICE TO CONGRESS AND WAIT ON PROPOSALS TO NAME NAVAL VESSELS.**

Section 7292 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(d) The Secretary of the Navy may not announce or implement any proposal to name a vessel of the Navy until 30 days after the date on which the Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such proposal.”.

**SA 3055.** Mr. MANCHIN (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 585. ADVANCEMENT OF BRIGADIER GENERAL CHARLES E. YEAGER, UNITED STATES AIR FORCE (RETIRED), ON THE RETIRED LIST.**

(a) **ADVANCEMENT.**—Brigadier General Charles E. Yeager, United States Air Force (retired), is entitled to hold the rank of major general while on the retired list of the Air Force.

(b) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The advancement of Charles E. Yeager on the retired list of the Air Force under subsection (a) shall not affect the retired pay or other benefits from the United States to which Charles E. Yeager is now or may in the future be entitled based upon his military service or affect any benefits to which any other person may become entitled based on his service.

**SA 3056.** Mrs. HAGAN submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 216. EXTENSION OF AUTHORITY TO AWARD PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.**

Section 2374a(f) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2014”.

**SA 3057.** Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON FOREIGN AREA OFFICER PROGRAM.**

(a) **STUDY AND REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study and submit to the congressional defense committees a report on the Foreign Area Officer program and implications of the strategic rebalance to the Asia-Pacific region.

(b) **MATTERS COVERED.**—The study and report required under subsection (a) shall cover the following matters:

(1) The number of military personnel in the Foreign Area Officer program by country and service in each combatant commander's area of responsibility.

(2) The number of women and minorities within the Foreign Area Officer Program.

(3) Planned actions to address the 30 percent shortage of Foreign Area Officer personnel fill rates in the United States Pacific Command, the United States Africa Command, and the United States Special Operations Command.

(4) A forecast of future Foreign Area Officer requirements.

(5) A listing of the Department of Defense programs with objectives similar to the For-

eign Area Officer program and a discussion of how they complement or are distinct from the Foreign Area Officer program.

(6) Planned actions to ensure Foreign Area Officers maintain the skills acquired through the program when serving in a non-Foreign Area Officer capacity, including language skills, cultural understanding, and regional knowledge.

(7) Planned actions in creating a Foreign Area Officer Reserve Corps across all services that is fully trained and capable of carrying out Foreign Area Officer missions.

(8) A description of mechanisms that the Department of Defense utilizes to maintain a connection to Foreign Area Officer program alumni and a discussion on the effectiveness of each mechanism.

(c) **RECOMMENDATIONS.**—The report submitted under subsection (a) shall include recommendations for any legislation necessary to enhance the Foreign Area Officer program in support of the newly articulated rebalance to the Asia-Pacific.

**SA 3058.** Mrs. GILLIBRAND (for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, Mr. MENENDEZ, Mr. SANDERS, Mr. AKAKA, Ms. MIKULSKI, Mr. LEAHY, and Mr. BROWN of Ohio) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. CERTAIN TREATMENT OF AUTISM UNDER THE TRICARE PROGRAM.**

(a) **CERTAIN TREATMENT OF AUTISM.**—

(1) **IN GENERAL.**—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

**“§ 1077a. Treatment of autism under the TRICARE program**

“(a) **IN GENERAL.**—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(b) **REQUIREMENTS IN PROVISION OF SERVICES.**—In carrying out subsection (a), the Secretary of Defense shall ensure that—

“(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

“(c) **EXCLUSIONS.**—Subsection (a) shall not apply to the following:

“(1) Covered beneficiaries under this chapter who are entitled to hospital insurance benefits under part A of title XVIII of the Social Security Act.

“(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of the Department of Defense.

“(d) **CONSTRUCTION WITH OTHER BENEFITS.**—(1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(B) being a dependent of a member of a service described in subparagraph (A).

“(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(A) this chapter;

“(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(C) any other law.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Treatment of autism under the TRICARE program.”.

(b) **FUNDING.**—

(1) **INCREASE.**—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by \$30,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) **OFFSET.**—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by \$30,000,000.

**SA 3059.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities of the historical storage and preservation facilities of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such facility.

(2) An identification of any shortfalls in the capacity or quality of such facilities of

any Armed Force, and a description of possible actions to address such shortfalls.

**SA 3060.** Mr. TOOMEY (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PILOT PROGRAM ON PROVIDING VETERANS WITH ACCESS AT ONE-STOP CENTERS TO INTERNET WEBSITES TO FACILITATE ONLINE JOB SEARCHES.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Labor shall commence a pilot program to assess the feasibility and advisability of providing veterans seeking employment with access to computing facilities to facilitate the access of such veterans to Internet websites that—

(1) match such veterans with available jobs based on the skills the veterans acquired as members of the Armed Forces; and

(2) allow employers to post information about available jobs.

(b) DURATION.—The pilot program required by subsection (a) shall be carried out during the one-year period beginning on the date on which the Secretary commences the pilot program.

(c) LOCATIONS.—The pilot program shall be carried out at such one-stop centers and such other locations as the Secretary of Labor considers appropriate for purposes of the pilot program.

(d) ASSISTANCE WITH USE OF INTERNET WEBSITES.—

(1) IN GENERAL.—Under the pilot program, the Secretary of Labor shall provide each veteran using computing facilities made available under the pilot program with assistance in using such facilities to find employment via Internet websites described in subsection (a).

(2) DISABLED VETERANS' OUTREACH PROGRAM SPECIALISTS AND LOCAL VETERANS' EMPLOYMENT REPRESENTATIVES.—Each State that employs a disabled veterans' outreach program specialist under section 4103A of title 38, United States Code, or a local veterans' employment representative under section 4104 of such title shall make such employees available to the Secretary of Labor for purposes of providing assistance under paragraph (1).

(e) REPORT.—Not later than 455 days after the date of the enactment of this Act, the Secretary of Labor shall submit to the Committee on Veterans' Affairs and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Veterans' Affairs and the Committee on Education and the Workforce of the House of Representatives a report on the pilot program that includes the findings of the Secretary with respect to the feasibility and advisability of providing computing facilities as described in subsection (a) with assistance as described in subsection (d) at all one-stop centers.

(f) FUNDING.—Amounts made available to the Secretary of Labor to make grants or contracts under section 4102A(b)(5) of title

38, United States Code, shall be available to the Secretary to carry out the pilot program required by subsection (a).

(g) ONE-STOP CENTER DEFINED.—In this section, the term "one-stop center" means a center described in section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)).

**SEC. 1085. REPEAL OF REQUIREMENT FOR ANNUAL REPORT BY SECRETARY OF VETERANS AFFAIRS ON USE OF AUTHORITIES TO ENHANCE RETENTION OF EXPERIENCED NURSES.**

(a) IN GENERAL.—Section 7324 of title 38, United States Code, is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of such title is amended by striking the item relating to section 7324.

**SA 3061.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, insert the following:

**SEC. 1246. CONTINGENT LIMITATION ON AVAILABILITY OF FUNDS FOR UNITED STATES PARTICIPATION IN JOINT MILITARY EXERCISES WITH EGYPT.**

(a) LIMITATION.—None of the funds authorized to be appropriated by this Act may be made used for United States participation in joint military exercises with Egypt if the Government of Egypt abrogates, terminates, or withdraws from the 1979 Egypt-Israel peace treaty signed at Washington, D.C., on March 26, 1979.

(b) WAIVER.—The President may waive the limitation in subsection (a) if the President certifies to Congress in writing that the waiver is in the national security interests of the United States.

**SA 3062.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. INCLUSION OF INFORMATION ON COMMON GROUNDS FOR SUSTAINING BID PROTESTS IN ANNUAL GOVERNMENT ACCOUNTABILITY OFFICE REPORTS TO CONGRESS.**

The Comptroller General of the United States shall include in the annual report to Congress on the Government Accountability Office each year a list of the most common grounds for sustaining protests relating to bids for contracts during such year.

**SA 3063.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1536. SENSE OF SENATE THAT THE UNITED STATES SHOULD LEAVE NO MEMBER OF THE ARMED FORCES UNACCOUNTED FOR IN THE WITHDRAWAL OF FORCES FROM AFGHANISTAN.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is a Nation of great honor and integrity.

(2) The United States has made a sacred promise to members of the Armed Forces who are deployed overseas in defense of this country that their sacrifice and service will never be forgotten.

(3) The United States can never thank the proud members of the Armed Forces enough for what they do for this country on a daily basis.

(b) SENSE OF SENATE.—The Senate—

(1) believes that abandoning the search efforts for members of the Armed Forces who are missing or captured in the line of duty now or in the future is unacceptable;

(2) believes that the United States has a responsibility to keep the promises made to members of the Armed Forces who risk their lives on a daily basis on behalf of their fellow Americans;

(3) supports the United States Soldier's Creed and the Warrior Ethos, which state that "I will never leave a fallen comrade"; and

(4) believes that, while the United States is beginning the strategic withdrawal of forces from Afghanistan, the United States must continue to fulfill these important promises to any member of the Armed Forces who is in a missing status or captured as a result of service in Afghanistan now or in the future.

**SA 3064.** Mr. TOOMEY (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) CONTENT.—The study required under subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

**SA 3065.** Mr. TOOMEY submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 735. SUBMITTAL TO CONGRESS OF REPORT OF INTERAGENCY TASK FORCE ON MILITARY AND VETERANS MENTAL HEALTH.**

The Secretary of Defense and the Secretary of Health and Human Services shall jointly submit to the congressional defense committees the report of the Interagency Task Force on Military and Veterans Mental Health, established pursuant to section 6 of Executive Order 13625 (77 Fed. Reg. 54783), of which they are the co-chairs, not later than 30 days after the final publication of the report.

**SA 3066.** Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON SIMULATED TACTICAL FLIGHT TRAINING IN A SUSTAINED GRAVITY ENVIRONMENT.**

(a) **INDEPENDENT STUDY REQUIRED.**—The Secretary of Defense shall provide for the conduct by an appropriate federally funded research and development center (FFRDC) of a study on the effectiveness of simulated tactical flight training in a sustained gravity environment.

(b) **ELEMENTS.**—The study conducted pursuant to subsection (a) shall include the following:

(1) An assessment of the effectiveness of high fidelity simulated tactical flight training in a sustained gravity environment generally, and, in particular, the effectiveness of such training in preparing pilots to withstand and tolerate the high-gravity forces associated with the operation of high-performance combat aircraft (commonly referred to as “G readiness” and “G tolerance”).

(2) An assessment of the cost savings to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including cost savings associated with operation and maintenance and life cycle savings associated with aircraft and airframe usage.

(3) An assessment of the safety benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment.

(4) An identification and assessment of other benefits to be achieved through the use of simulated tactical flight training in a sustained gravity environment, including benefits relating to physiological research and benefits relating to reductions in carbon emissions.

(5) An evaluation and comparison of tactical flight simulators that could be used for

simulated tactical flight training in a sustained gravity environment.

(6) Such other matters relating to the use of simulated tactical flight training in a sustained gravity environment as the Secretary shall specify for purposes of the study.

(c) **REPORT.**—In providing for study pursuant to subsection (a), the Secretary shall require the federally funded research and development center conducting the study to submit to the Secretary a report on the results of the study, including the matters specified in subsection (b), by not later than 18 months after the date of the enactment of this Act.

(d) **TRANSMITTAL TO CONGRESS.**—Not later than 90 days after the submittal to the Secretary of the report required by subsection (c), the Secretary shall transmit the report to the congressional defense committees, together with any comments of the Secretary in light of the report and such recommendations for legislative or administrative action as the Secretary considers appropriate regarding the use of simulated tactical flight training in a sustained gravity environment in light of the report.

**SA 3067.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

**SA 3068.** Mr. CORNYN (for himself, Mr. MENENDEZ, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

**SEC. 146. SALE OF F-16C/D MULTIROLE FIGHTER AIRCRAFT TO TAIWAN.**

The President shall carry out the sale of not fewer than 66 F-16C/D multirole fighter aircraft to Taiwan.

**SA 3069.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the “Texas State Strike Force Team” and the “Fully Developed Claims Team Initiative”, is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations “and state and county service officers . . . are important partners in VBA's transformation to better serve Veterans.”

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the “TVC is working very, very well” with regional offices of the Department in Texas, calling the Texas Veterans Commission a “very positive story that we can branch out into . . . all of our stakeholders.”

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and



more efficiently process claims for such benefits in the future.

(2) **CONTENTS.**—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future.

(B) A plan for the Secretary to partner with non-Federal entities, and when appropriate, provide financial support to non-Federal entities, to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

**SA 3070.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. CERTIFICATE OF DOCUMENTATION FOR DRY DOCK.**

(a) **REQUIREMENT TO ISSUE.**—Notwithstanding sections 12103, 12105, 12112, 55102, and 55103 of title 46, United States Code, the Secretary of the department in which the Coast Guard is operating shall issue a certificate of documentation with appropriate endorsement for engaging in the coastwise trade in the United States for Dry Dock 17 (formerly USN-YFD-17).

(b) **NOTIFICATION OF TRANSFER OF OWNERSHIP.**—A dry dock issued a certificate of documentation under subsection (a) shall submit to Congress a notification of any proposed transfer of ownership of such dry dock not later than 120 days prior to the date of such proposed transfer.

**SA 3071.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.**

(a) **RESEARCH STUDY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of the Army shall carry a research program on resilience in members of the Army.

(2) **PURPOSE.**—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) **ELEMENTS.**—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) **SCIENCE-BASED EVIDENCE AND TECHNIQUES.**—The research study shall be rooted in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) **LOCATIONS.**—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) **TRAINING.**—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior

(d) **PERIOD.**—The Secretary shall carry out the research study through September 30, 2014.

(e) **REPORTS.**—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion

or modification of the research study as the Secretary considers appropriate.

(f) **FUNDING.**—Of the amounts authorized to be appropriated for each of fiscal years 2013 and 2014 for the Working Capital Fund, Army, not more than \$6,000,000, shall be available in such fiscal year to carry out the research study.

**SA 3072.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title II, add the following:

**SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

**SA 3073.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VI, add the following:

**SEC. 643. REPEAL OF REQUIREMENT OF REDUCTION OF SURVIVOR BENEFITS PLAN SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.**

(a) **REPEAL.**—

(1) **IN GENERAL.**—Subchapter II of chapter 73 of title 10, United States Code, is amended as follows:

(A) In section 1450, by striking subsection (c).

(B) In section 1451(c)—



(i) by striking paragraph (2); and  
 (ii) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) CONFORMING AMENDMENTS.—Such subchapter is further amended as follows:

(A) In section 1450—

(i) by striking subsection (e);  
 (ii) by striking subsection (k); and  
 (iii) by striking subsection (m).

(B) In section 1451(g)(1), by striking subparagraph (C).

(C) In section 1452—

(i) in subsection (f)(2), by striking “does not apply—” and all that follows and inserting “does not apply in the case of a deduction made through administrative error.”; and  
 (ii) by striking subsection (g).

(D) In section 1455(c), by striking “, 1450(k)(2),”.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (f) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (f) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) REPEAL OF AUTHORITY FOR OPTIONAL ANNUITY FOR DEPENDENT CHILDREN.—Section 1448(d) of such title is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (2)(B), the Secretary concerned” and inserting “The Secretary concerned”; and

(2) in paragraph (2)—

(A) by striking “DEPENDENT CHILDREN.” and all that follows through “In the case of a member described in paragraph (1),” and inserting “DEPENDENT CHILDREN ANNUITY WHEN NO ELIGIBLE SURVIVING SPOUSE.—In the case of a member described in paragraph (1),”; and

(B) by striking subparagraph (B).

(e) RESTORATION OF ELIGIBILITY FOR PREVIOUSLY ELIGIBLE SPOUSES.—The Secretary of the military department concerned shall restore annuity eligibility to any eligible surviving spouse who, in consultation with the Secretary, previously elected to transfer payment of such annuity to a surviving child or children under the provisions of section 1448(d)(2)(B) of title 10, United States Code, as in effect on the day before the effective date provided under subsection (f). Such eligibility shall be restored whether or not payment to such child or children subsequently was terminated due to loss of dependent status or death. For the purposes of this subsection, an eligible spouse includes a spouse who was previously eligible for payment of such annuity and is not remarried, or remarried after having attained age 55, or whose second or subsequent marriage has been terminated by death, divorce or annulment.

(f) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

**SA 3074.** Mr. NELSON of Florida (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

**SEC. 1084. ACCEPTANCE AND USE OF NON-FEDERAL AMOUNTS FOR NAVIGATION PROJECTS.**

(a) IN GENERAL.—Subject to subsection (b), the Secretary of the Army, acting through the Chief of Engineers, may accept and use non-Federal amounts to construct a navigation project that has not been specifically authorized by an Act of Congress if—

(1) the Secretary has received a completed report of the Chief of Engineers for the project;

(2) the project will be constructed according to the specifications of the Corps of Engineers; and

(3) the project is funded by non-Federal sources using non-Federal amounts.

(b) DURATION.—The authority provided under subsection (a) applies only to projects on which construction begins in the 2-year period beginning on the date of enactment of this Act.

**SA 3075.** Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 826. SENSE OF SENATE ON THE CONTINUING PROGRESS OF THE DEPARTMENT OF DEFENSE IN IMPLEMENTING ITS ITEM UNIQUE IDENTIFICATION INITIATIVE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) In 2003, the Department of Defense initiated the Item Unique Identification (IUID) Initiative, which requires the marking and tracking of assets deployed throughout the Armed Forces or in the possession of Department contractors.

(2) The Initiative has the potential for realizing significant cost savings and improving the management of defense equipment and supplies throughout their lifecycle.

(3) The Initiative can help the Department combat the growing problem of counterfeits in the military supply chain.

(b) SENSE OF SENATE.—It is the sense of the Senate—

(1) to support efforts by the Department of Defense to implement the Item Unique Identification Initiative;

(2) to support measures to verify contractor compliance with section 252.211-7003 (entitled “Item Identification and Valuation”) of the Defense Supplement to the Federal Acquisition Regulation, on Unique

Identification, which states that a unique identification equivalent recognized by the Department is required for certain acquisitions;

(3) to encourage the Armed Forces to adopt and implement Item Unique Identification actions and milestones; and

(4) to support investment of sufficient resources and continued training and leadership to enable the Department to capture meaningful data and optimize the benefits of the Item Unique Identification Initiative.

**SA 3076.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—FIRE GRANTS  
REAUTHORIZATION**

**SEC. 1801. SHORT TITLE.**

This title may be cited as the “Fire Grants Reauthorization Act of 2012”.

**SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency,’” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency.”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county,”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe.”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security.”; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

**(b) CONFORMING AMENDMENTS.—**

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “Director’s Award” each place it appears and inserting “Administrator’s Award”.

**SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

**“SEC. 33. FIREFIGHTER ASSISTANCE.**

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR OF FEMA.—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.

“(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) MAXIMUM GRANT AMOUNTS.—

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

“(B) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the

number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage

by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.**

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM” and inserting the following: “STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

## SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subpara-

graph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(1) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

**SA 3077.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS**

**Subtitle A—Fire Grants Reauthorization**

**SEC. 1801. SHORT TITLE.**

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

**SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency;” and inserting “‘Administrator of

FEMA' means the Administrator of the Federal Emergency Management Agency;"

(3) in paragraph (5)—

(A) by inserting "Indian tribe," after "county,"; and

(B) by striking "and 'firecontrol'" and inserting "and 'fire control'";

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

"(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;"

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

"(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;" and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

"(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)."

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator of FEMA".

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking "Director's Award" each place it appears and inserting "Administrator's Award".

### SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

#### "SEC. 33. FIREFIGHTER ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

"(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

"(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

"(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

"(A) paid firefighting personnel; and

"(B) volunteer firefighting personnel.

"(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emer-

gency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

"(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

"(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

"(b) ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

"(A) assistance to firefighters grants under subsection (c); and

"(B) fire prevention and safety grants and other assistance under subsection (d).

"(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

"(A) establish specific criteria for the selection of grant recipients under this section; and

"(B) provide assistance with application preparation to applicants for such grants.

"(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

"(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

"(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

"(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

"(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

"(2) MAXIMUM GRANT AMOUNTS.—

"(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

"(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

"(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

"(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

"(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

"(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

"(B) AGGREGATE.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

"(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

"(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

"(A) To train firefighting personnel in—

"(i) firefighting;

"(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

"(iii) arson prevention and detection;

"(iv) maritime firefighting; or

"(v) the handling of hazardous materials.

"(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

"(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

"(D) To certify—

"(i) fire inspectors; and

"(ii) building inspectors—

"(I) whose responsibilities include fire safety inspections; and

"(II) who are employed by or serving as volunteers with a fire department.

"(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

"(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

"(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

"(H) To acquire additional firefighting equipment, including equipment for—

"(i) fighting fires with foam in remote areas without access to water; and

"(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

"(I) To acquire personal protective equipment, including personal protective equipment—

"(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

"(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

"(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

"(K) To educate the public about arson prevention and detection.

"(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

"(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

"(d) FIRE PREVENTION AND SAFETY GRANTS.—

"(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—



“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a

joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fis-

cal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire

Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(l) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of

FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(l) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

#### SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year

firefighter in that department at the time the grant application was submitted.”.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by

striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “**EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**” and inserting the following: “staffing for adequate fire and emergency response”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

**(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—**

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

**(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—**

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

**(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—**

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section—

- (1) \$600,000 for fiscal year 2013; and
- (2) \$600,000 for fiscal year 2014.

**Subtitle B—Reauthorization of United States Fire Administration**

**SEC. 1811. SHORT TITLE.**

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

**SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) **DEPUTY ADMINISTRATOR.**—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

**SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.**

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.

**SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 8(f).”;

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

**SEC. 1815. REMOVAL OF LIMITATION.**

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.—” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

**SA 3078.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 912 of subtitle B of title IX of division A, add the following:

(c) **EXTENSION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS.**—Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

(d) **EXTENSION OF CERTAIN INTERNATIONAL SPACE COOPERATION PROVISIONS.**—Section 7(1)(B) of Public Law 106—178 (50 U.S.C. 1701 note) is amended by striking “prior to July 1, 2016” and inserting “prior to December 31, 2020”.

(e) **LEVEL OF EFFORT ASSURANCE.**—

(1) **IN GENERAL.**—To ensure sufficient resources for the development of Federal and commercial launch capabilities under titles III and IV of the National Aeronautics and Space Administration Authorization Act of 2010 (42 U.S.C. 18301 et seq.; 124 Stat. 2805), for fiscal years 2014 and 2015 the proportionate funding levels for the Space Launch System, the Multi-Purpose Crew Vehicle, known as Orion, and related Ground Systems and technology developments, shall be no less than the proportion as provided in the aggregate within the Exploration account for fiscal year 2013.

(2) **EXCEPTION.**—Paragraph (1) shall not apply if the amounts provided for the activities under paragraph (1) for fiscal year 2014 or fiscal year 2015 are equal to or greater than the aggregate amounts provided for each of those activities for fiscal year 2012 or 2013, whichever is greater, by an Act of Congress.

**SA 3079.** Mr. GRASSLEY (for himself and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ REMOVAL OF ACTION.**

Section 1442 of title 28, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) Solely for purposes of determining the propriety of removal under subsection (a), a law enforcement officer, who is the defendant in a criminal prosecution, shall be deemed to have been acting under the color of his office if the officer—

“(1) protected an individual in the presence of the officer from a crime of violence;

“(2) provided immediate assistance to an individual who suffered, or who was threatened with, bodily harm; or

“(3) prevented the escape of any individual who the officer reasonably believed to have committed, or was about to commit, in the presence of the officer, a crime of violence that resulted in, or was likely to result in, death or serious bodily injury.

“(d) In this section, the following definitions apply:

“(1) The terms ‘civil action’ and ‘criminal prosecution’ include any proceeding (whether or not ancillary to another proceeding) to the extent that in such proceeding a judicial

order, including a subpoena for testimony or documents, is sought or issued. If removal is sought for a proceeding described in the previous sentence, and there is no other basis for removal, only that proceeding may be removed to the district court.

“(2) The term ‘crime of violence’ has the meaning given that term in section 16 of title 18.

“(3) The term ‘law enforcement officer’ means any employee described in subparagraph (A), (B), or (C) of section 8401(17) of title 5 and any special agent in the Diplomatic Security Service of the Department of State.

“(4) The term ‘serious bodily injury’ has the meaning given that term in section 1365 of title 18.

“(5) The term ‘State’ includes the District of Columbia, United States territories and insular possessions, and Indian country (as defined in section 1151 of title 18).

“(6) The term ‘State court’ includes the Superior Court of the District of Columbia, a court of a United States territory or insular possession, and a tribal court.”.

**SA 3080.** Ms. AYOTTE submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON CAPABILITIES TO RESPOND TO THREATS POSED TO DEPLOYED UNITED STATES FORCES AND INSTALLATIONS BY CRUISE MISSILES, AIRCRAFT, TACTICAL BALLISTIC MISSILES, ROCKETS, AND OTHER SURFACE MOVING TARGETS.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the capabilities of the Armed Forces to respond to threats posed to deployed United States forces and installations by cruise missiles, aircraft (including unmanned aerial vehicles), tactical ballistic missiles, large caliber rockets, and other surface moving targets.

(b) **ELEMENTS.**—The report shall include the following:

(1) A summary of the current unmet requirements of the combatant commands to respond to the threats described in subsection (a).

(2) A plan that, if implemented, would address current unmet requirements summarized under paragraph (1), including by—

(A) expeditiously addressing any gaps between the requirements summarized under paragraph (1) and current capabilities to meet such requirements; and

(B) ensuring that the capabilities of the Armed Forces keep abreast of such threats in the future, including through—

(i) the development and deployment of persistent surveillance and tracking systems that rapidly share fire control data to extend the effective engagement ranges of various platforms;

(ii) the integration of such systems into current and future strategic plans for the defense of forward deployed United States forces; and

(iii) the use of cost assessments by the Office of Cost Assessment and Program Evaluation to obtain comparative assessments of the costs of existing capabilities with the costs of systems in development and time to field.

(c) FORM.—The report shall be submitted in unclassified form, but may include a classified annex.

**SA 3081.** Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PRIVATE RIGHT OF ACTION UNDER UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.**

Section 105 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-4) is amended by striking subsection (b) and inserting the following:

“(b) PRIVATE RIGHT OF ACTION.—A person who is aggrieved by a violation of this Act may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this Act.

“(c) ATTORNEY’S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney’s fees, including litigation expenses, and costs.

“(d) REPORTS TO CONGRESS.—

“(1) ANNUAL REPORT.—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought by the Attorney General under subsection (a) during the preceding year or any civil action brought by a private party under subsection (b) in which the Attorney General intervened.

“(2) REPORT ON ENFORCEMENT.—Not later than July 1 of each year in which a general election for Federal office is scheduled, the Attorney General shall submit to Congress a report on the number of attorneys and other staff within the Department of Justice assigned to enforce the Uniformed and Overseas Citizen Absentee Voting Act, as well as the Attorney General’s plan to detect non-compliance by State and local election officials with the requirements of the law.”.

**SA 3082.** Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title VI, add the following:

**SEC. 662. REPORT ON ISSUANCE BY ARMED FORCES MEDICAL EXAMINER OF DEATH CERTIFICATES FOR MEMBERS OF THE ARMED FORCES WHO DIE ON ACTIVE DUTY ABROAD.**

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this

Act, the Secretary of Defense shall submit to the congressional defense committees a report on the issuance by the Armed Forces Medical Examiner of death certificates for members of the Armed Forces who die on active duty abroad, including mechanisms for reducing or ameliorating delays in the issuance of such death certificates.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the process used by the Armed Forces Medical Examiner to issue a death certificate for members of the Armed Forces who die on active duty abroad, including an explanation for any current delays in the issuance of such death certificates.

(2) A description of the average amount of time taken by the Armed Forces Medical Examiner to issue such death certificates.

(3) An assessment of the feasibility and advisability of issuing temporary death certificates for members of the Armed Forces who die on active duty abroad in order to provide necessary documentation for survivors.

(4) A description of the actions required to enable the Armed Forces Medical Examiner to issue a death certificate for a member of the Armed Forces who dies on active duty abroad not later than seven days after the return of the remains of the member to the United States.

(5) Such other recommendations for legislative or administrative action as the Secretary considers appropriate to provide for the issuance by the Armed Forces Medical Examiner of a death certificate for members of the Armed Forces who die on active duty abroad not later than seven days after the return of the remains of such members to the United States.

**SA 3083.** Mr. BARRASSO (for himself, Mr. HOEVEN, Mr. ENZI, Mr. TESTER, Mr. HATCH, Mr. CONRAD, and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.**

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

**SA 3084.** Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) CODIFICATION OF PROHIBITION.—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

“(2) In this subsection:

“(A) The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of this title.

“(B) The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

“(iii) was brought to the United States from abroad as a memorial of combat abroad.”.

(b) REPEAL OF OBSOLETE SOURCE LAW.—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

**SA 3085.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 306, between lines 2 and 3, insert the following:

(3) ADDITIONAL ELEMENTS.—In developing the plan required by paragraph (1), the Secretary shall also—

(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and

(B) identify targets for use of National Guard personnel to support cyber workforce rationalization and the actions taken under subsection (a).

**SA 3086.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal



year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:  
**SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF PROPOSED MOVEMENTS OF AIRFRAMES ON JOINT READINESS TRAINING.**

The Secretary of the Air Force shall—  
 (1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and

(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

**SA 3087.** Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON PLANNED EFFICIENCY INITIATIVES AT SPACE AND NAVAL WARFARE SYSTEMS COMMAND.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Navy shall submit to the congressional defense committees a report on plans to implement efficiency initiatives to reduce overhead costs at the Space and Naval Warfare Systems Command (SPAWAR), including a detailed description of the long-term impacts on current and planned future mission requirements.

(b) **PROHIBITION ON ACCOUNT ADJUSTMENTS.**—The Secretary of the Navy may not make adjustments in relation to Commander Navy Installations Command, Naval Warfare Systems Center Atlantic accounts until the Secretary submits the report required under subsection (a).

**SA 3088.** Mr. CASEY (for himself, Mrs. HUTCHISON, Mrs. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. STRATEGY FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) According to the Department of Defense's April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) "U.S. and coalition forces will continue to degrade the Taliban-led insurgency in order to provide time and space to increase the capacity of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan's security by the end of 2014."

(B) "Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014."

(C) "The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation."

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan, NATO, and ISAF and approved by the Joint Afghan-NATO Integral Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), "the suspension of or restriction on women's enjoyment of their human rights" can act as an early-warning indicator of impending or renewed conflict. In Afghanistan, restrictions on women's mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy's success. Indicators by which to measure women's security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women's access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women's full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: "As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as part of the broader Afghan rule of law system."

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:

(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its goal is to achieve a force that is 10 percent female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense's April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) The Afghan Ministry of Defense "lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force".

(B) The Afghan Ministry of Interior "faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels".

(C) In the Afghan National Police, "Many Provincial Headquarters Commanders do not accept policewomen, as they prefer male candidates and lack adequate facilities to support females."

(D) "While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress."

(E) "Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments."

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, "integrating women and gender considerations into peace-building processes helps promote democratic governance and long-term stability," which are key United States strategic goals in Afghanistan.

(B) The National Action Plan also states that "the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies." This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: "We emphasize the importance of full participation



of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs."

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, "Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so that they may fully enjoy their economic, social, political, civil and cultural rights."

(b) STRATEGY TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a strategy to be implemented by the Department of Defense, working with the NATO Training Mission Afghanistan (NTM-A) and Afghan partners, to promote the security of Afghan women during the security transition process.

(2) ELEMENTS.—The strategy required under paragraph (1) shall include the following elements:

(A) A strategy to monitor and respond to changes in women's security conditions in areas undergoing transition, including the following actions:

(i) Seeking to designate a Civilian Impact Advisor on the Joint Afghan-NATO Inteqal Board (JANIB) to assess the impact of transition on male and female civilians and ensure that efforts to protect women's rights and security are included in each area's transition implementation plan.

(ii) Reviewing existing indicators against which sex-disaggregated data is collected and, if necessary, developing additional indicators, to ensure the availability of data that can be used to measure women's security, such as—

(I) the mobility of women and girls;

(II) the participation of women in local government bodies;

(III) the rate of school attendance for girls;

(IV) women's access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women's security into current procedures used to determine an area's readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women's rights and security in cases of deterioration in women's security conditions during the transition period.

(B) A strategy to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:

(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female col-

leagues and members of the community; assessing the quality and consistency of this training across regional commands; and assessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A strategy to increase the number of female members of the ANA and ANP, including the following actions:

(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force's overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(3) REPORT.—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390) a section describing actions taken to implement the strategy required under this subsection.

(c) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term "appropriate congressional committees" means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 3089.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

## TITLE XVIII—FIRE GRANTS REAUTHORIZATION

### SEC. 1801. SHORT TITLE.

This title may be cited as the "Fire Grants Reauthorization Act of 2012".

### SEC. 1802. AMENDMENTS TO DEFINITIONS.

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting "except as otherwise provided," after "means";

(2) in paragraph (4), by striking "Director" means" and all that follows through "Agency;" and inserting "'Administrator of FEMA' means the Administrator of the Federal Emergency Management Agency;";

(3) in paragraph (5)—

(A) by inserting "Indian tribe," after "county,"; and

(B) by striking "and 'firecontrol'" and inserting "and 'fire control'";

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

"(6) 'Indian tribe' has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and 'tribal' means of or pertaining to an Indian tribe;";

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

"(9) 'Secretary' means, except as otherwise provided, the Secretary of Homeland Security;"; and

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

"(10) 'State' has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101)."

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator of FEMA".

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking "Director's Award" each place it appears and inserting "Administrator's Award".

### SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

#### "SEC. 33. FIREFIGHTER ASSISTANCE.

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

"(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

"(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

"(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

"(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) MAXIMUM GRANT AMOUNTS.—

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the

amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

“(B) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an ap-

plicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision

of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant’s aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(i) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and

Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”

#### SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”.

(d) **WAIVERS.**—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) **WAIVERS.**—

“(1) **IN GENERAL.**—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) **GUIDELINES.**—

“(A) **IN GENERAL.**—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) **CONSULTATION.**—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) **CONSIDERATIONS.**—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) **IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.**—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) **IN GENERAL.**—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) **SUBMITTAL OF INFORMATION.**—”.

(f) **REPORT.**—

(1) **IN GENERAL.**—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of

FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) **CONFORMING AMENDMENT.**—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) **ADDITIONAL DEFINITIONS.**—

(1) **IN GENERAL.**—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) **CONFORMING AMENDMENT.**—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) **ADMINISTRATIVE EXPENSES.**—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) **IN GENERAL.**—There are”; and

(D) by adding at the end the following:

“(2) **ADMINISTRATIVE EXPENSES.**—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) **CONGRESSIONALLY DIRECTED SPENDING.**—Such subsection (j) is further amended by adding at the end the following:

“(3) **CONGRESSIONALLY DIRECTED SPENDING.**—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) **TECHNICAL AMENDMENT.**—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) **CLERICAL AMENDMENT.**—Such section is further amended in the heading by striking “**EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**” and inserting the following: “**STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE**”.

(k) **SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.**—Such section is further amended by adding at the end the following:

“(k) **SUNSET OF AUTHORITIES.**—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

#### **SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

#### **SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) **IN GENERAL.**—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) **CONTENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

#### **SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) **CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.**—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) **FIRE SERVICE.**—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) **STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.**—

(1) **STUDY.**—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) **SURVEY.**—

(A) **IN GENERAL.**—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) **ELEMENTS.**—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) **AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.**—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) **REPORT ON FINDINGS OF STUDY.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) **TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) **REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.**—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) **NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.**—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) **RESPONSIBILITIES.**—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) **REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) **STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.**—

(1) **STUDY.**—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs iden-

tified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

**SA 3090.** Mr. LIEBERMAN (for himself, Ms. COLLINS, Mr. CARPER, and Mr. BROWN of Massachusetts) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

# **TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS**

## **Subtitle A—Fire Grants Reauthorization**

### **SEC. 1801. SHORT TITLE.**

This subtitle may be cited as the “Fire Grants Reauthorization Act of 2012”.

### **SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) **IN GENERAL.**—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “‘Agency;’” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “Indian tribe,” after “county,”; and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe.”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) **CONFORMING AMENDMENTS.**—

(1) **ADMINISTRATOR OF FEMA.**—The Federal Fire Prevention and Control Act of 1974 (15



U.S.C. 2201 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator of FEMA".

(2) ADMINISTRATOR OF FEMA'S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking "Director's Award" each place it appears and inserting "Administrator's Award".

**SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.**

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

**"SEC. 33. FIREFIGHTER ASSISTANCE.**

"(a) DEFINITIONS.—In this section:

"(1) ADMINISTRATOR OF FEMA.—The term 'Administrator of FEMA' means the Administrator of FEMA, acting through the Administrator.

"(2) AVAILABLE GRANT FUNDS.—The term 'available grant funds', with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

"(3) CAREER FIRE DEPARTMENT.—The term 'career fire department' means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

"(4) COMBINATION FIRE DEPARTMENT.—The term 'combination fire department' means a fire department that has—

"(A) paid firefighting personnel; and

"(B) volunteer firefighting personnel.

"(5) FIREFIGHTING PERSONNEL.—The term 'firefighting personnel' means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

"(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

"(7) NONAFFILIATED EMS ORGANIZATION.—The term 'nonaffiliated EMS organization' means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

"(8) PAID-ON-CALL.—The term 'paid-on-call' with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

"(9) VOLUNTEER FIRE DEPARTMENT.—The term 'volunteer fire department' means a fire department that has an all-volunteer force of firefighting personnel.

"(b) ASSISTANCE PROGRAM.—

"(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

"(A) assistance to firefighters grants under subsection (c); and

"(B) fire prevention and safety grants and other assistance under subsection (d).

"(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

"(A) establish specific criteria for the selection of grant recipients under this section; and

"(B) provide assistance with application preparation to applicants for such grants.

"(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

"(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief

executives of the States in which the recipients are located, award grants on a competitive basis directly to—

"(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

"(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

"(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

"(2) MAXIMUM GRANT AMOUNTS.—

"(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

"(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

"(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

"(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

"(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

"(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

"(B) AGGREGATE.—

"(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as provided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

"(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

"(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

"(A) To train firefighting personnel in—

"(i) firefighting;

"(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

"(iii) arson prevention and detection;

"(iv) maritime firefighting; or

"(v) the handling of hazardous materials.

"(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

"(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

"(D) To certify—

"(i) fire inspectors; and

"(ii) building inspectors—

"(I) whose responsibilities include fire safety inspections; and

"(II) who are employed by or serving as volunteers with a fire department.

"(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

"(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

"(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

"(H) To acquire additional firefighting equipment, including equipment for—

"(i) fighting fires with foam in remote areas without access to water; and

"(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

"(I) To acquire personal protective equipment, including personal protective equipment—

"(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

"(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

"(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

"(K) To educate the public about arson prevention and detection.

"(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

"(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

"(d) FIRE PREVENTION AND SAFETY GRANTS.—

"(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

"(A) award grants to fire departments;

"(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

"(i) fire prevention programs; and

"(ii) research to improve firefighter health and life safety; and

"(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

"(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

"(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

"(A) To enforce fire codes and promote compliance with fire safety standards.

"(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

"(C) To fund wildland fire prevention programs, including education, awareness, and



mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Ad-

ministrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an applica-

tion submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(1) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a

grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30, 2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.**

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations rep-

resenting the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) TECHNICAL AMENDMENT.—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) CLERICAL AMENDMENT.—Such section is further amended in the heading by striking “expansion of pre-september 11, 2001, fire grant program” and inserting the following: “staffing for adequate fire and emergency response”.

(k) SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.—Such section is further amended by adding at the end the following:

“(k) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 10 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can

continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) IN GENERAL.—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) CONTENTS.—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) FIRE SERVICE.—The term “fire service” has the meaning given such term in section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.—

(1) STUDY.—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) SURVEY.—

(A) IN GENERAL.—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) ELEMENTS.—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.—If the Administrator determines

that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) REPORT ON FINDINGS OF STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.—

(1) ESTABLISHMENT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) MEMBERSHIP.—

(A) IN GENERAL.—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) RESPONSIBILITIES.—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine

the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) CONTENTS.—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.—

(1) STUDY.—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) REPORT.—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

(1) \$600,000 for fiscal year 2013; and

(2) \$600,000 for fiscal year 2014.

**Subtitle B—Reauthorization of United States Fire Administration**

**SEC. 1811. SHORT TITLE.**

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

**SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

**SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.**

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps

as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.

**SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 8(f).”;

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

**SEC. 1815. REMOVAL OF LIMITATION.**

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.—” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

**SA 3091.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 132. SPIDERNET/SPECTRAL WARRIOR HARDWARE.**

(a) **ADDITIONAL AMOUNT FOR OTHER PROCUREMENT, NAVY.**—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$2,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for other procurement, Navy, Satellite Communications Systems, as specified in the funding table in section 4101.

(b) **AVAILABILITY OF AMOUNT.**—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure SPIDERNET/Spectral Warrior Hardware and installation in order to provide a cloud network for Spectral Warrior terminals in support of requirements of the commanders of the combatant commands.

At the end of subtitle E of title I, add the following:

**SEC. 154. AC-130 AIRCRAFT ELECTRO-OPTICAL AND INFRARED SENSORS.**

(a) **ADDITIONAL AMOUNT FOR PROCUREMENT, DEFENSE-WIDE.**—The amount authorized to

be appropriated for fiscal year 2013 by section 101 is hereby increased by \$6,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement, Defense-wide, other procurement programs, line 079, Combat mission requirements, as specified in the funding table in section 4101.

(b) **AVAILABILITY OF AMOUNT.**—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to procure color electro-optical and infrared imaging sensors for AC-130 aircraft used by the United States Special Operations Command in ongoing contingency operations.

At the end of subtitle B of title II, add the following:

**SEC. 216. RELOCATION OF C-BAND RADAR FROM ANTIGUA TO H.E. HOLT STATION IN WESTERN AUSTRALIA TO ENHANCE SPACE SITUATIONAL AWARENESS CAPABILITIES.**

To the extent provided in appropriations Acts, of the amounts authorized to be appropriated for fiscal year 2013 by section 201 and available for research, development, test, and evaluation for Space Situation Awareness Systems (PE 0604425F) for System Development and Demonstration as specified in the funding table in section 4201, \$3,000,000 may be obligated and expended for a new program for the relocation and research and development activities to enhance Space Situational Awareness capabilities through—

(1) the repurposing of the C-Band Radar at Antigua;

(2) the relocation of that radar to the H.E. Holt Station in Western Australia;

(3) upgrades of the hardware and software of that radar to meet Space Situational Awareness mission needs;

(4) operational testing of that radar; and

(5) transfer of jurisdiction of that radar to the Air Force Space Command for operations and sustainment by September 30, 2016.

**SEC. 217. DETAILED DIGITAL RADIO FREQUENCY MODULATION COUNTERMEASURES STUDIES AND SIMULATIONS.**

(a) **ADDITIONAL AMOUNT FOR RDT&E, ARMY.**—The amount authorized to be appropriated for fiscal year 2013 by section 201 is hereby increased by \$38,000,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for research, development, test, and evaluation, Army, for system development and demonstration (PE 0605457A) Army Integrated Air and Missile Defense (AIAMD), as specified in the funding table in section 4201.

(b) **AVAILABILITY OF AMOUNT.**—To the extent provided in appropriations Acts, the amount authorized and made available by subsection (a) may be obligated and expended for a new program to conduct detailed digital radio frequency modulation (DRFM) countermeasures studies and simulations to develop algorithms to address this threat change in support of the accelerated fielding of a new capability in Patriot, Sentinel, and Integrated Air and Missile Defense (IAMD) for the requirements of the commanders of the combatant commands.

At the end of subtitle A of title X, add the following:

**SEC. 1005. TRANSFER OF CERTAIN FISCAL YEAR 2012 AND 2013 FUNDS.**

(a) **TRANSFER AUTHORIZED.**—To the extent provided in appropriations Acts, the Secretary of Defense may transfer from fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts

an aggregate of \$46,000,000 to be available for the additional authorizations in sections 132, 154, and 217.

(b) **COVERED FUNDS.**—In subsection (a), the term “fiscal year 2012 and 2013 procurement or research, development, test, and evaluation accounts” means—

(1) amounts authorized to be appropriated for fiscal year 2012 by sections 101 and 201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112–81) and available as specified in the funding tables in sections 4101 and 4201 of that Act; and

(2) amounts authorized to be appropriated for fiscal year 2013 by sections 101 and 201 of this Act and available as specified in the funding tables in sections 4101 and 4201 of this Act.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to change the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **CONSTRUCTION OF AUTHORITY.**—The transfer authority in this section is in addition to any other transfer authority provided in this Act.

**SA 3092.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON MILITARY ASSETS IN PROXIMITY OF BENGHAZI, LIBYA, ON SEPTEMBER 11, 2011.**

(a) **REPORT REQUIRED.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report outlining all United States and North Atlantic Treaty Organization (NATO) military armed and unarmed assets within 7 hours travel time of Benghazi, Libya, on September 11, 2012, that could have arrived within 7 hours of notification.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the congressional defense committees;

(2) the Committee on Foreign Relations and the Committee on Intelligence of the Senate; and

(3) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3093.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1233. REPORT ON INDIVIDUALS DETAINED BY FOREIGN COUNTRIES WITH INFORMATION USEFUL TO INVESTIGATION OF TERRORIST ATTACKS ON UNITED STATES INTERESTS IN BENGHAZI, LIBYA.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 15 days and 180 days after the date of the enactment of this Act, the Attorney General and the Secretary of State shall jointly submit to Congress a report listing individuals currently in the custody of another country who would be useful for the Federal Bureau of Investigations to interview, or whom the Federal Bureau of Investigations has already interviewed, in conjunction with its investigation into the September 11, 2012, terrorist attacks on United States interests in Benghazi, Libya.

(2) CONTENT.—The report required under paragraph (1) shall include, at a minimum, the following elements:

(A) A list—

(i) including the name of each individual;

(ii) indicating the country where he or she is being detained; and

(iii) describing whether that country has granted the Federal Bureau of Investigations access to interview the individual, and describing the access provided.

(B) An addendum prepared by the Secretary of State detailing if the Department of State considers the countries detaining the individuals listed under subparagraph (A) as fully cooperating with United States antiterrorism efforts.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) any country that fails to allow immediate and full access to the Federal Bureau of Investigations to interview the individuals listed in the report submitted under subsection (a) does not meet the threshold of fully cooperating with United States antiterrorism efforts; and

(2) the Secretary of State shall weigh this factor heavily when determining for purposes of section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) whether a country has repeatedly provided support for acts of international terrorism and is prohibited from certain arms transactions.

**SA 3094.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3114 and insert the following:

**SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

**“SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

“(a) PROGRAM REQUIRED.—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected

by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

“(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

“(b) ELEMENTS.—The program shall include the elements as follows:

“(1) Training and capacity-building to strengthen nonproliferation and security best practices.

“(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

“(c) REPORT ON COMMENCEMENT OF PROGRAM.—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(1) For each country selected for the program as of the date of such report—

“(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(B) metrics for evaluating the success of the program.

“(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(d) REPORTS ON MODIFICATION OF PROGRAM.—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

“(e) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

“(1) the congressional defense committees;

“(2) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

“(3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.”.

(2) CLERICAL AMENDMENT.—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314) is amended by inserting after the item relating to section 4308 the following new item:

“Sec. 4309. Program on scientific engagement for nonproliferation.”.

(b) REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) COMPTROLLER GENERAL OF THE UNITED STATES REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy

Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ‘appropriate congressional committees’ means—

(1) the congressional defense committees;

(2) the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate; and

(3) the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives.

**SA 3095.** Mrs. HAGAN (for herself, Mr. JOHNSON of South Dakota, Mrs. MURRAY, and Mr. UDALL of Colorado) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2823.

**SA 3096.** Mr. MERKLEY (for himself, Mr. PAUL, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the President shall, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to the minimum level required to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan.



(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit or prohibit any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

**SA 3097.** Mrs. SHAHEEN submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. REPORTS BY FEDERAL AGENCIES WITH CONSTRUCTION CONTRACTS IN AFGHANISTAN THAT DO NOT COMPLY WITH INSPECTOR GENERAL RECOMMENDATIONS ON REIMBURSEMENT FOR POOR CONTRACTOR PERFORMANCE, COST OVERRUNS, OR OTHER REASONS.**

(a) **IN GENERAL.**—Not later than 30 days after the end of the 60-day period for an audited establishment to respond to a covered final audit report submitted to the establishment by an Inspector General under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.) or 30 days after the establishment responds to a covered audit report with a non-concur or partial concur response, the head of the establishment shall submit to Congress a report with an explanation for the failure to respond or the non-concur or partial concur response.

(b) **DEFINITIONS.**—In this section:

(1) The term “covered final audit report” means a final audit report issued by an Inspector General under the Inspector General Act of 1978 that includes a recommendation for an establishment to seek reimbursement for failure by a contractor or subcontractor to successfully complete a construction contract in Afghanistan due to poor contractor performance, cost-overruns, or other reasons that would, if implemented, result in at least \$2,000,000 in savings.

(2) The terms “establishment” and “head of the establishment” have the meanings given such terms in section 11 of the Inspector General Act of 1978.

**SA 3098.** Mrs. SHAHEEN (for herself and Ms. AYOTTE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. REPORT BY THE SUSPENSION AND DEBARMENT OFFICIALS OF THE MILITARY DEPARTMENTS AND THE DEFENSE LOGISTICS AGENCY.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a report on the suspension and debarment activities of such official containing the information specified in subsection (c).

(b) **COVERED AGENCIES.**—The agencies specified in this subsection are the following:

- (1) The Department of the Army.
- (2) The Department of the Navy.
- (3) The Department of the Air Force.
- (4) The Defense Logistics Agency.

(c) **COVERED INFORMATION.**—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:

(1) The number of open suspension and debarment cases of such official as of the date of such report.

(2) The current average processing time for suspension and debarment cases.

(3) The target goal of such official for average processing time for suspension and debarment proposals.

(4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—

(A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

(B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

**SA 3099.** Mrs. MURRAY (for herself, Ms. MIKULSKI, Mr. DURBIN, and Mr. BAUCUS) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title VII, add the following:

**Subtitle E—Mental Health Care Matters**

**SEC. 751. ENHANCEMENT OF OVERSIGHT AND MANAGEMENT OF DEPARTMENT OF DEFENSE SUICIDE PREVENTION AND RESILIENCE PROGRAMS.**

(a) **IN GENERAL.**—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, establish within the Office of the Secretary of Defense a position with responsibility for oversight and management of all suicide prevention and resilience programs and all preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(b) **SCOPE OF RESPONSIBILITIES.**—The individual serving in the position established pursuant to subsection (a) shall have the responsibilities as follows:

(1) To establish a uniform definition of resiliency for use in the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces).

(2) In consultation with the National Center for Post Traumatic Stress Disorder of the Department of Veterans Affairs and other appropriate public and private agencies and entities, to require the use of clinical best practices in mental health care, suicide prevention programs, and resilience programs of the Department of Defense, including the diagnosis and treatment of behavioral health disorders.

(3) To oversee and manage the comprehensive program on the prevention of suicide among members of the Armed Forces required by section 752.

**SEC. 752. COMPREHENSIVE PROGRAM ON PREVENTION OF SUICIDE AMONG MEMBERS OF THE ARMED FORCES.**

(a) **COMPREHENSIVE PROGRAM REQUIRED.**—The Secretary of Defense shall, acting through the Under Secretary of Defense for Personnel and Readiness, develop and implement within the Department of Defense a comprehensive program on the prevention of suicide among members of the Armed Forces. In developing the program, the Secretary shall consider recommendations from the operational elements of the Armed Forces regarding the feasibility of the implementation and execution of particular elements of the program.

(b) **ELEMENTS.**—The comprehensive program required by subsection (a) shall include elements to achieve the following:

(1) To raise awareness among members of the Armed Forces about mental health conditions and the stigma associated with mental health conditions and mental health care.

(2) To provide members of the Armed Forces generally, members of the Armed Forces in supervisory positions (including officers in command billets and non-commissioned officers), and medical personnel of the Armed Forces and the Department of Defense with effective means of identifying members of the Armed Forces who are at risk for suicide (including enhanced means for early identification and treatment of such members).

(3) To provide members of the Armed Forces who are at risk of suicide with continuous access to suicide prevention services, including suicide crisis services.

(4) To evaluate and assess the effectiveness of the suicide prevention and resilience programs and preventative behavioral health programs of the Department of Defense (including those of the military departments and the Armed Forces), including the development of metrics for that purpose.

(5) To evaluate and assess the current diagnostic tools and treatment methods in the programs referred to in paragraph (4) in order to ensure clinical best practices are used in such programs.

(6) To ensure that the programs referred to in paragraph (4) incorporate evidenced-based practices when available.

(7) To provide for the training of mental health care providers on evidence-based therapies in connection with suicide prevention.

(8) To establish training standards for behavioral health care providers in order to ensure that such providers receive training on clinical best practices and evidence-based treatments as information on such practices and treatments becomes available, and to ensure such standards are met.

(9) To provide for the integration of mental health screenings and suicide risk and prevention for members of the Armed Forces into the delivery of primary care for such members.



(10) To ensure appropriate responses to attempted or completed suicides among members of the Armed Forces, including guidance and training to assist commanders in addressing incidents of attempted or completed suicide within their units.

(11) To ensure the protection of the privacy of members of the Armed Forces seeking or receiving treatment relating to suicide.

(12) Such other matters as the Secretary of Defense considers appropriate in connection with the prevention of suicide among members of the Armed Forces.

(c) **CONSULTATION.**—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall consult with appropriate officials and elements of the Department of Defense, appropriate centers of excellence within the Department of Defense, and other public and private entities with expertise in mental health and suicide prevention.

(d) **IMPLEMENTATION BY THE ARMED FORCES.**—In implementing the comprehensive program required by subsection (a) with respect to an Armed Force, the Secretary of the military department concerned may, in consultation with the Under Secretary and with the approval of the Secretary of Defense, modify particular elements of the program in order to adapt the program appropriately to the unique culture and elements of that Armed Force.

(e) **QUALITY ASSURANCE.**—In developing and implementing the comprehensive program required by subsection (a), the Under Secretary shall develop and implement appropriate mechanisms to provide for the oversight and management of the program, including quality measures to assess the efficacy of the program in preventing suicide among members of the Armed Forces.

**SEC. 753. QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS.**

(a) **IN GENERAL.**—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

- (1) Medical Evaluation Boards (MEBs).
- (2) Physical Evaluation Boards (PEBs).
- (3) Physical Evaluation Board Liaison Officers (PEBLOs).

(b) **OBJECTIVES.**—The objectives of the quality assurance program shall be as follows:

(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

(c) **REPORTS.**—

(1) **REPORT ON IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

(2) **ANNUAL REPORTS.**—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate

committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

(3) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

**SEC. 754. ASSESSMENT OF ADEQUACY OF MENTAL HEALTH CARE BENEFITS UNDER THE TRICARE PROGRAM.**

(a) **INDEPENDENT ASSESSMENT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretary of Health and Human Services, enter into a contract with an appropriate independent entity to assess whether the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are adequate to meet the needs of such members and beneficiaries for mental health care.

(b) **REPORT.**—The contract required by subsection (a) shall require the entity conducting the assessment required by the contract to submit to the Secretary of Defense, and to the congressional defense committees, a report setting forth the results of the assessment by not later than 180 days after the date of entry into the contract. If the entity determines pursuant to the assessment that the mental health care benefits available for members of the Armed Forces and other covered beneficiaries under the TRICARE program are not adequate to meet the needs of such members and beneficiaries for mental health care, the report shall include such recommendations for legislative or administrative action as the entity considers appropriate to remediate any identified inadequacy.

(c) **DEFINITIONS.**—In this section:

(1) The term “covered beneficiaries” has the meaning given that term in section 1072(5) of title 10, United States Code.

(2) The term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SEC. 755. SHARING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS OF RECORDS AND INFORMATION RETAINED UNDER THE MEDICAL TRACKING SYSTEM FOR MEMBERS OF THE ARMED FORCES DEPLOYED OVERSEAS.**

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of examinations and other records on members of the Armed Forces that are retained and maintained with respect to the medical tracking system for members deployed overseas under section 1074(c) of title 10, United States Code.

(b) **CESSATION UPON IMPLEMENTATION OF ELECTRONIC HEALTH RECORD.**—The sharing required pursuant to subsection (a) shall cease on the date on which the Secretary of Defense and the Secretary of Veterans Af-

fairs jointly certify to Congress that the Secretaries have fully implemented an integrated electronic health record for members of the Armed Forces that is fully interoperable between the Department of Defense and the Department of Veterans Affairs.

**SEC. 756. PARTICIPATION OF MEMBERS OF THE ARMED FORCES IN PEER SUPPORT COUNSELING PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) **PARTICIPATION.**—

(1) **IN GENERAL.**—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for members of the Armed Forces described in subsection (b) to volunteer or be considered for employment as peer counselors under the following:

(A) The peer support counseling program carried out by the Secretary of Veterans Affairs under subsection (j) of section 1720F of title 38, United States Code, as part of the comprehensive program for suicide prevention among veterans under subsection (a) of such section.

(B) The peer support counseling program carried out by the Secretary of Veterans Affairs under section 304(a)(1) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1150; 38 U.S.C. 1712A note).

(2) **TRAINING.**—Any member participating in a peer support counseling program under paragraph (1) shall receive the training for peer counselors under section 1720F(j)(2) of title 38, United States Code, or section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010, as applicable, before performing peer support counseling duties under such program.

(b) **COVERED MEMBERS.**—Members of the Armed Forces described in this subsection are the following:

(1) Members of the reserve components of the Armed Forces who are demobilizing after deployment in a theater of combat operations, including, in particular, members who participated in combat against the enemy while so deployed.

(2) Members of the regular components of the Armed Forces separating from active duty who have been deployed in a theater of combat operations in which such members participated in combat against the enemy.

**SEC. 757. RESEARCH AND MEDICAL PRACTICE ON MENTAL HEALTH CONDITIONS.**

(a) **DEPARTMENT OF DEFENSE ORGANIZATION ON RESEARCH AND PRACTICE.**—The Secretary of Defense shall establish within the Department of Defense an organization to carry out the responsibilities specified in subsection (b).

(b) **RESPONSIBILITIES.**—The organization established under subsection (a) shall—

(1) carry out programs and activities designed to provide for the translation of research on the diagnosis and treatment of mental health conditions into policy on medical practices;

(2) make recommendations to the Assistant Secretary of Defense for Health Affairs on the translation of such research into the policies of the Department of Defense on medical practices with respect to members of the Armed Forces; and

(3) discharge such other responsibilities relating to research and medical practices on mental health conditions, and the policies of the Department on such practices with respect to members of the Armed Forces, as the Secretary or the Assistant Secretary shall specify for purposes of this section.

(c) **REPORTS.**—

(1) **INITIAL REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the organization required by subsection (a). The report shall include a description of the organization and a plan for implementing the requirements of this section.

(2) **ANNUAL REPORTS.**—The Secretary shall submit to Congress each year a report on the activities of the organization established under subsection (a) during the preceding year. Each report shall include the following:

(A) A summary description of the activities of the organization during the preceding year.

(B) A description of the recommendations made by the organization to the Assistant Secretary under subsection (b)(2) during the year, and a description of the actions undertaken (or to be undertaken) by the Assistant Secretary in response to such recommendations.

(C) Such other matters relating to the activities of the organization, including recommendations for additional legislative or administrative action, as the Secretary, in consultation with the Assistant Secretary, considers appropriate.

#### **SEC. 758. DISPOSAL OF CONTROLLED SUBSTANCES.**

(a) **MEMBERS OF THE ARMED FORCES.**—The Administrator of the Drug Enforcement Administration shall enter into a memorandum of understanding with the Secretary of Defense establishing procedures under which a member of the Armed Forces may deliver a controlled substance to a member of the Armed Forces or an employee of the Department of Defense to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **VETERANS.**—

(1) **IN GENERAL.**—The Administrator shall enter into a memorandum of understanding with the Secretary of Veterans Affairs establishing procedures under which a veteran may deliver a controlled substance to an employee of the Department of Veterans Affairs to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(2) **VETERAN DEFINED.**—In this subsection, the term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

#### **SEC. 759. TRANSPARENCY OF MENTAL HEALTH CARE SERVICES.**

(a) **MEASUREMENT OF MENTAL HEALTH CARE SERVICES.**—

(1) **IN GENERAL.**—Not later than December 31, 2013, the Secretary of Veterans Affairs shall develop and implement a comprehensive set of measures to assess mental health care services furnished by the Department of Veterans Affairs.

(2) **ELEMENTS.**—The measures developed and implemented under paragraph (1) shall provide an accurate and comprehensive assessment of the following:

(A) The timeliness of the furnishing of mental health care by the Department.

(B) The satisfaction of patients who receive mental health care services furnished by the Department.

(C) The capacity of the Department to furnish mental health care.

(D) The availability and furnishing of evidence-based therapies by the Department.

(b) **GUIDELINES FOR STAFFING MENTAL HEALTH CARE SERVICES.**—Not later than December 31, 2013, the Secretary shall develop and implement guidelines for the staffing of general and specialty mental health care services, including at community-based out-

patient clinics. Such guidelines shall include productivity standards for providers of mental health care.

(c) **STUDY COMMITTEE.**—

(1) **IN GENERAL.**—The Secretary shall seek to enter into a contract with the National Academy of Sciences to create a study committee—

(A) to consult with the Secretary on the Secretary’s development and implementation of the measures and guidelines required by subsections (a) and (b); and

(B) to conduct an assessment and provide an analysis and recommendations on the state of Department mental health services.

(2) **FUNCTIONS.**—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(B), include in such contract a provision for the study committee—

(A) to conduct a comprehensive assessment of barriers to access to mental health care by veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn;

(B) to assess the quality of the mental health care being provided to such veterans (including the extent to which veterans are afforded choices with respect to modes of treatment) through site visits to facilities of the Veterans Health Administration (including at least one site visit in each Veterans Integrated Service Network), evaluating studies of patient outcomes, and other appropriate means;

(C) to assess whether, and the extent to which, veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn are being offered a full range of necessary mental health services at Department health care facilities, including early intervention services for hazardous drinking, relationship problems, and other behaviors that create a risk for the development of a chronic mental health condition;

(D) to conduct surveys or have access to Department-administered surveys of—

(i) providers of Department mental health services;

(ii) veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are receiving mental health care furnished by the Department; and

(iii) eligible veterans who served in the Armed Forces in Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn who are not using Department health care services to assess those barriers described in subparagraph (A); and

(E) to provide to the Secretary, on the basis of its assessments as delineated in subparagraphs (A) through (C), specific, detailed recommendations—

(i) for overcoming barriers, and improving access, to timely, effective mental health care at Department health care facilities (or, where Department facilities cannot provide such care, through contract arrangements under existing law); and

(ii) to improve the effectiveness and efficiency of mental health services furnished by the Secretary.

(3) **PARTICIPATION BY FORMER OFFICIALS AND EMPLOYEES OF VETERANS HEALTH ADMINISTRATION.**—The Secretary shall ensure that any contract entered into under paragraph (1) provides for inclusion on any subcommittee which participates in conducting the assessments and formulating the recommendations provided for in paragraph (2) at least one former official of the Veterans Health Administration and at least two former em-

ployees of the Veterans Health Administration who were providers of mental health care.

(4) **PERIODIC REPORTS TO SECRETARY.**—In entering into the contract described in paragraph (1), the Secretary shall, with respect to paragraph (1)(A), include in such contract a provision for the submittal to the Secretary of periodic reports and provision of other consultation to the Secretary by the study committee to assist the Secretary in carrying out subsections (a) and (b).

(5) **REPORTS TO CONGRESS.**—Not later than 30 days after receiving a report under paragraph (4), the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the plans of the Secretary to implement such recommendations submitted to the Secretary by the study committee as the Secretary considers appropriate. Such report shall include a description of each recommendation submitted to the Secretary that the Secretary does not plan to carry out and an explanation of why the Secretary does not plan to carry out such recommendation.

(d) **PUBLICATION.**—

(1) **IN GENERAL.**—The Secretary shall make available to the public on an Internet website of the Department the following:

(A) The measures and guidelines developed and implemented under this section.

(B) An assessment of the performance of the Department using such measures and guidelines.

(2) **QUARTERLY UPDATES.**—The Secretary shall update the measures, guidelines, and assessment made available to the public under paragraph (1) not less frequently than quarterly.

(e) **SEMIANNUAL REPORTS.**—

(1) **IN GENERAL.**—Not later than June 30, 2013, and not less frequently than twice each year thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the Secretary’s progress in developing and implementing the measures and guidelines required by this section.

(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include the following:

(A) A description of the development and implementation of the measures required by subsection (a) and the guidelines required by subsection (b).

(B) A description of the progress made by the Secretary in developing and implementing such measures and guidelines.

(C) An assessment of the mental health care services furnished by the Department of Veterans Affairs, using the measures developed and implemented under subsection (a).

(D) An assessment of the effectiveness of the guidelines developed and implemented under subsection (b).

(E) Such recommendations for legislative or administrative action as the Secretary may have to improve the effectiveness and efficiency of the mental health care services furnished under laws administered by the Secretary.

(f) **IMPLEMENTATION REPORT.**—

(1) **IN GENERAL.**—Not later than 30 days before the date on which the Secretary begins implementing the measures and guidelines required by this section, the Secretary shall submit to the committees described in subsection (e)(1) a report on the Secretary’s planned implementation of such measures and guidelines.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A detailed description of the measures and guidelines that the Secretary plans to implement under this section.

(B) A description of the rationale for each measure and guideline the Secretary plans to implement under this section.

(C) A discussion of each measure and guideline that the Secretary considered under this section but chose not to implement.

(D) The number of current vacancies in mental health care provider positions in the Department.

(E) An assessment of how many additional positions are needed to meet current or expected demand for mental health services furnished by the Department.

**SEC. 760. EXPANSION OF VET CENTER PROGRAM TO INCLUDE FURNISHING COUNSELING TO CERTAIN MEMBERS OF THE ARMED FORCES AND THEIR FAMILY MEMBERS.**

Section 1712A of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking “Upon the request” and all that follows through the period at the end and inserting the following: “Upon the request of any individual referred to in subparagraph (C), the Secretary shall furnish counseling, including by furnishing counseling through a Vet Center, to the individual—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), to assist the individual in readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph who is a family member of a veteran or member described in such clause—

“(I) in the case of a member who is deployed in a theater of combat operations or an area at a time during which hostilities are occurring in that area, during such deployment to assist such individual in coping with such deployment; and

“(II) in the case of a veteran or member who is readjusting to civilian life, to the degree that counseling furnished to such individual is found to aid in the readjustment of such veteran or member to civilian life.”; and

(ii) by striking subparagraph (B) and inserting the following new subparagraphs:

“(B) Counseling furnished to an individual under subparagraph (A) may include a comprehensive individual assessment of the individual’s psychological, social, and other characteristics to ascertain whether—

“(i) in the case of an individual referred to in clauses (i) through (iv) of subparagraph (C), such individual has difficulties associated with readjusting to civilian life; and

“(ii) in the case of an individual referred to in clause (v) of such subparagraph, such individual has difficulties associated with—

“(I) coping with the deployment of a member described in subclause (I) of such clause; or

“(II) readjustment to civilian life of a veteran or member described in subclause (II) of such clause.

“(C) Subparagraph (A) applies to the following individuals:

“(i) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who served on active duty in a theater of combat operations or an area at a time during which hostilities occurred in that area.

“(ii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who provided direct emergency medical or mental health care, or mortuary services to the casualties of combat operations or hostilities, but who at the time was located outside the theater of combat operations or area of hostilities.

“(iii) Any individual who is a veteran or member of the Armed Forces, including a member of a reserve component of the Armed Forces, who engaged in combat with an enemy of the United States or against an opposing military force in a theater of combat operations or an area at a time during which hostilities occurred in that area by remotely controlling an unmanned aerial vehicle, notwithstanding whether the physical location of such veteran or member during such combat was within such theater of combat operations or area.

“(iv) Any individual who received counseling under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013.

“(v) Any individual who is a family member of any—

“(I) member of the Armed Forces, including a member of a reserve component of the Armed Forces, who is serving on active duty in a theater of combat operations or in an area at a time during which hostilities are occurring in that area; or

“(II) veteran or member of the Armed Forces described in this subparagraph.”;

(B) by striking paragraph (2);

(C) by redesignating paragraph (3) as paragraph (2); and

(D) in paragraph (2), as redesignated by subparagraph (C)—

(i) by striking “a veteran described in paragraph (1)(B)(iii)” and inserting “an individual described in paragraph (1)(C)”;

(ii) by striking “the veteran a preliminary general mental health assessment” and inserting “the individual a comprehensive individual assessment as described in paragraph (1)(B)”;

(2) in subsection (b)(1), by striking “physician or psychologist” each place it appears and inserting “licensed or certified mental health care provider”;

(3) in subsection (g)—

(A) by amending paragraph (1) to read as follows:

“(1) The term ‘Vet Center’ means a facility which is operated by the Department for the provision of services under this section and which is situated apart from Department general health care facilities.”; and

(B) by adding at the end the following new paragraph:

“(3) The term ‘family member’, with respect to a veteran or member of the Armed Forces, means an individual who—

“(A) is a member of the family of the veteran or member, including—

“(i) a parent;

“(ii) a spouse;

“(iii) a child;

“(iv) a step-family member; and

“(v) an extended family member; or

“(B) lives with the veteran or member but is not a member of the family of the veteran or member.”; and

(4) by redesignating subsection (g), as amended by paragraph (3), as subsection (h) and inserting after subsection (f) the following new subsection (g):

“(g) In carrying out this section and in furtherance of the Secretary’s responsibility to carry out outreach activities under chapter 63 of this title, the Secretary may provide

for and facilitate the participation of personnel employed by the Secretary to provide services under this section in recreational programs that are—

“(1) designed to encourage the readjustment of veterans described in subsection (a)(1)(C); and

“(2) operated by any organization named in or approved under section 5902 of this title.”.

**SEC. 761. AUTHORITY FOR SECRETARY OF VETERANS AFFAIRS TO FURNISH MENTAL HEALTH CARE THROUGH FACILITIES OTHER THAN VET CENTERS TO IMMEDIATE FAMILY MEMBERS OF MEMBERS OF THE ARMED FORCES DEPLOYED IN CONNECTION WITH A CONTINGENCY OPERATION.**

(a) IN GENERAL.—Subject to the availability of appropriations and subsection (b), the Secretary of Veterans Affairs, in addition to furnishing mental health care to family members of members of the Armed Forces through Vet Centers under section 1712A of title 38, United States Code, may furnish mental health care to immediate family members of members of the Armed Forces while such members are deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) through Department of Veterans Affairs medical facilities, telemental health modalities, and such community, nonprofit, private, and other third parties as the Secretary considers appropriate.

(b) LIMITATION.—The Secretary may furnish mental health care under subsection (a) only to the extent that resources and facilities are available and only to the extent that the furnishing of such care does not interfere with the provision of care to veterans.

(c) NO ELIGIBILITY FOR TRAVEL REIMBURSEMENT.—A family member to whom the Secretary furnishes mental health care under subsection (a) shall not be eligible for payments or allowances under section 111 of title 38, United States Code, for such mental health care.

(d) SUNSET.—The authority to furnish medical health care under subsection (a) shall expire on the date that is three years after the date of the enactment of this Act.

(e) VET CENTER DEFINED.—In this section, the term “Vet Center” has the meaning given the term in section 1712A(g) of title 38, United States Code, as amended by section 760(3) of this Act.

**SEC. 762. ORGANIZATION OF THE READJUSTMENT COUNSELING SERVICE IN DEPARTMENT OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Subchapter I of chapter 73 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 7309. Readjustment Counseling Service**

“(a) IN GENERAL.—There is in the Veterans Health Administration a Readjustment Counseling Service. The Readjustment Counseling Service shall provide readjustment counseling and associated services to individuals in accordance with section 1712A of this title.

“(b) CHIEF OFFICER.—(1) The head of the Readjustment Counseling Service shall be the Chief Officer of the Readjustment Counseling Service (in this section the ‘Chief Officer’), who shall report directly to the Under Secretary for Health.

“(2) The Chief Officer shall be appointed by the Under Secretary for Health from among individuals who—

“(A)(i) are psychologists who hold a diploma as a doctorate in clinical or counseling psychology from an authority approved by the American Psychological Association and who have successfully undergone an internship approved by that association;

“(ii) are holders of a master in social work degree; or

“(iii) hold such other advanced degrees related to mental health as the Secretary considers appropriate;

“(B) have at least three years of experience providing direct counseling services or outreach services in the Readjustment Counseling Service;

“(C) have at least three years of experience administering direct counseling services or outreach services in the Readjustment Counseling Service;

“(D) meet the quality standards and requirements of the Department; and

“(E) are veterans who served in combat as members of the Armed Forces.

“(c) **STRUCTURE.**—(1) The Readjustment Counseling Service is a distinct organizational element within Veterans Health Administration.

“(2) The Readjustment Counseling Service shall provide counseling and services as described in subsection (a).

“(3) The Chief Officer shall have direct authority over all Readjustment Counseling Service staff and assets, including Vet Centers.

“(d) **SOURCE OF FUNDS.**—(1) Amounts for the activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall be derived from amounts appropriated for the Veterans Health Administration for medical care.

“(2) Amounts for activities of the Readjustment Counseling Service, including the operations of its Vet Centers, shall not be allocated through the Veterans Equitable Resource Allocation system.

“(3) In each budget request submitted for the Department of Veterans Affairs by the President to Congress under section 1105 of title 31, the budget request for the Readjustment Counseling Service shall be listed separately.

“(e) **ANNUAL REPORT.**—(1) Not later than March 15 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the activities of the Readjustment Counseling Service during the preceding calendar year.

“(2) Each report submitted under paragraph (1) shall include, with respect to the period covered by the report, the following:

“(A) A summary of the activities of the Readjustment Counseling Service, including Vet Centers.

“(B) A description of the workload and additional treatment capacity of the Vet Centers, including, for each Vet Center, the ratio of the number of full-time equivalent employees at such Vet Center and the number of individuals who received services or assistance at such Vet Center.

“(C) A detailed analysis of demand for and unmet need for readjustment counseling services and the Secretary's plan for meeting such unmet need.

“(f) **VET CENTER DEFINED.**—In this section, the term ‘Vet Center’ has the meaning given the term in section 1712A(g) of this title.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 73 of such title is amended by inserting after the item relating to section 7308 the following new item:

“7309. Readjustment Counseling Service.”

(c) **CONFORMING AMENDMENTS.**—Section 7305 of such title is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

“(7) A Readjustment Counseling Service.”

**SEC. 763. RECRUITING MENTAL HEALTH PROVIDERS FOR FURNISHING OF MENTAL HEALTH SERVICES ON BEHALF OF THE DEPARTMENT OF VETERANS AFFAIRS WITHOUT COMPENSATION FROM THE DEPARTMENT.**

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall carry out a national program of outreach to societies, community organizations, nonprofit organizations, or government entities in order to recruit mental health providers, who meet the quality standards and requirements of the Department of Veterans Affairs, to provide mental health services for the Department on a part-time, without-compensation basis, under section 7405 of title 38, United States Code.

(b) **PARTNERING WITH AND DEVELOPING COMMUNITY ENTITIES AND NONPROFIT ORGANIZATIONS.**—In carrying out the program required by subsection (a), the Secretary may partner with a community entity or nonprofit organization or assist in the development of a community entity or nonprofit organization, including by entering into an agreement under section 8153 of title 38, United States Code, that provides strategic coordination of the societies, organizations, and government entities described in subsection (a) in order to maximize the availability and efficient delivery of mental health services to veterans by such societies, organizations, and government entities.

(c) **MILITARY CULTURE TRAINING.**—In carrying out the program required by subsection (a), the Secretary shall provide training to mental health providers to ensure that clinicians who provide mental health services as described in such subsection have sufficient understanding of military- and service-specific culture, combat experience, and other factors that are unique to the experience of veterans who served in Operation Enduring Freedom, Operating Iraqi Freedom, or Operation New Dawn.

**SEC. 764. PEER SUPPORT.**

(a) **PEER SUPPORT COUNSELING PROGRAM.**—

(1) **PROGRAM REQUIRED.**—Paragraph (1) of section 1720F(j) of title 38, United States Code, is amended in the matter before subparagraph (A) by striking “may” and inserting “shall”.

(2) **TRAINING.**—Paragraph (2) of such section is amended by inserting after “peer counselors” the following: “, including training carried out under the national program of training required by section 304(c) of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111-163)”.

(3) **AVAILABILITY OF PROGRAM AT DEPARTMENT MEDICAL CENTERS.**—Such section is amended by adding at the end the following new paragraph:

“(3) In addition to other locations the Secretary considers appropriate, the Secretary shall carry out the peer support program under this subsection at each Department medical center.”

(4) **DEADLINE FOR COMMENCEMENT OF PROGRAM.**—The Secretary of Veterans Affairs shall ensure that the peer support counseling program required by section 1720F(j) of title 38, United States Code, as amended by this subsection, commences at each Department of Veterans Affairs medical center not later than 270 days after the date of the enactment of this Act.

(b) **PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS UNDER PROGRAM ON READJUSTMENT AND MENTAL HEALTH CARE SERVICES FOR VETERANS**

WHO SERVED IN OPERATION ENDURING FREEDOM AND OPERATION IRAQI FREEDOM.—

(1) **IN GENERAL.**—Section 304 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (38 U.S.C. 1712A note; Public Law 111-163) is amended—

(A) by redesignating subsection (e) as subsection (f); and

(B) by inserting after subsection (d) the following new subsection (e):

“(e) **PROVISION OF PEER OUTREACH AND PEER SUPPORT SERVICES AT DEPARTMENT MEDICAL CENTERS.**—The Secretary shall carry out the services required by subparagraphs (A) and (B) of subsection (a)(1) at each Department medical center.”

(2) **DEADLINE.**—The Secretary of Veterans Affairs shall commence carrying out the services required by subparagraphs (A) and (B) of subsection (a)(1) of such section at each Department of Veterans Affairs medical center, as required by subsection (e) of such section (as added by paragraph (1)), not later than 270 days after the date of the enactment of this Act.

**SA 3100.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. RECOGNITION AS CORPORATION AND GRANT OF FEDERAL CHARTER FOR NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED.**

(a) **IN GENERAL.**—Part B of subtitle II of title 36, United States Code, is amended by inserting after chapter 1503 the following new chapter:

**“CHAPTER 1504—NATIONAL AMERICAN INDIAN VETERANS, INCORPORATED**

“Sec

“150401. Organization

“150402. Purposes

“150403. Membership

“150404. Board of directors

“150405. Officers

“150406. Nondiscrimination

“150407. Powers

“150408. Exclusive right to name, seals, emblems, and badges

“150409. Restrictions

“150410. Duty to maintain tax-exempt status

“150411. Records and inspection

“150412. Service of process

“150413. Liability for acts of officers and agents

“150414. Failure to comply with requirements

“150415. Annual report

**“§ 150401. Organization**

“The National American Indian Veterans, Incorporated, a nonprofit corporation organized in the United States (in this chapter referred to as the ‘corporation’), is a federally chartered corporation.

**“§ 150402. Purposes**

“The purposes of the corporation are those stated in its articles of incorporation, constitution, and bylaws, and include a commitment—

“(1) to uphold and defend the Constitution of the United States while respecting the

sovereignty of the American Indian, Alaska Native, and Native Hawaiian Nations;

“(2) to unite under one body all American Indian, Alaska Native, and Native Hawaiian veterans who served in the Armed Forces of United States;

“(3) to be an advocate on behalf of all American Indian, Alaska Native, and Native Hawaiian veterans without regard to whether they served during times of peace, conflict, or war;

“(4) to promote social welfare (including educational, economic, social, physical, cultural values, and traditional healing) in the United States by encouraging the growth and development, readjustment, self-respect, self-confidence, contributions, and self-identity of American Indian veterans;

“(5) to serve as an advocate for the needs of American Indian, Alaska Native, and Native Hawaiian veterans, their families, or survivors in their dealings with all Federal and State government agencies;

“(6) to promote, support, and utilize research, on a nonpartisan basis, pertaining to the relationship between the American Indian, Alaska Native, and Native Hawaiian veterans and American society; and

“(7) to provide technical assistance to the 12 regional areas without veterans committees or organizations and programs by—

“(A) providing outreach service to those Tribes in need; and

“(B) training and educating Tribal Veterans Service Officers for those Tribes in need.

#### “§ 150403. Membership

“Subject to section 150406 of this title, eligibility for membership in the corporation, and the rights and privileges of members, shall be as provided in the constitution and by-laws of the corporation.

#### “§ 150404. Board of directors

“Subject to section 150406 of this title, the board of directors of the corporation, and the responsibilities of the board, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws under which the corporation is incorporated.

#### “§ 150405. Officers

“Subject to section 150406 of this title, the officers of the corporation, and the election of such officers, shall be as provided in the constitution and bylaws of the corporation and in conformity with the laws of the jurisdiction under which the corporation is incorporated.

#### “§ 150406. Nondiscrimination

“In establishing the conditions of membership in the corporation, and in determining the requirements for serving on the board of directors or as an officer of the corporation, the corporation may not discriminate on the basis of race, color, religion, sex, national origin, handicap, or age.

#### “§ 150407. Powers

“The corporation shall have only those powers granted the corporation through its articles of incorporation and its constitution and bylaws which shall conform to the laws of the jurisdiction under which the corporation is incorporated.

#### “§ 150408. Exclusive right to name, seals, emblems, and badges

“(a) IN GENERAL.—The corporation shall have the sole and exclusive right to use the names ‘National American Indian Veterans, Incorporated’ and ‘National American Indian Veterans’, and such seals, emblems, and badges as the corporation may lawfully adopt.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to interfere or conflict with established or vested rights.

#### “§ 150409. Restrictions

“(a) STOCK AND DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

“(b) DISTRIBUTION OF INCOME OR ASSETS.—(1) No part of the income or assets of the corporation shall inure to any person who is a member, officer, or director of the corporation or be distributed to any such person during the life of the charter granted by this chapter.

“(2) Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation, or reimbursement for actual and necessary expenses, in amounts approved by the board of directors.

“(c) LOANS.—The corporation shall not make any loan to any officer, director, member, or employee of the corporation.

“(d) NO FEDERAL ENDORSEMENT.—The corporation shall not claim congressional approval or Federal Government authority by virtue of the charter granted by this chapter for any of its activities.

#### “§ 150410. Duty to maintain tax-exempt status

“The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986.

#### “§ 150411. Records and inspection

“(a) RECORDS.—The corporation shall keep—

“(1) correct and complete books and records of accounts;

“(2) minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors; and

“(3) at its principal office, a record of the names and addresses of all members having the right to vote.

“(b) INSPECTION.—(1) All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

“(2) Nothing in this section shall be construed to contravene the laws of the jurisdiction under which the corporation is incorporated or the laws of those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

#### “§ 150412. Service of process

“With respect to service of process, the corporation shall comply with the laws of the jurisdiction under which the corporation is incorporated and those jurisdictions within which the corporation carries on its activities in furtherance of its purposes within the United States and its territories.

#### “§ 150413. Liability for acts of officers and agents

“The corporation shall be liable for the acts of the officers and agents of the corporation when such individuals act within the scope of their authority.

#### “§ 150414. Failure to comply with requirements

“If the corporation fails to comply with any of the restrictions or provisions of this chapter, including the requirement under section 150410 of this title to maintain its status as an organization exempt from taxation, the charter granted by this chapter shall expire.

#### “§ 150415. Annual report

“(a) IN GENERAL.—The corporation shall report annually to Congress concerning the

activities of the corporation during the preceding fiscal year.

“(b) SUBMITTAL DATE.—Each annual report under this section shall be submitted at the same time as the report of the audit of the corporation required by section 10101(b) of this title.

“(c) REPORT NOT PUBLIC DOCUMENT.—No annual report under this section shall be printed as a public document.”.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of subtitle II of title 36, United States Code, is amended by insert after the item relating to chapter 1503 the following new item:

“1504. National American Indian Veterans, Incorporated .....150401”.

**SA 3101.** Mr. JOHNSON of South Dakota submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

#### **SEC. 505. APPOINTMENT AND GRADE OF CHIEF OF THE ARMY MEDICAL SPECIALIST CORPS.**

Section 3070(b) of title 10, United States Code, is amended—

(1) in the first sentence, by striking “captain” and inserting “lieutenant colonel”; and

(2) by inserting after the first sentence the following new sentence: “An appointee who holds a lower regular grade shall be appointed in the regular grade of brigadier general.”.

**SA 3102.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

#### **SEC. 544. RETENTION OF CERTAIN FORMS IN CONNECTION WITH RESTRICTED REPORTS ON SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) PERIOD OF RETENTION.—The Secretary of Defense shall ensure that all copies of Department of Defense Form 2910 and Department of Defense Form 2911 filed in connection with a Restricted Report on an incident of sexual assault involving a member of the Armed Forces shall be retained for the longer of—

(1) 50 years commencing on the date of signature of the member on Department of Defense Form 2910; or

(2) the time provided for the retention of such forms in connection with Unrestricted Reports on incidents of sexual assault involving members of the Armed Forces under Department of Defense Directive-Type

Memorandum (DTM) 11-062, entitled "Document Retention in Cases of Restricted and Unrestricted Reports of Sexual Assault", or any successor directive or policy.

(b) **PROTECTION OF CONFIDENTIALITY.**—Any Department of Defense form retained under subsection (a) shall be retained in a manner that protects the confidentiality of the member of the Armed Forces concerned in accordance with procedures for the protection of confidentiality of information in Restricted Reports under Department of Defense memorandum JTF-SAPR-009, relating to the Department of Defense policy on confidentiality for victims of sexual assault, or any successor policy or directive.

**SA 3103.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 544. INCLUSION AND COMMAND REVIEW OF INFORMATION ON SEXUAL-RELATED OFFENSES IN PERSONNEL SERVICE RECORDS OF MEMBERS OF THE ARMED FORCES.**

(a) **INFORMATION ON SUBSTANTIATED REPORTS ON SEXUAL-RELATED OFFENSES.**—

(1) **IN GENERAL.**—If a complaint of a sexual-related offense is made against a member of the Armed Forces and the complaint is substantiated, a notation to that effect shall be placed in the personnel service record of the member, regardless of the member's grade.

(2) **PURPOSE.**—The purpose of the inclusion of information in personnel service records under paragraph (1) is to alert commanders to the members of their command who have received courts-martial conviction, non-judicial punishment, or administrative action for sexual-related offenses in order to reduce the likelihood that repeat offenses will escape the notice of commanders.

(b) **LIMITATION ON PLACEMENT.**—A notation under subsection (a) may not be placed in the restricted section of the personnel service record of a member.

(c) **CONSTRUCTION.**—Nothing in subsection (a) or (b) may be construed to prohibit or limit the capacity of a member of the Armed Forces to challenge or appeal the placement of a notation, or location of placement of a notation, in the member's personnel service record in accordance with procedures otherwise applicable to such challenges or appeals.

(d) **SUBSTANTIATED COMPLAINTS.**—For purposes of implementing this section, the Secretary of Defense shall use the definition of substantiated developed for purposes of the annual report on sexual assaults involving members of the Armed Forces prepared under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note).

(e) **COMMAND REVIEW OF HISTORY OF SEXUAL-RELATED OFFENSES OF MEMBERS UPON ASSIGNMENT OR TRANSFER TO NEW UNIT.**—

(1) **REVIEW REQUIRED.**—Under uniform regulations prescribed by the Secretary of Defense, the commanding officer of a facility, installation, or unit to which a member of the Armed Forces described in paragraph (2)

is permanently assigned or transferred shall review the history of substantiated sexual offenses of the member in order to familiarize such officer with such history of the member.

(2) **COVERED MEMBERS.**—A member of the Armed Forces described in this paragraph is a member of the Armed Forces who, at the time of assignment or transfer as described in paragraph (1), has a history of one or more substantiated sexual offenses as documented in the personnel service record of such member or such other records or files as the Secretary shall specify in the regulations prescribed under paragraph (1).

**SA 3104.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 544. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

"(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

"(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

"(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed, including, in a case in which an Article 32 investigating officer recommended dismissal of the charges, an explicit statement of the reasons for such recommendation.

"(C) The unit and location of service at which the incident occurred.

"(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

"(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

"(F) Whether alcohol was involved in the incident.

"(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation."; and

(2) by adding at the end the following new paragraphs

"(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on

active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

"(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

"(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

"(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults."

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2013, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

**SA 3105.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 544. PREVENTION AND RESPONSE TO SEXUAL HARASSMENT IN THE ARMED FORCES.**

(a) **COMPREHENSIVE POLICY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Equal Opportunity Office of the Department of Defense, develop a comprehensive policy to prevent and respond to sexual harassment in the Armed Forces. The policy shall provide for the following:

(A) Training for members of the Armed Forces on the prevention of sexual harassment.

(B) Mechanisms for reporting incidents of sexual harassment in the Armed Forces, including procedures for reporting anonymously.

(C) Mechanisms for responding to and resolving incidents of alleged sexual harassment incidences involving members of the Armed Forces, including through the prosecution of offenders.

(2) **REPORT.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy required by paragraph (1).

(b) **COLLECTION AND RETENTION OF RECORDS ON DISPOSITION OF REPORTS OF SEXUAL HARASSMENT.**—



(1) **COLLECTION.**—The Secretary of Defense shall require that the Secretary of each military department establish a record on the disposition of any report of sexual harassment, whether such disposition is court martial, non-judicial punishment, or other administrative action. The record of any such disposition shall include the following, as appropriate:

(A) Documentary information collected about the incident reported.

(B) Punishment imposed, including the sentencing by judicial or non-judicial means including incarceration, fines, restriction, and extra duty as a result of military court-martial, Federal and local court and other sentencing, or any other punishment imposed.

(C) Reasons for the selection of the disposition and punishments selected.

(D) Administrative actions taken, if any.

(E) Any pertinent referrals offered as a result of the incident (such as drug and alcohol counseling and other types of counseling or intervention).

(2) **RETENTION.**—The Secretary of Defense shall require that—

(A) the records established pursuant to paragraph (1) be retained by the Department of Defense for a period of not less than 50 years; and

(B) a copy of such records be maintained at a centralized location for the same period as applies to retention of the records under subparagraph (A).

(C) **ANNUAL REPORT ON SEXUAL HARASSMENT INVOLVING MEMBERS OF THE ARMED FORCES.**—

(1) **ANNUAL REPORT ON SEXUAL HARASSMENT.**—Not later than March 1, 2015, and each March 1 thereafter through March 1, 2018, the Secretary of each military department shall submit to the Secretary of Defense a report on the sexual harassments involving members of the Armed Forces under the jurisdiction of such Secretary during the preceding year. Each Secretary of a military department shall submit the report on a year under this section at the same time as the submittal of the annual report on sexual assaults during that year under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note). In the case of the Secretary of the Navy, separate reports shall be prepared under this section for the Navy and the Marine Corps.

(2) **CONTENTS.**—The report of a Secretary of a military department for an Armed Force under paragraph (1) shall contain the following:

(A) The number of sexual harassments committed against members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated.

(B) The number of sexual harassments committed by members of the Armed Force that were reported to military officials during the year covered by the report, and the number of the cases so reported that were substantiated. The information required by this subparagraph may not be combined with the information required by subparagraph (A).

(C) A synopsis of each such substantiated case and, for each such case, the action taken in such case, including the type of disciplinary or administrative sanction imposed, section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice).

(D) The policies, procedures, and processes implemented by the Secretary during the

year covered by the report in response to incidents of sexual harassment involving members of that Armed Force.

(E) Any other matters relating to sexual harassment involving members of the Armed Forces that the Secretary considers appropriate.

**SA 3106.** Ms. KLOBUCHAR (for herself and Ms. SNOWE) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 544. POLICY OF THE UNITED STATES ON DISPOSITION OF CHARGES INVOLVING CERTAIN SEXUAL MISCONDUCT OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE THROUGH COURTS-MARTIAL.**

(a) **STATEMENT OF POLICY.**—It shall be the policy of the United States that any charge regarding an offense specified in subsection (b) should be disposed of by court-martial, rather than by non-judicial punishment or administrative action.

(b) **COVERED OFFENSES.**—An offense specified in this subsection is any of the following offenses under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice):

(1) Rape or sexual assault under subsection (a) or (b) of section 920 of such chapter (article 120 of the Uniform Code of Military Justice).

(2) Forcible sodomy under section 925 of such chapter (article 125 of the Uniform Code of Military Justice).

(3) An attempt to commit an offense specified in paragraph (1) or (2), as punishable under section 880 of such chapter (article 80 of the Uniform Code of Military Justice).

(c) **JUSTIFICATION FOR DISPOSITION OTHER THAN BY COURT-MARTIAL.**—In the case of any charge regarding an offense specified in subsection (b) that is disposed of by non-judicial punishment or administrative action, rather than by court-martial, the disposition authority for such case shall include in the case file a justification for the disposition of the charge by non-judicial punishment or administrative action, rather than by court-martial.

**SA 3107.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 344. DISPOSAL OF SURPLUS OR EXCESS TANGIBLE PROPERTY OF THE DEPARTMENT OF DEFENSE SOLELY BY PUBLIC SALE.**

Notwithstanding any other provision of law, surplus or excess tangible property of the Department of Defense shall be disposed of solely by public sale.

**SA 3108.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 903. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.**

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.

“(B) If a military department or Defense Agency does not submit to the Deputy Chief Management Officer information requested by the Deputy Chief Management Officer under subparagraph (A) within 60 days of the date of such request for such information under that subparagraph, or does not submit such information in the standardized format established pursuant to that subparagraph, the Secretary of Defense may withhold funding for any new defense business system, or any modernization of a current defense business system, of the military department or Defense Agency commencing as of the date that is 60 days after the date of such request.”.

**SA 3109.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.**

(a) **IN GENERAL.**—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

“§5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent,



or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

**SA 3110.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

**SA 3111.** Mr. COBURN (for himself and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—AUDIT OF DEPARTMENT OF DEFENSE FINANCIAL STATEMENTS**

**SEC. 1801. SHORT TITLE.**

This title may be cited as the “Audit the Pentagon Act of 2012”.

**SEC. 1802. FINDINGS.**

Congress makes the following findings:

(1) Section 9 of Article 1 of the Constitution of the United States requires all agencies of the Federal Government, including the Department of Defense, to publish “a regular statement and account of the receipts and expenditures of all public money”.

(2) Section 3515 of title 31, United States Code, requires the agencies of the Federal Government, including the Department of Defense, to present auditable financial statements beginning not later than March 1, 1997. The Department has not complied with this law.

(3) The Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note) requires financial systems acquired by the Federal Government, including the Department of Defense, to be able to provide information to leaders to manage and control the cost of government. The Department has not complied with this law.

(4) The financial management of the Department of Defense has been on the “High-Risk” list of Government Accountability Office, which means that the Department is not consistently able to “control costs; ensure basic accountability; anticipate future costs and claims on the budget; measure performance; maintain funds control; [and] prevent and detect fraud, waste, and abuse”.

(5) The National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107) requires the Secretary of Defense to report to Congress annually on the reliability of the financial statements of the Department of Defense, to minimize resources spent on producing unreliable financial statements, and to use resources saved to improve financial management policies, procedures, and internal controls.

(6) In 2005, the Department of Defense created a Financial Improvement and Audit Readiness (FIAR) Plan, overseen by a directorate within the office of the Under Secretary of Defense (Comptroller), to improve Department business processes with the goal of producing timely, reliable, and accurate financial information that could generate an audit-ready annual financial statement. In December 2005, that directorate, known as the FIAR Directorate, issued the first of a series of semiannual reports on the status of the Financial Improvement and Audit Readiness Plan.

(7) The National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84) requires regular status reports on the Financial Improvement and Audit Readiness Plan described in paragraph (6), and codified as a statutory requirement the goal of the Plan in ensuring that Department of Defense financial statements are validated as ready for audit not later than September 30, 2017.

(8) At a September 2010 hearing of the Senate, the Government Accountability Office stated that past expenditures by the Department of Defense of \$5,800,000,000 to improve financial information, and billions of dollars more of anticipated expenditures on new information technology systems for that purpose, may not suffice to achieve full audit readiness of the financial statement of the Department. At that hearing, the Government Accountability Office could not predict when the Department would achieve full audit readiness of such statements.

**SEC. 1803. AUDIT READINESS OF THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) INCLUSION OF STATEMENT OF BUDGET RESOURCES WITHIN FIAR PLAN.—Subsection (a)(2)(A) of section 1003 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2439; 10 U.S.C. 2222 note) is amended—

(1) in clause (i), by striking “and” at the end;

(2) by redesignating clause (ii) as clause (iv); and

(3) by inserting after clause (i) the following new clauses:

“(ii) ensuring that a complete and validated statement of budgetary resources of the Department of Defense is ready by not later than September 30, 2014;

“(iii) ensuring that the full set of consolidated financial statements of the Department for the fiscal year ending September 30, 2017, and each fiscal year thereafter, are ready in a timely manner and in preparation for an audit, including submitting the reports not later than November 15, 2017, and each year thereafter, in order to seek an audit opinion on its financial statements; and”.

(b) DEFINITION OF VALIDATED AS READY FOR AUDIT.—Such section is further amended by adding at the end the following new subsection:

“(d) VALIDATED AS READY FOR AUDIT DEFINED.—In this section, the term ‘validated as ready for audit’ means the following:

“(1) In the case of the financial statements of a military department, that the audit agencies of the military department have reviewed such statements and determined, in writing, that such statements are ready for audit.

“(2) In the case of the financial statements of a Defense Agency, that the audit agencies of the Defense Agency have reviewed such statements and determined, in writing, that such statements are ready for audit.”.

**SEC. 1804. CESSATION OF APPLICABILITY OF REPORTING REQUIREMENTS REGARDING THE FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) CESSATION OF APPLICABILITY.—

(1) MILITARY DEPARTMENTS.—The financial statements of a military department shall cease to be covered by the reporting requirements specified in subsection (b) upon the issuance of an unqualified audit opinion on such financial statements.

(2) DEPARTMENT OF DEFENSE.—The reporting requirements specified in subsection (b) shall cease to be effective when an unqualified audit opinion is issued on the financial statements of the Department of Defense, including each of the military departments and the Defense Agencies.

(b) REPORTING REQUIREMENTS.—The reporting requirements specified in this subsection are the following:

(1) The requirement for semi-annual reports in section 1003(b) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2440; 10 U.S.C. 2222 note).

(2) The requirement for annual reports in section 1008(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1204; 10 U.S.C. 113 note).

**SEC. 1805. REPORT ON DEPARTMENT OF DEFENSE REPORTING REQUIREMENTS MADE OBSOLETE BY OR AFFECTING AUDITS WITH UNQUALIFIED OPINIONS.**

Not later than 180 days after the date of the enactment of this Act, the Under Secretary of Defense (Comptroller) shall submit to Congress a report setting forth the following:

(1) A list of each report of the Department of Defense required by law to be submitted to Congress which, in the opinion of the Under Secretary, would no longer be necessary if the financial statements of the Department of Defense were audited with an unqualified opinion.

(2) A list of each report of the Department required by law to be submitted to Congress which, in the opinion of the Under Secretary, interferes with the capacity of the Department to achieve an audit of the financial

statements of the Department with an unqualified opinion.

**SEC. 1806. ENHANCED REPROGRAMMING AUTHORITY FOLLOWING ACHIEVEMENT BY MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2013.**

(a) IN GENERAL.—Subject to section 1809(a)(1), if a military department obtains an audit with an unqualified opinion on its statement of budgetary resources for any fiscal year after fiscal year 2013, the thresholds for reprogramming of funds without prior notice to Congress for the succeeding fiscal year shall be deemed to be the thresholds as follows:

(1) In the case of an increase or decrease to the program base amount for a procurement program, \$60,000,000.

(2) In the case of an increase or decrease to the program base amount for a research program, \$30,000,000.

(3) In the case of an increase or decrease to the amount for a budget activity for operation and maintenance, \$45,000,000.

(4) In the case of an increase or decrease to the amount for a budget activity for military personnel, \$30,000,000.

(b) CONSTRUCTION.—Nothing in this section shall be construed to alter or revise any requirement (other than a threshold amount) for notice to Congress on reprogrammings covered by subsection (a) under any other provision of law.

(c) DEFINITIONS.—In this section, the terms “program base amount”, “procurement program”, “research program”, and “budget activity” have the meanings given such terms in chapter 6 of volume 3 of the Financial Management Regulation of the Department of Defense (DoD 7000.14R), dated March 2011, or any successor document.

**SEC. 1807. AVAILABILITY OF EXPIRING FUNDS FOLLOWING ACHIEVEMENT BY MILITARY DEPARTMENTS OF AUDIT WITH UNQUALIFIED OPINION OF STATEMENT OF BUDGETARY RESOURCES FOR FISCAL YEARS AFTER FISCAL YEAR 2013.**

(a) IN GENERAL.—Subject to section 1809(a)(1), if a military department obtains an audit with an unqualified opinion on its statement of budgetary resources for a fiscal year after fiscal year 2013 (in this section referred to as a “covered fiscal year”), the amount described in subsection (b) shall be available for the purposes specified in subsection (c) at the end of such covered fiscal year without fiscal year limitation.

(b) AVAILABLE AMOUNT.—The amount described in this subsection is the amount equal to five percent of the aggregate amount of unobligated appropriations available to the military department concerned for a covered fiscal year that would otherwise expire at the end of such covered fiscal year by law.

(c) PURPOSES.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subject to paragraph (3), amounts available under subsection (a) shall, at the election of the Secretary of the military department concerned, be available for purposes as follows:

(A) Payment in accordance with applicable law of bonuses authorized by law (including awards authorized by subchapter I of chapter 45 of title 5, United States Code) for civilian employees of the military department, including employees determined to have made beneficial contributions to the achievement of the mission of the military department.

(B) Procurement of weapons and weapon systems.

(C) Military education and training programs and activities of the military department.

(2) EXCLUSION.—Amounts available under subsection (a) shall not be available for purposes as follows:

(A) Research, development, test, and evaluation.

(B) Military construction.

(3) LIMITATIONS ON BONUSES.—

(A) LIMITATION ON BONUS AMOUNT.—The amount of the bonus payable to a civilian employee of a military department under paragraph (1)(A) in any year may not exceed the amount equal to 25 percent of the base pay of the employee in such year.

(B) LIMITATION ON AGGREGATE AMOUNT OF BONUSES.—The total amount of bonuses payable to civilian employees of a military department under paragraph (1)(A) in any year may not exceed \$5,000,000.

(C) CONSTRUCTION.—Nothing in paragraph (1)(A) may be construed to authorize or provide for the payment of a bonus to an officer or employee of a contractor of the Department of Defense.

(d) TRANSFERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of a military department may transfer amounts described in subsection (b) that are available under subsection (a) among accounts of the military department for purposes of exercising the authority in subsection (a) with respect to such amounts. Amounts so transferred shall be merged with amounts in the account or fund to which transferred and shall be available under the same terms and conditions as the amounts with which merged for the purposes specified in subsection (c).

(2) NO NEW APPROPRIATION.—A transfer under paragraph (1) shall not be treated as a new appropriation of the amount so transferred.

(e) REPORTS.—

(1) ANNUAL REPORTS.—The Secretary of Defense shall submit to Congress each year (at the same time the budget of the President for a fiscal year is submitted to Congress in such year pursuant to section 1105 of title 31, United States Code) a report on the exercise of the authority under this section during the previous fiscal year. Each report under this subsection shall include, for the fiscal year covered by such report, the following:

(A) The amounts transferred under subsection (d), including the total amount transferred and the amounts transferred to each account to which transferred.

(B) The purposes, and amounts, for which amounts transferred were used.

(2) NOTICE ON PROCUREMENT.—Not later than 30 days before using amounts available under subsection (a) for the procurement of weapons or a weapon system, the Secretary of the military department concerned shall submit to Congress a report, in writing, on the use of such amounts for that purpose. Each report shall include a statement of the weapons or weapon system to be procured and the amount to be used for such procurement.

**SEC. 1808. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2014 STATEMENT OF BUDGETARY RESOURCES OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—If the Department of Defense fails to obtain an audit with an unqualified opinion on its statement of budgetary resources for fiscal year 2014, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) ADDITIONAL QUALIFICATIONS AND DUTIES OF USD (COMPTROLLER).—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Under Secretary of Defense (Comptroller) under section 135 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) DUTIES AND POWERS.—The duties and powers of the individual serving as Under Secretary of Defense (Comptroller) shall include, in addition to the duties and powers specified in section 135(c) of title 10, United States Code, such duties and powers with respect to the financial management of the Department of Defense as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(2) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASA FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Army for Financial Management under section 3016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Army for Financial Management shall include, in addition to the responsibilities specified in section 3016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(3) ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASN FOR FINANCIAL MANAGEMENT.—

(A) QUALIFICATIONS.—Any individual nominated for appointment to the position of Assistant Secretary of the Navy for Financial Management under section 5016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) RESPONSIBILITIES.—The responsibilities of the individual serving as Assistant Secretary of the Navy for Financial Management shall include, in addition to the responsibilities specified in section 5016(b)(4) of

title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(4) **ADDITIONAL QUALIFICATIONS AND RESPONSIBILITIES OF ASAF FOR FINANCIAL MANAGEMENT.**—

(A) **QUALIFICATIONS.**—Any individual nominated for appointment to the position of Assistant Secretary of the Air Force for Financial Management under section 8016 of title 10, United States Code, shall be an individual who has served—

(i) as the chief financial officer of a Federal or State agency that has received an audit with an unqualified opinion on such agency's financial statements during the time of such individual's service; or

(ii) as the chief financial officer of a public company that has received an audit with an unqualified opinion on such company's financial statements during the time of such individual's service.

(B) **RESPONSIBILITIES.**—The responsibilities of the individual serving as Assistant Secretary of the Air Force for Financial Management shall include, in addition to the responsibilities specified in section 8016(b)(4) of title 10, United States Code, such responsibilities as the Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) may prescribe.

(b) **PUBLIC COMPANY DEFINED.**—In this section, the term “public company” has the meaning given the term “issuer” in section 2(a)(7) of the Sarbanes-Oxley Act of 2002 (15 U.S.C. 7201(a)(7)).

**SEC. 1809. FAILURE TO OBTAIN AUDITS WITH UNQUALIFIED OPINION OF FISCAL YEAR 2017 FINANCIAL STATEMENTS OF THE DEPARTMENT OF DEFENSE.**

(a) **MILITARY DEPARTMENTS.**—

(1) **CESSATION OF AUTHORITIES ON REPROGRAMMING AND AVAILABILITY OF FUNDS.**—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, effective as of the date of the issuance of the opinion on such audit, the authorities in sections 1806 and 1807 shall cease to be available to the military department for fiscal year 2017 or any fiscal year thereafter.

(2) **PROHIBITION ON EXPENDITURE OF FUNDS FOR CERTAIN MDAPS PAST MILESTONE B.**—

(A) **PROHIBITION.**—If a military department fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, effective as of the date of the issuance of the opinion on such audit, amounts may not be expended by the military department for a weapon or weapon system or platform being acquired as a major defense acquisition program for any activity beyond Milestone B approval unless such program has already achieved Milestone B approval of the date of the issuance of the opinion on such audit.

(B) **DEFINITIONS.**—In this paragraph:

(i) The term “major defense acquisition program” has the meaning given that term in section 2430 of title 10, United States Code.

(ii) The term “Milestone B approval” has the meaning given that term in section 2366(e)(7) of title 10, United States Code.

(b) **DEPARTMENT OF DEFENSE.**—If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following

shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) **REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.**—

(A) **POSITION OF CHIEF MANAGEMENT OFFICER.**—Section 132a of title 10, United States Code, is amended to read as follows:

**“§ 132a. Chief Management Officer**

“(a) **IN GENERAL.**—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) **POWERS AND DUTIES.**—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) **SERVICE AS CHIEF MANAGEMENT OFFICER.**—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) **PRECEDENCE.**—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) **CONFORMING AMENDMENTS.**—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of

the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) **EXECUTIVE SCHEDULE.**—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) **REFERENCE IN LAW.**—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) **JURISDICTION OF DFAS.**—

(A) **TRANSFER TO DEPARTMENT OF TREASURY.**—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) **ADMINISTRATION.**—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of Treasury.

(C) **MEMORANDUM OF UNDERSTANDING.**—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) **CONSTRUCTION.**—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

**SEC. 1810. ENTERPRISE RESOURCE PLANNING.**

The Secretary of Defense shall amend the acquisition guidance of the Department of Defense to provide for the following:

(1) The Defense Business System Management Committee may not approve procurement of any Enterprise Resource Planning (ERP) business system that is independently estimated to take longer than three years to procure from initial obligation of funds to full deployment and sustainment.

(2) Any contract for the acquisition of an Enterprise Resource Planning business system shall include a provision authorizing termination of the contract at no cost to the Government if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(3) The Deputy Secretary of Defense (acting in the capacity of Chief Management Officer of the Department of Defense) or a successor official in the Department of Defense (acting in such capacity) shall have the authority to replace any program manager (whether in a military department or a Defense Agency) for the procurement of an Enterprise Resource Planning business system if procurement of the system takes longer than three years from initial obligation of funds to full deployment and sustainment.

(4) Any integrator contract for the implementation of an Enterprise Resource Planning business system shall only be awarded to companies that have a history of successful implementation of other Enterprise Resource Planning business systems for the Federal Government (whether with the Department of Defense or another department or agency of the Federal Government), including meeting cost and schedule goals.

**SA 3112.** Mr. BROWN of Ohio (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 735. INCLUSION OF DEPARTMENT OF VETERANS AFFAIRS IN VISION CENTER OF EXCELLENCE IN THE PREVENTION, DIAGNOSIS, MITIGATION, TREATMENT, AND REHABILITATION OF MILITARY EYE INJURIES.**

(a) IN GENERAL.—Subsection (a) of section 1623 of the Wounded Warrior Act (title XVI of Public Law 110-181; 10 U.S.C. 1071 note) is amended by striking “shall establish within the Department of Defense” and inserting “and the Secretary of Veterans Affairs shall jointly provide for”.

(b) PARTNERSHIPS.—Subsection (b) of such section is amended by striking “Secretary shall ensure that the center collaborates to the maximum extent practicable with the Secretary of Veterans Affairs,” and inserting “Secretary of Defense and the Secretary of Veterans Affairs shall jointly ensure that the center collaborates to the maximum extent practicable with the Department of Defense, the Department of Veterans Affairs,”.

(c) RESPONSIBILITIES.—Subsection (c) of such section is amended—

(1) in paragraph (1)—

(A) in subparagraph (A) by striking “, as developed by the Secretary of Defense,” and inserting “and the Department of Veterans Affairs”;

(B) by inserting “the Secretary of Defense and” before “the Secretary of Veterans Affairs” each place it appears; and

(C) in subparagraph (C), by striking “the Veterans Health Administration” and inserting “the Department of Defense or the Department of Veterans Affairs”; and

(2) in paragraph (2), by striking “‘Military Eye Injury Registry’” and inserting “‘Defense and Veterans Eye Injury Registry’”.

(d) INCLUSION OF CERTAIN RECORDS IN REGISTRY.—Subsection (e) of such section is amended by striking “the Secretary considers” and inserting “the Secretary of Defense and the Secretary of Veterans Affairs jointly consider”.

**SA 3113.** Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. SMALL BUSINESS HUBZONES.**

(a) DEFINITION.—In this section, the term “covered base closure area” means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—A covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

**SA 3114.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. PROGRAM ON REPAIR, OVERHAUL, AND REFURBISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.**

(a) PROGRAM AUTHORIZED.—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) FUND FOR SUPPORT OF PROGRAM AUTHORIZED.—The Secretary of Defense may establish and administer a fund to be known as the “Special Defense Repair Fund” (in this section referred to as the “Fund”) to support the program authorized by subsection (a).

(c) CREDITS TO FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of appropriations Acts, such amounts, not to exceed \$48,400,000 per fiscal year, from amounts authorized to be appropriated for the Department of Defense for operation and maintenance

for the Army as the Secretary of Defense considers appropriate.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.—

(A) CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) LIMITATION ON SIZE OF FUND.—The total amount in the Fund at any time may not exceed \$50,000,000.

(4) TREATMENT OF AMOUNTS CREDITED.—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) SALES OR TRANSFERS OF DEFENSE ARTICLES.—

(1) IN GENERAL.—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) TRANSFERS OF AMOUNTS.—

(1) TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in

the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) **TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.**—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) **CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.**—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) **REPORTS.**—

(1) **ANNUAL REPORT.**—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) **ASSESSMENT REPORT.**—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) **DEFENSE ARTICLE DEFINED.**—In this section, the term “defense article” has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) **EXPIRATION OF AUTHORITY.**—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) **FUNDING FOR FISCAL YEAR 2013.**—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation and maintenance for the Army as specified in funding table in section 4302, \$48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ-18A unmanned aerial vehicle, which has been cancelled.

**SA 3115.** Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

Section 1021(e) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1562; 10 U.S.C. 801 note) is amended—

(1) in subsection (c), by striking “The disposition” and inserting “Except as provided in subsection (g), the disposition”; and

(2) by adding at the end the following new subsections:

“(g) **DISPOSITION OF COVERED PERSONS DETAINED IN THE UNITED STATES.**—

“(1) **PERSONS DETAINED PURSUANT TO THIS ACT, THE AUTHORIZATION FOR USE OF MILITARY FORCE, OR THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013.**—In the case of a covered person who is detained in the United States pursuant to this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013, disposition under the law of war shall occur immediately upon the person coming into custody of the United States Government and shall only mean the immediate transfer of the person for trial and proceedings with all the due process rights as provided for under the Constitution of the United States.

“(2) **PROHIBITION ON TRANSFER TO MILITARY CUSTODY.**—No person detained, captured, or arrested in the United States, or a territory or possession of the United States, may be transferred to the custody of the Armed Forces for detention under this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013.

“(h) **RULE OF CONSTRUCTION.**—This section shall not be construed to authorize the detention of a person within the United States, or a territory or possession of the United States, under this Act, the Authorization for Use of Military Force, or the National Defense Authorization Act for Fiscal Year 2013.”

**SEC. 1033. REPEAL OF REQUIREMENT FOR MILITARY CUSTODY.**

(a) **REPEAL.**—Section 1022 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1563; 10 U.S.C. 801 note) is hereby repealed.

(b) **CONFORMING AMENDMENT.**—Section 1029(b) of such Act (125 Stat. 1570) is amended by striking “applies to” and all that follows through “any other person” and inserting “applies to any person”.

**SA 3116.** Mr. UDALL of Colorado (for himself and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the De-

partment of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. CLARIFICATION OF RULE OF CONSTRUCTION APPLICABLE TO AFFIRMATION OF AUTHORITY FOR THE ARMED FORCES TO DETAIN COVERED PERSONS PURSUANT TO THE AUTHORIZATION FOR USE OF MILITARY FORCE.**

Section 1021(e) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1562; 10 U.S.C. 801 note) is amended—

(1) by striking “in this section” and inserting “in this Act or the Authorization for Use of Military Force”; and

(2) by striking “to affect existing law or authorities relating to” and inserting “to authorize”.

**SA 3117.** Mr. HATCH (for himself, Mr. CHAMBLISS, and Mr. LEE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

**SEC. 322. INCLUSION OF SENIOR OFFICIALS AT AIR LOGISTICS COMPLEXES IN RATING CHAINS FOR SYSTEM PROGRAM MANAGERS.**

Notwithstanding any other provision of law, the rating chain for a system program manager may include, at any level, any senior official located at an Air Logistics Complex where the system program manager is based.

**SA 3118.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. FEDERAL PRISON INDUSTRIES.**

(a) **PURCHASE OF PRISON-MADE PRODUCTS BY FEDERAL DEPARTMENTS.**—

(1) **REPEAL OF PURCHASE REQUIREMENT.**—Section 4124 of title 18, United States Code, is amended—

(A) in subsection (a)—

(i) by striking “shall purchase” and inserting “may purchase”; and

(ii) by inserting “and services” after “such products”; and

(B) in subsection (c), by striking “subject to the requirements of subsection (a)” and inserting “that purchases such products or services of the industries authorized by this chapter”.

(2) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 8504(b) of title 41, United States Code, is amended by striking “and

that is required under section 4124 of title 18 to be procured from that industry”.

(b) **PROHIBITION ON AWARD OF CERTAIN CONTRACTS TO FEDERAL PRISON INDUSTRIES, INC.**—Notwithstanding any other provision of law, a Federal agency may not award a contract to Federal Prison Industries after competition restricted to small business concerns under section 15 of the Small Business Act (15 U.S.C. 644) or the program established under section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(c) **SHARE OF INDEFINITE DELIVERY/INDEFINITE QUANTITY CONTRACTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to require that if the head of an executive agency reduces the quantity of items to be delivered under an indefinite delivery/indefinite quantity contract to which Federal Prison Industries is a party, the head of the executive agency shall reduce Federal Prison Industries's share of the items to be delivered under the contract by the same percentage by which the total number of items to be delivered under the contract from all sources is reduced.

(2) **DEFINITIONS.**—In this subsection—

(A) the term “executive agency” has the meaning given the term in section 133 of title 41, United States Code; and

(B) the term “Federal Acquisition Regulatory Council” means the Federal Acquisition Regulatory Council established under section 1302(a) of title 41, United States Code.

**SA 3119.** Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. IMPROVED ENUMERATION OF MEMBERS OF THE ARMED FORCES IN ANY TABULATION OF TOTAL POPULATION BY SECRETARY OF COMMERCE.**

(a) **IN GENERAL.**—Section 141 of title 13, United States Code, is amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following:

“(g) Effective beginning with the 2020 decennial census of population, in taking any tabulation of total population by States, the Secretary shall take appropriate measures to ensure, to the maximum extent practicable, that all members of the Armed Forces deployed abroad on the date of taking such tabulation are—

“(1) fully and accurately counted; and

“(2) properly attributed to the State in which their residence at their permanent duty station or homeport is located on such date.”.

(b) **CONSTRUCTION.**—The amendments made by subsection (a) shall not be construed to affect the residency status of any member of the Armed Forces under any provision of law other than title 13, United States Code.

**SA 3120.** Mr. THUNE submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ SENSE OF CONGRESS REGARDING SPECTRUM REALLOCATION.**

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing \$195,500,000,000 to the United States gross domestic product and driving \$33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for commercial mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the current spectrum shortage, consideration should be given to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the reallocation of Federal Government spectrum for commercial use must also be part of the solution, given that, according to a 2012 Government Accountability Office study, the percentage of the most highly valued spectrum, that below 3700 MHz, used exclusively or predominantly by the Federal Government ranges from approximately 39 percent to 57 percent with exclusive Government use accounting for 18 percent of the total amount of spectrum below 3700 MHz;

(5) existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and, with respect to spectrum vacated by the Department of Defense, certification by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability;

(6) wherever possible, Federal Government spectrum identified for commercial use should be reallocated for such use;

(7) commercial users should only be required to share spectrum with government users as a transition mechanism while spectrum is being cleared by Federal users or in limited exclusion zones where relocation of existing Federal uses is not feasible, or where it can be determined that sharing will not significantly impair use of the spectrum for broadband services;

(8) among existing Federal Government bands, the spectrum between 1755–1780 MHz is particularly well-suited for reallocation to commercial use because it is identified internationally for commercial mobile services and is used for that purpose throughout most

of the world and because it is immediately adjacent to existing domestic wireless spectrum and would fit seamlessly into the current mobile broadband spectrum portfolio allowing for more immediate equipment development and deployment;

(9) the Department of Defense should prepare a long term plan in consultation with relevant agencies and private sector stakeholders to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector's demand for spectrum with national security needs;

(10) in most cases Federal operations can and should be relocated from this band, possibly except for a limited subset of operations in rural areas where a Federal Government station cannot be relocated without jeopardizing essential military capability;

(11) auctioning this band on a paired basis with the band between 2155–2180 MHz that was designated for auction under the Middle Class Tax Relief and Job Creation Act of 2012 would permit alignment with existing services, facilitate faster deployment of services, maximize efficient use of the spectrum, and yield more dollars in auction revenues than if the 1755–1780 MHz were auctioned by itself;

(12) the President should therefore expeditiously direct Federal users on the 1755–1780 MHz band to prepare, not later than May 31, 2013, a relocation plan that includes the costs of relocating from this band; and

(13) the Federal Communications Commission reallocate this band to commercial use and auction it on a paired basis with the band between 2155–2180 MHz.

**SA 3121.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XXVIII, add the following:

**SEC. 2844. ADDITIONAL EXEMPTIONS FROM CERTAIN REQUIREMENTS APPLICABLE TO FUNDING FOR DATA SERVERS AND CENTERS.**

Section 2867(c) of the Military Construction Authorization Act for Fiscal Year 2012 (division B of Public Law 112–81; 125 Stat. 1706; 10 U.S.C. 2223a note) is amended—

(1) by striking “EXCEPTION.—The Chief” and inserting the following: “EXCEPTIONS.—

“(1) EXEMPTION AUTHORITY.—The Chief”; and

(2) by inserting at the end the following new paragraph:

“(2) **HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM.**—This section does not apply to the high performance computing modernization program.”.

**SA 3122.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:



**SEC. 1246. SENSE OF THE SENATE ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) SENSE OF THE SENATE.—The Senate—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert the Senate of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or

other equipment depleted during the current conflict.

**SA 3123.** Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. SESSIONS, Mr. VITTER, and Mr. CORKER) proposed an amendment to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. BRIEFINGS AND CONSULTATIONS ON THE MILITARY IMPLICATIONS OF PROPOSALS OF THE UNITED STATES AND RUSSIA UNDER CONSIDERATION IN NEGOTIATIONS ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEM MATTERS.**

(a) BRIEFINGS AND CONSULTATIONS.—

(1) BRIEFINGS.—Not later than 30 days after the date of the enactment of this Act, and every 120 days thereafter, the Secretary of Defense shall, in coordination with the Chairman of the Joint Chiefs of Staff, provide to the appropriate committees of Congress a briefing on the military and strategic implications of any offer or proposal, by either the Russian Federation or the United States, to limit or control nuclear arms, missile defense systems, or long-range conventional strike systems, including any proposal as part of formal negotiations between the two countries or otherwise exchanged between official entities of the two countries.

(2) BASIS OF QUARTERLY CONSULTATIONS.—The briefings under paragraph (1) shall serve as the basis for quarterly consultations to be provided by the Secretary to the appropriate committees of Congress on any current proposals described in that paragraph.

(b) SENSE OF CONGRESS.—It is the sense of Congress that any agreement of the United States with the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems that would limit, constrain, or reduce the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section, 2, clause 2, of the Constitution of the United States, as consistent with section 303(b) of the Arms Control and Disarmament Act.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

**SA 3124.** Mr. BLUMENTHAL (for himself, Mr. PORTMAN, Mr. LIEBERMAN, Ms. COLLINS, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. LAUTENBERG, Mrs. HUTCHISON, Mr. RUBIO, Mr. BEGICH, and Mr. TESTER) submitted an amendment

intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

**Subtitle F—Ending Trafficking in Government Contracting**

**SEC. 891. SHORT TITLE.**

This subtitle may be cited as the “End Trafficking in Government Contracting Act of 2012”.

**SEC. 892. DEFINITIONS.**

In this subtitle:

(1) **COMMERCIAL SEX ACT.**—The term “commercial sex act” has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation).

(2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(3) **SUBCONTRACTOR.**—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) **SUBGRANTEE.**—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) **UNITED STATES.**—The term “United States” has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

**SEC. 893. CONTRACTING REQUIREMENTS.**

(a) **IN GENERAL.**—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking “if the grantee or any subgrantee,” and all that follows through the period at the end and inserting the following: “or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

“(i) severe forms of trafficking in persons;

“(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

“(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or

“(iv) acts that directly support or advance trafficking in persons, including the following acts:

“(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents without the employee's consent.

“(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—

“(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by



means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee’s monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.**

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative’s knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) **LIMITATION.**—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) **DISCLOSURE.**—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) **GUIDANCE.**—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum requirements for contractor plans and procedures to be implemented pursuant to this section.

(e) **REGULATIONS.**—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) **EFFECTIVE DATE.**—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that

is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

**SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.**

(a) **REFERRAL AND INVESTIGATION.**—

(1) **REFERRAL.**—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim’s representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency’s Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) **INVESTIGATION.**—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

(3) **CRIMINAL INVESTIGATION.**—If the matter is referred to the Department of Justice for criminal prosecution, the Inspector General may suspend any investigation under this subsection pending the outcome of the criminal prosecution. If the criminal investigation results in an indictment of the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, the Inspector General shall notify the head of the executive agency that awarded the contract, grant, or cooperative agreement of the indictment. If the criminal investigation results in a decision not to prosecute, the Inspector General shall resume any investigation that was suspended pursuant to this paragraph.

(b) **REPORT AND DETERMINATION.**—

(1) **REPORT.**—Upon completion of an investigation under subsection (a), the Inspector General shall submit a report on the investigation, including conclusions about whether the recipient of a grant, contract, or cooperative agreement; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, to the head of the executive agency that awarded the contract, grant, or cooperative agreement.

(2) **DETERMINATION.**—Upon receipt of an Inspector General’s report pursuant to paragraph (1), the head of the executive agency shall make a written determination whether

the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(c) **REMEDIAL ACTIONS.**—

(1) **IN GENERAL.**—If the head of an executive agency determines pursuant to subsection (b)(2) that the recipient of a contract, grant, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of a subgrantee or subcontractor, engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, or is notified of an indictment for an offense under subsection (a)(3), the head of agency shall consider taking one or more of the following remedial actions:

(A) Requiring the recipient to remove an employee from the performance of work under the grant, contract, or cooperative agreement.

(B) Requiring the recipient to terminate a subcontract or subgrant.

(C) Suspending payments under the grant, contract, or cooperative agreement until such time as the recipient of the grant, contract, or cooperative agreement has taken appropriate remedial action.

(D) Withholding award fees, consistent with the award fee plan, for the performance period in which the agency determined the contractor or subcontractor engaged in any of the activities described in such section 106(g).

(E) Declining to exercise available options under the contract.

(F) Terminating the contract for default or cause, in accordance with the termination clause for the contract.

(G) Referring the matter to the agency suspension and debarment official.

(2) **SAVINGS CLAUSE.**—Nothing in this subsection shall be construed as limiting the scope of applicable remedies available to the Federal Government.

(3) **MITIGATING FACTOR.**—Where applicable, the head of an executive agency may consider whether the contractor or grantee had a plan in place under section 894, and was in compliance with that plan at the time of the violation, as a mitigating factor in determining which remedies, if any, should apply.

(4) **AGGRAVATING FACTOR.**—Where applicable, the head of an executive agency may consider the failure of a contractor or grantee to abate an alleged violation or enforce the requirements of a compliance plan when directed by a contracting officer pursuant to subsection (a)(1) as an aggravating factor in determining which remedies, if any, should apply.

(d) **INCLUSION OF REPORT CONCLUSIONS IN FAPIIS.**—

(1) **IN GENERAL.**—The head of an executive agency shall ensure that any written determination under subsection (b) is included in the Federal Awardee Performance and Integrity Information System (FAPIIS).

(2) **AMENDMENT TO TITLE 41, UNITED STATES CODE.**—Section 2313(c)(1)(E) of title 41, United States Code, is amended to read as follows:

“(E) In an administrative proceeding—

“(i) a final determination of contractor fault by the Secretary of Defense pursuant to section 823(d) of the National Defense Authorization Act for Fiscal Year 2010 (10 U.S.C. 2302 note; Public Law 111-84); or

“(ii) a final determination, pursuant to section 895(b)(2) of the End Trafficking in

Government Contracting Act of 2012, that the contractor, a subcontractor, or an agent of the contractor or subcontractor engaged in any of the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)).”.

**SEC. 896. NOTIFICATION TO INSPECTORS GENERAL AND COOPERATION WITH GOVERNMENT.**

(a) IN GENERAL.—The head of an executive agency making or awarding a grant, contract, or cooperative agreement shall require that the recipient of the grant, contract, or cooperative agreement—

(1) immediately inform the Inspector General of the executive agency of any information it receives from any source that alleges credible information that the recipient; any subcontractor or subgrantee of the recipient; or any agent of the recipient or of such a subcontractor or subgrantee, has engaged in conduct described in section 106(g) of the Trafficking in Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3 of this Act; and

(2) fully cooperate with any Federal agencies responsible for audits, investigations, or corrective actions relating to trafficking in persons.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 897. EXPANSION OF FRAUD IN FOREIGN LABOR CONTRACTING TO INCLUDE WORK OUTSIDE THE UNITED STATES.**

(a) IN GENERAL.—Section 1351 of title 18, United States Code, is amended—

(1) by striking “Whoever knowingly” and inserting “(a) WORK INSIDE THE UNITED STATES.—Whoever knowingly”; and

(2) by adding at the end the following new subsection:

“(b) WORK OUTSIDE THE UNITED STATES.—Whoever knowingly and with intent to defraud recruits, solicits, or hires a person outside the United States or causes another person to recruit, solicit, or hire a person outside the United States, or attempts to do so, for purposes of employment performed on a United States Government contract performed outside the United States, or on a United States military installation or mission outside the United States or other property or premises outside the United States owned or controlled by the United States Government, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment, shall be fined under this title or imprisoned for not more than 5 years, or both.”.

(b) SPECIAL RULE FOR ALIEN VICTIMS.—No alien may be admitted to the United States pursuant to subparagraph (U) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) as a result of the alien being a victim of a crime described in subsection (b) of section 1351 of title 18, United States Code, as added by subsection (a).

**SEC. 898. IMPROVING DEPARTMENT OF DEFENSE ACCOUNTABILITY FOR REPORTING TRAFFICKING IN PERSONS CLAIMS AND VIOLATIONS.**

Section 105(d)(7)(H) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)(H)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) by redesignating clause (iii) as clause (iv);

(3) by inserting after clause (ii) the following new clause:

“(iii) all known trafficking in persons cases reported to the Under Secretary of Defense for Personnel and Readiness;”;

(4) in clause (iv), as redesignated by paragraph (2), by inserting “and” at the end after the semicolon; and

(5) by adding at the end the following new clause:

“(v) all trafficking in persons activities of contractors reported to the Under Secretary of Defense for Acquisition, Technology, and Logistics;”.

**SEC. 899. RULES OF CONSTRUCTION.**

(a) LIABILITY.—Excluding section 897, nothing in this subtitle shall be construed to supersede, enlarge, or diminish the common law or statutory liabilities of any grantee, subgrantee, contractor, subcontractor, or other party covered by section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893.

(b) AUTHORITY OF DEPARTMENT OF JUSTICE.—Nothing in this subtitle shall be construed as diminishing or otherwise modifying the authority of the Attorney General to investigate activities covered by this subtitle.

(c) PROSPECTIVE EFFECT.—Nothing in this subtitle, or the amendments made by this subtitle, shall be construed to apply to a contract or grant entered into or renewed before the date of the enactment of this subtitle.

**SA 3125.** Mr. BLUMENTHAL (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. LIMITED DECONTAMINATION AUTHORITY FOR PORTIONS OF FORMER NAVAL BOMBARDMENT AREA, CULEBRA ISLAND, PUERTO RICO.**

(a) DECONTAMINATION AUTHORITY.—Notwithstanding section 204(c) of the Military Construction Authorization Act, 1974 (Public Law 93-166; 87 Stat. 668), and paragraph 9 of the quitclaim deed relating to the transfer of the former bombardment area on the island of Culebra in the Commonwealth of Puerto Rico, the Secretary of Defense may authorize and conduct activities for the removal of unexploded ordnance and munitions scrap from those portions of the former bombardment area that were explicitly identified as having regular public access in the Department of Defense study entitled “Study Relating to the Presence of Unexploded Ordnance in a Portion of the Former Naval Bombardment Area of Culebra Island, Commonwealth of Puerto Rico” and dated April 20, 2012, which was prepared in accordance with section 2815 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4464).

(b) EXCEPTIONS.—In authorizing and conducting activities for the removal of unexploded ordnance and munitions scrap within the transferred former bombardment area, as authorized by subsection (a), the Secretary of Defense may exclude areas of dense vegetation and steep terrain that—

(1) make public access difficult and public use infrequent; and

(2) would severely hamper the effectiveness and increase the cost of removal activities.

(c) DEFINITIONS.—In this section:

(1) The term “quitclaim deed” refers to the quitclaim deed from the United States to the Commonwealth of Puerto Rico, signed by the Secretary of the Interior on August 11, 1982, for that portion of Tract (1b) consisting of the former bombardment area on the island of Culebra, Puerto Rico.

(2) The term “unexploded ordnance” has the meaning given that term by section 101(e)(5) of title 10, United States Code.

**SA 3126.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 723. UNIFIED MEDICAL COMMAND.**

(a) UNIFIED COMBATANT COMMAND.—

(1) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by inserting after section 167a the following new section:

**“§ 167b. Unified combatant command for medical operations**

“(a) ESTABLISHMENT.—With the advice and assistance of the Chairman of the Joint Chiefs of Staff, the President, through the Secretary of Defense, shall establish under section 161 of this title a unified command for medical operations (in this section referred to as the ‘unified medical command’). The principal function of the command is to provide medical services to the armed forces and other health care beneficiaries of the Department of Defense as defined in chapter 55 of this title.

“(b) ASSIGNMENT OF FORCES.—In establishing the unified medical command under subsection (a), all active military medical treatment facilities, training organizations, and research entities of the armed forces shall be assigned to such unified command, unless otherwise directed by the Secretary of Defense.

“(c) GRADE OF COMMANDER.—The commander of the unified medical command shall hold the grade of general or, in the case of an officer of the Navy, admiral while serving in that position, without vacating the member’s permanent grade. The commander of such command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such command shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37. During the five-year period beginning on the date on which the Secretary establishes the command under subsection (a), the commander of such command shall be exempt from the requirements of section 164(a)(1) of this title.

“(d) SUBORDINATE COMMANDS.—(1) The unified medical command shall have the following subordinate commands:

“(A) A command that includes all fixed military medical treatment facilities, including elements of the Department of Defense that are combined, operated jointly, or otherwise operated in such a manner that a

medical facility of the Department of Defense is operating in or with a medical facility of another department or agency of the United States.

“(B) A command that includes all medical training, education, and research and development activities that have previously been unified or combined, including organizations that have been designated as a Department of Defense executive agent.

“(C) The Defense Health Agency established under subsection (f).

“(2) The commander of a subordinate command of the unified medical command shall hold the grade of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the member's permanent grade. The commander of such a subordinate command shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The commander of such a subordinate command shall also be required to be a surgeon general of one of the military departments.

“(e) **AUTHORITY OF COMBATANT COMMANDER.**—(1) In addition to the authority prescribed in section 164(c) of this title, the commander of the unified medical command shall be responsible for, and shall have the authority to conduct, all affairs of such command relating to medical operations activities.

“(2) The commander of such command shall be responsible for, and shall have the authority to conduct, the following functions relating to medical operations activities (whether or not relating to the unified medical command):

“(A) Developing programs and doctrine.

“(B) Preparing and submitting to the Secretary of Defense program recommendations and budget proposals for the forces described in subsection (b) and for other forces assigned to the unified medical command.

“(C) Exercising authority, direction, and control over the expenditure of funds—

“(i) for forces assigned to the unified medical command;

“(ii) for the forces described in subsection (b) assigned to unified combatant commands other than the unified medical command to the extent directed by the Secretary of Defense; and

“(iii) for military construction funds of the Defense Health Program.

“(D) Training assigned forces.

“(E) Conducting specialized courses of instruction for commissioned and noncommissioned officers.

“(F) Validating requirements.

“(G) Establishing priorities for requirements.

“(H) Ensuring the interoperability of equipment and forces.

“(I) Monitoring the promotions, assignments, retention, training, and professional military education of medical officers described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(3) The commander of such command shall be responsible for the Defense Health Program, including the Defense Health Program Account established under section 1100 of this title.

“(f) **DEFENSE HEALTH AGENCY.**—(1) In establishing the unified medical command under subsection (a), the Secretary shall also establish under section 191 of this title a defense agency for health care (in this section referred to as the ‘Defense Health Agency’), and shall transfer to such agency the organization of the Department of Defense referred

to as the TRICARE Management Activity and all functions of the TRICARE Program (as defined in section 1072(7) of this title).

“(2) The director of the Defense Health Agency shall hold the rank of lieutenant general or, in the case of an officer of the Navy, vice admiral while serving in that position, without vacating the member's permanent grade. The director of such agency shall be appointed to that grade by the President, by and with the advice and consent of the Senate, for service in that position. The director of such agency shall be a member of a health profession described in paragraph (1), (2), (3), (4), (5), or (6) of section 335(j) of title 37.

“(g) **REGULATIONS.**—In establishing the unified medical command under subsection (a), the Secretary of Defense shall prescribe regulations for the activities of the unified medical command.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 6 of such title is amended by inserting after the item relating to section 167a the following new item:

“167b. Unified combatant command for medical operations.”.

(b) **PLAN, NOTIFICATION, AND REPORT.**—

(1) **PLAN.**—Not later than July 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan to establish the unified medical command authorized under section 167b of title 10, United States Code, as added by subsection (a), including any legislative actions the Secretary considers necessary to implement the plan.

(2) **NOTIFICATION.**—The Secretary shall submit to the congressional defense committees written notification of the time line of the Secretary to establish the unified medical command under such section 167b by not later than the date that is 30 days before establishing such command.

(3) **REPORT.**—Not later than 180 days after submitting the notification under paragraph (2), the Secretary shall submit to the congressional defense committees a report on—

(A) the establishment of the unified medical command; and

(B) the establishment of the Defense Health Agency under subsection (f) of such section 167b.

**SA 3127.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 723. SUPPORT OF MULTI-DISCIPLINARY RESEARCH INTO TRANSLATIONAL MEDICINE FOR DIAGNOSIS AND TREATMENT OF POST-TRAUMATIC STRESS DISORDER, TRAUMATIC BRAIN INJURY, AND OTHER NEUROLOGICAL CONDITIONS SUFFERED BY MEMBERS OF THE ARMED FORCES.**

(a) **PROGRAM OF SUPPORT AUTHORIZED.**—The Secretary of Defense may carry out a program to provide support for multi-disciplinary research into translational medicine for the diagnosis and treatment of Post-Traumatic Stress Disorder (PTSD), Traumatic Brain Injury (TBI), and other neuro-

logical conditions suffered by members of the Armed Forces. The program shall be carried out by the Bureau of Medicine and Surgery (BUMED) of the Navy.

(b) **ELEMENTS.**—As part of the program authorized by subsection (a), the Secretary may—

(1) establish, or authorize the participation of appropriate elements of the Department of Defense in, a nationwide scientific consortium aimed at integrating research on nanotechnology, stem cells, cellular therapy, medical imaging, electronic medical records, information technology and medical devices, and other appropriate matters into the translation medicine described in subsection (a); and

(2) provide capabilities to permit researchers, scientists, surgeons, physicians, healthcare professionals, and patients to effectively communicate the findings and outcomes of research under the program into such translational medicine in a manner that enhances such medicine through real-time access to information and integration between researchers, physicians, hospitals, and patients.

(c) **REPORT.**—If the Secretary elects to carry out the program authorized by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives, not later than 90 days after the date of the enactment of this Act, a report setting forth a plan for the establishment and discharge of the program.

(d) **FUNDING.**—Amounts authorized to be appropriated for fiscal year 2013 by section 1403 and available for Defense Health Program may be used for the program authorized by subsection (a).

**SA 3128.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.**

(a) **BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.**—

(1) **ESTABLISHMENT.**—Chapter 2 of title 10, United States Code, is amended by inserting after section 118b the following new section:

**“§ 118c. Bipartisan independent strategic review panel**

“(a) **ESTABLISHMENT.**—There is established a bipartisan independent strategic review panel (in this section referred to as the ‘Panel’) to conduct a regular review of the national defense strategic environment of the United States and to conduct an independent assessment of the quadrennial defense review required under section 118 of this title.

“(b) **MEMBERSHIP.**—

“(1) **APPOINTMENT.**—The Panel shall be composed of 12 members from civilian life with a recognized expertise in national security matters who shall be appointed as follows:

“(A) Four members shall be appointed by the Secretary of Defense, of whom not more than three members shall be of the same political party.

“(B) Two members shall be appointed by the chair of the Committee on Armed Services of the House of Representatives.

“(C) Two members shall be appointed by the chair of the Committee on Armed Services of the Senate.

“(D) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

“(E) Two members shall be appointed by the ranking minority member of the Committee on Armed Services of the Senate.

“(2) INITIAL MEMBERS: APPOINTMENT DATE AND TERM OF SERVICE.—

“(A) APPOINTMENT DATE.—The initial members of the Panel shall be appointed under paragraph (1) not later than January 30, 2013.

“(B) TERMS.—(i) The Secretary of Defense shall designate two initial members of the Panel appointed under paragraph (1)(A) to serve terms that expire on December 31, 2013, and two such initial members to serve terms that expire on December 31, 2014.

“(ii) The chair of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(B) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(iii) The chair of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(C) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(iv) The ranking minority member of the Committee on Armed Services of the House of Representatives shall designate one initial member of the Panel appointed under paragraph (1)(D) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(v) The ranking minority member of the Committee on Armed Services of the Senate shall designate one initial member of the Panel appointed under paragraph (1)(E) to serve a term that expires on December 31, 2013, and one such initial member to serve a term that expires on December 31, 2014.

“(3) CHAIRS.—The Secretary of Defense shall designate two members appointed pursuant to paragraph (1)(A) that are not of the same political party to serve as the Chairs of the Panel.

“(4) VACANCIES.—(A) A vacancy in the Panel shall be filled in the same manner as the original appointment and not later than 30 days after the date on which the vacancy begins.

“(B) A member of the Panel appointed to fill a vacancy shall be appointed for a term that expires—

“(i) in the case of an appointment to fill a vacancy resulting from a person not serving the entire term for which such person was appointed, at the end of the remainder of such term; and

“(ii) in the case of an appointment to fill a vacancy resulting from the expiration of the term of a member of the panel, two years after the date on which the term of such member expired.

“(5) REAPPOINTMENT.—Members of the Panel may be reappointed to the Panel for additional terms of service.

“(6) PAY.—The members of the Panel shall serve without pay

“(7) TRAVEL EXPENSES.—Each member of the Panel shall receive travel expenses, including per diem in lieu of subsistence, in ac-

cordance with applicable provisions under subchapter I of chapter 57 of title 5.

“(c) DUTIES.—

“(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—The Panel shall every four years, during a year following a year evenly divisible by four, review the national defense strategic environment of the United States. Such review shall include a review and assessment of—

“(A) the national defense environment, including challenges and opportunities;

“(B) the national defense strategy and policy;

“(C) the national defense roles, missions, and organizations; and

“(D) the risks to the national defense of the United States and how such risks affect challenges and opportunities to national defense.

“(2) ADDITIONAL REVIEWS.—The Panel may conduct additional reviews under paragraph (1) as requested by Congress or the Secretary of Defense, or when the Panel determines a significant change in the national defense environment has occurred that would warrant new recommendations from the Panel.

“(3) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—The Panel shall conduct an assessment of each quadrennial defense review required to be conducted under section 118 of this title. Each assessment shall include—

“(A) a review of the Secretary of Defense's terms of reference, and any other materials providing the basis for, or substantial inputs to, the work of the Department of Defense on such quadrennial defense review;

“(B) an assessment of the assumptions, strategy, findings, and risks in the report of the Secretary of Defense on such quadrennial defense review required under section 118(d) of this title, with particular attention paid to the risks described in such a report;

“(C) an independent assessment of a variety of possible force structures for the armed forces, including the force structure identified in the report required under such section 118(d); and

“(D) a review of the resource requirements identified in such quadrennial defense review pursuant to section 118(b)(3) of this title and, to the extent practicable, a general comparison of such resource requirements with the resource requirements to support the forces contemplated under the force structures assessed under subparagraph (C).

“(d) ADMINISTRATIVE PROVISIONS.—

“(1) STAFF.—

“(A) IN GENERAL.—The Chairs of the Panel may, without regard to the civil service laws and regulations, appoint and terminate an executive director and not more than 11 additional personnel, as may be necessary to enable the Panel to perform the duties of the Panel.

“(B) COMPENSATION.—The Chairs of the Panel may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 relating to the classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

“(2) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Panel without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

“(3) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairs of the

Panel may procure temporary and intermittent services under section 3109(b) of title 5 at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title.

“(4) PROVISION OF INFORMATION.—The Panel may request directly from the Department of Defense and any of its components such information as the Panel considers necessary to carry out its duties under this section. The head of the department or agency concerned shall cooperate with the Panel to ensure that information requested by the Panel under this paragraph is promptly provided to the maximum extent practical.

“(5) USE OF CERTAIN DEPARTMENT OF DEFENSE RESOURCES.—Upon the request of the Chairs of the Panel, the Secretary of Defense shall make available to the Panel the services of any Federally-funded research and development center that is covered by a sponsoring agreement of the Department of Defense.

“(6) FUNDING.—Funds for activities of the Panel shall be provided from amounts available to the Department of Defense.

“(e) REPORTS.—

“(1) REVIEW OF NATIONAL DEFENSE STRATEGIC ENVIRONMENT.—Not later than June 30 of a year following a year evenly divisible by four, the Panel shall submit to the congressional defense committees, the Secretary of Defense, and the National Security Council a report containing the results of the review conducted under subsection (c)(1) and any recommendations or other matters that the Panel considers appropriate.

“(2) ASSESSMENT OF QUADRENNIAL DEFENSE REVIEW.—Not later than 90 days after the date on which a report on a quadrennial defense review is submitted to Congress under section 118(d) of this title, the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the results of the assessment conducted under subsection (c)(3) and any recommendations or other matters that the Panel considers appropriate.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 2 of such title is amended by inserting after the item relating to section 118b adding at the end the following new item:

“118c. Bipartisan independent strategic review panel.”

(b) UPDATES FROM SECRETARY OF DEFENSE ON PROGRESS OF QUADRENNIAL DEFENSE REVIEW.—Section 118(f) of title 10, United States Code, is amended to read as follows:

“(f) UPDATES TO BIPARTISAN INDEPENDENT STRATEGIC REVIEW PANEL.—The Secretary of Defense shall ensure that periodically, but not less often than every 60 days, or at the request of the Chairs of the bipartisan independent strategic review panel established by section 118c(a) of this title, the Department of Defense briefs the panel on the progress of the conduct of a quadrennial defense review under subsection (a).”

(c) BIPARTISAN INDEPENDENT STRATEGIC REVIEW OF THE ARMY.—

(1) REVIEW REQUIRED.—Not later than 30 days after the date on which all initial members of the bipartisan independent strategic review panel are appointed under section 118c(b) of title 10, United States Code (as added by subsection (a)), the Panel shall begin a review of the future of the Army.

(2) ELEMENTS.—The review required under paragraph (1) shall include a review and assessment of—

(A) the validity and utility of the scenarios and planning assumptions the Army used to

develop the current force structure of the Army;

(B) such force structure and an evaluation of the adequacy of such force structure for meeting the goals of the national military strategy of the United States;

(C) the size and structure of elements of the Army, in particular the United States Army Training and Doctrine Command, the United States Army Materiel Command, and corps and higher headquarters elements;

(D) potential alternative force structures of the Army; and

(E) the resource requirements of each of the alternative force structures analyzed by the Panel.

(3) REPORT.—

(A) PANEL REPORT.—Not later than one year after the date on which the Panel begins the review required by paragraph (1), the Panel shall submit to the congressional defense committees and the Secretary of Defense a report containing the findings and recommendations of the Panel, including any recommendations concerning changes to the planned size and composition of the Army.

(B) ADDITIONAL VIEWS.—The report required by subparagraph (A) shall include any additional or dissenting views of a member of the Panel that such member considers appropriate to include in the report.

(4) DEFINITIONS.—In this subsection:

(A) The term “Army” includes the reserve components of the Army.

(B) The terms “bipartisan independent strategic review panel” and “Panel” mean the bipartisan independent strategic review panel established by section 118(c) of title 10, United States Code (as so added).

**SA 3129.** Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. OUTREACH ON AVAILABILITY OF EDUCATIONAL AND VOCATIONAL COUNSELING.**

(a) OUTREACH.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement an outreach plan to better inform veterans about the availability of counseling services under section 3697A of title 38, United States Code, in order to achieve higher rates of utilization of such counseling services.

(2) ELEMENTS.—The plan required by paragraph (1) shall include the following:

(A) A more prominent notice on the Internet website of the Department of Veterans Affairs of the availability of such counseling services.

(B) Use of social media and veterans service organizations.

(C) Inclusion of information regarding such counseling services in appropriate mailings from the Department.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee

on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a detailed report on the counseling services provided under section 3697A of title 38, United States Code.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of veterans who requested counseling services under such section in fiscal years 2010, 2011, and 2012.

(B) Specifics regarding the information that is provided to veterans as part of such counseling services, including any data provided on educational institutions.

(C) Results of satisfaction surveys submitted by individuals who have utilized such counseling services at any time during the three-year period ending on the date of the enactment of this Act for each individual contractor who provided such counseling services on behalf of the Secretary and a description of any action taken by the Secretary with regard to specific contractors as a result of such satisfaction surveys.

(D) A description of the actions the Secretary intends to undertake to increase the usage, availability, and quality of such counseling services carried out through contractors.

(E) Recommendations for such legislative and administration action as the Secretary considers necessary to increase the usage and availability of such counseling services.

**SEC. 1085. VETERANS' EDUCATION CONSUMER COMPLAINT TRACKING SYSTEM.**

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section:

**“§ 3693A. Complaint tracking system**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a system to collect, process, and track complaints submitted to the Secretary by individuals who are enrolled in programs of education at educational institutions to report instances of fraud, waste, and abuse by such institutions with respect to the benefits and services provided by such institutions to such individuals.

“(b) REQUIREMENTS.—This system established under subsection (a) shall meet the following requirements:

“(1) The system shall create an individual case number for each complaint processed and tracked in the system.

“(2) The system shall allow for the reporting of complaints, disaggregated by educational institution.

“(3) The system shall allow for the reporting of complaints, disaggregated by topic or subject matter.

“(4) The system shall allow for the submission of complaints by—

“(A) Internet website; and

“(B) telephone via a toll-free number that is available every day at all hours.

“(5) The system shall allow for the sharing of complaints with and between the following:

“(A) The educational institutions that are the subjects of the complaints.

“(B) The Secretary of Education.

“(C) The Secretary of Defense.

“(D) State approving agencies.

“(E) Nationally or regionally recognized accrediting agencies and associations.

“(F) Such other Federal agencies as the Secretary of Veterans Affairs considers appropriate.

“(c) OUTREACH.—(1) The Secretary shall conduct such outreach as may be necessary to inform individuals described in subsection

(a) of the system and process established under such subsection.

“(2) In conducting outreach under paragraph (1), the Secretary shall advise individuals of the kinds of complaints that are appropriate for submittal for inclusion in the system established under subsection (a).

“(d) CONSIDERATION.—Whenever the Secretary considers whether to approve a course of education of an educational institution under this chapter, the Secretary shall review and take into consideration the complaints processed and tracked by the system established under subsection (a) regarding the educational institution.

“(e) PRIVACY.—(1) Whenever a complaint is shared under subsection (b)(5), the complaint shall be anonymized, unless the complainant gives permission to the Secretary to share the complainant's identity.

“(2) The Secretary may not share a complaint under subsection (b)(5) with an educational institution if the complainant requests that such complaint not be shared with an educational institution.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

“3693A. Complaint tracking system.”.

**SA 3130.** Mr. LAUTENBERG (for himself and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Division A, add the following:

**TITLE XVIII—VETERANS EDUCATION ASSISTANCE**

**SEC. 1801. REQUIREMENT FOR PROVISION OF EDUCATIONAL COUNSELING TO INDIVIDUALS BEFORE SUCH INDIVIDUALS RECEIVE EDUCATIONAL ASSISTANCE PROVIDED UNDER LAWS ADMINISTERED BY SECRETARY OF VETERANS AFFAIRS.**

(a) IN GENERAL.—Section 3697A of title 38, United States Code, is amended—

(1) by redesignating subsections (c) through (e) as subsections (d) through (f), respectively; and

(2) by inserting after subsection (b) the following new subsection (c):

“(c)(1) Except as provided in paragraph (2), in the case of an individual described in subsection (b)(1), the counseling services described in subsection (a) shall be required to be provided to the individual before the individual receives the educational assistance described in such subsection.

“(2) The requirement to provide counseling services under paragraph (1) shall not apply with respect to an individual described in such paragraph who communicates to the Secretary, before receiving educational assistance described in such paragraph, that the individual declines the counseling services provided under such paragraph.

“(3) For each individual to whom the Secretary provides counseling services under paragraph (1), the Secretary shall provide to the individual, as part of such services and to the degree that information necessary to carry out this paragraph is available to the Secretary, the following:

“(A) An explanation of the different types of accreditation and State certification and

licensure available to educational institutions and programs of education and a discussion of how such accreditation, certification, and licensure can be important for meeting preconditions of employment.

“(B) A discussion of how the various policies of educational institutions regarding the transfer of academic credit can affect the individual and what kinds of issues are commonly encountered by students trying to transfer academic credit.

“(C) An overview of Federal student aid programs, the implications of incurring student loan debt, and discussion of how receipt of Federal student aid can enable a student to complete a program of education without incurring significant educational debt.

“(D) An assessment of the type and amount of educational assistance available to the individual under Federal law and under the laws of the State in which the individual resides and of any other State of the individual's choosing.

“(E) A discussion of the important role that academic planning plays in completing a program of study.

“(F) A comprehensive list of educational institutions located in the State in which the individual resides and in any other State of the individual's choosing.

“(G) For each educational institution listed under subparagraph (F), the following information, if available, in a format that allows for easy comparison of educational institutions:

“(i) Whether financial assistance is available to a student enrolled in a program of education at the educational institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(ii) The number of veterans enrolled in a program of education at the educational institution who received educational assistance under a law administered by the Secretary in the most recently completed academic year.

“(iii) A list of—

“(I) academic and student support services provided by the educational institution to students enrolled in programs of education at the educational institution, including job placement and career counseling services; and

“(II) special services or benefits currently provided by the educational institution that address the unique needs of veterans.

“(iv) With respect to the 3-year period ending at the end of the most recently completed academic year, the median amount of student loan debt held upon completion of a program of education at the educational institution by veterans described in clause (ii).

“(v) The cohort default rate, as defined in section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)), of the educational institution.

“(vi) With respect to the 3-year period ending at the end of the most recently completed academic year—

“(I) the average number of veterans who received a degree or certificate from the educational institution for completing a program of education;

“(II) the average number of people who received a degree or certificate from the educational institution for completing a program of education;

“(III) the average number of veterans enrolled in programs of education at the educational institution; and

“(IV) the average number of people enrolled in programs of education at the educational institution.

“(vii) In the case of an educational institution that offers a program of education de-

signed to prepare people for a State licensure exam, the percentage of such students who take and pass such exam.

“(viii) For each program of education at the educational institution, the average amount of tuition and fees the educational institution charges a student for completing the program of education within normal time (as defined in section 668.41(a) of title 34, Code of Federal Regulations (or any corresponding similar regulation or ruling)), the typical costs for books and supplies (unless those costs are included as part of tuition and fees), and the cost of room and board, if applicable, and a calculation of how much of such costs can be covered by educational assistance available to the individual under laws administered by the Secretary.

“(ix) A description of the status of the accreditation of the educational institution and each program of education offered by the educational institution.

“(x) The median, for all veterans described in subsection (b)(1) who complete a program of education at the education institution that is an eligible program of training to prepare students for employment in a recognized occupation, of the duration of each period beginning on the date on which a veteran completes a program of education at the educational institution and the date on which the veteran first obtains employment after completing such program.

“(xi) The median, for all people who complete a program of education at the educational institution that is an eligible program of training to prepare students for employment in a recognized occupation, of the duration of each period beginning on the date on which a person completes a program of education at the educational institution and the date on which the person first obtains employment after completing such program.

“(xii) The percentages of veterans and the percentages of people enrolled in programs of education at the educational institution who obtain a degree or certificate within—

“(I) the normal time for completion of, or graduate from, the veteran's or person's program, as the case may be;

“(II) 150 percent of the normal time for completion of, or graduation from, the veteran's or person's program, as the case may be; and

“(III) 200 percent of the normal time for completion of, or graduation from, the veteran's or person's program, as the case may be.

“(xiii) The number of students enrolled in a program of education at the educational institution and the number of such students who submit a complaint to the Secretary under section 3693A(a) of this title.

“(xiv) Whether the educational institution has been reported by a Federal or State agency or a nationally or regionally recognized accrediting agency or association as failing to comply with, or has a significant risk of failing to comply with, a provision of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(xv) A description of the topics or subjects of the 3 most numerous complaints filed during the most recent 3-year period under section 3693A of this title with respect to the educational institution.

“(xvi) With respect to each of clauses (i) through (xiv), how the educational institution compares with other educational institutions as follows:

“(I) If the educational institution is a 4-year educational institution, how the educational institution compares with the average of all 4-year educational institutions.

“(II) If the educational institution is a 2-year educational institution, how the educational institution compares with the average of all 2-year educational institutions.

“(III) If the educational institution is a less than 2-year educational institution, how the educational institution compares with the average of all less than 2-year educational institutions.

“(xvii) Such other information as the Secretary considers appropriate to assist the individual in selecting an educational institution or training establishment as described in subsection (a)(1).

“(4) To the extent such information is already available to the agencies, the Secretary shall collect such information as the Secretary requires to carry paragraph (3) from the Secretary of Education, the Secretary of Defense, and the heads of such other Federal agencies as the Secretary considers appropriate.

“(5) The Secretary shall make available to the public on an Internet website such information provided under paragraph (3) as the Secretary considers appropriate.

“(6) Making information available under paragraphs (3) and (5) shall not be required in a case in which the number of students in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about a student.”.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act and subsection (c) of section 3697A of such title, as added by such subsection, shall apply with respect to individuals who apply for educational assistance described in subsection (b)(1) of such section on or after such date.

**SEC. 1802. REPEAL OF LIMITATION ON PAYMENTS FOR CONTRACT EDUCATIONAL AND VOCATIONAL COUNSELING PROVIDED BY SECRETARY OF VETERANS AFFAIRS.**

Section 3697 of title 38, United States Code, is amended—

(1) by striking subsection (b); and

(2) in subsection (a), by striking “(a) Subject to subsection (b) of this section, educational” and inserting “Educational”.

**SEC. 1803. VETERANS' EDUCATION CONSUMER COMPLAINT TRACKING SYSTEM.**

(a) IN GENERAL.—Chapter 36 of title 38, United States Code, is amended by inserting after section 3693 the following new section:

**“§ 3693A. Complaint tracking system**

“(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this section, the Secretary shall establish a system to collect, process, and track complaints submitted to the Secretary by individuals receiving educational assistance under laws administered by the Secretary who are enrolled in programs of education at educational institutions to report instances of fraud, waste, and abuse by such institutions with respect to the benefits and services provided by such institutions to such individuals.

“(b) REQUIREMENTS.—This system established under subsection (a) shall meet the following requirements:

“(1) The system shall create an individual case number for each complaint processed and tracked in the system.

“(2) The system shall allow for the reporting of complaints, disaggregated by educational institution.

“(3) The system shall allow for the reporting of complaints, disaggregated by topic or subject matter.

“(4) The system shall allow for the submission of complaints by—



“(A) Internet website; and  
 “(B) telephone via a toll-free number that is available every day at all hours.

“(5) The system shall allow for the sharing of complaints with the following:

“(A) The educational institutions that are the subjects of the complaints.

“(B) The Secretary of Education.

“(C) The Secretary of Defense.

“(D) State approving agencies.

“(E) Nationally or regionally recognized accrediting agencies and associations.

“(F) Such other Federal agencies as the Secretary of Veterans Affairs considers appropriate.

“(c) OUTREACH.—The Secretary shall conduct such outreach as may be necessary to inform individuals described in subsection (a) of the system and process established under such subsection.

“(d) CONSIDERATION BY STATE APPROVING AGENCIES.—Whenever a State approving agency considers whether to approve a course of education of an educational institution under this chapter, the State approving agency shall review and take into consideration the complaints processed and tracked by the system established under subsection (a) regarding the educational institution.

“(e) PRIVACY.—(1) Whenever a complaint is shared under subsection (b)(5), the complaint shall be anonymized, unless the complainant gives permission to the Secretary to share the complainant's identity.

“(2) The Secretary may not share a complaint under subsection (b)(5) with an educational institution if the complainant requests that such complaint not be shared with an educational institution.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3693 the following new item:

“3693A. Complaint tracking system.”.

**SA 3131.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the Army's M16 rifle, M4 carbine, M9 pistol, and M249 light machine gun to other rifles, carbines, pistols, and machine guns in use by special operations forces, foreign militaries, and available commercially.

(B) An assessment of the Army's current plans to modernize its small arms rifle, pistol, and light machine gun inventories.

(C) A comparative evaluation of the Army's standard ammunition with other ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) The operational environment in Operations Iraqi Freedom and Enduring Freedom.  
 (B) Future operating environments as specified or referred to in Department of Defense strategic planning documents.

(C) Modifications and improvements recently introduced to the M16, M4, and M249, as well as their potential for continued development.

(D) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing—

(A) the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study; and

(B) comments of the Secretary of the Army on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) SMALL ARMS AND AMMUNITION DEFINED.—In this section, the term “small arms and ammunition” means firearms up to and including .50 caliber and shotguns and ammunition or ordnance for such firearms.

**SA 3132.** Mr. COONS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. TECHNICAL AMENDMENTS RELATING TO THE TERMINATION OF THE ARMED FORCES INSTITUTE OF PATHOLOGY UNDER DEFENSE BASE CLOSURE AND REALIGNMENT.**

Section 177 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking “those professional societies” and all that follows through “the Armed Forces Institute of Pathology” and inserting “the professional societies and organizations that support the activities of the American Registry of Pathology”; and

(B) in paragraph (3), by striking “with the concurrence of the Director of the Armed Forces Institute of Pathology”;

(2) in subsection (b)—

(A) by striking paragraph (1);

(B) by redesignating paragraphs (2), (3), (4), and (5) as paragraphs (1), (2), (3), and (4), respectively; and

(C) in paragraph (2), as redesignated by subparagraph (B)—

(i) by striking “accept gifts and grants from and”; and

(ii) by inserting “and accept gifts and grants from such entities” before the semicolon; and

(3) in subsection (d), by striking “to the Director” and all that follows through “it deems desirable,” and inserting “annually to its Board and supporting organizations referred to in subsection (a)(2)”.

**SA 3133.** Ms. SNOWE (for herself, Ms. LANDRIEU, Mr. COBURN, and Mr. KERRY) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.**

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—

(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iii) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”; and

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”; and

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business



Act (15 U.S.C. 648), insofar as such center of fers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) **FOOD, CONSERVATION, AND ENERGY ACT OF 2008.**—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) **VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.**—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the National Veterans Business Development Corporation, develop” and inserting “Develop”.

**SA 3134.** Mr. DEMINT (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1233. REPORT ON ATTACKS ON UNITED STATES MISSIONS IN LIBYA, EGYPT, AND YEMEN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Congress condemns in the strongest terms possible the attacks on the United States diplomatic missions in Libya, Egypt, and Yemen.

(2) The American people mourn the loss of our selfless public servants and offer our heartfelt condolences to the families of those killed in Benghazi, Libya.

(b) **REPORTS ON ATTACKS AT UNITED STATES MISSIONS IN LIBYA, EGYPT, AND YEMEN.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the September 11, 2012, attack on the United States Consulate in Benghazi, Libya, the attacks on the United States Embassy in Cairo, Egypt, that began on September 11, 2012, the September 13, 2012, attack on the United States Embassy in Sana’a, Yemen, and the state of security at United States diplomatic missions globally.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) An accounting of the events that occurred beginning on September 11, 2012, at the United States Embassy in Cairo, Egypt, and the United States Consulate in Benghazi, Libya, and on September 13, 2012, at the United States Embassy in Sana’a Yemen.

(B) An accounting of whether the United States Government had actionable intelligence before the attacks on the United States Embassy in Cairo, the United States Consulate in Benghazi, and the United States Embassy in Sana’a, including recommendations for changes in resources, collection, and analysis in the future.

(C) A statement on and assessment of the responsiveness of the respective govern-

ments’ security forces once the attacks began.

(D) An assessment of the diplomatic security response in each of the affected locations and whether different actions could have prevented or mitigated the attacks.

(E) An assessment of the level of cooperation by the Governments of Egypt, Libya, and Yemen into the investigations of the attacks and their efforts to find and hold responsible the perpetrators involved.

(F) An assessment of the state of security at United States embassies and consulates globally.

(G) An annex to include all cables, emails, and other communications regarding the security situation in Benghazi prior to and since the attack on the United States consulate and annex facility.

(c) **REPORT ON RECOMMENDED CHANGES TO SECURITY PROCEDURES AT UNITED STATES EMBASSIES AND CONSULATES.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate congressional committees a report containing recommendations for improving security operations at United States embassies and consulates globally.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) Recommendations for improving the hiring and training of security personnel at United States embassies and consulates globally.

(B) Recommendations for improving the collection and sharing of intelligence on credible threats to United States embassies and consulates globally.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) **FORM.**—The reports submitted under subsections (b) and (c) shall be submitted in unclassified form, but may contain a classified annex.

**SA 3135.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 502, line 7, strike “2013” and insert “2014”.

**SA 3136.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 506, beginning on line 2, strike “Air Force assigned to” and all that follows

through line 4 and insert the following: “Air Force, the Air National Guard, or the Air Force Reserve as of May 31, 2012, including any activities carried out pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”.

**SA 3137.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

**SEC. 1711. RETENTION OF LEADERSHIP RANK, AIRCRAFT, AND CORE FUNCTIONS OF THE 354TH FIGHTER WING AND THE 18TH AGGRESSOR SQUADRON AT EIELSON AIR FORCE BASE, ALASKA.**

(a) **IN GENERAL.**—The Secretary of the Air Force shall retain the current leadership rank, aircraft and core functions of the 354th Fighter Wing and the 18th Aggressor Squadron at Eielson Air Force Base, Alaska, with the same integrated mission elements, responsibilities, and capabilities as existed as of November 1, 2011, until the later of—

(1) October 1, 2013; or

(2) the date that is 180 days after the National Commission on the Structure of the Air Force submits to the congressional defense committees the report required under section 1703.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to relieve the Secretary of the Air Force of the obligation to comply with any other conditions precedent in law or regulation which govern any proposed modification to current operations at Eielson Air Force Base after the dates referred to in paragraphs (1) and (2) of subsection (a).

**SA 3138.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. INCLUSION OF CERTAIN PSYCHOLOGISTS AS QUALIFIED TO SERVE AS PSYCHOLOGISTS UNDER THE TRICARE PROGRAM.**

(a) **IN GENERAL.**—Notwithstanding any other provision of law, Psychological Associates, licensed by the State of Alaska, shall be treated as psychologists for purposes of participation in the TRICARE program while providing services within their lawful scope of practice to eligible beneficiaries under the TRICARE program in the State of Alaska.

(b) **TRICARE PROGRAM DEFINED.**—In this section, the term “TRICARE program” has the meaning given that term in section 1072(7) of title 10, United States Code.

**SA 3139.** Mr. BARRASSO (for himself, Mr. LEE, and Mr. INHOFE) submitted an amendment intended to be

proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. STATUS OF PALESTINIAN MISSION TO UNITED NATIONS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Oslo II Agreement, Wye River Memo, and Sharm el-Sheikh Memo all prohibit either party from ‘chang[ing] the status of the West Bank and the Gaza Strip’ prior to the completion of permanent status negotiations.

(2) According to the Congressional Research Service, the United States has committed over \$4,000,000,000 in bilateral assistance to the Palestinians since the mid-1990s.

(3) According to at least one media report, the number of rockets and mortars fired at Israel from Gaza as of November 22, 2012, is more than 2,300.

(b) REDUCED ASSISTANCE TO PALESTINIAN AUTHORITY FOR UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall reduce by 50 percent the total United States assistance provided to the Palestinian Authority if it seeks at any time after November 25, 2012, at the United Nations General Assembly or any other United Nations entity status different than the status it held on November 25, 2012.

(c) REDUCED ASSISTANCE TO ANY UNITED NATIONS ENTITY UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall withhold 50 percent of the total appropriated contributions to any United Nations entity if that entity grants at any time after November 25, 2012, to the Palestinian mission a status different than the status the Palestinian mission held on November 25, 2012.

(d) REDUCED ASSISTANCE TO COUNTRIES UNDERMINING ISRAELI-PALESTINIAN PERMANENT STATUS NEGOTIATIONS.—The President shall reduce by 20 percent the total United States assistance provided to any country voting after November 25, 2012, at the United Nations in favor of—

(1) granting a Palestinian entity status as a Member State;

(2) granting a Palestinian entity observer status as a non-Member State; or

(3) otherwise altering the status of the Permanent Observer Mission of Palestine to the United Nations so as to grant it a status that interferes with the resolution of permanent status issues between Israel and the Palestinian Authority.

(e) DURATION OF REDUCED AID.—

(1) FIRST FISCAL YEAR.—Assistance shall be reduced under subsection (b), (c), or (d) for the fiscal year in which the conditions of such subsection are met.

(2) SUBSEQUENT FISCAL YEARS.—

(A) ASSISTANCE TO PALESTINIAN AUTHORITY OR UNITED NATIONS ENTITY.—Assistance shall continue to be reduced pursuant to subsections (b) and (c) in each subsequent fiscal year until permanent status issues between Israel and the Palestinian Authority are fully resolved.

(B) ASSISTANCE TO COUNTRIES UNDERMINING STATUS NEGOTIATIONS.—Assistance shall continue to be reduced pursuant to subsection

(d) until the country subject to the restriction subsequently votes at the United Nations to revert the status of the Palestinian mission back to the status it held on November 25, 2012.

(f) PRESIDENTIAL WAIVER.—The President may exempt a country from the restriction described in subsection (d) if the President determines such exemption is in the national security interests of the United States and submits to Congress a written statement explaining such national security interest.

**SA 3140.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON NIGHT VISION EXPORT CONTROL REGULATIONS.**

(a) UPDATING OF EXPORT REGULATIONS.—The Secretary of Defense shall review and revise the Department of Defense’s night vision export regulations and specifications to ensure a robust domestic manufacturing capability.

(b) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report describing actions taken to update the Department of Defense’s night vision export regulations pursuant to subsection (a).

**SA 3141.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. MINIMUM NUMBER OF PERSONNEL FOR THE JOINT WARFIGHTING ANALYSIS CENTER.**

The minimum number of personnel for the Joint Warfighting Analysis Center (JWAC) may not be less than 450.

**SA 3142.** Mr. PORTMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON DEPARTMENT OF DEFENSE SUPPORT FOR UNITED STATES DIPLOMATIC SECURITY.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in co-

ordination with the Secretary of State, submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the findings of the ongoing Department of Defense review of defense support of United States diplomatic security.

(b) ELEMENTS.—The report required by subsection (a) shall include, but not be limited to, such findings and recommendations as the Secretaries consider appropriate with respect to the following:

(1) Department of Defense authorities, directives, and guidelines in support of diplomatic security.

(2) Interagency processes and procedures to identify, validate, and resource diplomatic security support required from the Department of Defense.

(3) Department of Defense roles, missions, and resources required to fulfill requirements for United States diplomatic security, including, but not limited to the following:

(A) Marine Corps Embassy Security Guard detachments.

(B) Training and advising host nation security forces for diplomatic security.

(C) Intelligence collection to prevent and respond to threats to diplomatic security.

(D) Security assessments of diplomatic missions.

(E) Support of emergency action planning.

(F) Rapid response forces to respond to threats to diplomatic security.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 3143.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. CONGRESSIONAL REQUESTS UNDER THE FREEDOM OF INFORMATION ACT.**

(a) DEFINITIONS.—In this section, the following definitions shall apply:

(1) CONGRESSIONAL REQUEST.—The term ‘congressional request’ means a request submitted by a member of Congress to the Secretary under section 552 of title 5, United States Code (commonly known as the ‘Freedom of Information Act’) that relates to activities of the Department of Defense in the State represented by the member of Congress.

(2) MEMBER OF CONGRESS.—The term ‘member of Congress’ means a member of the Senate or the House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(3) SECRETARY.—The term ‘Secretary’ means the Secretary of Defense.

(4) STATE.—The term ‘State’ means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) RESPONSE TO CONGRESSIONAL REQUESTS.—The Secretary shall process congressional requests in accordance with the time limitations under section 552(a)(6) of title 5, United States Code, including, as applicable, subparagraphs (D) and (E) of such section 552(a)(6).

(c) **FEES PROHIBITED.**—The Secretary may not charge a fee in connection with any congressional request.

(d) **NOTIFICATION OF STATUS OF CONGRESSIONAL REQUESTS.**—The Secretary shall notify a member of Congress of the status of a congressional request submitted by the member of Congress—

(1) at reasonable intervals; and

(2) upon the request of the member of Congress.

(e) **INFORMATION.**—If the Secretary denies a congressional request, in whole or in part, the Secretary shall provide to the member of Congress who submitted the congressional request—

(1) a particularized description of any document or information to which access is denied; and

(2) the reasons for the denial.

**SA 3144.** Mr. WEBB (for himself, Mr. BROWN of Massachusetts, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **DIVISION E—STOLEN VALOR ACT**

##### **SEC. 5001. SHORT TITLE.**

This division may be cited as the “Stolen Valor Act of 2012”.

##### **SEC. 5002. FINDINGS.**

Congress find the following:

(1) Because of the great respect in which military service and military awards are rightfully held by the public, false claims of receiving such medals or serving in the military are especially likely to be harmful and material to employers, voters in deciding to whom paid elective positions should be entrusted, and in the award of contracts.

(2) Military service and military awards are held in such great respect that public and private decisions are correctly influenced by claims of heroism.

(3) False claims of military service or military heroism are an especially noxious means of obtaining something of value because they are particularly likely to cause tangible harm to victims of fraud.

(4) False claims of military service or the receipt of military awards, if believed, are especially likely to dispose people favorably toward the speaker.

(5) False claims of military service or the receipt of military awards are particularly likely to be material and cause people to part with money or property. Even if such claims are unsuccessful in bringing about this result, they still constitute attempted fraud.

(6) False claims of military service or the receipt of military awards that are made to secure appointment to the board of an organization are likely to cause harm to such organization through their obtaining the services of an individual who does not bring to that organization what he or she claims, and whose falsehood, if discovered, would cause the organization's donors concern that the organization's board might not manage money honestly.

(7) The easily verifiable nature of false claims regarding military service or the re-

ceipt of military awards, the relative infrequency of such claims, and the fact that false claims of having served in the military or received such awards are rightfully condemned across the political spectrum, it is especially likely that any law prohibiting such false claims would not be enforced selectively.

(8) Congress may make criminal the false claim of military service or the receipt of military awards based on its powers under article I, section 8, clause 2 of the Constitution of the United States, to raise and support armies, and article I, section 8, clause 18 of the Constitution of the United States, to enact necessary and proper measures to carry into execution that power.

##### **SEC. 5003. MILITARY MEDALS OR DECORATIONS.**

Section 704 of title 18, United States Code, is amended to read as follows:

##### **“§ 704. Military medals or decorations**

“(a) **IN GENERAL.**—Whoever knowingly purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barter, or exchanges for anything of value any decoration or medal authorized by Congress for the Armed Forces of the United States, or any of the service medals or badges awarded to the members of such forces, or the ribbon, button, or rosette of any such badge, decoration, or medal, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(b) **FALSE CLAIMS TO THE RECEIPT OF MILITARY DECORATIONS, MEDALS, OR RIBBONS AND FALSE CLAIMS RELATING TO MILITARY SERVICE IN ORDER TO SECURE A TANGIBLE BENEFIT OR PERSONAL GAIN.**—

“(1) **IN GENERAL.**—Whoever, with the intent of securing a tangible benefit or personal gain, knowingly, falsely, and materially represents himself or herself through any written or oral communication (including a resume) to have served in the Armed Forces of the United States or to have been awarded any decoration, medal, ribbon, or other device authorized by Congress or pursuant to Federal law for the Armed Forces of the United States, shall be fined under this title, imprisoned for not more than 6 months, or both.

“(2) **TANGIBLE BENEFIT OR PERSONAL GAIN.**—For purposes of this subsection, the term ‘tangible benefit or personal gain’ includes—

“(A) a benefit relating to military service provided by the Federal Government or a State or local government;

“(B) public or private employment;

“(C) financial remuneration;

“(D) an effect on the outcome of a criminal or civil court proceeding;

“(E) election of the speaker to paying office; and

“(F) appointment to a board or leadership position of a non-profit organization.

“(c) **DEFINITION.**—In this section, the term ‘Armed Forces of the United States’ means the Army, Navy, Air Force, Marine Corps, and Coast Guard, including the reserve components named in section 10101 of title 10.”.

##### **SEC. 5004. SEVERABILITY.**

If any provision of this division, any amendment made by this division, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of the provisions of this division, the amendments made by this division, and the application of such provisions or amendments to any person or circumstance shall not be affected.

**SA 3145.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

##### **SEC. 1064. STUDY ON ABILITY OF NATIONAL AIR AND GROUND TEST AND EVALUATION INFRASTRUCTURE FACILITIES TO SUPPORT DEFENSE HYPERSONIC TEST AND EVALUATION ACTIVITIES.**

(a) **STUDY REQUIRED.**—The Director of the Office of Science and Technology Policy, working with the Secretary of Defense and the Administrator of the National Aeronautics and Space Administration (NASA), shall conduct a study on the ability of Department of Defense and NASA air and ground test and evaluation infrastructure facilities and private ground test and evaluation infrastructure facilities, including wind tunnels and air test ranges, as well as associated instrumentation, to support defense hypersonic test and evaluation activities for the short and long term.

(b) **REPORT AND PLAN.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report containing the results of the study required under subsection (a) together with a plan for requirements and proposed investments to meet Department of Defense needs through 2025.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current condition and adequacy of the hypersonics test and evaluation infrastructure within the Department of Defense, NASA, and the private sector to support hypersonic research and development within the Department of Defense.

(B) An identification of test and evaluation infrastructure that could be used to support Department of Defense hypersonic research and development outside the Department and assess means to ensure the availability of such capabilities to the Department in the present and future.

(C) A time-phased plan to acquire required hypersonics research, development, test and evaluation capabilities, including identification of the resources necessary to acquire any needed capabilities that are currently not available.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this subsection, the term “appropriate congressional committees” means—

(A) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Armed Services and the Committee on Science, Space, and Technology of the House of Representatives.

**SA 3146.** Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and

for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that the Secretary believes the Government of India should acquire in order to enhance cooperation and coordination with the United States Government on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft to succeed the United States Air Force's T-38 aircraft and co-developing counter-IED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

**SA 3147.** Mr. HARKIN submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. REPORT ON STANDARDS FOR AUDITORY FITNESS-FOR-DUTY OF MEMBERS OF THE ARMED FORCES.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments—

(1) develop auditory fitness-for-duty standards for members of the Armed Forces on active duty that accurately reflect essential operational requirements for such members, as well as available accommodations to meet such standards; and

(2) submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the updated standards to be used by the military departments to determine the auditory fitness-for-duty of members of the Armed Forces on active duty.

(b) ELEMENTS IN CONNECTION WITH UPDATED STANDARDS.—If an updated standard to be used for determining the auditory fitness-for-duty of members of the Armed Forces on active duty differs from a standard currently or recently used for that purpose, the report shall include a description of the difference between the two standards and an assessment of the impact of such updated standard on members of the Armed Forces on active duty who have auditory impairments.

**SA 3148.** Mr. HARKIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. PILOT PROGRAM ON ACCESSION OF CANDIDATES WITH AUDITORY IMPAIRMENTS AS AIR FORCE OFFICERS IN CRITICAL MILITARY SPECIALTIES.**

(a) PILOT PROGRAM REQUIRED.—Commencing not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall carry out a pilot program to assess the feasibility and advisability of permitting individuals with auditory impairments (including deafness) to access as officers of the Air Force in order to fill the needs of the Air Force for officers in critical military specialties.

(b) CANDIDATES.—

(1) NUMBER OF CANDIDATES.—The number of individuals with auditory impairments who may participate in the pilot program shall be not less than 15 individuals and not more than 20 individuals.

(2) MIX AND RANGE OF AUDITORY IMPAIRMENTS.—The individuals who participate in the pilot program shall include individuals who are deaf and individuals having a range of other auditory impairments.

(3) QUALIFICATION FOR ACCESSION.—Any individual who participates in the pilot program shall meet all essential qualifications for accession as an officer in the Air Force, other than those relating to having an auditory impairment.

(c) BASIC TRAINING.—The individuals who participate in the pilot program shall undergo, at the election of the Secretary, the Basic Officer Training course or the Commissioned Officer Training course at Maxwell Air Force Base, Alabama.

(d) SPECIALTY TO WHICH ASSIGNABLE.—An individual participating in the pilot program who successfully completes the training course selected for the individual under subsection (c) shall be assigned, at the election of the Secretary, to a specialty for which the individual is otherwise qualified as follows:

(1) Judge advocate.

(2) A specialty performing intelligence functions.

(3) A specialty performing medical functions, dental functions, medical service functions, nursing functions, or biomedical science functions.

(4) A specialty performing chaplain functions.

(5) Any other critical military specialty of the Air Force specified by the Secretary for purposes of the pilot program.

(e) REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the appropriate committees of Congress a report on the pilot program. The report shall include the following:

(1) A description of the pilot program and the participants in the pilot program.

(2) The outcomes of the pilot program.

(3) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Education and the Workforce, and the Committee on Appropriations of the House of Representatives.

**SA 3149.** Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CLAIMS RELATING TO URANIUM MINING.**

(a) REFERENCES.—Except as otherwise specifically provided, whenever in this section an amendment or repeal is expressed in terms of an amendment to or repeal of a section or other provision of law, the reference shall be considered to be made to a section or other provision of the Radiation Exposure Compensation Act (Public Law 101-426; 42 U.S.C. 2210 note).

(b) DATES.—

(1) EMPLOYEES OF MINES AND MILLS.—Section 5(a)(1)(A)(i) is amended by striking “December 31, 1971; and” and inserting “December 31, 1990; or”.

(2) DATES OF OPERATION OF URANIUM MINE.—Section 5(a)(2)(A) is amended by striking “December 31, 1971” and inserting “December 31, 1990”.

(c) CLAIMS RELATING TO ATMOSPHERIC TESTING.—

(1) LEUKEMIA CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO.—Section 4(a)(1)(A) is amended—

(A) in clause (i)—

(i) in subclause (II)—

(I) by striking “in the affected area” and inserting “in an affected area”; and

(II) by striking “or” after the semicolon;

(ii) by redesignating subclause (III) as subclause (IV); and

(iii) by inserting after subclause (II) the following:

“(III) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945; or”; and

(B) in clause (ii)(I), by striking “physical presence described in subclause (I) or (II) of clause (i) or onsite participation described in clause (i)(III)” and inserting “physical presence described in subclause (I), (II), or (III) of clause (i) or onsite participation described in clause (i)(IV)”.

(2) SPECIFIED DISEASES CLAIMS RELATING TO TRINITY TEST IN NEW MEXICO.—Section 4(a)(2) is amended—

(A) in subparagraph (A), by striking “in the affected area” and inserting “in an affected area”; and

(B) in subparagraph (B)—

(i) by striking “in the affected area” and inserting “in an affected area”; and

(ii) by striking “or” at the end;

(C) by redesignating subparagraph (C) as subparagraph (D); and

(D) by inserting after subparagraph (B) the following:

“(C) was physically present in an affected area for the period beginning on June 30, 1945, and ending on July 31, 1945; or”.

(3) DEFINITION.—Section 4(b)(1) is amended to read as follows:

“(1) ‘affected area’ means—

“(A) except as provided under subparagraph (B)—

“(i) in the State of Utah, the counties of Washington, Iron, Kane, Garfield, Sevier, Beaver, Millard, Wayne, San Juan, and Piute;

“(ii) in the State of Nevada, the counties of White Pine, Nye, Lander, Lincoln, Eureka, and that portion of Clark County that consists of townships 13 through 16 at ranges 63 through 71; and

“(iii) in the State of Arizona, the counties of Coconino, Yavapai, Navajo, Apache, and Gila, and that part of Arizona that is north of the Grand Canyon; and

“(B) with respect to a claim by an individual under subsection (a)(1)(A)(i)(III) or (2)(C), only the counties of De Baca, Guadalupe, Lincoln, Otero, San Miguel, Socorro, and Torrance in New Mexico.”.

(4) CONFORMING AMENDMENTS.—Section 6 is amended—

(A) in subsection (c)(2)(A)(i), by striking “in the affected area” and inserting “in an affected area”; and

(B) in subsection (e), by striking “in the affected area” and inserting “in an affected area”.

**SA 3150.** Mr. UDALL of New Mexico (for himself, Mr. SCHUMER, and Mr. BINGAMAN) submitted an amendment

intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

**SEC. 827. APPLICABILITY OF BUY AMERICAN ACT TO PROCUREMENT OF PHOTOVOLTAIC DEVICES BY DEPARTMENT OF DEFENSE.**

(a) PROCUREMENT OF PHOTOVOLTAIC DEVICES.—The Secretary of Defense shall ensure that each contract described in subsection (b) awarded by the Department of Defense includes a provision requiring any photovoltaic devices installed pursuant to the contract, or pursuant to a subcontract under the contract, to comply with the provisions of chapter 83 of title 41, United States Code (commonly known as the “Buy American Act”), without regard to whether the contract results in ownership of the photovoltaic devices by the Department.

(b) COVERED CONTRACTS.—The contracts described in this subsection include energy savings performance contracts, utility service contracts, power purchase agreements, land leases, and private housing contracts pursuant to which any photovoltaic devices are—

(1) installed on property or in a facility owned by the Department of Defense; and

(2) generate power consumed predominantly by the Department and counted toward Federal renewable energy purchase requirements.

(c) COMPLIANCE WITH INTERNATIONAL OBLIGATIONS.—Subsection (a) shall be applied in a manner consistent with the obligations of the United States under international agreements.

(d) PHOTOVOLTAIC DEVICES DEFINED.—In this section, the term “photovoltaic devices” means devices that convert light directly into electricity.

(e) EFFECTIVE DATE.—This section applies to photovoltaic devices procured or installed on or after the date that is 30 days after the date of the enactment of the this Act pursuant to contracts entered into on or after such date of enactment.

(f) SUNSET.—

(1) IN GENERAL.—This section shall expire on the date that is one year after the date of the enactment of this Act.

(2) CONTINUING EFFECTIVENESS OF CONTRACTS AFTER SUNSET.—Nothing in paragraph (1) shall be construed to terminate the effectiveness after the sunset date provided for in that paragraph of any contract awarded by the Department of Defense and subject the provisions of this section while such contract remains in force.

(g) CONSTRUCTION WITH OTHER AUTHORITY.—Nothing in this section shall be construed to terminate the effectiveness of the applicability of the provisions of the section 846 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2534 note) to contracts that are awarded by the Department of Defense before the effective date provided for in subsection (e) or after the sunset date provided for in subsection (f)(2).

**SA 3151.** Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) sub-

mitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 308, between lines 10 and 11, insert the following:

**SEC. 924A. USE OF NATIONAL SECURITY LABORATORIES IN DEVELOPMENT OF THE NEXT-GENERATION HOST-BASED CYBERSECURITY SYSTEM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) cybersecurity is a top priority of the United States; and

(2) the national security laboratories of the National Nuclear Security Administration are a national resource that can be used to develop effective solutions to cybersecurity challenges.

(b) COLLABORATION REQUIRED.—The Chief Information Officer of the Department of Defense and the Under Secretary of Defense for Acquisition, Technology, and Logistics shall collaborate with the Administrator for Nuclear Security to use the research, engineering, and technological resources of the national security laboratories in developing the strategy to acquire next-generation host-based cybersecurity tools and capabilities for the Department of Defense required by section 924(a).

(c) NATIONAL SECURITY LABORATORY DEFINED.—In this section, the term “national security laboratory” has the meaning given that term in section 3281 of the National Nuclear Security Administration Act (50 U.S.C. 2471).

**SA 3152.** Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, between lines 18 and 19, insert the following:

(2) shall include with the estimate under paragraph (1)—

(A) an estimate of the costs of using and upgrading existing United States Government foundries for defense use; and

(B) an assessment whether it is more cost effective to use and upgrade existing United States Government foundries for shared use when compared with developing and building the Next Generation Foundry for the Defense Microelectronics Activity, which assessment shall—

(i) include an analysis of existing foundries of the National Nuclear Security Administration;

(ii) identify any program or function that would be duplicated by the Next Generation foundry; and

(iii) assess the value of maintaining such duplication and whether increasing existing United States Government capabilities is a

more cost effective solution to meet mission requirements; and

**SA 3153.** Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. ESTABLISHMENT OF NATIONAL CENTER FOR ALGAL BIOTECHNOLOGY.**

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of Energy shall jointly select, on a competitive basis, from among organizations described in subsection (d), an organization to serve as a National Center for Algal Biotechnology.

(b) **PURPOSES.**—The purposes of the National Center for Algal Biotechnology shall be—

(1) to advance research and development in support of the strategic goals of the Department of Defense relating to energy production and technology development for national defense under the Defense Production Act of 1950 (50 U.S.C. App. 2061 et seq.); and

(2) to advance research relating to energy independence and other national security objectives, as determined by the Secretary of Defense and the Secretary of Energy.

(c) **DUTIES.**—The National Center for Algal Biotechnology shall—

(1) foster innovation, education, and entrepreneurial activities to support the commercialization of bio algae fuel and improve its cost effectiveness;

(2) work to integrate a phenomics, transcriptomics, proteomics, and metabolomics pipeline into an existing facility that focuses on algal biotechnology research; and

(3) partner with algae test-bed and production facilities.

(d) **ORGANIZATIONS DESCRIBED.**—An organization described in this subsection is an organization that—

(1) is described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of such Code; and

(2) has a preexisting relationship with a federally funded research and development center.

**SA 3154.** Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. IDENTIFICATION OF OPPORTUNITIES FOR BIOFUELS RESEARCH AND REPORT ON USE OF BIOFUELS BY THE DEPARTMENT OF DEFENSE.**

(a) **IDENTIFICATION OF OPPORTUNITIES TO INCREASE BIOFUELS RESEARCH.**—The Secretary of Energy and the Secretary of Defense shall jointly identify and assess opportunities to increase research relating to biofuels at the national laboratories of the Department of Energy with the goals of decreasing the cost of biofuels for use by the Department of Defense and decreasing the dependence of the United States on foreign sources of fuel.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report assessing the extent to which the use of biofuels by the Department of Defense could offset the increasing fossil fuel demand of the Department.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A projection of the fuel demands of each military department during the five-year period beginning on the date of the enactment of this Act that includes—

(i) the type of fuel expected to be used;

(ii) the expected annual usage; and

(iii) projected transportation costs.

(B) An assessment of opportunities for the military departments to decrease the use of fossil fuels.

**SA 3155.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title I, add the following:

**SEC. 112. SMALL UNIT SUPPORT VEHICLE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Secretary of Defense has directed a strategic shift in focus for the Department of Defense to the Asia-Pacific Theatre.

(2) The only Arctic regions of the United States are within the Asia-Pacific Theatre.

(3) The conditions presented by terrain in Arctic regions is the harshest on the earth, and the Armed Forces must be able to operate in the conditions caused by such terrain.

(4) Unique equipment is needed to be able to effectively survive and operate in such conditions.

(5) Among the unique equipment used by Army units to operate in such conditions is the Small Unit Support Vehicle (SUSV).

(6) The Small Unit Support Vehicle is no longer a program of record among the acquisition programs of the Army, and there are no current plans to acquire new models of the Small Unit Support Vehicle.

(7) The Canadian equivalent of the Small Unit Support Vehicle was successfully used in combat in Afghanistan in 2002 in harsh terrain.

(8) Military units currently using the Small Unit Support Vehicle must use a method of “cannibalization” that pulls parts from other vehicles in order to repair inoperable ones.

(9) If a solution to the problem of inadequate supplies of replacement parts for the

Small Unit Support Vehicle is not found, there will be a gap in national security of the United States.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to the congressional defense committees a report setting forth the following:

(1) An assessment of the current and anticipated requirements of the Army for a vehicle that can operate in rugged terrain and in extreme climates such as those in the Arctic.

(2) An assessment of the current supply chain for the Small Unit Support Vehicle.

(3) An assessment of the needs of the Army for a new vehicle that meets the requirements of both the regular and the reserve components of the Army for operations in rugged terrain and extreme conditions such as those in the Arctic.

**SA 3156.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. REPORT ON PROPOSED ACTIVITIES AT EIELSON AIR FORCE BASE, ALASKA.**

(a) **IN GENERAL.**—Prior to the commencement of procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) related to the transfer of aircraft, the demolition of facilities and infrastructure, or the modification in leadership rank, core functions, mission elements, responsibilities, and capabilities of Eielson Air Force Base, Alaska, as they existed as of November 1, 2011, the Secretary of Defense, in consultation with the Secretary of Homeland Security, shall submit to the congressional defense committees a report on the rationale for such transfer, demolition, or modification.

(b) **CONTENT.**—The report required under subsection (a) shall include—

(1) an analysis of the strategic value of Eielson Air Force Base to operations in the Pacific Area of Responsibility and elsewhere;

(2) the usefulness of Eielson Air Force Base to potential future missions, including military and humanitarian missions in a changing Arctic region;

(3) the basing of F-35 aircraft;

(4) the potential for relocation of combat coded aircraft from overseas bases;

(5) maintenance and expansion of the North Pacific air refueling bridge;

(6) remote piloted vehicle basing; and

(7) proximity of Eielson Air Force Base to the Joint Pacific Alaska Range Complex.

**SA 3157.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:



**SEC. 2705. INCLUSION OF CERTAIN MODIFICATIONS TO CORE FUNCTIONS OR AIRCRAFT AT MILITARY INSTALLATIONS IN DEFINITION OF REALIGNMENT.**

Section 2687(e)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: “, except that such term does include a reduction of force resulting from a modification in core functions or aircraft at an Air Force installation during fiscal years 2013, 2014, or 2015 that otherwise meets the criteria of subsection (a)”.

**SA 3158.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the “Texas State Strike Force Team” and the “Fully Developed Claims Team Initiative”, is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans' Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects

with the Texas Veterans Commission, stating that both Veterans Service Organizations “and state and county service officers . . . are important partners in VBA's transformation to better serve Veterans.”.

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the “TVC is working very, very well” with regional offices of the Department in Texas, calling the Texas Veterans Commission a “very positive story that we can branch out into . . . all of our stakeholders.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008-2009 Development Assistant Pilot Project and the 2009-2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

(E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary's overall claims processing transformation plan.

**SA 3159.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I, add the following:

**SEC. 146. MQ-9 REAPER UNMANNED AERIAL VEHICLES.**

(a) ADDITIONAL AMOUNT FOR AIR FORCE PROCUREMENT.—The amount authorized to be appropriated for fiscal year 2013 by section 101 is hereby increased by \$36,800,000, with the amount of the increase to be available for amounts authorized to be appropriated by that section and available for procurement for the Air Force for procurement of unmanned aerial vehicles as specified in the funding table in section 4101.

(b) AVAILABILITY.—The amount authorized and made available by subsection (a) may be obligated and expended for the procurement of an MQ-9 Reaper unmanned aerial vehicle.

**SA 3160.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 176, line 8, insert before the period the following: “, unless the transition results in a permanent change of station and shipment of household goods”.

**SA 3161.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLIKE CENTER.**

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Assisting in the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term “veterans service organization” means any organization recognized by the Secretary of Veterans



Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SA 3162.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 735. COORDINATION OF ACTIVITIES ON RESEARCH, PREVENTION, AND TREATMENT RELATING TO POST-TRAUMATIC STRESS DISORDER.**

(a) DESIGNATION OF COORDINATING ORGANIZATION.—The President shall designate, and may redesignate from time to time, the head of an appropriate department or agency of the Federal Government to coordinate all research activities and prevention and treatment efforts undertaken or funded by the Executive Branch of the Federal Government on post-traumatic stress disorder.

(b) PUBLIC ADVISORY COMMITTEE.—

(1) IN GENERAL.—Not later than June 27, 2013, the head of the department or agency designated under subsection (a) shall establish an advisory committee to provide advice to the head of that department or agency on proposed studies, plans, or strategies relating to research activities and prevention and treatment efforts described in such subsection.

(2) COMPOSITION.—The advisory committee established under paragraph (1) shall consist of consisting of the following:

(A) Members of the general public.

(B) Experts in the field of mental health.

(C) Veterans who served in the Armed Forces on active duty and were deployed in connection with a contingency operation (as defined in section 101 of title 10, United States Code) after September 1, 2001.

(D) Representatives of such veterans.

(E) Representatives of Government departments or agencies conducting research activities or prevention or treatment described in subsection (a).

(3) CONSULTATION.—The department or agency head described in paragraph (1) shall consult with the advisory committee established under such paragraph on a regular basis.

(c) REPORT.—Not later than March 1 of each year, the head of the department or agency designated under subsection (a) shall submit to the appropriate committees of Congress a report on the status and results of all research, prevention, and treatment activities undertaken by or for the Executive Branch of the Federal Government during the previous year relating to post-traumatic stress disorder.

(d) PUBLIC AVAILABILITY OF RESEARCH FINDINGS.—The head of the department or agency designated under subsection (a) shall ensure that the findings of all research conducted by or for the Executive Branch relating to post-traumatic stress disorder research, prevention, and treatment activities are made available to the public through peer-reviewed medical journals, the World Wide Web, and other appropriate media.

(e) OUTREACH.—The head of the department or agency designated under subsection (a) shall ensure that appropriate departments

consult and coordinate in carrying out an ongoing program to provide information to veterans described in subsection (b)(2)(C) relating to the following:

(1) The kinds of physical and mental conditions and injuries that have been incurred by members of the Armed Forces and veterans as a result of service described in subsection (b)(2)(C), particularly with respect to post-traumatic stress.

(2) Any services or benefits available with respect to such conditions and injuries.

(f) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and

(2) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.

**SA 3163.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON NIGHT VISION EXPORT CONTROL REGULATIONS.**

(a) UPDATING OF EXPORT REGULATIONS.—The Secretary of Defense shall review and revise the Department of Defense’s night vision export regulations and specifications to ensure a robust domestic manufacturing capability.

(b) REPORT.—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report describing actions taken to update the Department of Defense’s night vision export regulations pursuant to subsection (a).

**SA 3164.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1221. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN AND CERTAIN OTHER COUNTRIES.**

(a) NONEXCESS ARTICLES AND RELATED SERVICES.—The Secretary of Defense may, with the concurrence of the Secretary of State, transfer nonexcess defense articles from the stocks of the Department of Defense, without reimbursement from the government of the recipient country, and provide defense services in connection with the transfer of such defense articles, as follows:

(1) To the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

(2) To the military and security forces of Yemen to support the efforts of those forces

to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula.

(3) To the military and security forces of Somalia and other countries in the East Africa region to support the efforts of those forces to conduct counterterrorism and postconflict stability operations in Somalia.

(b) LIMITATIONS.—

(1) VALUE.—The aggregate replacement value of all defense articles transferred and defense services provided in connection with such defense articles under subsection (a) in any fiscal year may not exceed \$250,000,000.

(2) SOURCE OF TRANSFERRED ARTICLES.—The authority under subsection (a) may only be used for defense articles that—

(A) were present in Afghanistan as of the date of the enactment of this Act;

(B) immediately before transfer were in use to support operations in Afghanistan; and

(C) are no longer required by United States forces in Afghanistan.

(c) APPLICABLE LAW.—Any defense articles transferred or defense services provided under the authority of subsection (a) shall be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j), other than the authorities and limitations in subsections (b)(1)(B), (e), (f), and (g) of such section.

(d) REPORT REQUIRED BEFORE EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not exercise the authority under subsection (a) until 15 days after the Secretary submits to the appropriate committees of Congress a report on the equipment and other property of the Department of Defense in Afghanistan.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following:

(A) A description of the process for inventorying equipment and property, including defense articles, in Afghanistan owned by the Department of Defense, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(B) An estimate of the types and quantities of equipment and property of the Department of Defense, including defense articles, anticipated to be withdrawn from Afghanistan in connection with the drawdown of United States military forces from Afghanistan between the date of the enactment of this Act and December 31, 2014, including equipment and property owned by the Department and under the control of contractors in Afghanistan.

(e) NOTICE ON EXERCISE OF AUTHORITY.—

(1) IN GENERAL.—The Secretary of Defense may not transfer defense articles or provide defense services under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress notice of the proposed transfer of defense articles and provision of defense services.

(2) ELEMENTS.—A notice under paragraph (1) shall include the following:

(A) A description of the amount and types of defense articles to be transferred and defense services to be provided.

(B) A statement describing the current value of the defense articles to be transferred and the estimated replacement value of such articles.

(C) An identification of the element of the military or security force that is the proposed recipient of the defense articles to be transferred and defense service to be provided.

(D) An identification of the military department from which the defense articles to be transferred are to be drawn.

(E) An assessment of the impact, if any, of the transfer of defense articles on the readiness of units from which the defense articles are to be transferred, and the plan, if any, for mitigating such impact or reimbursing the military department of such units for such defense articles.

(F) An assessment of the ability of the recipient government to sustain the costs associated with receiving, possessing, and using the defense articles to be transferred.

(G) A determination and certification by the Secretary of Defense that—

(i) the proposed transfer of the defense articles to be transferred and the provision of defense services to be provided in connection with such transfer is in the national interest of the United States;

(ii) for the transfer of defense articles under the authority in subsection (a)(1), such defense articles are required by the military and security forces of Afghanistan to build their capacity to restore and maintain peace and security in that country;

(iii) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(2), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capacities of the military and security forces of Yemen required to conduct counterterrorism operations and counter al Qaeda in the Arabian Peninsula; and

(iv) for the transfer of defense articles and provision of defense services under the authority in subsection (a)(3), the transfer of such defense articles and provision of such defense services will contribute significantly to building key capabilities of the military and security forces of the recipient country to conduct counterterrorism and postconflict stability operations in Somalia.

(f) QUARTERLY REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the first transfer of defense articles and provision of defense services under the authority in subsection (a), and at the end of each calendar quarter, if any, thereafter through March 31, 2015, in which the authority in subsection (a) is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the implementation of the authority in subsection (a). Each report shall include the replacement value of the defense articles transferred pursuant to subsection (a), both in the aggregate and by military department, and defense services provided to recipient countries, during the 90-day period ending on the date of such report.

(2) INCLUSION IN OTHER REPORT.—A report required under paragraph (1) may be included in the report required under section 9204 of the Supplemental Appropriations Act, 2008 (Public Law 110-252; 122 Stat. 2410) or any follow on report to such other report.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(2) DEFENSE ARTICLES.—The term “defense articles” has the meaning given the term in

section 644(d) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(d)).

(3) DEFENSE SERVICES.—The term “defense services” has the meaning given the term in section 644(f) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(f)).

(4) MILITARY AND SECURITY FORCES.—The term “military and security forces” means national armies, national air forces, national navies, national guard forces, police forces, and border security forces, but does not include nongovernmental or irregular forces (such as private militias).

(5) EAST AFRICA REGION.—The term “East Africa region” means Burundi, Djibouti, Ethiopia, Kenya, Somalia, and Uganda.

(h) EXPIRATION.—The authority provided in subsection (a) may not be exercised after December 31, 2014.

(i) EXCESS DEFENSE ARTICLES.—

(1) ADDITIONAL AUTHORITY.—The authority provided by subsection (a) is in addition to the authority provided by section 516 of the Foreign Assistance Act of 1961.

(2) EXEMPTIONS.—(A) During fiscal years 2013 and 2014, the value of excess defense articles transferred from the stocks of the Department of Defense in Afghanistan to Afghanistan, Yemen, Somalia, or other countries in the East Africa region pursuant to section 516 of the Foreign Assistance Act of 1961 shall not be counted against the limitation on the aggregate value of excess defense articles transferred contained in subsection (g) of such section.

(B) During fiscal years 2013 and 2014, any excess defense articles specified in subparagraph (A) shall not be subject to the authorities and limitations applicable to excess defense articles under section 516 of the Foreign Assistance Act of 1961 contained in subsections (b)(1)(B) and (e) of such section.

(3) CONSTRUCTION EQUIPMENT.—Notwithstanding section 644(g) of the Foreign Assistance Act of 1961 (22 U.S.C. 2403(g)) and section 2562 of title 10, United States Code, construction equipment from the stocks of the Department of Defense in Afghanistan may be transferred as excess defense articles under section 516 of the Foreign Assistance Act of 1961 and subject to the provisions of this subsection.

**SA 3165.** Mr. REED (for himself and Mr. JOHANNIS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

#### **DIVISION E—HOUSING ASSISTANCE FOR VETERANS**

##### **SEC. 5001. SHORT TITLE.**

This division may be cited as the “Housing Assistance for Veterans Act of 2012” or the “HAVEN Act”.

##### **SEC. 5002. DEFINITIONS.**

In this division:

(1) DISABLED.—The term “disabled” means an individual with a disability, as defined by section 12102 of title 42, United States Code.

(2) ELIGIBLE VETERAN.—The term “eligible veteran” means a disabled or low-income veteran.

(3) ENERGY EFFICIENT FEATURES OR EQUIPMENT.—The term “energy efficient features

or equipment” means features of, or equipment in, a primary residence that help reduce the amount of electricity used to heat, cool, or ventilate such residence, including insulation, weatherstripping, air sealing, heating system repairs, duct sealing, or other measures.

(4) LOW-INCOME VETERAN.—The term “low-income veteran” means a veteran whose income does not exceed 80 percent of the median income for an area, as determined by the Secretary.

(5) NONPROFIT ORGANIZATION.—The term “nonprofit organization” means an organization that is—

(A) described in section 501(c)(3) or 501(c)(19) of the Internal Revenue Code of 1986; and

(B) exempt from tax under section 501(a) of such Code.

(6) PRIMARY RESIDENCE.—

(A) IN GENERAL.—The term “primary residence” means a single family house, a duplex, or a unit within a multiple-dwelling structure that is an eligible veteran’s principal dwelling and is owned by such veteran or a family member of such veteran.

(B) FAMILY MEMBER DEFINED.—For purposes of this paragraph, the term “family member” includes—

(i) a spouse, child, grandchild, parent, or sibling;

(ii) a spouse of such a child, grandchild, parent, or sibling; or

(iii) any individual related by blood or affinity whose close association with a veteran is the equivalent of a family relationship.

(7) QUALIFIED ORGANIZATION.—The term “qualified organization” means a nonprofit organization that provides nationwide or State-wide programs that primarily serve veterans or low-income individuals.

(8) SECRETARY.—The term “Secretary” means the Secretary of Housing and Urban Development.

(9) VETERAN.—The term “veteran” has the same meaning as given such term in section 101 of title 38, United States Code.

(10) VETERANS SERVICE ORGANIZATION.—The term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

#### **SEC. 5003. ESTABLISHMENT OF A PILOT PROGRAM.**

(a) GRANT.—

(1) IN GENERAL.—The Secretary shall establish a pilot program to award grants to qualified organizations to rehabilitate and modify the primary residence of eligible veterans.

(2) COORDINATION.—The Secretary shall work in conjunction with the Secretary of Veterans Affairs to establish and oversee the pilot program and to ensure that such program meets the needs of eligible veterans.

(3) MAXIMUM GRANT.—A grant award under the pilot program to any one qualified organization shall not exceed \$1,000,000 in any one fiscal year, and such an award shall remain available until expended by such organization.

(b) APPLICATION.—

(1) IN GENERAL.—Each qualified organization that desires a grant under the pilot program shall submit an application to the Secretary at such time, in such manner, and, in addition to the information required under paragraph (2), accompanied by such information as the Secretary may reasonably require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) a plan of action detailing outreach initiatives;

(B) the approximate number of veterans the qualified organization intends to serve using grant funds;

(C) a description of the type of work that will be conducted, such as interior home modifications, energy efficiency improvements, and other similar categories of work; and

(D) a plan for working with the Department of Veterans Affairs and veterans service organizations to identify veterans and serve their needs.

(3) **PREFERENCES.**—In awarding grants under the pilot program, the Secretary shall give preference to a qualified organization—

(A) with experience in providing housing rehabilitation and modification services for disabled veterans; or

(B) that proposes to provide housing rehabilitation and modification services for eligible veterans who live in rural areas (the Secretary, through regulations, shall define the term “rural areas”).

(c) **CRITERIA.**—In order to receive a grant award under the pilot program, a qualified organization shall meet the following criteria:

(1) Demonstrate expertise in providing housing rehabilitation and modification services for disabled or low-income individuals for the purpose of making the homes of such individuals accessible, functional, and safe for such individuals.

(2) Have established outreach initiatives that—

(A) would engage eligible veterans and veterans service organizations in projects utilizing grant funds under the pilot program; and

(B) identify eligible veterans and their families and enlist veterans involved in skilled trades, such as carpentry, roofing, plumbing, or HVAC work.

(3) Have an established nationwide or State-wide network of affiliates that are—

(A) nonprofit organizations; and

(B) able to provide housing rehabilitation and modification services for eligible veterans.

(4) Have experience in successfully carrying out the accountability and reporting requirements involved in the proper administration of grant funds, including funds provided by private entities or Federal, State, or local government entities.

(d) **USE OF FUNDS.**—A grant award under the pilot program shall be used—

(1) to modify and rehabilitate the primary residence of an eligible veteran, and may include—

(A) installing wheelchair ramps, widening exterior and interior doors, reconfiguring and re-equipping bathrooms (which includes installing new fixtures and grab bars), removing doorway thresholds, installing special lighting, adding additional electrical outlets and electrical service, and installing appropriate floor coverings to—

(i) accommodate the functional limitations that result from having a disability; or

(ii) if such residence does not have modifications necessary to reduce the chances that an elderly, but not disabled person, will fall in their home, reduce the risks of such an elderly person from falling;

(B) rehabilitating such residence that is in a state of interior or exterior disrepair; and

(C) installing energy efficient features or equipment if—

(i) an eligible veteran's monthly utility costs for such residence is more than 5 percent of such veteran's monthly income; and

(ii) an energy audit of such residence indicates that the installation of energy efficient features or equipment will reduce such costs by 10 percent or more;

(2) in connection with modification and rehabilitation services provided under the pilot program, to provide technical, administrative, and training support to an affiliate of a qualified organization receiving a grant under such pilot program; and

(3) for other purposes as the Secretary may prescribe through regulations.

(e) **OVERSIGHT.**—The Secretary shall direct the oversight of the grant funds for the pilot program so that such funds are used efficiently until expended to fulfill the purpose of addressing the adaptive housing needs of eligible veterans.

(f) **MATCHING FUNDS.**—

(1) **IN GENERAL.**—A qualified organization receiving a grant under the pilot program shall contribute towards the housing modification and rehabilitation services provided to eligible veterans an amount equal to not less than 50 percent of the grant award received by such organization.

(2) **IN-KIND CONTRIBUTIONS.**—In order to meet the requirement under paragraph (1), such organization may arrange for in-kind contributions.

(g) **LIMITATION COST TO THE VETERANS.**—A qualified organization receiving a grant under the pilot program shall modify or rehabilitate the primary residence of an eligible veteran at no cost to such veteran (including application fees) or at a cost such that such veteran pays no more than 30 percent of his or her income in housing costs during any month.

(h) **REPORTS.**—

(1) **ANNUAL REPORT.**—The Secretary shall submit to Congress, on an annual basis, a report that provides, with respect to the year for which such report is written—

(A) the number of eligible veterans provided assistance under the pilot program;

(B) the socioeconomic characteristics of such veterans, including their gender, age, race, and ethnicity;

(C) the total number, types, and locations of entities contracted under such program to administer the grant funding;

(D) the amount of matching funds and in-kind contributions raised with each grant;

(E) a description of the housing rehabilitation and modification services provided, costs saved, and actions taken under such program;

(F) a description of the outreach initiatives implemented by the Secretary to educate the general public and eligible entities about such program;

(G) a description of the outreach initiatives instituted by grant recipients to engage eligible veterans and veteran service organizations in projects utilizing grant funds under such program;

(H) a description of the outreach initiatives instituted by grant recipients to identify eligible veterans and their families; and

(I) any other information that the Secretary considers relevant in assessing such program.

(2) **FINAL REPORT.**—Not later than 6 months after the completion of the pilot program, the Secretary shall submit to Congress a report that provides such information that the Secretary considers relevant in assessing the pilot program.

(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated for carrying out this division \$4,000,000 for each of fiscal years 2013 through 2017.

**SA 3166.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title V, add the following:

**SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.

(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant program, and a description of any planned or anticipated changes to that program over the period covered by the report.

**SA 3167.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. UNITED STATES SECRET SERVICE RETIREMENT.**

(a) **SENSE OF THE SENATE.**—It is the sense of the Senate that members of the United States Secret Service Division and the United States Secret Service Uniformed Division hired between January 1, 1984 and December 31, 1986 were promised that, in part as a recruitment and retention tool, they would be eligible to participate in the District of Columbia Police and Firefighters Retirement System.

(b) **AUTHORITY OF CERTAIN MEMBERS OF UNITED STATES SECRET SERVICE TO ELECT COVERAGE UNDER DISTRICT OF COLUMBIA POLICE AND FIREFIGHTER RETIREMENT SYSTEM.**—

(1) IN GENERAL.—Subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-703, D.C. Official Code) is amended—

(A) by striking “Whenever any member” and inserting “(1) IN GENERAL.—Whenever any member”; and

(B) by adding at the end the following new paragraph:

“(2) COVERAGE OF CERTAIN OTHER EMPLOYEES OF SECRET SERVICE.—

“(A) IN GENERAL.—Paragraph (1) shall apply with respect to a covered employee in the same manner as such paragraph applies to an individual who is authorized to make a transfer of funds under such paragraph, but only if—

“(i) not later than 60 days after receiving notification of the transition cost associated with the application of paragraph (1) to the covered employee (as provided under section 1084(b)(2)(B) of the National Defense Authorization Act for Fiscal Year 2013), the covered employee provides a notification to the Director of the United States Secret Service containing such information and assurances as the Director may require; and

“(ii) on or before the date the covered employee provides a notification under clause (i), the employee makes a lump sum payment in an amount equal to the transition cost associated with the application of paragraph (1) to the covered employee, determined in accordance with section 1084(b)(3) of the National Defense Authorization Act for Fiscal Year 2013, for deposit into the Contributions for Annuity Benefits, United States Secret Service appropriations account of the Department of Homeland Security.

“(B) ADJUSTMENT TO REFLECT SOCIAL SECURITY CONTRIBUTIONS AND BENEFITS.—In the case of a covered employee who authorizes a transfer of funds under paragraph (1), such covered employee shall be subject to the same deductions and shall be entitled to the same benefits as provided for under paragraph (1), subject to offset in accordance with section 103(e) of Public Law 100-238 (5 U.S.C. 8334 note).

“(C) COVERED EMPLOYEE DEFINED.—In this paragraph, the term ‘covered employee’ means an individual who—

“(i) was appointed during 1984, 1985, or 1986—

“(I) as a member of the United States Secret Service Uniformed Division as defined under section 10201(1) of title 5, United States Code; or

“(II) to the United States Secret Service as a criminal investigator as defined under section 5545a(a)(2) of title 5, United States Code;

“(ii) has actively performed duties other than clerical for 10 or more years directly related to the protection mission of the United States Secret Service described under section 3056 of title 18, United States Code;

“(iii) is serving as an officer or member of the United States Secret Service Uniformed Division as defined under section 10201(1) of title 5, United States Code, or is employed by the United States Secret Service as a criminal investigator as defined under section 5545a(a)(2) of title 5, United States Code; and

“(iv) is covered under the Federal Employees' Retirement System under chapter 84 of title 5, United States Code, on the date of enactment of this paragraph.”

(2) NOTIFICATIONS.—

(A) INITIAL NOTIFICATION BY SECRET SERVICE.—Not later than 30 days after the date of the enactment of this Act, the Director of the United States Secret Service shall notify each covered employee that the covered em-

ployee may execute an election under this paragraph to have paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-703, D.C. Official Code) apply with respect to the covered employee.

(B) NOTIFICATION OF TRANSITION COST.—Not later than 15 days after determining the amount of the transition cost associated with the application of paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-703, D.C. Official Code) to a covered employee (in accordance with paragraph (3)), the Director of the United States Secret Service shall notify the covered employee of such transition cost.

(3) TRANSITION COST.—

(A) DETERMINATION OF AMOUNT.—The transition cost associated with the application of paragraph (1) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act to a covered employee is the amount by which—

(i) the estimated present value of the payments which would be payable by the Federal Government to the District of Columbia with respect to such employee during the 11-fiscal year period beginning with the fiscal year in which this Act is enacted if such paragraph applies with respect to the covered employee, exceeds

(ii) the estimated present value of the benefits which would be payable from the Civil Service Retirement and Disability Fund with respect to such employee during the 11-year period described in clause (i) if such paragraph does not apply with respect to the covered employee.

(B) DETERMINATION.—

(i) IN GENERAL.—Not later than 60 days after the date of enactment of this Act, the Office of Pay and Retirement Services of the District of Columbia shall determine the transition cost with respect to each covered employee, by applying such assumptions and other methodologies as the Office of Pay and Retirement Services of the District of Columbia considers appropriate, consistent with generally accepted actuarial practices and standards.

(ii) ADDITIONAL RESOURCES.—

(I) IN GENERAL.—The Office of Pay and Retirement Services of the District of Columbia may enter into contracts as necessary to enable that Office to carry out activities under this subparagraph.

(II) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated not to exceed \$75,000 to carry out this subparagraph.

(4) DEFINITION.—In paragraphs (2) and (3), the term “covered employee” means an individual described in paragraph (2) of subsection (b) of the Policemen and Firemen's Retirement and Disability Act (sec. 5-703, D.C. Official Code), as added by paragraph (1).

(C) FORFEITURE OF EMPLOYER CONTRIBUTIONS FOR THRIFT SAVINGS PLAN.—

(1) IN GENERAL.—A covered employee shall forfeit all contributions to the Thrift Savings Fund made by an employing agency pursuant to section 8432(c) of title 5, United States Code, for the benefit of the covered employee before the effective date of the election made by the employee under subsection (b)(2) of this section.

(2) DEFINITION.—In this subsection, the term “covered employee” means an individual described in subparagraph (C) of subsection (b)(2) of the Policemen and Firemen's Retirement and Disability Act, as added by this section, who provides a notification in

accordance with subparagraph (A) of such subsection (b)(2).

(d) TREATMENT OF REEMPLOYED ANNUITANTS.—

(1) IN GENERAL.—For purposes of section 8468 of title 5, United States Code, a covered employee (as defined in subsection (c)(2)) who is receiving benefits under the Policemen and Firemen's Retirement and Disability Act pursuant to an election made under subsection (b)(2) shall be deemed to be an annuitant, as defined under section 8401 of title 5, United States Code.

(2) REGULATIONS.—The Director of the Office of Personnel Management shall prescribe any regulations necessary to carry out this subsection, including regulations under which an employing agency shall accept the certification of the appropriate official of the government of the District of Columbia regarding the amount of retirement benefits being paid to a covered District of Columbia retiree for a period during which such retiree is employed in an appointive or elective position with the agency.

**SA 3168.** Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

#### Subtitle D—Other Matters

#### SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.

(a) FINDINGS.—Congress makes the following findings:

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y-12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, “gained access to the protected security area directly adjacent to one of the nation's most critically important nuclear weapons-related facilities”.

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration's Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested "contractor assurance" approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a "high risk" designation and found there to be insufficient qualified Federal acquisition professionals to "plan, direct, and oversee project execution".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be rejected;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished; and

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities.

**SA 3169.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and

ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term "small arms" means firearms up to but not including .50 caliber and shotguns.

(2) The term "small arms ammunition" means ammunition or ordnance for firearms up to but not including .50 caliber and shotguns.

**SA 3170.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 216. ENHANCEMENTS OF THE RESEARCH AND DEVELOPMENT CONDUCTED BY THE DEPARTMENT OF DEFENSE.**

(a) REDUCTION OF DUPLICATION.—

(1) PLAN FOR REDUCTION OF UNNECESSARY DUPLICATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, the Secretary of Veterans Affairs, the Secretary of Energy, the Secretary of Health and Human Services, the Director of the National Institutes of Health,

the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other appropriate scientific agencies of the Federal Government, develop a plan to ensure such departments and agencies are effectively coordinating on matters relating to research and development and have the means to more efficiently cross-check grant applications and recipients to identify and prevent unnecessary duplication in such matters. The plan shall take into consideration the recommendations made by the Government Accountability Office in the report entitled "2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue" (GAO-12-342SP). The plan shall include specific objectives, actions, and schedules.

(2) PLAN FOR REDUCTION IN CERTAIN MEDICAL RESEARCH.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, submit to Congress a plan to eliminate unnecessary duplication in the research being conducted by the Congressionally Directed Medical Research Program of the Department of Defense by transferring research that is not directly related to military service to another appropriate department or agency of the Federal Government. The plan shall include such recommendations for legislative and administrative action as the Secretaries consider appropriate to implement the plan.

(b) ENHANCEMENT OF TRANSPARENCY.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, develop guidance to ensure that—

(A) the Department of Defense and the components of the Department are reporting information required by the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282; 31 U.S.C. 6101 note) regarding recipients of grants, contracts, or other forms of Federal financial assistance provided by the Department of Defense using covered research, development, test, and evaluation funds; and

(B) such information is posted in a timely manner on the Internet website of the Office of Management and Budget available to the public.

(2) ADDITIONAL INTERNET WEBSITE.—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense, shall develop a searchable Internet website available to the public that lists grants awarded by the Department using covered research, development, test, and evaluation funds. The information posted on the website regarding a grant shall include the following:

(A) The name and location of the recipient of the grant.

(B) The total amount of the grant, and the amount of the grant to be disbursed by year in the case of a multi-year grant.

(C) The duration of the grant.

(D) The purpose of the grant.

(3) COVERED RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS DEFINED.—In this subsection, the term "covered research, development, test, and evaluation funds" means amounts authorized to be appropriated for the Department of Defense for a fiscal year

after fiscal year 2013 for research, development, test, and evaluation.

(C) **PRIORITY IN DEFENSE RESEARCH FOR NATIONAL SECURITY AND CARE OF WOUNDED WARRIORS.**—

(1) **LIMITATION ON AVAILABILITY OF CERTAIN AMOUNTS.**—Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 2013 for the Department of Defense by this title for research, development, test, and evaluation may be obligated and expended only on programs, projects, and initiatives directly related to defense activities, such as developing new technologies for the future force, combating terrorism and other emerging threats, increasing military combat capabilities, and improving care, protection, and the health and well-being of members of the Armed Forces.

(2) **FOREIGN COMPARATIVE TESTING PROGRAM.**—

(A) **IN GENERAL.**—The Foreign Comparative Testing (FCT) program shall support the testing of technologies, products, and other items with a high Technology Readiness Level that could fill gaps in mission requirements.

(B) **LIMITATION ON AVAILABILITY OF FUNDS.**—No funds authorized to be appropriated by this Act for the Foreign Comparative Testing program may be obligated or expended to develop products or technologies (such as beef jerky or the osmotic dehydration process) not related to weaponry, combat systems, or improving the care of or protecting the health and well-being of members of the Armed Forces.

(d) **WAIVER.**—The Secretary of Defense may waive any requirement of this section if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

**SA 3171.** Mr. HATCH (for himself, Mr. ROBERTS, Mr. CHAMBLISS, Mr. BARRASSO, Mr. INHOFE, Mr. WICKER, Mr. LEE, Mr. COBURN, Mr. RISCH, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. STATUS OF PALESTINIAN MISSION TO UNITED NATIONS.**

No amounts may be appropriated or otherwise made available for contributions to the United Nations if the Security Council or General Assembly of the United Nations grants Palestine, the Palestinian Liberation Organization, or the state of Palestine a change in United Nations status from a permanent observer "entity" before the Secretary of State certifies to Congress that a comprehensive peace agreement has been reached with the sovereign state of Israel.

**SA 3172.** Mr. CORKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department

of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1233. REPORTS ON SYRIA.**

(a) **REPORT ON OPPOSITION GROUPS.**—

(1) **IN GENERAL.**—Not later than 15 days after the date of the enactment of this Act, the President shall submit to Congress a report describing in detail all the known opposition groups, both independent and state-sponsored, inside and outside of Syria, operating directly or indirectly to oppose the Government of Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) An assessment of the current military capacity of opposition forces.

(B) An assessment of the ability of opposition forces inside and outside of Syria to establish military and political activities impacting Syria, together with a practicable timetable for accomplishing these objectives.

(C) An assessment of the ability of any of the opposition groups to establish effective military and political control in Syria.

(D) A description of the composition and political agenda of each of the known opposition groups inside and outside of Syria, and an assessment of the degree to which such groups represent the views of the people of Syria as a whole.

(E) A description of the financial resources currently available to opposition groups and known potential sources of continued financing.

(F) An assessment of the relationship between each of the Syrian opposition groups and the Muslim Brotherhood, al Qaeda, Hezbollah, Hamas, and any other groups that have promoted an agenda that would negatively impact United States national interests.

(G) An assessment of whether active support from the United States to opposition forces would have a positive or negative impact on the factors discussed in subparagraphs (A) through (F).

(b) **REPORT ON WEAPONS STOCKPILES.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress an assessment of the size and security of conventional and non-conventional weapons stockpiles in Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A description of who has or may have access to the stockpiles.

(B) A description of the sources and types of weapons flowing from outside Syria to both government and opposition forces.

(C) A detailed plan to prevent the proliferation of conventional, biological, chemical, and other types of weapons in Syria.

(c) **REPORT ON CURRENT ACTIVITIES AND FUTURE PLANS TO PROVIDE ASSISTANCE TO SYRIA'S POLITICAL OPPOSITION.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the President shall submit to Congress a report on all the support provided to opposition political forces in Syria.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A full description of the current technical assistance democracy programs conducted by the Department of State and United States Agency for International Development to support the political opposition in Syria.

(B) A full summary of the communications equipment that is currently being provided to the political opposition in Syria, including a description of the entities that have received and that will continue to receive such equipment.

(C) A description of any additional activities the United States plans to undertake in support of the political opposition in Syria.

(D) A description of the funding levels currently dedicated to support the political opposition in Syria.

(d) **FORM.**—The reports required by this section may be submitted in a classified form, but shall include an unclassified summary.

**SA 3173.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II, add the following:

**SEC. 216. ENHANCEMENTS OF THE RESEARCH AND DEVELOPMENT CONDUCTED BY THE DEPARTMENT OF DEFENSE.**

(a) **REDUCTION OF DUPLICATION.**—

(1) **PLAN FOR REDUCTION OF UNNECESSARY DUPLICATION.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, the Secretary of Veterans Affairs, the Secretary of Energy, the Secretary of Health and Human Services, the Director of the National Institutes of Health, the Director of the National Science Foundation, the Administrator of the National Aeronautics and Space Administration, the Administrator of the National Oceanic and Atmospheric Administration, and the heads of other appropriate scientific agencies of the Federal Government, develop a plan to ensure such departments and agencies are effectively coordinating on matters relating to research and development and have the means to more efficiently cross-check grant applications and recipients to identify and prevent unnecessary duplication in such matters. The plan shall take into consideration the recommendations made by the Government Accountability Office in the report entitled "2012 Annual Report: Opportunities to Reduce Duplication, Overlap and Fragmentation, Achieve Savings, and Enhance Revenue" (GAO-12-342SP). The plan shall include specific objectives, actions, and schedules.

(2) **PLAN FOR REDUCTION IN CERTAIN MEDICAL RESEARCH.**—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Veterans Affairs and the Secretary of Health and Human Services, submit to Congress a plan to eliminate unnecessary duplication in the research being conducted by the Congressionally Directed Medical Research Program of the Department of Defense by transferring research that is not directly related to military service to another appropriate department or



agency of the Federal Government. The plan shall include such recommendations for legislative and administrative action as the Secretaries consider appropriate to implement the plan.

(b) **ENHANCEMENT OF TRANSPARENCY.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Director of the Office of Management and Budget, develop guidance to ensure that—

(A) the Department of Defense and the components of the Department are reporting information required by the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109-282; 31 U.S.C. 6101 note) regarding recipients of grants, contracts, or other forms of Federal financial assistance provided by the Department of Defense using covered research, development, test, and evaluation funds; and

(B) such information is posted in a timely manner on the Internet website of the Office of Management and Budget available to the public.

(2) **ADDITIONAL INTERNET WEBSITE.**—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense, shall develop a searchable Internet website available to the public that lists grants awarded by the Department using covered research, development, test, and evaluation funds. The information posted on the website regarding a grant shall include the following:

(A) The name and location of the recipient of the grant.

(B) The total amount of the grant, and the amount of the grant to be disbursed by year in the case of a multi-year grant.

(C) The duration of the grant.

(D) The purpose of the grant.

(3) **COVERED RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FUNDS DEFINED.**—In this subsection, the term “covered research, development, test, and evaluation funds” means amounts authorized to be appropriated for the Department of Defense for a fiscal year after fiscal year 2013 for research, development, test, and evaluation.

(c) **PRIORITY IN DEFENSE RESEARCH FOR NATIONAL SECURITY AND CARE OF WOUNDED WARRIORS.**—

(1) **LIMITATION ON AVAILABILITY OF CERTAIN AMOUNTS.**—Notwithstanding any other provision of this Act, amounts authorized to be appropriated for fiscal year 2013 for the Department of Defense by this title for research, development, test, and evaluation may be obligated and expended only on programs, projects, and initiatives directly related to defense activities, such as developing new technologies for the future force, combating terrorism and other emerging threats, increasing military combat capabilities, and improving care, protection, and the health and well-being of members of the Armed Forces.

(2) **FOREIGN COMPARATIVE TESTING PROGRAM.**—

(A) **IN GENERAL.**—The Foreign Comparative Testing (FCT) program shall support the testing of technologies, products, and other items with a high Technology Readiness Level that could fill gaps in mission requirements.

(B) **LIMITATION ON AVAILABILITY OF FUNDS.**—No funds authorized to be appropriated by this Act for the Foreign Comparative Testing program may be obligated or expended to develop products or technologies (such as beef jerky or the osmotic dehydration process) not related to weaponry, com-

bat systems, or improving the care of or protecting the health and well-being of members of the Armed Forces.

(d) **WAIVER.**—The Secretary of Defense may waive any requirement of this section if the Secretary certifies to the congressional defense committees in writing that the waiver is in the national security interests of the United States and includes with such certification a justification for the waiver.

**SA 3174.** Ms. MURKOWSKI submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. ELIGIBILITY FOR INTERMENT IN NATIONAL CEMETERIES.**

(a) **IN GENERAL.**—Section 2402(a) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(10) Any individual who—

“(A) the Secretary determines served in combat support of the Armed Forces (including combat support involving any covert action of the United States, as defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b)) in the Kingdom of Laos during the period beginning on February 28, 1961, and ending on May 15, 1975; and

“(B) at the time of the individual’s death was a citizen of the United States or an alien lawfully admitted for permanent residence in the United States.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to an individual dying on or after the date of the enactment of this Act.

**SA 3175.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 344. LIMITATION ON AVAILABILITY OF FUNDS FOR RETIREMENT OR INACTIVATION OF TICONDEROGA CLASS CRUISERS OR DOCK LANDING SHIPS.**

(a) **LIMITATION.**—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Department of Defense may be obligated or expended to retire, prepare to retire, inactivate, or place in storage a cruiser or dock landing ship.

(b) **EXCEPTION.**—Notwithstanding subsection (a), the U.S.S. Port Royal, CG 73, is authorized for retirement.

(c) **MAINTAINED LEVELS.**—The Secretary of the Navy, in supporting the operational requirements of the combatant commands, shall maintain the operational capability and perform the necessary maintenance of each cruiser and dock landing ship belonging

to the Navy until the later of the following dates:

(1) The date of the enactment of the National Defense Authorization Act for Fiscal Year 2014.

(2) September 30, 2013.

**SA 3176.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:

**SEC. 2705. REPORT ON COLLOCATION OF AIR FORCE MATERIEL COMMAND ORGANIZATIONS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the collocation of Air Force Materiel Command organizations.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) An assessment of the efficiencies and effectiveness associated with the collocation of Air Force Materiel Command organizations.

(2) An assessment of the organizational construct to determine how institutional synergies that were previously available in a collocated center can be replicated in the new Air Force Materiel Command Center reorganization, including an assessment of the following Air Force Materiel Command capabilities:

(A) Science and Technology, Acquisition.

(B) Developmental Test and Evaluation.

(C) Operational Test and Evaluation.

(D) Follow-on Operational Test and Evaluation.

(3) An assessment of synergistic efficiencies associated with capabilities of collocated organizations of other commands responsible for initial and follow-on test and evaluation of systems.

(4) An assessment of how the Air Force reorganization of Air Force Materiel Command is in adherence with section 2687 of title 10, United States Code.

(5) An analysis of the extent to which the proposed changes in the Air Force management structure were coordinated with the Office of the Secretary of Defense and the Director, Test Resource Management Center and the degree to which their concerns, if any, were addressed in the approach selected by the Air Force.

**SA 3177.** Mr. RUBIO submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXVII, add the following:



**SEC. 2705. AIR ARMAMENT CENTER, EGLIN AIR FORCE BASE, FLORIDA.**

The Secretary of the Air Force shall retain an Air Armament Center at Eglin Air Force Base, Florida, in name and function, with the same integrated mission elements, responsibilities, and capabilities as existed upon the completion of implementation of the recommendations of the 2005 Base Closure and Realignment Commission regarding such military installation contained in the report transmitted by the President to Congress in accordance with section 2914(e) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note), until such time as such integrated mission elements, responsibilities, and capabilities are modified pursuant to section 2687 of title 10, United States Code, or a subsequent law providing for the closure or realignment of military installations in the United States.

**SA 3178.** Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title V, add the following:

**SEC. 585. AWARD OF PURPLE HEART TO MEMBERS OF THE ARMED FORCES WHO WERE VICTIMS OF THE ATTACKS AT RECRUITING STATION IN LITTLE ROCK, ARKANSAS, AND AT FORT HOOD, TEXAS.**

(a) **AWARD REQUIRED.**—The Secretary of the military department concerned shall award the Purple Heart to the members of the Armed Forces who were killed or wounded in the attacks that occurred at the recruiting station in Little Rock, Arkansas, on June 1, 2009, and at Fort Hood, Texas, on November 5, 2009.

(b) **EXCEPTION.**—Subsection (a) shall not apply to a member of the Armed Forces whose wound was the result of the willful misconduct of the member.

**SA 3179.** Mr. BENNET (for himself, Mr. WARNER, and Mr. RUBIO) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle I—Safeguarding United States Satellite Leadership and Security****SEC. 1091. SHORT TITLE.**

This subtitle may be cited as the “Safeguarding United States Satellite Leadership and Security Act of 2012”.

**SEC. 1092. AUTHORITY TO DETERMINE APPROPRIATE EXPORT CONTROLS FOR SATELLITES AND RELATED ITEMS.**

Notwithstanding any other provision of law, the President is authorized to determine the appropriate export controls of satellites and related items and transfer such items

based on national security and foreign policy objectives from the jurisdiction of the International Traffic in Arms Regulations (22 CFR part 120 et seq.) to the Export Administration Regulations (15 CFR part 730 et seq.), consistent with the procedures in section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

**SEC. 1093. PROHIBITION ON TRANSFERS TO THE PEOPLE'S REPUBLIC OF CHINA.**

No satellite or related item made subject to the jurisdiction of the Export Administration Regulations pursuant to section 1092 may be transferred, directly or indirectly, to the Government of the People's Republic of China or any entity or person in or acting for or on behalf of the People's Republic of China or launched in the People's Republic of China or as part of a launch vehicle owned, operated, or manufactured by the Government of the People's Republic of China.

**SEC. 1094. PROHIBITION ON TRANSFERS TO STATE SPONSORS OF TERRORISM AND NORTH KOREA.**

No satellite or related item made subject to the jurisdiction of the Export Administration Regulations pursuant to section 1092 may be transferred, directly or indirectly, to—

(1) North Korea, Cuba, Iran, Sudan, Syria, or any country that is designated by the Secretary of State as supporting international terrorism under section 6 of the Export Administration Act (50 U.S.C. App. 2405(j)) (as continued in effect pursuant to the International Emergency Economic Powers Act; 50 U.S.C. 1701 et seq.), section 40 of the Arms Export Control Act (22 U.S.C. 2780), or section 620A of the Foreign Assistance Act of 1961 (22 U.S.C. 2371);

(2) any entity or person in or acting for or on behalf of such a country; or

(3) as part of a launch vehicle owned, operated, or manufactured by the government of such a country.

**SEC. 1095. RULE OF CONSTRUCTION REGARDING PRESIDENTIAL WAIVER AUTHORITY.**

Nothing in this subtitle shall be construed as removing or limiting the waiver authority of the President under part 126 of the International Traffic in Arms Regulations (22 CFR part 126), as in effect on the date of the enactment of this Act.

**SEC. 1096. RULE OF CONSTRUCTION REGARDING SPECIAL EXPORT CONTROL AUTHORITIES.**

Nothing in this subtitle shall be construed as removing or limiting existing authorities of the President under section 1514 (a) and (b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 22 U.S.C. 2778 note) with respect to defense articles that remain subject to the jurisdiction of the International Traffic in Arms Regulations or to otherwise take such actions as are necessary to implement requirements for improving national security controls in the export licensing of satellites, launch vehicles, and related items.

**SA 3180.** Mr. WHITEHOUSE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.**

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

**“SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.**

“(a) **DEVELOPMENT OF SCIENTIFIC FRAMEWORK.**—

“(1) **IN GENERAL.**—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

“(2) **CONTENTS.**—The scientific framework with respect to a recalcitrant cancer shall include the following:

“(A) **CURRENT STATUS.**—

“(i) **REVIEW OF LITERATURE.**—A summary of findings from the current literature in the areas of—

“(I) the prevention, diagnosis, and treatment of such cancer;

“(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

“(III) the epidemiology of such cancer.

“(ii) **SCIENTIFIC ADVANCES.**—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

“(iii) **RESEARCHERS.**—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

“(iv) **COORDINATED RESEARCH INITIATIVES.**—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

“(v) **RESEARCH RESOURCES.**—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

“(B) **IDENTIFICATION OF RESEARCH QUESTIONS.**—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

“(C) **RECOMMENDATIONS.**—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

“(i) **RESEARCHERS.**—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

“(ii) **COORDINATED RESEARCH INITIATIVES.**—Promoting and developing initiatives and partnerships described in subparagraph (A)(iv).

“(iii) **RESEARCH RESOURCES.**—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

“(3) **TIMING.**—

“(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

“(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

“(ii) review and update the scientific framework not later than 5 years after its initial development.

“(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

“(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

“(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

“(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

“(b) IDENTIFICATION OF RECALCITRANT CANCER.—

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

“(A) have a 5-year relative survival rate of less than 20 percent; and

“(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

“(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

“(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

“(d) REPORTING.—

“(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

“(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

“(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

“(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

“(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a sci-

entific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

“(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

“(f) DEFINITION.—In this section, the term ‘recalcitrant cancer’ means a cancer for which the five-year relative survival rate is below 50 percent.”.

**SA 3181.** Mr. WHITEHOUSE (for himself, Mr. MENENDEZ, Mr. MERKLEY, Mr. LAUTENBERG, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF THE SENATE ON NATIONAL SECURITY IMPLICATIONS OF CLIMATE CHANGE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Secretary of Defense has stated that “[t]he area of climate change has a dramatic impact on national security”.

(2) The 2010 National Security Strategy states that “the danger from climate change is real, urgent and severe”.

(3) The 2010 Quadrennial Defense Review states that “[c]limate change and energy are two key issues that will play a significant role in shaping the future security environment”.

(4) The 2010 Quadrennial Defense Review notes a 2008 assessment by the National Intelligence Council, which found that “more than 30 U.S. military installations were already facing elevated levels of risk from rising sea levels”.

(5) The Defense Science Board issued a report in October 2011 on Trends and Implications of Climate Change for National and International Security, which stated that “the effectiveness of adaptation will have significant national and international security implications”.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that it is in the national security interest of the United States to assess, plan for, and mitigate the security and strategic implications of climate change.

**SA 3182.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. ANNUAL REPORT ON DEFENSE CONTRACTING FRAUD.**

(a) ANNUAL STUDY AND REPORT.—The Secretary of Defense shall conduct an annual study on defense contracting fraud and submit a report containing the findings of such study to the congressional defense committees.

(b) REPORT CONTENTS.—The report required under subsection (a) shall include with respect to the most recent reporting period the following elements:

(1) An assessment of the total value of Department of Defense contracts entered into to with contractors that have been indicted for, settled charges of, been fined by any Federal department or agency for, or been convicted of fraud in connection with any contract or other transaction entered into with the Federal Government.

(2) Recommendations by the Inspector General of the Department of Defense or other appropriate Department of Defense official regarding how to penalize contractors repeatedly involved in fraud in connection with contracts or other transactions entered into with the Federal Government, including an update on implementation by the Department of any previous such recommendations.

**SA 3183.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VIII, add the following:

**SEC. 888. PUBLIC AVAILABILITY OF DATABASE OF SENIOR DEPARTMENT OF DEFENSE OFFICIALS SEEKING EMPLOYMENT WITH DEFENSE CONTRACTORS.**

Section 847(b) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 10 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(3) PUBLIC AVAILABILITY OF INFORMATION.—The Secretary of Defense shall make available online to the public any information contained in the database or repository required under paragraph (1) that is not confidential, personal, or proprietary in nature.”.

**SA 3184.** Mr. CARPER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

**SEC. 561. DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS ACTIONS ON INELIGIBILITY OF CERTAIN PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION FOR PARTICIPATION IN PROGRAMS OF EDUCATIONAL ASSISTANCE.**

(a) DEPARTMENT OF VETERANS AFFAIRS.—

(1) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended

by inserting after section 3681 the following new section:

**“§3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance**

“(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Veterans Affairs shall ensure that no educational assistance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

“(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department under chapters 30, 31, 32, 33, 34, and 35 of this title.

“(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Veterans Affairs shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

“(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department that provides information to persons described in paragraph (1), of the following:

“(A) The name of the institution.

“(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

“(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

“(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3681 the following new item:

“3681A. Ineligibility of certain proprietary institutions of higher education for participation in Department of Veterans Affairs programs of educational assistance.”.

(b) DEPARTMENT OF DEFENSE.—

(1) IN GENERAL.—Chapter 101 of title 10, United States Code, is amended by inserting after section 2008 the following new section:

**“§2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance**

“(a) IN GENERAL.—Upon receipt of a notice from the Secretary of Education under clause (iii) of section 487(d)(2)(A) of the Higher Education Act of 1965 (20 U.S.C. 1094(d)(2)(A)) that a proprietary institution of higher education is ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of such section, the Secretary of Defense shall ensure that no educational assist-

ance under the provisions of law specified in subsection (b) is available or used for education at the institution for the period of institutional fiscal years covered by such notice.

“(b) COVERED ASSISTANCE.—The provisions of law specified in this subsection are the provisions of law on educational assistance through the Department of Defense as follows:

“(1) This chapter.

“(2) Chapters 105, 106A, 1606, 1607, and 1608 of this title.

“(3) Section 1784a of this title.

“(c) NOTICE ON INELIGIBILITY.—(1) The Secretary of Defense shall take appropriate actions to notify persons receiving or eligible for educational assistance under the provisions of law specified in subsection (b) of the application of the limitations in section 487(d)(2) of the Higher Education Act of 1965 to particular proprietary institutions of higher education.

“(2) The actions taken under this subsection with respect to a proprietary institution shall include publication, on the Internet website of the Department of Defense that provides information to persons described in paragraph (1), of the following:

“(A) The name of the institution.

“(B) The extent to which the institution failed to meet the requirements of section 487(a)(24) of the Higher Education Act of 1965.

“(C) The length of time the institution will be ineligible for participation in or receipt of funds under any program of Federal educational assistance by reason of section 487(d)(2)(A) of that Act.

“(D) The nonavailability of educational assistance through the Department for enrollment, attendance, or pursuit of a program of education at the institution by reason of such ineligibility.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by inserting after the item relating to section 2008 the following new item:

“2008a. Ineligibility of certain proprietary institutions of higher education for participation in Department of Defense programs of educational assistance.”.

**SEC. 562. PROGRAM PARTICIPATION AGREEMENTS FOR PROPRIETARY INSTITUTIONS OF HIGHER EDUCATION.**

Section 487 of the Higher Education Act of 1965 (20 U.S.C. 1094) is amended—

(1) in subsection (a)(24)—

(A) by inserting “that receives funds provided under this title” before “, such institution”; and

(B) by striking “other than funds provided under this title, as calculated in accordance with subsection (d)(1)” and inserting “other than Federal educational assistance, as defined in subsection (d)(5) and calculated in accordance with subsection (d)(1)”; and

(2) in subsection (d)—

(A) in the subsection heading, by striking “NON-TITLE IV” and inserting “NON-FEDERAL EDUCATIONAL”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by inserting “that receives funds provided under this title” before “shall”; and

(ii) in subparagraph (B)—

(I) in clause (i), by striking “assistance under this title” and inserting “Federal educational assistance”; and

(II) in clause (ii)(I), by inserting “, or on a military base if the administering Secretary for a program of Federal educational assistance under clause (ii), (iii), or (iv) of para-

graph (5)(B) has authorized such location” before the semicolon;

(iii) in subparagraph (C), by striking “program under this title” and inserting “program of Federal educational assistance”; and

(iv) in subparagraph (E), by striking “funds received under this title” and inserting “Federal educational assistance”; and

(v) in subparagraph (F)—

(I) in clause (iii), by striking “under this title” and inserting “of Federal educational assistance”; and

(II) in clause (iv), by striking “under this title” and inserting “of Federal educational assistance”; and

(C) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

“(A) INELIGIBILITY.—

“(i) IN GENERAL.—Notwithstanding any other provision of law, a proprietary institution of higher education receiving funds provided under this title that fails to meet a requirement of subsection (a)(24) for two consecutive institutional fiscal years shall be ineligible to participate in or receive funds under any program of Federal educational assistance for a period of not less than two institutional fiscal years.

“(ii) REGAINING ELIGIBILITY.—To regain eligibility to participate in or receive funds under any program of Federal educational assistance after being ineligible pursuant to clause (i), a proprietary institution of higher education shall demonstrate compliance with all eligibility and certification requirements for the program for a minimum of two institutional fiscal years after the institutional fiscal year in which the institution became ineligible. In order to regain eligibility to participate in any program of Federal educational assistance under this title, such compliance shall include meeting the requirements of section 498 for such 2-year period.

“(iii) NOTIFICATION OF INELIGIBILITY.—The Secretary of Education shall determine when a proprietary institution of higher education that receives funds under this title is ineligible under clause (i) and shall notify all other administering Secretaries of the determination.

“(iv) ENFORCEMENT.—Each administering Secretary for a program of Federal educational assistance shall enforce the requirements of this subparagraph for the program concerned upon receiving notification under clause (iii) of a proprietary institution of higher education’s ineligibility.”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i)—

(aa) by striking “In addition” and all that follows through “education fails” and inserting “Notwithstanding any other provision of law, in addition to such other means of enforcing the requirements of a program of Federal educational assistance as may be available to the administering Secretary, if a proprietary institution of higher education that receives funds provided under this title fails”; and

(bb) by striking “the programs authorized by this title” and inserting “all programs of Federal educational assistance”; and

(II) in clause (i), by inserting “with respect to a program of Federal educational assistance under this title,” before “on the expiration date”; and

(D) in paragraph (4)(A), by striking “sources under this title” and inserting “Federal educational assistance”; and

(E) by adding at the end the following:

“(5) DEFINITIONS.—In this subsection:

“(A) ADMINISTERING SECRETARY.—The term ‘administering Secretary’ means the Secretary of Education, the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Homeland Security, or the Secretary of a military department responsible for administering the Federal educational assistance concerned.

“(B) FEDERAL EDUCATIONAL ASSISTANCE.—The term ‘Federal educational assistance’ means funds provided under any of the following provisions of law:

- “(i) This title.
- “(ii) Chapter 30, 31, 32, 33, 34, or 35 of title 38, United States Code.
- “(iii) Chapter 101, 105, 106A, 1606, 1607, or 1608 of title 10, United States Code.
- “(iv) Section 1784a of title 10, United States Code.”.

**SA 3185.** Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_. ANNUAL REPORTS ON UNITED STATES CONTRIBUTIONS TO THE UNITED NATIONS.**

(a) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Director of the Office of Management and Budget shall submit to Congress a report listing all assessed and voluntary contributions, including in-kind, of the United States Government for the preceding fiscal year to the United Nations and United Nations affiliated agencies and related bodies.

(b) CONTENTS.—Each report required under subsection (a) shall set forth, for the fiscal year covered by such report, the following:

(1) The total amount of all assessed and voluntary contributions, including in-kind, of the United States Government to the United Nations and United Nations affiliated agencies and related bodies.

(2) The approximate percentage of United States Government contributions to each United Nations affiliated agency or body in such fiscal year when compared with all contributions to such agency or body from any source in such fiscal year.

(3) For each such contribution—

(A) the amount of such contribution;

(B) a description of such contribution (including whether assessed or voluntary);

(C) the department or agency of the United States Government responsible for such contribution;

(D) the purpose of such contribution; and

(E) the United Nations or United Nations affiliated agency or related body receiving such contribution.

(c) PUBLIC AVAILABILITY OF INFORMATION.—Not later than two weeks after submitting each report required under subsection (a), the Director of the Office of Management and Budget shall post a public version of the report on a text-based, searchable, and publicly available Internet website.

**SA 3186.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title VIII, add the following:

**SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) STUDY.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) FACTORS TO CONSIDER.—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) ACCESS TO INFORMATION.—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) REPORT.—

(1) IN GENERAL.—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) CLASSIFIED ANNEX.—The report shall be in unclassified form, but may contain a classified annex.

(c) DEFINITIONS.—In this section:

(1) The term “small arms” means—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

(2) The term “small arms ammunition” means ammunition or ordnance for—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

**SA 3187.** Mr. COCHRAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_. ADDITIONAL RESPONSIBILITIES AND RESOURCES FOR DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR DEVELOPMENTAL TEST AND EVALUATION.**

(a) SUPERVISION.—Section 139b(a)(3) of title 10, United States Code, is amended by striking “to the Under Secretary” before the period and inserting “directly to the Under Secretary, without the interposition of any other supervising official”.

(b) CONCURRENT SERVICE.—Section 139b(a)(7) of such title is amended by striking “may” and inserting “shall”.

(c) RESOURCES.—Section 139b(a) of such title is amended by adding at the end the following new paragraph:

“(8) RESOURCES.—

“(A) The President shall include in the budget transmitted to Congress, pursuant to section 1105 of title 31, for each fiscal year, a separate statement of estimated expenditures and proposed appropriations for the fiscal year for the activities of the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation in carrying out the duties and responsibilities of the Deputy Assistant Secretary under this section.

“(B) The Deputy Assistant Secretary of Defense for Developmental Test and Evaluation shall have sufficient professional staff of military and civilian personnel to enable the Deputy Assistant Secretary to carry out the duties and responsibilities prescribed by law. The resources for the Deputy Assistant Secretary shall be comparable to the resources, including Senior Executive Service positions, other civilian positions, and military positions, available to the Director of Operational Test and Evaluation.”.

(d) ANNUAL REPORT.—Section 139b(d) of such title is amended—

(1) in the subsection heading, by striking “JOINT”;

(2) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(3) by inserting “(1)” before “Not later than March 31”;

(4) in the matter appearing before subparagraph (A), as so redesignated, by striking “jointly” and inserting “each”; and

(5) by adding at the end the following new paragraph:

“(2) With respect to the report required under paragraph (1) by the Deputy Assistant Secretary of Defense for Developmental Test and Evaluation—

“(A) the report shall include a separate section that covers the activities of the Department of Defense Test Resource Management Center (established under section 196 of this title) during the preceding year; and

“(B) the report shall be transmitted to the Under Secretary of Defense for Acquisition, Technology, and Logistics at the same time it is submitted to the congressional defense committees.”.

**AUTHORITY FOR COMMITTEES TO MEET**

**COMMITTEE ON FOREIGN RELATIONS**

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the

Senate on November 28, 2012, at 2 p.m., to hold a nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL DEVELOPMENT AND FOREIGN ASSISTANCE, ECONOMIC AFFAIRS AND INTERNATIONAL ENVIRONMENTAL PROTECTION

Mr. LEVIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 28, 2012, at 10 a.m., to hold an International Development and Foreign Assistance, Economic Affairs and International Environmental Protection subcommittee hearing entitled, "Evaluating Current U.S. Global Food Security Efforts and Determining Future U.S. Leadership Opportunities."

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. MERKLEY. Mr. President, I ask unanimous consent that Jesse Marseille, an intern in my office, be granted the privilege of the floor for the duration of the day.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. MURRAY. Mr. President, I ask unanimous consent that Maj. Megan A. Kinne, a U.S. Air Force officer who is currently serving as a defense legislative fellow this year in Senator REID's office, be granted floor privileges for the duration of S. 3254, the National Defense Authorization Act for 2013.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that LCDR Todd Ladwig, a Navy fellow in my office, and interns Jackie Kerber, Tassilo von Bismark, and Daniel Edwards, be allowed floor privileges for the duration of the Senate's debate on S. 3254, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that CAPT Tony Pankuch, a defense fellow in my office, be granted floor privileges for the remainder of this year.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that LTC Matt Groves, a Department of Defense fellow assigned to my office, be granted the privilege of the floor for the remainder of debate on S. 3254, the National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Mr. President, I ask unanimous consent that floor privileges be granted to Ann Y. Lee, a Department of Defense fellow, during the

Senate consideration of S. 3254, the fiscal year 2013 National Defense Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUNT. Mr. President, I ask unanimous consent that my defense fellow, MAJ Mark O'Neill, be allowed access to the Senate floor as long as the Defense authorization bill be considered, and I ask unanimous consent request on behalf of Senator COCHRAN that Karen Courington and Mike Hansen, legislative fellows detailed to the Committee on Appropriations, and Taylor Lam, a fellow in Senator COCHRAN's office, be granted the privilege of the floor during consideration of the National Defense Authorization Act for fiscal year 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Patricia Clough, a fellow in Senator WARNER's office, be granted privileges of the floor during consideration of Treaty Document 112-7, and S. 3254.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that David Bjerke, a defense fellow in Senator BLUMENTHAL's office, be granted floor privileges for the duration of the debate on the National Defense Authorization Act for Fiscal Year 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Dorothy Englehardt, a military fellow in my office, be granted the privilege of the floor for the remainder of the debate on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that LCDR Peter Halvorsen, the military fellow from the Department of Navy, be granted floor privileges for the remainder of the consideration of the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that floor privileges during this vote and subsequent votes on the bill be granted to Bruce Cohen, Erica Schabot, and Matt Virkstis.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### DHS AUDIT REQUIREMENT TARGET ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 535, S. 1998.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1998) to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

#### SECTION 1. SHORT TITLE.

*This Act may be cited as the "DHS Audit Requirement Target Act of 2012" or the "DART Act".*

#### SEC. 2. IMPROVING FINANCIAL ACCOUNTABILITY AND MANAGEMENT.

*(a) DEFINITIONS.—In this section—*

*(1) the term "Department" means the Department of Homeland Security;*

*(2) the term "financial management systems" has the meaning given that term under section 806 of the Federal Financial Management Improvement Act of 1996 (31 U.S.C. 3512 note);*

*(3) the term "Secretary" means the Secretary of Homeland Security; and*

*(4) the term "unqualified opinion" mean an unqualified opinion within the meaning given that term under generally accepted auditing standards.*

*(b) REACHING AN UNQUALIFIED AUDIT OPINION.—In order to ensure compliance with the Department of Homeland Security Financial Accountability Act (Public Law 108-330; 118 Stat. 1275) and the amendments made by that Act, the Secretary shall take the necessary steps to ensure that the full set of consolidated financial statements of the Department for the fiscal year ending September 30, 2013, and each fiscal year thereafter, are ready in a timely manner and in preparation for an audit as part of preparing the performance and accountability reports required under section 3516(f) of title 31, United States Code, (including submitting the reports not later than November 15, 2013, and each year thereafter) in order to obtain an unqualified opinion on the full set of financial statements for the fiscal year.*

*(c) REPORT TO CONGRESS ON PROGRESS OF MEETING AUDIT REQUIREMENTS.—In order to ensure progress in implementing the Department of Homeland Security Financial Accountability Act (Public Law 108-330; 118 Stat. 1275), and the amendments made by that Act, during the period beginning on the date of enactment of this Act and ending on the date on which an unqualified opinion described in subsection (b) is submitted, each report submitted by the Chief Financial Officer of the Department under section 902(a)(6) of title 31, United States Code, shall include a plan—*

*(1) to obtain an unqualified opinion on the full set of financial statements, which shall discuss plans and resources needed to meet the deadlines under subsection (b);*

*(2) that addresses how the Department will eliminate material weaknesses and significant deficiencies in internal controls over financial reporting and provides deadlines for the elimination of such weaknesses and deficiencies; and*

*(3) to modernize the financial management systems of the Department, including timelines, goals, alternatives, and costs of the plan, which shall include consideration of alternative approaches, including modernizing the existing financial management systems and associated financial controls of the Department and establishing new financial management systems and associated financial controls.*

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as

amended, be read a third time and passed, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment in the nature of a substitute was agreed to.

The bill (S. 1998), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

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ORDERS FOR THURSDAY,  
NOVEMBER 29, 2012

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 9:30 a.m. Thursday, November

29, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders be reserved for their use later in the day; that the Senate be in a period of morning business for 1 hour, with Senators permitted to speak for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; and that following morning business, the Senate resume consideration of S. 3254, the DOD Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, we continue to work through amendments to the DOD. We are not going to be on this bill forever. If people want to offer amendments, they should come and do it. We hope to finish the work on this bill this week.

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ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:18 p.m., adjourned until Thursday, November 29, 2012, at 9:30 a.m.

## EXTENSIONS OF REMARKS

### IN RECOGNITION OF MARCUS HIGH SCHOOL MARCHING BAND

#### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to celebrate another stellar attainment by the Marcus High School Marching Band. This is not the first, second, or even third time that the Marcus Band has won the University Interscholastic League (UIL) Class 5A State Marching competition, but their fourth time to be state champions! The Marcus High School Marching Band has achieved a first in UIL history in any conference, by winning its fourth consecutive state marching finals contest. It is an amazing accomplishment that epitomizes their work ethic and musicality.

The Marcus High School Marching Band has a talented and committed leadership team, headed by Amanda Drinkwater, Director of Bands, and Associate Directors: Kennan Wylie, Dominic Talanca and David Simon as well as Color Guard Director, John Leonard. The student members of the Marauder Band have worked long hours over many months to bring their winning performance "Gilded Memories" to fruition. They have been capably led by Drum Majors Sarah Jones and Scott Van Gundy.

Edward S. Marcus High School is located in Flower Mound, Texas within the Lewisville Independent School District. The school's administrators, teachers and students as well as its dedicated booster organization have wholeheartedly supported the band's endeavors and should also be recognized and commended.

I am pleased to join the community in congratulating the Marcus High School Band. They have been excellent ambassadors for Flower Mound and the 26th District of Texas. It is my privilege to serve them in the U.S. House of Representatives.

### TRIBUTE TO MATILDA SYKES

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today in recognition of Matilda Sykes, a tenacious leader and advocate in the community and an inspiration to all of New York.

Matilda, known affectionately as "Mattie", was born in Bennettsville, South Carolina. At a young age, she attended Sunday Service at Shiloh Baptist Church with her grandmother. Like her grandmother, she became a faithful church parishioner. As the second oldest of three siblings, she developed a loving concern for others.

Her family moved to Brooklyn, NY, where she joined First Baptist Church of Crown Heights and started singing in the youth choir. She accepted Christ at an early age and became involved in youth ministry.

Living in the big city, Mattie continued her education at Rothchild JHS and Bay Ridge HS, graduating and going on to further her education at Kingsborough Community College, where she majored in Business Administration and received an A.A.S. Degree. While attending college, she met her late husband John M. Sykes, Sr. They had one child, John M. Skyes, Jr.

As a young mother, Mattie returned to the work force, landing jobs in the retail field. After that, she accepted a position with the NYC Department of Health and Mental Hygiene, Bureau of Child Care. During her 29 years in the department, she became an advocate for children, working on special projects with the Associate Commissioner. Mattie is also strongly active with District Council 37, working as a shop steward and delegate for Local 1549.

Mattie worked in the community with the Neighborhood Youth Corp and summer lunch programs while sitting on the Board of the Five Block Daycare Center. She enjoys promoting AIDS and Breast Cancer Awareness at local health fairs around the city.

Currently a member of the Bethany Baptist Church, Mattie has served as secretary to the Ladies Usher Board for several years. With the love and guidance she receives from above, she is content with caring for her elderly mother and watching her two darling granddaughters, Chyna and Aja Sykes grow up.

Mattie enjoys spending her free time with her family and dearest friends whenever possible and truly feels the Lord's blessings.

Mr. Speaker, I urge my colleagues to join me in recognizing Matilda "Mattie" Sykes.

### JONI INMAN

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Joni Inman for her outstanding service to our community.

Joni Inman has been a leader of the Denver community for decades. Most recently, Joni consults for ActionCOACH which helps her clients grow their businesses and create new jobs. Joni also owns her own consulting firm for lobbying, strategic and business planning, small business support for federal regulations and public relations.

Prior to her consulting career, Joni served as the Deputy City Manager for Lakewood where she pioneered the city's communications and sustainability programs. As Deputy

City Manager, she oversaw Lakewood's economic development and was the city's legislative lobbyist.

Joni was a behind-the-scenes force in the development of Colorado Mills at Belmar and the St. Anthony Hospital Campus in Lakewood.

I extend my deepest congratulations to Joni Inman for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

### LEAH VARNELL

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Leah Varnell for her outstanding service to our community.

In 2000, Leah Varnell was a leader in the creation of the Court Appointed Special Advocates of Jefferson and Gilpin Counties (CASA Jeffco/Gilpin). Its mission is to recruit, train and manage community advocates who act as officers of the court for the best interest of children that are abuse and neglect victims.

Since its inception, Leah's success with CASA Jeffco/Gilpin has led to a 110% increase in revenue and 60% increase in staffing, which enables the program to serve more children. In addition, Leah's has been successful creating numerous partnerships with courts and human services to better utilize CASA volunteers.

In 2010, Leah was selected as the Staff Person of the Year by the State Association of CASA programs in Colorado. She also serves on numerous boards including Rewired, Inc., Leadership Jefferson County Alumni Association, Jefferson County Good News Coalition, Jefferson County Best Practice Court Team, and the Emancipation Court Steering Committee.

I extend my deepest congratulations to Leah Varnell for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

### TRIBUTE TO LARAY BROWN

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and honor LaRay Brown for her track record in public service and her commitment to improving the community.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



LaRay Brown is the Senior Vice President for Corporate Planning, Community Health and Intergovernmental Relations at the New York City Health and Hospitals Corporation (HHC), the largest municipal public hospital system in the country. She has been acknowledged by Modern Healthcare as one of the Top 25 Women in Healthcare. LaRay Brown directs strategic-planning efforts for the corporation, and formulation and execution of legislative initiatives and advocacy strategies. Among the many corporate-wide initiatives that she led, Ms. Brown is spearheading the development of affordable and accessible housing on behalf of HHC's patients.

She is the recipient of numerous awards, including the Commission on the Public's Health System's Marshall C. England Memorial Public Health Award in 2010 and the Community Health Care Association of New York State's Rosemarie Forstner Award in 2011.

She was a member of Governor Cuomo's health care transition team and his Medicaid Redesign Team Work Groups on Housing and Health Disparities. Ms. Brown also serves on the board of New York State Health Foundation.

Ms. Brown previously held leadership positions with the State of New Jersey including its Division of Mental Health and Hospitals and its Division of Youth and Family Services.

Ms. Brown graduated summa cum laude from the University of Pennsylvania and received her graduate training at the University of Pennsylvania Fets Center for Government Policy.

Mr. Speaker, I would like to recognize Ms. LaRay Brown for her successful career and continued work in service to the community.

#### IN RECOGNITION OF THE 10TH ANNUAL 26TH CONGRESSIONAL DISTRICT OF TEXAS TRANSPORTATION SUMMIT

### HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. BURGESS. Mr. Speaker, earlier this week, I held the 10th Annual 26th Congressional District of Texas Transportation Summit along with the Texas Department of Transportation at the University of North Texas.

Transportation is always a popular topic of discussion in North Texas and for obvious reasons. With one of the world's largest airports, thousands of miles of roads, highways, rail lines, and several other modes of infrastructure, North Texans recognize the importance of transportation and its role in our region's continued growth.

This event provided a great conversation and I would like to thank:

The Texas Department of Transportation for cosponsoring and Texas Transportation Commissioner Jeff Moseley speaking at the event, as well as the University of North Texas for serving as host.

Other speakers and panelists for the summit who provided excellent insight into transportation issues: Andrew Harris, Vice President of Finance and Administration, University of

North Texas; Michael Morris, Transportation Director for the North Central Texas Council of Governments; Larry D. Tegtmeyer, Wichita Falls District Engineer, Texas Department of Transportation; Bill Hale, Dallas District Engineer, Texas Department of Transportation; Andy Eads, Commissioner Precinct 4, Denton County; Maribel Chavez, Fort Worth District Engineer, Texas Department of Transportation; Gary Fickes, Commissioner Precinct 3, Tarrant County; Marc Williams, Director of Planning, Texas Department of Transportation; and Carlos Swonke, Director of Environmental Affairs, Texas Department of Transportation.

Congressman STEVEN LATOURETTE was gracious and keynoted the event. As Vice-Chair of the House Appropriations Subcommittee on Transportation, he provided a unique perspective and insight. I thank him for his time and information, and I would like to thank him for his service. Congress is losing such a great asset and I wish him well in the next chapter in his life.

North Texas is a rapidly growing area. As our population expands, our need for wider roads and highways also expands. I look forward to continuing this conversation and to working with local and state leaders on transportation issues.

#### RECOGNIZING CLARENCE BROWN

### HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. GINGREY of Georgia. Mr. Speaker, I stand before you today to recognize the retirement of a lifelong civil servant, Clarence Brown. Clarence has selflessly served the citizens of Bartow County for more than 38 years, and his tenure as Bartow County Commissioner is the longest to date.

Clarence began his service with a plan and vision for Bartow County, and under his leadership it has flourished. Some highlights of his public service are the implementation of the county's growth management plan in 1996, the completion of Georgia Highlands College, and the development of the nation's first county-wide Environmental Management System.

Each of these accomplishments shaped Bartow County, but Clarence's legacy of leadership is truly defined by his character. He paid extraordinary attention to public input and cared deeply for the people he governed.

In recognition of Clarence's selfless service and commitment to the community, the county named the conference center in Cartersville in his honor. However, this was not an easy task given Clarence's humble nature!

It took the community, a judge, and Clarence's wife to convince him to agree to the dedication. To this day when asked about the Clarence Brown Conference Center, Clarence will humbly reply, "It's just a name on a building."

Through his philanthropic and civic contributions, Clarence's impact on our community is immeasurable. He has, and will, continue to lead our community with integrity and honor.

Clarence represents the best of the 11th District, the best of Georgia, and indeed the

best of public servants. I am proud to call him a friend.

#### TRIBUTE TO KIMBERLY WELCH

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Kimberly Welch, a model servant of the needs of the public, a person dedicated to the importance of family, and native New Yorker.

Ms. Kimberly Welch has been working at the Health & Hospital Corporation for 22 years, beginning as an office aide and now Assistant Associate, providing much help in Mental Health Services to the citizens of Brooklyn. She has focused and devoted her time enlightening, understanding and caring for patients.

An advocate of education, Ms. Welch attended Boricua College in Brooklyn, where she earned a Bachelors of Science Degree in human services. She is active in her children's education and was elected vice president of the PTA at her children's school.

Ms. Welch has always had an interest in helping families, especially in underserved communities. Thinking about ways she could fulfill this desire, she joined an organization named "SomeMeTime", which allows her the ability to empower women. The annual Mother's Day Brunch provides mothers with a day of rest and relaxation. Ms. Welch also participates in programs that educate women on the importance of good health and hygiene.

Ms. Welch volunteers in a very special organization named "L.A.C.E. Leading Ladies" which is dear to her heart because her daughter is one of the founding members. This organization based in Brooklyn, collects, cleans, and distributes prom and graduation dresses to underprivileged junior high school girls throughout New York City. In the spring of 2012, they provided dresses to more than 625 young girls.

Ms. Welch enjoys the holidays and says it's her favorite and busiest time of the year. She participates in an annual turkey giveaway to the community and she helps feed less fortunate families on Thanksgiving Day. At Christmas, she assists with coordinating the distribution of toys for chronic substance abuse families and children with a history of mental illness. Kimberly is also affiliated with an organization that allows these families to have their photos professionally taken for their holiday memories.

Mr. Speaker, I would like to recognize Ms. Kimberly Welch for her efforts advocating for the well-being of our disenfranchised fellow citizens.

DOT WRIGHT

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dot Wright for her outstanding service to our community.

Since 2008 Dot has served as President and CEO of the Arvada Chamber of Commerce. Her successes have led to significant growth in the chamber's membership and outreach efforts. In addition, Dot has worked tirelessly to create a better trained workforce for jobs of the 21st Century.

In 2011, Dot created the Jefferson County Business Education Alliance (JCBEA) which partners business owners and students with educational opportunities such as internships and job shadowing. Her vision led to a full-time position with the Jefferson County Department of Human Services tasked with expanding this successful program county-wide.

Dot is also involved with many community organizations. She serves on the Arvada Colts Board of Directors, Arvada Economic Development Association, Arvada Jefferson Kiwanis Club, the Arvada—Wheat Ridge Ambassadors for Youth and the Historic Olde Town Arvada Board of Directors. She also serves on my Small Business Advisory Committee.

I extend my deepest congratulations to my friend Dot Wright for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

IN HONOR OF THE LIFE ACCOMPLISHMENTS OF ROGER MORRIS CARTER

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. ALEXANDER. Mr. Speaker, I rise today to honor and commend the accomplished life of one of Louisiana's own, Roger Morris Carter. Born in Ferriday, LA, to William Prentiss Carter, Jr. and Carolyn Rogers Carter, he attended Louisiana State University for both a B.S. in Agriculture (Entomology) in 1972 and M.S. in Plant Pathology in 1975. During this time, he married his wife, Lise' Anne Clower on December 21, 1972. Their union later produced one son, Anthony Bronson Carter, who with his wife, Jessica Boyette, has given Roger and Lise' five grandchildren.

With an impressive foundation of scientific knowledge, a natural aptitude for working the land and a political astuteness uncommon in a single person, Roger's work has been instrumental in revolutionizing farming in Louisiana and throughout the country. As a highly sought after agricultural consultant, Roger pioneered the use of precision agriculture in our area by using electrical conductivity (EC) to separate soil types and developing "zones", so that the fertilizer and lime needs of the soil could be addressed precisely in each zone.

Additionally, Roger is a prominent member of the National Alliance of Independent Crop Consultants (NAICC), having served as both president and treasurer over the years. NAICC is widely respected for its impartial and independent views on topics related to agriculture. It was very influential in assisting the Environmental Protection Agency (EPA) in creating the Worker Protection Standard regulations as well as Natural Resources Conservation Service (NRCS) and Conservation Stewardship Program with various conservation measures. While Roger was treasurer of NAICC, he began "Dads in DC" which later became "Crawfish Boil on the Hill," an annual institution. Over 300 people attended this year, including six congressmen, and individuals from the House and Senate Ag Committee, EPA and United States Department of Agriculture staffers including those in NRCS and the Food Safety Administration.

Over his lifetime, Roger has been a member of scores of professional associations, and has received countless awards, while always maintaining his own farm and continuously giving back to his community. Mr. Speaker, I ask my colleagues to join me in honoring the life works of Roger Morris Carter and to wish him future success in all of his ventures.

**HONORING THE SANTA ROSA SYMPHONY****HON. LYNN C. WOOLSEY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Ms. WOOLSEY. Mr. Speaker, I rise to honor the Santa Rosa Symphony on the occasion of its orchestral opening of the Green Music Center. The Green Music Center is a recently-completed music and art venue on the campus of Sonoma State University in Rohnert Park, California. Named after Donald and Maureen Green, it is comprised of the Joan and Sanford I. Weill Hall and the Schroeder Recital Hall as well as a multi-use education facility and an elegant hospitality center. The symphony made its debut performance as Resident Orchestra of the Green Music Center on September 30, 2012.

In 1998, the Board of Directors of the Santa Rosa Symphony marked a new era by joining Sonoma State University to raise funds for a new concert hall. Although this was no easy task, persistence paid off. Donald Green has been the spirit of the project; start-up financial support and leadership from Don and his wife Maureen, the vision of Sonoma State President Ruben Arminana, and the assistance of Sandy and Joan Weill plus hundreds of supporters of the Santa Rosa Symphony has made the Center a reality. With this project, the symphony enhances its dream of being one of the leading regional symphony orchestras in America.

Fourteen years later, the completion of the Green Music Center and Weill Hall is an impressive and important step towards fulfilling that vision. On September 30th, the Santa Rosa Symphony celebrated 85 years of music and stepped over the threshold of its new home at the Green Music Center. The sym-

phony also recognized three talented individuals who helped develop and usher in this new era: Conductor Emeritus Corrick Brown, Conductor Laureate Jeffrey Kahane and current Music Director Bruno Ferrandis.

The first performance was mesmerizing as Maestro Brown conducted Beethoven's overture, Consecration of the House as an appropriate beginning in the acoustically-superb Weill Hall, and Maestro Ferrandis took the podium for the remainder of the program. It included Ravel's Bolero, Beethoven's Fourth Piano Concerto performed by Kahane, Copland's great Canticle of Freedom, featuring the 100-voice Symphony Honor Choir, and ended with three encores.

To mark this long-awaited moment, the Symphony also commissioned an orchestral work by Petaluma resident and critically-acclaimed contemporary composer Nolan Gasser. His Sonoma Overture evoked the natural beauty of Sonoma County and recognized the energy and dynamism of its cities, industries and people.

This was truly a transformative moment that seldom is afforded any American orchestra—to call a world class concert hall its home, rivaling the Vienna Philharmonic's Musikverein concert hall and the Boston Symphony's Ozawa Hall at Tanglewood.

In addition to being a home for the symphony, the Center will serve as a venue to showcase excellent music from around the Bay Area and beyond. In fact, just a day before the symphony's opening performance, renowned Chinese pianist Lang Lang dazzled at the Green Music Center's grand opening with a one-night-only recital. And only a week later, on October 6th, Music Director Bruno Ferrandis partnered with the Kronos Quartet to perform Mozart's Overture to The Magic Flute, Mahler's Symphony No. 1, Titan, and the world premiere of Concerto for String Quartet, Orchestra and Electronics, The Last Internal Combustion Engine by composer-in-residence Edmund Campion.

Mr. Speaker, we congratulate the Santa Rosa Symphony for all its hard work. Truly a new dawn is breaking for this orchestra and for Sonoma County that will both invite and challenge them to new heights of artistic excellence and community engagement.

**TRIBUTE TO EVARISTO OLANREWaju AKERELE****HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise to celebrate and pay tribute to Dr. Evaristo Olanrewaju Akerele for his contributions to the community.

Dr. Evaristo Olanrewaju Akerele was born in Nigeria. He comes from a long line of physicians and attorneys. His great aunt was the first woman physician in West Africa. He is a devoted father of three beautiful daughters whom he loves dearly.

Dr. Akerele received his Bachelor of Science with Honors in Biochemistry from the University of London, England. He went on to

earn his Doctor of Medicine degree from the University of Medicine and Pharmacy, Cluj Napoca, Romania. He trained as a research fellow in Addiction Psychiatry and later served as the Co-director of the Substance Abuse Research Fellowship program at Columbia. While there he pursued a Master's in Public Health Policy and Management from Columbia University. Dr. Akerele, is an accomplished researcher, educator, administrator and clinician. He has published several papers, received State and Federal Grants from agencies like the National Institute on Drug Abuse. He also served as the Associate Director of Psychiatry and Director of the Residency Training at Harlem Hospital, and Columbia University. Dr. Akerele also served as the Vice President and Medical Director for Phoenix House where he was responsible for the Medical Management for over 3000 patients.

Equally important, Dr. Akerele has served as the Board Examiner for the American Board of Psychiatry and Neurology since 2005. Dr. Akerele is very active in multiple professional associations at National and State levels. Finally, he served as the chair of the New York State Substance Abuse committee, also as State representative to the American Psychiatric Association National Assembly. He is a distinguished fellow of the American Psychiatric Association and past President of the New York County American Psychiatric Association. With all of his achievements, Dr. Akerele is filled with thankfulness, because he understands that he is the beneficiary of the hard work and sacrifices of those that came before him.

Mr. Speaker, I call on my colleagues to join me in recognizing the contributions and accomplishments of Dr. Evaristo Olanrewaju Akerele.

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CHERI JAHN

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Senator Cheri Jahn for her service to our community.

Colorado State Senator Cheri Jahn is a single mother of three and small business owner in Wheat Ridge. For 30 years, Cheri has proudly owned and operated Colorado House-keeping Services, LLC, which she has grown into a cornerstone of the community.

While raising three children and running her business, Cheri earned her Paralegal degree from the Community College of Denver. Cheri uses her business acumen in her position as a Colorado State Senator.

Her successes in the business world led to her most recent accomplishment as a State Senator. By striving to aid other local businesses, Cheri passed legislation to save small businesses hundreds, if not thousands, of dollars in unemployment insurance premiums.

It is with extreme gratitude that I commend Cheri Jahn for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

IN SUPPORT OF SECTION 1096 OF H.R. 4310, THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013, TO DISPLAY TERRITORIAL FLAGS AT MILITARY INSTALLATIONS

### HON. MADELEINE Z. BORDALLO

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2012

Ms. BORDALLO. Mr. Speaker, I rise in strong support for section 1096 of H.R. 4310, the National Defense Authorization Act for Fiscal Year 2013. The provision, sponsored by my friend and colleague, Congressman GREGORIO KILILI CAMACHO SABLAN, fixes oversights by the Department of Defense. The provision would ensure that flags of the U.S. territories and the District of Columbia are required to be displayed alongside the flags of the 50 states. Current regulations by the Department of Defense are too permissive and many military installations across the globe do not include flags from the District of Columbia and the U.S. territories.

Millions of men and women from the District of Columbia and the U.S. territories have answered the call to duty in every conflict the United States has engaged in over the course of its history. Most recently, thousands of men and women have answered the call to support missions in Afghanistan, the Horn of Africa and Iraq. Moreover, National Guardsmen from DC and the U.S. territories have supported homeland defense missions from protecting the border, to recovery efforts following Hurricane Katrina and Superstorm Sandy. Men and women in uniform from DC and the U.S. territories have answered the call to duty and it is only right that the symbol of their homes be displayed wherever and whenever the Department of Defense displays the flags of the 50 states.

As Ranking Member of the House Armed Services Subcommittee on Readiness and as a member of the Subcommittee on Military Personnel, I will advocate for this provision to be carried in any Conference Committee report on the FY13 NDAA. As the Senate begins consideration of their version of the FY13 NDAA, I urge my colleagues in the U.S. Senate to include this provision in their bill as well. This provision just makes sense and it is important to reflect the colors of the flags of the District of Columbia and U.S. territories in any display of the flag by DoD. Servicemembers from these jurisdictions are respected and important members of the Armed Services and deserve to have the colors of their homes displayed.

CONGRATULATIONS TO THE HARBOR BEACH PIRATES, DIVISION 8 STATE FOOTBALL CHAMPIONSHIP

### HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2012

Mrs. MILLER of Michigan. Mr. Speaker, I rise today to offer my sincerest congratulations

to Michigan's Harbor Beach Pirates High School Varsity Football Team. The Harbor Beach Pirates ended a remarkable 2012 season last Friday by winning Michigan High School Athletic Association (MHSAA) Division 8 State Championship!

This win marks the first football state championship win in Harbor Beach High School's history, and ending a 13 games won and only one loss season for the Pirates, a season that includes a Greater Thumb East Conference title, a district title, and a regional title.

The Harbor Beach Pirates were able to accomplish this feat at Detroit's Ford Field, home of the Detroit Lions. The Pirates won the Championship despite the best efforts of their opponents, the Beal City Aggies.

The Pirates dominated their competition throughout the state playoffs, a journey that culminated in the Pirates winning the Michigan State Championship game by a score of 35-10. This winning score was achieved through a combination of a stingy defense that had multiple red-zone stops and a complete team offensive effort.

Mr. Speaker, it is my pleasure to honor the hard work and sportsmanship displayed by all the members of the Pirates. I applaud these young men for always remaining both mentally and physically ready to compete, and for staying energized and focused each time they stepped on to the gridiron. I understand this can be extremely difficult considering the numerous pressures and distractions high school student-athletes can encounter, but these brave men are wonderful examples of hard-work to achieve your goals.

I also wish to acknowledge the administrators, teachers, cheerleaders, parents, students and fans alike for their assistance and support in making this a truly unforgettable season.

The Pirates proved they had the talent and the perseverance to rise to the challenge and accomplish their ultimate goal—a Michigan State Championship!

In closing Mr. Speaker, I am so proud of how hard this team worked together, and I want to offer my personal congratulations and best wishes. All the accolades, awards, and trophies are rightfully deserved. Way to go Pirates!

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KATHY HODGSON

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, November 28, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathy Hodgson for her outstanding service to our community.

As Lakewood City Manager, Kathy Hodgson's efforts have bolstered the city's financial reserves to an historic level. Her successful leadership has led her team to entice new businesses to locate in Lakewood.

Kathy's collaborative nature was demonstrated when she spearheaded an effort to save a Lakewood middle school from closure. Now, that school is part of the International Baccalaureate (IB) program and home to Jefferson County's first Boys and Girls Club.

Among her successes, Kathy is president of the Metro City and County Management Association and sits on the Jeffco Schools Capital Asset Advisory Committee. Also, Kathy was appointed by Governor Hickenlooper to the Red Rock's Community College President's Advisory Council.

I extend my deepest congratulations to Kathy Hodgson for her well deserved honor by the West Chamber serving Jefferson County and to thank her for her commitment to our community. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### TRIBUTE TO ERIC ADAMS

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Eric L. Adams, a former Captain of the New York City Police Department and current member of the New York State Senate.

As a Captain in the NYPD, Eric Adams became well-known to New Yorkers as a tireless and thoughtful advocate for the people and communities he served, and he earned widespread praise for creating innovative programs on issues ranging from conflict resolution to child abuse prevention. Eric Adams co-founded 100 Blacks in Law Enforcement Who Care, a group comprised of law enforcement personnel and their supporters, to provide assistance and subsidies to community-based organizations that strive to improve their neighborhoods. He also is a former Chairperson of the Grand Council for the Guardians and serves on the board of the Eastern District Counseling Service, an organization that assists former substance abusers to live productive lives without dependency on drugs or alcohol. On November 7, 2006, Captain Adams ended his 22-year career in the New York City Police Department; Eric L. Adams traded his blue uniform for a blue suit when the residents of the 20th Senatorial District elected him to the New York State Senate.

Eric Adams is well known for his efforts in closing the gap through changing relationships between law enforcement and the residents of New York's diverse neighborhoods. His highly-regarded instructional workshops, "What To Do When Stopped By The Police," has helped thousands of young people throughout New York learn to interact more appropriately with the police by using established conflict resolution skills. The forums have been duplicated throughout the country and provided a generation of youngsters with a better understanding of reliable methods to resolve difficult conflicts—not only with the police, but also with teachers, peers, and others. Senator Adams also created a series of free public safety seminars for New York City parents to address issues including gang awareness and child abuse prevention and to review methods to protect children from abduction. He also created an annual "Cradle to College" Parent and Youth Empowerment Seminar to empower families and enable parents to build

upon their progeny's strengths to avoid the pitfalls of youth.

Mr. Speaker, may our country continue to benefit from the civic actions of committed and laudable community leaders such as Eric L. Adams.

Mr. Speaker, I urge my colleagues to join me in paying tribute to New York State Senator Eric Adams.

#### HONORING CONGREGATION AHAVATH SHOLOM

### HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Ms. GRANGER. Mr. Speaker, I rise today to honor Congregation Ahavath Sholom for its 120 years of dedication to the Fort Worth community. Congregation Ahavath Sholom was established in 1892, and is the oldest Jewish congregation in Fort Worth, Texas.

Led by Rabbi Andrew Bloom and Cantor Shoshana Abrams, this Conservative Congregation holds a deep commitment to Tikkun Olam, repairing of the world. Through interfaith programs and outreach, Congregation Ahavath Sholom acts upon this commitment.

For many years the congregation has collected food for the Tarrant County Food Bank on Yom Kippur, the holiest day of the Jewish calendar. This year, Congregation Ahavath Sholom is holding its 2nd Annual Community-wide Chanukah Candle Lighting in which the City of Fort Worth has joined as an official sponsor. Mayor Betsy Price and I will serve as honorary candle lighters.

Chanukah, the Festival of Lights, commemorates the rededication of the Temple in Jerusalem after the Jewish victory over an oppressive army of Syrians and Greeks in 165 B.C.E., who had not allowed the Jewish people to live or worship freely. This Festival celebrates the freedom of religion, culture and self-determination that God has granted to all human beings—a founding principle of our country.

Congregation Ahavath Sholom participated in Mayor Betsy Price's "Connect with the Community" program on October 25th. During the ceremony, the Congregation was honored for its participation in the Tarrant Area Community of Churches and Fort Worth Housing Authority's "Clean for Quarters" program—a program allowing those who were formerly homeless to have clean clothes ready for job interviews and work assignments.

Through Rabbi Bloom's involvement and leadership, the congregation has enjoyed new initiatives in the areas of pluralism and cultural diversity in collaboration with the Fort Worth Intermediate School District, and has worked to foster greater understanding between faiths with its neighboring churches, the Brite Divinity School and Texas Christian University.

#### INTRODUCTION OF THE COLUMBIA NATIONAL PARK SYSTEM CRITICAL AUTHORITIES ACT OF 2012

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA  
IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Ms. NORTON. Mr. Speaker, The National Park System Critical Authorities Act of 2012, which I introduce today, is a bill that I have worked on with the National Park Service (NPS), at its request, to create greater efficiency and to address three common-sense issues: (1) snow removal from federal agency property in the District of Columbia, (2) visitor and employee access to historic NPS property in Virginia, and (3) uniform penalties for violations on NPS lands.

Section two of the bill amends a 1922 law by making federal agencies in the District responsible for the removal of snow and ice in public areas associated with their buildings. For years, agencies have taken this common-sense approach in the District and assumed this responsibility, but the law has never been updated to reflect the practice, leaving NPS with legal liability. This bill simply brings the law in line with current practice.

Section three of the bill promotes greater efficiency and protection to NPS, the Central Intelligence Agency (CIA), and the Federal Highway Administration (FHWA) by authorizing a small interagency land exchange near the George Washington Memorial Parkway. Currently, Colonial Farm Road provides public and staff access to Claude Moore Colonial Farm (the Farm), but also serves as an entrance road to the CIA's George Bush Center for Intelligence and the FHWA Turner Fairbanks Research Center. NPS and FHWA have a written agreement permitting visitor access to the Farm. However, the three agencies have discussed concerns over crossing property lines, the need to improve security and add perimeter fencing, and the need to have uninterrupted access to their properties. The agencies have identified parcels on their boundaries suitable for exchange that will provide access to the Farm, and provide the means to improve security for the CIA and FHWA facilities.

Section four of the bill eliminates inconsistencies in federal penalties for crimes committed in certain park units. The inclusion of a number of military and historic sites in the National Park System during the 1930s resulted in a disparity in criminal penalties, which undermines fair and effective law enforcement and criminal prosecution. The bill would remedy this problem by making violations subject to the same penalties.

I ask that my colleagues support this no-cost bill.

JEANNE OLIVER

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Jeanne Oliver

for her continued commitment to our community.

Jeanne Oliver is an essential member of the executive management team for the Jefferson Center for Mental Health. Her position encompasses many roles including corporate communication, marketing and fund development. Jeanne is the center's Public Information Officer and is a part of its Political Action Network.

Jeanne is an expert in crisis management and presents nationally on crisis communication. Her commitment to aiding members of our community throughout times of crisis was instrumental in helping families after the Columbine shootings, the recent wildfires and the Aurora movie theater tragedy.

Through her concerted efforts to secure private donations and grants, Jeanne has helped the Jefferson Center better serve the mentally ill in our communities during these hard economic times. It is thanks to her commitment and outstanding leadership, the Jefferson Center for Mental Health's donations have grown substantially. Jeanne truly epitomizes every aspect of a selfless steward to the community.

I extend my deepest congratulations to Jeanne Oliver for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### TRIBUTE TO EDNA M. JOHNSON

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Edna Johnson, for her contribution to her community and dedication to my Brooklyn office.

Edna Johnson was born and raised in small steel mill town in Clairton, Pennsylvania, the youngest of nine children where her parents also raised four of their grandchildren. She studied music at the Hayes Schools of Music in Pittsburgh at a very young age. After graduating from Clairton High School she relocated to New York City where she lived in Manhattan for over 30 years. She joined Broadway United Church of Christ and served as Deacon, Trustee, and Steward. The church took it upon itself to pay her college expenses, which led her to Pace University in the evenings for seven years before receiving a BA in Political Science.

Edna previously worked as a Parent Organizer working with parents in the public schools. While living in Manhattan she became chairperson of the Tenant Association in Clinton Towers for five years. Edna also chaired the 79th Precinct Community Council for six years where she changed the attitudes of people in the community to work with the local police.

Edna served as Special Assistant to in my office serving the 10th Congressional District in Brooklyn. She is also a member of Community Board 3 and has received several citations for perfect attendance. In her first year

on the board she was Chairperson of the Police, Fire and Safety Committee. Edna now Chairs the Health Hospital and Social Services Committee. She is currently in her third year as Chair of the Board of Directors for Northeast Brooklyn Housing Development Co.

In recognition of her services she has received citations from me, City Councilwoman Robinson, The NYC Police Department, The 79th Precinct Council, The Brooklyn Job Corps, A.I.D.P. at P.S. 26, Hebron Baptist Church, Greater Cross Road Baptist Church, Bridge Street Development Corporation, The Bedford Stuyvesant Community Block Association and The National Night Out Committee.

Edna is a very active mother in the lives of children, D'Shawn & Fred, her son-in-law Mark, and two grandchildren, Markell and Kayla. She is Choir Director, Trustee, Chair of the Pastor's Aide Committee and member at The Greater Cross Road Baptist Church. She is also an original member of Naomi Shelton and the Gospel Queens singing all over the United States and Canada.

Mr. Speaker, I would like to recognize Mrs. Edna Johnson for her commitment to our Brooklyn community.

#### TRIBUTE TO EAGLE SCOUT HENRY OBERMAN

#### HON. TOM LATHAM

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. LATHAM. Mr. Speaker, I rise today to recognize and congratulate Henry Oberman of Clive, Iowa for achieving the rank of Eagle Scout.

The Eagle Scout rank is the highest advancement rank in scouting. Only about five percent of Boy Scouts earn the Eagle Scout Award. The award is a performance-based achievement with high standards that have been well-maintained over the past century.

To earn the Eagle Scout rank, a Boy Scout is obligated to pass specific tests that are organized by requirements and merit badges, as well as completing an Eagle Project to benefit the community. For his project, Henry raised over one thousand dollars as he oversaw the installation of a meditation garden at Heartland Presbyterian Church. The work ethic Henry has shown in his Eagle Project and every other project leading up to his Eagle Scout rank speaks volumes of his commitment to serving a cause greater than himself and assisting his community.

Mr. Speaker, the example set by this young man and his supportive family demonstrates the rewards of hard work, dedication and perseverance. I am honored to represent Henry and his family in the United States Congress. I know that all of my colleagues in the House will join me in congratulating him on obtaining the Eagle Scout ranking, and I wish him continued success in his future education and career.

#### CONGRATULATING JACK TAYLOR AND THE GRINNELL COLLEGE BASKETBALL TEAM

#### HON. BRUCE L. BRALEY

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. BRALEY of Iowa. Mr. Speaker, I rise today to congratulate Jack Taylor and the Grinnell College basketball team. On November 20th, Taylor broke the NCAA single game scoring record by scoring 138 points in one game. The Grinnell Pioneers won by a final score of 179 to 104.

Taylor, a sophomore at Grinnell, broke the NCAA record by 25 points. The previous scoring record was set at 113 points back in 1954. Taylor attempted an astonishing 108 shots, an average of one shot every 20 seconds. Overall, Taylor made 52 out of his 108 scoring attempts. He also made 27 of his 71 3-point attempts. His record setting game drew praise from some of the NBA's biggest stars. Taylor was also interviewed on Sports Center, Good Morning America and the Today Show about the game. When asked about the game, Taylor said he was thankful to his teammates for their support and their willingness to give him the ball so he could try and break the record. Taylor said he would not have been able to break the record without their help.

Next year, I will have the honor and privilege to represent Grinnell College in the House of Representatives. I'm proud to have Grinnell College in my new district and I congratulate both Jack Taylor and the Pioneers basketball team on their record breaking victory last week.

#### TRIBUTE TO REVEREND RANDY LEE WARE

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor to Reverend Randy Lee Ware for his ongoing service to his community.

Reverend Ware is a native of Brooklyn, New York and now resides in Arverne, New York. He received his elementary education at P.S. 191 and high school education at Fort Hamilton High School in Brooklyn. He went on to continue his education at Staten Island Community College for two years. In May 1990 he completed his B.A. degree in Liberal Arts and Psychology from the College of New Rochelle and in May 2011 he received his Master of Divinity degree from New York Theological Seminary. Reverend Ware has been accepted to the doctoral programs at the New York Theological Seminary.

Reverend Ware joined Berean Missionary Baptist Church in 1977 and was baptized under the leadership of the late Dr. Hylton L. James. He entered the ministry at Berean in 1983 under the leadership of Reverend Gus Roman. On April 12, 1992, under the leadership of Dr. Arlee Griffin Jr., he was ordained.

He was an associate minister at Berean Missionary Baptist Church and was involved in the Christian Education Department, taught the Young Adult Sunday School class and taught at the Berean Bible Institute. He served two years as the interim minister at Kenilworth Baptist Church, Brooklyn.

In October 2004, Pastor Ware was appointed 2nd Vice President of the Congress of Christian Education for the New York Progressive Baptist State Convention, Inc. In August 2005, Pastor Ware preached at the Progressive National Baptist Conference's Ministers Seminar in Detroit, Michigan. In October 2011, Pastor Ware became the President of the New York Progressive Baptist State Convention, Inc. In the same month, he was also unanimously voted in as the Moderator of the New York Missionary Baptist Association. Reverend Ware also worked at Metropolitan Hospital for 21 years and is presently employed at the New York City Department of Education.

Mr. Speaker, I would like to recognize Reverend Randy Lee Ware as an outstanding citizen and commend him on his commitment to his community.

LYNN JOHNSON

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Lynn Johnson for her service to our community.

Lynn is the epitome of a collaborator. She works hard to ensure bipartisanship and takes pride in her ability to help organizations reach common ground in order to best work together to meet a common goal. In 2009, Lynn collaborated with local county Commissioners around the state to find ways for state and local governments to be less adversarial and more willing to work together to achieve greater results.

As a result of her efforts, Lynn created "REAL Colorado" a program now starting to take effect. Also, Lynn is focusing on creating two new initiatives at Human Services to bolster our local economy. She created the Jeffco Prosperity Project which partners with Jeffco Public Schools to address poverty in our community. In her spare time, she also created the AddONE Campaign to generate jobs and boost the economy.

I extend my deepest congratulations to Lynn Johnson for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

TRIBUTE TO BELVA DAVIS

**HON. ANNA G. ESHOO**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Ms. ESHOO. Mr. Speaker, I rise today to honor an extraordinary woman, Belva Davis,

and her storied career. She has been an icon of Bay Area journalism, and the first African-American reporter on the West Coast of the United States.

Belva Davis was born in Monroe, Louisiana, on October 13, 1932, to John and Florence Davis. She moved with her parents and three younger siblings to West Oakland at the age of eight, and the family later moved to Berkeley. Belva graduated from Berkeley High School in 1951, the first in her family to graduate from high school, married at the age of 20, and had two children. Belva's first job was as a typist, and next as a freelancer for Jet. She began writing for the Sun Reporter and the Bay Area Independent, and in 1961 she became an on-air interviewer for KSAN. She made her television debut hosting an African-American beauty pageant. In 2010 she published her autobiography, *Never in my Wildest Dreams: A Black Woman's Life in Journalism*, which begins with her story of being chased from the 1964 Republican Convention at the Cow Palace in San Francisco by a threatening crowd screaming racist slurs.

During her news career, Belva Davis covered the birth of the Black Panthers, the assassination of Mayor George Moscone, and the Free Speech Movement at Berkeley. She has interviewed countless world leaders, anchored hundreds of news programs on several stations, and been part of many organizations, including the Museum of the African Diaspora, which she was instrumental in creating.

Belva Davis has earned countless accolades. She was inducted into the Bay Area Radio Hall of Fame in 2007, and has been awarded two honorary doctorate degrees. She has earned six regional Emmy Awards, and received the Lifetime Achievement Award from the National Academy of Television Arts and Sciences in 1996. Leader NANCY PELOSI said of Belva, "When she speaks, people listen."

Mr. Speaker, I ask the entire House of Representatives to join me in expressing our deepest gratitude to Belva Davis for her inspiring leadership of countless women who seek careers in broadcasting, and for the thousands of hours of quality television she has provided as host of "This Week in Northern California" on KQED, from which she retired in November, 2012. We wish Belva and her beloved husband Bill Moore every blessing as they enjoy the fruits of their well-deserved retirement. Because of her first rate professionalism, broad knowledge and intellect, she has informed Bay Area citizens for decades, strengthening our communities, our country and our democracy.

IN HONOR OF MR. MARK ARMOUR

**HON. RICHARD E. NEAL**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. NEAL. Mr. Speaker, I rise today to recognize Chief Financial Officer of Reed Elsevier Mark Armour as he announces his retirement from the company. Mark Armour has been with Reed Elsevier for over 17 years and is the longest serving Chief Financial Officer in the FTSE-100. During his tenure, Mr. Armour

has been an instrumental and continuous member of the leadership team that has transformed Reed Elsevier from a broad-based traditional print publisher to a world leading provider of digital information solutions across scientific, health, legal and risk markets. Reed Elsevier helps its professional customers improve outcomes by helping them to make better decisions, get better results and be more productive.

In addition to serving its professional customers, Reed Elsevier is committed to contributing to society in the many ways its businesses are uniquely equipped. Elsevier plays an important role in advancing science and improving healthcare through its information solutions, of which the U.S. is the largest contributor. LexisNexis Risk Solutions provides important information to law enforcement agencies across the country to help them locate missing children, investigate crimes and track down criminals. LexisNexis Legal & Professional is dedicated to advancing the Rule of Law around the world and has provided thousands of hours of pro bono work to protect basic human rights and help promote fair and equal justice for all. Reed Exhibitions and Reed Business Information bring communities together by enhancing productivity and efficiency.

When Mr. Armour joined Reed Elsevier in 1995 just 4 percent of the company's \$5.8 billion revenue was derived from electronic products. Today, Reed Elsevier is a \$9.6 billion business employing over 30,000 people across more than 100 locations worldwide, with nearly 65 percent of revenues sourced electronically. In the United States, Mr. Armour has helped to grow Reed Elsevier from a business with approximately \$2.4 billion in revenue and 11,500 employees in 1995 to a \$5.2 billion business with over 16,000 employees today. During his time at Reed Elsevier Mr. Armour has also made significant contributions to his profession, serving on a number of advisory panels and working groups for the UK government and the Financial Reporting Council.

Mr. Speaker, please join me in congratulating Mr. Armour on his achievements and thanking him for his contribution and dedication to Reed Elsevier and its employees.

BETTY PROCTOR

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Betty Proctor for her continued service to our community.

Betty Proctor founded the organization, Helping Hearts and Hands, to give thousands of people a second chance. For over 30 years, her organization has helped people in our community who are facing eviction, utility shutoff, life saving prescriptions or other necessities such as car repairs to get to work.

Betty's personal commitment to the community spans for more than 50 years. Betty continues to help those in need find a way out of the proverbial rock and hard place. After retiring from her position as a caseworker, Betty

founded the organization Helping Hearts and Hands. Now, at 80 years of age, Betty advocates for seniors in our community.

I extend my deepest congratulation to Betty Proctor for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### TRIBUTE TO DOROTHY SMALL

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise to celebrate and pay tribute to Ms. Dorothy Small for her contributions to the community.

Professor Dorothy Small has dedicated her life to strengthen the growth and development of children from all areas of the world. Professor Small was born in Colon, Panama. She attended Elementary School at Escuela Republica del Paraguay and continued her education at Abel Bravo High School. Professor Small initiated studies for a Spanish professorship at Panama University in 1955 and graduated in 1960. She continued Graduate Studies at Panama University and obtained a Ucentiate in Philosophy and Letters with Specialization in Spanish in 1962. In 1963 she attended the Interamerican University of Coahuila, Mexico and obtained a Masters Degree in Spanish Grammar and Literature.

Ms. Small migrated to the United States in 1966 and attended Columbia University pursuing studies toward school administration. She graduated in 1969 and obtained a Professional Diploma. Upon graduating from Columbia University she worked for Cornell University as a bilingual research associate. Her duties were to instruct low-income homemakers in home management and consumer education. From 1974 to 1977 she served as a director of education in the South Bronx for drug addicts and alcoholics. Her mission was to place them in schools and jobs after rehabilitation. Ms. Small joined the Board of Education in 1977 as a bilingual teacher. In 1979 she transferred to bilingual special education in order to guide and assist Hispanic students who were wrongfully placed. With the assistance of the Board of Education, she continued her studies in special education at Brooklyn College.

In 1982, she obtained a Master of Science Degree in Education with Specialization in Children with Special Needs. Professor Small served in the evenings as an adjunct professor of Spanish at Bronx Community College and at City College for 10 years. Professor Small is an assiduous community worker. She is a member of the Canarsie Community Council, the Vice President of the Women's Caucus for Congressman Edolphus Towns, the Trustee for the Day of Independence Committee of Panamanians in New York. She is also a soloist of the choir of St. Martin Roman Catholic Church and a member of the choir of the Brooklyn Conservatory of Music. She is also a member of many other organizations. Currently Professor Small is a retired

assistant principal and her life goal and aspirations are to produce successful students and citizens.

Mr. Speaker, I call on my colleagues to join me in recognizing the contributions and accomplishments of Ms. Dorothy Small.

#### HONORING THE GRADUATES OF THE ROOFER'S LOCAL UNION 26

### HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and respect that I offer congratulations to several of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Saturday, December 1, 2012, the Roofers Local Union 26 will honor the graduating class of 2012 at the Annual Apprentice Graduation Banquet, which will be held at the Patio Restaurant in Merrillville, Indiana.

At this year's banquet, the Roofers Local Union 26 will recognize and honor the following individuals who have completed their apprentice training in 2012: Jeremy Villarruel, Curtis Mueller, Jason Gutierrez, Jeremy Marsh, Mike Sallee, Fausto Jimenez Jr., Kevin Cooper, Travis Nuss, Chris Kittle, Tommy Haynes, and David Garcia.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These graduates are outstanding examples of each. They have mastered their trade and have demonstrated their loyalty to both the union and the community through their hard work and tireless dedication.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these dedicated and hardworking individuals. Along with the other men and women of Northwest Indiana's unions, these individuals have committed themselves to making a significant contribution to the growth and development of the economy of the First Congressional District, and I am very proud to represent them in Washington, D.C.

#### RECOGNIZING THE RETIREMENT OF AUDREY NEAL

### HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. BUTTERFIELD. Mr. Speaker, I rise today to recognize the career of Ms. Audrey Neal. After four decades of faithfully serving the Wilson community, Audrey Neal will retire next month. Ms. Neal began working at the Wilson County Register of Deeds in 1972 as a Deputy Register of Deeds. In her position she helped to oversee Wilson County's real property and vital records.

In 2002, Ms. Neal was appointed to complete the unexpired term of then-Register of Deeds, Ms. Celia Brinson. Due to Audrey's leadership and experience, she was elected in 2004 to serve a full term as Register of Deeds, and has been reelected since.

Mr. Speaker, Ms. Neal is retiring from Wilson County Register Deeds after a remarkable 40 years of service on December 3.

As she enters this new chapter in her life, I ask my colleagues to join me in showing gratitude for Audrey's service, and in congratulating her on retiring. Congratulations Audrey, well done.

#### PRISCILLA BOHL

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Priscilla Bohl for her outstanding service to our community.

Priscilla's passion for business and economic development is exemplified through her efforts with the Jefferson County Career Center and collaborating with local businesses to match the unemployed with jobs.

Priscilla was instrumental in the development and implementation of the successful AddONE campaign, an initiative to generate local jobs. She worked tirelessly to bring together elected officials, local businesses, and economic development professionals to bolster AddONE's efficacy.

Priscilla serves on the Advisory Council of the Jefferson County Business Resource Center and the Jefferson County Advanced Manufacturing Council. Priscilla also works with various tactical teams related to the Governor's Blueprint for targeted industries in the State of Colorado.

I extend my deepest congratulations to Priscilla Bohl for her well deserved honor by the West Chamber serving Jefferson County and thank her for her commitment to the community. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### TRIBUTE TO BEATRICE GONZALEZ

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute to Ms. Beatrice Gonzalez. She inherited her love for serving people and her community from her father Mr. Salvador and mother Pilar Gonzalez, who were part of the founding members of the Puerto Rican Merchants Association in the 1950's in Brownsville, Brooklyn. Ms. Gonzalez is a devoted single mother to her son Julian Michael Perez who has become a well renowned musician.

Ms. Gonzalez has acted as a community leader and advocate for the intellectual disabilities as the Director of Human Resources and Special Assistant to the President/CEO of the Federation of Multicultural Programs, Inc. For the past 28 year She has initiated several programs that have enhanced the quality of life for people with intellectual disabilities throughout city.

Ms. Gonzales has been active in programs that address violence within youth populations



working with community leaders, State Legislators and clergy. Ms Gonzalez is well known for her tenacity, hard work and generosity towards those who are less fortunate in our society. Mr. Speaker, Beatrice Gonzalez is truly one of the New York City's unsung heroes.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Ms. Beatrice Gonzalez.

HONORING THE LIFE OF  
REVEREND JIMMY PYLES

**HON. RODNEY ALEXANDER**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. ALEXANDER. Mr. Speaker, I rise today to honor the life of Reverend Jimmie Pyles of Quitman, LA. Reverend Pyles was a beacon of light to countless souls during his 60 years of Methodist ministry, and he will be sorely missed.

Born on May 20, 1935, Reverend Pyles grew up in Jonesboro, LA. He received his degree in theological studies from Southern Methodist University in Dallas, Texas, and married Dessie Hinton Pyles of Quitman. Their union produced Andy Pyles, who is now the head football coach at Winnfield High School. Pyles's three grandchildren, Tyler, Dustin, and Kayla, were his pride and joy. Reverend Pyles was very much a family man who lived an honorable life, striving to lead by example and be the best he could be, personally and professionally.

Reverend Pyles's passion in life was serving God and people. He lived this passion every day through his work, while serving as a pastor of 10 different Methodist churches, on the board of the United Methodist Children's Home in Ruston, at the General Secretary of the United Christian Ashram, on the Executive Committee for the World Methodist Council, as Ruston District Supervisor, and in his daily life as a husband, parent, and grandparent, among many other posts he has occupied. He gave freely and generously of himself and his time, and the world is truly a better place for his efforts.

In the letter of Saint Paul the Apostle to Timothy, (2 Timothy 2:8-13), Paul says "If we have died with him, we shall also live with him; if we persevere, we shall also reign with him." As we remember Reverend Pyles, there can be no doubt that he lived and died in his faith. Reverend Pyles's life is an example to all of us.

To say that he left his fingerprint on the world would be an understatement. Reverend Pyles brought peace, joy, and spiritual life to so many, and he will live in our hearts forever.

HONORING LIEUTENANT COLONEL  
(U.S. ARMY-RET) LEE F. KICHEN

**HON. VERN BUCHANAN**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. BUCHANAN. Mr. Speaker, I rise today to honor my constituent, Lieutenant Colonel

(U.S. Army-Ret) Lee F. Kichen of Sarasota, Florida. Colonel Kichen is a great American who recently retired after decades of service to his country and his fellow veterans.

Colonel Kichen most recently served as a state service officer with the Veterans of Foreign Wars (VFW) at the Veterans Affairs Regional Office in St. Petersburg. He was also the VFW's state legislative chairman. Successive VFW Commanders in Chief also appointed Lee to the National Security and Foreign Affairs Committee, National By-Laws and Resolutions Committee, Veterans Services Resolution Committee and the National Legislative Committee. In these positions, he has been a tireless and effective advocate for our Veterans.

As a state service officer for the VFW and in a previous position as a veterans service officer for Sarasota County, Lee has helped countless veterans and their families obtain from the U.S. Department of Veterans Affairs benefits, such as disability compensation, pensions, health care, and vocational and rehabilitation training.

I had the privilege of working with Lee in his capacity as VFW legislative chairman on several issues, including the establishment of a national cemetery in Sarasota to ensure area veterans are laid to rest with the respect and dignity they deserve and passage of the Post 9/11 G.I. bill to provide service men and women who have served in active duty since September 11, 2001 with additional education benefits similar to those provided in the G.I. bill.

Lee is a native of Framingham, Massachusetts.

He holds a Bachelor of Arts from the University of Massachusetts at Amherst and Master of Arts degrees from Pacific Lutheran University and Chapman University.

In addition to his civilian education, Lee is a graduate of the Army's Command and General Staff College at Fort Leavenworth, Kansas and the Air War College, Maxwell Air Force Base, Alabama.

He retired from the United States Army in 1997 after twenty-seven years of service as an Armor officer. He served in various command and staff positions in the Continental United States and overseas.

His military decorations include the Legion of Merit, with one oak leaf cluster; the Meritorious Service Medal, with two oak leaf clusters; the Army Commendation Medal, with two oak leaf clusters; the Army Achievement Medal and the Korea Defense Service Medal. He also wears the Army Staff Identification Badge, the Army Superior Unit Award, the Republic of Korea Presidential Unit Citation, the Bronze Medallion of the Order of St. George, and the Silver Medallion of the Order of St. George.

He is a Gold Legacy Life Member of the Veterans of Foreign Wars, and a Life Member of the Disabled American Veterans, the Veterans of Foreign Wars National Children's Home, the Military Officers Association of America and the Military Order of the World Wars.

He is also a member of the Jewish War Veterans, the AMVETS, the American Legion, the Association of the United States Army, the Armor Association, the United States Cavalry

Association, and the Benevolent and Protective Order of the Elks.

Lee is on the Board of Directors of the 3rd Cavalry Association. He served as President of the Sarasota County Veterans Commission from 1999-2002. He is the Vice Chairman of the Sarasota National Cemetery Advisory Committee. He also serves on Senator George Lemieux's and Congressman VERN BUCHANAN's Service Academy Selection Boards.

He was recognized by Veterans of Foreign Wars Post 3233 as its Man of the Year, Elks Lodge #2495 as its Citizen of the Year, the Bradenton-Sarasota Chapter of the Military Order of the World Wars with the Silver Patrick Henry Medallion for Patriotic Service and by the Sarasota County Veterans Commission as its Veteran of the Year.

On behalf of the people of Florida's 13th District, I thank Lee for his dedicated service to our nation and wish him and his wife Carol a happy and healthy retirement.

TRIBUTE TO SERGEANT GRAHAM

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor to Master Gunnery Sergeant Graham for his dedication and commitment to his country.

Master Gunnery Sergeant Graham graduated from Thomas Jefferson High School in Brooklyn, New York in 1981. On February 23, 1982 he enlisted in the Marine Corps and attended recruit training at the Marine Corps Recruit Depot in Parris Island, South Carolina. After graduating Recruit Training, Private First Class Graham transferred to the U.S. Army Transportation School in Fort Eustis, VA for training in his occupational field.

In September 1982 after he was transferred to Marine Corps Base, Camp S.D. Butler, Okinawa Japan, Graham was promoted to Lance Corporal and subsequently meritoriously promoted to Corporal. On December 1, 1985 he was promoted to the rank of Sergeant after being transferred to Marine Corps Base in Quantico, Virginia. In 1996 he was promoted to the rank of Gunnery Sergeant. On May 1, 2001 he was promoted to Master Sergeant and was ultimately promoted to Master Gunnery Sergeant in February of 2006.

His personal decorations include the Navy and Marine Corps Commendation Medal, Navy and Marine Corps Achievement Medal, Combat Action Ribbon, Navy Unity Commendation Ribbon 2nd Award, Navy Meritorious Unity Commendation Ribbon, Maine Corps Good Conduct Medal 8th Award, National Defense Service Medal 2nd Award, South West Asia Service Medal, Global War on Terrorism Service Medal, Korean Defense Service Medal, Sea Service Deployment Ribbon 6th Award, Navy Marine Corps Overseas Ribbon, Drill Instructor Service Ribbon, Kuwait Liberation medal (Saudi Arabia), Kuwait Liberation Medal (Kuwait) and the Iraq campaign medal.

On December 16, 2011 Master Gunnery Sergeant Graham retired from the Marine Corps after thirty years of Active Service.

Mr. Speaker, I would like to recognize Master Gunnery Sergeant Graham for his outstanding service to our country.

MARGOT ZALLEN

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Margot Zallen for her outstanding service to our community.

Upon receiving her J.D. from the DU College of Law, Margot began working as an attorney for the U.S. Department of Interior (USDOI), representing the U.S. Fish and Wildlife Service (FWS). Margot rose through the ranks for 33 years until her retirement last year as a senior attorney.

While representing the FWS, Margot worked on many controversial and significant cases passionately protecting wildlife, endangered species and their habitats in Colorado and across the nation. Margot has been tasked with many leadership roles within Colorado such as the creation of the Lookout Mountain Water District, the Jefferson County Open Space Program, and in 1972 helped found Plan Jeffco.

Margot also facilitated the acquisition, settlement and protection of North Table Mountain and was a founding member of the Canyon Area Residents for the Environment (CARE). CARE works to protect the foothills and its mountain backdrops of Jefferson County.

I extend my deepest congratulations to Margot Zallen for her well deserved honor by the West Chamber serving Jefferson County and thank her for her many contributions to our community. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

HONORING LYNN BRANTLEY,  
PRESIDENT AND CEO OF THE  
CAPITAL AREA FOOD BANK

**HON. FRANK R. WOLF**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. WOLF. Mr. Speaker, I rise today to recognize and honor Lynn Brantley, co-founder, president and CEO of the Capital Area Food Bank, who will retire at the end of the year.

Ms. Brantley helped found the Capital Area Food Bank 32 years ago and has worked tirelessly to feed the hungry and serve those in need. The Capital Area Food Bank started as a small operation serving a few thousand people and today is the largest supplier of food to people suffering from hunger in the Washington metro area. I had the privilege of working with Ms. Brantley many times over the years to fight hunger in northern Virginia, including in 2009 when we established Feds Feed Families food drive, a national canned food drive conducted by federal employees around the country that has collected more than 20 million pounds of food.

I want to commend Lynn for her leadership in addressing the serious challenge of hunger and I extend my deepest gratitude for her service to our community. I wish her all the best in her future endeavors.

I also submit a recent Washington Post article on Ms. Brantley's outstanding career.

[From The Washington Post, Nov. 17, 2012]

WASHINGTON-AREA HUNGER SEEN AS  
WORSENING

(By Robert McCartney)

As she prepares to retire, Lynn Brantley, 70, ought to be satisfied with her standout career as a Washington area do-gooder.

Driven by the religious teachings of her Pennsylvania Dutch upbringing, Brantley has worked for 32 years as a key leader feeding the hungry in our region. A co-founder and longtime chief executive of the Capital Area Food Bank, she helped transform a small operation that served a few thousand people into a giant clearinghouse that collects and helps distribute groceries to nearly half a million needy.

Despite that success, Brantley remains unsatisfied. She's distressed that after so many years, the extent of hunger in our region is much more widespread than when she began.

It used to be that families who relied on charity for food were concentrated in inner-city neighborhoods with entrenched poverty. Now the dependence has spread to numerous lower middle-class neighborhoods in the suburbs.

It's a sobering thought for those of us fortunate enough to worry mainly about what the scale will say after we pack away too many mashed potatoes at the Thanksgiving feast.

"I can say now that the problem seems 10 times worse than it did when I started out. It's a terrible way to be leaving, to be thinking that people are worse off than when we began," Brantley said in an interview Thursday.

"It's the economy; it's what's happening with the middle class. That's who's coming to our agencies now," she said. "These are people who are maybe working two and three jobs, and can't make ends meet. These are people who've been laid off."

Brantley was mostly earnest and matter-of-fact as she reflected on her career in an interview in her office at the food bank's brand-new, sprawling warehouse near Catholic University in Northeast. She is stepping down at the end of the year, to be succeeded by Nancy E. Roman, an executive at the UN World Food Programme.

Brantley rattled off statistics about hunger and offered sociological analysis of why the problem continues to exist. But her voice cracked and she turned visibly emotional at several points when she recalled the need that she's witnessed.

It happened when she described seeing children at an after-school meals program at a low-income housing community in Northeast.

"They sit down and they just use their hands to stuff their mouths, because they don't get an evening meal. People don't realize the conditions and what people are facing," Brantley said.

As she spoke, trucks at nearby loading docks were delivering fresh produce, canned and dry goods and other food and household items that the food bank buys or receives as donations. Some is "salvage" food, in slightly dented containers or with nearing use-by dates.

At other docks, trucks carried away the food to 700 nonprofit organizations including

food pantries, faith-based groups, churches and community centers. They give away bags or boxes of groceries to the needy in the District, Northern Virginia and suburban Maryland.

The modern, 123,000-square-foot facility is quite a contrast with the cramped, leaky warehouse where Brantley and others launched the food bank in 1980 in response to cuts in federal food stamp programs. The operation had two volunteers and used shovels to unload trucks.

Brantley became chief executive in 1988. Today the food bank has a staff of 133 and uses forklifts.

Brantley was active in the civil rights movement in the 1960s before she got involved in hunger issues as a food stamp outreach coordinator in Prince George's County. Her motivation to help the underprivileged sprang from her roots in York County, Penn.

"I went to a Lutheran parochial school and my grandparents were Quakers, so I was ingrained with a sense of the gospel in terms of where I came from and what I did," Brantley said. She said food is "just a profound, moral right that people should have."

Although she tried to avoid saying anything overtly political, it was clear she wished the government would take a bigger role in helping the needy.

"This is an important point, and something for people to really remember. Back in the '70s, before the [food stamp] cuts came, hunger had nearly been obliterated in this country," Brantley said. "When the cuts came, we as a country have never rebounded from that."

Now Brantley is looking forward to moving to a Quaker retirement community in Lewes, Del. She hopes to spend more time with her five grandchildren, and to enjoy her hobbies of bicycling and bird watching.

She says she worries about the focus in Washington on cutting spending for domestic programs. "We're looking at cuts coming down the road. It's going to be hurting the most vulnerable people," she said.

At least she can comfort herself that she devoted her life's work to softening the blow.

TRIBUTE TO MR. WHITTAKER  
MACK III

**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Mr. Whittaker Mack III who's talents and service have been of great value to his community.

Whittaker Mack III was born in New York City, the oldest of two children Whittaker Mack is a retired NYC Sanitation foreman and real estate developer, and the late Ethel Devone Mack, a real estate developer and home-maker. His sister, Tiffany, is a math teacher in the NYC school system. He has been a resident of New York his entire life. He began his educational career in the Lutheran private schooling system from kindergarten through eighth grade. He graduated from August Martin High in 1984.

Whittaker is the current Chairperson for the Urban Resource Institute, a major non-profit organization dedicated to assisting families affected by domestic violence, mental development issues, and substance abuse. He is an

active member of the Male Usher Ministry in the Greater Allen Cathedral since 2008 and has been actively attending Allen since 1982. In other community activities, Whittaker is the chairperson for Duke University's Alumni Advisory Committee for Orange and Rockland Counties of New York, the Immediate Past President of Alpha Phi Alpha Fraternity, Inc.—Eta Zeta Lambda of Westchester County Chapter lifetime member of the National Black MBA Association, and an active member in local Rotarian Clubs and Chamber of Commerce organizations.

Whittaker received his Bachelor's Degree from Duke University and Master's of Business Administration in finance and wealth management at Fordham University Graduate School of Business. Currently, Whittaker is employed as Vice President, JP Morgan Securities, LLC as a financial advisor in the Wall Street area. Prior to Chase, he worked in the financial services industry with Merrill Lynch and LPL. Before working in the financial services industry, he started his career in the pharmaceutical industry in a variety of roles including analytical research chemist, formulation research scientist, production manager, plant manager, and a pharmaceutical representative.

He is happily married to Keisha Mack, a Clinical Nurse Manager for United Health Care, and currently resides in Rockland County New York. In his free time, Whittaker enjoys playing sports, mainly golf and baseball, and traveling the world.

Mr. Speaker, I urge my colleagues to join me in paying tribute to Mr. Whittaker Mack III for his valuable contributions to his community.

#### OUR UNCONSCIONABLE NATIONAL DEBT

#### HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$16,317,681,766,441.44. We've added \$5,690,804,717,528.36 to our debt in 3 years. This is \$5 trillion in debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

#### CONGRATULATIONS TO THE DECKERVILLE EAGLES HIGH SCHOOL FOOTBALL TEAM, 8-PLAYER STATE CHAMPIONSHIP

#### HON. CANDICE S. MILLER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mrs. MILLER of Michigan. Mr. Speaker, it is my distinct privilege today to recognize the Deckerville Eagles High School Football Team. The Eagles capped off a remarkable and extremely memorable season by bringing

home to Sanilac County the second ever Michigan High School Athletic Association (MHSAA) 8-Player State Championship!

The Eagles defeated the Bellaire High School team in the State Championship game on November 16th by a score of 14–12.

This championship game was a hard-fought defensive battle, with the Eagles keeping constant pressure on their opponent. The Eagles were able to come up with numerous important stops on defense, and capitalized on the errors of their opponents to earn the victory.

The Eagles proved they had the talent, fortitude, and resilience to rise to the challenge and accomplish their ultimate goal—a State Championship! Teamwork, perseverance, and friendship all contributed to this title. I know the community and the entire Thumb Region takes great pride in what these young men were able to achieve.

Mr. Speaker, it is my pleasure to honor the hard work and sportsmanship displayed by all of the members of the Deckerville Eagles team. I also wish to acknowledge the parents, the cheerleaders, the school teachers and administrators, and all of the students, fans, and community members who came out this season to support the Eagles. Together they combined to make this an unforgettable season.

In closing, Mr. Speaker, I want to offer my personal congratulations and best wishes. All the accolades, awards, and trophies are rightfully deserved. Way to go Eagles!

#### TRIBUTE TO MS. DIONDRA JADE HARP

#### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, November 28, 2012*

Mr. TOWNS. Mr. Speaker, I rise to celebrate and pay tribute to Ms. Diondra Jade Harp for her contributions to the community. Ms. Diondra Jade Harp is a fourth generation member at the historic Berean Baptist Church in Brooklyn, NY where Dr. Arlee Griffin, Jr. is their Pastor and Rev. Byron Benton is the Youth Pastor. Born in Brooklyn, New York, Diondra says “I was destined for greatness and am privileged to be one of the honorees of the Concerned Women of Brooklyn, Inc.” Ms. Harp is currently a sophomore at Delaware State University where she is pursuing a degree in criminal justice with a 3.4 grade point average. She is a student mentor for the 2012–2013 incoming freshman class. She is also a member of the Delaware State University Gospel Choir and will join the Concert Choir in the spring of 2013.

Diondra's future professional studies include attending law school. Her main goals in life have always been to achieve success in a career that involves helping others and to live her life in a way that may be pleasing to God. Diondra attended John Dewey H.S. and served as a peer mediator of the Conflict Resolution Program. During her senior year she was elected President of the Student Government Organization. She was also a member of the National Society of High School Scholars (N.S.H.S.S.), and was elected to represent New York in the Lead America career and

leadership conferences. Aside from her academic achievements, Diondra's extra-curricular activities include gymnastics and playing the piano. Diondra gives credit to her mother's teachings and prayers for molding her into the young woman she has become.

Mr. Speaker I call on my colleagues to join me in recognizing the contributions and accomplishments of Ms. Diondra Jade Harp.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, November 29, 2012 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED DECEMBER 4

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the nominations of Mark Doms, of Maryland, to be Under Secretary of Commerce for Economic Affairs, Polly Ellen Trottenberg, of Maryland, to be Under Secretary of Transportation for Policy, Mignon L. Clyburn, of South Carolina, to be a Member of the Federal Communications Commission, Joshua D. Wright, of Virginia, to be a Federal Trade Commissioner, and Christopher R. Beall, of Oklahoma, and Yvonne Brathwaite Burke, of California, both to be a Director of the Amtrak Board of Directors.

SR-253

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

#### DECEMBER 5

9 a.m.

Foreign Relations

African Affairs Subcommittee

To hold hearings to examine assessing developments in Mali, focusing on restoring democracy and reclaiming the north.

SD-419

10 a.m.

Health, Education, Labor, and Pensions

Business meeting to consider S. 3472, to amend the Family Educational Rights and Privacy Act of 1974 to provide improvements to such Act, the nomination of Erica Lynn Groshen, of New

York, to be Commissioner of Labor  
Statistics, Department of Labor, and  
any pending nominations.

SD-430

## DECEMBER 6

9:30 a.m.

Joint Economic Committee

To hold hearings to examine the fiscal  
cliff, focusing on how to protect the  
middle class, sustain long-term eco-  
nomic growth, and reduce the Federal  
deficit.

SH-216

10:30 a.m.

Commerce, Science, and Transportation  
Surface Transportation and Merchant Ma-  
rine Infrastructure, Safety, and Secu-  
rity Subcommittee

To hold hearings to examine superstorm  
Sandy, focusing on the devastating im-  
pact on the nation's largest transpor-  
tation systems.

SR-253

2:30 p.m.

Intelligence

To hold closed hearings to examine cer-  
tain intelligence matters.

SH-219

## DECEMBER 12

10 a.m.

Veterans' Affairs

To hold hearings to examine the nomina-  
tion of Keith Kelly, of Montana, to be  
Assistant Secretary of Labor for Vet-  
erans' Employment and Training.

SR-418

## HOUSE OF REPRESENTATIVES—Thursday, November 29, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. FLEISCHMANN).

### DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
November 29, 2012.

I hereby appoint the Honorable CHARLES J. FLEISCHMANN to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,  
*Speaker of the House of Representatives.*

### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security.

### MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

### AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, yesterday in the Republican Conference, I acknowledged that five marines and one soldier from my district, the Third District of North Carolina, had been killed in Afghanistan by the Afghans they were training. This, to me, just does not make any sense at all as to why we stay in Afghanistan.

I also shared with the Conference an email I got from the former Commandant of the United States Marine Corps, who has actually been my adviser on Afghanistan for 3 years. I said,

Mr. Commandant, why do we stand by and see our American soldiers, Marines, killed by those people we're training? I said, Mr. Commandant, how many more have to die, killed at the hands of the people they're trying to help?

And I read this from the Commandant:

At the end of the day, I am more convinced than ever that we need to get out of Afghanistan. When our friends turn out to be our enemy, it is time to pull the plug. The idea that troops we have trained and equipped now turn that training and equipment on us is simply unconscionable. Whether we leave tomorrow or 1,000 tomorrows from now, nothing will really change. We are now nothing more than a recruiting poster for every malcontent in the Middle East. We need to wake up.

I read that yesterday in the Conference, Mr. Speaker. I want my party and the Democratic party to wake up and get our troops home.

Mr. Speaker, recently on CNN's Reliable Sources with Howard Kurtz, a well-known journalist, Tom Ricks, made the following statement:

We, as a Nation, seem to care more about the sex lives of our generals than the real lives of our soldiers.

Mr. Ricks went on to say that probably no one knew who Sergeant Channing Hicks and Specialist Joseph Richardson were. They were two Americans killed in Afghanistan the Friday before Ricks was interviewed. The media will not print those names, but almost everyone in the country knows Paula Broadwell. That's such a tragedy, Mr. Speaker, that our troops are dying in Afghanistan, and we're writing about generals having relationships outside of a marriage. It makes no sense.

We lost 32 Americans in October and November. I want to know, where is the outrage here in Congress? Why are we spending money we don't have? Why are our troops dying, and yet we just seem to go on and on talking about the fiscal cliff? Well, I know that's important.

Mr. Speaker, it is time for Congress to realize that we are having young men and women die in Afghanistan for a failed policy that will not change one thing.

Mr. Speaker, before closing, I make reference to this poster of a young American in a casket being carried by his colleagues to be buried. Please, American people, put pressure on Congress to bring our troops home now and not wait until December 2014.

I ask God to please bless our men and women in uniform, to please bless the

families of those who've lost loved ones in Afghanistan and Iraq. I ask God to please bless the United States of America. And please, God, help us get our troops home now and not later.

### HOW BIG IS YOUR FEMA?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, Mitt Romney weathered a storm of criticism late in the campaign after Hurricane Sandy for his earlier comments about privatizing FEMA and turning responsibility back to State and local governments. But during an era of fiscal restraint and global warming, it's high time that we start this conversation in earnest. How big do you want your FEMA to be, how generous your disaster relief payments, and how much do you want to pay?

In today's New York Times op-ed section, there is an article that points out the potential liability for flood insurance alone is \$1.25 trillion, second only to the liability for Social Security. Right now, we have arguably the worst of both worlds. The Federal Government responds to disaster, usually paying too much for the wrong people to do the wrong things. We provide Federal money to put people back in harm's way and sometimes provide infrastructure to make future, risky development worse. We often take remedial action like fortifying beaches, a temporary solution that can actually accelerate erosion elsewhere, shift storm damage down the coast to another spot or more serious flooding down river. By giving the illusion of protection, more people locate in dangerous areas, and the vicious cycle is repeated with untold damage to families, with loss of life, loss of property, disruption of business.

Perhaps we'd be better off if we began with a serious conversation about what people expect from FEMA and heavily subsidized flood insurance.

What if the balance of responsibility between individuals, local, State, and Federal governments were analyzed?

What if we required individual property owners to assume more of the cost of disaster mitigation and recovery by paying the full cost of their flood insurance premiums and having recovery benefits provided on a declining scale after repetitive incidents?

What if local developers were required to insure their buildings without the cost of certain foreseeable

disaster events? Would they be less likely to pressure local governments to approve risky development proposals?

If individual homeowners absorbed more of their cost with slightly higher home prices, would it make it less likely that they're going to be buying homes in dangerous locations?

Shouldn't local governments be required to have stronger zoning and building codes to make loss less likely and recovery less expensive? What if these local governments were put on notice that when they invest in infrastructure, that the Federal disaster relief is only going to cover a portion of the loss and that portion will decline with increasing frequency of events?

While there appears to be little appetite for overall Federal control, there ought to be even less appetite for the Federal Government to pay for the failure of local control to plan, zone, enact, and enforce strong code provisions and consumer protection. The notion that this is all going to be a one-way street for the Federal taxpayer to pay for repetitive disaster costs is something that needs to be challenged and rejected out of hand.

Make no mistake; I think it would be foolish to privatize FEMA because there is a need for Federal response to true disasters. That's precisely the time that the local economy and taxpayer are least able to pay the full cost of recovery. They need money, personnel, and assistance, but that doesn't mean a permanent entitlement to risky behavior. The Federal Government should deal with what is truly catastrophic and with the humanitarian costs. Families obviously should not be left destitute, hungry, and homeless in the aftermath of natural disaster. There is, however, no reason that we encourage the repetition of these terrible events.

In a time of fiscal stress and budgetary realignment, we should include government disaster spending, liability and development policy as we address the fiscal cliff. Done right, this will not only save money, but countless lives, as well.

□ 1010

#### THE TRUE MEANING OF THE FISCAL CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. HAYWORTH) for 5 minutes.

Ms. HAYWORTH. Mr. Speaker, our work in Congress during these final weeks of 2012 is focused on the fiscal cliff. We're worried—and rightly so—about what it means to our economy, to our future, to the daily lives right now of hardworking Americans who are, in all too many cases, already struggling to make ends meet, like the mother in Carmel, New York, who told

me her kids are going to have to limit their sports activities because she's having trouble finding the money to fill her gas tank a couple of times a week.

I came to Congress 2 years ago to help that mom who is doing all she can just to get by. She cares for her family, she has a job, and she is a taxpayer. She is in the middle class, and she is being squeezed from all sides. She knows, even though she has to set and keep a budget, the Federal Government hasn't been able to do that, and that's why we're facing the fiscal cliff. The Federal Government has been spending her hard-earned tax dollars like water, running trillion-dollar deficits year after year. She is angry, and she has every right to be angry.

So what are we going to do about it?

Lately, we've heard a lot of talk about raising revenues but not nearly enough talk about bringing the Federal Government down to the right size, about matching spending to the resources we have, about balancing the Federal budget. Oh, we hear about a "balanced approach," but that's just a way of saying we need to increase taxes. Actually, we don't need to increase taxes. The best thing we could do would be to not increase taxes.

The best thing we can do to raise revenues is by making our economy as healthy and strong as it can be. That means we need to help our businesses grow and hire. That has become way too hard to do in the past couple of years. A businessman in Dutchess County, New York, told me that he's going to have to limit the number of employees he has to fewer than 50 so that he won't be subject to penalties under the 2010 health law. So, right now, the Federal Government is keeping him from offering jobs. That hurts the people who need jobs and who would be happy to be on a payroll on which they would be putting their own contributions into Social Security and Medicare.

Increasing taxes means less growth and fewer jobs, and that's not balanced. Three years ago, I made a pledge to oppose tax increases. I made that pledge to the citizens I serve and to no one else, and I made it because tax increases will hurt them. When Jen, the owner of La Petite Cuisine in Warwick, New York, tells me that the best thing I can do for her small business is to give her a break from high taxes, I believe her. I ran for Congress to help Jen and all the small business people like her, who are the engines of job creation. I ran for Congress to help all the people who need employers like Jen to hire them.

These good people deserve better than temporary fixes that mean we lurch from one crisis to the next. They deserve a plan that solves our economic problems for the long term. They deserve a plan that goes beyond

politics and shows a commitment to putting the Federal Government on a budget and on track to eliminate our crushing debt, that respects our citizens' rights to enjoy the fruits of their labors and to spend and save and invest as they see fit, which is the best way to grow the economy and add jobs, and that allows each of them, regardless of their station in life or where they live or their ethnic background or their gender, to use their energy, talent, and common sense as free people in a Nation that must remain the strongest in the world, which it simply cannot be if it is drowning in debt.

I am here to fight for what is best for my constituents—every one of them—today and every day, in every single way I can. I am here to serve them and not any party or ideology. My constituents' future extends far beyond any election. They deserve that future to be as secure and prosperous as it can be, and it surely can be if we in Congress and the White House can have the courage to move forward together in a spirit of true cooperation. I stand ready to do that, and I stand with the people of the Hudson Valley.

#### TURNING THE CORNER ON REAL IMMIGRATION REFORM

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, let me tell you how you know you've turned the corner on the immigration debate.

When Sean Hannity and Senator RAND PAUL and a group of others in the Republican Party begin saying it's time to rethink the party's approach to immigration, we've probably reached a milestone. When Donald Trump says the Republican policy of asking 12 million people to self-deport is a "crazy policy" that likely cost the Republicans the White House, you've turned a corner. Any time I agree with Donald Trump, hope for a bipartisan agreement should be running high.

Most Americans believe that Election Day demonstrated that it's time to move beyond the same old politics, the same tired blame game on immigration. So, when I saw a Republican-sponsored STEM visa bill on the House calendar this week, I thought, well, maybe House Republicans are changing their tune. On the campaign trail, we heard Governor Romney say he supported stapling green cards to the diplomas of every math and science graduate from our universities. Why should we educate some of the best minds on Earth and then say, "Sorry, no room in the U.S. economy for you"? It makes no sense. They go away and compete against us rather than innovating and creating jobs here.

Then I took a closer look at what the Republicans are actually proposing.

They haven't turned a corner at all. In fact, they haven't even stepped out of their houses. They certainly didn't learn anything from the last election. The STEM visa bill on the House floor this week was actually voted down in September. It was introduced with a few changes but with absolutely no consultation with Democrats.

I want to find a bipartisan solution on immigration. I am committed to it. I know it won't be easy. They say a journey of a thousand miles begins with just one step. The problem is my colleagues on the other side of the aisle want to take one step and have the Democrats travel the other 999.9 miles. Certainly, this bill isn't even a step—it's a shuffle; it's a shell game. It has exactly the same problem that the STEM bill in September had. It moves visas from a legal immigration program, which works, over to a new visa category where there may or may not be sufficient demand to use those visas each year.

Immigration is always a zero-sum game for my colleagues on the other side: we will only increase visas for immigrants we like if we can eliminate immigration for immigrants we don't like. But it isn't even a zero-sum trick they're pulling here. Best estimates are that only 20,000 STEM visas would be issued to graduates, meaning that the other 35 visas would just disappear.

Which immigrants do they want to exclude in order to play this game?

They're people from around the world who want a chance to make a new life for themselves in the U.S., people like the fathers and mothers and grandparents of almost every Member of Congress. In this case, half of the people who come to America legally, through the Diversity Visa program, come from the continent of Africa, over half of them. Yet they come from all over. So the Republicans would have us say to the good people of Ghana or South Africa—but also to the people of Sweden and Ireland and New Zealand and Taiwan who apply to come here legally—sorry, we have to withdraw the chance you had at 50,000 visas so we can divert them to, maybe, 20,000 STEM graduates. Maybe. Once again, the Republicans' math doesn't add up.

Here is something I'll bet you didn't know about the Diversity Visa program, which is that many of them come to this country and join the Armed Forces of the United States of America. But these legal immigrants are the target of the Republican bill.

I have news for my friends on the other side of the aisle: you can't fool immigrants. You can't pretend to be pro-immigrant and then eliminate immigration from one group to allow another group to come.

I woke up the day after the election and I saw a new landscape for the immigration debate. It is one in which Democrats and Republicans work to-

gether to solve tough problems facing the United States. We should not treat this as an opportunity for politicians to score political points again, but sadly, that is what is happening here. I want Republicans to know that Democrats support STEM visas. We don't need to kill other legal immigration programs to create a STEM program, but Republicans are more interested in killing the Diversity Visa program than in creating a program for STEM graduates. For this bill, no matter what happens on Friday, it will not pass in the Senate.

Mr. Speaker, I believe we can turn the corner on real immigration reform but only if Republicans are willing to put on their walking shoes and take a few steps with Democrats, walking side by side, for a greater, better America.

□ 1020

#### HONORING LOUIS GIACOMELLI

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, I rise today to honor the life of Louis Giacomelli of New Britain in my home of Bucks County, Pennsylvania. A devoted husband and a loving father, Louis passed away earlier this week after a long life of service to his community and to his country.

As a young man in the Army, Louis answered his country's call and honorably served in the Korean War and was awarded a Purple Heart for his service. Upon returning home from the war, Louis went on to serve his community with the Philadelphia Police Department for over 20 years.

I had the opportunity to visit the Korean War Memorial here in our Nation's capital with Louis earlier this year. I was fortunate to have been able to spend that time with him and proud to have called him my friend.

His life of service is an example to each of us, and I wish his family all the best in these difficult times.

#### PITS FOR PATRIOTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. QUIGLEY) for 5 minutes.

Mr. QUIGLEY. Mr. Speaker, I rise today to highlight the exceptional work of an organization operating in my district called Pits for Patriots. This innovative program strives to save not just one life, but two.

The Chicagoland organization currently trains rescued pit bulls to become service dogs for veterans in need. In addition to helping our country's patriots, the program is committed to educating the public about the loyalty, devotion, and commitment of the pit bull breed. Their service dogs are

trained to help improve a veteran's quality of life in their day-to-day activities, such as opening and closing doors, retrieving items, and assisting with mobility problems.

I had the honor of attending a training session and meeting a dedicated veteran, Sergeant Danny Randall, and his companion dog, Shiloh. After serving for 9 years in the Army, Danny felt an emotional disconnect between military and civilian life. Reentering the civilian workforce had been a difficult adjustment. Danny suffers from posttraumatic stress disorder, making it difficult for him to remain calm in large crowds or tight spaces. He is not comfortable sitting with his back to a door or window and feels stress when strangers enter his personal space. But Danny has found a way to help battle some of the aftereffects of war. Danny's medicine is in the form of a four-legged pit bull dog that goes by the name of Shiloh. Shiloh helps Danny to remain calm when going out in public and increases his comfort level and socialization skills.

Shiloh and other pit bulls do more than just facilitate the day-to-day lives of the recipients; they provide a sense of independence and unconditional love. For the veterans, caring for a companion animal can provide a sense of purpose and fulfillment, while lessening feelings of loneliness, isolation, and depression.

There are over 22 million veterans in America today. And although the number of servicemembers being deployed in today's wars are fewer than in wars of the past, those returning from war are suffering from increasingly severe disabilities, such as traumatic brain injury, numerous amputations, and posttraumatic stress disorder.

Over the past decade, the number of vets in need of disability compensation has more than doubled, from 600,000 in 2000 to over 1.4 million in the year 2011. As more vets return home from multiple tours in Iraq and Afghanistan, the need for assistance will grow even greater. We must do all we can to support inventive programs such as Pits for Patriots that provide essential support and assistance to our veterans in need.

I want to end with the words of Sergeant Danny Randall, who said about his pit bull, Shiloh:

He truly gives me a reason to be successful. Shiloh gives me a great sense of calm and balance. He is an amazing dog, not just where he has been and what he's lived through, but all that he has overcome. In that sense we are a lot alike, and I believe that is why we have such a strong bond. We truly do everything together, and I could not have asked for a better pittie partner.

Let's make sure other veterans in need have access to the same program that has done so much to help Danny and Shiloh.



# TRIBUTE TO CONGRESSMAN RON PAUL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. DUNCAN) for 5 minutes.

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise today to pay tribute to my friend, RON PAUL. I have now served in Congress for 24 years, the last 16 of which I have served with Congressman PAUL. During all of that time, I have never once seen him waver or stray from a commitment to liberty and freedom and his promise to uphold and defend our Constitution.

I can assure you that no one runs for office wanting to make people mad. In fact, it may be that people who run for office have a stronger desire to be liked than most people. Thus, I feel certain that at times it has been hurtful to Congressman PAUL to be the only Member out of 435 to vote "no" on some popular bill or seemingly harmless resolution. Yet, on many occasions, he has been the only vote on some issue. Yet, because of his courage and sincerity and his steadfast belief in free enterprise, private property, and individual freedom, he has earned the respect and admiration of almost everyone with whom he has served on both sides of the aisle.

When there was tremendous pressure, especially on the Republican side, to vote to go to war in Iraq, only six Republicans voted "no." Three of those were very liberal Republicans, and three were very conservative. The three conservative "no" votes came from John Hostettler of Indiana, Congressman PAUL, and myself.

It is probably accurate to say that, during the 16 years Congressman PAUL and I have served together, no two Members have voted more alike than we have. Most of that time we have arrived at our decisions separately and independently. But we also have discussed many votes over the years, and I have attended most of the meetings of the Liberty Caucus. Congressman PAUL has hosted in his office with a wide variety of speakers.

One national magazine about 4 years ago gave just three Members 100 percent ratings on a freedom index—Congressman PAUL, Congressman JEFF FLAKE of Arizona, and myself. Last year I was very surprised when the National Taxpayers Union ranked me as the most fiscally conservative Member on all 338 spending votes. But the only reason Congressman PAUL was not first was because he missed many votes during his run for the White House.

There have been articles and comments and questions about who would be the next RON PAUL in Congress, but, really, no one can replace RON PAUL or fill his shoes or be the next RON PAUL. He has achieved a fame and a following and a position of influence that is almost miraculous considering his unique independence.

He is such a kind, humble, almost bashful person that I know he has been amazed by the numbers that have turned out to support him, and especially the following he has among young people. After all, there is nothing cool or hip about him, but several million college students and 20-somethings love the man. I think his appeal lies in his principled stands on the issues, the concern young people have for their future and where this country is headed, and the fact that Congressman PAUL is real. There is nothing fake about him. He believes what he says and says what he believes and then sticks by it even when it is not "politically correct."

Financial columnist Charles Goyette probably summed up Congressman PAUL's time in office best in a column a few days ago. He wrote:

Politics has ways of bending such lesser men and molding even the well-intentioned to become servants of the State. The tools are many: Congressional leadership bribes and bestows its favors from plum committee assignments to nicer Capitol offices. The parties reward the lockstep marchers, too. For those who stay in step, there are endorsements and campaign funds. Meanwhile, for those who march to a different drummer—well. And then there is the simple social pressure to which men whose eyes are not focused on a polestar of principle soon succumb. The description you've heard of Washington that you have to go along to get along is all too true.

Mr. Goyette concluded by writing:

Ron Paul never succumbed. He never sold out for a better assignment, a nicer office, lobbyist largesse, or shallow conviviality.

Finally, Mr. Speaker, I think words written in a 1930 novel called "The Lion's Den" fit Congressman RON PAUL. The words described a fictional Congressman named Zimmer. The author, Janet Fairbank, wrote:

No matter how the espousal of a lost cause might hurt his prestige in the House, Zimmer had never hesitated to identify himself with it if it seemed to him to be right. He knew only two ways; the right one and the wrong, and if he sometimes made a mistake, it was never one of honor. He voted as he believed he should, and although sometimes his voice was raised alone on one side of the question, it was never stilled.

□ 1030

## PROTECTING THE RIGHT TO VOTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Mr. Speaker, Americans turned out in record numbers this past election day, November 6, to exercise our most cherished and fundamental right, the right to vote.

No doubt my colleagues heard from their constituents who endured, in many cases, outrageously long lines. I spoke with voters who reported having to wait two or more hours, and in some

cases up to 5 hours, to cast that precious vote. In most cases, the absence of early voting and the shortage of voting machines and well-trained election volunteers were the primary culprits leading to unacceptably long lines.

Whether one lived in a blue or red State, or voted in an urban, suburban or rural precinct, residents at polling places in more than a dozen States, including Florida, Pennsylvania, Colorado, Ohio, New York, Massachusetts, Wisconsin, South Carolina, Montana, Tennessee, Hawaii, Arizona, Rhode Island, and my own Commonwealth of Virginia, encountered significant, yet avoidable, barriers to casting their ballots.

This is not a Republican or a Democratic problem. Voters from both parties were affected. This is truly a national bipartisan challenge, if not a crisis. And to quote President Obama: "It's one we have to fix."

I think about the employee who struggles to manage his commute or her commute and work schedule on election day, or the senior citizen who may not have had the stamina to stand in line for 5 hours, or the young working mom waiting to vote, worried about the fact that she won't get to the front of the line in time to pick up her kids at daycare.

The experience of our constituents on election day amount to a modern-day poll tax on all Americans that must be eliminated. Twelve years after the 2000 Presidential election exposed the deep structural problems that plague our decentralized voting system, our troubles appear to have worsened, not improved.

Long waits in the cold or the heat, confusing and conflicting instructions from poorly trained election officials, a paucity of voting machines or malfunctioning machines showing their age, a shortage of paper ballots, absentee ballots that failed to reach civilian and military voters in time were among the litany of voting problems that came to a head on election day.

I saw the problem firsthand at polling places in my district as I visited with voters in one Prince William County precinct who had been waiting in line for more than 4 hours in the cold. That's why I joined with Congressman JIM LANGEVIN to introduce the Fair, Accurate, Secure and Timely Voting Act of 2012, the FAST Act. A Senate companion bill was introduced by Senators CHRIS COONS of Delaware, MARK WARNER of Virginia and SHELDON WHITEHOUSE of Rhode Island.

Representative LANGEVIN and I have significant experience serving at the State and local levels, and we strongly believe that the Federal Government often works best when it leverages those laboratories of democracy at the local and State levels to test innovative solutions and governing reforms and best practices that might have applicability at the Federal level.

Consistent with this principle, our bill avoids overly prescriptive requirements and, instead, offers States a menu of options and financial incentives to adopt voting reforms.

Our FAST Voting Act recognizes that modernizing the Nation's voting system will require collaborative and coordinated efforts at the State, Federal, and local levels. It creates a competitive grant program, similar to the President's Race to the Top schools initiative, and rewards those States that aggressively implement the most effective and promising reforms to expand the franchise.

The menu of reforms includes flexible voter registration opportunities, including same-day registration; early voting, with a minimum of at least 9 days before the election; no-excuse absentee voting; assistance to voters who do not speak English as a primary language; assistance to voters with disabilities, including the visually impaired; effective access to voting for members of the Armed Services; formal training of election officials, including State and county administrators and volunteers; auditing and reducing waiting times at polling stations; creating contingency plans for voting in the event of a natural or other kind of disaster.

To be clear, the FAST Act is the latest in a series of proposals to reform how our elections are administered. Given the renewed interest among the public, Members of Congress, and the President, we ought to at least move forward with hearings to debate the merits of these proposals.

This is the world's greatest and oldest democracy. How can any of us be satisfied with the scandalous operations that occurred in all too many voting places that impaired the ability of Americans, free Americans, to freely cast their vote?

We ought to clean this up. It's a solvable problem, and it ought to be solved on a bipartisan basis.

#### HONORING SERGEANT FIRST CLASS RILEY G. STEPHENS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. FLORES) for 5 minutes.

Mr. FLORES. Mr. Speaker, America recently lost another hero in the war on terror. On September 28, America lost Army Sergeant First Class Riley G. Stephens of Tolar, Texas.

Riley grew up in Tolar. He enlisted as an infantryman in the Army in 1993. He volunteered for the Special Forces Assessment and Selection Course. He also went on to graduate from the Special Forces Qualification Course in March of 2005.

At the time of his tragic death, he was assigned to Company B, 1st Battalion, 3rd Special Forces Group (Airborne) as a Special Forces medical ser-

geant. He would go on five separate deployments in support of Operation Enduring Freedom.

During his 19 years of service to our country, Sergeant Stephens earned many awards and decorations. He earned the Bronze Star Medal with Valor, two Bronze Star Medals, the Purple Heart, the Army Achievement Medal with Valor, four Army Commendation Medals, four Army Achievement Medals, the National Defense Service Medal, the Afghanistan Campaign Medal with three campaign stars, the Global War on Terrorism Service Medal, the Noncommissioned Officer Professional Development Ribbon Military, the Army Service Ribbon, two Overseas Service Ribbons, the NATO Medal, the Air Assault Badge, the Basic Parachutist Badge, the Expert Infantryman Badge, the Combat Infantryman Badge, the Ranger Tab and the Special Forces Tab.

On October 7, Sergeant First Class Riley G. Stephens was laid to rest at the Dallas-Fort Worth National Cemetery, not far from his hometown in Tolar where, earlier that day, his life was celebrated and his service to our country was celebrated in a church full of friends and family and fellow patriots.

Our thoughts and prayers are with the family and friends of Sergeant Stephens. He will forever be remembered as an outstanding soldier, a husband and a father. We thank him and his family for their service and sacrifice for our country.

His sacrifice reflects the words of Jesus in John 15:13 which say: Greater love hath no man than this, that a man lay down his life for his friends.

As I close, Mr. Speaker, I would like to ask all Americans to continue praying for our country during these difficult times, for our military men and women, and for our first responders who keep us safe by their sacrifice each day.

God bless our military men and women, and God bless America.

#### COMMEMORATING THE CANONIZATION OF SAINT MARIANNE OF MOLOKAI

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Hawaii (Ms. HIRONO) for 5 minutes.

Ms. HIRONO. Mr. Speaker, I rise today to introduce a resolution commemorating the remarkable life of service of Mother Marianne Cope of Molokai, and her canonization as a saint of the Roman Catholic Church on October 21, 2012. She joins Saint Damien of Molokai among the 12 American saints.

I am joined in introducing this resolution by Congresswoman ANN MARIE BUEKLE, who represents Syracuse, New York, where Mother Marianne's Order of the Sisters of Saint Francis is

based; by Congressman RICHARD HANNA, who represents Utica, New York, where Mother Marianne grew up; and by Congresswoman COLLEEN HANABUSA, who represents Hawaii's First Congressional District. I am proud to represent Hawaii's Second Congressional District, which includes the island of Molokai.

It may seem surprising that one-sixth of America's saints are connected to the tiny Kalaupapa Peninsula on the Hawaiian island of Molokai. The story of Kalaupapa is heartbreaking.

We have all heard of how isolated native populations are especially susceptible to new diseases. Once Westerners and other peoples came to Hawaii, diseases like smallpox and measles caused high mortality. It was no different with leprosy. Native Hawaiians made up the majority of those afflicted with this disease.

To stem the spread of leprosy, the Kingdom of Hawaii decided in 1866 to forcibly relocate persons found to have the disease to the Kalaupapa Peninsula. Those with the disease were outcasts in every sense of the word. Kalaupapa was chosen because it is surrounded by the ocean and some of the tallest sea cliffs in the world, effectively cutting off escape.

□ 1040

Mothers, fathers, and children who contracted the disease were taken from their families and brought to Kalaupapa, where living conditions were terrible and medical care almost nonexistent. Father Damien, who ultimately contracted and died from the disease, is recognized throughout the world for all he did to improve conditions for the outcasts of Kalaupapa. Mother Marianne carried on and expanded on his work. This resolution honors Mother Marianne for her legacy of compassionate care and recognizes her example of what it truly means to dedicate one's life in service to others. One does not need to be Catholic to be humbled and inspired by the life of someone who devoted herself so selflessly to those whom almost everyone else shunned and rejected.

Mother Marianne, born Barbara Koob, immigrated to this country from Germany as a young girl. She and her family settled in Utica, New York. At the age of 24, she entered the religious life as a Catholic nun and commenced a life dedicated to children, education, and the sick. Mother Marianne later focused her efforts on health care and was influential in establishing St. Elizabeth Hospital in Utica. She was also the founder and administrator of St. Joseph's Hospital in Syracuse, the city's first hospital.

In 1883, Mother Marianne received a letter that would change her life. It was from Father Leonor Fouesnel, a missionary in Hawaii, who was desperately searching for volunteers to

take charge of the hospitals that served people with Hansen's disease. More than 50 religious congregations had already declined, but Mother Marianne was different. She eagerly accepted the mission. She wrote back to Father Leonor:

I am hungry for the work and I wish with all my heart to be one of the chosen ones. I am not afraid of any disease.

Mother Marianne left for Hawaii, along with six sisters from Syracuse, in 1883, where she began a 30-year mission caring for those diagnosed with Hansen's disease. Mother Marianne accepted a government plea to start a new home for women and girls with Hansen's disease at the Kalaupapa settlement. Mother Marianne arrived in Kalaupapa just months before Father Damien's death. She oversaw the expansion of health services and programs to provide education and tend to the spiritual needs of the patients.

Mother Marianne lived until the age of 80. On August 9, 1918, she died in Kalaupapa. She was deeply mourned and is still revered. I have visited her grave site, where I left ho-okupu, a traditional Hawaiian offering. I was deeply moved by the devotion of this woman from New York who left all that was familiar to live on an isolated peninsula 5,000 miles from home. Kalaupapa became her home and its people her family.

Mother Marianne recognized the rights and inherent dignity of all people. She dedicated her life to caring for those who needed it the most. People of all faiths can admire her spirit of aloha—encompassing love, compassion, mercy, and grace—and malama—to care for others.

#### ONE LESS PLACE SETTING AT THE HOLIDAYS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, it's the time of year when families reunite and renew their very close connections—connections that are actually, in most instances, the most precious parts of our lives. This Thanksgiving I know all of us were grateful for the company of those we love the most. But more than 2,000 American families sat at tables where there was one less serving of the Thanksgiving meal just a week ago. Those families lost a loved one in the deadly war in Afghanistan—now more than 11 years long and a tragically reckless policy.

I'm personally grateful for the service of all of our Afghanistan veterans and for their sacrifice and for the sacrifice of our military families. But sometimes I don't know how we as a Congress and a Nation can look them right straight in the face after everything we've put them through. The

benefits of this war don't come close to justifying the devastating human cost—not just fatalities, but disfiguring wounds, lost limbs, traumatic brain injury, and demons of post-traumatic stress. They all add up to tragedy at the utmost.

For too many of our veterans, the transition back to civilian life is a daily struggle. Many face not just health care challenges but joblessness, housing and credit troubles, and overall economic anxiety and stress. We've had enough of this. Why would we want to extend a war that has given so much misery and so much heartache and so few actual national security benefits?

The American people have rendered their verdict on the occupation of Afghanistan. Poll after poll shows they want it over. Who can blame them? In fact, the public opinion was so clear during the last Presidential election that both candidates for President in this year's campaign were saying that they would end the war. But the question, Mr. Speaker, is, When? The current 2014 timetable is not nearly aggressive enough—not when we're losing brave servicemembers every single week, not when our military presence is sustaining the very extremists we're trying to defeat, and not when American taxpayers are paying the bill to the tune of \$10 billion a month, at least.

And now it seems that our policymakers might be planning for a significant military presence in Afghanistan beyond 2014. According to a new New York Times article last weekend, one of the options on the table calls for 10,000 American troops and several thousand more NATO troops to remain on the ground after 2014. Sources say that General John Allen, our top commander in Afghanistan, prefers to keep as many as 60,000 troops for another year. As The Times editorial board points out, this is not the "steady pace" of troop withdrawal that the President has promised.

This is unacceptable. We ought to have a role in Afghanistan, but it cannot and must not be a military role. We need more humanitarian aid, more support for education, health care, democracy promotion, civil society, and so much more. But we will not make America safer and we will not make Afghanistan stronger by continuing this war. The only morally decent and strategically sensible approach is to bring our troops home now—certainly before 2014.

#### INVESTING IN R&D AND STEM

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for 5 minutes.

Ms. EDDIE BERNICE JOHNSON of Texas. Today, I would like to emphasize the important role that Federal in-

vestments in research and development, or R&D; and science, technology, engineering, and mathematics, or STEM, education play in stimulating growth, creating new industries and jobs, and delivering long-term benefits to our citizens.

As a member of the House Committee on Science, Space, and Technology, and now as ranking member, I have had the privilege of hearing countless witnesses from industry, academia, and government over the past several years testify that investments in R&D are essential to keeping America competitive in a challenging international marketplace. In fact, according to a paper by the National Bureau of Economic Research, changes in technology are the only source of permanent increases in productivity.

If we are to reverse the trend of the last 20 years, where our country's technology edge in the world has diminished, we must make the investments necessary today. The statistics speak for themselves. It is estimated that more than 50 percent of our economic growth since World War II can be attributed to development and adoption of new technologies. The path is simple: research and education lead to innovation. Innovation leads to economic development and good-paying jobs and the revenue to pay for more research.

□ 1050

As private firms underinvest in research and development because the returns are too far off in the future, there is a clear and necessary role of government to help our Nation keep pace with the rest of the world.

More than 50 years ago, when DARPA was first created, no one had any idea that the research that they would fund would be responsible for the creation of the Internet or the proliferation of GPS technology, but it did. Those inventions started with Federal dollars, as did countless other game-changing technologies.

It is clear that Federal investments in R&D bring significant returns for decades to come. In 1987, MIT Professor Robert Solow was awarded the Nobel Prize in Economics for his work proving that improved technology and improved education in the workforce was clearly and chiefly responsible for long-term growth, much more than increases in labor or capital. The current best estimate for the return on academic research alone is 28 percent. Federal efforts are underway now to more vigorously and rigorously quantify the return on Federal investments in R&D.

Today we find ourselves at a crossroads. The United States remains a leader in science, technology, and innovation but no longer the unchallenged leader. While our own world-class innovation infrastructure is under stress, our competitors in other countries,

even as they institute austerity measures in other parts of their budgets, are seizing the opportunity to make strategic investments in long-term basic research and build and leverage public-private partnerships to support the shorter term R&D that will help create jobs now and long into the future.

As we struggle with our own deficits, we too can make the strategic choice to continue to invest in our future—both in our human capital and physical infrastructure—or we can make the strategic choice to permanently cede our leadership, to fail our current generation of young people and to put our economy in a state of stagnation for years to come.

STEM education is another critical component to the Nation's economic competitiveness. Yet according to the Program for International Student Assessment, the U.S. currently ranks 17th in science and 25th in math out of 34 countries. Though our best STEM students have no trouble competing with their international peers, on average, our K–12 students continue to lag far behind their international peers in math and science aptitude. According to the National Assessment of Educational Progress (NAEP) 2009 science assessment, 34 percent of the fourth-graders, 30 percent of the eighth-graders, and 21 percent of the 12th-graders performed at or above the proficient level in science. When eighth-graders were tested again in 2011, they achieved a modest 2-point gain in the percentage of students demonstrating proficiency.

When the results are broken down by demographic groups, we see a 6–7 point gender gap that begins somewhere between the 4th and 8th grade and persists through 12th grade. Even more troubling, there are huge and persistent gaps across racial/ethnic groups. Among African American students, in 2009 only 11 percent of fourth-graders, 8 percent of eighth-graders, and 4 percent of twelfth-graders performed at or above the proficient level in science. The number for Hispanic students—14, 12 and 8 percent, respectively—are only slightly better. The one small sign of improvement is a 4 point gain for Hispanic 8th graders from 2009 to 2011. But how as a nation and as parents and grandparents can we tolerate any of these numbers for any of our students?

We must also do better at the college level. Even among those minority students who have access to high-performing schools or who otherwise succeed against the odds and enter college intending to major in a STEM degree, fewer than 20 percent finish within five years, compared to a 33 percent 5-year completion rate for White students and 42 percent for Asian students.

We've been talking about "A Nation at Risk" since the report by that name came out nearly 30 years ago, but in that time we've made little to no improvement. Some suggest we may even have gone backwards. As long as our nation overall was still number one, it was easier for our leaders to let year after year pass without taking the hard steps to take on

an enormous set of challenges in a large and diverse country where, rightly so, education is controlled at the local level.

However, the world is changing, the demand for STEM skills is steadily increasing, and our nation's leadership is being challenged. At the same time, our demographics are shifting in profound ways, making the racial/ethnic gaps that much more consequential for our future. By the year 2050, minorities are predicted to represent 55 percent of the national college population.

I am heartened by many of the initiatives going on now at both the federal and state levels, including the Obama Administration's Race to the Top, Initiative and the state-drive common core standards in math and science. Nevertheless, we have a long way to go to ensure that the U.S. continues to produce the world's best scientists, mathematicians, and engineers and to make sure that every student is prepared for the highly technical, high-paying jobs of the future. According to 2008 data from the Bureau of Labor Statistics, the professional information technology (IT) workforce was projected to add a little under a million new jobs between 2008 and 2018. This represents more than twice the rate of overall workforce growth over that same period. Many high-tech companies cite the availability of a skilled STEM workforce as the number one reason for determining where they locate their facilities. Producing students with the STEM skills needed to fill the jobs of the future is necessary to maintaining our nation's innovation capacity and creating new high-skill, high-paying jobs at home.

We need to take a step back and refrain from making short-sighted, ill-advised cuts to our R&D and education investments in pursuit of illusory budgetary benefits. While we debate turning the lights off on groundbreaking research projects, shuttering world-class research facilities, stopping emerging industries in their tracks, and losing many of our best and brightest scientists from the STEM pipeline for good, our competitors in China, India, and elsewhere are surging ahead in their investments in R&D, STEM education, and emerging industries.

I urge all of us, as we undertake our very difficult task of trying to set us on a more sustainable fiscal path, to do whatever it takes to prioritize steady growth of our investments in science, technology, and STEM education. It is when our economy is hurting the most that we should be redoubling our efforts to innovate our way into a brighter future of new jobs, new technologies, and untold societal benefits.

#### CORRUPTION IN AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from Colorado (Mr. COFFMAN) for 5 minutes.

Mr. COFFMAN of Colorado. Mr. Speaker, this year I pushed for and received a congressional investigation into the Dawood National Military Hospital in Afghanistan based on allegations that senior Afghan medical personnel sold U.S. military medical supplies and that Afghan soldiers and police were dying in the facility from untreated wounds and malnutrition be-

cause their families couldn't come up with the necessary bribes to pay the hospital staff for their care.

The Afghan surgeon general, General Ahmad Zia Yafatali, was complicit in the corruption. U.S. Army Lieutenant General William Caldwell was instrumental in covering it up by not only delaying an investigation but by limiting the scope of it when it did occur. Neither General Caldwell nor General Yafatali have been disciplined for their conduct.

Last week I was in Afghanistan and I visited the hospital. I left Afghanistan confirming my belief that the greatest threat to the future of Afghanistan is not the Taliban but the pervasive corruption that permeates every level of Afghan governance and the lack of leadership by the United States in confronting it.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 55 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

#### PRAYER

Reverend Dr. Leslie Callahan, St. Paul's Baptist Church, Philadelphia, Pennsylvania, offered the following prayer:

Gracious God, we offer thanks for the joys and challenges of self-government, which this House and the whole Congress symbolize.

In a world ravaged by violence, political and domestic, we enter gratefully the sanctuary of these Chambers for peaceful deliberation for this Nation's good. Even in the spaces of deep disagreement may these debates be seasoned with mutual understanding. May Your presence as liberty, love, and justice walk up and down and, yes, even between these aisles. Remind everyone of the sacredness of the trust of their constituents and the hope of all our citizens.

At day's end, may all affected by their decisions be confident of their good faith. At the end of the term, may the reelected redouble their efforts for the common good and those retiring find satisfaction in having done their duty. In the name of all that is holy and good.

Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from New York (Mr. REED) come forward and lead the House in the Pledge of Allegiance.

Mr. REED led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## WELCOMING REVEREND DR. LESLIE CALLAHAN

The SPEAKER. Without objection, the gentlewoman from Ohio (Ms. FUDGE) is recognized for 1 minute.

There was no objection.

Ms. FUDGE. Mr. Speaker, it is my pleasure to welcome Dr. Leslie D. Callahan to serve as our guest chaplain today. I have known Dr. Callahan since she was a toddler and am proud to say that she is the dedicated senior pastor of St. Paul's Baptist Church in Philadelphia, Pennsylvania, its first female leader in 119 years.

Dr. Callahan is a religion scholar who received her bachelor of arts in religion from Harvard University/Radcliff College, a master of divinity from Union Theological Seminary in New York, and doctor of philosophy in religion from Princeton University.

A native of Gary, West Virginia, and resident of Philadelphia, Pennsylvania, Dr. Callahan has been publicly preaching since the age of 19. She is noted for her dynamic preaching and teaching gifts and as a minister who plays a major role in shaping the future of the African American church. She is the mother of 2-month-old Annabelle, or Bella.

Reverend Callahan's character is captured in her favorite scripture from Psalm 27:4:

One thing I desired of the Lord, that I shall seek; that I may dwell in the house of the Lord all the days of my life, to behold the beauty of the Lord and to seek God in God's temple.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BASS of New Hampshire). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

## MLR AND FRAUD

(Mr. PITTS asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PITTS. Yesterday, we had an Energy and Commerce Health Subcommittee hearing on how we can combat waste, fraud, and abuse in our health care system. We heard from private sector representatives about some of the innovative ways that they prevent fraud before it happens. At the same time, Medicare loses billions of dollars annually because most fraud is only discovered after it has been perpetrated.

Now, under ObamaCare, we have a new medical loss ratio rule, or MLR, that may actually create perverse incentives for private insurers to behave like Medicare. Some have suggested that the consumer protections provided by the MLR rule are too important to subject the rule to change in order to prevent fraud. Setting aside whether individuals or employers have received the benefit of the MLR rule, clearly the best way to save money is prevent it from being stolen in the first place, not chasing criminals after they have received and spent their illicit gains.

The flawed MLR rule is just another example of how ObamaCare's sloppy legislating and rulemaking has the potential to cost the American people dearly.

## MORE MONEY FOR WAR?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The same geniuses who involved the U.S. in a war against Libya, who knocked off the pro-U.S. Libyan Government, who created in Benghazi an extremist shooting gallery which has claimed four American lives including our Ambassador, who have not been held accountable or responsible for those events, who have opened the door for radical fundamentalists to run roughshod over Libya, these same experts are working out of the same playbook for Syria.

Assad was no angel, but he was not a significant threat to the U.S. Apparently, flush from success in Libya, the administration is preparing to ratchet up the war in Syria.

Why would Qatar, our partner in Libya, be supplying surface-to-air missiles to rebels in Syria without the support of this administration? NATO—meaning the U.S.—discusses putting missiles in Turkey, which would create a de facto no-fly zone over northwest Syria, expanding the war.

Is this why we need a tax increase? More money for more war? Really?

## CONGRATULATING RANDOLPH HIGH SCHOOL CARDINALS

(Mr. REED asked and was given permission to address the House for 1 minute.)

Mr. REED. Mr. Speaker, I rise today to congratulate the Randolph High School Cardinals on their victory in the New York State Class D title game on November 23, 2012, at the Carrier Dome in Syracuse, New York. Led by Head Coach Pat Slater and the game's Most Valuable Player, Cody Oldro, the Cardinals won 28-7. It is with no small amount of pride that we recognize all of the players, cheerleaders, coaches, advisers, administrators, and, most importantly, the parents and the kids for their achievements and congratulate them on their third State championship since 2005.

The 2012 New York State Class D title game was also Coach Slater's final game as head coach of the Cardinals, capping a 33-year career at the helm. His teams earned three State titles, eight Section Six championships, and a career record of 213 wins and 99 losses. Today, we honor Coach Slater for the positive impact he has had on the young people at Randolph for so many years.

## CRUMBLING INFRASTRUCTURE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, our national policy for transportation and budgetary commitment is a disgrace and an embarrassment. Our roads and bridges are a mess. Transportation for America says that we have 69,000 structurally deficit bridges in this Nation. We have over 2,000 structurally deficient bridges in New York State, and we have 99 structurally deficient bridges in my home community of western New York. Every second of every day, seven cars carrying our families drive on a bridge that is structurally deficient.

In the city of Buffalo, we are preparing to make a decision about the future of the elevated Skyway bridge, a roadway classified by transportation officials as being structurally deficient, fracture-critical, and functionally obsolete.

Federal investments should help communities make smart decisions and become more self-sufficient. Investing in smart infrastructure is not simply about tearing down our crumbling bridges; it's about rebuilding our Nation.

## CONGRATULATING COLORADO STATE BOARD OF EDUCATION CHAIRMAN BOB SCHAFFER ON HIS RETIREMENT

(Mr. GARDNER asked and was given permission to address the House for 1 minute.)

Mr. GARDNER. Today, I rise today to honor Colorado State Board of Education Chairman Bob Schaffer on his recent retirement.

Chairman Schaffer proudly served the State of Colorado and our country in this Chamber, representing Colorado's Fourth Congressional District. Throughout his career in Congress and on the State Board of Education, he has dedicated himself to improving the education of Colorado and this Nation's youth. He's a passionate advocate of education policies that reach all students in our Nation.

In addition to his work on the State board, Bob serves as the principal at Liberty Commons in Fort Collins, Colorado. Liberty is a public charter school and is consistently ranked among the State's top-performing schools.

Chairman Schaffer has been an advocate for State and local control over education. He promotes the value that all schools need to be competitive and accountable, including faculty and administration.

While the challenges of education have been many over the past two decades, Bob knows they are worthy of our time and our best efforts. Through his leadership, we have seen education in Colorado improve for our kids; they have a brighter future ahead and the tools to achieve success.

And today, I recognize Bob Schaffer's service in this Chamber and his service to the people of Colorado.

□ 1210

#### CONGRATULATING SHALER NORTH HILLS LIBRARY

(Mr. ALTMIRE asked and was given permission to address the House for 1 minute.)

Mr. ALTMIRE. Mr. Speaker, recently I had the honor of attending a ceremony recognizing the Shaler North Hills Library for receiving the National Medal for Library and Museum Service. This is the highest Federal honor any museum or library can earn.

The Shaler North Hills Library serves over 50,000 families, providing assistance for everything from job searching to computer training. The library also presents outstanding programs for all ages, including showcasing local gardeners, art exhibits, and a speaker series. Their interactive science program, "Discovery Kids," won a Pennsylvania Library Association Best Practices Award, recognizing the program as the best of the best for early learning. The Shaler North Hills Library truly sets the standard for all ages in library services. I congratulate them on this well-deserved honor.

#### DEDICATED LEADERSHIP OF SHERIFF MARK CURRAN

(Mr. DOLD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, I rise today to honor the work that Sheriff Mark Curran and the Robert Crown Center are doing in Illinois' 10th Congressional District.

Heroin and prescription drug abuse are on the rise in our local communities. Families of all backgrounds are being affected by this epidemic in the Chicagoland region. As a result of the increase in heroin deaths and prescription drug overdoses, Sheriff Mark Curran and the Robert Crown Center and other individuals in the community have come together to raise awareness of the dangers of these drugs.

Throughout the past 2 years I've had the privilege of working with these leaders so that we can help educate our communities and to help get help for those who are struggling with addiction. From roundtables to awareness events and a recent community forum—which we held in Vernon Hills, Illinois—I'm proud of the work that's being done to end this epidemic. We do have much more work ahead of us, but I'm confident that Sheriff Mark Curran and others will continue to champion this cause and provide valuable resources to our community. I look forward to helping in any way possible.

#### WORLD AIDS DAY

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute.)

Ms. CASTOR of Florida. Mr. Speaker, I rise today on World AIDS Day to highlight the remarkable progress that has been made over the past 30 years in the fight against HIV and AIDS.

I commend local leaders from my Tampa Bay area district like the Reverend Dr. James Favorite, who understands the importance of speaking to his congregation about HIV and AIDS. Reverend Favorite has urged more than 100 local churches and pastors across the Tampa Bay area to put AIDS and HIV awareness at the heart of their sermons. Reverend Favorite's impact has garnered national acclaim from the National Black Leadership Commission on AIDS.

I also commend the Test Tampa Bay campaign, which is an initiative designed to intensify HIV education, awareness, and prevention brought along by local health departments and other health advocates. Test Tampa Bay aims to increase the number of Tampa Bay residents who know their HIV status by encouraging HIV testing.

Finally, I would like to voice my strong support for H.R. 6138, Ending the HIV/AIDS Epidemic Act, by Representative BARBARA LEE and others, of which I'm a proud sponsor. We must remain committed to ending the HIV/AIDS epidemic and improving the lives of those infected with the disease.

We are at a tipping point in the fight against AIDS, so let's recommit to en-

sure that America continues to lead the way to achieve an AIDS-free generation.

#### HONORING MARGARET OBRAY FOR DEDICATION TO EDUCATION

Mr. BISHOP of Utah. Mr. Speaker, schoolteachers are an overworked and undercompensated group, but the good ones are always appreciated for the time and effort and commitment they make to kids. So I stand today to honor one of the best examples of a dedicated teacher, Margaret Obray, who was a government and history teacher at Mountain Crest High School in Hyrum, Utah. Mrs. Obray has dedicated the past three decades of her life to encouraging her students, both in and out of the school. She has worked tirelessly to open their minds to guide them towards a productive and meaningful life.

Mrs. Obray has decided to retire at the end of this school year, having changed the lives of literally thousands of students who had the opportunity of being taught by such an outstanding educator. I have watched Mrs. Obray for many years and can verify that she is the epitome of what a good educator should be, and she will be sorely missed. So, Mrs. Obray, we want to thank you for what you have done, for the impact you've had on students you have taught in the past, the ones you are teaching currently, and we have pity for all those kids in the future who will never have that experience.

#### HIV/AIDS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, as we celebrate World AIDS Day today, we have reason to be proud of what we've done to fight HIV/AIDS.

When I came to the Congress in 1989, AIDS was a death sentence; now, with the right medicine, it's a manageable chronic disease. And we've made real progress toward a vaccine. That happened because the United States Congress took action. It wasn't magic. People living with the disease fought to make it happen, and leaders in the Congress and the White House fought to make it happen too.

As we recognize World AIDS Day today, we cannot get complacent. We can create an AIDS-free generation—it is possible. But it will slip away if we let these essential programs get cut. Today, we should resolve to stay the course, to keep the pressure on, and win the fight, to honor all those who died of AIDS and all those who are still fighting for AIDS today. This Capital has an epidemic of AIDS. We need to deal with it.

# CONGRATULATING TEACH ELEMENTARY SCHOOL IN SAN LUIS OBISPO

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. I rise today to congratulate Teach Elementary School in San Luis Obispo on becoming a National Blue Ribbon School.

For 30 years, the Department of Education has bestowed this coveted award for outstanding academic achievement, and I am delighted that one of our local schools on the central coast of California was awarded such a tremendous honor.

This distinguished recognition highlights the hard work and dedication of the entire staff at Teach Elementary, and I would specifically like to note the outstanding leadership of Principal Dan Block.

For Teach Elementary to have such remarkable results—particularly during these tough budget times—is truly commendable. At a time when we must invest in high-quality education in order to strengthen our Nation's economic vitality, it is important that we recognize and replicate the successes of schools such as Teach Elementary.

Our students are our Nation's greatest resource, and it's our responsibility to provide them with high-quality schools that put them on a solid path towards success.

San Luis Obispo, California, is truly fortunate to have a remarkable school such as Teach Elementary.

## OPPOSE ANTI-IMMIGRATION BILL

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute.)

Mrs. DAVIS of California. Mr. Speaker, I rise to oppose the anti-immigration bill brought before us today.

The supporters of this legislation would have you believe that immigration is a zero sum game—that for every door you open for one person you have to close it on another. That's what this bill aims to do by increasing the number of visas for STEM graduates while eliminating them from the Diversity Visa Program. This troubling precedent of creating visa offsets will foreclose the promise of the American Dream for countless immigrants.

Our country remains the beacon of opportunity and freedom. For many, the only path to getting here is through the diversity program. People like Yulia, who is a constituent of mine, that lucky draw in the lottery was her best hope for coming to America from Kazakhstan.

It is irresponsible, Mr. Speaker, to hold the much-needed—and I would say we need it—STEM visa bill hostage just to dismantle a program that has helped new Americans like Yulia. It's

bad policy, and I urge my colleagues to reject the bill.

## BUDGET CRISES

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, the consequences of jumping off this so-called "fiscal cliff" are serious but avoidable if the sacrifice is shared. My concern is that the domestic discretionary accounts don't seem to have a seat at the negotiating table. If you don't have a seat at the table, you're far more likely to be on the menu.

Domestic discretionary funding is already projected to fall to historically low levels at less than 3 percent of GDP. This is less than what existed during the Eisenhower administration when our population was much smaller and much younger. These are the programs that are the most critical to the future of our country. They fund our roads and rails and ports, they support the most important scientific research in health and technology and are necessary to educate, feed, and house our most vulnerable children and families. Yet they are the ones most likely to be targeted for budget savings. If we allow that to happen, we'll condemn 16 million children to living their lives on the margins of our economy rather than providing them with the means necessary to escape the cycle of poverty as adults.

A Nation such as ours cannot meet the challenges of the 21st century without making the necessary investments in our human and our physical infrastructure and in cutting-edge basic research in health and technology. We shouldn't further diminish our future in order to get ourselves through this artificially created budget crisis.

□ 1220

## WORLD AIDS DAY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Today, World AIDS Day, provides the opportunity to celebrate the gains made in the prevention and treatment of HIV/AIDS.

People living with HIV can now experience long and productive lives. Advancements in prevention have led to a turning point—the possibility, as Secretary Clinton said—of an AIDS-free generation.

However, cuts in funding to international and domestic programs could very well turn back the clock. We must take action now to avoid the looming threat to more than 1 million Americans, including more than 4,000 in my own district in Illinois who are living with HIV/AIDS. They cannot afford the

\$538 million in sequestration cuts that would affect our HIV/AIDS programs; 15,708 people cannot afford to lose access to crucial lifesaving drugs. So let's stop these cuts and move forward towards an end to this epidemic.

## WORLD AIDS DAY 2012

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Mr. Speaker, December 1 is World AIDS Day, although every day is World AIDS Day for the millions battling this epidemic on the front lines. It's an important time, though, to reflect upon our loved ones lost, to celebrate the progress we are making, and to recommit ourselves to achieving an AIDS-free generation for all.

As this Congress comes to an end and a new one begins in January, we have been given the extraordinary opportunity to leave an astonishing legacy. Our understanding of the spread of HIV has changed dramatically in recent years. Armed with the National AIDS Strategy, the Affordable Care Act, and the ongoing progress of PEPFAR and the Global Fund, we are closer than ever to stamping HIV and AIDS off the face of the Earth.

But while we have made tremendous progress, we must not lose sight of the long road ahead. In my own district, for example, in Alameda County, we declared a state of emergency in 1998. My phenomenal local activists and providers have done a great job with minimal resources to end the state of emergency; but like all communities, we need more resources and not budget cuts. We have the tools we need. We just need the political will and investments to make the end of AIDS the legacy of our generation.

## IN RECOGNITION OF WORLD AIDS DAY

(Mr. PAYNE asked and was given permission to address the House for 1 minute.)

Mr. PAYNE. Mr. Speaker, I join my colleagues today in recognizing World AIDS Day. While great progress has been achieved nationally and globally, our fight against HIV/AIDS should only grow stronger. Globally, 6.8 million people are eligible for HIV treatment but don't have access. In the U.S., accessibility of treatment has significantly increased, but the rate of new HIV infections has only stabilized.

So today, in recognition of World AIDS Day, I come first to remember the lives of the affected in my district, the country, and the world but also to reaffirm my commitment, on their behalf, to stand with those who have relentlessly forged progress, including my late predecessor and father, Donald M. Payne.



Today, I stand with the Nation and the world in international solidarity, committed to the fight against HIV/AIDS and "Getting to Zero."

#### EQUAL RECOGNITION FOR DC AND THE TERRITORIES

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, I come to the floor to thank the House for recognizing that all veterans and members of the military must be recognized equally, not only some of them; and I have asked the Senate to do the same.

Imagine you are a parent. You go to a military ceremony, for example, the graduation from Navy boot camp. Applause comes with each graduate as his or her name is called, and the flag of the home State is raised. But your flag is not raised. Why? Because your son is from the District of Columbia or one of the Territories.

The House defense authorization bill recognizes the injustice of the discrimination against any of our veterans or members of the military. The Senate bill does not. We ask that the Senate follow the lead of the House.

In our country, no American—and especially no veteran or member of the military—is more equal than any other. If the military flies the flags, then fly them all.

#### PROVIDING FOR CONSIDERATION OF H.R. 6429, STEM JOBS ACT OF 2012; AND PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 821 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 821

*Resolved*, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6429) to amend the Immigration and Nationality Act to promote innovation, investment, and research in the United States, to eliminate the diversity immigrant program, and for other purposes. All points of order against consideration of the bill are waived. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-34, modified by the amendment printed in the report of the Committee on Rules accompanying this resolution, shall be considered as adopted. The bill, as amended, shall be considered as read. All points of order against provisions in the bill, as amended, are waived. The previous question shall be considered as ordered on the bill, as amended, and on any amendment thereto to final passage without intervening motion except: (1) 90 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary; and (2) one motion to recommit with or without instructions.

SEC. 2. It shall be in order at any time on the legislative day of December 6, 2012, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule, which will allow the House of Representatives to consider H.R. 6429, the STEM Jobs Act of 2012.

As I am sure my colleague from Colorado will point out, H. Res. 821 is a closed rule. The fact is that like Mr. POLIS, I prefer an open-amendment process. Open rules let us come together on both sides of the aisle and contribute ideas to help make a bill better.

Today's rule will be closed, but that's because the crafting of the STEM Jobs Act has been in a collaborative process for the last few months. Chairman SMITH, the author of this legislation, has already worked with his committee, Republicans, Democrats, and even the Senate to come up with a bill that, hopefully, everybody could support.

Unfortunately, we've since been informed that our colleagues on the other side of the aisle and in the other Chamber are looking to play politics with the STEM Jobs Act. However, that doesn't change the fact that Chairman SMITH worked diligently to make sure this legislation was filled with bipartisan ideas.

The STEM Jobs Act would eliminate the flawed Diversity Lottery Green Card program and reallocate up to 55,000 green cards a year to new green card programs for foreign graduates of U.S. universities with advanced STEM degrees.

According to a study by the National Science Foundation and the National Center for Science and Engineering Statistics, in 1990 about 91,000 full-time foreign graduate students were studying in STEM fields in the United States. That number had jumped to almost 149,000 by 2009. It was 149,000 in 2009. However, the vast majority of these highly skilled, highly educated innovators are leaving the United

States where they once received their education.

We're training hundreds of thousands of highly skilled engineers, technicians, and scientists at American universities and then sending them back home to compete against us in other countries.

□ 1230

They aren't moving to other countries because they want to leave the United States. They're moving because the immigration system forces them out.

Currently, we only select 5 percent of our Nation's legal immigrants based on skills and education they bring to America. So the vast majority of foreign students who come to America for advanced degrees and get their education find themselves on a years-long green card waiting list and give up on the idea of staying here in the United States.

When they leave our country, they take with them all their training and all of their potential to go work for America's business competitors in Canada, Europe, and Asia. The exodus of U.S.-trained STEM professionals has been referred to as reverse brain drain.

The STEM Act of 2012 would reverse this trend. It would establish a program to prioritize green cards for immigrants with graduate-level degrees in the STEM fields. To offset the number of green cards that would be given to the STEM Visa program, the bill would eliminate the diversity lottery green card program, a program that has been repeatedly highlighted as a threat to our national security.

The result is that there would be no net increase in the number of green cards we give out as a Nation. The difference is that we will get immigrants who have the training and the skills that we need to keep American businesses competitive in a globalized and increasingly technical age. In the process, we will eliminate a visa lottery system that's rife with fraud and abuse and the State Department stated contains significant threats to our national security.

In the Rules Committee meeting last night, some opponents to H.R. 6429 said that fraud and security concerns are old problems and that they've been fixed. My colleagues were right in that these are old problems, but the State Department inspector general report published in 2003 listed the widespread abuse in the diversity lottery visa program. The inspector general pointed to identity fraud, forged documents, and national security threats. That's their words.

However, my colleagues were absolutely wrong to say that the problems have been fixed. In fact, just 2 months ago, the GAO released a study discussing the ways the State Department could reduce fraud in our immigration

system, and it highlighted the diversity lottery program. Moreover, the STEM Jobs Act does this without putting American jobs at risk.

This legislation includes provisions that would require the petitioning of an employer to submit a job order to the appropriate State workforce agency. The job opening would then be posted in the agency's official Web site in an effort to publicize available jobs for Americans.

In addition to reforming the green card process for foreign students with advanced STEM degrees, H.R. 6429 also includes provisions that would help reunite families waiting on the immigration process. As it currently stands, family green cards can take 6 or 7 years to process and be approved. During these long years, families are separated. A spouse or parent can be living as a permanent resident in the United States while their loved ones wait back home hoping to be reunited somewhere down the line. This pro-family legislation would help reduce the time these families need to spend apart without speeding up or preempting the actual green card process.

Provisions contained within the STEM Jobs Act would expand the V nonimmigrant visa program to allow spouses and minor children of permanent U.S. residents to come to the United States to live with their loved ones once they have spent 1 year on the green card waiting list. The bill expressly states that these folks would not be allowed to work, taking jobs away from American citizens, nor would they inherently be entitled to any government welfare programs because of the V visa in and of itself.

Similarly, the expanded V visa program won't speed up or expedite the green card process in any way. All it does is this: It ensures that families don't have to live separately and in uncertainty as to when they can be reunited at an unknown time down the line. It brings families back together.

The simple fact is that our current immigration system is ineffective. We educate the world's best and brightest and then send them away to be our competitors. We only prioritize about 5 percent of our visas based upon what they actually contribute to our economy. We have a diversity lottery system that is subject to widespread abuse and opens up our country to entry of hostile intelligence officers, criminals, and terrorists. We separate spouses, parents, and minor children for unknown years on end.

We can do better with the STEM Jobs Act. It is an important step towards doing better. It makes the American green card process smarter, safer, and more family oriented. It protects American jobs and workers while still supporting the American innovation industry, which is why over 100 major companies and councils have supported H.R. 6429.

I support this rule, and I hope all my colleagues on both sides of the aisle will.

With that, I reserve the balance of my time.

Mr. POLIS. Mr. Speaker, I thank the gentleman from Florida for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the rule for the underlying bill, H.R. 6429, the STEM Jobs Act of 2012. It is important to talk about, in consideration of this rule and this bill, what it is and what it isn't.

Here we are with a looming fiscal cliff, and yet Congress has allowed no issue to fester longer than immigration. Whether one is on the left or the right or in the middle, I'm sure my colleague from Florida would agree that whatever we're doing now in immigration is not working very well. We have over 10 million people here illegally. There is rampant violation of the law. There is lackluster enforcement. Families are torn apart.

What's before us, regardless of the merits, which we'll get into in a moment, clearly does not address the problems in our immigration system. Whether this bill becomes law or not, our immigration system will continue to have problems, and there will continue to be over 10 million people here in violation of the law, many working illegally, in some cases taking jobs away from American citizens.

So instead of a solution, we have a bill before us that asks us to weigh two goals of our immigration policy in many ways against one another. There might very well be room for a noncontroversial immigration bill that catches up and includes some of the less controversial provisions, including a STEM program, and there could very well be room for that sort of comprehensive immigration reform.

I support and am a cosponsor of the IDEA Act, which does that. I tried to amend into this bill and allow for the consideration of this body yesterday in the Rules Committee a bill that I have for the permanent reauthorization of the EB-5 visa program, a program that is not very controversial and has strong support from both sides but suffers from temporary reauthorizations. This is a critical program for creating jobs for Americans because it allows companies to attract capital from investors, and those investors are able to be part of those companies and grow those companies, creating jobs for Americans.

This program could be much more successful if the Rules Committee yesterday had, on a party-line vote, not allowed that amendment to come to the floor. I'm confident that that amendment would have passed with near universal support, and certainly strong support from both sides.

Instead of trying to catch and move forward on some of the less controversial aspects of immigration which in no way, shape, or form, again, prevent the need for a comprehensive solution, but instead of even moving forward on the noncontroversial aspects, we have a bill before us that is controversial because it weighs two important goals of immigration against one another. So rather than create a STEM Visa program as the IDEA Act does, as the STAPLE Act, which I'm a cosponsor of with my colleague Congressman FLAKE from Arizona who has introduced it in past sessions, rather than do that, it asks the question of this body: Would we rather have a Diversity Visa concept or would we rather have a STEM Visa concept? In reality, I think many in this body would agree that both are desirable.

□ 1240

Diversity Visas essentially go to immigrants that are from countries other than the main countries that send us immigrants. What are the main countries that send us immigrants? Obviously, Mexico. In addition to that, there are China, Brazil, Bangladesh, Pakistan, Peru, and several others. We have a lot of immigrants from Mexico and these other countries. What the Diversity Visa says is, shouldn't we also give opportunities to some residents of countries, like the Ukraine or Albania or Ethiopia, and have them also come so that they're not just crowded out by applicants from Mexico, India, and China?

If we don't have a Diversity Visa, a higher percentage of our immigrants will be from Mexico, India, and China. Now, that's okay—it's certainly not the end of the world—but there is value in having immigrants from across the world. There is value in having Ukrainians come to this country. There is value in having Ethiopians. In addition, there is value in people having diverse social backgrounds and ethnic backgrounds coming to this country to facilitate assimilation into this country and integration into this country. So I think that it was well thought out in having a concept whereby people who don't happen to be from Mexico, India, China or the other main countries have a way of getting here. It's a good program.

So, too, having a STEM visa program is absolutely critical as it is important to our country to make sure that we can retain the talent that we attract to our universities. There is something that is so frustrating to me as an American and to many of our constituents, and I talk about it frequently back home with my representing both of our major State universities in Colorado as well as private universities in my district:

Here we are educating people from across the world, and if you look at our

engineering grad schools, we see a high number of foreign nationals on student visas. We are educating computer programmers and aerospace engineers with the skills they need to compete in a 21st-century workforce. Upon giving them their master's degrees or Ph.D.s, we tell them, do you know what, you're not allowed to work here in this country. You have to move back to another country and compete against us. Guess what? The jobs follow them. In the digital age, employers care less where an employee is based. They care where the talent is. If the best computer programmer is only available for hire or if an aerospace engineer is only available for hire in India or in Mexico or in the U.K., the companies will—and increasingly are—setting up divisions in those countries to hire them rather than hiring here. So the lack of having a STEM job pathway is actively destroying American jobs every day.

Here we are as a body being asked to say under a closed rule, Is it more important to have immigrants from countries other than Mexico, India, and China? Is it more important to have some Ukrainians and Ethiopians and Albanians? I use those examples because those are some of the leading countries that have used the Diversity Visa, but there are a broad number of countries that do. Is that something that's important? How does its importance compare to making sure that those we train here are able to deploy their talents here and create jobs in America rather than overseas?

Again, it's a very frustrating proposition in the way the Republicans have chosen to bring this to the floor: a, it obviously doesn't address the underlying issues of our immigration crisis in this country. It doesn't change the fact that there are 10 million people here illegally, and it doesn't prevent people from coming here illegally; b, it asks us to choose between two valuable programs. Rather than simply passing the Staples Act, rather than passing the IDEA Act, it says that we're going to have to choose as a country to benefit either from STEM graduates or from people from other countries other than Mexico, India, and China. It's a false dilemma.

There were amendments that were offered by ZOE LOFGREN that would have addressed that which were turned down by the Rules Committee. Again, there were strong bipartisan concepts like EB-5 permanent authorization that I offered, put forward, that were also shut down in committee. In addition, at a time of budget deficits and the looming fiscal crisis, this bill would increase the budget deficit by over \$1 billion over the next 5 years; and that is unpaid for as well.

There are many ways that immigration can be looked at to reduce our budget deficit, and there are many concepts of comprehensive immigration

reform either through fees paid by those who violate the law, penalties paid. Increased taxes going forward for those who would have to pay taxes under immigration reform would actually reduce our deficit; but here we are with a solitary idea around immigration that forces all Members of this body to weigh two valuable programs against one another, and at the same time it costs taxpayers over \$1 billion over the next 5 years. It's a choice that Congress shouldn't face.

There are also very legitimate concerns that, not only does this bill weigh two valuable programs and asks us to choose, but, in effect, it's a backdoor way to reduce the number of legal immigrants. There should be no hesitation in saying that, by reducing the number of legal immigrants, we will increase the number of illegal immigrants. This bill will likely increase the number of illegal immigrants to this country because the math doesn't work.

Now, why doesn't the math work? The bill purports to offset 55,000 STEM green cards by eliminating 55,000 green cards in the Diversity program. Now, if that were a one-on-one trade, that would be the same net number of immigrants. The issue is, as to our institutions of higher education that give master's degrees and Ph.D.s in the eligible areas to students on foreign visas, there are not 55,000 foreign students who receive them every year. There were, in fact, 29,904 last year, so about 30,000. There is a backlog so that, after several years, the 55,000 would no longer be able to be met; but then after 3 or 4 years and after the backlog was met, this would likely lead to a reduction in legal immigration and to an increase in illegal immigration because only 29,000 foreign nationals are matriculating with master's and Ph.D.s in the included areas; yet 55,000 visas would be removed from the program that allows Ukrainians, Ethiopians, and people from countries that are not Mexico, India, China, and the other 12 from coming to this country legally.

So I have very sincere concerns that, rather than addressing the issue of illegal immigration, this bill because of the math and because of the numbers that have been brought to my attention could actually increase illegal immigration by reducing legal immigration, which is the last thing that we need to do with regard to solving in a bipartisan way our immigration crisis.

As a former Internet entrepreneur myself and in representing our universities, I know firsthand about the critical need to pass a STEM visa program. Not only would it create more high-paying, high-tech jobs for Americans, but it would produce tax revenues. It would make our country stronger and our economy stronger. Yet rather than take up the IDEA Act or the Staples Act, we're here with a backdoor at-

tempt by the Republicans to increase the number of illegal immigrants in our country, which I would argue is not the right direction for immigration reform. Immigration reform should be predicated around solving the crisis of illegal immigration. Rather than increasing the number of illegal immigrants from 10 million to 12 million to 14 million, we need to find a way to reduce that number to as close to zero as is feasible, and that should be the goal of immigration reform.

With that, I reserve the balance of my time.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. POLIS. It is my honor to yield 3 minutes to a leader on immigration issues, the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. I thank the gentleman from Colorado and distinguished member of the Rules Committee for yielding time to me.

Despite bipartisan support for a clean STEM visa bill, this is a partisan bill that picks winners and losers in our immigration system and requires the elimination of the Diversity Visa program before a single STEM visa can be issued. In other words, we want to pick immigrants we like and then eliminate immigrants we don't like as though some are better than others. The interesting thing is that most of the Members of the House can look back into their own personal histories and find their own family members and ancestors who come from the countries that are being eliminated.

□ 1250

After the historic elections we've just witnessed, it flies in the face of our diverse American electorate to precondition STEM visas on the elimination of Diversity Visa immigrants, 50 percent of whom come from the continent of Africa. Like STEM graduates, they have much to contribute to the United States.

We've seen this poison pill before—pitting immigrant against immigrant—when the House voted down H.R. 6429 under suspension. But it gets worse. Inserted in the new version of the bill is an amendment to the V Visa program that the majority claims helps families and makes the bill balanced and bipartisan.

Let me be clear: this was not a provision negotiated with us on the Democratic side. It was negotiated with anti-immigrant groups and extremists in the Republican Party.

H.R. 6429 takes the V visa, a bipartisan visa created more than 10 years ago, and amends it to deny V visa holders eligibility to work and cuts out of the program spouses and minor children already living in the U.S. This backhanded, so-called family fix should offend anyone who truly cares about families.

But the family provisions are even worse than that. Families of STEM visa holders are treated fairly, but the families of “ordinary” green card holders are treated as second class. If you are a STEM degree holder, your spouse and minor children can immediately come to the United States and your spouse is granted a work permit. My colleagues on the other side of the aisle know this. However, if you’re an “ordinary” green card holder who applies to bring your spouse and children to the United States through our regular family immigration channels, you will make your spouse and children wait at least a year before joining you in the U.S., and we will not allow your spouse to work once he or she gets here.

I agree that STEM holders should be able to bring their families—their children and their wives or their husbands—and that their spouses should be able to work legally in the United States. However, I resent that the spouses and children of other family-based immigrants are treated differently and unfairly. Apparently Republicans’ devotion to family extends only to families where the principal immigrant is smart enough to earn a Ph.D. or master’s degree in a STEM field, and that is something that I resent. And that is something that all Americans should abhor. It goes against the immigration diversity that we have, as a Nation, created.

Mr. NUGENT. Mr. Speaker, I continue to reserve.

Mr. POLIS. Mr. Speaker, I would like to yield 2½ minutes to the gentleman from Michigan (Mr. CURSON), a new Member of our body.

Mr. CURSON of Michigan. Mr. Speaker, I rise today in opposition to H.R. 6429 because I have grave concerns with the bill’s elimination of the Diversity Visa program. The Diversity Visa program has given people from around the world the opportunity to win the most precious lottery: the chance to come to the United States, to work hard, and to earn the right to be an American. The program increases our Nation’s ethnic diversity and provides one of the few legal pathways for immigration from countries that are impoverished, persecuted, or unfree.

I do support increasing STEM visas to foreign graduates. That will increase our pool of high-skilled workers that will promote new ideas, new technologies, and help our businesses stay on the cutting edge of new things to come. But we should not reward one class of individuals and deny another class that’s not so blessed with the opportunity to prove themselves.

H.R. 6429 would actually reduce legal immigration levels by not allowing the rollover of unused visas. It’s disappointing that there’s no opportunity to craft sensible, bipartisan legislation on an issue that so many Democrats and Republicans agree on.

H.R. 6412, the Democratic version, requires that employers offer wages to STEM graduates that do not undercut actual wages paid to U.S. workers with similar levels of experience. I have witnessed over the last decade unscrupulous employers who dramatically eroded wages, not for competitive reasons, but solely to transfer wealth from workers to executives. They were successful only because workers were hungry for jobs and willing to work for nearly any wage. The median household income dropped by \$3,700 in that time while executive pay skyrocketed, even as our economy tanked. By contrast, the bill we are debating today does not include wage protections and does not adequately ensure that American workers are protected.

Equally important is that H.R. 6412 preserves the Diversity Visa program, ensuring equal opportunity to work in our great land. Democrats and Republicans alike have forwarded great wisdom towards this issue. Now is the time to cooperate with one another and craft a truly bipartisan approach to immigration reform that provides for equality of opportunity for all those who seek the benefit of U.S. citizenship.

Mr. NUGENT. Mr. Speaker, I continue to reserve the balance of my time.

Mr. POLIS. It is my honor to yield 2½ minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman’s courtesy for yielding me this time, and I identify with a number of the reservations that he mentioned about this legislation.

A costly, inhumane, and broken immigration system is a shadow over the American landscape. The current system denies the reality of nearly 12 million immigrants, who, for the most part, are already part of the fabric of American life. They work in American business and are often already integrated into existing families.

A consequence of this recent election may well be a new reality on the American political scene when it comes to immigration, a willingness to soften hard-edged positions and move us in a more thoughtful direction. We are already hearing some of these signals from the Senate this week. In a small way, the legislation before us today may provide an additional opportunity to move forward.

I voted against its earlier incarnation—reluctantly—because it was designed to fail. While I will vote today against the rule, tomorrow I will be voting for the legislation which would create the STEM Visa program and give 55,000 green cards a year to doctoral and masters graduates in the science, technology, engineering, and mathematical fields. Dealing with this in regular order is encouraging. The

bill was also made marginally better. I think we have an opportunity here for us all to help break this logjam. Creating a STEM Visa program should be a no-brainer.

This legislation is certainly not perfect, and I agree, as I mentioned, with some of the reservations that have been advanced. Frankly, unless our objections are addressed, it will not pass the Senate. We don’t support the philosophy that immigration needs to be zero sum. We need not eliminate the Diversity Visa program in order to add this program. The Senate, as I said, will fix these provisions, if they take it up at all. Frankly, I hope they do take it up and they do fix it. This would be an important signal to the next Congress that we can and must move forward on broader immigration reform, like the comprehensive immigration reform, that Senator MCCAIN previously supported with the late-Senator Kennedy.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. America needs to unite families, to protect and give justice to young people, strengthen business from high tech to agriculture and help us live up to our ideals as a Nation of immigrants.

A costly, inhumane, and broken immigration system is a shadow over the American landscape. The current system denies the reality of nearly 12 million immigrants, who for the most part are already part of the fabric of American life. They work in American business and are often already integrated into existing families. Strengthening and expanding legal immigration even helps grow our economy. Conservative economists for the Cato Institute project that a comprehensive immigration reform with a pathway to citizenship would add \$1.5 trillion to the U.S. economy over 10 years. Unfortunately, rational immigration policy has fallen victim to some of the most extreme political cross currents in our country which not only deny our roots, but violate fundamental fairness and reality.

Recent immigration legislation is costly, inefficient, and cruel as it relates to families already here. Young people brought here as children who know no other life and are American in every sense, but are still denied the American dream.

A consequence of the election may well be a new reality on the American political scene when it comes to immigration and a willingness to soften hard-edged positions and move us in a more thoughtful direction.

There have been shifts in public attitude embracing comprehensive solutions for some time, but in the political arena this is a more recent phenomenon. It will take time to do this right, but a willingness by some on the other side of the aisle to offer their own version of the DREAM Act in the Senate, for example, is reason for optimism.

While I strongly support a comprehensive solution that provides a path to citizenship for people who are willing to play by the rules,

work hard, pay their taxes, and demonstrate citizenship skills, there are two intermediate steps that should get us moving in the right direction. The DREAM Act and the creation of a STEM visa program should be low-hanging fruit that almost everyone can embrace.

The deferred action announced by the administration to give a sliver of hope to these bright young people who study hard and play by the rules and who are good citizens was a good step but should be followed by early action on the DREAM Act. I am proud this was passed by the previous Congress and I hope it will be the first order of business in the new Congress. These young people are the lifeblood of America's future and we should welcome them and do everything possible to ensure their success.

I will vote for H.R. 6429, the STEM Jobs Act, which creates a STEM visa program and would give 55,000 green cards a year to doctoral and master's graduates in science, technology, engineering and mathematical fields. I reluctantly voted against this in September because it was brought forward as a last minute suspension bill designed to fail and create unnecessary political divisions. This time, dealing with this in regular order is encouraging. It was also made marginally better. For example, the new version of the legislation decreases the wait time for certain spouses and children who are planning to join their loved ones with permanent residency in the United States. It also removed a concerning provision that forced STEM visa applicants to commit to working in the United States for five years. While prospects in the Senate are still dim, the most important change has been the willingness of my friends on the other side of the aisle to take another look at immigration and maybe dial down the political rhetoric. I was personally willing to meet them halfway.

Creating a STEM visa program should be a no-brainer. It will make a huge difference in keeping the best and brightest from around the world in the United States. These students come to our colleges and universities to receive the best education available and it is insane to send them back home or to other countries if they want to stay here. It has been said that we should staple a green card to every diploma for an advanced degree. We should certainly do whatever is necessary for appropriate verification to ensure national security, but the overwhelming majority should be welcome to reside, be productive, create families, and support businesses right here.

The legislation is certainly not perfect and unless our objection is addressed will not pass the Senate. We need comprehensive immigration overhaul, not a piecemeal approach. I also do not support the philosophy that immigration needs to remain zero-sum: we should not need to eliminate the diversity visa in order to add this program. I am confident the Senate will fix these provisions.

This would be an important signal to the next Congress that we can and must move forward on broader immigration reform. America needs to unite families, to protect and give justice to young people, strengthen business from high-tech to agriculture, and help us live up to our ideals as a Nation of immigrants.

Mr. POLIS. I would like to inquire if the gentleman from Florida has any remaining speakers he's expecting.

Mr. NUGENT. I do not.

Mr. POLIS. Mr. Speaker, seeing as I am the last speaker from my side, I yield myself the balance of my time.

As articulated by the gentleman from Oregon, this bill presents a difficult decision for Members of this body, and I certainly have great respect for people on both sides of the issue.

□ 1300

I want to go over, again, some of the pros and cons. The program that allows Ukrainians, Ethiopians, and Albanians to come in to make sure that a disproportionate number of our immigrants are not just from a small number of countries is important. Absent that, a higher percentage of our immigrants will be from Mexico, India, and China. So again, if this bill passes, a higher percentage of our immigrants will be from the major countries that send people here.

Now, it's not the end of the world, but there's added value in having people from all corners of the world come here to become part of our great country and, in many cases, this is the only way that people from Nepal or Albania or Ethiopia have a shot at coming to this country and succeeding.

We also need people in this country across all different skill levels in our labor market. And whether that labor includes toiling in the field or toiling in downtown buildings at night or programming computers or designing aircraft, we have needs across all sectors of our economy—yes, in STEM, but not just in STEM.

So we are asked to choose, asked to choose between people with graduate degrees whom we want to keep here in science, technology, engineering, and math. In many cases, if they're not allowed to stay, they will have to return to other countries, and the jobs will follow them, costing our country jobs.

Choose between them and allowing people here from countries other than Mexico, India, and China, some of whom are high-skilled, some of whom are low-skilled, a diverse group across the board. Looking back at many of our own forebears, certainly mine, my family came to this country in the late 19th century, and early 20th century, 1890s, 1905. They didn't have master's degrees. They didn't have Ph.D.s. They didn't have college degrees. And that's the case for many of our forebears.

Here today their great-grandson sits as a Member of Congress, and had a program not existed whereby they could arrive at Ellis Island and be here, I wouldn't be here today.

Now, my father has a Ph.D., but that's the legacy of his hard-working immigrant grandparents that came to this country without a college degree and, in many cases, without something that's the equivalent of even a high school degree today. To work hard, to

live the American Dream, and for their descendants, to be able to serve in this august body.

So it's a cause for reflection. Both are important. And again, the closed process of the bill doesn't allow for a discussion of the IDEA Act or the STAPLE Act, which would simply create a new STEM immigrant visa program.

My other concern with this bill, as I mentioned, is that it would increase the number of illegal immigrants here in this country. Simply by the way that the math works, the number of STEM graduates is lower than the number of STEM visas that are available each year.

Now, it would be one thing if that was allowed to trickle down to other categories, or, for instance, the overflow was allowed to be used for diversity visas. There might be room for compromise. But instead, those excess visas disappear. So after the backlog of 3 or 4 years is dealt with, these 55,000 visas that are being taken away from Albania and the Ukraine and Ethiopia and Africa and Asia, the back of those 55,000 visas will only result in 20,000 or so net immigrants.

Now 29,000 graduates graduating from institutions of higher education. Now, keep in mind, not everybody wants to stay here. As attractive as our country is, some people do want to learn here and go back to their other countries, and that's certainly fine as well. But many will want to stay here.

But in losing some of those visas, again, we are only increasing the immigration problem, the illegal immigration problem, and moving in the opposite direction of addressing immigration in this country. There is little to be proud of with regard to the current state of affairs in immigration.

It's very different than when my great-grandparents came here and got off at Ellis Island and registered and, albeit with a misspelled name, were able to go to work the next day. It's becoming harder and harder.

The absence of a legal way of immigrating that is in touch with our labor market in this country, the lack of having an operative immigration system has led to over 10 million people being here illegally, working illegally, as my colleague from Oregon said, in many cases, integrated into our communities. Many of them have American children, are parents of American kids, and yet, without any way, currently, of getting right with the law.

What we need to do in immigration reform is require that people who are here illegally get right with the law, rather than prevent them from getting right with the law, which is what we do currently.

So, again, while STEM immigration is very important, my colleagues are being asked, in a closed process, to weigh that with the issue of immigrants from countries like the Ukraine

and Albania. At the same time, again, this bill will increase the number of illegal immigrants in this country. Perhaps increasing the number of illegal immigrants will redouble the efforts of this Congress to address this issue.

But, given the enormous dimension of the problem already and the complete lack of consideration of any meaningful immigration bill by this Congress to solve a broken immigration system, I'm certainly not holding my breath.

The zero-sum bill on the floor asks us to weigh one class of immigrants at the expense of another, in effect, trying to play politics and avoid solving our immigration crisis.

I think it's time for a transparent and open debate. It's time for compromise. It's time to work in a bipartisan fashion to actually replace our broken immigration system with one that works for our country, one that strengthens our economy, one that creates jobs for Americans, one that makes our Nation's immigration system more humane and makes it workable and enforceable.

This bill, for all its merits, for all its problems, I think, we, both proponents and opponents can agree it falls short on that account of fixing our broken immigration system and replacing it with one that works. It has no additional enforcement provisions, no border security provisions. It provides no requirement for people who are here illegally to get right with the law.

Rather, it does create an excellent program to keep high-tech graduates here. It destroys another valuable program to keep people from countries other than Mexico and India and China and the UK here. It likely will increase illegal immigration by 10 or 20,000 a year, and provides no solution.

So a difficult decision for all Members of this body. And I'd like to think that Members on both sides, hopefully, would agree that we can do better. We need to do better. We've been called upon by the voters of this country to do better.

And I encourage, whether it's in this Congress or the next Congress, to take up the difficult but critical issue of replacing our broken immigration system with one that works for our country, creates prosperity for America, helps reduce our budget deficit, is humane, is enforceable. No one said it would be easy, but that's what the people send us here to do.

And regardless of the outcome of this particular bill, we are simply taking another week in avoiding addressing the real issues of the immigration crisis in this country.

I encourage my colleagues to vote against the rule, which was a closed process and doesn't allow for consideration of even noncontroversial amendments such as my EB-5 amendment.

I yield back the balance of my time.

Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

To my good friend from Colorado, we agree on so many issues, particularly as it relates to immigration reform. We agree. I think this is the first step in regards to where we need to go. You have sold a very persuasive argument in regards to why it is so important, so important, that we have a STEM visa program; why it's important to us to keep that brain power that we educated in the United States, keep them here in this country to support our businesses and our manufacturing so we can be more competitive on a global market. You have made my case on that argument.

I'll agree with you that this immigration system that we have is broken. I wasn't here 2 years ago or 4 years ago when the Democrats were in power in both the House and the Senate and the Presidency, and they moved nothing forward that we're talking about today.

□ 1310

It's disappointing when you have all the levels of government and you don't accomplish anything as it relates to this. And now we want to turn it around and say that this is a flawed bill. At the end of the day, this meets the needs of our corporations of creating more jobs here in America, about putting more people to work, and it also rectifies an issue on the V-Visa program in regards to instead of having families split because someone has a legitimate green card as a resident here, that he has to be split or she has to be split from their family. The mother of their children or their children are kept from coming in the United States. Because today, the way the program is, they are kept from coming to the United States. So they don't have an opportunity to get a job, anyhow.

But what this does do is it rectifies a problem that allows parents to be reunited with their children. I don't know, but that's important to me as a father of three. I would much rather have had my family here if I was a resident alien here. I would rather have my family here so I could reach out and touch them and help encourage them and move them forward in the American principles—that's what I would want to do—versus trying to talk across great distances to try to bring a family together. That's no way to raise a family. But they do it because they have to. This rectifies that problem. While it doesn't allow them to go out and get a job, it does bring the family unit back together again. I know, Mr. POLIS, you have a son. You would rather have your son with you than a thousand miles away, as I would.

So this is a step in the right direction. This is moving us forward, not moving us backwards. This is actually

taking an approach that should have been taken 4 years ago, and the Democrats punted it down the field. In September, we voted on this initial STEM bill and we had 30 Democrats across the aisle vote with us. We didn't meet the threshold of two-thirds because it was under suspension.

I truly believe that this bill has the ability to cut across the aisle. And we heard our good friend from Oregon talk about it—for the right reasons. Just because it's not perfect doesn't mean we should just throw it in the scrap heap. And I agree that we can pass this bill and send it to the Senate. The Senate has the option to bring it up, debate it, vote on it, amend it, and send it back to the House. Do your job. I agree that that's what they should do. At least have the discussion. When the Senate comes out and says, We're going to ignore it, we're not going to do anything with it, that's a disservice to the American public, it's a disservice to those that create jobs, and those Americans that need jobs.

You talk about a zero sum game. This is not a way to reduce immigration. I don't know where my good friend got the numbers about how this is going to increase the number of illegal immigrants to this country. I've never heard that before. I've never seen anything in writing as relates to that. I'm not saying it's not true, but I don't know that. I think it just sounds like a good number. What we don't want to do is scare people to be opposed to something that is good for America.

We made an investment as a Nation in these foreign students when they came here, when we allowed them here in the STEM fields. Why let that investment leave? Why would we ignore that investment and say, you know what? we don't care, when it has a direct negative impact on this country—not on any other country—on this country it has a direct negative impact. It's just common sense. And I guess that's the problem. Sometimes common sense and Washington, D.C., are vast worlds apart.

While looking at this, it's just a small, commonsense reform to our immigration policy. But what it does do is addresses a dangerous Diversity Visa problem. Even the former Deputy Assistant Secretary of State for Visa Services testified in front of the Judiciary Committee that visa lottery fraud includes multiple entries, fraudulent claims to education and work experience, pop-up spouses or family members, and false claims of employment or financial support in the United States. His words, not mine.

For example, one third-party agent in Bangladesh entered every single name from a phone book in Bangladesh into the lottery system in order to extort money. If your name got pulled he would go to you and extort money so you can come to the United States. Or,



guess what? Sell that winning slot to someone else.

That's not what the whole program was designed for. I would suggest to you that students that are coming from foreign countries come across-the-board. We have them from China, we have them from the Ukraine, as you like to keep pointing out, and from all over the world to come to our universities, particularly for those STEM degrees, advanced degrees. So I would suggest to you that you're going to continue that diversity by getting people that have gone to the max that are going to be so productive here in America to help us. It's not a sum game. It's just a rational game.

I really wish that I knew that if we passed this today, that it would become law. The President has already kind of said he wouldn't sign it. I don't know how you can have it both ways, Mr. Speaker. When we talk about STEM, those individuals who have come to our universities and graduate with a degree in those STEM sciences, how we can just ignore them and say, Listen, this is good for America.

Instead of making this a Republican or Democratic idea, why don't we just pass it because it's the right idea? Let's do something for once that's good for America. Let's do something once that's good for those green card holders that are currently here in the United States, bringing their families together so they can become productive in whatever sense their family decides. Wouldn't we want to do that? I would want to do that. I want to see families reunited, not split apart, not kept because of some arcane rule that's going to take them 6 or 7 years, maybe, to get a green card so they can bring their family here in the United States, where this would allow them to come 1 year after being on the waiting list, they get the opportunity to come here and be reunited with their family.

For all that we hear about Democrats are always for families, this time I guess they're not. This time I guess because they're from some other country, maybe they're just not that important. They are to me. I think it's important. Here's once where the Republicans are stepping forward on an immigration issue that's good for America, it's good for the people that are currently here on green cards legally. It allows them to reinvest. How can this be bad for America? Is it because it's a Republican idea? Is that the reason why this is a bad piece of politics? I would hope not. I would hope that my colleagues across the aisle will be like Mr. BLUMENAUER from Oregon and look at the real merits of it.

While not perfect in any sense of the word, as is any legislation that comes out of this place, at least it's a move and a step in the right direction. And let the Senate do their job. Let the Senate bring it up. Let the Senate vote

on it and amend it and send it back to the House. Let the Senate for once do their job. And then, Mr. President, you can make a decision whether you're going to veto it or not. But let's quit playing politics with immigration.

Mr. Speaker, I do want to thank my good friend from Colorado because we agree on so many issues as it relates to this. We just don't agree on everything.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to oppose H. Res. 821, the Rule providing for the consideration of H.R. 6429 "STEM Jobs Act," a bill which eliminates the Diversity Visa Program.

Nearly 15 million people, representing about 20 million with family members included, registered late last year for the 2012 Diversity Visa Program under which only 50,000 visa winners were to be selected via random selection process.

Each year, diversity visa winners make up about 4% of all Legal Permanent Resident (LPR) admissions.

#### SEEDS OF DIVERSITY

Unlike every other visa program, its express purpose is to help us develop a racially, ethnically, and culturally-diverse population. It serves a unique purpose and it works. In recent years, African immigrants have comprised about 50% of the DV program's beneficiaries.

Diversity Visa immigrants succeed and contribute to the U.S. economy. According to the Congressional Research Service, in FY 2009 Diversity Visa immigrants were 2.5 times more likely to report managerial and professional occupations than all other lawful permanent residents.

The Diversity Visa program promotes respect for U.S. immigration laws. It reduces incentives for illegal immigration by encouraging prospective immigrants to wait until they win a visa, as opposed to attempting to enter without permission.

#### U.S. FOREIGN POLICY INTERESTS

The Diversity Visa sustains the American Dream in parts of the world where it represents the only realistic opportunity for immigrating to the U.S.

Former Rep. Bruce Morrison—one of the architects of the Diversity Visa—testified in 2005 that the program advances a principle that is "at the heart of the definition of America"; the principle that "all nationalities are welcome."

Ambassador Johnny Young, Executive Director of Migration and Refugee Services, U.S. Conference of Catholic Bishops, testified at a 2011 Judiciary Committee hearing: "The Program engenders hope abroad for those that are all too often without it—hope for a better life, hope for reunification with family in the United States, and hope for a chance to use their God-given skills and talents."

#### AMENDMENTS OFFERED IN JUDICIARY AND RULES

During the Judiciary Committee's markup of a bill earlier this year to kill the Diversity Visa program, I offered an amendment directing the Secretaries of Homeland Security and State to report to Congress on steps that could be

taken to further eliminate fraud and security risks in the Diversity Visa program. Rather than vote to fix the program and defend legal immigration and diversity in our immigrant pool, every Republican on the Committee who was present voted down the amendment.

Once again I offered 2 amendments in Rules Committee to protect the Diversity Visa Program, and once again the Republican majority on the Committee voted against it.

#### NO SIGNIFICANT EVIDENCE OF A SECURITY RISK

No substantive evidence has been given that the Diversity Program poses a significant risk to our national security. There are organizations like Numbers USA who are not just advocating against illegal immigration but also wish to place caps on or decrease legal immigration as well.

As former Congressman Bruce Morrison testified in 2005: "[I]t is absurd to think that a lottery would be the vehicle of choice for terrorists." 12 to 20 million people enter the Diversity Visa lottery each year and no more than 50,000 visas are available.

In 2007, GAO "found no documented evidence that DV immigrants . . . posed a terrorist or other threat."

Diversity Visa recipients go through the same immigration, criminal, and national security background checks that all people applying for Lawful Permanent Residence undergo. They also are interviewed by State Department and Department of Homeland Security personnel.

#### FRAUD

Since the State Department OIG first raised concerns about fraud in 1993, significant changes have been made. In 2004, State implemented an electronic registration system. This allows State to use facial and name recognition software to identify duplicate applications and to share data with intelligence and law enforcement agencies for necessary immigration and security checks.

In 2012 there was an incident where 20,000 people were erroneously notified that they were finalists in the Diversity program. They would have the opportunity to enter the lottery. The OIG investigated and found this was due to a computer error. There was no evidence of intentional fraud, as a safety precaution and because of the principle of fairness the State Department did the lottery again.

The Diversity Visa program has led the way in applying cutting edge technology to reduce fraud and increase security. The program was one of the first in the government to use facial recognition software to analyze digital photographs.

I join the vast majority of my Democratic colleagues in supporting an expansion of the STEM program. H.R. 6429 attempt to increase the STEM Visa program is an admirable one; however, I firmly believe it should not come at the expense of the Diversity Immigration Visa Program and should include a broader range of institutions.

I firmly support Rep. LOFGREN's bill, H.R. 6412 which is a clean STEM Visa bill and creates a visa program for students graduating with advanced STEM degrees from U.S. research universities, without eliminating the Diversity Visa Program.



Frankly, it appears there are Republicans who have been needlessly targeting this program, as a means to decrease legal immigration.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 243, nays 170, not voting 19, as follows:

[Roll No. 611]

YEAS—243

Adams	Franks (AZ)	McClintock
Aderholt	Frelinghuysen	McHenry
Akin	Gardner	McIntyre
Alexander	Garrett	McKeon
Amash	Gerlach	McKinley
Amodel	Gibbs	McMorris
Bachmann	Gibson	Rodgers
Bachus	Gingrey (GA)	Meehan
Barletta	Gohmert	Mica
Bartlett	Goodlatte	Miller (FL)
Barton (TX)	Gosar	Miller (MI)
Bass (NH)	Gowdy	Miller, Gary
Benishek	Granger	Moran
Berg	Graves (GA)	Mulvaney
Biggart	Graves (MO)	Murphy (PA)
Billbray	Griffin (AR)	Myrick
Bilirakis	Griffith (VA)	Neugebauer
Bishop (UT)	Grimm	Noem
Black	Guinta	Nugent
Blackburn	Guthrie	Nunes
Bonner	Hall	Nunnelee
Bono Mack	Hanna	Olson
Boren	Harper	Palazzo
Boswell	Harris	Paul
Boustany	Hartzler	Paulsen
Brady (TX)	Hastings (WA)	Pearce
Brooks	Hayworth	Peterson
Broun (GA)	Heck	Petri
Buchanan	Hensarling	Pitts
Bucshon	Herger	Platts
Buerkle	Herrera Beutler	Poe (TX)
Burgess	Huelskamp	Pompeo
Burton (IN)	Huizenga (MI)	Posey
Calvert	Hultgren	Price (GA)
Camp	Hunter	Quayle
Campbell	Hurt	Reed
Canseco	Issa	Rehberg
Cantor	Jenkins	Reichert
Capito	Johnson (IL)	Renacci
Carter	Johnson (OH)	Ribble
Cassidy	Johnson, Sam	Rigell
Chabot	Jones	Rivera
Chaffetz	Jordan	Roby
Coble	Kelly	Roe (TN)
Coffman (CO)	King (IA)	Rogers (AL)
Cole	King (NY)	Rogers (KY)
Conaway	Kingston	Rogers (MI)
Cravaack	Kinzinger (IL)	Rohrabacher
Crawford	Kissell	Rokita
Crenshaw	Kline	Rooney
Culberson	Labrador	Ros-Lehtinen
Denham	Lamborn	Roskam
Dent	Lance	Ross (AR)
DesJarlais	Landry	Ross (FL)
Diaz-Balart	Lankford	Royce
Dold	Latham	Runyan
Donnelly (IN)	LaTourette	Ryan (WI)
Dreier	Latta	Scallise
Duffy	Lewis (CA)	Schilling
Duncan (SC)	LoBiondo	Schock
Duncan (TN)	Long	Schweikert
Ellmers	Lucas	Scott (SC)
Emerson	Luetkemeyer	Scott, Austin
Farenthold	Lummis	Sensenbrenner
Fincher	Lungren, Daniel	Sessions
Fitzpatrick	E.	Shimkus
Flake	Mack	Shuler
Fleischmann	Marchant	Shuster
Fleming	Marino	Simpson
Flores	Massie	Smith (NE)
Forbes	Matheson	Smith (NJ)
Fortenberry	McCarthy (CA)	Smith (TX)
Fox	McCaul	Southerland

Stearns  
Stivers  
Stutzman  
Terry  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Turner (NY)

Upton  
Walberg  
Walden  
Walsh (IL)  
Webster  
West  
Westmoreland  
Whitfield  
Wilson (SC)

Wittman  
Wolf  
Womack  
Woodall  
Yoder  
Young (AK)  
Young (FL)  
Young (IN)

NAYS—170

Altmire  
Andrews  
Baca  
Baldwin  
Barrow  
Bass (CA)  
Becerra  
Berkley  
Berman  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Bonamici  
Brady (PA)  
Braley (IA)  
Brown (FL)  
Butterfield  
Capps  
Capuano  
Carnahan  
Carney  
Carson (IN)  
Castor (FL)  
Chandler  
Chu  
Cicilline  
Clarke (MI)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly (VA)  
Conyers  
Cooper  
Costa  
Courtney  
Critz  
Crowley  
Cuellar  
Cummings  
Curson (MI)  
Davis (CA)  
Davis (IL)  
DeFazio  
DeGette  
DeLauro  
DeBene  
Deutch  
Dicks  
Dingell  
Doggett  
Doyle  
Edwards  
Ellison  
Engel  
Eshoo  
Farr

Fattah  
Fudge  
Garamendi  
Gonzalez  
Green, Al  
Green, Gene  
Grijalva  
Gutierrez  
Hahn  
Hanabusa  
Hastings (FL)  
Heinrich  
Higgins  
Himes  
Hincney  
Hinojosa  
Hirono  
Hochul  
Holden  
Holt  
Honda  
Hoyer  
Israel  
Jackson Lee  
(TX)  
Johnson (GA)  
Johnson, E. B.  
Kaptur  
Keating  
Kildee  
Kind  
Kucinich  
Langevin  
Larsen (WA)  
Larsen (CT)  
Levin  
Lewis (GA)  
Lipinski  
Loebbeck  
Lofgren, Zoe  
Lowey  
Lujan  
Lynch  
Maloney  
Markey  
Matsui  
McCarthy (NY)  
McCollum  
McDermott  
McGovern  
McNerney  
Meeks  
Michaud  
Miller (NC)  
Miller, George  
Moore  
Nadler  
Napolitano

Sanchez, Loretta  
Sarbanes  
Schakowsky  
Schiff  
Kaptur  
Schrader  
Schwartz  
Scott (VA)  
Scott, David  
Serrano  
Sewell  
Sherman  
Sires  
Slaughter  
Smith (WA)  
Speier  
Sutton  
Thompson (CA)  
Thompson (MS)  
Tierney  
Tonko  
Tsongas  
Van Hollen  
Velázquez  
Visclosky  
Walz (MN)  
Wasserman  
Schultz  
Waters  
Watt  
Waxman  
Welch  
Wilson (FL)  
Woolsey  
Yarmuth

NOT VOTING—19

Ackerman  
Austria  
Barber  
Costello  
Filner  
Frank (MA)  
Gallegly  
Lee (CA)  
Manzullo  
Murphy (CT)  
Owens  
Payne  
Pence  
Roybal-Allard

□ 1342

Messrs. HONDA, ELLISON, CARNEY, CLEAVER, and Ms. LINDA T. SÁNCHEZ of California changed their vote from “yea” to “nay.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 611, I was away from the Capitol due to prior com-

mitments to my constituents. Had I been present, I would have voted “nay.”

## ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. LARSON of Connecticut. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 822

*Resolved*, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Garamendi.

(2) COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY.—Mr. Curson.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## HAMAS IS THE PUPPET AND IRAN IS THE PUPPETEER

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, the eyes of the world were on the Gaza Strip for 8 days as sirens wailed and Hamas rained rockets down on Israel.

Iran's mullahs shipped long-range rockets into Sudan, sent them up into Egypt before smuggling them through tunnels and assembling them in Gaza. Israel responded by doing the only thing a responsible nation should do: it defended itself. Now the United States needs to show there are consequences for attacking this sovereign nation, consequences for Hamas and Iran, as well.

We should have stricter enforcement of sanctions against Iran. Iran and Hamas both need to be held accountable for these attacks. Israel had the moral right and legal duty to defend itself from attacks by the barbarians, Hamas. There is a ceasefire, but only until Hamas obtains more Iranian missiles.

Hamas is the puppet, and Iran is the puppeteer. The Iranian regime needs to go. The Iranian people need to rid themselves of the little fellow from the desert, Ahmadinejad, and his ways of war.

And that's just the way it is.

□ 1350

## NATIONAL FAMILY CAREGIVERS MONTH

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, I rise today to recognize the more than 65 million family caregivers across the Nation who work tirelessly and selflessly to care for loved ones who are chronically ill, disabled or aging. So this month, we celebrate National Family Caregivers Month, which is a time to thank all those heroes who sacrifice their time and effort in looking after others.

It is estimated that family caregivers provide 80 percent of our Nation's long-term care, saving families about \$375 billion annually. Caregivers are the silent heroes of the family. They work day in and day out to ensure that those in need of care receive that support. Taking care of sick family members is, no doubt, a difficult job; and I encourage caregivers to continue to utilize the resources they have in their communities for support.

I would like to acknowledge the hard work of the family caregivers in Minnesota and of those helping families in America. Your work to support your families exemplifies the true meaning of putting someone else's needs first.

#### COMPREHENSIVE IMMIGRATION REFORM

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. Mr. Speaker, just about 40 minutes or so ago, we were in the midst of a debate concerning STEM, which is something that most Americans have come to now understand as the acronym for science, technology, engineering, and math.

As a longstanding member on the Subcommittee on Immigration and on Homeland Security, STEM is now a basis for expanding visas to ensure or to give opportunities to young people who are graduating from our research institutions of higher learning who have been born in other countries and to give them the ability to be able to stay here in order to help create jobs and to build this economy. That's a good thing. Yet on November 6, 2012, I think America spoke and said, We're ready to do more and go further.

I voted "no" on the rule because I believe we are ready for comprehensive immigration reform, not something that will hurt us, but something that will help us. For those who appreciated the Statue of Liberty that welcomed the poor and the downtrodden, that welcomed the Irish and the Germans and the Italians, we know that comprehensive immigration reform is the right way. This rule, H. Res. 821, is not the right way. So I ask my colleagues to look to comprehensive immigration reform, and I will speak about this bill tomorrow.

#### UPHOLDING THE SECOND AMENDMENT RIGHT TO BEAR ARMS

(Mr. JOHNSON of Illinois asked and was given permission to address the House for 1 minute.)

Mr. JOHNSON of Illinois. Twelve years ago, I took an oath to defend the Constitution of the United States. I am here today to urge my colleagues to uphold our Second Amendment right to bear arms.

Congress has to put aside partisan differences and act to uphold a citizen's right to bear arms in every State in the Union. Unfortunately, in my home State, residents are denied the ability to carry firearms even though the residents of every other State in the Union are allowed to protect themselves and their property. The Second Amendment is clear and concise, and it was meant to protect all residents no matter where they live.

I urge Congress and the States to uphold this fundamental and basic right.

#### THANK YOU, NOT GOODBYE

The SPEAKER pro tempore (Mr. POE of Texas). Under the Speaker's announced policy of January 5, 2011, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 60 minutes as the designee of the majority leader.

Mrs. BIGGERT. Thank you, Mr. Speaker.

I begin this Special Order for those Members on this side of the aisle who are retiring or who are leaving at the end of 2012, so I rise today not to say goodbye, but to say thank you.

After 14 wonderful and productive years, I will be stepping away from this podium for the last time at the end of the 112th Congress. Representing the people of the 13th District of Illinois has been the great honor of my lifetime. Words cannot express the depth of gratitude I feel to my friends, colleagues, supporters, and staff who have made this time in Washington so cheerful and fulfilling. I can recall the first time that I stepped out onto the House floor as a Member of this great body and said to myself, How did I end up in the U.S. Congress, surrounded by the legacies of so many great leaders?

Growing up on the south side of Chicago, I never expected to become a lawyer or a school board president, much less a Member of Congress. At the time, few women went to college, let alone law school. Today, I know the path here was often the same for all who have walked these Halls. We are just Americans who love our communities and our country and who found ourselves pursuing that love through service to others. Even among those who rarely see eye to eye, I know that we share a passion for creating a better future for the next generation and that there has always been enough to bridge any gap that divides us. Maybe that's why I've always been known as a mod-

erate. I like to assume the best about people with whom I disagree, at least until they prove me wrong. Thankfully, I can say without question that I've rarely been wrong, which is why my faith in this country and its future has never been stronger.

But listening is the key. Lawmakers must listen to those around them as one American to another, as neighbors with shared values and without assuming that any difference of opinion is evidence of greed, ignorance, or malice. I was fortunate. I learned that lesson early. Maybe it was because I was the only female Republican in my freshman class here. All of my colleagues, chairmen and ranking members seemed eager to come and say hello, to welcome me with a smile and sage advice. Their advice served me well, and, in turn, it allowed me to serve my constituents better. My hope is that our incoming class of lawmakers follows a similar path and that they come to Washington ready to learn from those around them and to benefit from the diversity of backgrounds and experiences that can be found here in the Capitol.

Because we face great challenges—the economy, immigration, the debt, Social Security, and Medicare—on these items and more we must find the answers soon if we hope to keep our country on a path to prosperity. Those solutions will only materialize if the Members of Congress take a chance, work together, and care more about results than sound bites or the next election. Equally important, they must be willing to take a walk a few hundred feet to the other side of the rotunda.

The House and the Senate are two sides of the same coin, and yet they have never seemed further apart. My proudest moments as a Member of Congress have all been as the result of collaboration. My work to keep homeless kids in school, to bar genetic discrimination, or to reform the Nation's Flood Insurance Program were all signed into law after extensive personal conversations with Members of the upper Chamber. We have great leaders here in the House, but they alone cannot maintain communications between the two greatest deliberative bodies in the world. It's up to all of us, and it will be to all of you.

So, Mr. Speaker, my advice is to work together across the aisle and across the Capitol. I urge my colleagues to stay close to their voters and true to their principles, but to never let "compromise" become a dirty word. That's what our constituents want; that's what America needs; and that's what has made these last 14 years the source of great joy in my life, none of which, I should add, would have been possible without my wonderful staff.

Before I close, I must give thanks to these individuals who have been with

me for months or years and who have never let up in their service to the residents of the 13th Congressional District of Illinois. From casework, to flag requests, to building roads or to passing laws, my staff has taken every challenge in stride, has brought out the best in me, and has done it all without ever seeking recognition, praise, or a raise.

I also want to thank the great committee staff with Financial Services, with Education and the Workforce, and with Science, Space, and Technology, as well as the team at Ethics, with whom I worked for several years. Also, thank you to the unappreciated staff here on the House floor, who always keeps the debate moving forward.

Most of all, I would like to thank Kathy Lyndon, the best chief of staff and friend that a Member of Congress ever asked for. Without her, I would not be here; and without her, I would not have been able to assemble one of the smartest and most capable staffs in Washington.

□ 1400

So, thank you. Thank you to my colleagues, my staff, my friends, my family, my supporters, and even my critics who have helped me to grow, to learn, and to serve the people of Illinois. I have always viewed public service as a privilege, not a career, and you have all made this the fondest privilege of my life.

Mr. HOYER. Will the gentlelady yield?

Mrs. BIGGERT. I yield to the gentleman from Maryland.

Mr. HOYER. I thank the gentlelady for yielding.

I was in the cloakroom having some lunch, and I heard the gentlelady's comments. Most of us—a lot of us—went around this country listening to people as well as speaking on behalf of our respective candidacies and parties. What I heard around America was that they want people who will sit down together and try to solve the problems that confront America's families and America's workers.

I want to say to the gentlelady from Illinois, my experience with her, throughout her career, has been that she is one of those types of people. And I want to thank her. I want to thank her for her decency. I want to thank her for her hard work. I want to thank her for her commitment to country first. It's been a privilege to serve with you, JUDY, and I look forward to being your friend for many years to come. I wish you great success in the future.

I wanted to say that because too often the public sees us confronting one another and sometimes being angry with one another, but you and I have had the opportunity to work together and I know the good heart that you have and the openness that you have displayed, and I thank you for that.

Mrs. BIGGERT. And I thank you, the minority whip, so much for those comments. That really is very kind of you, and I appreciate it.

Mr. HOYER. I thank the gentlelady.

Mr. PERLMUTTER. Would the gentlelady yield for one more comment?

Mrs. BIGGERT. I yield to the gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. I just wanted to echo Mr. HOYER's comments. You and I have served together on the Financial Services Committee. We have worked together on legislation that I was proposing and that you were proposing, and working with you was always a pleasure and an honor. I always appreciated the knowledge you would bring to all of these different discussions; and the fact that you were willing to work with me in such a fashion, that helped bring me along as a Member of Congress. I think you definitely brought legislation to the country that was of value, and I just want to thank the gentlelady from Illinois.

Mrs. BIGGERT. I thank the gentleman. I will always think of you as the green man from Colorado.

Now I would like to yield to the gentleman from Pennsylvania, Mr. TODD PLATTS, who is also retiring.

Mr. PLATTS. I thank the gentlelady.

Before commenting on my own retirement, I want to echo the gentlemen from Colorado and Maryland, Mr. PERLMUTTER and Mr. HOYER, and their right-on-point remarks, JUDY, about you and your service.

We have sat together for the last 12 years on the Ed Committee working on education issues and children's issues. You've been such a great leader on the issue of homeless children and the importance of us doing right by them in the education arena even though they were homeless—and maybe all the more important that we do right by them.

When we hear the terms “statesman” or “public servant,” you epitomize both. JUDY, it has been a great privilege to work with you.

As I think back to arriving 12 years ago, one, it is hard to believe it has been 12 years since first coming here. My decision about a year ago, January of this year, to step down was not an easy one, but it's one that I felt was the right decision for me. I've always been one who believed in 12-year term limits and thought I've got to live what I preach as a servant, as a public official, but maybe most importantly as a dad, that I needed to set a good example to my sons, Tom and TJ, that they saw me living up to my word and that my actions backed up my words. So while it wasn't an easy decision to decide to leave this great Chamber, I believe it was the right one.

But it has been such a privilege to represent the people of Pennsylvania's 19th Congressional District—Adams,

Cumberland, and York counties; Gettysburg, Carlisle, and York, the county seats in the three counties in my district—and the fact that 12 years ago the citizens of this district said, TODD, we trust you to represent our interests in Washington. And to allow me to return for five more terms after that first one has been pretty remarkable.

And it speaks volumes to me about what truly a land of opportunity we are. As a kid growing up, that I would be given this opportunity, it only happens in America. I'm one who's known that I wanted to do this since I was 14. I've often been asked, What made you want to serve in Congress at such an early age?

I point first to my mom and dad, Babs and Dutch Platts, just average citizens, middle class family. Dad was a mechanical engineer; Mom was a stay-at-home mom, park director, a lot of odd jobs that were part time to make sure that she could be hands on with all five of us kids. They were not active politically other than always voting and taking us with them to vote when they would go, but they were so active in the community. They were community servants, teaching Sunday school, coaching Little League baseball. In fact, I had the privilege to coach my sons for about 10 years on the same fields that my dad coached three of us Platts sons way back when; Mom running the school candy sales. They gave all five of us children—I'm the fourth of the five—a wonderful example to follow, that if you want to live in a great Nation and a great community, you need to do your part. You need to be engaged and be involved. So they gave me the example of service, and then it was my eighth grade social studies teacher by the name of Earl Lucius, who passed away just shy of 2 years ago, who encouraged taking that community service example of my parents and to make it a public service career.

So as I left eighth grade and Mr. Lucius' class and got ready to enter high school, I joined the Teenage Republicans as a ninth grader and volunteered on my first campaign. It was Jerry Ford running for reelection for President, John Heinz for the United States Senate, and Bill Goodling for his first reelection to represent the 19th Congressional District of Pennsylvania. Pretty eerie, 24 years later, after volunteering for Mr. Goodling as a ninth grader, that's who I succeeded. When he retired after 26 years here in the people's House, I had the privilege to succeed him. But I have known ever since then that this is what I wanted to do.

So first, I thank the citizens of the district for allowing me this privilege and for giving me their trust. Certainly I could not have served the citizens back home without a tremendous staff in the district, as well as here in Washington. I have been blessed with just

true public servants. When we would hire, I never asked what their party registration was or anything about their politics other than, Why do you want to serve, and why do you want to serve in the 19th District in particular? So, thanks to all of my staff, to my personal staff in the district and down here, and to the committee staff. I've had the privilege to chair a subcommittee on Oversight and Government Reform for many years, and have been blessed in the past and present with a great staff there as well.

But the one thing I would emphasize is we call this the people's House, and I look at it that way for a number of reasons. One in particular is the only way you get here is if you're elected. You can be a Senator, you can be Vice President, you can be President and never be elected to those positions. Jerry Ford, never elected Vice President and President, served in both Houses. You can serve in the Senate, but here, if there's a vacancy, you have to wait until the people decide. So we're the people's House. But also because we're a great representation of the people of this great country.

The approach and how I got here, it was because of the people of the 19th District. When I leave, it's my understanding that I'm the last Member of the House or Senate, other than a couple of self-funders, who rely solely on individual contributions—no special interest money, no PAC contributions. I've never had a paid television commercial in any campaign. I've never had a paid pollster in any campaign. It's been about volunteers going door to door with me spreading the word.

I think back to that first campaign 12 years ago when over 500 volunteers came out in 1 day and stuffed a 115,000-piece mailing for me. And not only did they come and volunteer and spend about 10 hours that day doing that work for us, but they also brought their own food and fed themselves because we were a low-budget campaign, then and now.

□ 1410

We didn't have money to buy them food, so it was kind of like a church supper where everybody brings a dish and we'll have food, we'll get some good work done. But the people of the 19th district is what allowed me to come here. That first campaign I was outspent 5-1, 3-1, 2-1, and because of the people, I've been allowed to serve here for the last 12 years, and I will be forever grateful for that.

Before I wrap up, I'd be very remiss if I didn't recognize my family. My wife, Leslie, well, we celebrated 22 years of marriage this past July. I've been in office for 20 of those, 8 in the State House, 12 here. And so this is our first election year in 22 years where we weren't campaigning, going door to door. And I certainly would not be

standing here as a Member of the United States House of Representatives but for her great love and support over all these years, along with our sons, T.J. and Tom, and my extended family.

Mom and Dad. Dad passed away my first year here in Congress, but Babs and Dutch Platts; my brothers, Mark and Craig; and sisters, Pam and Jill; and my sons, Tom and T.J., who have made so many sacrifices while I've been allowed to serve in this position from a time standpoint of being away and missing ball games here or there. But because of their support, and that love and support of my family, and the support and trust of my constituents, I've been allowed this great privilege.

I'll leave here with a heavy heart, because I'm still pretty passionate about what we do. I'll leave here with great friends on both sides of the aisle, Republican, Democrats, from all corners of this great country. It's been such a privilege to serve with these true public servants.

I'm going to share one final story that kind of captures what I think is great about our country and the fact that I've been allowed to serve here. When my dad passed away my first year in Congress, June 25, 2001, I had just, about a month earlier, had the privilege of introducing my parents to President Bush for the first time. In fact, the last picture of my dad before his passing is a picture of my mom and dad with me and President Bush taken up on the edge of my district in Pennsylvania.

Dad passes away. I get a note from the President expressing his sympathies, having just met my dad. But about a week after his funeral, President Bush was here in the Capitol with us in caucus and meeting with all the House Republicans. And when it was over, we all scattered and went back to our offices, wherever it may be.

As I'm leaving the Capitol Building to go back to Longworth House Office Building, I hear applause up here in the rotunda. And I come up, and this was pre-9/11, and the President's just going down a rope line, shaking hands with all the visitors to the Capitol that day. So moms and dads and kids are just getting to meet the President of the United States by good timing of being in the Capitol.

I'm standing at the House side of the rotunda with Bill Livingood, our then-Sergeant at Arms, and the President stopped and said hello to Bill, said hello to me, and invited me to walk out to the motorcade with him. And the subject of our conversation was the passing of my dad and how he dreads the thought of some day losing his dad. And, thankfully, President Bush 41, 88 and I know in the hospital right now, but hopefully still going strong.

But it was an amazing conversation, one, President Bush, a new President showing concern for a freshman House

Member and my family and how my mom and I were doing with the loss of my dad and my mom's husband. But it also spoke volumes about what an amazing country in which we live.

My dad was one of nine kids who grew up in a row house in the city of York during the Depression. Five boys, four girls. Five boys in one bedroom, four girls in the second, Grandma and Grandpa, his mom and dad, in the third.

The fact that his passing was the subject of a conversation between the President of the United States and a Congressman who happened to be his son speaks volumes about us being truly a land of opportunity. That this kid from a typical middle class family has been allowed to serve here for 12 years, it's just amazing about what we stand for, that if you are willing to work hard and follow your dreams, they can come true.

So to the people of the 19th District of Pennsylvania, I say thank you for allowing this now 50-year-old's dreams to come true many years ago as a State representative and then ultimately as a United States Congressman. I will be forever grateful and would tell you that while I'm a proud Republican, most importantly, every time I entered the Chamber, I came into this Chamber, as our men and women in uniform do every day on the front lines of democracy, as a proud American, first and foremost.

I think they give us the example, and that's my final comment is to all those out there who are defending the freedoms we have and the blessings we have, such as TODD PLATTS, me, being allowed to serve in Congress, I say thank you to those courageous men and women and to their families.

Godspeed as they continue to defend us and all that's great about this great Nation.

I thank the gentlelady for yielding.

Mrs. BIGGERT. You know, I just would like to say how we have worked together, and I really appreciate all that you have done. And what's different is that you had this family. And that is the hardest thing to have, you know, the kids and a wife, but to have the kids that you're always worried about. You always want to be to their games. I know you were always rushing around to do that and driving home, and I appreciate that.

I have four children and a husband. Actually, we just celebrated our 49th wedding anniversary, which I can't believe, as time flies when you're having fun.

Mr. PLATTS. Congratulations.

Mrs. BIGGERT. But my children, we raised them, I think, well, and we raised them to be independent. We didn't think that they would be so independent. One lives in London with her husband and three children, one lives in Los Angeles with her husband

and three children, one lives in Bethesda with her three children, and our son lives in New York City.

They're great places to visit, but you don't really have time, I think, when you're here as much as it was.

But to have the family that's there all the time I think it's wonderful, but it has also been really difficult.

Mr. PLATTS. It's one of the blessings, JUDY, that I've been allowed, because of my district, about 100 miles each way, in my 12 years serving here, while I've been honored to work here, I've been blessed to live at home all but 12 nights, or maybe 13 nights that I couldn't go back home. But being able to go back to my wife and children, to start every day and end every day with them kept me grounded. And it's one of the sacrifices that, as you know, and our colleagues, the families of Members make a tremendous sacrifice, because I'm the exception. I'm the only Pennsylvanian. There's a couple of Maryland and Virginias, but most Members have to be away all week or relocate their families here, so it is a tremendous family commitment.

But you're right. As I say, my kids, when I walk in the door, they don't care if I was meeting with the President of the United States or working whatever issue. Dad, get rid of the coat and tie. We're late for practice. Let's go. Kids do a good job of keeping our priorities straight.

Mrs. BIGGERT. I also thank you for the experiences we've had working together on the Education Committee and being the Bermuda Triangle that we always laughed about, sitting on our side with Tom Osborne. We made a nice triangle to put things like vouchers in there. They go away, but they wouldn't come back.

Mr. PLATTS. And public education, and one of our colleagues who we both had the privilege to serve under when he was chair of our committee as well.

Mrs. BIGGERT. So thank you.

Mr. GEORGE MILLER of California. Will the gentlewoman yield?

Mrs. BIGGERT. Yes, I will yield to the gentleman from California.

Mr. GEORGE MILLER of California. I want to thank the gentlewoman for yielding. I want to thank the gentlewoman from Illinois, JUDY, and TODD from Pennsylvania. Thank you so much for your service in the Congress. I've known you as members of the Education and Labor Committee, and I can't thank you enough. I've known you when I was in the minority, I knew you when I was chairman, I've known you when I was ranking minority member.

But you've always been willing to discuss the issues with us. You've always been willing to make suggestions. We haven't always agreed. We've agreed a lot on these issues of child nutrition and school reform and out-of-home children and where do they go to

find the schooling and the support systems they need to be successful in our education systems. And I just can't tell you how much I appreciate your service. Thank you. I thank you for that.

And TODD reminds us—I'm listening to you talk about your family. Somebody once said, there's no great way to do this job with a family because the family sort of is the shock absorber for our schedules and everything else. But you obviously have done it pretty darn well.

I just want to thank you for your service to the Congress, to the country, and to obviously the people that you've represented so terribly well. Thank you.

Mrs. BIGGERT. I really appreciate that. Thank you. You were great as chairman, great as ranking member, and I think education is where it all starts in this most important committee. Thank you.

Mr. PERLMUTTER. If the gentlewoman would yield to me one more time, as to Mr. PLATTS and to yourself, I mean, the word that has come to me as I'm sitting here and always has struck me is "respect." You both have respect on both sides of the aisle. You listen, you work, you have energy, you want to make this country a better place for all of us. And I just want to thank you for the service to the Nation. It's been an honor to serve with both of you.

And I would say to my friend, Mr. PLATTS, he introduced me to about a half a dozen military installations in the Far East on the fastest moving trip I have ever been on; and that was a year and a half ago and I'm still tired from how quickly and how much energy he put into this trip to expose me to the needs of our troops throughout the Far East.

□ 1420

Again, your respect on both sides of the aisle is well known. Your energy is well known. And thank you for your service.

Mrs. BIGGERT. I appreciate that. Thank you.

Mr. PLATTS. If the gentlewoman will yield, I would add it's been a great privilege to serve with you here and to travel. You'll enjoy a story from that trip when we were visiting the Special Forces in the Philippine Islands. This past September, I was at my local fair in York, Pennsylvania, and I ran into one of those Special Forces members that's from my district that we had met and had just left the military and was getting ready to go back to school. But we were reminiscing about our trip to visit him and his fellow special operators on that trip.

It was great to travel and to serve with you, and I wish you great success as you continue to serve the State of Colorado with great fashion.

Mr. PERLMUTTER. Thank you.

Mr. PLATTS. I thank the gentlewoman again for the time she's allowed me here today.

Mrs. BIGGERT. Thank you.

I yield 1 minute to Mr. YODER.

CONGRATULATING KANSAS HOUSE SPEAKER  
MICHAEL O'NEAL

Mr. YODER. I thank the gentlewoman from Illinois for yielding.

Mr. Speaker, I rise today to salute the legacy of service and dedication of my friend, Kansas Speaker of the House Michael O'Neal. After 28 years, Mike has decided to retire from public service to the people of Kansas. He leaves behind a history of courageous leadership in making smart public policy on behalf of all Kansans.

Mike spent his career in the Kansas House notably chairing the Judiciary Committee and the Education Committee before eventually being elected by his colleagues twice as Kansas speaker of the house. While Mike's career in the people's house in Kansas will be remembered for his many notable legislative achievements, his most prominent legacy may be the wonderful friendships and relationships he built along the way. Many of us consider Mike a mentor and true friend, someone you can always count on—a rare quality in politics today.

So as the gavel falls for the last time and Kansas Speaker of the House Mike O'Neal closes this chapter of service on behalf of so many appreciative Kansans, I would like to thank him for his 28 years of tireless service to make Kansas the best State in the Nation.

Rock Chalk, Mr. Speaker.

Mrs. BIGGERT. We have no other Members that are here so I would just like to say, again, thanks so much to my colleagues, and particularly my family. Some have been with me these entire 14 years and some have arrived after the start of the 14 years. To my friends and my supporters who have helped me really to grow and to learn and to serve the people of Illinois, it's been a real honor and a privilege. Public service is something that is such a privilege and honor, and I think that this has been the greatest privilege of my life, to have been a Member of the U.S. House of Representatives.

With that, I yield back the balance of my time.

#### THE PROGRESSIVE CAUCUS

The SPEAKER pro tempore (Mr. YODER). Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Thank you, Mr. Speaker.

My name is KEITH ELLISON, cochair of the Progressive Caucus along with my good friend, RAÚL GRIJALVA. I want to come before the body today, Mr. Speaker, with the Progressive message. The Progressive message is a message that the Progressive Caucus shares with people. The progressive message is

very simple. It's a basic idea that America, this great land of ours, is big enough for everybody, has enough abundance for everybody, and we have natural resources which should be respected, and we should live in harmony and promote a green economy and should have civil and human rights for all people.

In the Progressive message we say that we would promote dialogue and diplomacy before we ever find ourselves in military conflicts. The Progressive message is about an inclusive America—all colors, all cultures, all faiths, an America that says if you live in this country and you want to work hard, the economy should be robust and broad enough and fair enough for you to make a good run in this economy. If you work 40 hours a week, you ought to be able to feed your family. You shouldn't have to resort to public assistance. It's talking about standing up for the rights of labor, the rights of working men and women, the right to be able to be paid fairly, the right to be able to go to the doctor, the right to look forward to a decent and fair retirement, the right to be able to see that your children will be able to get a good education that can see them through. In other words, the Progressive message is the message of an inclusive America that makes sure that our economic and our environmental lives are strong, healthy, and affirming.

We contrast this with another vision—a vision of a divided America, where not everybody counts and not everybody matters; an America in which labor and management are fighting and there's no peace; an America where there's not full inclusion of LGBT Americans or Americans who are trying to join America through immigration—a not fully inclusive America; an America in which women have to worry about their right to be able to seek out contraception or seek out equal pay for equal work. This is the America that we don't embrace. The America that we embrace embraces equality, inclusion, and opportunities.

Now where are we today? We are in the middle of a national conversation which is playing itself right here in Congress that has to do with the so-called fiscal cliff. I'm not going to use that term anymore because we're actually not on a cliff. What we are on is a set of important deadlines that we should meet and we should work at. But this imagery of a cliff and of falling over something and plummeting downward is false, and we should stop using this analogy. I know the press likes it because it adds drama. Of course, the press thrives on drama. But in truth, there are some important deadlines we should meet. But we should not surrender our deeply held views simply to get any deal done. The deal we should do should be a fair deal,

it should be a deal for all, and it should be a deal that meets our most important priorities. But it should not be some force-fed thing that we accept simply because we fear going over this cliff that really doesn't exist.

You can refer to it as a set of deadlines. That's the best way to put it. That's what it actually is. And if you don't meet a deadline, then, of course, there are consequences to not meeting deadlines. And you want to avoid them. But at the same time, this idea that we've got to put up with anything that the other side may offer because we're facing a cliff is a concept that I reject, and I hope the American people reject, Mr. Speaker, because that's not really what is going on. We have a set of deadlines that we should meet. And everybody in this body should work earnestly, sincerely, and in good faith to compromise. But in terms of just accepting some bad deal just to get a deal done because of a crisis that they've threatened, we shouldn't buy into that line of thinking.

Now what are these deadlines? Well, we know that the Bush tax cuts are expiring. They'll expire for everyone, not just the top 2 percent. This is something that we don't want the American middle class to get hit with, a tax increase at this time, but we do believe the wealthiest among us should pay more. And we think that the top 2 percent should pay a higher tax rate on the money they make after \$250,000 a year.

□ 1430

We also believe that there's more that can be done. Closing loopholes. People say, well, let's talk about that tonight too. But we see the Bush tax cuts expiring for everybody. We see the production tax credit expiring—which is something important for people who work in the wind industry and in the area of industry that promotes environmental matters. We also see the expiration of things like the estate tax, the SGR—which is the doctor fix for Medicare. We also see the sequestration, which is the outcome, the final outcome of the Budget Control Act that we passed in August 2011 which is now coming due. There will be equal defense and discretionary spending cuts on both sides, which will inflict damage.

So all these things are happening at the same time, and so the same question is going to be asked: How will this budget entanglement be resolved? Will it be resolved on the backs of people who can least afford it, or will the people who can best afford it be asked to help out?

So it's within this context, Mr. Speaker, that I come before you with the Progressive message today to try to bring some clarity to folks listening to C-SPAN today about what the real issues are, what we have to avoid, and what we have to fight for.

I submit, Mr. Speaker, that this deal that is being considered right now by the U.S. Congress and the American people—and of course the President—is still something that is subject to being changed and altered depending upon how vigorously people are willing to advocate for what's right. So I want to talk about that today. I don't want to call it the fiscal cliff—that will be the last time I use that term—because it's not that, but there are serious fiscal issues that we should address.

Now, I want to talk about a few things that we should not be discussing and don't need to be talking about, and one of them is Social Security. Social Security does not contribute to the deficit. It's not expiring. There's no reason we have to deal with Social Security right now. It is one of those things that some people—who never liked Social Security, by the way, called it socialism even—want to change and have been wanting to change for decades, and so they create this imagery of crisis coming at the end of the year. Then what they're trying to do is say, well, we've got to change Social Security because of the so-called “fiscal cliff”—although it's not really a cliff. So this is something that really shouldn't be on the table.

I want to encourage folks to really discuss and get the facts, Mr. Speaker, because Social Security is solvent through 2037. Does it need to be fixed? Yeah. It is true that there is slightly more money going out than coming in. But when you look at all the money that is owed to Social Security and you have the interest payments that are being made on it, it more than pays for itself for now. There are some things that could be done into the future that are not an emergency. It doesn't have to be done this second.

Social Security is probably more solvent than a whole bunch of businesses and agencies of government. To try to throw Social Security into the mix at this time is a big mistake. I believe, Mr. Speaker, it's being done because people who have been wanting to change it for decades and decades and decades want to create the idea of a crisis and then use that crisis to get Members to vote for something that is not well considered.

I insist on any changes to Social Security being well considered. I insist that there be a full-fledged debate on Social Security, not this fiscal mess that we're working through right now. But let Social Security be considered on its own freestanding basis, and if changes need to be made, we make them. But just to sort of argue that in order to solve this fiscal crisis that we're facing with these ending deadlines, these expiring deadlines, because of that we've got to deal with Social Security, Mr. Speaker, I think the American people should reject that idea.

I have brought this issue to people who say, Well, what are we going to do about Social Security? I say, Well, we're going to continue to have Social Security. Well, we've got to change it. We have the fiscal crisis coming up, don't we have to change Social Security? No, we don't. It doesn't add to the deficit. In fact, if any changes need to be made to it, they need to be on their own, freestanding.

Social Security is one of the greatest programs this country has ever produced. It helps literally millions and millions of senior citizens and people on disability and people who receive survivor benefits. It's a great program, and we should continue to support that program. We don't need to mess with it. When we do want to reform it, it needs to be something that will preserve benefits for people and allows the program to continue. It's a solid program, and it doesn't need to be in these budget entanglements. I hope Americans really get the facts.

Some people say, Well, okay, you're right, Social Security doesn't add to the deficit, but let's talk about it anyway. Okay. Well, let's talk about it for a minute anyway even though it shouldn't be considered. Here's what could be said, Mr. Speaker, by someone who wants to defend the excellent program known as Social Security.

They might say, Well, shouldn't we raise the retirement age? Again, it's an irrelevant conversation to this problem. But if they want to go down that road you can tell them, Look, we don't need to raise the retirement age because, firstly, people who are running jackhammers or people who are on their feet for their whole working life—nurses, firefighters, people who really use their bodies to earn a living—it's just not fair to them when you say we're going to raise the retirement age. If you've been a nurse picking up patients and walking, walking, walking for 30, 40 years, now all of a sudden they tell you, yeah, you used to be able to retire at 65, but we're going to move it to 70, that's just not fair to them. If you're just a white collar worker, that might be a little different, but the truth is it's going to be a big rule that everybody has to abide by, and it's not fair to a number of people, so we're against it.

Here's another reason—even the more important reason—why messing with Social Security that way is the wrong thing to do:

As you know, Mr. Speaker, over the last number of years we've seen our 401(k)s go to what? 201(k)s. We've seen American savings rates go down. We used to talk about a three-legged stool when it came to retirement: one, Social Security; two, the money you save yourself; three, the money you get from your job.

The money that we get from our jobs, we have seen pensions, guaranteed pen-

sions become almost a thing of the past. Some people still have them—God bless them—but most workers are now having to bear the risk of their own retirement through a 401(k) plan. If the market has been down, as it has been, people's retirement savings—or at least one-third of what they were counting on—is diminished in a very significant way.

The other thing, private savings have gone down. A few years ago before the financial crisis hit in 2006 we had a savings rate of negative 2 percent, which meant people were not saving. So here we are when we're having one of the largest age cohorts in American history moving into their golden years, when they're expecting to retire, their 401(k) is a 201(k) and their pension from their own personal savings has gone down, and now we're going to tell them, your Social Security, you can't really count on that anymore. This is a problem.

We have a problem with retirement in America today. People aren't ready for it. This is the wrong time to take that one solid leg on what we used to call a three-legged stool and start sawing on it and making it less strong than it was before. The fact is, raising the retirement age means lessening benefits for people—people who need it, many of them who have been working hard at jobs all their lives—and it's wrong to do.

As I said before, Mr. Speaker, as we talk about this fiscal entanglement, these expiring deadlines that we're coming up on right now, Social Security shouldn't be part of the conversation. Anybody who brings up Social Security in this conversation ought to be asked why they're bringing up things that are irrelevant to resolving these expiring deadlines that are coming up between now and the end of the year. Why do they want to bring up stuff that doesn't have to do with these expiring deadlines? If it doesn't have to do with sequestration and it doesn't have to do with the 2001/2003 tax cuts that are expiring, then what are we discussing it for? It's a distraction from what we should be devoting our time to.

□ 1440

Now, Mr. Speaker, you're also going to have people who like to use the term "entitlement." I resent the term "entitlement" because entitlement kind of suggests that, well, this is just something we're giving to you. No, this is an earned benefit, Social Security, and it should not be referred to as an entitlement.

Mr. Speaker, I hope that people begin to defend Social Security and say, Look, don't call my Social Security an entitlement. I've worked my whole life for this, and I'm not about to just say it's some sort of entitlement, that it's some sort of a thing that somebody's handing to me.

I just want to say that I think people need to defend Social Security. They need to stand up for it. They need to explain that it's not part of this fiscal mess that we're in. It's not part of the expiring deadlines that we're seeing happening right now, and we should not deal with it here. They should defend it by saying that people's retirement security has significantly diminished over the last number of years, and now is not the time to start cutting benefits to Social Security. And more than that, we should make it clear that Social Security is the best program, perhaps one of the best programs our government has ever come up with. We're going to get more into the expiring deadlines that we see coming up in the next few weeks.

But before I say another word, Mr. Speaker, I want to yield to my good friend from the great State of Texas, SHEILA JACKSON LEE, a stalwart member of the Progressive Caucus. She is totally reliable and can be counted on to stand up for the American working people.

Ms. JACKSON LEE of Texas. I thank the distinguished gentleman. And, of course, who could help but listen to that very potent message. And we are better for the fact that you and the distinguished gentleman from Arizona have come together again to—I call it standing in the gap and reinforcing to individuals who have never walked these Halls.

The thing I want to just reinforce very briefly is how much all of us who have the privilege of walking these august Halls, sometimes on occasion looking at these ornate murals and recognizing the historic features and the history of this body, the largest democracy but the longest democracy, extending democracy in the world, that is the United States of America. And for this place called the House of Representatives, this honored place to be called the people's House is for the very reason that we are the defenders. We are those who will stand in the gap. We will be there when others cannot and when others' voices cannot be heard.

So let me give you a picture of America because, for some reason, if we are not tied to the latest social media or maybe to our favorite cable stations, we can't imagine what happens across America, from California to New York, from the furthest State going to the North to our southern friends, including the great State of Texas.

Every morning, every morning some family, some single mother, some single dad, some mother and father rise at 4:00 or 5:00 or 6:00 in the morning. And on some tables, there may be more than one would expect for breakfast; on some tables, there is no breakfast. They rush to prepare for the day's work. They rush sometimes to get their children to schools that are far



beyond bus stops. And the reason why I say that is many school districts have even cut out school buses. So that means that these hardworking Americans have to rush and get their children to school. And they go off to jobs that are 8, 10, 12 hours long, where they work all day. And maybe they had someone—a grandmother or someone—pick up the child, but maybe they did not, and, therefore, they have to either have extended public care or wind up picking up those children. But what I will say to you is that they toil and work every day.

So this fiscal deadline—deadline—is very serious to the Progressive Caucus and those of us who really believe that we would not be the patriots that we claim to be if we did not recognize the millions of Americans—with great humor, people were making jokes to the gentleman from Minnesota about the Powerball last night and how many people had tried to sign up for it—not out of greed. When they interviewed people, they were talking about charity and their friends and helping Mama get a better house and helping themselves get a better house.

And something was said in our discussions today that the people who are trying to get into the middle class are the ones that we should be able to say to them, Your desires, the service you have given to your country, the work you do when you get up in those early mornings—some of them are park attendants. Some of them are working in bus barns. They may not even be bus drivers or they may not be conductors. They may be working around. They may be working in the great work that we could not survive, we call it Departments of Sanitation, the same group of men at that time that Martin King went to Memphis for.

And the reason why I call out what it's like every morning before dawn when people get up and go to work is that they don't have time to do social media. They don't know when we are in negotiations about the fiscal deadline, but they're hoping someone is here standing in the gap.

And Social Security is earned. It is earned by these people, whether they're in coal mines, as I said, whether they're sweeping streets, whether they are children who are disabled, whether they are children of the deceased who the only thing that kept them going or is keeping them going is a Social Security death benefit that they got from their deceased parent.

So it is important as we look to what we will be doing is that we understand that it is not those of us in this place that we speak of. And as we speak of the hardworking middle class, we must put into the mix those individuals that keep the lights on, those individuals that keep the streets clean, those individuals that are assisting those who are at home—our nurses, attendants,

and aides—those who are working in daycare centers, those persons who, when a fire in my district burned down a daycare center or something occurs, then you can be sure that there are workers who cannot work.

And let me be clear: Since there was a tragedy in my community, I was not speaking of that specific tragedy. I'm talking about if something stops you from working, something happens to your business and there are workers there, those workers are unemployed, but they had paid into Social Security. Which brings me to a couple of other points, and I will yield back to the distinguished gentleman.

It is important that we maintain the extension of unemployment benefits because I'm glad to say that I feel a surge in this economy. Things are getting better. We've had some great Thanksgiving sale days, and people went out even on Thanksgiving Day. Then we had Black Friday and then Cyber Monday. And everybody is telling us that things are on the move.

But it is important to recognize that the country churns if you keep the important safety nets of Medicare, Medicaid, Social Security. And that must be what we do. And then to add unemployment, unemployment insurance. You always have to say over and over again, the word "insurance" means that you've gotten some insurance to get you through a rainy day. It's not a handout. It's a hand up. But it is insurance, and you've earned it because you have worked and you are now unemployed and you are looking for work. So the unemployment insurance is to be something that we need to count as a safety net and one that is of great need.

Now let me finish by trying to, again, reemphasize the importance of bipartisanship. And progressives are those who recognize what a great country this is, and we are progressive by the nature of some of the issues that we support. But we do not have a wall in front of our face and say that we don't believe in bipartisanship or we haven't joined with some of our colleagues to make a difference for America.

I truly believe that every set of policies have, maybe, relevancy as their past, and some policies—and I'm going to add the 1964 Civil Rights Act and the 1965 Voting Rights Act—have an unending life. But when you come to fiscal policy, because the economy churns and it goes in cycles, sometimes we're up, and sometimes we're down.

Tax cuts of the nineties and earlier than the nineties with President Bush, before President Clinton and then thereafter with President Bush who came after President Clinton—sometimes economic policies say it's time for a rest; and those tax cuts, the top 1 and 2 percent, it is time for a rest.

□ 1450

To be able to shore up, to say to every American that you will get a tax

cut for \$250,000 of your income, which includes 97 percent of small businesses is a reasoned response to the changing economy. The protection of the safety net is a reasoned response to the changing economy. And the recognition of the importance of Social Security, the recognition of the importance of Medicare and Medicaid, and the recognition of the importance that if you're unemployed of extending the unemployment, responds to the people who don't get their news on a regular streaming basis. They don't know what's going on up here. They're counting on us to stand in the gap and to make a difference in their lives. Some of them are working and some are on assistance, but they're not defined by anything except that they are Americans that love their country.

I hope as we go into 2013 and as we have the privilege of being sworn in again, that we will look at issues like a wealth tax, that we will look at issues that address equalizing the impoverished in this Nation, most of them children. We're not there yet, but I think that we would be even a greater country—we're a great country and the greatest country in the world—if we recognize that there is value to lifting all boats, that there is value to saying that you're on hard rubble times, and this great country wants to lift the boat so that any children that you are raising have the equal opportunity to achieve their greatness.

To the gentleman of Minnesota and the cochair of the Progressive Caucus, let me thank you for your wisdom and your sense of—I think the characterization that I've heard you state in many different instances and the characterization that I made today. We have an obligation to the people whose daily life is simply about trying to make it to the next day. I hope this Congress and I hope this process of negotiations and media debate and discussion don't ignore the fact that sometimes you've got to make sure that you respond to those who are now busily filling in those 12 hours of work, and the only thing they're looking forward to is whether they will have enough for a dinner at home and to pick up those children and get ready for the next day. As Americans, many of whom have served their Nation, I feel an obligation to make sure that we stand in the gap on their behalf.

I thank the gentleman for yielding, and I thank the gentleman for his leadership.

Mr. ELLISON. I thank the gentlelady for joining me. If you have the time, we'd love to hear more from you.

Let me just say today that we're members of the Progressive Caucus talking about the deal for all. First of all, we are laying out some of our values, but also talking about some things that are really problems in this debate.

I mentioned before and you mentioned, as well, Social Security is not

contributing to the deficit. Social Security is solvent through 2037. Social Security may need attention, but to try to fix it in the midst of this debate is not the right thing. Again, I'm speaking only for myself. People who are demanding that we reform Social Security right now are people who want us to put attention on something that is other than the problem, and then I have to wonder why that is. Does it have something to do with the fact that ever since Franklin Delano Roosevelt signed the legislation, that there have been some that don't like it. Why? Because they don't think the proper role of government is to have a program administered through the government that looks out for the aged, the disabled, the vulnerable. They don't think the government should do that. They think it's all about 100 percent individual initiative, and they don't believe the government has a role or responsibility to administer a program to make sure the aged and the sick and those who are the children of those people who may have died should have some basic sustenance.

We disagree philosophically and fundamentally, but some folks—there is a concept out there known as the “shock doctrine.” A woman named Naomi Klein wrote a very interesting book. Sometimes you will have folks who will create a crisis. They want there to be a crisis because within the context of the crisis, the parties to the bargaining will be willing to do things that in the absence of a crisis they would never agree to. So I believe that these expiring deadlines don't have to be a crisis, but they've been created to be one. We even use words that invoke imagery of a crisis, and that's why we now talk about this thing as to what it really is, which is expiring deadlines.

Ms. JACKSON LEE of Texas. If the gentleman will yield for a moment.

Mr. ELLISON. I yield to the gentlewoman.

Ms. JACKSON LEE of Texas. The Congressional Budget Office even indicated that there is no such thing as a “cliff.” There will be expiring deadlines that will allow deliberative thought. That's what you're talking about. Let's have deliberative thought. When you act and your hair is on fire or you're running out of a burning building, you will take any water hose you can find; and that may not be the good water hose that will keep us going.

I just wanted to mention my late colleague, Mickey Leland. This is his birthday this week. It was November 27. I just wanted to mention it on the floor of the House. Congressman Mickey Leland served in this Congress in the late 1970s until 1989, when he died in Ethiopia trying to feed the starving Ethiopians who had been impacted by the drought. At the same time, he helped cochair the Hunger Select Com-

mittee because at that timeframe there was an effort to try to extinguish hunger in America and hunger in the world. Lo and behold, here we are in 2012, and I bet we can have a vigorous debate on hunger that still exists in this country.

When we put our hair on fire, then we start looking and digging deep and we start ignoring the peace dividend and resources that we could get from that, from an expedited withdrawal for our hardworking military that are in far-away places such as Afghanistan. The point is that then we begin to do things like look at the minimal subsistence that people get in order to survive. Social Security is a different line of funding; but as you well know, I mentioned that sometimes you get it on disability and sometimes you get Social Security as a death benefit for a deceased parent that keeps those children going. Then you have people who get payments because they are ill or have no way of working or have children, need assistance; and people start looking at that.

We need to be deliberative in our attempt to do the things that we want to do in a bipartisan way, which is reduce the deficit, to make sure we tighten our belt and act accordingly to churn this economy, and we're fair in our tax policies. My friends, we can do all that, but let us not do that with hysteria that starts looking at the basic safety net of Medicare, Medicaid, and Social Security. As my friend said, Social Security is 2037 and Medicare is 2024. That means your house doesn't have to be on fire. You don't have to get a skinny hose that is just drip, drip, dripping, and then you just burn up.

You can be deliberative. We can deal with this immediate fiscal issue of deadlines with tax issues and begin to build on what the revenues will be.

Mr. ELLISON. The gentlelady correctly mentioned Medicare, because in this whole fiscal situation, they keep on throwing out Social Security and Medicare entitlement reform, which is what they want so bad. Again, we've clearly shown Social Security has no place in this debate.

Let's talk about Medicare for a moment. In the Affordable Care Act, the so-called ObamaCare, which I used to not want to call it that, but now I do because Obama does care. We call it ObamaCare because the Republicans thought they could use it as an insult, but actually it's kind of a badge of honor.

The Affordable Care Act, with the bill we passed, is estimated to save about \$500 billion over the next 10 years. They say we've got to reform Medicare. There may be reforms to Medicare that are important to do, but we already started that process with the Affordable Care Act by reducing extra subsidies paid to Medicare Advantage plans. They said they were going to do it for cheaper, and they did

it for more. Now we're saying we're going to hold you to your word.

□ 1500

We used that savings to close the doughnut hole, to make reductions in the rate of growth and provider payments, in efforts to make sure that Medicare programs were more efficient, and to reduce waste, fraud, and abuse.

Medicare will be reformed as we reform health care and as we move away from this fee for service, where it's this much for this test, this much for that test, then some folks run a bunch of tests, and you get this huge bill. We are now moving from that fee-for-service model to a model that goes on, Are you improving the health of your patients? There are a lot more doctors nowadays, particularly at the Mayo Clinic in Minnesota, who are on salary so that the doctors don't have to worry about the tests, they just have to worry about health. They order the tests that you need, but they don't order the ones that you don't.

So my point is that we are already implementing ways to maintain and control costs in Medicare that do not deprive seniors of good medical care. That's the key. Medicare—I'm sorry—is going to cost more in the future because we have a lot of people born between 1945 and 1960 who are now getting into older years. Everybody knows as you get older you may need to go to the doctor more, and we have more folks who are in that age group, so that's the way it is. It does make sense to try to control costs, but the proposals have been to give seniors a coupon that the Congressional Budget Office admits is going to cost them \$6,000 a year more than it does now and to give Medicaid a block grant program, which we know will likely be reduced.

What's the point?

They keep on saying, “entitlement reform,” “entitlement reform.” Social Security is fine for now, and it will be into the future with just a few tweaks that will not hurt beneficiaries. As for Medicare, we are reforming it and making it more solvent. We literally extended the life of the program up through 2024. Republicans during the campaign attacked President Obama for this, and yet we extended the life of the program. If entitlement reform were wrapped up in the expiring deadlines and the sequestration, I would say, yes, we have to talk about that now, but it isn't. Why are we doing that? It's because people never liked the program and don't believe the proper role of government is to help people. So we just disagree. I just wish folks would be a little more transparent in the positions that they take.

I am very fortunate to have been joined by the gentlelady from Illinois, JAN SCHAKOWSKY, and I yield to the gentlelady.

Ms. SCHAKOWSKY. I want to thank you so much, Congressman ELLISON, for pulling this together, because we are in the midst of an incredibly important debate about how to deal with all of these fiscal issues. Mainly, to me, it's about who shall pay, not about what are the dollar figures and how do we take a little bit from this and that. It's about who exactly in our society is going to be responsible.

I want to focus on the entitlements. In addition to some of our Republican colleagues—I'm talking mainly about the CEOs now, the fix-the-debt group, who say quite piously, by the way, and self-righteously that we have to cut entitlements. In listening to them, you would think that the United States of America is poorer today than it was 50 years ago when Medicare and Medicaid became part of our social contract, or 70 years ago when we created Social Security. Now they say it's unsustainable. Is it because the United States of America is actually poorer today than we were then?

I wanted to quote from something in *The Washington Post*, an article that Ezra Klein wrote, entitled, "Why Rich Guys Want to Raise the Retirement Age":

The first point worth making here is that the country's economy has grown 15-fold since Social Security was passed into law. One of the things the richest society the world has ever known can buy is a decent retirement for people who don't have jobs they love and who don't want to work forever.

I think that's right. It's like—really?—we can't afford it? This is one of the things that we absolutely have to cut.

I wanted to just make a point about some of these guys, these 71 CEOs who are in the fix-the-debt group who wrote this letter about the things that need to be done, some of which included the cuts.

Mr. ELLISON. Will the gentlelady yield?

Ms. SCHAKOWSKY. I yield to the gentleman from Minnesota.

Mr. ELLISON. Is not having to bail them out on that list?

Ms. SCHAKOWSKY. Bailing them out, that was then. Get over it. Of course they got a lot of money from the taxpayers. Why do you keep bringing that up, Mr. ELLISON? That was just a fine thing to do.

But here. The 71 fix-the-debt CEOs, who lead publicly held companies, have amassed an average of \$9 million in their own company retirement funds. A dozen have more than \$20 million in their accounts. So, if each of them converted his assets to an annuity when he turned 65, he would receive a monthly check of at least \$110,000 for life. Now, one of those fellows, Dave Cote, whom I know because I served with him on the Simpson-Bowles commission—and he's a longtime advocate of Social Security cuts—has a \$78 million nest egg.

That's enough to provide a \$428,000 check every month after he turns 65 years old. Since the average monthly Social Security benefit is \$1,230, Dave Cote would receive a retirement income every month—by the way, this doesn't count his Social Security—of as much as 348 Social Security beneficiaries. This is a guy saying that those 348 people, who are together going to get as much as he gets, ought to see those Social Security benefits cut.

I just think it's outrageous because this is about who we are. Really? We can't afford today the kind of Medicare benefits that we had 50 years ago when Medicare went in or 70 years ago?

Here is the other thing. One of the arguments that is used is that life expectancy has gone up. That's true for some of us but not for all of us. Since 1977, the life expectancy of male workers retiring at age 65 has risen 6 years in the top half of the income distribution, but if you're in the bottom half of the income distribution, then you just gained 1.3 years. The fact of the matter is, if you are a poor woman in the United States of America, you have actually lost ground in terms of longevity in this country. So it is just simply a myth to say that. Averages can be deceiving, right? You get a basketball player, and you average him to 6-feet tall even though one is 7'2" or whatever. That's ridiculous. People are actually losing life expectancy.

The truth of the matter is, while the Social Security retirement age is now about 67, you can retire early at 62, which is the earliest the law allows. You lose some benefits, but that is when most people retire. Now, these are not slackers. These aren't people who just now want to lie around at home and eat bonbons. These are people who pretty much can't wait until their full benefits kick in because they've been working really tough jobs, long hours, who've been on their feet, flipping patients in beds, working with their hands. It is not easy. So now what? Are these people supposed to go out and all find jobs—what jobs? Where are those jobs?—in order to wait even longer for them to get their Social Security benefits?

Frankly, I'm personally pretty resentful that some of the very richest people in our country, who are now offering advice on how we can save money and fix the debt, are offering up senior citizens, half of whom make \$22,000 or less per year.

□ 1510

Those seniors who make \$85,000 or more a year are already paying more for their Medicare benefits. We are already means testing Medicare benefits. A lot of people don't know that. So who are the rich seniors who are supposed to pay more? Who are the seniors who are living longer? Well, you know,

Dave Cote and the other CEOs, they're doing just fine. They may want to work forever. God love them. God bless them. Let them do it and retire with tens of thousands of dollars every single month. And their advice is cut the rest of the people. That's not right.

Mr. ELLISON. It's not right.

You know, here's the reality. In this whole debate, we want to talk about how to deal with these expiring matters like the 2001 and 2003 taxes and the sequestration. They have a time limit on them, and we in Congress are here now to address these issues. But does it strike you funny that they keep on talking about stuff and want to drag it into this debate that doesn't have anything to do with sequestration or these expiring tax matters? Why do they keep talking about Social Security? Why do they want to keep talking about raising the age or somehow cutting benefits for Medicare and Medicaid? I mean, one needs to ask the question, if these are problems and they need to be solved, why do they have to be solved in this very limited window of time when there are other things that, in fact, are expiring?

Ms. SCHAKOWSKY. Well, first of all, I agree with you because I think what I'm hearing you say is let's put those—Medicare, Social Security, and Medicaid—in a separate basket and deal with them at another time. Social Security should not be even on a different table. It should be in a different room, because Social Security has a big surplus in the trust fund and hasn't contributed one thin dime to any deficit.

Medicare and Medicaid, I'm all for making those programs more efficient. We can find savings in those programs. But let's remember, it occurred to me that Democrats, through ObamaCare, actually found—does this number sound familiar?—\$716 billion worth of savings in Medicare that made the program more efficient but didn't touch benefits.

Mr. ELLISON. Right.

Ms. SCHAKOWSKY. We actually improved Medicare by finding savings.

It seems to me that number came up in the election that Democrats were somehow stealing from Medicare, implying to senior citizens that their programs were being eroded when, in fact, their programs were being improved and Medicare was made more efficient. So now that the election is over, they're back to saying we've got to cut these entitlement programs; they're unsustainable. We just can't make it anymore. We're too poor a country. We can't aspire to make sure that people with disabilities and old people are going to have access to health care. We can't do it anymore. That was so 20th century. We're done with that.

I mean, it's really outrageous, the hypocrisy of criticizing us for making the programs more cost effective, cost less, but keep benefits, and now hitting

us over the head with that and now saying, Oh, no, never mind, we have to go back and cut those programs.

Mr. ELLISON. Well, you know, I appreciate the gentledady in revealing really the real deal here. The President, to his credit, is trying to talk to broad cross sections of Americans. He's had labor and progressive groups join him, and then the CEOs come in. And it's funny, when the CEOs come in, and I'm not talking about everyone, but this letter where they're telling us we've got to have austerity, we've got to lower people's expectations as to what people expect.

Ms. SCHAKOWSKY. Other people. Not them, other people.

Mr. ELLISON. Other people. They are extremely well taken care of, and they come from companies, several of them, that got direct benefits from the government. And now all of a sudden, you know, everybody else has to tighten their belt. It's shocking, actually. And if there's anything funny about it, it is that they don't get the irony of what they're doing.

I think the American people should know that whenever you see CEOs from polluting industries, from financial services industries, from industries that have gotten a lot of help and benefit from the government talking about how other people should tighten their belt and have to lower expectations, this should be met with extreme displeasure.

Ms. SCHAKOWSKY. Here's Lloyd Blankfein, and he's just one example, the CEO of Goldman Sachs, and part of what I really resent about it is he doesn't even know what he's talking about. He says:

You can look at the history of these things, and Social Security wasn't devised to be a system that supported you for a 30-year retirement after a 25-year career.

Well, first of all, the average beneficiary collects about 16 years, so a 30-year retirement after 25 years?

Mr. ELLISON. He must be talking about himself.

Ms. SCHAKOWSKY. I don't know what he's talking about.

So there will be things. Maybe the retirement age has to be changed, maybe some of the benefits have to be affected, maybe some of the inflation estimates have to be revised, but, in general, entitlements have to be slowed down and contained.

Now, you know, this is a guy who's a pretty entitled fellow. And the idea of him pointing to these people who, you know, half of whom make less than \$22,000 doesn't sit well with me and, I don't think, most Americans. It's not just that I think; we've asked most Americans.

And, by the way, even people who voted for Mitt Romney said, Do not cut my Social Security and Medicare benefits. They don't want that. And it's not because they're stupid or greedy, as Alan Simpson would like to make them

out to be. It's because, in this country, retiring with some level of security is something that people who've worked all their lives deserve in this country and something that should be a priority.

Mr. ELLISON. Well, let me quote Mr. Blankfein of Goldman Sachs. He says:

You're going to have to do something, undoubtedly, to lower people's expectations of what they're going to get, the entitlements, and what people think they're going to get because you're not going to get it.

That's what he said. Now, this gentleman is the CEO of a firm that received tens of billions of dollars—

Ms. SCHAKOWSKY. Tens of billions.

Mr. ELLISON. Tens of billions of dollars from direct money and indirect money through access to the Fed at lower rates, and now has the audacity—is the only word you can use—to start talking about how somebody who is making \$22,000 a year has to figure out what they're going to do.

Here's the thing. I remember 2008 very well. I remember people's 401(k)s taking massive hits directly related to the behavior of large banks. So it used to be that you had money you saved, money you saved on the job and then Social Security. Two sources of your retirement income are now dwindling in part because of the behavior of these banks, and one of the leaders of one of the biggest ones is talking about other folks having to get by on less.

My question is: What happened to the basic concept of civic virtue? I mean, what happened to the basic idea that, yes, I may be a CEO and, yes, I have an obligation to my shareholders, but I also have an obligation to the community that has fed my business and I've got an obligation to the United States that has made it possible for me to do well.

□ 1520

What happened to the basic idea that we're sort of in this thing together?

Ms. SCHAKOWSKY. Well, frankly, I think that idea is alive and well and was reflected in the elections on November 6—

Mr. ELLISON. I agree.

Ms. SCHAKOWSKY. That the idea that we are all in this together, that we do have some responsibility. And I want to tell you that there isn't a person that goes to synagogue or church or a mosque or a temple that doesn't learn about, we are our brother's and our sister's keepers, we do feed the hungry and take care of the poor, that we have an obligation to do that. So in our private lives, and in our faith lives, we're taught that as well.

I mean, it's good economics, but it's also the right thing to do. And I also think it's a very American kind of ideal, and that, at the end of the day, that most people agree with that.

When I say under \$22,000, that's income. The average Social Security ben-

efit is far below that. And so we're talking about very little, very little money to provide not a whole lot of security, but some security.

Mr. ELLISON. Well, I'd just like to advise the gentledady that we've got about 3 more minutes in our hour, and I just wanted to encourage you to think about some of your essential points that you may want to repeat for the Speaker.

But I just wanted to say that, look, you know, the Progressive Caucus—we're here with the Progressive message—is thinking about these fiscal deadlines that this country is facing. We do believe that we should try to come up with a fair deal in anticipation of sequestration and the expiration of deadlines on some taxes.

We believe that the top 2 percent of the income scale should have to pay more. We believe that the Defense Department, which has seen its budget double since 2001, should have to take cuts.

We believe we have to invest in jobs and get people back to work. And we believe we should protect Social Security, Medicare, and Medicaid. Those are some takeaways that I think are very important.

We do believe in negotiating. We believe that it's important to do so. We've already given up \$1.5 trillion in the last term. People talk about what's on the table, what's off the table—\$1.5 trillion should be on the table as cuts that have already taken place.

I'd just like to leave the gentledady the remaining time to summarize.

Ms. SCHAKOWSKY. You have the sign, "The Progressive Message," and I am a proud member of the Progressive Caucus. But I believe that if you presented what you just said to the American people, in general, that the vast majority agree with that because it's fair. That's all.

We are willing to find cuts, and as you pointed out, we've already done that. That's already been done with \$1.5 trillion in cuts. But fairness means not just that starting from scratch, we cut everybody across the board, but we do it in a humane and fair and sensible way in our country. And I think the Progressive message is the American message, the one that we're hearing from the American people.

So I thank you so much for your leadership. And going forward, I hope we can help to mobilize, along with the President, mobilize people to support these ideas.

Mr. ELLISON. The gentledady from Illinois has the last word from "The Progressive Message."

I yield back the balance of my time.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1998. An act to obtain an unqualified audit opinion, and improve financial accountability and management at the Department of Homeland Security; to the Committee on Homeland Security; In addition to the Committee on Oversight and Government Reform for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

#### BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on November 28, 2012, she presented to the President of the United States, for his approval, the following bills.

H.R. 6063. To amend title 18, United States Code, with respect to child pornography and child exploitation offenses.

H.R. 6570. To amend the American Recovery and Reinvestment Act of 2009 and the Emergency Economic Stabilization Act of 2008 to consolidate certain CBO reporting requirements.

H.R. 2453. To require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

H.R. 6118. To amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification.

H.R. 6131. To extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes.

#### ADJOURNMENT

Mr. ELLISON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Friday, November 30, 2012, at 9 a.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

8494. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1,4-Dimethylnaphthalene; Amendment to an Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2011-1029; FRL-9368-2] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8495. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Dinotefuran; Pesticide Tolerances [EPA-HQ-OPP-2012-0060; FRL-9365-1] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8496. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Flonicamid; Pesticide Tolerances [EPA-HQ-OPP-2011-0985; FRL-9368-7] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8497. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Delaware; Requirements for Prevention of Significant Deterioration and Nonattainment New Source Review; Fine Particulate Matter (PM<sub>2.5</sub>) [EPA-R03-OAR-2012-0381; FRL-9747-9] received November 2, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8498. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Tennessee; Regional Haze State Implementation Plan; Best Available Retrofit Technology Requirements for Eastman Chemical Company [EPA-R04-OAR-2009-0786; FRL-9752-5] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8499. A letter from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of the Amateur Service Rules Governing Qualifying Examination Systems and Other Matters; Amendment of Part 97 of the Commission's Amateur Service Rules to Give Permanent Credit for Examination Elements Passes; Amendment of Part 97 of the Commission's Rules to Facilitate Use in the Amateur Radio Service of Single Slot Time Division Multiple Access Telephony and Data Emissions; Request for Temporary Waiver; Amendment of the Amateur Service Rules Governing Vanity and Club Station Call Signs [WT Docket No.: 12-283] [WT Docket No.: 09-209] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8500. A letter from the Deputy Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 90 of the Commission's Rules; Implementing a Nationwide, Broadband Interoperable Public Safety Network in the 700 MHz Band; Service Rules for the 698-746, 747-762 and 777-792 MHz Bands [WP Docket No.: 07-100] [PS Docket No.: 06-229] [WT Docket No.: 06-150] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8501. A letter from the Chief, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — Implementing Public Safety Broadband Provisions of the Middle Class Tax Relief and Job Creation Act of 2012; Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Service Rules for the 698-746, 747-762 and 777-792 MHz Bands [PS Docket No.: 12-94] [PS Docket No.: 06-229] [WT Docket No.: 06-150] received November 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8502. A letter from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 90 of the Commission's Rules to Permit Terrestrial Trunked Radio (TETRA) Technology; Request by the TETRA Association for Waiver of Sections 90.209, 90.210 and 2.1043 of the Commission's Rules [WT Docket No.: 11-69] [ET Docket No.: 09-234] received October 31, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8503. A letter from the Chief of Staff, Media Bureau, Federal Communications Commis-

sion, transmitting the Commission's final rule — Basic Service Tier Encryption; Compatibility Between Cable Systems and Consumer Electronics Equipment; Inter Mountain Cable Inc.'s Request for Waiver of Section 76.630(a) of the Commission's Rules; RCN Telecom Services, Inc.'s, Request for Waiver of Section 76.630(a) of the Commission's Rules; Mikrotec CATV LLC's Request for Waiver of Section 76.630(a) of the Commission's Rules [MB Docket No.: 11-169] [PP Docket No.: 00-67] (CSR-8483-Z) (CSR-8525-Z) (CSR-8334-Z) (CSR-8528-Z) received November 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8504. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Electricity Market Transparency Provisions of Section 220 of the Federal Power Act [Docket No.: RM10-12-000; Order No. 768] received November 16, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

8505. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-56, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8506. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-0C, pursuant to the reporting requirements of Section 36(b)(5)(e) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

8507. A letter from the Acting Secretary, Department of Commerce, transmitting Periodic Report on the National Emergency Caused by the Lapse of the Export Administration Act of 1979 for February 26, 2012 — August 25, 2012; to the Committee on Foreign Affairs.

8508. A letter from the Director, Consumer Financial Protection Bureau, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2012 to September 30, 2012; to the Committee on Oversight and Government Reform.

8509. A letter from the Secretary, Department of Transportation, transmitting the annual report under the Federal Managers' Financial Integrity Act for 2012; to the Committee on Oversight and Government Reform.

8510. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the semiannual report on the activities of the Office of Inspector General of the Farm Credit Administration for the period April 1, 2012 through September 30, 2012; and the semiannual Management Report on the Status of Audits for the same period; to the Committee on Oversight and Government Reform.

8511. A letter from the Director, Trade and Development Agency, transmitting the Agency's Performance and Accountability Report including audited financial statements for fiscal year 2012; to the Committee on Oversight and Government Reform.

8512. A letter from the Acting Assistant Attorney General, Department of Justice, transmitting the Annual Report to Congress on the implementation, enforcement, and prosecution of registration requirements under Section 635 of the Adam Walsh Child Protection and Safety Act of 2006 (Pub.L. 109-248)(AWA); to the Committee on the Judiciary.

8513. A letter from the Commissioner, Social Security Administration, transmitting a

news release on Social Security Benefit Increase for 2013; to the Committee on Ways and Means.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. CASSIDY (for himself, Mr. ROONEY, Mr. ROGERS of Michigan, Mr. HARRIS, and Mr. BENISHEK):

H.R. 6611. A bill to amend title XVIII of the Social Security Act to promote public notification and provide incentives to reduce drug shortages, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCARTHY of California (for himself, Mr. CALVERT, Mr. SCHIFF, Mr. SMITH of Texas, Mr. McKEON, Mr. PALAZZO, and Mr. ROHRBACHER):

H.R. 6612. A bill to redesignate the Dryden Flight Research Center as the Neil A. Armstrong Flight Research Center and the Western Aeronautical Test Range as the Hugh L. Dryden Aeronautical Test Range; to the Committee on Science, Space, and Technology.

By Mr. FRANK of Massachusetts (for himself and Mr. CAPUANO):

H.R. 6613. A bill to establish the Securities and Derivatives Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MATSUI:

H.R. 6614. A bill to amend the National Flood Insurance Act of 1968 to allow the rebuilding of certain structures located in special flood hazard zones, and for other purposes; to the Committee on Financial Services.

By Mr. PERLMUTTER (for himself, Mr. COFFMAN of Colorado, Ms. DEGETTE, Mr. GARDNER, Mr. LAMBORN, Mr. POLIS, and Mr. TIPTON):

H.R. 6615. A bill to exclude from gross income payments from the Aurora Victim Relief Fund to the victims of the event at the Century 16 Cinema in Aurora, Colorado, on July 20, 2012; to the Committee on Ways and Means.

By Mr. PRICE of Georgia:

H.R. 6616. A bill to protect securities transactions in the United States from enforcement of certain excise taxes imposed by any foreign government, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 6617. A bill to provide for Indian trust asset management reform, and for other purposes; to the Committee on Natural Resources.

By Mr. SMITH of Washington (for himself and Mr. REICHERT):

H.R. 6618. A bill to further the mission of the Global Justice Information Sharing Initiative Advisory Committee by continuing its development of policy recommendations and technical solutions on information sharing and interoperability, and enhancing its pursuit of benefits and cost savings for local, State, tribal, and Federal justice agencies; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 6619. A bill to provide for the unencumbering of title to non-Federal land owned by the city of Anchorage, Alaska, for purposes of economic development by conveyance of the Federal reversion interest to the City; to the Committee on Natural Resources.

By Mr. LARSON of Connecticut:

H. Res. 822. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. HIRONO (for herself, Mr. HANNA, Ms. HANABUSA, and Ms. BUERKLE):

H. Res. 823. A resolution honoring and praising Mother Marianne Cope for her legacy of compassionate care and recognizing her example of what it truly means to dedicate one's life in service to others, especially to those she served at the leprosy settlement at Kalaupapa on the island of Molokai; to the Committee on Foreign Affairs.

## CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CASSIDY:

H.R. 6611.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. MCCARTHY of California:

H.R. 6612.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the Constitution

By Mr. FRANK of Massachusetts:

H.R. 6613.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (the Commerce Clause).

By Ms. MATSUI:

H.R. 6614.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3

By Mr. PERLMUTTER:

H.R. 6615.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

By Mr. PRICE of Georgia:

H.R. 6616.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to Article 1, Section 8 which provides that, "The Congress shall have Power To lay and collect Taxes, Duties, Imposts, and Excises, to pay the debts and provide for the common Defense and general Welfare of the United States; but all Duties, Imposts, and Excises shall be uniform throughout the

United States." The Secretary of the Treasury is responsible for the collection of any tax at the federal level. It is purview of the Congress to determine which taxes the Secretary shall or shall not collect. Clarifying direction to the Secretary in regards to a foreign financial transaction tax will ease the administrative and compliance burden on the private financial sector and the federal government.

By Mr. SIMPSON:

H.R. 6617.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, which grants Congress the power to regulate Commerce with the Indian Tribes.

By Mr. SMITH of Washington:

H.R. 6618.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8. "... provide for the common Defence and general Welfare of the United States . . ."

By Mr. YOUNG of Alaska:

H.R. 6619.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3, Clause 2

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 59: Mr. GOSAR.  
H.R. 402: Ms. MCCOLLUM.  
H.R. 816: Mr. MARCHANT.  
H.R. 1001: Mr. MICHAUD.  
H.R. 1386: Mr. CUMMINGS.  
H.R. 1489: Ms. ESHOO.  
H.R. 1653: Ms. BONAMICI.  
H.R. 1711: Mr. RANGEL.  
H.R. 2069: Mr. BLUMENAUER.  
H.R. 2104: Mr. PALAZZO.  
H.R. 2705: Ms. PINGREE of Maine and Ms. EDWARDS.  
H.R. 2969: Mr. ELLISON.  
H.R. 3238: Ms. MOORE and Ms. MCCOLLUM.  
H.R. 3497: Mr. THOMPSON of California.  
H.R. 3769: Mr. ISRAEL.  
H.R. 4156: Ms. CASTOR of Florida.  
H.R. 4202: Mr. TIERNEY.  
H.R. 4373: Mr. CARSON of Indiana.  
H.R. 5741: Mr. NEAL.  
H.R. 6155: Mr. GENE GREEN of Texas.  
H.R. 6256: Ms. FUDGE, Mr. CLAY, and Mr. RANGEL.  
H.R. 6275: Ms. MATSUI.  
H.R. 6312: Mr. PAULSEN.  
H.R. 6320: Mr. GRIFFIN of Arkansas and Mr. JONES.  
H.R. 6388: Mr. HANNA and Mr. KING of New York.  
H.R. 6413: Mr. ELLISON.  
H.R. 6475: Mr. FALOMAVEGA and Mr. TOWNS.  
H.R. 6494: Ms. BASS of California, Mr. SHERMAN, Mr. WAXMAN, Mrs. DAVIS of California, Ms. WATERS, Ms. SPEIER, Mrs. CAPPS, Ms. MATSUI, Mr. BECERRA, Ms. HAHN, and Mr. COSTA.  
H.R. 6495: Mr. RIGELL, Mr. PITTS, Mr. MULVANEY, Mr. SCHWEIKERT, Mr. GARRETT, Mr. FRANKS of Arizona, Mr. LABRADOR, Mr. STUTZMAN, Mr. CAMPBELL, and Mr. RIBBLE.  
H.R. 6527: Ms. SEWELL.  
H.R. 6575: Mr. PETERSON and Mr. BISHOP of Georgia.  
H.R. 6587: Mr. MCNERNEY, Ms. ESHOO, and Mr. STARK.  
H.R. 6588: Ms. WILSON of Florida and Mr. ELLISON.

H.R. 6589: Mr. BRADY of Texas, Mr. McCAUL, Mr. HINOJOSA, Mr. NEUGEBAUER, Mr. SMITH of Texas, Mr. MARCHANT, Mr. FARENTHOLD, Ms. GRANGER, and Mr. OLSON.

H.R. 6591: Mr. BUTTERFIELD, Mr. CLARKE of Michigan, Mr. SCHIFF, Ms. KAPTUR, Ms. CLARKE of New York, Mrs. CHRISTENSEN, Mr.

GUTIERREZ, Mr. DOGGETT, Mr. CLAY, Ms. SEWELL, Mr. CICILLINE, Mr. MCNERNEY, Mr. NADLER, Mr. TIERNEY, and Mr. KUCINICH.

H.R. 6603: Mr. MATHESON.

H. Con. Res. 141: Mr. NADLER, Ms. LEE of California, Ms. ROYBAL-ALLARD, and Mr. GRIJALVA.

H. Res. 220: Mr. DEFazio, Mr. SENSENBRENNER, and Ms. NORTON.

H. Res. 734: Ms. JACKSON LEE of Texas and Ms. HIRONO.

H. Res. 819: Mr. PAUL, Mr. AMASH, Ms. LEE of California, and Mr. MCGOVERN.



**SENATE—Thursday, November 29, 2012**

The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

**PRAYER**

The PRESIDING OFFICER. Today's opening prayer will be offered by Rabbi Baruch Frydman-Kohl, senior rabbi of Beth Tzedec Congregation in Toronto, Canada.

The guest Chaplain offered the following prayer:

God of us all, we assemble before You in humility, recalling both triumph and defeat, summer drought, autumn hurricane, and the cooperative resilience of our Nation. In this season after elections and before the new Congress, we ask that You give these Senators and our government the wisdom to avoid the exclusion of either/or and to embrace the blessings of both/and.

Rather than fear falling off a cliff, help our leaders to learn to chimney. In climbing, chimneying requires pushing off one side of a mountain cleft and then the other to advance higher. The resistance of each face of the rock contributes to the ascent. Help these leaders to appreciate individual initiative and care for the distressed, to value competition and find a path for co-operation, to be mindful of human liberty and be grateful for mutual help, to recognize the occasional need for force and to forcefully pursue peace. Enable them to chimney up the cleft of our differences, to reclaim fiscal integrity and maintain social concern, to be exemplars of responsibility and reasonableness, so that all Americans may respect and rejoice in their leadership of this great country.

Amen.

**PLEDGE OF ALLEGIANCE**

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

**APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE**

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,

PRESIDENT PRO TEMPORE,

Washington, DC, November 29, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby

appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,  
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

**RECOGNITION OF THE MAJORITY LEADER**

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

**SCHEDULE**

Mr. REID. Mr. President, following leader remarks, the Senate will be in a period of morning business for 1 hour, with Republicans controlling the first half and the majority controlling the second half. Following morning business, the Senate will resume consideration of the Defense authorization bill. We will continue to work through the amendments to the bill during today's session. Rollcall votes are expected all throughout today.

I would now yield to my friend, the senior Senator from the State of Wisconsin. I will have more of an opportunity at a later time to say things about Senator KOHL, but I have had a wonderful experience in getting to know this quiet, very productive man. I have enjoyed his innate skills. He is one of the best businesspeople we have in America today, one of the best Senators we have in America today.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

**WELCOMING THE GUEST CHAPLAIN**

Mr. KOHL. Mr. President, I rise today to thank Rabbi Baruch Frydman-Kohl for his invocation this morning and welcome him and his beloved wife Josette to the Senate.

Rabbi Baruch's father Jack and my father Max were brothers and Europeans during the First World War. Both were exiled to Siberia. Later, after my father immigrated to America, he helped Jack and his family come to Milwaukee.

Baruch is the Anne and Max Tanenbaum senior rabbi of Best Tzedec Congregation, the largest synagogue community in Canada. The focus of his rabbinate has been family education, lifelong learning, and care for the housebound, hospitalized, and homeless. Beyond the synagogue, the rabbi is the president of the Toronto Board

of Rabbis and recently organized the Path of Abraham mission to bring Jews, Christians, and Muslims to the Holy Land to explore the challenges of three religions, two nations, and one land.

Baruch's list of accomplishments and credentials is as impressive as it is long. I ask unanimous consent to have a copy of his biography printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KOHL. I will just add to this list his place in my heart as a beloved cousin, valued friend, and welcomed reflection of all about our fathers that was strong, smart, and good. I thank the rabbi for his time and attention to the Senate today.

**EXHIBIT 1****RABBI BARUCH FRYDMAN-KOHL**

Baruch Frydman-Kohl is the Anne and Max Tanenbaum Senior Rabbi of Beth Tzedec Congregation, the largest synagogue community in Canada. The focus of his rabbinate has been a commitment to family education, life-long learning and care for the housebound, hospitalized and homeless. Rabbi Baruch initiated the development of a "synaplex" of innovative ritual and educational opportunities to encourage more participation in synagogue life.

Beyond the synagogue, the Rabbi is the President of the Toronto Board of Rabbis and recently organized the Path of Abraham mission to bring Jews, Christians and Muslims to the Holy Land to explore the challenges of three religions, two nations and one land. He serves on the Board of UJA Federation of Toronto, has served on the Executive Committee of the Rabbinical Assembly, and as past president of two of its regions. He was awarded a Coolidge Fellowship to pursue research in an inter-faith community at the Episcopal Divinity School at Harvard University. The Rabbi received his doctorate in Jewish Philosophy from the Jewish Theological Seminary and is a Rabbinic Fellow of the Shalom Hartman Institute of Jerusalem. Rabbi Frydman-Kohl is the author of scholarly articles in the area of Jewish philosophy and mysticism.

Rabbi Baruch's father, Jack, and Senator KOHL's father, Max, were brothers and young teenagers during the First World War when they were caught between the Austrian-Hungarian Empire and Czarist Russia. They were taken captive and sent to exile in Siberia. Later, after Max's immigration to America, he helped to bring Jack and his family to Milwaukee. Through their love and care for each other, the two brothers enabled each other to survive war and to build a new life in America.

Rabbi Baruch is married to Josette. They are the parents of Yakov (married to Sarah), Rafi and Amir and the doting new grandparents of Ilana Adi.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Mr. President, it is a remarkable short history, very amazing how wonderful our country is. I note just in passing that my wife's father, my father-in-law, was born in Russia, emigrated to the United States like the rabbi and Senator KOHL's father.

#### FISCAL CLIFF

Mr. REID. Mr. President, it took 4 months, but Republicans are finally realizing their way back from the fiscal cliff has been right in front of them all along. In July the Senate passed legislation to give economic certainty to 98 percent of American families and 97 percent of small businesses, to every American making less than \$250,000 a year. For 4 months we have been one vote away from a solution to this looming crisis. For 4 months House Republicans have refused to act. Instead, they have held the middle class hostage to protect the richest 2 percent of taxpayers—people who have enjoyed a decade of blooming income and shrinking tax bills.

One has to admire the President, who went out and campaigned on this issue. He did not in any way walk away from the issue. He said: That is how we are going to get our fiscal house in order. And independents by a huge margin, Democrats by a huge margin, and 41 percent of Republicans support what the President asks us to do.

So now reasonable Republicans—I think it is very important—are coming around to what Democrats have said all along: Let's reassure millions of Americans that taxes will not go up by \$2,200 a year on January 1; that is, those people who are the middle class of America.

Prominent Republicans are calling on Speaker BOEHNER to end the suspense for millions of these American families. Yesterday Republican Congressman TOM COLE of Oklahoma, a veteran in the House of Representatives, urged his caucus to pass the Senate's legislation keeping taxes low for those making less than \$250,000 a year. That would pass by an overwhelming margin. All the Speaker has to do is let it come up for a vote. I would bet a lot of his Republicans would vote for it. I would bet a majority of his Republicans would vote for it. Virtually every Democrat would vote for it. They only need 218. There are 435 Members in the House. We also noted yesterday that Republican Congressman TIM SCOTT of South Carolina, who is noted for his conservatism, admitted yesterday that if the Speaker brought our bill to a vote, it would surely pass. So it is time the House Republican leadership listened to the will of the American people—Independents, Democrats, and Republicans—and also the advice of the reasonable members of their own caucus. The way out of this standoff is clear. Yet we are left wondering how

long Republicans will force middle-class families to wait and to worry.

Unfortunately, resolving the standoff will not resolve every conflict over the fiscal future. We have to end wasteful tax breaks for the richest Americans. We agree. We agree with the majority of Americans. We are serious about reducing the deficit. It will take a balanced approach. Last year we successfully worked across party lines to cut \$1 trillion worth of spending we could not afford. Even our Republican colleagues acknowledge budget cuts alone will not solve our fiscal challenges. We can argue over whether to give more wasteful handouts to the wealthy. They can do that tomorrow. We can discuss balanced, responsible ways to reduce our deficit tomorrow. But let's take care of the middle class today.

#### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business for 1 hour, with Senators permitted to speak for 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

#### FISCAL CLIFF

Mr. MCCONNELL. Mr. President, throughout the week, I have raised questions about the President's level of seriousness and engagement when it comes to resolving the short- and long-term fiscal challenges we face. I have done this because, as I have said repeatedly, the President is the key to success in all of these discussions. So I am hoping that when Secretary Geithner comes up to the Capitol today, he brings a specific plan from the President that the two parties could agree to for the good of the country. I hope to hear the administration's specific plans for protecting jobs and promoting economic growth for middle-class Americans, while reducing the debt by strengthening entitlements, reducing Washington's spending, and preventing a tax hike on every American taxpayer.

Up until now, the White House has preferred talking points and an appeal to the hard left to a serious discussion

about how we fix the economy, reduce the Federal debt, and return the country to a path of growth and prosperity for all. They are stuck on the same old tired slogans, and it is really completely counterproductive. So this morning I would like to address one of these recurring talking points in a little more detail in the hope that the White House puts it aside and starts talking in a way that suggests they are actually serious over there about finding a solution. I am referring to the oft-repeated assertion by the White House and reporters alike that those of us who insist on not raising income tax rates on anybody are doing so to "protect the rich." I assure you, that has absolutely nothing to do with it. Check the polling data. The super-rich vote for the Democrats. We are not insisting on keeping tax rates where they are to protect some tiny sliver of the electorate; we are insisting on keeping tax rates where they are first and foremost to protect jobs and because we do not think government needs the money in the first place.

The problem, as I have said, is not that Washington taxes too little, but it is that it spends too much. But if more revenue is the price Democrats want to exact for supporting other necessary reforms, then we should at least agree that we do it in a way that does not cost jobs and disincentivize work, as we all know raising rates would do.

A lot of people around here seem to have forgotten that we are still in the middle of a jobs crisis. I can tell you that lots of folks are hurting in my State of Kentucky. National unemployment is still just a hair below 8 percent, and millions of Americans are still looking for work.

So if it is an iron law of economics that you get less of what you tax, why on Earth would we want to raise taxes on work? Rates matter because they affect behavior. The higher the tax rate, the higher the disincentive to work. This isn't just Republican orthodoxy, it is basic economics. As the non-partisan Congressional Budget Office recently put it, "Increasing revenues by raising marginal tax rates on labor would reduce people's incentive to work and therefore reduce the amount of labor supplied to the economy."

That is the CBO, not the Republican National Committee. They go on to say over at CBO, it would, by itself, "decrease output in the medium and long term."

In the middle of a jobs crisis, that is the last thing we ought to be doing. Shouldn't we at least agree on that? The negative effect raising rates has on labor is so widely acknowledged that the Joint Committee on Taxation actually has models that incorporate the effects of doing it. They also know that higher rates increase the incentive to shelter income from taxation. When rates are higher, the people paying

them try even harder to keep the government from taking what they earn.

In short, raising rates means less labor, less investment, and more incentive for the wealthy to waste money in an attempt to shelter what they have earned. We can quibble about the magnitude of these effects, but everyone agrees they exist.

The problem is particularly acute for those thinking about taking a second job in a household, which in many cases unfairly targets married women looking to supplement the family income or someone considering a promotion or starting a new venture.

Instead of raising rates, Republicans have proposed capping deductions through tax reform instead. If the only way to get Democrats to agree to progrowth tax reform and meaningful entitlement reform is through more revenue, a smarter way to do it is by capping deductions. Capping deductions, or tax expenditures as some people call them, is a far less painful, more economically sound, way of closing deficits. The Congressional Budget Office agrees. As the Congressional Budget Office recently put it:

Increasing revenues . . . by broadening the tax base would probably have a smaller negative effect, or even a positive effect, on the amount of labor supplied.

The White House likes to say you can't come up with a realistic plan to reduce the deficit without raising tax rates. It is not true. Not only are there plenty of ways to do it, there are ways to do it that minimize the disincentive to work, and they can be found right in the President's own budget. In the President's own budget he proposes three different ideas that, combined, dwarf the \$442 billion revenue his own Treasury estimates he could grab from increasing two rates. All of them cap the amount that higher income Americans can deduct from their income taxes, and all of them do it in a way that is far less damaging than raising those tax rates while protecting middle-class taxpayers.

Look, I don't like any of these ideas. They all hurt somebody. The government spent way too much money as it is. Frankly, I don't think the Democrats are any more interested in using new revenue to lower the deficit now than they have ever been. But don't tell me you have to raise rates to do it. It is not true. The longer Democrats keep saying it, the longer it is going to take to come up with an agreement.

The only reason Democrats are insisting on raising rates is because raising rates on the so-called rich is the holy grail of liberalism—the holy grail of liberalism. Their aim isn't job creation; they are interested in wealth destruction—not job creation but wealth destruction.

The President needs to realize that he wasn't elected President of the hard left wing of the Democratic Party. He

was elected President of the United States. He is the steward of the Nation's finances. He has a responsibility to everyone to work out an agreement, and that means he has to come up with something that can get through a Republican House of Representatives.

We are waiting on the President. We can still get there, but he is going to have to lead. He can start by putting the campaign talking points on the shelf. I know that whacking the rich works politically. It worked pretty well for him in his campaign; I get it. But the election is over, and it is time to lead.

#### TRIBUTE TO TOM JURICH

Mr. President, yesterday was an extremely happy day for my alma mater, the University of Louisville, and I want to talk today about an extraordinary individual who has achieved an incredible success at my university over the last 15 years. It has been my privilege during my career to get to know a number of people in all walks of life who have been highly successful. However, I am hard pressed to think of a more conspicuous example of success than what Tom Jurich has accomplished for the University of Louisville in athletics in the last 15 years. Membership in the ACC, announced yesterday, is the culmination of his extraordinary leadership.

Tom Jurich has for 15 years served as the athletic director for the University of Louisville, and yesterday it was announced that UofL, as I indicated, will be joining the Atlantic Coast Conference. The ACC will be a great home for UofL and the school's commitments to academics, groundbreaking research, and top-ranked athletic teams.

Under Tom Jurich's leadership, student athletes at UofL have been making and breaking records and stirring excitement deep in the hearts of Cardinal fans all across Kentucky and all over the world. Since joining the Big East Conference in 2006, Cardinal teams have won 50 championships, with 10 of those in the 2011–2012 season alone, 10 championships just this year.

Our men's basketball team ranks No. 2 in the Nation in total attendance records. Our women's basketball team ranks No. 2 in the Nation for average attendance per game. I think it is safe to say Cardinal fans love their basketball.

Tom Jurich masterminded the hiring of legendary men's basketball coach Rick Patino, who has led the Cardinals to three Big East titles and two Final Fours, including one last season. Now ranked in the top five nationally, this year's Cardinal team is well poised to make another run for the Final Four.

Tom was also responsible for hiring head football coach Charlie Strong, a legend in the making, who has revitalized the Louisville football program by leading the Cardinals to two bowl games and a share of the Big East

championship in his short tenure there. Now in Coach Strong's third year, the Cardinals are 9–2 and have been ranked in the top 10 nationally this year and have a chance to win the Big East title in a nationally televised game against Rutgers tonight.

Under Tom Jurich's tenure, Cardinal teams have brought home championships in sports as diverse as baseball, field hockey, men's soccer, women's soccer, volleyball, men's cross country, men's golf, women's golf, softball, men's swimming and diving, women's swimming and diving, men's tennis, women's indoor track, and men's and women's outdoor track and field, an extraordinary list of accomplishments.

Tom Jurich has grown the school's physical facilities to be, in my view, the best in the country. Under his leadership the men's and women's basketball teams began playing in a new state-of-the-art KFC Yum! Center in downtown Louisville in 2010. It is an arena equal to any college basketball facility, college or professional, in our country.

Under Tom Jurich, an expansion of Papa John's Cardinal Stadium was completed in 2010, giving UofL football fans one of the best stadiums in the country in which to watch a game, seating 55,000. Tom Jurich also oversaw the construction of an extensive sports park that includes new softball and field hockey stadiums, a soccer field surrounded by a track, fitness trail, and playground.

Tom has increased participation for women's athletics, upgrading funding and support staff for existing women's programs and adding four new women's sports: softball, golf, rowing, and lacrosse. He transitioned field hockey and women's soccer and baseball to fully funded programs. For his accomplishment, he received the Citizens for Sports Equity 2000 Sports Leadership Award.

For his success as an athletic director, Tom was honored as the Louisvillian of the Year in 2005 by the Louisville Urban League, and he was nationally recognized in 2007 as Street & Smith's Sports Business Journal and Sports Business Daily Athletic Director of the Year. The university also recognized his enormous contribution to the institution by appointing him vice president for athletics in 2003.

Yesterday, the totality of Tom Jurich's accomplishments was recognized when the ACC voted unanimously to accept the University of Louisville as its newest member. This is an exciting time for Cardinal sports fans. We relish the opportunity to play in the strongest league in the Nation and show that Cardinals are able to compete and beat anybody.

To my good friends from the fine States such as North Carolina, Virginia, New York, Pennsylvania, Florida, Indiana, Georgia, Massachusetts, and South Carolina, I say "look out."

I have been pleased to get to know Tom well over the years, as well as his wife Terrilynn and their wonderful family. I don't think I have ever met anybody who has done a better job building an enterprise than he has, given what he had when he came to the university in 1997, and then look at it today. He has built an athletic department that boasts a budget in the top 20 in the country, championship football and basketball teams, record-setting men's and women's basketball attendance at our new downtown arena, and enormous success for all the other school sports that may not get as much attention but are just as vital to the students and the community in Louisville. He has done all this while increasing academic success for student athletes with a record 21 of 23 Cardinal athletic teams producing a 3.0 or higher grade-point average in the most recently completed semester.

It is a truly extraordinary accomplishment. I am proud of my friend Tom Jurich and what he has done. I want to extend to him my heartiest congratulations from the Senate floor. Go Cards.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

#### FISCAL CLIFF

Mrs. HUTCHISON. Mr. President, I rise today to talk about the need to address entitlement reform as part of the impending fiscal cliff.

I am not just going to talk about the macro issue, I am going to talk about specifics on a way that we can at least do one entitlement reform, Social Security, and make a difference for the long-term future of Social Security and the millions of Americans who depend on it and have earned it.

It is so important that it be part of the discussion today. So much of our short-term consequences and needs for the fiscal cliff have dominated the discussion. Well, that is okay; we are 1 month away, after all, from dire circumstances. However, we cannot avoid talking about the long term because that is what we have been doing that has caused us to reach a fiscal cliff. We need to look at entitlements. According to Medicare trustees, for instance, Medicare paid \$35 billion more to beneficiaries than it took in last year in payroll taxes, and its trust funds will be depleted 12 years from now if we don't act to save Medicare in a responsible way.

The other issue that is not being talked about very much at all is Social Security. In 2010 and 2011, Social Security expenditures, the benefits paid to retirees and the disabled, exceeded payroll tax revenue for the first time since 1983. So as a practical matter, we know the Federal Government is borrowing to pay the Social Security needs of today.

Last year, 2011, the Social Security trustees reported that with benefits paid continuing to exceed payroll, the trust funds would be depleted in 2036, after which the program would have a net unfunded obligation through the end of Social Security's 75-year valuation window, and that net unfunded obligation would be \$6.5 trillion. After reading the trustees' report last year, I drafted the Defend and Save Social Security Act to preserve and strengthen Social Security for 75 years. The longer we delay, the longer and more painful the fix will be.

I keep hearing Members of Congress, and even the President, saying Social Security is off the table; we are not going to talk about it when we are talking about the fiscal cliff. That is an astonishing statement for the President and Members of Congress to say, that we are not going to talk about 56 percent of the spending in this country, that it is off the table, because that is what mandatory spending is—56 percent of our spending in this country on an annual basis. Of that, let's take out Medicare, Medicaid, and Social Security, which is 44 percent of the total spending of our country.

According to the Social Security trustees—1 year after the 2011 report—the Social Security trust fund reserves, because we waited 1 year to do anything about it, will now be depleted in 2033. That is 3 years earlier than was estimated just 1 year ago. And the unfunded obligation for the 75-year window has now grown to \$8.6 trillion.

So we can see what happens with just 1 year of delay to the security of Social Security and the capability to keep it going. In 21 years, if we don't do something there will be severe cuts or severe increases in taxes that will be automatic. Without any act of Congress, they will be automatic. Talk about a fiscal cliff now, think about the cliff Members of Congress will face then because we didn't do our job in addressing this issue when the solutions were there in a relatively clear glide path that would be relatively unnoticed in most households.

Let me lay out what will happen: There will be a 25-percent automatic cut to the retirement payments and the disability payments that are going out now in Social Security. That would be an average of \$308 per month.

The Social Security trustees put it straight out there. They have two ideas to shore up Social Security right now: One is to immediately and permanently increase the combined payroll tax on employees and employers from 12.4 percent to 15.01 percent. That would be a one-fifth increase in the payroll taxes that are, in the norm, being paid today.

The other alternative they suggested is to cut core benefits right now by \$200 per month. They said that would do it—\$200 per month in cuts to Social Security checks.

I don't think anyone in America believes that is feasible or even desirable—either of those options. So what can we do? We can act now. We can reform Social Security without cutting core benefits and without increasing taxes on people who are working today.

I introduced a new version of my Defend and Save Social Security Act after the 2012 report came out from the trustees, and it covers the 75 year window and the shortfall of \$8.6 trillion which is estimated, and it doesn't raise taxes on the people working today.

Here is what it does: It increases the age of retirement very gradually. When I introduced my bill just last year, it wouldn't have affected anyone who was 58 years old or older. But in just that 1 year, because the deficits in Social Security payments going out have occurred, today it is 59 years of age. No one 59 years of age or older would be affected. For everyone else it would be a very slow increase of 3 months per year. For instance, the normal retirement age would reach 67—going from 66—by 2019, 68 by 2023, 69 by 2027, and 70 by 2031. The early retirement age would be increased to 63 by 2019 and 64 by 2023.

The second point: The COLA—the cost-of-living adjustment—would be reduced slightly when inflation is 1 percent or more. Inflation has averaged about 2.5 percent, so there would be a COLA, but it would be about \$12 less if inflation is kicking in above 1 percent.

There would be no core benefit cut at all, just a slightly smaller COLA increase if inflation goes up, and then we would have a secure system. It would be a system that would last 75 years. We would not have the \$8.6 trillion added to our deficit and no core benefits would be cut.

Mr. President, I ask unanimous consent for 2 more minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, let me just say that is not the only thing we could do. We could change the cost of living to the chained consumer price index. That would be OK. It wouldn't get us as much of a deficit reduction over 75 years—a chained CPI—but it would get us at least into a better position if we increased the age rate.

I just want to give a note of history. When President Reagan was facing the same issue, and the Senate was one-party dominated and the House the other, he got together with House Speaker Tip O'Neill, and they formed a commission which started the increase in age that we have today because people were living longer and they were working longer. We can do the same thing President Reagan and Tip O'Neill did, because our government is a similar configuration, by coming together and acknowledging that people are living longer and are working longer.

We can make accommodations for people who are in particularly physically strenuous jobs. I think all of us understand people in those jobs may not be able to work as long. We can do those things and fix this issue in a responsible way. Let's do it now. One more year is going to make it that much worse. We have added \$2.1 trillion to the deficit in just 1 year. We can do this.

Mr. President, I thank the Senator from Arizona for giving me the extra 2 minutes to say let's do it now. In fact, the Senator from Arizona has been a cosponsor of my bill to fix Social Security. We cannot address the fiscal cliff without talking about entitlements and mandatory spending, which is 56 percent of our spending. Anybody can do the math on that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, first, let me thank my colleague from Texas for her leadership on this and so many other issues that we have worked on over the years. One of my regrets in leaving the Senate is that I will not be able to work with her, and she has said the same thing about me. We will be off doing something else, but we are not going to give up on some of the fights we have been engaged in during these years.

I want to just begin where my colleague left off, about the meaning of this fiscal cliff and what is being proposed as alternatives to going over the fiscal cliff. I was interested this week that the President has embarked on what one newspaper referred to as "the fiscal cliff campaign trail." We have seen the pictures. He is out speaking as if the campaign were still going on, and the centerpiece of his pitch—and I heard him say it on TV again last night—is that the House of Representatives should pass a bill that was passed in the Senate related to 2001 and 2003 income taxes.

The President is a constitutional scholar, and he served in the Senate. He knows that can't be done. It is unconstitutional. The Constitution requires that all revenue measures must be initiated in the House of Representatives. That is one reason the bill got through the Senate, because everybody knew it couldn't pass. It was simply a statement by our Democratic colleagues. It wasn't serious legislation. But if we look at the legislation itself, we begin to see why Republicans are so opposed to what the President is proposing—because of the job-killing policies contained in that bill the President would ask the House of Representatives to pass.

What are we talking about specifically? I don't like to get into this kind of detail very often, but somebody has to at some point just discuss the actual facts of what this bill would do. It

would raise the marginal income tax rates from 33 percent to 35 percent in the fourth bracket, and in the fifth bracket from 36 percent to 39.6 percent—almost 40 percent.

Well, what is the problem with that? Let's start with the fact that 53 percent of all income from so-called flowthrough businesses is subject to these higher tax rates. That is because most small businesses are not corporations. They are called flowthrough entities—subchapter S corporations, limited partnerships, and those kinds of entities that pay their income taxes as if they were individuals. So they are governed by the top two marginal rates.

Well, they are governed by all the marginal rates of the income-tax code. So when we raise those rates, we are raising taxes on much of small business income. In fact, almost 1 million small business owners—940,000 to be exact—would be hit by the higher taxes caused by the President's proposal. That is an average, by the way, of well over 18,000 per State of the Union.

What else would it do? It goes directly to business taxes, such as capital gains taxes. It raises that from 15 to 20 percent, which is why we are seeing a lot of activity right now taking advantage of the lower rate, and we are going to find virtually none of that after this rate is increased to 20 percent. It is one of the reasons we will go back into recession, as the Congressional Budget Office has pointed out.

It also raises taxes on qualified dividends from 15 percent, where it is today. The problem of raising taxes on qualified dividends is, as the Wall Street Journal has reported over and over again, that companies that are paying dividends are dumping them all right now so they will all be paid out before the end of the year.

If you are a retired teacher or a retired fireman or have a pension and you are counting on your investments to pay dividends in the future, forget it. Once the dividends rate goes back up, corporations are not going to plow their earnings back into dividends to the shareholders as they do today. But these don't even tell the whole story because, of course, once you are taxed as a corporation—and this pertains just to the corporations, not the flowthrough entities I mentioned—you are doubled-taxed if you also pay a dividend or you have a capital gain. You have to pay not only your corporate income tax but the tax on the gain, or the individual pays the tax on the dividends that are paid out by the corporation.

So we already have the fourth highest integrated capital gains and dividends rates in the industrialized world at over 50 percent. Why would we want to make ourselves even less competitive by raising these taxes? We would fall even further behind our inter-

national competitors with the second highest capital gains rate, 56.7 percent.

Talk about a blow to the economy—which is the way the President put it 2 years ago when he decided not to raise all of these rates. Of course, we all agreed with him on that. It would be an even bigger blow to the economy to do so today. Our growth rate today is less than it was 2 years ago when the President himself said these very policies he is advocating would be a blow to the economy.

The last thing I would mention, everybody knows about the death tax. We have forgotten about what would happen with the death tax. The death tax rate would go to 55 percent, up from 35 percent today. A lot of people think 35 percent is way too much and would like to see it eliminated. I would. But think about this. You would only have \$1 million of the farm or the business or the estate exempted from the tax. After that, over half—55 percent—of everything you have worked for all your years would have to go to Uncle Sam, leaving your heirs frequently with the requirement of selling off all or part of the business or the farm, whatever it is, in order to pay for the estate tax.

It would increase the number of estates hit by the death tax from 3,600 this year to over 55,000 next year. There would be 24 times more farm estates that would be hit, 13 times more small businesses, 15 times more taxable estates.

This is not good for our economy, and it is not good for our families. The estate tax raises about 1 percent of all the tax revenue. To hurt the small businesses again by raising this death tax rate is just unconscionable.

People need to stop and think. This is not just about hitting the rich; this is about hitting small business folks, the very people we anticipate will create the jobs coming out of the economy.

Let's turn to job creation issue for just a second. Ernst & Young, the respected accounting firm, released a study recently that estimated the long-run effects of a plan very similar to the Senate bill that the President is advocating—the top two rates increasing, combined with the ObamaCare tax rates taking effect, all of this together, that study found that 710,000 jobs would be lost just as a result of this, 710,000 jobs.

The President likes to brag every now and then that we have an increase of 100,000 or 115,000 jobs in a month. Here is 710,000 jobs they say would be lost just from the increase in these tax rates. Our gross domestic product would decline by \$200 billion, and wages would fall by 1.8 percent.

I know these statistics make our eyes glaze over sometimes, but these are the facts; these are the results. And poorer families and a weak economy and a lot of joblessness are the result.

To put these numbers into perspective, 42 business organizations representing tens of millions of American employees—including those in wholesaling, air conditioning, retail, franchising industries, and others—recently sent a letter to the congressional leadership urging Congress not to raise income taxes during negotiations over the fiscal cliff and instead to pursue comprehensive progrowth tax reform.

I ask unanimous consent to have this letter printed in the RECORD at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KYL. I will conclude by quoting one sentence from it.

We call on Congress to avoid raising marginal tax rates on employers, either as part of negotiations over the fiscal cliff, or as part of a larger effort to reform the tax code. Instead, Congress should seek to enact comprehensive tax reform that simplifies the tax code and encourages economic growth for both passthrough businesses and corporations.

As I said, the passthrough entities are those small businesses, and the corporations are those that pay under the corporate tax rate. So I think the data, as well as the voices from employers around the country, make it clear that the Senate bill, combined with the tax increases from ObamaCare, would have a devastating effect on economic growth and our ability to create jobs.

What should we do instead, just to summarize? I think the better approach is the one the Republicans have been proposing. We actually have a plan, as opposed to the administration's plan—the only part of which I can discern is to pass the Senate bill, which raises tax rates. Our plan is to avoid the tax rate increases that would otherwise automatically occur on January 1 and commit to tax and entitlement reform that raises revenue through economic growth, eliminates wasteful credits and deductions and loopholes, and cuts spending in the future.

Recall that, in 1986, President Reagan signed into law a historic tax reform bill that lowered corporate and individual tax rates and eliminated a lot of loopholes. It wasn't a perfect bill, but the 1986 reform package can serve as a guide for revenue-neutral tax reform moving forward. Cutting our corporate tax rate—which had a combined rate of 39.2 percent as the highest in the industrialized world—would dramatically boost American competitiveness and improve our standard of living.

Many studies have found that lowering our corporate rate will increase growth, including one which found that cutting the corporate tax rate by 10 percentage points can increase the annual growth rate by around 1.1 percent.

Since we are only a little over 1.1 percent as it is, cutting it by that much would have a dramatic impact.

Comprehensive tax reform also means lowering tax rates on individuals, including the 95 percent of passthrough entities that file as individuals.

The Reagan tax reform also provided relief for businesses that are not structured as C corporations. During Ronald Reagan's 8 years, 20 million new jobs were created. More specifically, after tax reform became law, inflation and unemployment fell.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. KYL. Mr. President, I ask unanimous consent to proceed an additional 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. If we are interested in growth, Congress must avoid raising tax rates in the lameduck session and instead pursue tax reform, which sends a signal to the world that we are open for business.

Short of going off the fiscal cliff entirely, passing the Senate tax increase instead of pursuing these progrowth and fiscal reform ideas is the worst idea on the table. Raising the top two marginal rates would reverse longstanding tax policy and hit nearly 1 million business owners in the process, and it would eliminate over 700,000 jobs.

So if the President is genuinely interested in economic growth and higher tax revenues that come from it, he should drop his demands for the Senate bill and listen to the growing bipartisan consensus that higher taxes hurt growth and lower taxes help create jobs and prosperity.

#### EXHIBIT 1

NOVEMBER 27, 2012.

Hon. HARRY REID,  
*Majority Leader, U.S. Senate, Capitol Building,*  
*Washington, DC.*

Hon. MITCH MCCONNELL,  
*Minority Leader, U.S. Senate, Capitol Building,*  
*Washington, DC.*

Hon. JOHN BOEHNER,  
*Speaker of the House, U.S. House of Representatives,*  
*Capitol, Washington, DC.*

Hon. NANCY PELOSI,  
*Minority Leader, U.S. House of Representatives,*  
*Capitol, Washington, DC.*

DEAR CONGRESSIONAL LEADERSHIP: As organizations representing millions of passthrough businesses employing tens of millions of workers, we strongly urge Congress to pursue comprehensive tax reform that lowers rates on all forms of business income while enacting significant entitlement reforms that put the federal budget on a sustainable fiscal path.

Congress faces two fiscal challenges in the near future. First, it will need to take action on the "fiscal cliff" of expiring tax provisions and automatic spending cuts. Second, it will need to raise the debt ceiling.

In taking on these challenges, we call on Congress to avoid raising marginal tax rates on employers, either as part of negotiations

over the fiscal cliff, or as part of larger effort to reform the tax code. Instead, Congress should seek to enact comprehensive tax reform that simplifies the tax code and encourages economic growth for both pass-through businesses and corporations.

Raising rates on individuals and employers will harm hiring and investment now and into the future. According to the Congressional Budget Office, allowing top tax rates to rise to their pre-2001 levels and beyond will result in 200,000 fewer jobs early next year. Ernst & Young has estimated that the impact of these higher tax rates will be to reduce long-term employment levels by more than 700,000, while also lowering overall investment and suppressing wage levels.

The prospect of higher marginal tax rates is already having an adverse impact on the economy. According to the National Federation of Independent Businesses, two-thirds of business owners cite the uncertainty over future fiscal policy as making it more difficult for them to grow their businesses and increase employment. At the same time, the rate of business creation is at its lowest level in two decades.

Although some have asked Congress to enact corporate-only reform in the coming year, there is no economic or political justification for reform that lowers marginal tax rates on corporations while raising either marginal or effective tax rates on the 95 percent of businesses structured as passthrough entities who employ more than half of the U.S. workforce.

Finally, we are eager to see Congress enact permanent, comprehensive tax reform, but this alone will not solve the long-term fiscal imbalance. The Trustees to Social Security and Medicare have made clear that, absent reform, these programs are unsustainable. While Congress should commit to tackling comprehensive tax reform, it is also imperative that Congress agree to develop a long-term plan to address America's entitlement programs as well.

Simply put, we need to reform our tax code and we need to reform our entitlements.

Sincerely,

Air Conditioning Contractors of America, American Council of Engineering Companies, American Farm Bureau Federation®, American Foundry Society, American Supply Association, American Trucking Association, AMT—The Association For Manufacturing Technology, Associated Builders and Contractors, Associated Equipment Distributors, Associated General Contractors of America, Automotive Aftermarket Industry Association, Financial Executives International, Food Marketing Institute, Heating, Air-conditioning & Refrigeration Distributors International, Independent Insurance Agents & Brokers of America, International Foodservice Distributors Association, International Franchise Association, Metals Service Center Institute, National Apartment Association, National Association of Convenience Stores, National Association of Wholesaler-Distributors.

National Automobile Dealers Association, National Beer Wholesalers Association, National Electrical Contractors Association, National Federation of Independent Business, National Grocers Association, National Lumber and Building Material Dealers Association, National Marine Manufacturers Association, National Multi Housing Council, National Restaurant Association,



National Retail Federation, National Roofing Contractors Association, National Small Business Association, National Utility Contractors Association, Printing Industries of America, Professional Beauty Association, S Corporation Association, Service Station Dealers of America & Allied Trades, Tire Industry Association, Truck Renting and Leasing Association, United States Chamber of Commerce, Wine & Spirits Wholesalers of America.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I appreciate Senator KYL's comments, and I share them. We are going to miss the most knowledgeable fiscal tax expert in the Senate, and his long career includes time on the Finance Committee. I thank Senator KYL.

I want to express some reservations about the negotiations that have been going on, as I understand it from reading the paper, involving the fiscal cliff.

Over the last 2 years, Congress and the President have held an endless series of negotiations. There have been Gangs of 6 and 8, a supercommittee of 12, talks at the Blair House and the White House. But the only thing these secret talks have produced is a government that skips from one crisis to the next. Everything has been tried but open production of a 10-year plan from this Senate that is required by law, that would allow us to openly debate and discuss concretely the financial challenges we face today.

All of this secrecy allows the President to position himself as being in favor of a balanced plan—which is what he says: I favor a balanced plan—while the only comprehensive proposal, to my knowledge, he has actually laid out was in January or February of this year when he laid out his budget. Of course, it was voted down unanimously. In both the House and the Senate not a single person voted for it. But he did lay out a financial plan for the country. He put it on paper.

Basically, it increases taxes to fuel more spending. That is what the plan did. It increased taxes \$1.8 trillion and increased spending \$1.4 trillion over the agreement we just reached under the Budget Control Act in August, a year ago.

So we reached agreement on 10 years of spending limits in August, a year ago. Then January, 6 months later, he proposes a budget that would increase taxes \$1.8 trillion and spending that would increase another \$1.4 trillion over that BCA baseline: tax and spend. Not taxes to reduce deficits but taxes to fund new spending. That is why the budget puts us on track to have \$25 trillion in total debt at the end of 10 years—another almost \$10 trillion in debt added to the current debt level.

Insofar as I can see, that tax-and-spend policy remains his goal today. The White House isn't planning to raise taxes to reduce the deficit. It

raises taxes, under their plan, to expand government. That is not acceptable. I don't believe Congress will accept such a deal if that is what is going on in these secret negotiations.

President Obama campaigned on tax increases just on the wealthy, just on raising their rates, just only \$800 billion in tax increases. But now the White House is demanding \$1.6 trillion in tax increases. Don't the American people have a right to see where those taxes fall, who they will impact, and how much they are?

Shouldn't the President lay out his plan? He is the President of the United States and the only person who represents everybody in the country. Will that remain a secret? Will it just be revealed to us on the eve of Christmas or the eve of the new calendar year? We will be asked to vote for or to ratify like lemmings, I suppose.

The White House has repeatedly asserted they believe in \$2.50 in spending cuts for every \$1 in tax hikes, which does not reflect sufficient spending cuts. But if the White House now wants \$1.6 trillion in new taxes, where are the \$4 trillion in spending cuts? Have those been laid out? Do we know what they would be? And this is over 10 years. These spending cuts would be very achievable if we put our minds to it.

The ACTING PRESIDENT pro tempore. The Republican time has expired.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to have the full 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

Mr. SESSIONS. I thank my colleagues for their courtesy.

In fact, the President has given speeches calling for more spending. On Tuesday, he gave a speech in which he said he wants to use the tax hikes to "invest in training, education, science, and research."

When you are in a deep hole and you are borrowing almost 40 cents of every dollar you spend, shouldn't you constrain yourself and not start new programs? Or if you start a new, needed program, shouldn't you reduce some less valuable program to pay for it instead of just taxing to create more programs?

Not once in the speech did he discuss entitlements. That is the largest item in our government, entitlements. Not once did the President of the United States discuss with the American people the problem that Social Security, Medicare, and Medicaid are on an unsustainable path and are at great risk. Shouldn't the President honestly talk to the American people about that?

He didn't discuss our \$16 trillion debt and how the Debt Commission he appointed indicates that we are on an unsustainable path, heading to a fiscal crisis. He did not discuss the economic

catastrophe that could occur if we don't get off this unsustainable path.

The President should lead on these things. I don't think this is a partisan complaint. I am saying the President of the United States should be discussing with the American people the great danger of our time: the debt.

The President will go out to the press and use the buzz words that say he has a balanced plan or a responsible path to deficit reduction. But where are the spending reductions? What is the plan?

It seems to me the plan is to talk in general, to meet in secret day after day, week after week, the deadlines getting closer, the fiscal cliff getting closer. Then, under threat of panic, force through some deal that maintains the status quo: more taxes, more spending, more debt. And it will be presented to the Senate in a way that, if it is not adopted immediately, the country will be in great fiscal danger. This process needs to be taken out of the shadows. We need public debate, and then people would know the facts that are now being hidden from us, hidden from Members of Congress. We don't know what is going on. The latest article in *Politico* today said the deal—the so-called deal has been negotiated by the Speaker of the House and the President. Not even HARRY REID is in the meetings, apparently—certainly not the Members of the Senate or the Members of the House of Representatives.

If we had a public debate, people would discover that according to the CBO, mandatory spending is going to increase nearly 90 percent over the next 10 years. To get the country under control requires some real tough focus, but it does not mean we are going to have to cut spending dramatically, just reduce the growth of spending. Expenses on welfare are particularly interesting. Mandatory spending, that is, the entitlement programs of all kinds, is set to automatically increase 90 percent over the next decade. That is over half of our budget. We already spend \$2.3 trillion on mandatory costs today in our budget—this year we will spend 2.3 trillion—but we will spend \$4.12 trillion in the 10th year from now. Those are the projected growth patterns we are on. This is a huge increase, and we do not have the money.

People would also learn from public debate that welfare costs are now the single largest item in the budget, exceeding Medicare—larger than Medicare, larger than Social Security, larger than the defense budget. We spend enough on these poverty programs to send every household beneath the poverty line in America a check for \$60,000, each family. That is how much we are spending. The President's plan apparently would not deal with that at all. Indeed, the Budget Control Act of 15 months ago that was passed explicitly failed to address some of the biggest items in that budget.



I do not see how we can support a plan that does not at least begin to reform these programs and improve their operation. Is this going on in the secret talks? Are they talking about it or, like the Budget Control Act, is this off-limits, not to be discussed? Will welfare reform be a part of the framework of the settlement that will be dropped on the Senate? We do not know.

Meanwhile, the President demands more taxes and refuses to do anything about waste, really. I have not seen any strong management leadership from this White House that gives me confidence that we should send more money. There are lavish conferences, duplicative programs, billions in refundable tax credits being mailed every year to illegal aliens or children not even in the United States—billions from their own department, the reports tell us. No one is managing this government effectively. Why should the American people send one more dime in taxes to Washington when we will not reform and manage the money we are already getting from them? The American people should not send more money to this dysfunctional government. They should insist that we fix what is going on here first.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SESSIONS. Mr. President, I appreciate the opportunity to share these remarks. I ask for 1 additional minute to wrap up.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. I thank my colleagues.

I would say I am concerned about the nature of these secret talks, the fact that the Senate is really not participating. From the reports, it is only the Speaker and the President of the United States discussing it, and that appears to be—from what I picked up—to be true. Apparently, the majority leader is not intimately involved, the chairman of the Budget Committee is not involved, and the chairman of the Finance Committee is not involved. These are Democratic leaders in the Senate, certainly not Republican leaders in the Senate.

The Senate is a great institution. We ought to be engaged, and the engagement of the Senate allows the American people to know what is happening. They are entitled to that. I really believe we can do better. We must do better.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### WIND ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I return to the floor of the Senate to urge all of us here to extend the production tax credit for wind energy. This is a crucial tax credit that supports an industry that employs literally tens of thousands of workers across our entire country. Our failure in the Congress to quickly extend this job-creating credit has already halted further development and jeopardized the future of this industry and the good-paying jobs that come with it.

The PTC, as it is known, the production tax credit, has been a major driver of wind power development because it literally leverages billions of dollars in investment, which then in turn creates thousands of jobs. But here in the Congress we have gone back and forth repeatedly between extending it and retiring it. This on-again/off-again status has contributed to a boom-bust cycle that threatens the future of this industry and our energy security in turn. It is time for us to act, act now, and extend the PTC so the wind industry and its employees can have a secure and prosperous future.

Mr. President, I look forward to talking about your State, New Mexico. You know I come to the floor every day to talk about the importance of the PTC, and I focus on an individual State when I come to the floor. Today I would like to talk about New Jersey.

New Jersey's wind industry will suffer without an extension of the PTC. Its industry is in the early stages of development, but the Garden State is already making real progress in becoming a manufacturing center for wind. While it is a manufacturing center that is building the turbines and blades, it is also taking a leading role in developing coastal wind power and then harnessing the offshore wind potential we know exists in the oceans off of New Jersey. An environmental review initiative by the Interior Department has paved the way for the sale of wind energy leases off the coast of New Jersey, Delaware, Maryland, and Virginia in the Outer Continental Shelf. Several coastal projects are under way in the Garden State, including in South Jersey off the coast of Cape May, down here in the southern part of New Jersey. New Jersey is also home to the first coastal wind farm in the United States, the Jersey Atlantic Wind Farm. There are five turbines at that wind farm. They are producing a total of 7.5 megawatts, which is enough energy to power 2,000 homes.

Like my home State, like the home State of the Presiding Officer, New Jersey knows we need an all-of-the-above energy strategy to improve our energy

security. My colleagues from New Jersey, Senator MENENDEZ and Senator LAUTENBERG, have been fighting to accelerate the transition to renewable domestic energy. Both have been champions for extending crucial tax credits such as the PTC. They know these credits help both New Jersey consumers and New Jersey businesses install and utilize energy from the wind.

The wind energy industry supports close to 500 New Jersey jobs, many of which are located at the 9 manufacturing facilities that make components for wind turbines. Those facilities are located in the green circles shown here on the map of New Jersey. The current level of wind production in New Jersey has helped the State reduce its carbon emissions by some 1,500 metric tons every year.

I want to return to the point I make every day I come to the floor to talk about the production tax credit. If we do not extend it, the manufacturing sector in New Jersey and many other States will literally wither. If we do not extend the PTC, we risk sending our energy jobs overseas. This is flatout unacceptable.

The wind production tax credit has strong support from a broad array of industry groups. Let me share some of those groups with my colleagues and with the viewers. The U.S. Chamber of Commerce has endorsed the extension, as well as the Governors' Wind Energy Coalition, the National Governors Association, and the American Farm Bureau Federation, among a number of other groups that support this extension.

Think of it this way: Wind energy is made-in-America energy that bolsters U.S. manufacturing. It creates good-paying American jobs, and it puts us on the path to energy independence. I urge my colleagues, I ask my colleagues of both parties to stand with me and stand for American manufacturing and made-in-America energy. Our wind energy industry and our energy security are depending on it. We need to extend the PTC as soon as possible. It is that simple. The PTC equals jobs. Let's pass it as soon as possible.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. REED. Mr. President, I rise today in support of the National Defense Authorization Act for Fiscal Year

2013. I wish to commend the work of my colleagues on the committee, particularly Chairman LEVIN, who is here, and Ranking Member MCCAIN, for their incredible diligence, dedication, and commitment to the men and women of our Armed Forces.

For 50 consecutive years, the Senate has passed a Defense authorization bill, and I hope very much that we will soon be able to send the President a bill for his signature consistent with that record of faithful service to those who serve us so faithfully. We owe it to our servicemembers and to the Nation to quickly but very deliberately pass this legislation and send it forward to the President. We made tough decisions putting this bill together—especially in these difficult economic times—but I am confident this bill provides a budget that allows the DOD to combat current threats, plan for future threats, and to provide for the welfare of our extraordinary men and women in uniform.

I wish to note a few issues in this legislation.

First, we have endeavored to make improvements to the Military Lending Act, which Congress passed in 2006 in order to protect active-duty servicemembers and their families from some types of high-cost loans and unfair credit practices. The Military Lending Act imposed a 36-percent annual percentage rate cap on certain types of consumer credit extended to servicemembers. Our intention was to protect active-duty servicemembers and their families from high-cost loans and unfair credit practices. Unfortunately, lenders have been finding ways to circumvent these regulations. For example, some payday lenders have made superficial changes to the structure of their loans, styling them as “open-end” credit or setting the terms slightly longer than the regulations to get around the rules under the Department of Defense of what constitutes “consumer credit.”

I am pleased that provisions I added to the underlying bill address some of these problems with targeted changes to improve how this law is implemented. In particular, it removes definitional loopholes to ensure that payday and car title loans, whether structured as closed-ended or open-ended credit, are subject to the 36-percent cap and other protections of the MLA. Let me underscore the 36-percent cap. We are talking about a very generous rate of return on these loans to lenders, particularly in the context of very low rates across the economy. It also requires the DOD to review its MLA rules periodically and to consult with financial regulators biannually to determine if new credit products are harming servicemembers and should be covered by the Military Lending Act protections.

The bill has been strengthened by the recent passage of an amendment of-

fered by Senator MARK UDALL to remove a provision in the Senate Armed Services Committee-reported bill that would have limited the ability of the Department of Defense to purchase alternative fuels, such as advanced biofuels. I voted against this provision in the committee and joined my colleagues in urging a vote for this amendment. Reducing our dependence on oil requires a smart, balanced, and responsible energy policy, one that involves all government agencies, including the Department of Defense. I am pleased that the Department of Defense will retain the flexibility to pursue alternative fuel technologies that not only help them achieve their mission but also help our country reduce our dependence on oil.

In addition, Senator HAGAN has offered an amendment to remove a provision that would prohibit the DOD from being able to enter into contracts for the planning, construction, or retrofitting of plants and refineries to produce advanced biofuels. I opposed this provision in the committee and encourage my colleagues to support Senator HAGAN's amendment.

I am also working on a few amendments I would like to mention. One would provide further consumer credit protections for servicemembers, another would limit the increases of out-of-pocket prescription drug costs, and a third would create a pilot program to allow nonprofits to apply for grants to rehabilitate and modify homes for disabled veterans.

My amendment No. 3014 would further improve the Military Lending Act provisions in the underlying bill by strengthening its enforcement. During the past 5 years, we have learned that enforcement rules provided in the MLA are not up to the task. Currently, if a lender violates the Military Lending Act, it is a criminal misdemeanor, with violators to be fined as provided for in title XVIII or up to 1 year imprisonment or both. Criminal liability attaches only for knowingly violating the statute.

My amendment will clarify that all Federal agencies that enforce Federal credit laws can enforce the Military Lending Act. In addition, it will ensure that State attorneys general and State credit regulators who license and supervise many of the lenders who lend to our servicemembers and their families can enforce the Federal law protections provided by the Military Lending Act. I believe our servicemen and -women need a full panoply of protection not just from the Department of Defense but from every Federal agency involved in these issues, including State and local agencies. I honestly believe that State and local officials, particularly where there are major installations, vigorously want to protect the rights and the benefits of our men and women in uniform, and they should have that opportunity.

Comprehensive and fair enforcement of the Military Lending Act is critical to active-duty servicemembers and their families. My amendment is supported by the Fleet Reserve Association, the Military Officers Association of America, the National Association of Consumer Advocates, the Military Justice Project, the National Military Family Association, Americans for Financial Reform, the Center for Responsible Lending, the Consumer Federation of America, the National Consumer Law Center on behalf of its low-income clients, and the U.S. PIRG. All of these agencies recognize the need to protect our men and women in uniform.

I have joined with Senators RUBIO, MCCASKILL, and WHITEHOUSE to introduce amendment No. 3017 to curb the out-of-pocket prescription drug costs proposed for TRICARE beneficiaries. The Department of Defense has proposed an increase in prescription drug copayments for TRICARE beneficiaries. In some cases, copayments could almost double or even triple. For example, under the proposal, out-of-pocket costs for a brandname drug picked up at a local pharmacy would more than double, increasing from \$12 to \$26. Ensuring the fiscal soundness of TRICARE is critical, but we should limit the burden on beneficiaries in our efforts to shore up the program.

This amendment would curb the out-of-pocket prescription drug costs proposed for TRICARE beneficiaries. For instance, instead of paying \$26 for a brandname drug, a TRICARE beneficiary would pay \$17 at a retail pharmacy, a \$5 increase from last year as opposed to a \$14 increase. DOD would be prohibited from instituting dramatic increases in prescription drug copayments in future years. Copayments could only increase at the rate of the annual cost-of-living adjustment, or COLA.

To protect beneficiaries from out-of-pocket increases, the amendment proposes to achieve the necessary savings by requiring the Secretary to enroll beneficiaries age 65 and older with maintenance medication—that is, medications for chronic conditions—in a 5-year mail order pharmacy pilot program. Beneficiaries would be eligible to opt out of the mail order program after 1 year if they felt it did not adequately meet their needs.

To ensure TRICARE beneficiaries have access to their prescription medications, they would be able to secure an initial 30-day fill at a local retail pharmacy. And the amendment ensures that they will not be denied a maintenance medication at a retail pharmacy if they ever find themselves running low and in need of a quick refill.

The amendment would expressly prohibit the Secretary from including medications for acute care needs in the mail order pilot program, as well as

medications dispensed to residents of long-term care facilities. The Secretary would also have the discretion to exempt other medications and other populations.

This amendment is supported by the Military Coalition, a group of 30 organizations representing more than 5.5 million members of the uniform services—active, Reserve, retired, survivors, veterans—and their families.

My third amendment, No. 3165, which is identical to the Housing Assistance for Veterans Act that I recently introduced, would create a new pilot program at the Department of Housing and Urban Development that would provide home rehabilitation and modification for veterans who are low income or disabled and who own their homes or are living in the owner-occupied home of a family member.

This amendment fills a crucial gap because it would serve all veterans with disabilities, regardless of the severity of the disability and whether the disability is service connected or not.

With this amendment, eligible veterans would have the opportunity to renovate and modify their existing homes by installing wheelchair ramps, widening doors, re-equipping rooms, and making necessary additions and adjustments to existing structures—all so these homes are more suitable and safer for our veterans.

I hope we can work together to consider these amendments, and other amendments that have been proposed by my colleagues.

As for the underlying bill, I wish to point out a few more of its highlights.

The bill authorizes a 1.7-percent across-the-board pay raise and reauthorizes over 30 types of bonuses and special payments for our men and women in uniform.

It authorizes the Secretary of Defense to carry out a research program with community partners to enhance DOD efforts in research, treatment, education, and outreach on mental health, substance use disorders, and traumatic brain injury in Guard and Reserve members, their families, and their caregivers—a provision which I worked on with Senator AYOTTE to have included in this bill. We have an incredible problem with respect to returning veterans, active-duty personnel, and their families in addressing their mental health challenges, and unless we fully engage all the resources across this country, we will not be able to successfully meet the needs of these young men and women. We hope this amendment will help in that regard.

The legislation also extends authorities to continue several “train and equip” programs to assist foreign militaries in counterterrorism and counter-narcotics missions. This is one of the emerging and critical roles that in the future we must embrace and support.

Additionally, the legislation authorizes \$5.7 billion for the Afghanistan Se-

curity Forces Fund to build the capacity of the Afghan Army and police so those forces can continue to take the security lead throughout Afghanistan. Once again, this is a central foundation to our plans to withdraw the vast majority of our forces by 2014.

This year once again I had the honor of serving as the chairman of the Seapower Subcommittee, alongside Senator WICKER, my colleague from Mississippi, the ranking member. Working together, our subcommittee focused on the needs of the Navy, the Marine Corps, and strategic mobility forces. We put particular emphasis on supporting marine and naval forces engaged in combat operations, improving efficiencies, and applying the savings to higher priority programs.

Specifically, the bill includes the required funding for two Virginia-class submarines, provides multiyear procurement authority to the Navy to purchase the next block of submarines, authorizes the Navy to use incremental funding to buy an additional Virginia-class submarine in fiscal year 2014, and provides an additional \$777.7 million in advance procurement for that second boat in 2014.

The bill also approves the funding for other major programs, including the DDG-1000, the Aircraft Carrier Replacement Program, the DDG-51 Aegis destroyer program, the Littoral Combat Ship, the Joint High Speed Vessel, and the P-8 maritime patrol aircraft.

I am particularly pleased about the funding for the Virginia-class submarines and the DDG-1000, which so many Rhode Islanders helped to build.

We also included language that would permit the Navy to use multiyear procurement authority to buy the V-22 Osprey aircraft and the Arleigh Burke-class destroyers so we can procure these platforms as efficiently as possible.

I want to offer my particular thanks to Senator WICKER, the other members of the Seapower Subcommittee, and our staffs who have done an extraordinary job through their diligence, their dedication, and their profound commitment to the men and women, particularly, of the Navy and the Marine Corps.

We have a good bill before the Senate. I urge adoption of the amendments I have discussed, and I would urge very quickly and very timely the passage of the legislation so we can once again send the Defense authorization bill to the President for his signature.

With that, I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. BROWN of Ohio). Morning business is closed.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 3254, which the clerk will report by title.

The assistant legislative clerk read as follows:

A bill (S. 3254) to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

Pending:

Kyl amendment No. 3123, to require regular updates of Congress on the military implications of proposals of the United States and Russia under consideration in negotiations on nuclear arms, missile defense, and long-range conventional strike system matters.

The PRESIDING OFFICER. The senior Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, before Senator REED leaves the floor, I want to first thank him for his comments about myself and Senator MCCAIN and the other members of our committee. Senator REED of Rhode Island has and will continue to make—and, hopefully, for many decades to come—an extraordinary contribution to the work of this body. I have seen it firsthand on the Armed Services Committee where he is the chairman of the Seapower Subcommittee, but way beyond that. He brings an experience and a thoughtful commitment to this work which is second to none, and it is incredibly valuable to every member of our committee to have him as a member of the committee. I cannot express how grateful I am for that, and I cannot exaggerate how grateful I am for his presence and for his work.

Mr. REED. If I may simply say that I thank the chairman.

Mr. LEVIN. Mr. President, in a few minutes I hope to be able to lay out a roadmap for our work here—at least for the next couple hours. We hope to be able to deal with a modified Kyl amendment as well as dispose of, we hope, an Ayotte amendment and a Hagan amendment. There will be debate with each of those, and this is just tentative because I want to discuss this, obviously, with Senator MCCAIN. But if this works out, there could be a couple votes in an hour or so. But, again, I am not announcing that; I am just sort of giving as early a warning as I can to our colleagues as to what is at least a likely prospect at this time. But, again, that is going to have to await the presence of Senator MCCAIN, with whom I am working so closely on this matter.

So with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2888, 2924, 2949, 2960, 2963, 2969, 2991, 3083

Mr. LEVIN. Mr. President, I ask unanimous consent that the pending amendment be set aside and that the following amendments be called up and agreed to en bloc, the motion to reconsider be considered made and laid upon the table with no intervening action or debate: Kohl No. 2888, Manchin No. 2924, Webb No. 2949, Wyden No. 2960, Sessions No. 2963, Heller No. 2969, Hoeven No. 2991, and Barrasso No. 3083.

Mr. MCCAIN. All these amendments have been cleared on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2888

(Purpose: To provide for the payment of a benefit for the nonparticipation of eligible members in the Post-Deployment/Mobilization Respite Absence program due to Government error)

At the end of subtitle A of title VI, insert the following:

**SEC. 602. PAYMENT OF BENEFIT FOR NON-PARTICIPATION OF ELIGIBLE MEMBERS IN POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE PROGRAM DUE TO GOVERNMENT ERROR.**

(a) PAYMENT OF BENEFIT.—

(1) IN GENERAL.—Subject to subsection (e), the Secretary concerned shall, upon application therefor, make a payment to each individual described in paragraph (2) of \$200 for each day of nonparticipation of such individual in the Post-Deployment/Mobilization Respite Absence program as described in that paragraph.

(2) COVERED INDIVIDUALS.—An individual described in this paragraph is an individual who—

(A) was eligible for participation as a member of the Armed Forces in the Post-Deployment/Mobilization Respite Absence program; but

(B) as determined by the Secretary concerned pursuant to an application for the correction of the military records of such individual pursuant to section 1552 of title 10, United States Code, did not participate in one or more days in the program for which the individual was so eligible due to Government error.

(b) DECEASED INDIVIDUALS.—

(1) APPLICATIONS.—If an individual otherwise covered by subsection (a) is deceased, the application required by that subsection shall be made by the individual's legal representative.

(2) PAYMENT.—If an individual to whom payment would be made under subsection (a) is deceased at time of payment, payment shall be made in the manner specified in section 1552(c)(2) of title 10, United States Code.

(c) PAYMENT IN LIEU OF ADMINISTRATIVE ABSENCE.—Payment under subsection (a) with respect to a day described in that subsection shall be in lieu of any entitlement of the individual concerned to a day of administrative absence for such day.

(d) CONSTRUCTION.—

(1) CONSTRUCTION WITH OTHER PAY.—Any payment with respect to an individual under

subsection (a) is in addition to any other pay provided by law.

(2) CONSTRUCTION OF AUTHORITY.—It is the sense of Congress that—

(A) the sole purpose of the authority in this section is to remedy administrative errors; and

(B) the authority in this section is not intended to establish any entitlement in connection with the Post-Deployment/Mobilization Respite Absence program.

(e) OFFSET.—The Secretary of Defense shall transfer \$2,000,000 from the unobligated balances of the Pentagon Reservation Maintenance Revolving Fund established under section 2674(e) of title 10, United States Code, to the Miscellaneous Receipts Fund of the United States Treasury.

(f) DEFINITIONS.—In this section, the terms “Post-Deployment/Mobilization Respite Absence program” and “Secretary concerned” have the meaning given such terms in section 604(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2350).

AMENDMENT NO. 2924

(Purpose: To require an additional element in the report on the accuracy of the Defense Enrollment Eligibility Reporting System)

On page 175, line 10, insert after “in order” the following “to provide for the standardization of identification credentials required for eligibility, enrollment, transactions, and updates across all Department of Defense installations and”.

AMENDMENT NO. 2949

(Purpose: To extend the temporary increase in accumulated leave carryover for members of the Armed Forces)

At the end of subtitle C of title V, add the following:

**SEC. 526. EXTENSION OF TEMPORARY INCREASE IN ACCUMULATED LEAVE CARRY-OVER FOR MEMBERS OF THE ARMED FORCES.**

Section 701(d) of title 10, United States Code, is amended by striking “September 30, 2013” and inserting “September 30, 2015”.

AMENDMENT NO. 2960

(Purpose: To require a report on mechanisms to ease the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty)

At the end of subtitle B of title V, add the following:

**SEC. 513. REPORT ON MECHANISMS TO EASE THE REINTEGRATION INTO CIVILIAN LIFE OF MEMBERS OF THE NATIONAL GUARD AND THE RESERVES FOLLOWING A DEPLOYMENT ON ACTIVE DUTY.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the adequacy of mechanisms for the reintegration into civilian life of members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces, including whether permitting such members to remain on active duty for a limited period after such deployment (often referred to as a “soft landing”) is feasible and advisable for facilitating and easing that reintegration.

(b) ELEMENTS.—

(1) IN GENERAL.—The study required by subsection (a) shall address the unique challenges members of the National Guard and the Reserves face when reintegrating into civilian life following a deployment on active duty in the Armed Forces and the adequacy of the policies, programs, and activities of the Department of Defense to assist such members in meeting such challenges.

(2) PARTICULAR ELEMENTS.—The study shall take into consideration the following:

(A) Disparities in reintegration after deployment between members of the regular components of the Armed Forces and members of the reserve components of the Armed Forces, including—

(i) disparities in access to services, including, but not limited to, health care, mental health counseling, job counseling, and family counseling;

(ii) disparities in amounts of compensated time provided to take care of personal affairs;

(iii) disparities in amounts of time required to properly access services and to take care of personal affairs, including travel time; and

(iv) disparities in costs of uncompensated events or requirements, including, but not limited to, travel costs and legal fees.

(B) Disparities in reintegration policies and practices among the various Armed Forces and between the regular and reserve components of the Armed Forces.

(C) Disparities in the lengths of time of deployment between the regular and reserve components of the Armed Forces.

(D) Applicable medical studies on reintegration, including studies on the rest and recuperation needed to appropriately recover from combat and training stress.

(E) Other applicable studies on reintegration policies and practices, including the recommendations made by such studies.

(F) Appropriate recommendations for the elements of a program to assist members of the National Guard and the Reserves following a deployment on active duty in the Armed Forces in reintegrating into civilian life, including means of ensuring that the program applies uniformly across the Armed Forces and between the regular components and reserve components of the Armed Forces.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report on the study required by subsection (a). The report shall set forth the results of the study, including the matters specified in subsection (b), and include such comments and recommendation in light of the study as the Secretary considers appropriate.

AMENDMENT NO. 2963

(Purpose: To authorize the posthumous honorary promotion of Sergeant Paschal Conley to second lieutenant in the Army)

At the end of subtitle H of title V, add the following:

**SEC. 585. POSTHUMOUS HONORARY PROMOTION OF SERGEANT PASCHAL CONLEY TO SECOND LIEUTENANT IN THE ARMY.**

Notwithstanding the time limitation specified in section 1521 of title 10, United States Code, or any other time limitation with respect to posthumous promotions for persons who served in the Armed Forces, the President is authorized to issue an appropriate posthumous honorary commission promoting to second lieutenant in the Army under section 1521 of such title Sergeant (retired) Paschal Conley, a distinguished Buffalo Soldier who was recommended for promotion to second lieutenant under then-existing procedures by General John J. Pershing.

AMENDMENT NO. 2969

(Purpose: To require a report on the future availability of TRICARE Prime throughout the United States)

At the end of subtitle A of title VII, add the following:

**SEC. 704. REPORT ON THE FUTURE AVAILABILITY OF TRICARE PRIME THROUGHOUT THE UNITED STATES.**

(a) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the policy of the Department of Defense on the future availability of TRICARE Prime under the TRICARE program for eligible beneficiaries in all TRICARE regions throughout the United States.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description, by region, of the difference in availability of TRICARE Prime for eligible beneficiaries (other than eligible beneficiaries on active duty in the Armed Forces) under newly-awarded TRICARE managed care contracts, including, in particular, an identification of the regions or areas in which TRICARE Prime will no longer be available for such beneficiaries under such contracts.

(2) A description of the transition and outreach plans for eligible beneficiaries described in paragraph (1) who will no longer have access to TRICARE Prime under the contracts described in that paragraph.

(3) An estimate of the increased costs to be incurred for healthcare under the TRICARE program for eligible beneficiaries described in paragraph (2).

(4) An estimate of the saving to be achieved by the Department as a result of the contracts described in paragraph (1).

(5) A description of the plans of the Department to continue to assess the impact on access to healthcare for eligible beneficiaries described in paragraph (2).

**AMENDMENT NO. 2991**

(Purpose: To express the sense of the Senate on the maintenance by the United States of a triad of strategic nuclear delivery systems)

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF SENATE ON THE MAINTENANCE BY THE UNITED STATES OF A TRIAD OF STRATEGIC NUCLEAR DELIVERY SYSTEMS.**

(a) **FINDINGS.**—The Senate finds the following:

(1) The April 2010 Nuclear Posture Review concluded that even with the reductions specified in the New START Treaty, the United States should retain a nuclear “Triad” of land-based intercontinental ballistic missiles, submarine-launched ballistic missiles and nuclear capable heavy bombers, noting that “[r]etaining all three Triad legs will best maintain strategic stability at reasonable cost, while hedging against potential technical problems or vulnerabilities”.

(2) The resolution of ratification for the New START Treaty, which the Senate approved on December 22, 2010, stated that “it is the sense of the Senate that United States deterrence and flexibility is assured by a robust triad of strategic delivery vehicles. To this end, the United States is committed to accomplishing the modernization and replacement of its strategic nuclear delivery vehicles, and to ensuring the continued flexibility of United States conventional and nuclear delivery systems”.

(3) In a message to the Senate on February 2, 2011, President Obama certified that he intended to “modernize or replace the triad of strategic nuclear delivery systems: a heavy bomber and air-launched cruise missile, an ICBM, and a nuclear-powered ballistic mis-

sile submarine (SSBN) and SLBM” and to “maintain the United States rocket motor industrial base”.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the United States should maintain a triad of strategic nuclear delivery systems; and

(2) the United States is committed to modernizing the component weapons and delivery systems of that triad.

**AMENDMENT NO. 3083**

(Purpose: To authorize the Secretary of Defense to maintain the readiness and flexibility of the intercontinental ballistic missile force)

At the end of subtitle C of title II, add the following:

**SEC. 238. READINESS AND FLEXIBILITY OF INTERCONTINENTAL BALLISTIC MISSILE FORCE.**

The Secretary of Defense may, in a manner consistent with the obligations of the United States under international agreements—

(1) retain intercontinental ballistic missile launch facilities currently supporting deployed strategic nuclear delivery vehicles within the limit of 800 deployed and non-deployed strategic launchers;

(2) maintain intercontinental ballistic missiles on alert or operationally deployed status; and

(3) preserve intercontinental ballistic missile silos in operational or warm status.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I wish to talk this morning about an amendment I had intended to offer but I am not going to be offering today because there is an important portion in the House Armed Services Committee that covers my concerns. That was the amendment I had drafted that is co-sponsored by Senators LIEBERMAN and COLLINS. I appreciate their support.

My amendment would establish an east coast ballistic missile defense site to make sure the east coast of our country is protected from missile threats. Let me describe why I thought it was very important. My amendment would have established both a study on three potential locations for an east coast missile defense site, an environmental impact study, and a plan for deployment of that site.

Where we are right now, unfortunately, is we have Iran, and no one disagrees that Iran has an active ballistic development program. They can already reach Eastern Europe. Many analysts believe Iran will be able to develop the capacity to strike the mainland United States with an ICBM by 2015. Our existing missile defense sites right now that protect this country have the capacity—if, for example, North Korea were to launch an ICBM toward the west coast, we would have an opportunity for two shots at that missile to protect our country.

In other words, if the President of the United States got an awful call that a missile was coming from North Korea toward the western coast of our country, he would have an opportunity to have one shot, a look, and then a

shot to take that missile down to protect our country; two shots to take the missile down.

But as it stands right now, when it comes to the east coast of our country, including the Capital, Washington, DC, the center of our government where we stand right now, my home State of New Hampshire, New York, all those population centers, if Iran were to develop the capacity to have an ICBM, where we are today is we would only get one shot at that missile if it were to be shot at the eastern coast of the United States instead of a shoot, look, shoot that we have if North Korea were to shoot a missile toward the western part of our country.

I think this is deeply troubling. We should be developing that capacity to make sure our country is fully protected.

I would like to address others who have looked at this. This year the National Research Council recommended an additional ballistic missile site in the United States in the Northeast to more effectively protect the Eastern United States and Canada, particularly against Iranian ICBM threats should they emerge. That is, of course, because some analysts believe they could develop that capacity as soon as 2015.

The markup coming out of the House Armed Services Committee already contains language and authorization for the actual establishment of an east coast missile site. That is one of the reasons I will not be offering my amendment today to conduct this study on environmental impact and also planned deployment because the House version already contains a requirement that an east coast missile defense site be developed.

Some would say—in fact, one thing I would like to address is that we may hear from the administration that they are working on a hedging—and a different hedging strategy—to make sure the east coast is protected. And that hedging strategy would be plans to deploy the SM-3 Block IIB missile in Poland. But where we are today with the SM-3 Block IIB shows why it is important for us to use technology that already exists to protect the east coast; that is, because the SM-3 Block IIB is only a plan on a piece of paper. It doesn't exist yet, and there have been concerns relayed about its development and, in fact, the development of the SM-3 Block IIB has already been delayed to 2021, which does not meet where we are with the potential that Iran could develop ICBM capacity by 2015. It just would not work.

But what we do know is that we already have technology that exists, and if we were to deploy a missile defense site now on the east coast, that we would get the opportunity to have a look, shoot, look on the east coast were Iran to launch a missile toward the east coast of our country.

We only need to look at what happened recently in the conflict with Hamas, the missiles that were being shot into Israel and the Iron Dome system to understand the importance of missile defense. Now, that is a system that focuses on short-range missiles, but we all saw the number of civilians that could be protected by the capacity of having a robust missile defense system, and I can't imagine why we wouldn't want to be in the position to make sure the east coast of our country would be as protected as the west coast when it comes to an emerging threat from Iran.

There is no question that the more we hear about the behavior of Iran, the more troubled we should be as a country. Not only do they have a robust missile development program, but we all know they are also making efforts to acquire the capability of having a nuclear weapon.

Now is the time for us to act, not to find ourselves in 2015 with no plans as to how to deploy an east coast missile defense site to make sure the east coast of our country has the same protection as the west coast. Now is the time to act because, in addition, in 2012 in the defense authorization, we asked the administration to submit a plan to us as to how they would hedge, a hedging strategy to make sure the east coast was as protected as the west coast.

They have yet to submit that plan, and so now is the time for us to make sure we go forward with technology that already exists to ensure that the east coast of our country is protected.

I cannot imagine the President of the United States being in a position as we go forward in our country where, if a missile were coming from Iran toward our Capital, he would be told we only have one shot to take that missile down versus if a missile were coming to the west coast of our country in L.A. from North Korea, that we would have two shots to take that missile down.

We want to make sure our country is protected. The threat from Iran is a very real threat. That is why I was going to offer this amendment, to make sure we had a study, an environmental impact analysis and a plan that the Department of Defense could use to deploy an east coast missile defense site.

But my colleagues in the House, including Representative TURNER, have already addressed this issue directly with the requirement contained in the House mark of the Armed Services Committee. I think it is very important what they have done.

I thank the Chair very much for giving me the opportunity to speak today.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. First, I would like to speak to the Senator's amendment. I want to compliment her, commend her and her

other cosponsors—Senator LIEBERMAN, Senator COLLINS, and others—in their effort to bring attention to what is clearly a great need that is going unmet. I agree the House's action is very important to begin to move this process forward.

The Senator's amendment is even less specific than the action taken by the House. We are going to need a study of the environmental impacts and evaluate possible locations. It is going to have to be done. It seems to me to make sense that this amendment would begin that process, and so I support that very strongly.

I would also like to speak to some of the military requirements which go to the fundamental question of whether we are going to move forward. If the Senator does not want to speak further right now, I would like to speak to that issue.

Ms. AYOTTE. Yes. Thank you.

Mr. KYL. All right. Mr. President, as I said, this particular amendment doesn't require that the administration actually establish a site for an east coast defense, but I do believe such a site would provide an important and critical measure of protection for the east coast of the United States and also those in the southeastern part of the United States.

This has become more important due to the cancellation of earlier plans to deploy long-range ground-based interceptors in Poland. That is what it originally was going to provide, full protection for the United States. That would have provided what is called an "early shot" or a shot early in the trajectory of a missile coming from someplace—for example, the Middle East—toward the United States.

In conjunction with the missile defense sites that we already have in Alaska and in California, a site further to the east would provide what is called a multiple-shot opportunity or an ability in the event that there was more than one missile or one had to distinguish between decoys or one of our first missiles wasn't effective in reaching its target; it would give us, in effect, a second chance to shoot down the missile, which is always what we want to do in planning these kinds of missile defense systems.

In fact, this was the actual rationale for, the actual basis for the third site deployment in Poland, to improve protection of the United States, while at the same time affording protection for our European allies against longer range ballistic missile threats from the Middle East.

This is a critical point. We are involved in missile defense not just to protect our allies, say, in Europe but also to protect the homeland of the United States of America. But the current administration's plan seems to be oriented toward protecting allies in Europe and not strengthening the pro-

tection of the people in the United States of America.

The administration says it can cover the ballistic missile threat from the Middle East with the current inventory of 30 ground-based interceptors. First of all, I seriously disagree with that assessment. In any event, there is no way to know if that can be done for sure.

Let me cite the President's own Ballistic Missile Defense Review report, which says:

Looking ahead, it is difficult to predict precisely how the threat to the U.S. homeland will evolve, but it is certain that it will do so.

So you can't say based upon what happened a couple of years ago, or the deployment of the ground-based interceptors, that only 30 of them, bear in mind, are going to protect our homeland at all.

Now how does the administration then plan to make up for what it has done in terms of canceling programs that further develop the so-called Ground-Based Interceptor. Well, it plans to compensate for this loss of original Ground-Based Interceptor deployments with something that is called the IIB missile, the SM-3 Block IIB.

That is a missile that would be deployed in Poland, for example, but the problem is there is no SM-3 Block IIB missile. That is something that is in the minds of some scientists. It is on vu-graphs. There are pictures of what it might look like, but there is no such missile.

Indeed, without discussing classified material here there is no way to know whether we are actually even going to be able to develop such a missile. In fact, its development, rather, has already been delayed to the year 2021.

Now, think about it. Think about it. This is 2012, and we wouldn't even begin developing such a missile for another 9 years? This is something way off into the future, if it works, and there is no commitment to deploy it and, indeed, the President has already talked with President Medvedev of Russia about further flexibility in designing our missile defense system. It is no secret that this is potentially on the chopping block, notwithstanding the commitments of the President earlier to deploy it.

The NRC has, in fact, recommended that there be an interceptor site on the east coast of the United States as a possible substitute for this Block IIB. This concern has been raised before, and the administration has yet failed to provide a hedging strategy that the fiscal year 2012 NDAA required. So we have known of this deficiency, the fact that the GBI system is not adequate, the fact that the SM-3 Block IIB system may never be deployed. We have asked for a hedging strategy.

So what do we do if none of this works, if we don't go forward with it?



We don't have that even if the law has required it.

What this amendment does is to shine an even brighter light on the concern that I have had for a long time, which is why the administration hasn't provided sufficient resources and attention to our missile defense efforts to protect the homeland of the United States. That is precisely what this would do. Sure, it would help with regard to our friends in Europe, but the primary point of this is to protect the American people. What is wrong with that?

Some examples that lead to my concern are that in his first budget, the President reduced funding for the ground-based system. That is the Ground-Based Midcourse Defense System that is also known as the national missile defense system, by \$500 million, \$½ billion. Then another billion dollars was reduced between his fiscal year 2011 and fiscal year 2012, 5-year budget plans. So they have taken an enormous amount of money out of the development of the system that was supposed to protect the United States. The President cut back the number of Ground-Based Interceptors for the defense of the homeland.

Originally, under the Bush administration, it was going to be 44. Well, that is a pretty small number when you stop to think about it, but they have cut it back to 30. Then in addition they subsequently cancelled the 10 GBI interceptors that we were going to send to Poland for defense of Europe as well as the United States.

So they have not only cut back on the funding for the development of the program, they have cut back on the actual number of the interceptors that we have already developed.

Third, the President curtailed any significant development and modernization of the GMD system, and he cancelled the Multiple Kill Vehicle Program, which was intended to be a significant upgrade to the current Kill Vehicle. The current design is over 20 years old.

When we talk about a kill vehicle, of course, we are talking about what is on the nose of the missile that goes up, the interceptor missile, how it intercepts the ballistic missile in flight, how it finds it, how it triggers the final phase of the intercept, and how it actually impacts the offending missile.

The technology has improved dramatically since the 20 years that has elapsed from the design of the original kill vehicle of the GBI. First of all, they have reduced funding for the program. Secondly, they have cut back the number of missiles in the program. Third, they have stopped the development of the next generation of the real business end of the missile, the kill vehicle, so that it can't improve with technology and improve to meet the evolving threats of those that are developing missiles against us.

Remember, countries such as Russia, for example, have extraordinarily sophisticated multiple-entry vehicles with decoys and other technology to try to evade a missile defense that the United States has produced. If we don't develop our technology and deploy it to keep up with these developments, we are not going to have an effective system.

Over the next 5 years the administration intends to spend \$20 billion on regional missile defense compared with only \$4 billion for homeland missile defense. So we are going to provide protection for our allies—European allies and so on—but only \$4 billion over the next 5 years. That is about \$1 billion a year on a system that is critical for the protection of the United States.

I would ask my colleagues to recall the Missile Defense Act of 1999, going all the way back then, which requires the United States to build a missile defense system capable of protecting our Nation against limited ballistic missile attacks from rogue nations and protect against any accidental and unauthorized launches from any source. We need to ensure our homeland missile defense system is as robust as possible, and a missile defense site on the east coast may be one of the best means for accomplishing this.

In other words, of course, we are concerned about North Korea or Iran, but there are a couple other countries in the world that may not wish us any harm but that have extraordinarily capable systems—I speak specifically of China and Russia. We have always wanted—and the law requires us—to provide protection against the kind of unauthorized or accidental launch that can occur. This is not an idle concern. We spend enormous amounts of time and energy and money trying to make sure these extraordinarily lethal weapons are never launched by accident or by some unauthorized event. That is one of the reasons for a missile defense system, to ensure that kind of accident never would result in harm to the United States. Of course, what they are also worried about is, if that ever happens, then there is the question of retaliation. How do we know this is not intentional? How do we know we shouldn't retaliate?

Wars can be started almost by accident, and the best protection against that is a missile defense system that can ensure no harm is done even if there is such a launch. In the meantime, we can find out whether this is real, whether we need to respond, whether we need to start another war. That is the benefit of a missile defense system.

It is beyond me why the administration reduces the funding, cuts back the numbers, and kills the advanced technology we could put into our system to protect the people of the United States of America. I understand the difficult

choices that have to be made in a time of austerity, but we are not talking about extraordinary amounts of money. The amendment of the Senator from New Hampshire simply calls for a study of the location of the site and what the impact of that would be. That is the first step in deciding where to put this additional bit of protection.

I think this is a priority. To oppose just the idea of investigating how we are going to be proceeding, especially with the little bit of money that entails, is difficult to understand. It is not too much to ask. We have a moral responsibility to protect our people. It makes strategic sense because of the exposure of our American homeland to these long-range missile threats and because of the critical vulnerability we have right now.

The commander of NORTHCOM, the military entity with responsibility here—General Jacoby—told Congress last March:

No homeland task is more important than protecting the United States from a limited ICBM attack . . . we must not allow regional actors, such as North Korea, to hold U.S. policy hostage by making our citizens vulnerable to a nuclear ICBM attack.

That is part of the problem. There are some people in the United States who actually believe it would be beneficial for the United States to be vulnerable to a missile attack from another country. They actually believe that would be advantageous. The reasoning is rather weird, but it goes something like this: If we develop defenses that could protect the American people, then other countries will want to develop even more effective systems that can try to override those defenses, and that puts us into a spiral of arms development that would be very costly.

One can argue that theory, but there are a couple things wrong with it. First of all, recall this was the argument used against getting out of the ABM Treaty to enable the United States to develop an antiballistic missile defense. It was going to create this big arms war between then-Soviet Union and the United States. It didn't. Both sides have reduced our warheads. One of the reasons why is because it is so expensive, and the Soviet Union, now Russia, realized we could have driven them into bankruptcy. It is one of the reasons—one of the reasons—Russian officials have cited for the collapse of the Soviet Union. They knew Ronald Reagan meant it when he said he was going to develop a missile defense system. They knew they couldn't spend enough money to overcome it or, if they tried, they would go into bankruptcy. It is expensive.

I don't necessarily think we have to fear a new expensive arms race because there are very intelligent people in other countries, such as Russia, for example, who appreciate the fact that would be a fools's errand. They may



want to threaten, but they are not going to do it because they can't afford it any more now than they could back in the days of the Soviet Union. They know the United States has the resources to trump whatever they do come up with. That is the first point.

But the second point is the moral one. Is it moral for leaders who have responsibility for the national security of the American people to deliberately—knowing this is the case—leave them vulnerable to an attack that could kill millions of Americans at a time? If we have the means of avoiding that result, we should. We do. We have that means. It may require a little bit more money. It may require not cutting back the number of interceptors we have deployed. It may require continuing with the advancement of technologies we know are out there. It may require siting missiles in a country of Europe, on Aegis cruisers or on the east coast of the United States. We know how to do all these things.

Is it moral for leaders of the United States to leave our people deliberately vulnerable to an attack by others when we know we have the means to prevent it, and there is a cost-benefit that obviously favors the deployment of an additional site of ground-based interceptors?

I think for the Senator from New Hampshire to propose that we begin looking at where a new site might be and determine what the environmental impacts of that are as a complement to what the House of Representatives has already done in passing the bill that says we need to move forward is a perfectly reasonable step, and I commend her and the other cosponsors of this amendment for bringing this matter to the attention of the Senate and to the people of the United States. This is part of our responsibility to our constituents and all the other citizens of our great Nation.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I just want to follow up on the remarks of my colleagues Senator KYL and Senator AYOTTE.

Last year, I asked for and obtained language in the Defense bill that would require the Defense Department to report on the effectiveness and need and ramifications of a hedging strategy for the United States, and that was due within 75 days of the bill being passed. My understanding is the Defense Department produced that analysis and they sent it to the White House as early as last spring and it has not been produced.

So now we have the House having passed language that actually funds moving forward with a hedging strategy on an American-based system to give us a layered defense, which I think is probably necessary but because we have not gotten a report from the De-

fense Department it is hard to know. I would first say it is not acceptable that we have not received that report. It has gone on too long. I guess I and Congress have been too reticent in insisting that it be produced.

I would say to the Defense Department and the administration, we expect that report to be produced. I don't want to cause trouble in your world, but it has been made, it has been sent forward, and it is time to have it come to the people's representatives who have to make decisions about how we are going to defend America. I will be using the various rights I have as a Senator to move that forward.

I wish to quote from a story in today's Washington Times, referring to a statement made by Mr. Fereidoun Abbasi, who is Iran's nuclear chief. The article states: "Iran will step up its uranium enrichment program by sharply increasing the number of centrifuges used to make nuclear fuel."

There are some people still saying we don't know if Iran wants to go forward with a nuclear weapon. How could this possibly be? They have been subjected to the most rigorous sanctions that are damaging their economy. Yet in today's paper their nuclear chief says they are accelerating their plans to go forward. There is no doubt about what they are doing. I wish it weren't so. I truly wish it weren't so. I had hoped they would change their mind. Maybe they will change their mind, but it is false to say they haven't made up their mind and they are not going forward to build a nuclear weapon. That is so plainly obvious I don't know how anybody could ever suggest otherwise. The only question is, Can we somehow bring to bear enough pressure on them to get them to change their mind? There is a long article about that in today's paper.

I was pleased Chairman LEVIN and both Democratic and Republican members of the Armed Services Committee produced a unanimous bill. Senator MCCAIN, Senator LEVIN, both fine, wonderful leaders of our committee, and every member all signed off on the legislation. I think that speaks well for our committee. They also approved this language dealing with the failure of the Department to produce the hedging report—and it has a number of fact-finding points in it which I will share with my colleagues:

The Director of National Intelligence, James Clapper, has testified to Congress that . . . "Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload."

That is President Obama's National Intelligence Director, and he is the man to make the final opinion on that for the President. Let me quote additional language from the committee:

The 2012 Annual Report to Congress on the Military Power of Iran by the Department of

Defense states that, in addition to increasing its missile inventories, "Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submissions payloads."

Also in the report:

North Korea warned the United States in October 2012 that the United States mainland is within reach of its missiles.

I will wrap up, since I can't talk much longer anyway. We have to recognize the grim fact there are very dangerous countries with nuclear weapons—North Korea—or are rapidly developing them—Iran—capable of putting them on missiles and that have missile systems already. So North Korea has a missile system they believe can reach the United States right now. We need to be sure our defense system is sufficient. I wish it weren't so, but that is the way it is. I think the Defense Department understands this.

I think the administration says it does, and we are doing some good things to be prepared for that. However, we have to confront this question of an east coast site, and we need this report. I believe we are going to need additional layered defenses, and we might as well prepare to do it. In the scheme of the entire investment in our national defense, it won't be the kind of expenditure that will break the defense budget. It is something we can work into our defense budgets.

I thank Senators AYOTTE and KYL for their comments.

I yield the floor.

Mr. MCCAIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

Mr. LEVIN. Madam President, we are waiting for Senator CORNYN to come to the floor, and he will be speaking on the modified Cornyn amendment. We also are waiting for Senator INHOFE to come to the floor, and he will be speaking on a Hagan amendment. Then we would expect, after a fairly short amount of debate—perhaps 10 minutes but not set yet—by each of them, perhaps a minute or two by the sponsors of the amendment, particularly in the case of the Hagan amendment, to describe the amendment, we would then go to a rollcall vote on both of those amendments. That is the plan. It is not yet in a UC agreement formally because we want to make sure we are protecting the Senators in terms of the length of time they need to describe either their opposition to the Hagan amendment in the case of Senator INHOFE or their support of the Cornyn amendment in the case of Senator CORNYN.

We hope Senator KLOBUCHAR will now be recognized for a few minutes to describe a couple of amendments she has filed. She is not going to call them up at this point, but this would be a period for her to describe those two amendments.

The PRESIDING OFFICER. The Senator from Minnesota.

Ms. KLOBUCHAR. Madam President, I thank Senator LEVIN and Senator MCCAIN for their leadership, including their leadership on this very issue last year when the Defense Authorization Act was on the floor. Last year we made some improvements.

Here is the issue. According to the Veterans Affairs Administration, a full one in five female veterans at VA facilities across the country says she has had an issue with sexual assault or harassment. In 2010 the Department of Defense cited more than 3,000 reports in the military. We know that the vast majority of our soldiers are law-abiding and would not engage in this kind of behavior, but this is clearly an issue, and we have seen an increase.

I would like to again take the time to recognize Senator LEVIN and Senator MCCAIN, who last year supported the inclusion of the amendment that I introduced to preserve records of military sexual assault in the 2012 National Defense Authorization Act. Until that time, it was really a patchwork of rules for each branch of the military as far as how long those records would be preserved. Thanks to the support of every woman Senator, we were able to get this changed, and so now these records are preserved.

But there are still some additional changes that can be made. Those are the amendments that I submitted. There is a records retention amendment—and I am working with the chairman and ranking member on this issue—that once again tackles this issue. Unfortunately, not all records are being stored for 50 years, as was our agreement last year. Documents filed in a restrictive reporting setting are stored for just 5 years, and this amendment changes that.

Our second amendment, No. 3103, addresses another area of records retention, and its purpose is to target the issue of repeat offenders. As we all know, sex offenders are often repeat offenders, and what this does is target it and makes clear that only substantiated charges of sexual offenses would be preserved in the permanent personnel file of the perpetrator.

The third amendment, No. 3104, involves sexual assault reporting and expands the data the Department of Defense reports on sexual assault incidents in the military.

The fourth amendment, No. 3105, tackles one of the key precursors to sexual assault—sexual harassment.

The fifth and final amendment involves the disposition of sexual assault

cases. It makes a statement about what the U.S. policy should be regarding the disposition of sexual assault charges in the military.

All of these requests came from women in the military. My office has been working with these women. They signed up to serve. They performed their service well and honorably. In the course of their service, if they experienced an assault that could have been prevented, an assault that would not have been experienced had they not volunteered for the service, then our country owes them the basic decency of ensuring them a fair trial, fair access to health benefits, and the promise of justice. That is the goal of our amendments.

I appreciate the leadership of Senator LEVIN and Senator MCCAIN in not only working with me last year to dramatically alter this policy so these records are now preserved for 50 years but for working this year on improvements to that policy once again.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. INHOFE. Madam President, I request that the order for the quorum call be rescinded for a point of inquiry.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. It is my understanding that the chair has an amendment that is going to be considered at the present time, and my question is, Are we ready to go into that? Is the Presiding Officer going to be able to do that from up there?

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. If the Senator would yield, we thank him for noting that.

Senator HAGAN did have an opportunity last night to go into her amendment, and she was willing to do that at that time. We understood that, of course, the Senator would like an opportunity to speak against the Hagan amendment, which is the opportunity that is being provided now, and then I think it would be appropriate for someone to take Senator HAGAN's place at the Presiding Officer's position so she can speak for a few minutes in support of her amendment after the Senator has completed. If the Senator could give us an idea about how long he expects?

Mr. INHOFE. Not more than 7 or 8 minutes.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I was not here when the Presiding Officer spoke last night; however, I am familiar with the amendment that is here.

Let me share with some of the Members here. I hope they don't look at this amendment as just part of the amendment that was defeated yesterday.

We talked about biofuels. There are a lot of people here who are supportive of biofuels. I am supportive of biofuels. In fact, we are very active in Oklahoma right now in developing various biofuels. We are one of the leaders in the Nation, and we actually have a lot of plants located in my State of Oklahoma. This is not that issue. It is not whether you believe biofuels is something we are working toward in the future. We are. We all know that. This is whether we should take our very scarce defense dollars—in this case, the dollars that would otherwise go to the Department of Navy—and put them into subsidizing the private sector in building these plants.

What we are looking at now is to either retrofit or build biofuel refineries. This is interesting because right now I have a list of about 100 different biofuel plants—many of which are in my State of Oklahoma—that are not subsidized by the Federal Government, and there is no reason for these to be subsidized by the Federal Government. This is something that can be done.

If you look at the Navy and the problems they are having right now, I think people realize their operation and maintenance funds are stretched to the maximum. They have readiness problems right now. They have a higher op tempo than they have had in the past. And I think it is important for people to understand that if you keep giving away \$170 million here and more there, that is coming out of O&M. It is coming out of our readiness. Right now, if you talk to any of the higher levels in the Navy, they will say they have never been in this situation before. They have already had readiness problems over the past few years, with more than one-fifth of the ships falling short of combat readiness and fewer than half of their deployed combat aircraft being mission-ready at any given time.

I urge us to reconsider whether we should be in the business of building these plants or retrofitting them because this is something we haven't done before.

Now, Energy and Agriculture are doing it currently. Yesterday I stood on the floor and talked about how we are taking over the responsibility of the Department of Energy. We are trying to make the decisions as to how we are going to do this. Should we be developing the progress of the biofuels—which we are doing in the State of Oklahoma without any Federal Government assistance—or should we be defending America with these dollars? Now, Energy, yes, they are going to spend money on this, and the Department of Agriculture is certainly currently spending money on it, but we have not been doing it.

I understand that the Presiding Officer, who is the author of this amendment and who is from North Carolina—

and I am reading now from one of the Web sites, from a newspaper there saying that a private company backed by the U.S. Department of Agriculture will build a \$130 million biofuel refinery in Sampson County, with an estimated 300 jobs there. They talk about what they may be doing through the Department of Defense. ChemTex was awarded a \$3.9 million grant in June to convert more than 4,000 acres across 11 counties to begin producing miscanthus and switchgrass and biofuel conversions. The USDA, which is supposed to be doing this, estimates that farmers will see a net revenue increase of \$4.5 million in growing and selling grass.

I come to two conclusions on this. One is, as I just read, they are already doing it now in the State of North Carolina. They are already paying, subsidizing these plants. That is their job, to evaluate and decide whether to subsidize these biotech plants or whether that should be a function of the Department of Energy.

When we look at these—I asked my staff before this—we didn't have notice, to my knowledge—I asked my staff on the floor to tell me whether there are any of these plants currently being subsidized in any way by the Department of Defense. His answer was no, after a very cursory look.

We do have the DOE and DOA, Department of Agriculture and Energy, doing that. I hope everyone here will look at this. I will actually join the author of this amendment in encouraging the Department of Agriculture and Department of Energy to look carefully at this, as well as some of our plants in my State of Oklahoma. On this list I am going to submit as part of the RECORD, there are about 100 plants scattered throughout the country, including my State of Oklahoma. We need to look at those and evaluate those and make the determination is this a function government should perform? If so, wouldn't it be more logical to do it as we are doing it today, through the Department of Agriculture and the Department of Energy and not use our scarce readiness—in this case Navy—dollars that are desperately needed to subsidize this?

I retain the remainder of my time. I know the Senator who is offering the amendment may want to make some comments. Maybe not. But I urge my colleagues to stop and realize this is something brandnew, having the Department of Defense do a function that has heretofore been done by the Department of Agriculture and Department of Energy, and keep it that way.

When the appropriate time comes, I will ask for the yeas and nays on the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I ask unanimous consent that the next

amendment in order to be called up is the Cornyn amendment, No. 3158; that after the Cornyn amendment is reported it be in order for Senator HAGAN or designee to call up her amendment, No. 3095; that there be up to 10 minutes of debate equally divided between the chairman and ranking member or their designees prior to votes in relation to the amendments in the order offered; finally, there be no amendments in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEVIN. That means we would be voting on the amendment of Senator CORNYN first, the amendment of Senator HAGAN second.

I yield the floor.

Mr. MCCAIN. That will take approximately 30 minutes? Before the vote?

Mr. LEVIN. I think Senator CORNYN only needs about 5 minutes. We have cleared that amendment. There is support for it.

Senator HAGAN only needs, I believe, 5 minutes. That means that in about 10 minutes—

Mr. MCCAIN. Ten minutes we will be ready to vote.

Mr. LEVIN. Unless there are others who wish to speak. A couple of votes.

The PRESIDING OFFICER. The Senator from Texas.

#### AMENDMENT NO. 3158

Mr. CORNYN. Madam President, I thank the distinguished chair of the Armed Services Committee and ranking member for their work with us on this important amendment.

The Veterans' Administration defines a backlogged claim as one that has been pending for more than 125 days. Scandalously, there are 600,000-plus backlogged claims in the Veterans' Administration system and about two-thirds of all pending claims are backlogged.

There has been a lot of attention, particularly in my State and across the country, by veterans to this unacceptable situation. In my State we have currently at the Veterans' regional office in Texas a State agency called the Texas Veterans Commission that is working with both the Waco office and other field offices in Houston and elsewhere to clear these backlogs. The Texas Veterans Commission is doing outstanding work, working on a voluntary basis to help make sure veterans file fully developed claims which shortens the processing time dramatically. The goal of the Texas Veterans Commission is to reduce the backlog of VA claims in Texas by 17,000 in 1 year.

You can see from the size of the problem this is an important first step but it is only that, a first step. The purpose of my amendment is to provide this useful model across the country, to require a plan from the Veterans' Administration to deal with this backlog. I

am confident that Members will have no trouble voting for this amendment because I am sure they have heard what I have heard from my constituents about how outraged and upset they are at the current backlog of claims.

In order to capitalize on the successful model we have implemented, this amendment would require the Veterans' Administration to report to Congress with a plan to address the claims backlog through partnerships between the Veterans' Administration and other entities including State veterans affairs offices and county veterans service offices, similar to the Texas Veterans Commission operation in my State. The purpose, of course, is to eliminate the current backlog of claims and ensure that new claims are fully developed when they are submitted, all with the purpose of making sure that we keep our commitments to veterans who have made great sacrifices serving our country, that we will keep our commitments to them, that we will keep our promises once they return home having suffered the wounds of war, both seen and unseen.

I ask the support of my colleagues on this important amendment.

I ask unanimous consent to set aside all pending amendments and call up Cornyn amendment No. 3158.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 3158.

Mr. CORNYN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Secretary of Veterans Affairs to submit to Congress a plan to reduce the current backlog of veterans claims)

At the end of subtitle H of title X, add the following:

#### SEC. 1084. PLAN TO PARTNER WITH STATE AND LOCAL ENTITIES TO ADDRESS VETERANS CLAIMS BACKLOG.

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Veterans Affairs defines any claim for benefits under laws administered by the Secretary of Veterans Affairs as backlogged if the claim has been pending for 125 days or more.

(2) According to the Department, as of November 24, 2012, there were 899,540 pending claims, with 604,583 (67.2 percent) of those considered backlogged.

(3) The Department's data further shows that, on November 22, 2010, there were 749,934 claims pending, with only 244,129 (32.6 percent) of those considered backlogged.

(4) During the past two years, both the overall number of backlogged claims and the percentage of all pending claims that are backlogged have doubled.

(5) In order to reduce the claims backlog at regional offices of the Department of Veterans Affairs located in Texas, the Texas

Veterans Commission announced two initiatives on July 19, 2012, to partner with the Department of Veterans Affairs—

(A) to assist veterans whose claims are already backlogged to complete development of those claims; and

(B) to help veterans who are filing new claims to fully develop those claims prior to filing them, shortening the processing time required.

(6) The common goal of the two initiatives of the Texas Veterans Commission, called the “Texas State Strike Force Team” and the “Fully Developed Claims Team Initiative”, is to reduce the backlog of claims pending in Texas by 17,000 within one year.

(7) During the first two months of these new initiatives, the Texas Veterans Commission helped veterans complete development of more than 2,500 backlogged claims and assisted veterans with the submission of more than 800 fully developed claims.

(8) In testimony before the Subcommittee on Disability Assistance and Memorial Affairs of the Committee on Veterans’ Affairs of the House of Representatives on September 21, 2012, Diana Rubens, Deputy Under Secretary for Field Operations of the Veterans Benefits Administration, indicated that the Department of Veterans Affairs has experienced positive outcomes in projects with the Texas Veterans Commission, stating that both Veterans Service Organizations “and state and county service officers . . . are important partners in VBA’s transformation to better serve Veterans.”

(9) At the same hearing, Mr. John Limpose, director of the regional office of the Department of Veterans Affairs in Waco, Texas, testified that the “TVC is working very, very well” with regional offices of the Department in Texas, calling the Texas Veterans Commission a “very positive story that we can branch out into . . . all of our stakeholders.”

(b) REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a plan to reduce the current backlog of pending claims for benefits under laws administered by the Secretary and more efficiently process claims for such benefits in the future.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) A summary of all steps the Secretary has taken thus far to partner with non-Federal entities in support of efforts to reduce the backlog described in paragraph (1) and more efficiently process claims described in such paragraph in the future, including two previous initiatives by the Texas Veterans Commission, namely the 2008–2009 Development Assistant Pilot Project and the 2009–2011 Claims Processing Assistance Team.

(B) A plan for the Secretary to partner with non-Federal entities to support efforts to reduce such backlog and more efficiently process such claims in the future, including the following:

(i) State and local agencies relating to veterans affairs.

(ii) Organizations recognized by the Secretary for the representation of veterans under section 5902 of title 38, United States Code.

(iii) Such other relevant government and non-government entities as the Secretary considers appropriate.

(C) A description of how the Secretary intends to leverage partnerships with non-Federal entities described in subparagraph (B) to

eliminate such backlog, including through increasing the percentage of claims that are fully developed prior to submittal to the Secretary and ensuring that new claims are fully developed prior to their submittal.

(D) A description of what steps the Secretary has taken and will take—

(i) to expedite the processing of claims that are already fully developed at the time of submittal; and

(ii) to support initiatives by non-Federal entities described in subparagraph (B) to help claimants gather and submit necessary evidence for claims that were previously filed but require further development.

(E) A description of how partnerships with non-Federal entities described in subparagraph (B) will fit into the Secretary’s overall claims processing transformation plan.

Mr. CORNYN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CORNYN. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. HAGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

AMENDMENT NO. 3095

Mrs. HAGAN. I call up amendment No. 3095.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mrs. HAGAN], for herself, Mr. JOHNSON of South Dakota, Mrs. MURRAY, and Mr. UDALL of Colorado proposes an amendment numbered 3095.

The amendment is as follows:

(Purpose: To strike the prohibition on biofuel refinery construction)

Strike section 2823.

Mrs. HAGAN. Mr. President, I ask unanimous consent to add Senators Shaheen, Collins, Schumer, Stabenow, Whitehouse, Coons, Udall of New Mexico, and Tester as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HAGAN. Mr. President, I spoke about this bill last night at length. I want to give a brief summary today of this amendment.

This bipartisan amendment would remove provisions from the underlying bill that prohibit the Department of Defense from participating in a program with the Department of Agriculture and the Department of Energy and private industry to develop advanced biofuels refineries. It is a 1-to-1 match. As the largest single consumer of fuel in the world, the DOD uses approximately 120 million barrels of oil each year, spending over \$17 billion in fiscal year 2011. This dependency on a

single source of energy leaves our military readiness at risk. When the price of oil goes up \$1, it costs the Navy an additional \$30 million. We are looking at an investment here of \$170 million by the Department of the Navy. Last year alone, this additional fuel cost forced the Navy to pay an additional \$500 million more because the price of fuel was \$1 higher.

Our senior military leaders recognize the importance of diversifying the fuel supply with advanced biofuels. The Navy Secretary Mabus, Chief of Naval Operations ADM Johnathon Greenert, and Marine Corps Commandant GEN James Amos wrote to the Armed Services Committee about this.

I ask unanimous consent to have their letter printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. HAGAN. They write that:

The demand for fuel in theater means we depend on vulnerable supply lines—the protection of which puts lives at risk. Our potential adversaries, both on land and sea, understand this critical vulnerability and seek to exploit it. The Navy and Marine Corps have been aggressively evaluating how both energy efficiency and alternative sources of energy can provide tactical benefits to our expeditionary forces.

If you look back in history, the Navy’s leadership on energy innovation is nothing new. It was the Navy that shifted from sailing ships to steam-powered ships in the middle of the 19th century, steam to oil in the 20th, and pioneered nuclear power in the middle of the 20th century.

In the 1950s, the Defense Production Act, which is the same entity the Department of the Navy, Department of Energy, and Department of Agriculture are working under, played a critical role in the development of nuclear-powered submarines and the commercial nuclear power industry.

Yesterday the Senate approved Senator UDALL’s amendment having to do with the cost of fuel and being able to invest in biofuels. With strong bipartisan support this amendment passed. However, our work is not done in this area. It is critically important that we approve this amendment so the Navy can continue working with the Department of Agriculture and the Department of Energy to spur the development of advanced biofuels refineries capable of producing cost-competitive drop-in biofuels for our military.

I urge my colleagues to support this amendment and I yield the floor.

EXHIBIT 1

DEPARTMENT OF THE NAVY,  
Washington, DC, July 9, 2012.

Hon. CARL LEVIN,  
Chairman, Committee on Armed Services, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: We are concerned that certain legislative provisions adopted by the Senate Armed Services Committee

may restrict the Department of the Navy's ability to improve its exposure to the price volatility of petroleum-based fuels.

The ability to use fuels other than petroleum will increase our flexibility and reduce the services' vulnerability to rapid and unforeseen price changes, which can negatively impact readiness. A \$1 change in the price of a barrel of oil, for example, results in an approximately \$30 million change in the Navy budget. In addition to alternative fuels, operational and tactical energy efficiencies improve the endurance of our forces, reduce dependence on a vulnerable logistics tail, and in the end, lower total ownership costs. Shore energy efficiency improves the resilience of our facilities and conserves resources that can be reapplied to enhance readiness.

The demand for fuel in theater means we depend on vulnerable supply lines—the protection of which puts lives at risk. Our potential adversaries, both on land and at sea, understand this critical vulnerability and seek to exploit it. The Navy and Marine Corps have been aggressively evaluating how both energy efficiency and alternative sources of energy can provide tactical benefits to expeditionary forces by reducing their dependence on external fuel supplies, as is the case at many Combat Outposts in Helmand Province today. We are quickly incorporating these promising technologies into regular procurement.

Our military knows how to innovate in areas crucial to our national defense. GPS, the internet, and much of modern medical and surgical procedures owe their existence to military innovation. The Navy has been a leader in energy innovation, moving from wind to coal, coal to oil, and then nuclear power. Our modest investment to qualify and partner in developing alternative sources of energy such as wind, solar, and advanced biofuel, is a continuation of our long tradition of American ingenuity to provide greater energy security.

In accordance with Department of Defense Policy, the Department of the Navy is pursuing assured access to enemy with a balanced approach that includes the flexibility to use alternate sources of energy. History highlights that over-reliance on a single critical resource jeopardizes operational success and thereby degrades energy security.

We request your support in enabling the Department to pursue a judicious, balanced and diversified energy portfolio. This course of action will enhance combat capability, reduce costs and improve the security of energy supplies for our forces.

Sincerely,

JONATHAN W. GREENERT,  
*Chief of Naval Operations.*

JAMES F. AMOS,  
*Commandant of the Marine Corps.*

RAY MABUS,  
*Secretary of the Navy.*

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. With reference to the Udall amendment yesterday, I want to make sure our colleagues note this is not the Udall amendment. This is something different. This would mean for the first time we would be spending our DOD dollars, very scarce dollars—in this case the Department of the Navy—to build refineries or retrofit refineries. That has not been done before. As I said to the Senator from North

Carolina when she was presiding: This is a function that has always been performed by the Department of Energy and the Department of Agriculture. In my State of Oklahoma we have several of these refineries and potential refineries and retrofits that are needed. However, we went through the proper channels, the Department of Agriculture and the Department of Energy. So if we vote for this amendment, it will be the first time we are using our readiness dollars to do something the DOA and the DOE are supposed to be doing. That is what distinguishes the difference between the two.

Mr. JOHNSON of South Dakota. Mr. President, I come to the floor today in strong support of amendment No. 3095 offered by Senator HAGAN to strike section 2823 from the National Defense Authorization Act.

Section 2823 would severely limit the Department of Defense's ability to use alternative fuels to enhance our Nation's national security. This section would needlessly prohibit the Department of Defense from entering into a contract to plan, design, refurbish, or construct a biofuels refinery or any other facility or infrastructure used to refine biofuels unless such planning, design, refurbishment, or construction is specifically authorized by law.

Under the authorities of the Defense Production Act, DPA, the Department of Defense has created the Advanced Drop-In Biofuels Production Project. This initiative is focused on creating a public-private partnership that will provide incentives for private sector investment in cost-competitive, advanced biofuels production capability. This initiative requires at least a one-to-one cost share with private stakeholders.

In furtherance of this initiative, in August 2011, the Department of Navy, the Department of Agriculture and the Department of Energy signed a memorandum of understanding to invest \$510 million, equally shared among them, for investments in the joint construction or retrofitting of plants and refineries to produce advanced biofuels. Now is not the time to prevent this important program from continuing. Before this project can be finalized, the President has to determine that this is essential to the national defense. Only then will it go forward. I am confident that this requirement in the DPA will ensure that only the most important projects for our national security will go forward.

As chairman of the Banking Committee, which has jurisdiction over the DPA, I believe it is misguided to limit the authority of the Defense Department to continue with this project. As the largest single customer of oil in the world, the Department of Defense spent \$17 billion in fiscal year 2011 on fuel. This dependency on a single source of energy forces the Department of De-

fense to reallocate funding from other critical needs when oil prices spike. An increase of \$1.00 in the price of oil costs the Department of Defense over \$100 million. Last year alone, spikes in oil prices required the Navy to pay an additional \$500 million on higher fuel costs.

The renewable fuels industry has played an important role in addressing our energy needs. Unfortunately, section 2823 would hinder our Nation's ability to promote renewable energy sources within our country. By striking this provision, we will allow the Defense Department to retain its authority to take essential steps to diversify the energy sources available to our military. I believe that energy security is an essential part of national security.

I thank Senator HAGAN for offering this amendment. I urge all my colleagues to support this important amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

#### AMENDMENT NO. 3158

Under the previous order, the question is on agreeing to amendment No. 3158 offered by the Senator from Texas, Mr. CORNYN.

The Senator from Michigan.

Mr. LEVIN. Between the first and second votes we are having now, we will have an announcement as to the next part of this roadmap. I hope all Senators who wish amendments to be considered will come between and during these votes to Senator MCCAIN and myself and our staffs to discuss other amendments which are out there and which there is interest in pursuing.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. DEMINT), and the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER (Mr. BENNET). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 208 Leg.]

#### YEAS—95

Akaka	Boxer	Cochran
Alexander	Brown (MA)	Collins
Ayotte	Brown (OH)	Conrad
Barrasso	Burr	Coons
Baucus	Cantwell	Corker
Begich	Cardin	Cornyn
Bennet	Carper	Crapo
Bingaman	Casey	Durbin
Blumenthal	Chambliss	Enzi
Blunt	Coats	Feinstein
Boozman	Coburn	Franken

Gillibrand	Lee	Roberts
Graham	Levin	Rockefeller
Grassley	Lieberman	Rubio
Hagan	Lugar	Sanders
Harkin	Manchin	Schumer
Hatch	McCain	Sessions
Hoeven	McConnell	Shaheen
Hutchison	Menendez	Shelby
Inhofe	Merkley	Snowe
Inouye	Mikulski	Stabenow
Isakson	Moran	Tester
Johanns	Murkowski	Thune
Johnson (SD)	Murray	Toomey
Johnson (WI)	Nelson (NE)	Udall (CO)
Kerry	Nelson (FL)	Udall (NM)
Klobuchar	Paul	Vitter
Kohl	Portman	Warner
Kyl	Pryor	Webb
Landrieu	Reed	Whitehouse
Lautenberg	Reid	Wicker
Leahy	Risch	

## NOT VOTING—5

DeMint	Kirk	Wyden
Heller	McCaskill	

The amendment (No. 3158) was agreed to.

Mr. WHITEHOUSE. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, members of the Armed Services Committee, immediately after you vote on this second vote, please, we are trying to clear nominations in the hallway, so stay around for a couple minutes, members of the Armed Services Committee.

Secondly, I know the leader was going to make this statement, but he had to leave for a minute, so I will make it for him. We are planning on staying late tonight, and everyone can expect to be here tomorrow. We are going to have votes tomorrow unless we somehow or other finish this bill tonight. The leader would have said that if he were here, so I am saying it for him.

Next, after this vote, I ask unanimous consent that Senator BAUCUS be recognized for 10 minutes to speak on amendments we have either adopted or are going to adopt.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Then we will line up some additional amendments. There are two we can line up now. I thought it was going to be four, but it can only be two at the moment that we would take up immediately after Senator BAUCUS speaks.

I ask unanimous consent, Mr. President, that following Senator BAUCUS's remarks we then turn to Senator MERKLEY, who will call up amendment No. 3096 on Afghanistan, and following him Senator PORTMAN, who will call up amendment No. 2995, and I do not have the subject of that amendment. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we will try to get time agreements on those

two amendments. In the meantime we are continuing to work through amendments. We are going to have more cleared amendments. We are going to get to the detention issue today. We are going to try to get to all of the issues people want to raise today so we can finish by the end of the day tomorrow. We have assured everyone who is interested in the detention issue that we will be getting to that later this afternoon.

## VOTE ON AMENDMENT NO. 3095

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3095 offered by the Senator from North Carolina.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL), the Senator from Oregon (Mr. WYDEN) and are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from Nevada (Mr. HELLER), and the Senator from South Carolina (Mr. DEMINT).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

## [Rollcall Vote No. 209 Leg.]

## YEAS—54

Akaka	Gillibrand	Merkley
Baucus	Grassley	Mikulski
Begich	Hagan	Murray
Bennet	Harkin	Nelson (NE)
Bingaman	Inouye	Nelson (FL)
Blumenthal	Johanns	Pryor
Boxer	Johnson (SD)	Reed
Brown (OH)	Kerry	Reid
Cantwell	Klobuchar	Rockefeller
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Lautenberg	Shaheen
Collins	Leahy	Stabenow
Conrad	Levin	Tester
Cooms	Lieberman	Udall (CO)
Durbin	Lugar	Udall (NM)
Feinstein	Manchin	Warner
Franken	Menendez	Whitehouse

## NAYS—41

Alexander	Enzi	Paul
Ayotte	Graham	Portman
Barrasso	Hatch	Risch
Blunt	Hoeven	Roberts
Boozman	Hutchison	Rubio
Brown (MA)	Inhofe	Sessions
Burr	Isakson	Shelby
Chambliss	Johnson (WI)	Snowe
Coats	Kyl	Thune
Coburn	Lee	Toomey
Cochran	McCain	Vitter
Corker	McConnell	Webb
Cornyn	Moran	Wicker
Crapo	Murkowski	

## NOT VOTING—5

DeMint	Kirk	Wyden
Heller	McCaskill	

The amendment (No. 3095) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to modify the consent agreement that the Senators from New Hampshire, Ms. AYOTTE and Mrs. SHAHEEN, have 15 minutes equally divided following the remarks of Senator BAUCUS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. I wish to take a moment to shine the light on a dark topic in my home State of Montana.

On Sunday I read something that hit me in the gut. The Billings Gazette reported that during 2010 at least 210 Montanans committed suicide. That is according to the Montana Department of Health and Human Services. That was 2010. In 2011 that number was 225. Another 5,600 Montanans attempted to kill themselves last year. That is a startling average of about 15 per day. In a State with roughly 1 million residents, that is nearly twice the national average.

We in Montana have a saying that I think is quite accurate. Montana is really one big small town. We know each other, only about 1 or 2 degrees of separation. You know what. If you ask if we know Uncle Joe, we all know each other. We know somebody who knows someone very close to us. We know each other's families.

These numbers are devastating. Among the victims of suicide in Montana are children, parents, neighbors, friends, and sadly many are also our military veterans who return home only to be held behind an invisible enemy line known as PTSD.

In Montana, we are a proud home to more veterans than nearly any other State per capita. We also had more Montanans volunteer for service after 9/11 than anywhere else in the country per capita. There are nearly 300 Montanans serving in Afghanistan today. We are proud of these men and women, and we are grateful. We take our responsibility to honor them very seriously. So the statistics are all the more alarming. They are very important.

In 2011 a report from the Center for a New American Security found that from 2005 to 2010, all across the country a servicemember took his or her life almost every 36 hours.

Matt Kuntz, the executive director of the Montana chapter of the National Alliance of Mental Illness, has described Montana's suicide epidemic as a public health crisis. Matt knows all too well that behind each and every one of those numbers is a family and community devastated by the loss. Matt is a veteran himself. In 2007 he lost his stepbrother, an Iraq war veteran. I know Matt, and I knew his stepbrother. He lost his stepbrother to suicide. His stepbrother was so scared, so



frightened to go back to Iraq after serving three or four tours of duty. He knew—he said to Matt: If I go back, I know I am going to die. So many of my friends and buddies have died. I know if I go back, I am going to die too.

That caused him to be very depressed, and it caused his suicide. So my friend Matt took action. He dedicated himself to raising awareness. Largely because of Matt's dedication, the Montana National Guard led the way with a successful pilot program to increase screening of veterans both before and after deployment. That is natural in Montana because, as I said earlier, we are really one big small town. We know each other, we want to take action, and we want to get results.

I was proud to champion particularly the 2010 Defense authorization bill that took the Montana National Guard model, which we developed in Montana. With the DOD Defense bill, it is now implemented nationwide. Now every branch of the military has implemented screenings. We started screening before kids go over, as soon as they come back, 6 weeks later after they are back, another 6 months later after they are back, just continually screening, personal screenings. Thousands of health care providers have been trained under this legislation and, most importantly, thousands of servicemembers are now getting personal and private one-on-one attention from a trained health care provider.

There is still a lot more to be done, and I am proud we took steps to advance the ball yesterday by passing the Mental Health ACCESS Act as an amendment to the current bill. I applaud Senator MURRAY for her work on the measure, and I am proud to be a cosponsor. This provision creates comprehensive standardized suicide prevention within the DOD. It expands eligibility for VA mental health services to family members of veterans. It creates more peer-to-peer counseling opportunities, and it requires the VA to establish accurate, reliable measures for mental health services.

When duty calls, we in Montana answer proudly. This is about taking care of these men and women just as they have taken care of us. These people put their lives on the line in the name of our State, our country, and our freedom. We have a responsibility to try to do all we can to help them return to their families and live a reasonable, healthful life back at home. Too many Montanans are suffering in silence, as in other parts of the country.

Thank you for the opportunity to bring a voice to this important cause. Thank you, Matt, and thank you all for taking action in the Senate to further our efforts to give servicemembers and veterans the care and support they deserve.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### REMEMBERING WARREN B. RUDMAN

Mrs. SHAHEEN. Mr. President, I am pleased to come to the floor today, along with my colleague from New Hampshire, Senator AYOTTE, to honor the life and service of a distinguished former Member of this Senate and a proud son of New Hampshire, Warren B. Rudman.

Senator Rudman was widely and deservedly hailed in both life and now in his death as a public servant who reached across party lines to get the job done for his country and his State. Warren Rudman didn't do this out of weakness, he acted so because of the strength and courage that marked his entire life. An Army combat veteran of the Korean conflict, Warren Rudman earned a Bronze Star Medal. He was an amateur boxer. As the attorney general for the State of New Hampshire, he was a ferocious prosecutor. His memoir was aptly entitled "Combat."

As a Senator, Warren Rudman relished taking on big battles. In the 1980s, he joined with Senators Fritz Hollings and Phil Gramm to tackle deficits. If the Gramm-Rudman-Hollings Act had been followed by subsequent Congresses, we would not be struggling today to reduce massive deficits.

He didn't shrink from holding a President of his own party accountable either, when he served on the congressional panel investigating the Iran Contra affair. Nor was he reluctant to hold his fellow Senators accountable when he chaired the Senate Ethics Committee.

Warren Rudman's public service did not end after he left the Senate. Most notably, he cochaired with another former Senator, Gary Hart, a national security commission that correctly predicted a terrorist attack within America's borders.

Warren Rudman was always blunt and outspoken. During the Iran Contra hearings he said to Oliver North:

The American people have the constitutional right to be wrong. And what Ronald Reagan thinks or Oliver North thinks or what I think or what anybody else thinks matters not a whit.

He said he left the Senate because Congress was "stuck in the mud of strident partisanship, excessive ideology, never-ending campaigns." That was how he saw Congress 20 years ago. Ob-

viously, he was very aware of what was happening in this body.

But it was his more quiet work that Warren Rudman was most proud of. His greatest achievement, he said, was his behind-the-scenes efforts to get David Souter, another son of New Hampshire, nominated to serve on the Supreme Court.

Sometimes forgotten is Senator Rudman's authorship and successful push to enact the Small Business Innovation Research Program, which to this day still enables small businesses to compete for Federal research and development awards.

Warren B. Rudman lived a long and full life. His service graced the Senate, and to the end he had New Hampshire granite in his veins.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I join my colleague from New Hampshire, Senator SHAHEEN, in paying tribute to and honoring the life and legacy of Warren Rudman. Warren Rudman was a Senator from New Hampshire whose intellect, courage, and conviction brought great honor to this institution.

Warren Rudman embodied the very best of New Hampshire: frugal, fiercely independent, and totally committed to the common good. He didn't aspire to be a politician, but when he saw his country was headed in the wrong direction, he stepped up to serve, and his focus was always doing the right thing for our country and the people of New Hampshire.

It wasn't the first time Warren Rudman had been called to duty. He had already distinguished himself in the U.S. Army, serving as a combat platoon leader and company commander during the Korean War. It was there that he saw the horrors of war and became convinced of the need for American military supremacy and strength. For his brave service he was presented the Bronze Star.

Following his return home, Warren Rudman settled in Nashua, his hometown—also my hometown—where he raised his family. After completing law school, Warren entered private practice, where he remained until he was called to serve once again—only this time he was recruited to bring his energy and ideas to New Hampshire State government. Warren quickly proved himself as Governor Peterson's chief of staff. Then, at age 39, he was appointed to serve as New Hampshire's attorney general.

I am very proud to have also served as New Hampshire's attorney general. In my view, Warren Rudman is probably the greatest attorney general to serve in New Hampshire's history. He modernized the office of the attorney general to meet the needs of a changing State. He was a tough-on-crime attorney general who personally tried criminal cases.



Warren Rudman earned a reputation for standing firm on principle even when it wasn't popular. It was perfect practice for the battles he would later fight in Washington on behalf of the people of this country.

Warren ran for the Senate in 1980 because the issues he cared about were being neglected. He believed in a strong national defense and he saw the Nation's fiscal situation careening dangerously off course. He was worried about the threat that presented to our country's future.

As a first-term Senator, Warren Rudman truly made his mark, and that is certainly not easy to do. But it showed his character, his leadership, and his persistence because Warren Rudman's name will forever be linked with his landmark effort to rein in Federal spending. The Gramm-Rudman legislation was born of the bold idea the Federal Government shouldn't spend beyond its means. When it was signed into law, annual deficits were \$200 billion. Imagine how much better off we would be if we had heeded Warren Rudman's warnings and truly followed through on the work he did in this body.

Warren's zeal for responsible government went beyond reducing spending. As a former prosecutor, he was seen by his colleagues as someone who was committed to fairness, truth, and independence. When the Iran Contra scandal erupted in 1986, the Senate moved to investigate and Warren Rudman was selected to serve as the committee's top Republican. At the outset, he made one thing clear, and that always guided Warren Rudman in everything he did. This is what he said:

"I consider myself an American first and a Republican second."

That was a commitment he kept, helping to lead a nonpartisan inquiry that pursued the facts. He saw himself as asking tough questions on behalf of the American people and he expected answers. With the Nation in turmoil, Warren Rudman stood firm for the rule of law. His rigorous commitment to uncovering the truth brought credit to this body and great pride to the people of New Hampshire.

Of course, representing their interests was always Warren Rudman's true passion. Warren Rudman had New Hampshire in his blood and he brought New Hampshire common sense to Capitol Hill. While Warren was at the center of some of the most consequential debates in Washington, he always put his constituents first. In fact, legislation he authored to help small businesses continues to benefit entrepreneurs to this day in the Granite State.

Shortly after arriving in the Senate, the first bill he introduced on behalf of the State of New Hampshire and our country was a bill called the Small Business Innovation Research Act,

which was aimed at bolstering small high-tech companies in New Hampshire and across the Nation. To this day, the SBIR Program continues to help small defense and technology companies through competitive grants, and it has been a very important program. That was the idea of Warren Rudman the day he came to the Senate, which is so impressive, and Senator SHAHEEN and I have proudly worked together across party lines to make sure this important program continues to be effective.

Warren Rudman will be remembered as a statesman, someone who loved his country and wanted to make it better. In bidding farewell to the Senate in 1992, he expressed gratitude for the opportunity to serve with such talented colleagues in this esteemed body. He also expressed his hopes for the future of this body, and this is what he said: "It is a very special place, with very special people, and I hope in the coming years the institution can coalesce to bring those talents together in a bipartisan way to do what is good for America."

As our country continues to face great challenges, may all of us remain mindful of Warren Rudman's wise words and the powerful example he set for this body. Granite Staters throughout all New Hampshire mourn his loss, but we will never forget his legacy as an esteemed representative of the people of New Hampshire and someone who always put America first.

Mr. LEAHY. It was a pleasure and an honor for this Senator to serve side by side with the late Senator from New Hampshire, Warren Rudman.

As we in New England knew and, of course, as the people of New Hampshire, and we neighbors in Vermont, especially knew—he was a skilled and accomplished legislator. He was a credit to this body. He was a catalyst for reform. He always kept his word. What was most important to me personally is that he was a good and close friend. We traveled together, we worked together, and we never let our different political parties get in the way of doing things that helped our part of the country or our country at large.

I think he was shaped by his experience as well as by his Yankee origins. An Army combat infantry commander, he saw much action during the Korean conflict before coming to the Senate. He had been a widely respected attorney general from New Hampshire.

Senator Rudman embodied the characteristics that many of us call the old school of Senate values. We served together on the Appropriations Committee. We often worked together on national issues, as well as on behalf of our two adjoining States. As I said earlier, I quickly learned that when Warren Rudman gave his word, you could count on it.

He served during a time when Senators would readily put aside party af-

filiations to work together. When progress required compromise, as it usually does, he was able to help chart the way forward to accommodate different viewpoints and interests. Regrettably, that kind of bipartisanship at this point in the Senate's history is too rare, and I think we have to work to recapture it.

In the can-do Yankee spirit, he took on difficult challenges and stuck with them. From national security and foreign affairs to budget policy, he dug into pressing and often prickly issues, and he made a difference.

Well after his retirement from this body—a voluntary retirement—he continued to serve the country he loved so deeply. Well before the attacks on our Nation of September 11, 2001, he and former Senator Gary Hart headed a national advisory panel investigating the threat of international terrorism. The sobering conclusions they reached about our susceptibility to terrorist attacks were prescient, but largely forgotten, until 9/11.

When I was asked to serve on the advisory board of the Warren B. Rudman Center for Justice, Leadership and Public Policy at the University of New Hampshire, of course I was pleased to accept. His legacy will be reflected well at the Rudman Center, just as his legacy of service and accomplishment will continue to be reflected and appreciated in this body.

Madam President, as I say this, it seems perfectly fitting that the distinguished senior Senator from New Hampshire is presiding: The Senate, and the Nation, are better for Warren Rudman's service.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2013—Continued

AMENDMENT NO. 3096, AS MODIFIED

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent to call up Merkley amendment No. 3096, as modified.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. MERKLEY], for himself, Mr. PAUL, and Mr. MANCHIN, proposes an amendment numbered 3096, as modified.

Mr. MERKLEY. I ask unanimous consent that further reading of the amendment be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3096), as modified, is as follows:

At the end of subtitle B of title XII, add the following:

**SEC. 1221. COMPLETION OF ACCELERATED TRANSITION OF UNITED STATES COMBAT AND MILITARY AND SECURITY OPERATIONS TO THE GOVERNMENT OF AFGHANISTAN.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the President should, in coordination with the Government of Afghanistan, North Atlantic Treaty Organization (NATO) member countries, and other allies in Afghanistan, seek to—

(1) undertake all appropriate activities to accomplish the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-summer 2013;

(2) as part of accomplishing this transition of the lead responsibility for security to the Government of Afghanistan, draw down United States troops to a level sufficient to meet this goal;

(3) as previously announced by the President, continue to draw down United States troop levels at a steady pace through the end of 2014; and

(4) end all regular combat operations by United States troops by not later than December 31, 2014, and take all possible steps to end such operations at the earliest date consistent with a safe and orderly draw down of United States troops in Afghanistan.

(b) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to recommend or support any limitation or prohibition on any authority of the President—

(1) to modify the military strategy, tactics, and operations of United States Armed Forces as such Armed Forces redeploy from Afghanistan;

(2) to authorize United States forces in Afghanistan to defend themselves whenever they may be threatened;

(3) to attack Al Qaeda forces wherever such forces are located;

(4) to provide financial support and equipment to the Government of Afghanistan for the training and supply of Afghanistan military and security forces; or

(5) to gather, provide, and share intelligence with United States allies operating in Afghanistan and Pakistan.

Mr. MERKLEY. Mr. President, I am pleased to be able to present this amendment in this Chamber. I appreciate that my lead cosponsor RAND PAUL and nine other Senators have signed on to sponsor this amendment.

This amendment is designed to help draw down the war in Afghanistan in a timely and responsible manner. It is time to bring home our sons and daughters, our brothers and sisters, our husbands and our wives as quickly and as safely as possible and put an end to America's longest war.

We went to Afghanistan with two objectives: destroy al-Qaida training camps and hunt down those responsible for 9/11. Our capable American troops and NATO partners have accomplished those goals. Afghanistan is no longer, and has not been for years, an important hub for al-Qaida activity. Al-Qaida has robust operations in a number of nations around the world, including Yemen and Somalia, but not in Afghanistan.

American forces have also accomplished the second objective: capturing or killing those who attacked America on 9/11. So it is time to put an end to this war.

Simply put, we are currently in the midst of a nation-building strategy that is not working. It simply makes no sense to have nearly 70,000 troops on the ground in Afghanistan when the biggest terrorist threats are elsewhere.

Our President recognizes this fact and has committed to a steady course of drawing down troop levels and handing over security responsibilities to the Government of Afghanistan. In contrast, the House-passed version of this bill calls for keeping at least 68,000 troops in Afghanistan through the end of 2014.

Let me give some details about what this short amendment does. It is a sense of Congress resolution that the President should undertake all appropriate activities to accomplish his stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by midsummer 2013.

This is the President's goal, and our team has been working to make this happen; second, as a part of accomplishing this transition of lead responsibility for security to the Government of Afghanistan, drive down United States troops to a level sufficient to meet this goal.

Third, as previously announced by the President, continue to draw down U.S. troop levels at a steady pace through the end of 2014; and, very importantly, end all regular combat operations by the U.S. troops by not later than December 31, 2014, and take all possible steps to end such operations earlier if it can be done in a manner consistent with a safe and orderly drawdown of U.S. troops.

This amendment very clearly sets out that it is not to be construed that we are recommending or supporting any limitation or prohibition on any authority of the President to modify the military strategy, tactics, and operations of the U.S. Armed Forces as such Armed Forces redeploy from Afghanistan. It also clearly notes that we are not interfering in any way with the ability of the United States to authorize forces in Afghanistan to defend themselves whenever they may be threatened or to attack al-Qaida forces wherever such forces are located. Moreover, we are not limiting in any way the provision of financial support and equipment to the Government of Afghanistan for the training and supply of Afghan military and security forces, nor are we interfering with the gathering of intelligence.

Essentially, the amendment boils down to this: Mr. President, you have laid out a course to end this war, and we support you in this effort and encourage you to continue this effort and, if conditions allow, to accelerate the pace.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I have looked at the amendment by the Sen-

ator from Oregon. He has made some modifications that I think are appropriate, and this side has no objection. I understand, however, that he will insist on a recorded vote, which is his right. But I see at this time no objection to the amendment as he describes it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I appreciate the partnership of my colleague from Arizona.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PORTMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**AMENDMENT NO. 2995**

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending measure be set aside, and I call up amendment No. 2995.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Ohio [Mr. PORTMAN] proposes an amendment numbered 2995.

Mr. PORTMAN. Mr. President, I ask that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To enhance authorities relating to the admission of defense industry civilians to certain Department of Defense educational institutions and programs)

At the end of subtitle E of title X, add the following:

**SEC. 1048. ENHANCEMENT OF AUTHORITIES ON ADMISSION OF DEFENSE INDUSTRY CIVILIANS TO CERTAIN DEPARTMENT OF DEFENSE EDUCATIONAL INSTITUTIONS AND PROGRAMS.**

(a) **NAVY DEFENSE PRODUCT DEVELOPMENT PROGRAM.**—Section 7049(a) of title 10, United States Code, is amended—

(1) in the second sentence, by inserting “or professional continuing education certificate” after “master's degree”;

(2) in the third sentence, by striking “125 such defense industry employees” and inserting “250 such defense industry employees”; and

(3) in the last sentence, by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

(b) **UNITED STATES AIR FORCE INSTITUTE OF TECHNOLOGY.**—Section 9314a(a) of such title is amended—

(1) in paragraph (1), by inserting “or professional continuing education certificate” after “graduate degree”;

(2) in paragraph (2), by striking “125 defense industry employees” and inserting “250 defense industry employees”; and

(3) in paragraph (3), by inserting before the period at the end the following: “or an appropriate professional continuing education certificate, as applicable”.

Mr. PORTMAN. Mr. President, this amendment is intended to expand the

opportunities for defense industry employees to attend or participate in Department of Defense educational institutions and programs.

Specifically, the amendment will broaden the existing statute that authorizes defense industry employees to obtain a master's degree at Defense Department schools, such as the Naval Postgraduate School, by also allowing them to obtain professional continuing educational certification.

Having key members of the defense industry exposed to the unique courses offered at these institutions is a win-win for the Federal Government. The industry pays the tuition and covers all costs associated with their attendance, and in the process our defense industry partners gain greater expertise in the military application of engineering and science, as well as acquisition and program management expertise.

Again, I believe this is a win-win for the government, and I ask for a voice vote of the pending amendment.

The PRESIDING OFFICER. The Senator will suspend.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I don't know of any further debate on this side on the Portman amendment. We support it, and we have no objection to it going to a voice vote at this time.

The PRESIDING OFFICER. Is there further debate on the amendment?

The question is on agreeing to the amendment.

The amendment (No. 2995) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. McCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. AYOTTE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. (Mr. SANDERS). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2948, 2962, 2971, 2986, 2989, 3085, NO. 3110, 3166, 2981 EN BLOC

Mr. LEVIN. Mr. President, I wish now to call up a list of nine amendments, which have been cleared by myself and the ranking member, by Senator McCAIN: Webb amendment No. 2948, Sessions amendment No. 2962, Inhofe amendment No. 2971, Casey amendment No. 2986, Murray amendment No. 2989, Vitter amendment No. 3085, Coburn amendment No. 3110, Manchin amendment No. 3166, and Boxer amendment No. 2981. I believe they have been cleared on the Republican side.

Mr. McCAIN. I have no objection.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 2948

(Purpose: To extend the authority to provide a temporary increase in rates of basic allowance for housing under certain circumstances)

At the end of subtitle A of title VI, add the following:

**SEC. 602. EXTENSION OF AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING UNDER CERTAIN CIRCUMSTANCES.**

Section 403(b)(7)(E) of title 37, United States Code, is amended by striking "December 31, 2012" and inserting "December 31, 2013".

#### AMENDMENT NO. 2962

(Purpose: To express the sense of Congress on the submittal to Congress of the homeland defense hedging policy and strategy of the Secretary of Defense)

At the end of C subtitle of title II, add the following:

**SEC. 238. SENSE OF CONGRESS ON THE SUBMITTAL TO CONGRESS OF THE HOMELAND DEFENSE HEDGING POLICY AND STRATEGY REPORT OF THE SECRETARY OF DEFENSE.**

(a) FINDINGS.—Congress makes the following findings:

(1) Section 233 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1340) requires a homeland defense hedging policy and strategy report from the Secretary of Defense.

(2) The report was required to be submitted not later than 75 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2012, namely by March 16, 2012.

(3) The Secretary of Defense has not yet submitted the report as required.

(4) In March 2012, General Charles Jacoby, Jr., Commander of the United States Northern Command, the combatant command responsible for operation of the Ground-based Midcourse Defense system to defend the homeland against ballistic missile threats, testified before Congress that "I am confident in my ability to successfully defend

the homeland from the current set of limited long-range ballistic missile threats", and that "[a]gainst current threats from the Middle East, I am confident we are well postured".

(5) Phase 4 of the European Phased Adaptive Approach (EPAA) is intended to augment the currently deployed homeland defense capability of the Ground-based Midcourse Defense system against a potential future Iranian long-range missile threat by deploying an additional layer of forward-deployed interceptors in Europe in the 2020 timeframe.

(6) The Director of National Intelligence, James Clapper, has testified to Congress that, although the intelligence community does "not know if Iran will eventually decide to build nuclear weapons", it judges "that Iran would likely choose missile delivery as its preferred method of delivering a nuclear weapon". He also testified that "Iran already has the largest inventory of ballistic missiles in the Middle East, and it is expanding the scale, reach, and sophistication of its ballistic missile forces, many of which are inherently capable of carrying a nuclear payload".

(7) The 2012 Annual Report to Congress on the Military Power of Iran by the Department of Defense states that, in addition to increasing its missile inventories, "Iran has boosted the lethality and effectiveness of its existing missile systems with accuracy improvements and new submunitions payloads", and that it continues to develop missiles that can strike Israel and Eastern Europe. It also states that "Iran has launched multistage space launch vehicles that could serve as a testbed for developing long-range ballistic missiles technologies", and that "[w]ith sufficient foreign assistance, Iran may be technically capable of flight-testing an intercontinental ballistic missile by 2015".

(8) Despite the failure of its April 2012 satellite launch attempt, North Korea warned the United States in October 2012 that the United States mainland is within range of its missiles.

(9) The threat of limited ballistic missile attack against the United States homeland from countries such as North Korea and Iran is increasing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the homeland defense hedging policy and strategy report required by section 233 of the National Defense Authorization Act for Fiscal Year 2012 is necessary to inform Congress on options to protect the United States homeland against the evolving ballistic missile threat, including potential options prior to the deployment of Phase 4 of the European Phased Adaptive Approach to missile defense; and

(2) the Secretary of Defense should comply with the requirements of section 233 of the National Defense Authorization Act for Fiscal Year 2012 by submitting the homeland defense hedging policy and strategy report to Congress.

#### AMENDMENT NO. 2971

(Purpose: To express the sense of the Senate on the protection of Department of Defense airfields, training airspace, and air training routes)

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF THE SENATE ON PROTECTION OF DEPARTMENT OF DEFENSE AIRFIELDS, TRAINING AIRSPACE, AND AIR TRAINING ROUTES.**

It is the sense of the Senate that—

(1) Department of Defense airfields, training airspace, and air training routes are national treasures that must be protected from encroachment;

(2) placement or emplacement of obstructions near or on Department of Defense airfields, training airspace, or air training routes has the potential of increasing risk to military aircraft and personnel as well as impacting training and readiness; and

(3) the Department of Defense should develop comprehensive rules and regulations to address construction and use of land in close proximity to Department of Defense airfields, training areas, or air training routes to ensure compatibility with military aircraft operations.

#### AMENDMENT NO. 2986

(Purpose: To require contractors to notify small business concerns that they have included in offers relating to contracts let by Federal agencies)

At the end of subtitle E of title VIII, add the following:

#### SEC. \_\_\_\_ . SUBCONTRACTOR NOTIFICATIONS.

Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended by adding at the end the following:

“(13) NOTIFICATION REQUIREMENT.—An offeror with respect to a contract let by a Federal agency that is to be awarded pursuant to the negotiated method of procurement that intends to identify a small business concern as a potential subcontractor in the offer relating to the contract shall notify the small business concern that the offeror intends to identify the small business concern as a potential subcontractor in the offer.

“(14) REPORTING BY SUBCONTRACTORS.—The Administrator shall establish a reporting mechanism that allows a subcontractor to report fraudulent activity by a contractor with respect to a subcontracting plan submitted to a procurement authority under paragraph (4)(B).”

#### AMENDMENT NO. 2989

(Purpose: To extend the authority of the Secretary of Veterans Affairs and the Secretary of Labor to carry out a program of referral and counseling services to veterans at risk of homelessness who are transitioning from certain institutions)

At the end of subtitle H of title X, add the following:

#### SEC. 1084. EXTENSION OF AUTHORITIES TO CARRY OUT A PROGRAM OF REFERRAL AND COUNSELING SERVICES TO VETERANS AT RISK OF HOMELESSNESS WHO ARE TRANSITIONING FROM CERTAIN INSTITUTIONS.

Section 2023(d) of title 38, United States Code, is amended by striking “September 30, 2012” and inserting “September 30, 2013”.

#### AMENDMENT NO. 3085

(Purpose: To require additional elements in the plan on the rationalization of cyber networks and cyber personnel of the Department of Defense)

On page 306, between lines 2 and 3, insert the following:

(3) ADDITIONAL ELEMENTS.—In developing the plan required by paragraph (1), the Secretary shall also—

(A) identify targets for the number of personnel to be reassigned to tasks related to offensive cyber operations, and the rate at which such personnel shall be added to the workforce for such tasks; and

(B) identify targets for use of National Guard personnel to support cyber workforce rationalization and the actions taken under subsection (a).

#### AMENDMENT NO. 3110

(Purpose: To require a report on the balances carried forward by the Department of Defense at the end of fiscal year 2012)

At the end of subtitle A of title X, add the following:

#### SEC. 1005. REPORT ON BALANCES CARRIED FORWARD BY THE DEPARTMENT OF DEFENSE AT THE END OF FISCAL YEAR 2012.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress, and publish on the Internet website of the Department of Defense available to the public, the following:

(1) The total dollar amount of all balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(2) The total dollar amount of all unobligated balances carried forward by the Department of Defense at the end of fiscal year 2012 by account.

(3) The total dollar amount of any balances (both obligated and unobligated) that have been carried forward by the Department of Defense for five years or more as of the end of fiscal year 2012 by account.

#### AMENDMENT NO. 3166

(Purpose: To require a report on the future of family support programs of the Department of Defense)

At the end of subtitle G of title V, add the following:

#### SEC. 577. REPORT ON FUTURE OF FAMILY SUPPORT PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the anticipated future of the family support programs of the Department of Defense during the five-year period beginning on the date of the submittal of the report as end strengths for the Armed Forces are reduced and the Armed Forces are drawn down from combat operations in Afghanistan.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the current family support programs of each of the Armed Forces and the Department of Defense, including the name, scope and intended purpose of each program.

(2) An assessment of the current costs of the family support programs covered by paragraph (1), and an estimate of the costs of anticipated family support programs of the Department over the period covered by the report.

(3) An assessment of the costs and other consequences associated with the elimination or reduction of any current family support programs of the Department over the period covered by the report.

(4) An assessment by the Secretary of the Army of the Family Readiness Support Assistant program, and a description of any planned or anticipated changes to that program over the period covered by the report.

#### AMENDMENT NO. 2981

(Purpose: To prohibit the issuance of a waiver for commissioning or enlistment in the Armed Forces for any individual convicted of a felony sexual offense)

At the end of subtitle C of title V, add the following:

#### SEC. 526. PROHIBITION ON WAIVER FOR COMMISSIONING OR ENLISTMENT IN THE ARMED FORCES FOR ANY INDIVIDUAL CONVICTED OF A FELONY SEXUAL OFFENSE.

An individual may not be provided a waiver for commissioning or enlistment in the Armed Forces if the individual has been convicted under Federal or State law of a felony offense of any of the following:

- (1) Rape.
- (2) Sexual abuse.
- (3) Sexual assault.
- (4) Incest.
- (5) Any other sexual offense.

Mr. MCCAIN. Mr. President, I thank my colleague.

By the way, did we move to reconsider?

I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN. Mr. President, briefly I was just going over the list of amendments that have been filed. I urge my colleagues who want those amendments considered to come over and state their intention and we will move forward with the amendments. I keep hearing from my staff this Senator is not ready yet, that Senator is not ready yet. I hope they come over, we get these amendments in order and we will dispose of them as soon as possible since we are looking at a rather late evening this evening, and even tomorrow.

We need to move these amendments. I hope my colleagues will cooperate by coming over prepared to offer those amendments.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. The Senator from West Virginia wishes now to speak on the Merkley amendment. Then it is our intention to move to a vote on the Merkley amendment.

#### AMENDMENT NO. 3096

Amendment No. 3096 would express the Sense of Congress in support of the President's stated goals for transitioning the security lead to the Afghanistan and end the U.S. combat mission in Afghanistan by no later than December 31, 2014. The Sense of Congress supports the goals of: Accomplishing the President's stated goal of transitioning the lead responsibility for security to the Government of Afghanistan by mid-2013; as part of that transition, drawing down U.S. troops to the minimum level required to meet that goal; continuing the drawdown of U.S. troop levels at a steady pace through the end of 2014; and ending “all regular combat operations” by U.S. troops by not later than the end of 2014, and earlier to the extent consistent with a safe and orderly drawdown of U.S. troops in Afghanistan.

The Merkley amendment is consistent with President's plans for drawing down U.S. troops in Afghanistan, and it is consistent with our best

chances for success in securing Afghanistan.

It expresses this body's support for the President's transition goals which include the handover to Afghan security forces of primary responsibility for security throughout Afghanistan by mid-2013 and the completion of the security transition process by the end of 2014.

Transitioning to Afghan forces in the lead is the roadmap to security in Afghanistan. It challenges the Taliban narrative that commanders need to defend Afghanistan from foreign troops seeking to occupy their country. As Afghan officials recently told me, when they realize they are fighting their fellow Afghans in the Afghan Army, some mid-level Taliban commanders have decided to put aside their arms and seek to re-integrate into Afghan society.

The Afghan people want to see their own Afghan Army soldiers and Afghan police personnel providing security for their communities. A recent public opinion poll in Afghanistan found that the overwhelming majority of the Afghan people have moderate or high confidence in the Afghan Army—93 percent. The Afghan police are also gaining the confidence of the Afghan people—82 percent confidence.

Afghan security forces have shown they are willing to fight. So far this year, Afghan soldiers and police have suffered more casualties—wounded and killed—than have U.S. and coalition forces.

As Afghan security forces assume more and more responsibility for the security lead between now and the end of 2014, NATO and coalition forces will gradually step back into a supporting role and then an overwatch role.

The Merkley amendment reaffirms the President's plan to end U.S. combat operations in Afghanistan by not later than the end of 2014. This is also what was agreed by coalition partners at the NATO Summit in Chicago in May, when the U.S. and its allies declared, "By the end of 2014, when the Afghan Authorities will have full security responsibility, the NATO-led combat mission will end." They also agreed to begin planning a new post-2014 training mission, which "will not be a combat mission."

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise in support of the amendment of my colleague, Senator MERKLEY from Oregon, his amendment on Afghanistan. I know we all have good ideas. We all have input here. We all have our own personal opinions. But it is time to bring our troops home from Afghanistan. They have been there since October 7, 2001. They have defeated al-Qaida, they have killed Osama bin Laden, and it is time to bring them home.

Mr. President, 66,000 American combat troops still remain in Afghanistan.

President Obama plans to reduce that number by "a steady pace" until they are moved completely out by the end of 2014. I would prefer a faster pace, as many of my colleagues would, but as long as it did not jeopardize the safety of troops, because I think that is the most important thing we do. After all, the war has already surpassed the Vietnam war, your area and mine, Mr. President, as the longest in American history. It has already cost us dearly; more than 2,000 American troops have died for the cause and many thousands more have been maimed and more than \$500 billion has been spent just in Afghanistan.

Even so, I support the bipartisan amendment sponsored by Senator MERKLEY. It backs the President's current plan to end combat operations in Afghanistan by the end of 2014, but I support it because it also calls for a quicker transition of security operations from U.S. forces to Afghan security forces. Instead of the end of 2014, the amendment urges the transition to take place in the summer of 2013, this coming year. That, hopefully, would bring a quicker end to the U.S. involvement in combat in Afghanistan. This amendment merely expresses the sense of the Senate. It is not binding on President Obama and it will not affect any negotiations between Washington and Kabul on whether a residual force of U.S. military advisers in Afghanistan would be there after 2014.

U.S. forces went to Afghanistan in pursuit of those who planned and ordered the September 11 terrorist attacks on the United States that killed over 3,000 of our citizens. With valor and courage they drove from power the Taliban, which had given bin Laden a base from which he could launch horrific attacks on innocent American civilians. They captured, killed, or brought to justice the leader of al-Qaida and eventually they tracked down bin Laden himself and made sure he would never, ever harm another American.

After more than 10 years, more than 1,900 American lives, and more than \$500 billion, it is time to bring our warriors home to a hero's welcome, time to focus our resources on rebuilding America, not on rebuilding Afghanistan. I have said many times on this floor, if you help us build a new road or bridge in West Virginia, help us build a school for our children, we will not blow it up or burn it down.

It is time to help rebuild America for this great country and bring our heroes back to a hero's welcome.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we are now going to proceed to a vote on the Merkley amendment. As I indicated, the amendment expresses the support of this body for the transition goals of the President, including the handover to Afghan security forces of primary responsibility for security throughout Afghanistan by mid-2013, the completion of the security transition process by the end of 2014—and of course that has to do with the completion and transition. That is not necessarily by any means a withdrawal of all troops but it is the intent that all combat forces be withdrawn by the end of 2014. I emphasize it is a sense-of-the-Senate resolution.

After the disposition of the Merkley amendment, we then intend to move to the Whitehouse amendment. The Whitehouse amendment has been cleared by the chairman and ranking member of the committee of jurisdiction. However, there is a desire to debate and have a rollcall on that amendment. We are asking Senator WHITEHOUSE to be prepared immediately after this vote to call up formally and debate his amendment and any opponent or opponents of the amendment to be prepared to debate it at that time. So it is our intent—and I ask unanimous consent—that immediately following the vote on the pending Merkley amendment, we then move to the Whitehouse amendment, and following the disposition of the Whitehouse amendment we then move to the Coburn amendment No. 3109, which will require debate, and, hopefully, we can work out a time agreement with Senator COBURN during this vote.

Finally, we are urging Senators who have amendments we have not yet addressed that they intend to press, or hope they can press, to meet with us during this vote so we can continue to make progress on this bill. We will be in tomorrow unless by some wonderful events we are able to finish this bill tonight.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I agree with the unanimous consent request—

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I am sorry, I say to my friend from Arizona. We have to withdraw that unanimous consent request on amendment No. 3109 at this time. I want to try to see what the problem is. There is an objection to my request on this side. We are going to try to work out those objections during this roll-call vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I have to object on this side. Senator COBURN wants the same

privilege every Senator has; that is, to bring up his amendment. If someone objects to that, I hope that Senator will come down and object in person because this is holding up the progress of the bill. So if there is a Whitehouse amendment that is agreed to, then a Coburn amendment certainly should be allowed as well.

So we have to object to the unanimous consent request. Hopefully, during the vote on the Merkley amendment we can work out some agreement.

Mr. LEVIN. We understand Senator MERKLEY is on his way and wishes to speak for a minute on his own amendment, so I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MERKLEY. Mr. President, I rise to speak in favor of my amendment No. 3096 to express the sense of Congress on the accelerated transition of U.S. combat and military security operations for the Government of Afghanistan.

Our President has laid out a course of action that involves putting Afghan troops in charge of the operation in Afghanistan. This amendment fully supports the schedule the President has laid out. Furthermore, it calls upon the President to explore every opportunity to see if that schedule can be accelerated; that we can, with security for our troops and appropriateness for our mission, withdraw at a faster pace.

The two main objectives in Afghanistan were to take out the al-Qaida training camps and to proceed to pursue those responsible for 9/11. We have effectively pursued those missions. Al-Qaida is now much stronger around the rest of the world. A counterterrorism strategy that is appropriate in the rest of the world is appropriate in Afghanistan and it should be pursued. But the newly adopted mission of nation building in Afghanistan has gone terribly off the track and put our troops at great risk. We need to endorse the President's strategy and end this war—the longest war the United States has ever experienced.

I ask for the support of my colleagues.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

Mr. MERKLEY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Oregon (Mrs. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from North Carolina (Mr. HELLER), and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 33, as follows:

[Rollcall Vote No. 210 Leg.]

YEAS—62

Akaka	Gillibrand	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Paul
Bingaman	Hoeven	Reed
Blumenthal	Inouye	Reid
Boxer	Johnson (SD)	Rockefeller
Brown (MA)	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Landrieu	Snowe
Carper	Lautenberg	Stabenow
Casey	Leahy	Tester
Cochran	Lee	Thune
Collins	Levin	Toomey
Conrad	Lugar	Udall (CO)
Coons	Manchin	Udall (NM)
Corker	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Moran	

NAYS—33

Alexander	Enzi	McConnell
Ayotte	Graham	Murkowski
Barrasso	Hatch	Portman
Blunt	Hutchison	Pryor
Boozman	Inhofe	Risch
Burr	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kyl	Shelby
Cornyn	Lieberman	Vitter
Crapo	McCain	Wicker

NOT VOTING—5

DeMint	Kirk	Wyden
Heller	McCaskill	

The amendment (No. 3096) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion upon the table.

The motion to lay upon the table was agreed to.

Mr. LEVIN. Mr. President, what we wish to do now is move to Senator BLUMENTHAL's amendment which has been cleared and I believe can be voice-voted. I think that is the current situation.

Then as soon as that is done, I hope we will have an announcement as to where we go next. With the cooperation of one Senator, whom I do not see on the floor, we may be able to go to Senator WHITEHOUSE's amendment, but I cannot quite announce that yet because we have to find that Senator and make sure that is not objected to. I would hope the chair would now recognize Senator BLUMENTHAL.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3124, AS MODIFIED

Mr. BLUMENTHAL. Mr. President, I thank my distinguished colleague, the chairman of the Armed Services Committee, as well as the ranking member, Senator MCCAIN, for their leadership on this issue and ask unanimous consent that my amendment 3124 be made pending, as modified with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows: The Senator from Connecticut [Mr. BLUMENTHAL] proposes an amendment numbered 3124, as modified.

The amendment No. 3124, as modified, is as follows:

At the end of title VIII, add the following:

#### Subtitle F—Ending Trafficking in Government Contracting

##### SEC. 891. SHORT TITLE.

This subtitle may be cited as the “End Trafficking in Government Contracting Act of 2012”.

##### SEC. 892. DEFINITIONS.

In this subtitle:

(1) COMMERCIAL SEX ACT.—The term “commercial sex act” has the meaning given the term in section 22.1702 of the Federal Acquisition Regulation (or any similar successor regulation).

(2) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(3) SUBCONTRACTOR.—The term “subcontractor” means a recipient of a contract at any tier under a grant, contract, or cooperative agreement.

(4) SUBGRANTEE.—The term “subgrantee” means a recipient of a grant at any tier under a grant or cooperative agreement.

(5) UNITED STATES.—The term “United States” has the meaning provided in section 103(12) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7102(12)).

##### SEC. 893. CONTRACTING REQUIREMENTS.

(a) IN GENERAL.—Section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)) is amended by striking “if the grantee or any subgrantee,” and all that follows through the period at the end and inserting the following: “or take any of the other remedial actions authorized under section 895(c) of the End Trafficking in Government Contracting Act of 2012, if the grantee or any subgrantee, or the contractor or any subcontractor, engages in, or uses labor recruiters, brokers, or other agents who engage in—

“(i) severe forms of trafficking in persons;

“(ii) the procurement of a commercial sex act during the period of time that the grant, contract, or cooperative agreement is in effect;

“(iii) the use of forced labor in the performance of the grant, contract, or cooperative agreement, or

“(iv) acts that directly support or advance trafficking in persons, including the following acts:

“(I) Destroying, concealing, removing, confiscating, or otherwise denying an employee access to that employee's identity or immigration documents.

“(II) Failing to pay return transportation costs to an employee upon the end of employment, unless—



“(aa) exempted from the duty to repatriate by the Federal department or agency providing or entering into the grant, contract, or cooperative agreement; or

“(bb) the employee is a victim of human trafficking seeking victim services or legal redress in the country of employment or a witness in a human trafficking enforcement action.

“(III) Soliciting a person for the purpose of employment, or offering employment, by means of materially false or fraudulent pretenses, representations, or promises regarding that employment.

“(IV) Charging recruited employees unreasonable placement or recruitment fees, such as fees equal to or greater than the employee's monthly salary, or recruitment fees that violate the laws of the country from which an employee is recruited.

“(V) Providing or arranging housing that fails to meet the host country housing and safety standards.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect 90 days after the date of the enactment of this Act.

**SEC. 894. COMPLIANCE PLAN AND CERTIFICATION REQUIREMENT.**

(a) **REQUIREMENT.**—The head of an executive agency may not provide or enter into a grant, contract, or cooperative agreement if the estimated value of the services required to be performed under the grant, contract, or cooperative agreement outside the United States exceeds \$500,000, unless a duly designated representative of the recipient of such grant, contract, or cooperative agreement certifies to the contracting or grant officer prior to receiving an award and on an annual basis thereafter, after having conducted due diligence, that—

(1) the recipient has implemented a plan to prevent the activities described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 3, and is in compliance with that plan;

(2) the recipient has implemented procedures to prevent any activities described in such section 106(g) and to monitor, detect, and terminate any subcontractor, subgrantee, or employee of the recipient engaging in any activities described in such section; and

(3) to the best of the representative's knowledge, neither the recipient, nor any subcontractor or subgrantee of the recipient or any agent of the recipient or of such a subcontractor or subgrantee, is engaged in any of the activities described in such section.

(b) **LIMITATION.**—Any plan or procedures implemented pursuant to subsection (a) shall be appropriate to the size and complexity of the grant, contract, or cooperative agreement and to the nature and scope of its activities, including the number of non-United States citizens expected to be employed.

(c) **DISCLOSURE.**—The recipient shall provide a copy of the plan to the contracting or grant officer upon request, and as appropriate, shall post the useful and relevant contents of the plan or related materials on its website and at the workplace.

(d) **GUIDANCE.**—The President, in consultation with the Secretary of State, the Attorney General, the Secretary of Defense, the Secretary of Labor, the Secretary of Homeland Security, the Administrator for the United States Agency for International Development, and the heads of such other executive agencies as the President deems appropriate, shall establish minimum require-

ments for contractor plans and procedures to be implemented pursuant to this section.

(e) **REGULATIONS.**—Not later than 270 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be amended to carry out the purposes of this section.

(f) **EFFECTIVE DATE.**—The requirements under subsection (a) and (c) shall apply to grants, contracts, and cooperative agreements entered into on or after the date that is 90 days after the Federal Acquisition Regulation is amended pursuant to subsection (e).

**SEC. 895. MONITORING AND INVESTIGATION OF TRAFFICKING IN PERSONS.**

(a) **REFERRAL AND INVESTIGATION.**—

(1) **REFERRAL.**—If the contracting or grant officer of an executive agency for a grant, contract, or cooperative agreement receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, including a report from a contracting officer representative, an auditor, an alleged victim or victim's representative, or any other credible source, the contracting or grant officer shall promptly refer the matter to the agency's Office of Inspector General for investigation. The contracting officer may also direct the contractor to take specific steps to abate an alleged violation or enforce the requirements of a compliance plan implemented pursuant to section 894.

(2) **INVESTIGATION.**—Where appropriate, an Inspector General who receives credible information that a recipient of the grant, contract, or cooperative agreement; any subgrantee or subcontractor of the recipient; or any agent of the recipient or of such a subgrantee or subcontractor, has engaged in an activity described in section 106(g) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g)), as amended by section 893, pursuant to a referral under paragraph (1) or otherwise, shall promptly initiate an investigation of the matter. In the event that an Inspector General does not initiate an investigation, the Inspector General shall provide an explanation for the decision not to investigate.

Mr. BLUMENTHAL. Very simply, this amendment involves commonsense reforms that will ensure the performance of overseas contracts, paid for by our taxpayers, involving money in this very Defense budget, consistent with the values that we hold dear as Americans.

The Department of Defense has a special responsibility to lead in preventing human trafficking overseas, as this amendment would do. It is not only a matter of humane and moral values, it is a matter of getting value for the dollars we spend in protecting our national security.

The United States has and ought to have a zero-tolerance policy against government employees and contractor personnel engaging in any form of human trafficking. These values are transcendent of party lines, of any other interests. I am very proud to offer this amendment, in fact, with strong support across the aisle, led by

my colleague Senator PORTMAN who has joined me in forming a human trafficking caucus to lead the way on these issues. This amendment is the result of efforts we have led and very simply represents the most comprehensive legislative effort ever undertaken in the Congress to stamp out human trafficking in overseas contracting.

I am happy to yield to my colleague from Ohio, Senator PORTMAN.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am pleased to join my colleague from Connecticut in offering this amendment, which is modeled on the bipartisan legislation we introduced in March along with a number of Senators on both sides of the aisle.

We also recently joined to form a Senate caucus to end human trafficking, and I appreciate the chair and ranking member today for allowing this amendment to move forward.

The aim of this amendment is pretty simple. This amendment ensures that our contingency contracting dollars are spent in a manner that is consistent, as Senator BLUMENTHAL said, with our deeply held values as a country. This is particularly important in the context of wartime contracting and reconstruction work.

This amendment comes from the work that both DOD and State Department IGs have done. The inspectors general have told us we lack sufficient monitoring to have the kind of visibility we need under the labor practices by our contractors and subcontractors who rely on a lot of third-party nationals to do overseas work.

It also comes from the Wartime Contracting Commission, which has reported what is described as evidence of the recurrent problem of trafficking in persons by labor brokers or subcontractors of contingency contractors. The report concluded that existing prohibitions on such trafficking have failed to suppress it.

One of the commission members, a former Reagan and Bush administration defense official, testified before our committee, saying those findings were, in his assessment, just the tip of the iceberg. So I think this legislation is appropriate. It directly affects this issue that has been raised now by the IG and by the Wartime Contracting Commission. This is a commonsense approach to it.

Broadly defined, we believe this will help to deal with the human trafficking issue that has been identified. It deals with recruiting workers to leave their home countries based on fraudulent promises, confiscating passports, limiting the ability of workers to return home, charging workers so-called recruitment fees that consume more than a month's salary, just to name some of the abuses that have been identified.



I think it should be clear that the overwhelming majority of these contractors and subcontractors are law abiding, but we need to be sure these abusive labor practices are dealt with. This legislation will do so. I thank my colleague for raising it today. I am proud to join him in cosponsoring the legislation.

Madam President, I yield the floor.

The PRESIDING OFFICER (Mrs. SHAHEEN). The Senator from Michigan.

Mr. LEVIN. Madam President, I think we are now willing to proceed to disposition on the Blumenthal amendment. I don't know if anyone wants to speak further on that amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment No. 3124, as modified, was agreed to.

Mr. LEVIN. Madam President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. I ask unanimous consent to set the pending amendment aside for the consideration of amendment No. 2972.

The PRESIDING OFFICER. Without objection, the Senator—

Mr. LEVIN. Madam President, I wonder if we could ask unanimous consent at this point to take up the Inhofe amendment. We know of no objection to it. Rather than setting any amendment aside, just simply send it to the desk.

Is the amendment at the desk? Just call up the amendment, if the Senator would.

#### AMENDMENT NO. 2972

Mr. INHOFE. Madam President, I call up amendment No. 2972.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma (Mr. INHOFE) proposes an amendment No. 2972.

Mr. INHOFE. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of Congress that the bugle call commonly known as "Taps" should be designated as the National Song of Military Remembrance)

At the end of subtitle H of title X, add the following:

**SEC. 1084. SENSE OF CONGRESS THAT THE BUGLE CALL COMMONLY KNOWN AS TAPS SHOULD BE DESIGNATED AS THE NATIONAL SONG OF MILITARY REMEMBRANCE.**

It is the sense of Congress that the bugle call commonly known as "Taps" should be designated as the National Song of Military Remembrance.

Mr. INHOFE. Madam President, this is something that I know will be accepted by both sides, by every Member in here. It is a request by all the associations, the veterans and all the others. It is something I wasn't familiar with until fairly recently, and that is, in July of 1862, following the Seven Days Battles, Union GEN Daniel Butterfield and bugler Oliver Wilcox Norton created "Taps" at Berkeley Plantation in Virginia.

This is something we are all familiar with, those of us who served in the military. We know what "Taps" is. It is a big deal to a lot of people, but it has never had an official designation. We have an amendment now that would be a sense-of-the-Senate that would designate the bugle call commonly known as "Taps" to be designated as a national military song of military remembrance. The reason I think it is significant to do it is it raises the song known as "Taps" to a national level of significance, specifically for the military veterans as a tribute when played during military funerals and ceremonies. This is a request of various veterans organizations, and I would ask that it be adopted.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We know of no objection to the amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2972) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay the motion on the table.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, I would now ask unanimous consent that Senator UDALL of Colorado be recognized for 5 minutes to speak as though in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. UDALL of Colorado. Madam President, I thank the chairman and ranking member of the Armed Services Committee for the recognition. I am a proud member of that committee, and I am also a member of the Intelligence Committee. From those vantage points, I am well aware of the threats that face our country.

Our military and our intelligence communities have to be prepared to counter threats from a wide range of enemies and bad actors. As we all know, our national security community is decisively engaged against those who would do us harm. When we capture those who are plotting against us, we are swiftly bringing them to justice by trying and convicting those ter-

rorists in civilian courts and, when appropriate, in military commissions.

This is a flexible strategy that has empowered our terrorism community to help keep Americans safe since 9/11, and those brave men and women who spend every waking hour defending this country have been successfully using our laws to pursue terrorists around the globe. But last year Congress changed some of those laws, against the wishes of our military and intelligence communities. Those detainee provisions last year suggest that our military should shift significant resources away from their mission and to instead act as both a domestic law enforcement agency and jailer with respect to terrorist suspects. They also call into question the principles we as Americans hold dear, because they could be interpreted as allowing the military to capture and indefinitely detain American citizens on U.S. soil without trial.

I joined our highest ranking national security officials in warning my colleagues about the dangerous change that such policies would make and I urge us not to pass them. We have to get our detainee and counterterrorism policies right, but unfortunately I believe the policies that were enacted last year complicate our capacity to prosecute the war on terror and in the process erode our Nation's constitutional principles, both of which concern all of us.

I have been working with the administration to ensure that those detention policies are not harmfully interpreted, but the law itself remains a problem. Several of my colleagues, including the Senator from Kentucky and the chairwoman of the Senate Intelligence Committee, Senator FEINSTEIN, have suggested changes to the law that will help repair the flawed policies enacted last year.

I have also crafted my own legislation working with the ranking member on the House Armed Services Committee, Congressman ADAM SMITH from Washington, to repair some of the harm that I believe was done in last year's NDAA. I filed that bill to this year's NDAA as amendment No. 3115, along with the chairman of the Senate Judiciary Committee, Senator LEAHY.

Senators FEINSTEIN and PAUL have a slightly similar but different approach, created as a result of the detainee provisions passed last year. There are efforts under way to assure that whatever path we take forward is supported by the greatest numbers possible, and I look forward to being part of those important discussions.

I know we addressed this issue in part last year, but in speaking with other Members I know there is a renewed interest in getting our detention policies right, both from the view of counterterrorism effectiveness and constitutional protection. I believe

both security and freedom are critically important, and I don't think we have to choose one over the other.

I thank my colleagues for remaining diligent in addressing the detention policies that remain a concern, because Americans must remain engaged on this issue.

Madam President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that Senator THUNE be allotted 7 minutes to speak on an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Madam President, I am working with the managers of the bill to try to address concerns they might have on an amendment I have filed at the desk and hope to get accepted. But I wish to speak to it now, if I might.

Essentially, the amendment is just a sense of Congress regarding the Federal Government's use of spectrum, and, in particular, spectrum use of the Department of Defense. Spectrum is a very important resource to the Department of Defense, and it is a very important resource to the private sector.

Unfortunately, spectrum is becoming a scarcer and scarcer resource, and it is increasingly necessary for there to be better and more efficient management of this scarce resource. Demand for spectrum is sharply rising due to the growing advanced network of communication devices that rely on spectrum to transmit and receive information. The rise of mobile devices, such as smart phones and tablets, the iPhone and iPad over the past few years, are the reason for this sharp rise in demand for spectrum.

According to a recent study by Cisco, last year's mobile data traffic was eight times the size of the entire global Internet in 2000. The Cisco study predicts that global mobile data traffic will increase eighteenfold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016.

The rise in the smart phone and the tablet has contributed significantly to our Nation's economy. The Nation's mobile communications industry, by one estimate, directly or indirectly supports 3.8 million jobs, contributing \$195.5 billion to the U.S. gross domestic product, and driving \$33 billion in productivity improvements in 2011.

With all that has gone wrong with our economy over the past several

years, it is important that we as policymakers nurture the growth of the economy, especially where growth is already happening and, in fact, is exploding. We need to enact smart progrowth policies relating to spectrum. I know the spectrum issue isn't easy to understand or to manage, but it is crucial we seek to better manage this scarce resource, and where it is possible to allocate more of the scarce resource to the private sector where it can create jobs and grow the economy.

That is the reasoning and purpose behind my amendment. The Federal Government controls the vast amount of spectrum for its own use. It is probably not all as efficiently managed as it could be. Undoubtedly, a sufficient amount of this spectrum could be made available to help create jobs and grow the economy.

One of the low-hanging fruits we can deal with almost immediately is the band of spectrum known as the 1755-to-1780 megahertz band. This spectrum is particularly well suited for reallocation to commercial use because it is identified internationally for commercial mobile services and is used for that purpose throughout most of the world. This 1755-to-1780 band is also immediately adjacent to existing domestic wireless spectrum and would fit seamlessly into the current mobile broadband spectrum portfolio allowing for more immediate equipment development and deployment.

There is no reason for further delay in the reallocation of the 1755-to-1780 band for commercial use. This band was identified for commercial broadband use internationally at the 2000 World Radio Communications Conference over 10 years ago. Despite the international designation of the band for advanced wireless use, it is still allocated domestically for government use, heavily by DOD. The National Telecommunications and Information Administration, or NTIA, the agency which is responsible for all government spectrum, issued studies and reports in 2001, 2002, and 2010 that addressed use of the band for commercial use but took no action. The spectrum was also identified in the National Broadband Plan as potentially available for reallocation.

In March 2012, NTIA released its latest report assessing the availability of the band. Unfortunately, the 2012 NTIA report contains no firm deadline for action and no clear path to making the band available for commercial use. It contemplates a potential 10-year timeframe and potential shared use of spectrum but defers any formal recommendation regarding reallocation until the completion of still further study.

Had NTIA acted when the first band was allocated internationally for advanced wireless use, the band might already be available for commercial serv-

ices. Without a firm deadline DOD is unlikely to agree to reallocation, and the prospects for reallocating the 1755-to-1780 megahertz band for commercial use remain slim.

That is why my amendment urges the President to direct Federal users on that 1755-to-1780 band to prepare, not later than May 31, 2013, a reallocation plan that includes the cost of relocating from this band, and urges the Federal Communications Commission to reallocate this band to commercial use.

I hasten to add that it is important the cost of relocating the band should be verifiable and transparent. The report for the underlying bill requires the Government Accountability Office to determine if the cost of vacating or sharing the 1755-to-1780 band is sufficiently captured in estimates. I look forward to the GAO's report on this issue.

There are those who may voice concerns about how this impacts our national security. I take a back seat to no one in being pro-military. I sat on the Armed Services Committee for 6 years. I have an Air Force Base in my State that I care deeply about. It is important to understand that existing law provides ample protection to DOD for the relocation to replacement spectrum.

There are those concerned about the cost to DOT to relocate. The law requires DOT relocation costs be covered by the Spectrum Relocation Fund, which is funded through the proceeds of the auction of the band to commercial licensees. If the auction does not raise 110 percent of the relocation cost, the auction would be canceled, assuring that incumbent users are made whole. Moreover, as part of the U.S. Middle Class Tax Relief and Job Creation Act of 2012, Congress expanded the scope of funding from the relocation fund to include the cost of planning for relocation.

I am confident the Pentagon and the larger Federal Government can more efficiently manage its spectrum holdings and make available additional spectrum to help grow our economy and create jobs.

I hope, Madam President, that we can work this out to have it included as part of the Defense authorization bill. I certainly believe it is an amendment that is important with regard to the issue I mentioned, which is the reallocation and relocation of spectrum in this country to allow for multiple uses—obviously, important private commercial uses—out there and an enormous demand, a demand that is adding significantly to our economy and creating jobs for literally thousands and millions of Americans.

Madam President, I yield the floor.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Madam President, I ask unanimous consent that we proceed to the Gillibrand amendment, that there be 20 minutes debate on the amendment, and that it be equally divided between Senator GILLIBRAND and Senator COBURN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

AMENDMENT NO. 3058, AS MODIFIED

Mrs. GILLIBRAND. Madam President, I call up amendment No. 3058, as modified.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. GILLIBRAND], for herself, Mr. LIEBERMAN, Mr. BLUMENTHAL, Mr. KERRY, Mr. BROWN of Massachusetts, Mr. BEGICH, and Mr. MENENDEZ, proposes an amendment numbered 3058, as modified.

Mrs. GILLIBRAND. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. CERTAIN TREATMENT OF DEVELOPMENTAL DISABILITIES, INCLUDING AUTISM, UNDER THE TRICARE PROGRAM.**

(a) CERTAIN TREATMENT OF AUTISM.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1077 the following new section:

**“§ 1077a. Treatment of autism under the TRICARE program**

“(a) IN GENERAL.—Except as provided in subsection (c), for purposes of providing health care services under this chapter, the treatment of developmental disabilities (42 U.S.C. 15002(8)), including autism spectrum disorders shall include behavioral health treatment, including applied behavior analysis, when prescribed by a physician.

“(b) REQUIREMENTS IN PROVISION OF SERVICES.—In carrying out subsection (a), the Secretary of Defense shall ensure that—

“(1) except as provided by paragraph (2), a person who is authorized to provide behavioral health treatment is licensed or certified by a State or accredited national certification board; and

“(2) if applied behavior analysis or other behavioral health treatment is provided by an employee or contractor of a person described in paragraph (1), the employee or contractor shall meet minimum qualifications, training, and supervision requirements as set forth by the Secretary who shall ensure that covered beneficiaries have appropriate access to care in accordance with best practice guidelines.

“(c) EXCLUSIONS.—Subsection (a) shall not apply to the following:

“(1) Covered beneficiaries under this chapter who are entitled to hospital insurance

benefits under part A of title XVIII of the Social Security Act.

“(2) Covered beneficiaries under this chapter who are former members, dependents of former members, or survivors of any uniformed service not under the jurisdiction of the Department of Defense.

“(d) CONSTRUCTION WITH OTHER BENEFITS.—(1) Nothing in this section shall be construed as limiting or otherwise affecting the benefits otherwise provided under this chapter to a covered beneficiary who is a beneficiary by virtue of—

“(A) service in the Coast Guard, the Commissioned Corp of the National Oceanic and Atmospheric Administration, or the Commissioned Corp of the Public Health Service; or

“(B) being a dependent of a member of a service described in subparagraph (A).

“(2) Nothing in this section shall be construed as limiting or otherwise affecting the benefits provided to a medicare-eligible beneficiary under—

“(A) this chapter;

“(B) part A of title XVIII of the Social Security Act (42 U.S.C. 1395c et seq.); or

“(C) any other law.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by inserting after the item relating to section 1077 the following new item:

“1077a. Treatment of autism under the TRICARE program.”.

(b) FUNDING.—

(1) INCREASE.—The amount authorized to be appropriated for fiscal year 2013 by section 1406 and available for the Defense Health Program for Private Sector Care as specified in the funding table in section 4501 is hereby increased by \$45,000,000, with the amount of the increase to be available for the provision of care in accordance with section 1077a of title 10, United States Code (as added by subsection (a)).

(2) OFFSET.—The amount authorized to be appropriated for fiscal year 2013 by section 301 for Operation and Maintenance and available as specified in the funding table in section 4301 is hereby reduced by \$45,000,000.

Mrs. GILLIBRAND. Madam President, I rise today on behalf of the 30,000 military families who have loved ones with disabilities, including those on the autism spectrum. Sadly, thousands of these Americans suffering from autism and other developmental disabilities are not receiving the treatment that best practices has determined they need.

For example, military families with children on the autistic spectrum are receiving fewer services than their civilian governmental counterparts across the country, many of whom have been rightfully aided by laws passed in over 60 percent of our States, representing over 75 percent of the American population.

Autism places such tremendous strain on our families—health strains, financial, and emotional. They take such tolls. I want to share briefly just a couple of the stories I have heard from struggling military families. They have done everything we have asked of them as a nation, but now they can't even provide for their children.

One veteran was severely wounded in Iraq while heroically serving his country. His injuries were such that he was forced to retire. Because he is retired, his autistic son Shane was no longer able to receive the applied behavioral therapies that were recommended. The wait list for the Medicaid waiver services where he lives was 9 years. So Shane's family had to sell their home to pay the roughly \$5,000 per month out of pocket for the ABA treatment he so desperately needs.

The money is running out for their family, and they do not know what to do. But they want to do what is best for their son. Without this relief, we risk allowing brave military families just like this one to fall through the cracks.

Another story: A marine on active duty serving in Iraq and Afghanistan three times has maxed out all his ABA therapies to treat his 11-year-old autistic son Joshua. Joshua is nonverbal and his safety is a key concern for his family. So Joshua is prescribed 35 hours of ABA therapy per week. Because of the severity of Joshua's symptoms, the family is basically faced with the impossible decision of either foregoing the recommended care the doctor has prescribed for their son or paying these bills out of pocket for as long as they are actually able.

I don't believe this should ever happen to our military families. I don't believe it should happen to any child, and that is why I am introducing my amendment to require TRICARE to cover the recommended ABA therapies that a doctor prescribes. It would be a matter that is consistent with the best practices across this country and in the rest of the Federal Government.

Our children need this kind of support—Shane and Joshua need this kind of support—and we should be standing by our men and women who serve in the military because they stand by us. Every parent who has a child with autism or another disability faces challenges to ensure their child has access to the treatments they require. For these military families, the challenges are even greater and often compounded by frequent deployments overseas, the frequent moves to different bases across State lines, and sometimes significant gaps in their coverage.

Today, TRICARE coverage of ABA is severely limited. It is capped at \$36,000 per year for an active-duty member, which falls far below what is medically recommended for so many of these children.

This care is limited to active-duty servicemembers only. Guard and Reserve families receive intermittent care, and children of retirees can't even get coverage at all. As a consequence, military servicemembers often must turn to State Medicaid Programs to help provide these services to their children. But the problem is that these

services are often unavailable because of long—years—wait lists. In Maryland, for example, the wait list is 7 years, essentially eliminating ABA coverage during the early developmental years when a child needs it most. The wait list in Virginia is 10 years long.

Even more remarkable than TRICARE not covering these treatments is that the Office of Personnel Management has determined that such treatments may be covered as medical therapies for Federal civilian employees. A recent court decision, which the DOD is still reviewing and may appeal, determined that TRICARE must cover these treatments. But this decision is being applied under the most narrow definition in the interim, limiting the potential pool of providers. This amendment requires TRICARE to provide coverage and deliver services in a manner that is consistent with the best practices, thereby improving access to care for our military families and aligning the TRICARE policy with coverage that is basically available to anybody else in the civilian sector.

I believe we have a duty to stand by our military families. We have to address this difficult medical issue. We ask so much of our men and women who serve in the military. We must support their families. This amendment simply fulfills that promise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Madam President, first, I wish to announce that I agree with the assessment of the Senator from New York in terms of the treatment that should be offered. I have no problems with that. I think she is right. There are a lot of other things in TRICARE that aren't right. And what the Senator from New York is doing is admirable, but there is a portion of it that is not.

With the modification to her amendment, she has now raised the total cost of this amendment over the next 10 years to \$1.9 billion. And it is true that she has managed to insert with some excess funds that will be spent before the end of the year that won't be there by the time the money for this is used to pay for it. So she does meet that standard, but she doesn't meet the standard for the next 10 years.

So we are in the midst of this large discussion about how we are going to get out of this fiscal mess. I take her at her word that she really does want to reform TRICARE and fix it. But realize that TRICARE hasn't had a premium increase since 1995, and all it would take to pay for this is a \$2-per-month increase in premiums for those on TRICARE. And it is just TRICARE Prime; it is not TRICARE Standard and TRICARE For Life. It is just \$2. Madam President, \$550 per year covers your whole family, with no deductibles and no copays right now. It hasn't been increased since 1995.

So one of the things we ought to do is we ought to work to bring TRICARE standards up to make sure they meet the needs of everybody. I don't disagree with that. But the other thing we ought to do is we ought to pay for it. Now, where is the money going to come from to pay for this, this very well-intentioned and proper thing? The way it is written now by the Senator from New York, this will come out of the operations and maintenance fund. So the very father of an autistic child will have less flight time, less drill time, less shooting time, less preparation time to go out and be a warfighter. And as we think about the 10-percent across-the-board cut that is coming or the \$500 billion that is proposed to come out of the Defense Department, none of it is going to come out of TRICARE.

So what we ought to do is we ought to fix these things, but we ought to fix them without digging our hole deeper.

Before Secretary Gates left, he said the biggest thing that is eating the lunch in the Defense Department is the department of health within it that manages the health care because we have not done an appropriate job of having a slight rise in premiums to cover some of the tremendous benefits. Nobody else in the country gets the benefits we give with TRICARE—nobody—\$550 a year per family, \$275 if you are single, and no copay and no deductible. All it would take is \$24 a year by our TRICARE Prime to pay to make sure that the people with disabilities and the people with autism have the appropriate therapies and they are covered under TRICARE.

So I would ask my colleague from New York if she would mind withdrawing her amendment, to be voted on later, that I might be able to offer a second-degree amendment and maybe in that way or another way pay for this out of things that we know are going on, that we could find \$1.9 billion over the next 10 years to actually pay for the cost of this over the next 10 years. We didn't have time to do that beforehand. I don't know if she would be willing to do that. But there is no way you should justify taking another \$1.9 billion out of the operation and maintenance program for our troops to health care. We ought to eliminate something that doesn't take away from their training time, flying time, shooting time, or sailing time. We ought to be taking it from somewhere else, but that is where this is going to come from.

I applaud what she is doing. She is right about fixing the problem. She is totally opposite of what we should be doing in terms of paying for it, and I would offer to work in good faith in the next hour to try to come up with a second-degree amendment that would be acceptable to my colleague and to the chairman and ranking member of this

committee that would actually pay for it.

Madam President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. Madam President, how much time is remaining?

The PRESIDING OFFICER. There is 5 minutes for Senator COBURN and 6 minutes for Senator GILLIBRAND remaining.

Mr. MCCAIN. Will the Senator yield 2 minutes to me?

Mr. COBURN. I would be happy to yield.

Mr. MCCAIN. Madam President, there is no one I know of in this body at any time who would not want to assist and provide the best care, especially for our disabled children who have autism. It is one of the most compelling stories any of us have ever heard. But I think it is also important for us to recognize that when we continue to add on benefits without a hearing, without any scrutiny, without balancing where they are in the array of priorities we have, and without paying for them—it seems to me that in the budget we have and the expenditures we have, to just say, as the distinguished Senator from New York just stated, that we will address it next year, we will get that taken care of—we all know the hardest thing around here is to find funds for programs.

So I appreciate more than I can say the dedication of the Senator from New York on this issue, but here we go again—we are going to now bestow another entitlement that is not paid for. With all due respect, I say to the Senator from New York, why don't she give us something to pay for it with? Why don't she come up with an offset that would then not have us increase the debt by \$1.9 billion? We are now adding a cost of \$1.9 billion in the name of one of the most humane and compelling causes any of us know. But don't we have an obligation to the taxpayers? We have an obligation to the taxpayers to say that we are going to take care of these special needs Americans but we are going to pay for it. Instead, we are going to lay an additional burden on the taxpayers of America which someday is going to have to be paid for—someday. It may not be in this bill, but someday it is going to have to be paid for.

Obviously this amendment is going to pass, but I would love to see the Senator from New York tell us how we are going to pay for it. I don't think that is an outrageous demand.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. I thank my colleagues for their statements of support for meeting the needs of the children who do suffer from autism and other developmental disorders, and I do appreciate and believe their sincerity in

wanting to make sure they are covered with the treatments they need.

I think we can work together to reform the TRICARE system. It is one that has not had the kind of reform it needs. But this is just an authorization for 1 year to meet the needs of these kids now because I don't want to wait until we figure it out and figure out the rest of the program.

In addition, we did have a hearing. We had scientists and doctors and those who are medical professionals come to testify in front of the Armed Services subcommittee. Through that testimony we established that the only reason the DOD wasn't covering this was because they believed it was an educational program. And what we established and what the medical literature says is that it is actually a medically necessary treatment in the same way you would give a child who is sick a medicine.

I want to address the needs of these kids now. I will commit to working with the Senators to reforming TRICARE so we can actually pay for programs over the long term and reform it in a way that is consistent with the benefits our troops so desperately need.

Mr. COBURN. Madam President, might I ask through the Chair the Senator from New York if she would consider for a short period of time withdrawing her amendment and allowing me to develop a second-degree amendment that would actually pay for this so that we would accomplish her goal—and I think all of our goals—of making sure the proper treatment is there but won't handicap the armed services in terms of delayed training, less training, less flying time? Because it is going to come out of the operations and maintenance funds. I wonder if she would do that with the assurance of the chair and the assurance of the ranking member and chairman of the committee that the amendment would still be considered.

The PRESIDING OFFICER. The Senator from New York.

Mrs. GILLIBRAND. I urge my colleagues to take a more lengthy time to consider how to reform TRICARE and pay for this program than just 1 or 2 hours.

I would like to pass this amendment now. Right now operations and maintenance has \$174 billion a year in it. This is \$45 million for 1 year just to get the treatments in place for these families. In 1 year's time, we will have more accountability and transparency on what the real cost is. This is just an estimate. So what we want to do is be able to have more facts and then go to reform the TRICARE system properly, and I commit to Senators that I will work with you on that. This is only authorized for 1 year.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I believe it was Ronald Reagan who said that the closest thing to eternal life here on Earth is a government program.

Again, the complaint that we continue to hear from our constituents is that we have mortgaged our children's and our grandchildren's futures. And to somehow say, well, we are only authorizing this program for 1 year—does the Senator from New York really believe that once we start treating children with autism, we are going to terminate that program? Does she really believe that? Of course not. Of course not.

We have an obligation to the men and women, the citizens of this country whom we have saddled with a \$16 trillion debt to find ways to sacrifice ourselves fiscally to pay for worthwhile programs. So I support a second-degree amendment from the Senator from Oklahoma, which is his right. It is his right to do so. And I don't see how we fulfill our obligation to our citizens by continuing to authorize and appropriate expenditure of their tax dollars without a way to pay for it except to take it out of our taxpayers' pockets.

That is not right. That is not right. The Senator from New York knows it is not right for us, no matter how worthy the cause, for us to continue this continued spend, spend, spend, debt, debt, debt that the American people are saddled with. I probably will not be paying for the national debt but my kids will, my grandkids will. Can't we for once say: Look, this is a worthwhile program, we all support taking care of people with autism, and here is how we are going to pay for it. That would be a unique experience around this body.

I yield.

The PRESIDING OFFICER. Who yields time?

Mr. COBURN. I yield the remaining portion of my time.

Mrs. GILLIBRAND. I yield my time.

Mr. COBURN. I think my colleague from New York would like to ask for the yeas and nays.

Mrs. GILLIBRAND. I request a voice vote.

Mr. LEVIN. Is there anyone seeking the yeas and nays?

Mrs. GILLIBRAND. I request a voice vote.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I think we ought to have a recorded vote on this since we are not paying for it and we are taking \$1.9 billion out of the O&M budget of the Defense Department. I ask we have a recorded vote.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK), the Senator from South Carolina (Mr. DEMINT), and the Senator from Nevada (Mr. HELLER).

The PRESIDING OFFICER (Mr. COONS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 29, as follows:

[Rollcall Vote No. 211 Leg.]

#### YEAS—66

Akaka	Gillibrand	Mikulski
Ayotte	Grassley	Moran
Baucus	Hagan	Murkowski
Begich	Harkin	Murray
Bennet	Hatch	Nelson (FL)
Bingaman	Hutchison	Pryor
Blumenthal	Inouye	Reed
Boxer	Isakson	Reid
Brown (MA)	Johnson (SD)	Roberts
Brown (OH)	Kerry	Rockefeller
Cantwell	Klobuchar	Rubio
Cardin	Kohl	Sanders
Carper	Landrieu	Schumer
Casey	Leahy	Shaheen
Chambliss	Levin	Snowe
Coats	Lieberman	Stabenow
Collins	Lugar	Tester
Conrad	Manchin	Udall (CO)
Coons	McCaskill	Udall (NM)
Durbin	McConnell	Warner
Feinstein	Menendez	Webb
Franken	Merkley	Whitehouse

#### NAYS—29

Alexander	Enzi	Paul
Barrasso	Graham	Portman
Blunt	Hoeven	Risch
Boozman	Inhofe	Sessions
Burr	Johanns	Shelby
Coburn	Johnson (WI)	Thune
Cochran	Kyl	Toomey
Corker	Lee	Vitter
Cornyn	McCain	Wicker
Crapo	Nelson (NE)	

#### NOT VOTING—5

DeMint	Kirk	Wyden
Heller	Lautenberg	

The amendment (No. 3058) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe Senator PORTMAN may be ready with an amendment that has been cleared and, I believe, can be voice-voted. I am wondering if my friend from Ohio could confirm my understanding that he is ready to proceed and that he is willing to take a voice vote on this amendment?

Mr. PORTMAN. Yes. That would be great. I am willing to take a voice vote, and I believe it is going to be accepted.

The PRESIDING OFFICER. Does the Senator from Ohio seek recognition?

Mr. PORTMAN. Mr. President, I do seek recognition.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 2956

Mr. PORTMAN. Mr. President, I ask unanimous consent that the pending amendment be set aside and call up amendment No. 2956.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The bill clerk read as follows:

The Senator from Ohio [Mr. PORTMAN], for himself and Mr. AKAKA, proposes an amendment numbered 2956.

Mr. PORTMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require a report on Department of Defense efforts to standardize educational transcripts issued to separating members of the Armed Forces)

At the end of subtitle F of title V, add the following:

**SEC. 561. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO STANDARDIZE EDUCATIONAL TRANSCRIPTS ISSUED TO SEPARATING MEMBERS OF THE ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the efforts of the Department of Defense to standardize the educational transcripts issued to members of the Armed Forces on their separation from the Armed Forces.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the similarities and differences between the educational transcripts issued to members separating from the various Armed Forces.

(2) A description of any assessments done by the Department, or in conjunction with educational institutions, to identify shortcomings in the transcripts issued to separating members in connection with their ability to qualify for civilian educational credits.

(3) A description of the implementation plan for the Joint Services Transcript, including a schedule and the elements of existing educational transcripts to be incorporated into the Transcript.

Mr. PORTMAN. Mr. President, this is a pretty simple amendment. It has to do with correcting a problem that we have found in Ohio and around the country. Amendment No. 2956 simply calls on the Secretary of Defense to work to standardize the educational transcripts of separating servicemembers. I appreciate Senator AKAKA's leadership and cosponsorship of this amendment.

It is an important issue to a lot of our veterans as they are seeking to pursue their educational opportunities after being in the service. If they seek to use the GI bill or other benefits to further their education after taking off the uniform, they sometimes find they have an issue of getting credit for work they have done in the service.

Each servicemember is issued a transcript upon leaving active duty. The

transcript equates military training and instruction to academic credits. Colleges and universities then use these transcripts to award transfer credit to veteran students.

Unfortunately, there is a significant difference in the types of transcripts issued by each of the military services. As a result, two veterans from different services who took the exact same military courses could receive significantly different academic credit at the same school. If we multiply that across all the services, all of our veteran students, and across all the colleges and universities in this country, we end up with some real issues. We end up with many veterans losing out on credit they deserve, as well as very well-intentioned colleges and universities spending a lot of time and resources trying to make sense of all these differences to help this process for veterans. It often falls on the Veterans Service Offices in these schools, and as my colleagues know, these Veterans Service Offices should be spending their time assisting veterans with their transition to academic life, which is sometimes a challenge.

Ohio has been leading on this issue and has organized public and private schools, our State board of regents, and even the Ohio National Guard to try to bring some sense to this. That has been helpful, but it would be far easier and far better to standardize the military transcripts themselves. It would avoid, again, a lot of the issues, a lot of the bureaucracy.

The Defense Department has recognized some of these issues, and I think they have started down the path of developing a joint services transcript. This is an important first step, and through this amendment we seek an understanding of those requirements and their implementation plan for this kind of initiative, should it be in place, in order to see it on a path to a swift and thorough resolution.

So I think this is one that, again, as the chairman was asking, could be voice-voted. I hope it will be.

So, Mr. President, I ask for a voice vote on the pending amendment.

The PRESIDING OFFICER. Is there any further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 2956) was agreed to.

Mr. PORTMAN. I yield the floor.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. PORTMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I wonder if we could get a unanimous consent that Senator CASEY be allowed to proceed as in morning business to comment on filed

amendments for—I am sorry, was it 10 minutes?—10 minutes. I ask unanimous consent that Senator CASEY be allowed to proceed as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise today to talk about our Nation's military in light of the legislation we are considering. I commend Chairman LEVIN and Ranking Member MCCAIN and all those who are working on it. I just have some comments on a number of amendments and a few issues.

For more than a decade now our Nation has been at war. In that time period, the men and women of the U.S. Armed Forces have courageously served in Afghanistan and Iraq, assisted communities after disasters, and continued to provide stability across the world. As the military draws down from foreign engagements and strategic directions are reassessed, the Senate should do the same with regard to these issues.

Unlike previous debates on the National Defense Authorization Act, this year the bill before us seeks to clarify the role of the military for the next decade or more.

We are being asked to evaluate how large our military needs to be as we assess our near- and long-term threats. We are being asked to evaluate what equipment and resources this fighting force will need to keep the peace and to combat new aggressors, all while we are being asked to evaluate programs we have introduced over the past decade to support our servicemembers and their families.

There are just a couple issues that are relevant to this debate, one which has particular significance for southwestern Pennsylvania. This is with regard to the military's force structure. I have been alarmed at two proposals submitted by the Air Force as it seeks to restructure.

In Pennsylvania, the Air Force has sought to eliminate the Pittsburgh Air Reserve Station where approximately 1,500 Reservists and civilians are committed to serving our Nation. After numerous briefings and hearings, the Air Force has yet to provide us—to provide my office and I think other offices as well—with a thorough analysis of several of their proposals. These proposals, as presented, have failed to reflect the low overhead costs, efficiencies, and the value of the 911th Air-lift Wing.

For example, the 911th has developed an aircraft maintenance program that has resulted in more aircraft availability days while saving the Department more than \$42 million over the last 5 years. The Air Force continues to reiterate that they must find savings in this tight budget environment. If this is true, I am not convinced the



closing of one of their most efficient bases meets this objective of cost savings.

I am also disturbed to see how the Air Force Reserve continues to be treated during this process. While the Guard and Active components have been mostly protected, the Air Force Reserve, including the 911th in Pittsburgh, has borne the brunt of these proposed cuts. Therefore, I am pleased Chairman LEVIN and the members of the Armed Services Committee have worked to prevent the Air Force from moving forward with these proposals in fiscal year 2013.

I ask other colleagues to join Senators BEGICH, GILLIBRAND, and me on amendment No. 2952 that seeks to prevent the military from using a backdoor BRAC process to substantially reduce or close bases, especially without justifying to Congress their intentions. On behalf of Pennsylvania's Air Force Reserve, I will continue to fight for a reasoned and balanced restructuring of the Air Force.

The second issue I wish to raise is the so-called TAA Program. We know our long-term strategic interests must also secure the future of servicemembers and veterans alike. Today, I have introduced an amendment that provides assistance to our servicemembers and their families. It is amendment No. 2297, the Transition Assistance Advisors Program, the so-called TAA Program.

It seeks to make permanent and increase the numbers of transition assistance advisors in every State. These advisors coordinate resources for the Reserve component members and their families to help these individuals navigate the myriad of service programs provided by the VA, TRICARE, veterans service organizations, and other supporting agencies.

These advisors are considered a force multiplier by the National Guard Bureau. The TAA assistance advisors enhance the Bureau's outreach capabilities, serve as a vital link between servicemembers and the benefits to which they are entitled. In the last 2 years, since this initiative was launched, 62 of these advisors have reached more than 194,000 veterans and their families. Yet 62 advisors can only do so much. All too often, I hear from my National Guard constituents and their spouses about how confusing it is to navigate military procedures and benefits, especially as they go on and off duty every 2 years.

Our citizen soldiers have answered the call to serve our Nation in times of need. Should we not be doing everything we can to help them navigate these complicated measures when they return home? I think the answer to that question is a resounding yes.

Last year, Congress authorized end strengths of 464,900 guardsmen and women in the Army and Air National

Guard. On average, this comes to an average of 1 transition assistance advisor—just 1—per 7,498 servicemembers and their families, obviously not enough advisors to help our families.

I believe this ratio does a disservice to citizen soldiers and to airmen as well as others and their families. I ask my colleagues to support and strengthen this program as our veterans of Iraq and Afghanistan try to reintegrate back into their lives. I thank Senators LEAHY, BLUMENTHAL, TESTER, MIKULSKI, and WYDEN for cosponsoring this important amendment.

Finally, my last issue. This involves women in Afghanistan. In addition to making important adjustments to the size and strength of our military, the authorization act also helps to shape strategic priorities in critical regions. In Afghanistan, we are reducing the U.S. presence and transitioning security responsibilities to Afghan forces. It is critical this process protects the gains that have been made over the last 10 years, particularly with regard to the rights and opportunities of Afghan women and girls. I am concerned that as our international forces draw down, extremists threaten to once again restrict Afghan women's mobility and opportunities for participation in public life.

Women who are active in public life face serious threats to their personal safety in Afghanistan. Girls have been the targets of extremist violence simply for going to school. We all know the story that was written about the acid thrown in the face of two young girls. That was repeated numerous times across the country. Afghan forces are not doing enough to counter these influences and protect women in their communities. This just does not threaten Afghan women and Afghan girls, it threatens the success of the security transition in Afghanistan that we are paying for, that we have invested in, that our fighting men and women have fought and died for.

We know that when women's security deteriorates, it can be an early indicator of a worsening security condition overall. I am very concerned that if we neglect women's security in Afghanistan during this transition period and if we stand by while women are forced out of public life and have their voice silenced by extremists, we will see a less stable and a less secure Afghanistan in 2014 and beyond.

That is why Senator HUTCHISON and I have introduced the Afghan Women and Girls Security Promotion Act and offered it as an amendment to the National Defense Authorization Act. We are proud to be joined by Senators MIKULSKI, FEINSTEIN, GILLIBRAND, MURKOWSKI, SNOWE, LAUTENBERG, CARDIN, and BOXER.

Here is what the legislation does: It requires the Department of Defense to produce a plan—just a plan—to produce

a plan to promote the security of Afghan women and girls during the transition process, including monitoring and responding to changes in women's security.

Second, the Department of Defense must work to improve gender sensitivity and responsiveness among Afghan national security forces personnel. Third, it increases recruitment and retention of women in the Afghan national security forces. It will also require that the Department of Defense report on the implementation of this strategy and its results in semiannual reports that are filed.

When I last visited Afghanistan, leading a CODEL in August of 2011, I was privileged to meet with a group of Afghan women leaders. I was impressed and inspired—that is an understatement—inspired by their determination to continue to fight for women's rights even in the face of extraordinary oppression and violence.

One member of Parliament, Fawzia Kofi, lost her father and her husband as a result of her family's involvement in politics. But she is still determined to be a leader in protecting women's rights and advancing Afghanistan's democratic development. She and her colleagues, along with women across Afghanistan, are prepared to do whatever it takes to make sure their rights are protected and that they have a voice in their country's future. Supporting them is not only in line with our American values, it is critical to discouraging extremism and laying a foundation for a peaceful future in Afghanistan.

I am glad several of my colleagues have joined us as cosponsors in this important amendment. I hope we can see more support as we move forward.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, the chairman has asked me to manage the bill in the meantime while he is working out with the leadership a list of amendments.

Seeing no other Senator who wants to speak at this point, if I may, then I will talk about an amendment that would be offered in the future.

I am going to offer an amendment to repeal the offset in the Department of Defense and the VA benefits for military widows and widowers. The standalone bill, S. 260, has widespread support from military organizations and has 51 cosponsors in the Senate. This is the ninth time that I have and will bring this amendment to the Defense Authorization Act.

It has passed the Senate six times over the past decade, including last year by voice vote. The Senate has supported eliminating this offset for years. I hope this body will remain steadfast in its support for military widows and survivors.



The Presiding Officer will recall in a number of addresses that President Lincoln gave the spoke of the responsibility the government has to take care of the veteran and his widow and orphans. That is an ingrained principle within the law. That is an ingrained principle as we uphold the finest fighting force in the world, which is our military.

What this amendment does is it addresses the longstanding problems faced by those survivors of people who are killed in action or whose death is related to the service in the military. The requirement for the dollar-for-dollar reduction of the Department of Defense Survivor Benefit Plan—it is an annuity—is offset by the amount of dependency and indemnity compensation that is received from another department, the Department of Veterans Affairs.

The Survivor Benefit Plan from the Department of Defense is an optional program for military retirees offered by the Department of Defense. Military retirees pay premiums out of their retirement pay to ensure that their survivors will have adequate income upon that servicemember's death. That is an insurance plan paid for by the military retiree.

On the other hand, the Dependency and Indemnity Compensation is a completely different survivor benefit. It is administered by the VA. When military service caused the servicemember's death, either due to service-connected disability or illness or active-duty death, surviving spouses are entitled to a monthly compensation. Most recently that has been \$1,154. That comes from the VA. That is as a result of death with a service-connected disability or illness or active-duty death.

Now, of the 270,000 survivors that are receiving, under the insurance plan, the Survivor Benefit Plan, about 54,000 of those widows and orphans are subject to the offset.

According to the Defense Actuary, 31,000 survivors' SBP, the insurance plan, is completely offset by the dependency and indemnity compensation, meaning that the widow or the widower must live just on the DIC, which is \$1,154. Well, that is simply not fair because if you engage in an insurance contract and you pay premiums to give you a certain return upon the happening of an event—in this case, the death of a retired military member—then that contract ought to be offered. But because this has been an expensive item in the past, what has happened over the years that this Senator has been trying to eliminate this offset is we have whittled it down but not completely done the complete offset. The fact is that the group of people affected, the group of widowers or widows, is getting smaller and smaller and therefore is going to cost less. I know of no purchased annuity plan that

would deny payout based on the receipt of a different benefit, which is the case here.

Retirees bought into the SBP, the insurance plan, in good faith, these military families planned for the future, and the government failed to hold up its end of the bargain.

The military has a longstanding tradition never to leave a comrade behind, but that is what we are doing to the military survivors, the widows and the orphans. We are not taking care of those who are left behind.

We must meet our obligation to the widow and the orphan with the same sense of honor as was the service their loved one rendered. We must eliminate this SBP-DIC offset. It is the right thing to do, and it is going to cost a lot less than when I tried this 11 years ago, but there will be costs. But we have to start by setting the policy of what is right.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. Mr. President, just in the lull here—and if there is any legislative business to take place, I will immediately give up the floor—I wish to make the point that I am so proud to be in this Senate, so proud to have been here for a long time now. I came here in 1993. There were 2 women, then we went to 6 women, and now we are going to 20 women. I have seen changes, I have seen good things, and I have seen rough things.

I have to say one of the things that keeps coming up continually here is folks trying to use these debates on bills to add irrelevant amendments, amendments that have nothing to do with the topic at hand.

I think we all agree that defending our Nation is our No. 1 priority, and therefore having a defense authorization bill is very important. I am sure we don't agree with every single sentence of this bill, but in general we all want to make sure that our military is prepared, that they are paid well, that they get good benefits. We must ensure we have a strong military that can meet every threat. Again, we are going to disagree on what all that means, but at least when we legislate, we ought to make sure that when we offer amendments, they are either noncontroversial and committee chairs have signed off if they are in their jurisdiction or we shouldn't offer them.

The reason I rise today is that we may be facing two environmental rid-

ers on this bill, and I want to go on record as saying I am not going to let that happen. Now, if colleagues want to override and stay here through the night and the weekend, that is fine, but I am going to be staying right here because one of these amendments would say that the EPA, under the Toxic Substances Control Act, could never regulate the ingredients in ammunition. This means they could never regulate lead and they could never regulate perchlorate. Lead and perchlorate kill, they harm, they do damage to the thyroid, to brain development, and to the behavior of children. Pregnant women are harmed.

So I am not going to allow an environmental rider to get onto this floor and pass this Senate when we are doing a defense bill which is meant to protect our people. I can tell you right now, you don't put a harmful environmental rider in the Defense bill when you are trying to pass a bill to protect our people, not make it easier for them to be exposed to dangerous lead, dangerous perchlorate, and other chemicals. There is a place and a time to do those amendments, and that would be on a relevant bill, a bill that comes out of the Environment Committee. That is fine. We can debate it then and have a vote when everyone understands the ramifications.

Now there is threat here to have another environmental rider that deals with coal ash, the regulation of coal ash. What does that have to do with the military bill? Zero. The components of coal ash are a huge danger to people. We have seen the coal ash pile up and get loose. In the East, it just goes down in a rainstorm and destroys whole communities. There is an environmental rider waiting to be offered that would weaken the EPA's ability to go to that threat and get rid of it.

I am very distressed, and I am sure you can hear it in my voice. I know there are differences around here, but I take my job seriously. As chairman of the Environment Committee, my job is to protect the public health from toxins such as lead, perchlorate, and the amazing collection of chemicals in coal ash that kill and harm and maim.

I know people want to get this bill done, and, believe me, I want to get this bill done. I have several amendments in this bill that are so important, and I thank colleagues on both sides of the aisle, particularly Senator CORNYN and Senator SNOWE, who helped me with an amendment that would say that if someone has been convicted of a sexual assault, they can no longer join the military. That is in this bill. That is very important.

We have other amendments we have worked on, and I thank Senator LEVIN and Senator MCCAIN. They have reached out to the committee chairs, and they have said: Look, we are trying to protect your jurisdiction. They

have now said they have no agreement that our jurisdiction will be protected.

As much as I don't want to sit here and stand guard, I am going to do it because I think that is my role and that is my job.

I thank you, Mr. Chairman, for this moment to express the reason I have been on the floor all afternoon and will continue to be on floor until we adjourn this evening.

Mr. President, I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. LEVIN. Mr. President, we are now going to turn to an amendment of Senator WHITEHOUSE which has been cleared. We have worked to make sure everybody understands that he is going to proceed to the amendment. And then I understand there is not going to be a need for rollcall vote on it.

I ask the Senator from Rhode Island, about how much time does he believe he would need on his amendment before we hopefully voice vote?

Mr. WHITEHOUSE. I would say just 2 or 3 minutes.

Mr. LEVIN. I thank the Presiding Officer.

Mr. WHITEHOUSE. But I do believe that the Senator from Oklahoma wishes to respond.

Mr. LEVIN. And I appreciate that.

Mr. President, I ask unanimous consent that there be 10 minutes on the Whitehouse amendment, equally divided between Senator WHITEHOUSE and Senator COBURN.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, may I ask the chairman if he wishes the amendment called up now and made pending or are we simply going to have discussion on it?

Mr. LEVIN. The Senator, we expect now, will be calling up his amendment. And may I, though, correct what I said before. It is possible that there will be a need for a rollcall vote on the Whitehouse amendment.

#### AMENDMENT NO. 3180

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the pending amendment be set aside in order to call up amendment No. 3180.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Rhode Island [Mr. WHITEHOUSE] proposes an amendment numbered 3180.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to dispense with further reading of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for scientific frameworks with respect to recalcitrant cancers)

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ . SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

Subpart 1 of part C of title IV of the Public Health Service Act (42 U.S.C. 285 et seq.) is amended by adding at the end the following:

#### “SEC. 417G. SCIENTIFIC FRAMEWORK FOR RECALCITRANT CANCERS.

“(a) DEVELOPMENT OF SCIENTIFIC FRAMEWORK.—

“(1) IN GENERAL.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall develop (in accordance with subsection (c)) a scientific framework for the conduct or support of research on such cancer.

“(2) CONTENTS.—The scientific framework with respect to a recalcitrant cancer shall include the following:

“(A) CURRENT STATUS.—

“(i) REVIEW OF LITERATURE.—A summary of findings from the current literature in the areas of—

“(I) the prevention, diagnosis, and treatment of such cancer;

“(II) the fundamental biologic processes that regulate such cancer (including similarities and differences of such processes from the biological processes that regulate other cancers); and

“(III) the epidemiology of such cancer.

“(ii) SCIENTIFIC ADVANCES.—The identification of relevant emerging scientific areas and promising scientific advances in basic, translational, and clinical science relating to the areas described in subclauses (I) and (II) of clause (i).

“(iii) RESEARCHERS.—A description of the availability of qualified individuals to conduct scientific research in the areas described in clause (i).

“(iv) COORDINATED RESEARCH INITIATIVES.—The identification of the types of initiatives and partnerships for the coordination of intramural and extramural research of the Institute in the areas described in clause (i) with research of the relevant national research institutes, Federal agencies, and non-Federal public and private entities in such areas.

“(v) RESEARCH RESOURCES.—The identification of public and private resources, such as patient registries and tissue banks, that are available to facilitate research relating to each of the areas described in clause (i).

“(B) IDENTIFICATION OF RESEARCH QUESTIONS.—The identification of research questions relating to basic, translational, and clinical science in the areas described in subclauses (I) and (II) of subparagraph (A)(i) that have not been adequately addressed with respect to such recalcitrant cancer.

“(C) RECOMMENDATIONS.—Recommendations for appropriate actions that should be taken to advance research in the areas described in subparagraph (A)(i) and to address the research questions identified in subparagraph (B), as well as for appropriate benchmarks to measure progress on achieving such actions, including the following:

“(i) RESEARCHERS.—Ensuring adequate availability of qualified individuals described in subparagraph (A)(iii).

“(ii) COORDINATED RESEARCH INITIATIVES.—Promoting and developing initiatives and

partnerships described in subparagraph (A)(iv).

“(iii) RESEARCH RESOURCES.—Developing additional public and private resources described in subparagraph (A)(v) and strengthening existing resources.

“(3) TIMING.—

“(A) INITIAL DEVELOPMENT AND SUBSEQUENT UPDATE.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall—

“(i) develop a scientific framework under this subsection not later than 18 months after the date of the enactment of this section; and

“(ii) review and update the scientific framework not later than 5 years after its initial development.

“(B) OTHER UPDATES.—The Director of the Institute may review and update each scientific framework developed under this subsection as necessary.

“(4) PUBLIC NOTICE.—With respect to each scientific framework developed under subsection (a), not later than 30 days after the date of completion of the framework, the Director of the Institute shall—

“(A) submit such framework to the Committee on Energy and Commerce and Committee on Appropriations of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions and Committee on Appropriations of the Senate; and

“(B) make such framework publically available on the Internet website of the Department of Health and Human Services.

“(b) IDENTIFICATION OF RECALCITRANT CANCER.—

“(1) IN GENERAL.—Not later than 6 months after the date of the enactment of this section, the Director of the Institute shall identify two or more recalcitrant cancers that each—

“(A) have a 5-year relative survival rate of less than 20 percent; and

“(B) are estimated to cause the death of at least 30,000 individuals in the United States per year.

“(2) ADDITIONAL CANCERS.—The Director of the Institute may, at any time, identify other recalcitrant cancers for purposes of this section. In identifying a recalcitrant cancer pursuant to the previous sentence, the Director may consider additional metrics of progress (such as incidence and mortality rates) against such type of cancer.

“(c) WORKING GROUPS.—For each recalcitrant cancer identified under subsection (b), the Director of the Institute shall convene a working group comprised of representatives of appropriate Federal agencies and other non-Federal entities to provide expertise on, and assist in developing, a scientific framework under subsection (a). The Director of the Institute (or the Director's designee) shall participate in the meetings of each such working group.

“(d) REPORTING.—

“(1) BIENNIAL REPORTS.—The Director of NIH shall ensure that each biennial report under section 403 includes information on actions undertaken to carry out each scientific framework developed under subsection (a) with respect to a recalcitrant cancer, including the following:

“(A) Information on research grants awarded by the National Institutes of Health for research relating to such cancer.

“(B) An assessment of the progress made in improving outcomes (including relative survival rates) for individuals diagnosed with such cancer.

“(C) An update on activities pertaining to such cancer under the authority of section 413(b)(7).

“(2) ADDITIONAL ONE-TIME REPORT FOR CERTAIN FRAMEWORKS.—For each recalcitrant cancer identified under subsection (b)(1), the Director of the Institute shall, not later than 6 years after the initial development of a scientific framework under subsection (a), submit a report to the Congress on the effectiveness of the framework (including the update required by subsection (a)(3)(A)(ii)) in improving the prevention, detection, diagnosis, and treatment of such cancer.

“(e) RECOMMENDATIONS FOR EXCEPTION FUNDING.—The Director of the Institute shall consider each relevant scientific framework developed under subsection (a) when making recommendations for exception funding for grant applications.

“(f) DEFINITION.—In this section, the term ‘recalcitrant cancer’ means a cancer for which the five-year relative survival rate is below 50 percent.”

Mr. WHITEHOUSE. Mr. President, I thank Chairman LEVIN and Ranking Member MCCAIN for their patience and persistence in allowing us to get to this vote. I think once I have discussed the bill for a moment, it might not seem as though it would have required much patience or persistence to get here, but it did. They have been very kind and very attentive, and I appreciate it.

The history of this amendment is that it began as a bill in the Senate. This bill passed out of the Health, Education, Labor and Pensions Committee by unanimous consent. An identical bill passed through the House of Representatives under suspension. So in many respects it is noncontroversial.

I also thank Chairman HARKIN and Ranking Member ENZI of the HELP Committee for their help getting it through the HELP Committee unanimously and for clearing it for a vote here today on the floor.

The bill at this point has nearly 60 cosponsors. It has 18 Republican cosponsors, and I thank them individually and by name: Senators BLUNT, BOOZMAN, BROWN of Massachusetts, CHAMBLISS, COCHRAN, COLLINS, CRAPO, GRASSLEY, HELLER, HUTCHISON, ISAKSON, KIRK, LUGAR, MORAN, MURKOWSKI, RUBIO, SNOWE, and WICKER, in addition to all my Democratic cosponsors.

This is a bill that also has the support of the American Cancer Society, the Pancreatic Cancer Action Network, the Lung Cancer Alliance, and the American Association for Medical Research, as well as the American Association of Medical Colleges.

What the bill does is asks that the National Institutes of Health convene and evaluate a discussion about what we call recalcitrant cancers. This actually began as a pancreatic cancer research bill, but it became apparent that there were some other cancers that we group now as what we call recalcitrant cancers in that they have not responded to treatment and research, and they remain cancers for which there has been little progress and survivability. And because they

are so deadly and so lethal, we are trying to direct a little more attention out of NIH toward research on these cancers.

For me, this has a personal component, as I know it does for many people who have been touched by pancreatic cancer. My mom died of pancreatic cancer, and I have a number of friends who have been touched by it in their families as well.

I know the distinguished Senator from Oklahoma has opposition to this. If he would like to state his piece, I will be delighted to yield the floor so he may do so now. I hope at the conclusion of his remarks we could move this by a voice vote rather than calling all of our colleagues back for another vote. But if he objects to that, then that is within his prerogatives.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, we have made remarkable progress in this country in terms of research into diseases. Since Francis Collins and his great work on the genome complex became successful, the way we research disease has totally changed. I have my favorite aunt who died of pancreatic cancer. I diagnosed it hundreds of times in my own practice of patients who were dear to me and whom I love. The problem with pancreatic cancer is it is diagnosed late. It is an adenocarcinoma of the pancreas, much like an adenocarcinoma of the colon. The reason we do so well on colon cancer is we do colonoscopies and we can treat the disease early. What is well-intended by this recalcitrant cancer bill will actually delay the cure for pancreatic cancer and other recalcitrant diseases.

Let me take a few minutes to explain why I am saying that.

We no longer look at diseases to cure them by looking at the base disease. There is translational and neurocommunicative and peptide and small markers of communication on an intracellular basis. Now, when we do research and we find that, what we find is we find cures for multiple diseases.

The other thing is we can take 100 people with a recalcitrant cancer, and every one of them, when we look at the genetics of cancer, will have to be treated differently. In other words, it is going to take a different approach, even though we might classify it as a neuroblastoma of the kidney or a pancreatic cancer—but looking at the genetics of the cancer, which is what we are doing now, is going to require totally different treatments.

This is very well intended. I understand. This is a big disease, and it is terrible that we diagnose it at a time where we cannot end up—less than 10 percent, around 5 percent survival rates, 5-year survival rates on this disease.

I would like to have printed in the RECORD a letter I received from Dr.

Francis Collins. I ask unanimous consent to have that printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF HEALTH &

HUMAN SERVICES,

Bethesda, Maryland, November 16, 2012.

Hon. TOM COBURN,  
U.S. Senate,  
Washington, DC.

DEAR TOM COBURN: Thank you for your September 17 letter requesting that I address four questions about how disease-specific legislation affects the ability of the National Institutes of Health (NIH) to plan and perform research.

First you asked if the NIH already has the ability to create strategic plans and working groups without a legislative mandate to do so. The Secretary of Health and Human Services and leaders of the Institutes and Centers of the NIH have the authorities needed to constitute standing advisory committees, create working groups, and develop plans for research programs; as a result, they do not need legislative mandates to take such actions. The NIH Institutes and Centers have senior advisory councils that oversee the research portfolio of each component. Individually or in collaboration, the NIH Institutes and Centers frequently form other advisory groups charged with planning research on Institute-specific or trans-NIH subjects. These many activities, in conjunction with our peer review panels, are part of our ongoing effort to evaluate the current scientific landscape and to protect and advance our investments in research for public benefit.

Let me provide a recent example of how these planning processes work. The National Institute of Allergy and Infectious Diseases (NIAID) has used working groups to identify scientific opportunities in areas where there are pressing public health needs. One example is influenza—both seasonal influenza, which kills up to 49,000 Americans each year, as well as pandemic influenza such as the recent 2009 H1N1 pandemic. In early 2006 NIAID convened a Blue Ribbon Panel on Influenza Research to help identify areas in which progress was needed. This panel recommended eight areas in which there were opportunities for scientific advancement, including research on improved influenza vaccines. To continue and build upon these efforts, NIAID released NIAID Influenza Research: 2009 Progress Report, which identified the development of “universal” influenza vaccines as an expanding area of scientific opportunity.

Currently, the NIAID’s extramural researchers are pursuing multiple vaccine strategies for the development of a universal influenza vaccine. In addition, researchers at the NIAID Vaccine Research Center are making significant progress towards the development of such a vaccine. They have tested in animals a two-step, prime-boost vaccine that generates neutralizing antibodies against many strains of influenza virus. Animal studies of this technique have proven promising, and researchers will soon study the approach in human clinical trials. This past summer, NIAID sponsored, with the Food and Drug Administration, a scientific meeting to revisit progress and challenges with regard to the development of universal influenza vaccines. This comprehensive NIAID effort is just one example of how the NIH constantly examines scientific opportunities and conducts research evaluation and planning activities within its current statutory authority.

You next asked me to address the NIH's ability to foster groundbreaking discoveries without legislation that directs it to address a specific disease or group of diseases. While we seek always to be responsive to the concerns of the public, often expressed through "report language" in appropriations bills, the NIH has considerable statutory authority to plan and oversee the research that leads to important discoveries. Because our science often produces new and unexpected findings and because medicine is often confronted with altered or unyielding threats to public health, the NIH Institutes and Centers must constantly assess their research plans and portfolios. For example, the National Cancer Institute recently organized a group to perform a "horizon scan" of pancreatic ductal adenocarcinoma (PDAC) research, building on previous planning exercises in 2001 and 2008. This new group will examine current research efforts, benchmark our scientific understanding, and identify promising and possibly underexplored areas for future research in hopes of improving the still dire outcome of this dreaded disease.

You further asked me to address the impact of disease-specific legislation on the NIH's ability to allocate resources freely and to study basic biology and mechanisms. When providing technical assistance to the Congress on possible legislation, the NIH generally suggests that Congress provide the maximum flexibility for our mission. Basic research that may lack any overt connection to specific diseases is the foundation for disease-specific translational and clinical research, and it must be preserved to ensure the discoveries that later drive applied work on individual diseases. If Congress is too prescriptive when it directs the NIH to focus on specific diseases, the agency loses its valued flexibility to allocate resources in a manner that optimizes the likelihood that the scientists we support will discover the underlying disease mechanisms that must be understood to achieve our goal of improving the health of our nation.

Let me provide an example of basic research that addresses several specific types of cancer. As early as the 1980s, cancer researchers observed mutations in a certain critical gene, the KRAS gene, in a variety of human cancers, including about a third of lung cancers, about half of colon cancers, and as many as 95 percent of PDACs. Basic research on a wide variety of cell types, from yeast to human, has taught us that the KRAS gene encodes an unusual signaling protein that acts in conjunction with other proteins as a molecular "on/off" switch for signals promoting cellular growth. Mutations in this gene leave the switch "on", resulting in persistent cell growth and division. Despite what we know about KRAS mutations, and despite extensive efforts in both industrial and academic research sectors, we have not yet been able to counter these mutations therapeutically. In order to treat PDAC and many other cancers exhibiting KRAS mutations, we must focus on research that increases our understanding of how such mutations drive the biological effects that cause these devastating diseases. Given what we have learned about molecular mechanisms, it would be counterproductive to limit that effort to a specific cell type. In other words, if Congress directs the NIH to study specific diseases without flexibility, it can limit our ability to follow the best leads in science and to pursue discoveries that move an entire research field forward in a way that produces maximum benefit to the public.

Finally, you asked me to address how genomics has revolutionized the study of underlying mechanisms of disease. Recent advances in genomics are transforming the way science is conducted. Our understanding of basic mechanisms has increased exponentially with the widespread adoption of high-throughput screening, genome sequencing, and advances in bioinformatics. This transformation of the biosciences is profoundly affecting the practice of medicine. Advances in the biological sciences have changed the way we view disease. We now recognize that dysfunction of specific biochemical pathways that govern cell behavior may be similar in superficially disparate diseases or quite different in patients with the same category of diagnosis.

When you and I were in medical school, all patients with cancers of a given organ were treated with the same combination of chemotherapy, radiation therapy, or surgery. With today's application of high-throughput screening and genomics, we are now shifting to treating an individual's cancer with a kind of "precision medicine" that is based upon the patient's genome and the genome of his or her individual tumor. As an industry scientist recently told the *New York Times*, "[t]he old way of doing clinical trials where patients are only tied together by the organ where their cancer originated, those days are passing." This is just one more reason why directing research resources toward a particular disease without flexibility, as defined in the pre-genomic era, can run counter to scientific opportunity.

In closing, let me be clear that the NIH is not permitted to take a position on the recalcitrant cancer legislation being considered by the Congress. Such statements can only be issued by the Office of Management and Budget as a Statement of Administration Policy.

Thank you for your continued support of the NIH.

Sincerely yours, with best personal regards,

FRANCIS S. COLLINS, M.D., Ph.D.,  
*Director*

Mr. COBURN. It is outlining NIH's and specifically the National Cancer Institute's concerns with this type of directive from us. I think they care about whether we solve these problems associated with these recalcitrant cancers. I think people who want to get it solved are true in their motives to try to solve it.

But there are some significant things in his letter that I would like to quote for my colleagues because I think it might just change your mind about us micromanaging what they are doing.

First, he says:

We have all the authorities to do whatever we need to do with the money that you have given us. We can do all these things you want us to do. If you tell us to do them, we will do them. But we already have the authority to go where we think we are going to get the best results in the quickest way.

NIH constantly examines scientific opportunities and conducts research evaluation and planning opportunities within its current statutory

In other words they are looking, trying to figure out how they change, where they go now.

The National Cancer Institute recently organized a group to provide a "horizon scan"

of pancreatic ductal adenocarcinoma ad carcinoma, building on previous planning

They just did all this. They have just been through a total review of pancreatic adenocarcinoma, and they have just shifted where they are spending funds to address this issue.

Basic research that may lack any overt connection to specific diseases is the foundation for disease-specific translational and clinical research.

We must preserve this translational research if in fact we will want to eventually apply it to specific diseases. So I would say this bill, "pre" the genomic age, would be a right thing for us to do. It is the wrong thing for us to do because what we are actually going to do is we are going to force the NIH to do things that are not going to benefit the results—the outcome of these diseases and waste money on what is being directed.

Do we have a time limit?

The PRESIDING OFFICER. Evidently; 10 minutes equally divided.

Mr. COBURN. I ask unanimous consent to continue until I finish my remarks.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. I am distracted. What is the unanimous consent request?

Mr. COBURN. I wanted to finish my remarks.

Mr. LEVIN. I understand. Was it an additional 5 minutes?

Mr. COBURN. It will not be much longer than that. I am certainly not—

Mr. LEVIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. "Advances in the biological sciences have changed the way we view disease. We now recognize the dysfunction of specific biochemical pathways"—not disease-specific pathways—"biochemical pathways that govern cell behavior that may be similar in superficially disparate diseases or quite different in patients with the same disease.

What they are saying to us, through this letter, is that, of course, they are going to do what we tell them to do. But the very intent of what we are wanting to accomplish is we are going to delay the outcome because we have not significantly, in the last 3 years, significantly increased NIH's budget. So limited dollars are going to be spent as directed through this recalcitrant bill that are not going to direct the translational research and biochemical pathway research they are in.

I would just tell my colleagues in the next 10 years we are going to see such phenomenal changes in our approach to disease, and the treatments for that, and the reason we are going to see it is because we stop looking at diseases and started looking at translational genomics and biochemical pathways.

I will be one of the few who vote against this. I am fine with a voice

vote if no other colleagues object. I have no problems with that. But in the name of doing good I suggest that we are actually going to limit our ability to achieve, at a sooner time, the cures that everybody who is supporting this bill would like to see.

I yield.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. With the permission of the chairman, may I ask for a voice vote at this time?

Mr. LEVIN. I know of nobody else who wishes to speak on this amendment—I withhold that so we can hold off and see if anybody else wishes to speak.

Mr. President, I know of no further debate on this amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3180) was agreed to.

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Senator PORTMAN, I believe, wishes to speak relative to an amendment? I believe the Senator from Ohio wishes to speak relative to an amendment? I ask Senator PORTMAN be recognized for—how many minutes, may I ask the Senator?

Mr. PORTMAN. Seven minutes.

Mr. LEVIN. For up to 10 minutes, to speak up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PORTMAN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PARTISAN RULE CHANGE

Mr. PORTMAN. Mr. President, I commend the chairman and ranking member for the way they are handling this bill. As we have seen on the floor today, Democrats and Republicans alike are able to offer amendments and have an honest debate on the issues, which is exactly how we ought to be operating.

As the fiscal cliff approaches we should not only be working together across the aisle to address issues like we are today with the Defense authorization bill, but we should also be working to address other critical issues, including tax issues and spending issues. That is what I wanted to address.

We have a lot of challenges. Instead of pulling together we seem to be pulling apart, and I am specifically referring to some of the suggestions by some in the majority that we consider a controversial and partisan rule

change that would marginalize minority Members and in a way that breaks the current rules to change the rules.

What I mean by that is it takes 67 votes to change a rule in the Senate. That is a rule, by the way, that dates back to 1917. The reason that is in place is because, obviously, folks wanted to force the majority and minority to work together to make those rule changes. We don't get a two-thirds vote without that. I think it is important that the basic rules are ones that are agreed on.

The party in the majority tends to change a lot around here. In fact, we have shifted back and forth between Republicans and Democrats 7 times in the past 30 years. So at one point we are in the majority, one point in the minority, and that is why having these basic rules in place make sense.

There are some proposing we get around the 67-vote majority by some procedure where, instead of having a two-thirds vote, we would just have a majority vote to change a rule. Regardless of what rule that might be—some would say it would be on the motion to proceed and other aspects of the filibuster. Of course it would set a precedent that could change the rules for other things as well. I think that would prove counterproductive in the short term. I also think it would prove counterproductive in the long run for the Senate.

All of us are focused, I hope, on the serious economic challenges that we face with the fiscal cliff impending. I think this would be the wrong time for us to put this body into an even more partisan environment by changing these rules.

Again, I commend the chairman and ranking member for what we are doing today because this is an example of how the Senate can work and has worked on several bills in my short time here. But in other cases we have not been able to do that. I think that involves both parties, again, working together to solve these problems.

The issue before us is the fiscal cliff, and I also want to address briefly, if I may, the ongoing discussion about taxes and what we should do regarding taxes. I want to take this opportunity to talk a little about why some of us believe that raising tax rates would be counterproductive at a time when our economy is so weak, and that there is another opportunity, and that is for tax reform.

The jobs crisis and the debt crisis are linked, and the President has made that point. He has said his priority in the grand bargain discussions, the fiscal cliff discussions, is to ensure that we encourage economic growth and jobs. So we should use this as an opportunity to address the underlying problems that are holding back our economy, an economy that is in tough shape today. Unemployment is still

stuck just below 8 percent. The projections CBO has given us for the next year, by the way, are continued anemic growth in the economy and, in fact, unemployment going up, not down.

The economic case against imposing higher taxes is overwhelming. We all know if we tax something, people tend to do less of it and that is one reason why smoking is taxed, to get people to quit smoking. So why do we want to raise taxes on working, saving, and investing? Instead, we should encourage policies that create jobs, not discourage them through higher taxes.

Don't take it from me. There are others who have commented on this on both sides of the aisle. Christina Romer, President Obama's former Chief Economic Adviser, has written that in most circumstances, a tax increase that equals about 1 percent of GDP actually lowers GDP by about 3 percent. Harvard economist Marty Feldstein has written that a \$1 increase in tax rates tends to cost the economy about 76 cents of growth.

There is a global perspective on this as well because other countries have gone through these fiscal problems and they have chosen to cut spending in some cases and raise taxes in other cases. There is a Harvard economist, Alberto Alesina, who has recently studied the experience of 17 countries in the developed world, such as the United States. Over the past 25 years, he has looked at how they have attempted to reduce their budget deficits. Based on IMF data, which is the International Monetary Fund, he concluded that "tax-based deficit reduction" was, in his words, "always recessionary." By contrast, reducing deficits by cutting spending and enacting pro-growth reforms, including tax reform, actually spurred economic growth, according to the same study.

I think that this is consistent with our own economic history. Between 1948 and 1961, a period when the highest income tax rate rose from 82 to 91 percent, we went through some tough times. We had four recessions. Thankfully, our exports that helped rebuild Europe following World War II helped keep the economy moving. Reducing the top tax rate to 70 percent also helped, but the 1970s were still a period of stagnation, recession, double-digit unemployment, double-digit interest rates, double-digit inflation. It was when Ronald Reagan reduced rates to 28 percent that we saw this impressive period of growth, maybe the most impressive ever.

It is something we saw again in 1997 when capital gains taxes that were cut under President Clinton and the Republican leadership in Congress were followed by a surge of investment and growth into the late 1990s. Again, after the 2003 tax rate cuts, we saw another example of the power of low tax rates. This was the 2003 tax cuts. In the six

quarters before those rate cuts, the economy lost 1 million jobs. In the six quarters after those tax rate reductions, in 2003, economic growth nearly doubled and 2.3 million jobs were added.

Some tax increase advocates may assert a willingness to accept slower economic growth in the cause of deficit reduction and that is a legitimate point of view, that we need to have slower economic growth because deficit reduction is so important. But I would also point out some statistics. Slow growth also means less tax revenue. The White House's own data suggests that even a .26-percent reduction in economic growth—which is likely with big tax hikes—would wipe out the entire \$800 billion in promised deficit reduction from higher tax rates. Growth is so incredibly important to reducing our debt and deficit and getting in control of our fiscal situation. So tax rate increases are not only bad economic policy, but they tend to be bad budget policy.

Tax reform is needed, and through tax reform we could have higher revenues. But both theory and practice make a convincing case that keeping rates low is better for the economy and jobs. Structural spending reforms combined with pro-growth tax reform, in my view, are the right approach and I think historically that has proven to be true. I will speak for myself as one Republican, although other Republicans as well are willing to accept new revenues, but the right way to do it is through reforming our outdated Tax Code and having these structural reforms that everybody feels are necessary.

Both the corporate and individual sides of the Code are marked by relatively high marginal rates and a complex maze of tax preferences that distort economic decisions, misallocate capital, and allow some taxpayers to avoid paying their share. Tax reform can kill two birds with one stone. By capping or eliminating inefficient tax preferences, we can avoid raising corporate and individual rates, without adding a dime to the deficit, by the way. In fact, if done right, tax reform will increase revenues by spurring growth, job creation and, therefore, bigger tax receipts.

Tax reform is both a fiscal and competitive necessity for our country. It has been more than 25 years since we substantially reformed the Tax Code and twice as long—about 50 years—since we did a bottom-up review of our international tax laws. The world has changed a lot in that time period, yet America has not kept up. The underlying assumptions in our Tax Code are, frankly, out of step with today's complex global economy. This is especially evident in our corporate Tax Code. The United States is now the highest corporate tax country among all the de-

veloped countries in the developed world. Canada has lowered its federal corporate rate from 16.5 percent to 15 percent, bringing its combined rate to 25 percent—nearly 15 points lower than the U.S. combined rate. Our rate is 39.2 percent when we combine the State and Federal burden. The Federal burden is 35 percent and the State burden is closer to 36 percent. So right now the average among all of the developed countries in the world is 25.1 percent, and the U.S. rate stands at 39.2 percent when we combine the State and Federal burdens.

A similar trend, by the way, has played out with respect to international tax rules, as our trading partners, including Japan and Britain, have moved to a more competitive, territorial-like tax regime over the past 10 years, which encourages movement of investment, capital, and jobs overseas. So there is a simple point here which is, by standing still, the United States is falling behind. The resulting drag on American competitiveness and job creation is real and substantial.

The solution is tax reform that broadens the tax base by scaling back tax preferences and cutting the corporate rate. We could cut it to 25 percent and scale back the deductions, credits, and exemptions, and have a competitive, territorial system and have it all be revenue neutral. There is such a proposal by the Joint Committee on Taxation here in Congress.

I am not saying it is easy. Some of these preferences, of course, and loopholes are ones that are very difficult to reduce or eliminate, but it would be the right thing to do for our economy. I think we have seen some signs of developing bipartisan consensus on this issue and I am hopeful we will see the same movement for pro-growth individual tax reform, because reforming the entire Tax Code is critical to regaining competitiveness, spurring growth, and producing the revenues we need to pay for important public priorities.

The smart way to raise revenue is not through tax hikes that will shrink our economy, but rather through tax reform designed to help grow the economy and help make American workers and businesses more competitive so we can compete and win in the global economy.

Again, today as we are approaching the fiscal cliff I hope this Senate works together on a bipartisan basis to work toward tax reform in a way to increase revenues and grow our economy while we look at the important structural reforms we have to make in order to solve the fiscal crisis we face.

Thank you, Mr. President.

THE PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me elaborate a little bit on what the Senator from Ohio just said. I think it is

important to remember that the whole idea was a Democratic idea and not a Republican idea. Some of us remember. We were not actually here at the time, but in the 1960s during the Kennedy administration—of course, the last time I checked he was a Democrat—he was the one who made this statement. I have quoted him very often. He said, We need more revenue to take care of the great society programs that he had kind of inherited and was furthering. He said, The best way to increase revenue is to decrease marginal rates. He did that. I remember the top rate went down from 90 percent to 70 percent, and during his period of time, the total amount of revenue that came from marginal rates raised from \$94 billion to \$153 billion.

Then, a few years later, along came Ronald Reagan and the total amount of revenue that was raised for marginal rates in the year 1980 was \$244 billion and in 1990 it was \$466 billion, which almost doubled in the decade that had the most streamlining and reduced reduction in marginal rates in our history.

So I think it is interesting to observe that this is not—it wasn't all a Republican idea, but it is something that has worked every time it has been tried.

Mr. PORTMAN. I thank my colleague from Oklahoma. I wish to follow up briefly on that and say that in 1997, when we decided to move toward a balanced budget agreement when President Clinton was President, there was also an agreement to cut the capital gains rate. We sometimes forget the capital gains rate cut produced a lot of revenue that was not expected. As a result, we got to a unified balanced budget on a unified basis more rapidly than anybody thought we would. It came 2 or 3 years sooner than projected, in part because there was about \$100 billion of new revenue that showed up the next year from the fact that we did reduce the capital gains rates.

I understand the need for us to deal with the deficit and to have revenue. There is no question that this is necessary, but to do it by raising rates alone, which is what is being proposed by some people, is going to result in lower economic growth, it is going to result in job loss, and it is not going to have the intended benefit on the revenue side. The alternative is clear, which is, for the first time in a couple of decades, we need to get busy on reforming this Tax Code as Ronald Reagan did with Democratic help, including Democratic Senators such as Phil Bradley here in the U.S. Senate, to encourage growth and to encourage the kind of economic growth that is going to result in more revenue coming in. We should not miss this opportunity to do that.

As I said earlier, I believe there is a building consensus around that. We saw it in the Simpson-Bowles Commission. We have seen it in the Rivlin-



Domenici work, and other outside groups have looked at this, at our Tax Code. And by broadening the base, we can be more competitive and through growth have additional revenues coming in.

Mr. INHOFE. I appreciate the comments of the Senator from Ohio. I would go a little farther and say this obsession that the only way to do these things is to raise taxes, I think that flies in the face of history.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mrs. BOXER. Mr. President, I ask that the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I listened to the Senator from Ohio and I want to be heard because he is talking about the fiscal cliff and how upset he is at the thought that the wealthiest people in America might go back to the tax rates we had under Bill Clinton when we had the greatest prosperity, we had 23 million new jobs, and we balanced the budget to the point where we even had a surplus. My friend comes down here and complains that the proposal on the table would give 98 percent of the people a tax cut and he is upset that 2 percent of the people might have to go back to the rates under Bill Clinton.

I want to say something. We just had an election. We had a big election. We had a tough election. We had an expensive election. One of the major parts of that election revolved around what do we do about the deficits, what do we do about economic growth, what do we do about spending. We discussed it in the Senate races, we discussed it in the House races, and, of course, President Obama and candidate Governor Romney discussed it again and again.

My friend talks about consensus. Let me tell my colleagues the consensus. More than 60 percent of the people agree with President Obama and the Democrats that we ought to climb down off this fiscal cliff in the next 5 minutes and pass what the Senate passed, which is to renew all the Bush tax cuts and go back to those over \$250,000 to the rates of Bill Clinton. That is what we passed here. That would bring us almost \$1 trillion over 10 years. That will get us to climb down that cliff.

Then we have other parts of the cliff, there is no question about it, including the automatic sequester. I think it is easy to deal with that by bringing home some of the overseas account money and applying it to the sequester and getting rid of at least half of that sequester, and maybe all of the sequester. But, no, people are going to listen to these speeches every day about how we are obsessed with taxes.

What are people talking about when they say obsessed with taxes? I will tell my colleagues what I am obsessed about. I am obsessed with the fact that we passed a tax cut for 98 percent of the American people and our friends are so worried about the millionaires and the billionaires that they will not allow that bill to be voted on in the House. So people can stand up here morning, noon, and night, and I want them to and I respect their views, believe me, but I do not agree with them.

It is no wonder that the American people are confused. We know we have the fiscal cliff. We know we don't want to see tax rates go up for the middle class. Yet the Republicans say they are going to hold up all those tax breaks for 98 percent of our people because they want to hold on to the tax breaks for billionaires and for millionaires. We had an election about that.

People agreed with us. I suppose we are going to have to hear these speeches every day about how we are going to grow our way out of the deficit. We are going to grow our way out of the deficit? Really? Look what happened under George W. Bush. He inherited surpluses. He turned it into deficits as far as the eye can see, with huge tax cuts to the millionaires and billionaires—huge—the very tax cuts our friends are defending right now. He did two wars on the credit card and we wound up in a mess.

So we have to come together with the best ideas that we can have. I know we can reach agreement. But let's do the first step, which is to take care of 98 percent of the people. The Republicans want to have tax breaks for 100 percent of the people. We are saying: Can you take 98 percent?

If I stopped you on the street and said: I am willing to give you 98 percent of what you say you want, and you walk away from me, and you attack me, and you say I am not ready to do anything, I honestly think people would scratch their heads.

So I think it is clear. The Senate passed a bill to renew the tax breaks for 98 percent of the people. We are saying up to \$250,000 in income, we go right back to those Bush tax cut rates. But over \$250,000, we go to the Clinton years, pay a little bit more, so we can attack this deficit, so we can make the investments we need to make in this great country of ours.

I will tell you, if the Republicans can do this, we are going to see smiles on the faces of the people. I was very happy to see that TOM COLE over in the House, who was the head of the RCC, the Republican Congressional Committee over there, says it is time to come to an agreement on that proposal.

So I say to the Republicans: We are giving you 98 percent. Take it. Then let's sit down and debate the rest of it. There are a lot of other things we have

to do. There is the AMT. We have to do a doc fix. We have to do a lot of other things. I am willing to compromise on those things. But let's at least get those tax cuts in place right now before this holiday season so that the middle class knows they are not going to face a tax increase. I can say honestly that the American people would think we were doing the right thing if we were to see the House take up the Senate bill and pass it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I rise to speak on a broadly bipartisan amendment that I have filed, and that I hope and believe will be called up at some point. Obviously, I would like it to be adopted by unanimous consent but, if not, it merits a rollcall vote, and I am confident it will be addressed on a rollcall vote.

This amendment is amendment No. 3090 to this National Defense Authorization Act for Fiscal Year 2013. It will reauthorize two very important and very broadly supported programs—the Assistance to Firefighters, AFG, Program—which otherwise used to be known as FIRE, the FIRE Act—and the Staffing for Adequate Fire and Emergency Response Program, known as SAFER. This amendment also reauthorizes the U.S. Fire Administration for 5 years, an agency which is a component of FEMA that is focused on supporting firefighters and EMS personnel.

This amendment reauthorizes AFG and SAFER for 5 years but it also takes much needed steps to ensure that the firefighters not only have the equipment, vehicles, and personnel that we need them to have to do the jobs they do for us in our country every day, the amendment also helps departments in communities struggling with economic difficulties, creating a hardship waiver for both of these fire programs—AFG and SAFER—that allows FEMA to waive requirements in communities that have been hard hit in these tough economic times.

Some people might say: Well, why has the Federal Government established these programs to support firefighting? Aren't those local responsibilities? Well, of course, the Federal Government has partnered with many local and State responsibilities that we deem to have national importance.

There is no question since 9-11-2001, as we witnessed those firefighters putting their lives on the line, running into danger to save people as opposed



to running away from it—and we contemplated after 9-11-2001, as we have consistently in the Senate Homeland Security Committee, how we would respond—are we ready to respond to, God forbid, another mass terrorist attack on the United States? The first line of defense will be the local firefighters, the local law enforcers, and the local emergency medical personnel.

So these brave and skillful firefighters around America now become part of the first line of response to the kind of threats in this unconventional age in which we live that our homeland security is threatened by.

As important as it is to help our firefighters, obviously, many of us on both sides of the aisle, who have cosponsored both of these bills, understand we have to demand accountability as we spend taxpayer dollars in a time when we are trying to reduce our deficit and debt.

For this reason, the amendment does a couple of things. It includes provisions to prevent earmarks from being attached to these programs. AFG and SAFER actually have never been earmarked, which is an impressive accomplishment. In other words, these are formula programs in that sense and decided on a merit basis, decided on applications, never earmarked from Congress. We should keep it that way.

But this amendment, recognizing the tough economic times we are in, also reduces the authorizations for these two programs, AFG and SAFER, by more than 30 percent—more than 30 percent. So we are meeting a national need with the authorization of these programs, but we are doing it in a way that is mindful of the tough fiscal times we are in.

Supporting our Nation's firefighters and emergency medical service responders is a national priority. It is, in my opinion, one that is not only broadly supported by Members of both parties and an occasional Independent here in the Senate, but is broadly supported by the American people regardless of where they live all over this country.

So, Mr. President, I will, with the cooperation and support of the two managers of the bill, who are supporters of these two pieces of legislation—Chairman LEVIN and Senator MCCAIN—look forward to the time when I can ask that this amendment be the pending business and that we can either adopt it by consent or bring it up for a roll-call vote.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent I be allowed to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise in support of an Ayotte amendment, No. 3245, an amendment that makes permanent the current prohibition on the use of defense funds to transfer or release Guantanamo Bay detainees into the United States. This amendment is identical in substance to section 1027 of the Fiscal Year 2012 National Defense Authorization Act, except that it prohibits the use of the funds permanently.

We know the President said he would close Guantanamo almost 4 years ago. I thought it was a bad idea then; I think it is an even worse idea today. We should move beyond campaign promises and think about what makes sense on this issue. The stubborn refusal to increase the Gitmo detainee population has been the key stumbling block in establishing an effective long-term detention policy.

The American people have been pretty unified in their opposition to bringing Gitmo detainees to the United States, and I believe we should listen to them.

I understand that Senator FEINSTEIN just released the GAO report she requested regarding facilities and factors to consider if Gitmo detainees were brought to the United States. I have reviewed this report, and I have to respectfully disagree that this report offers any support whatsoever for the idea that Gitmo detainees can or should be moved to the United States.

The very first page of the GAO report lays out in stark terms the serious problems that would come into play if detainees from Guantanamo were transferred to the United States: legal and cost considerations, compliance with U.S. and international laws, collecting intelligence information, and ensuring the safety and security of the general public and personnel at these facilities.

The report makes very clear that the Department of Justice does not have the authority to maintain custody of detainees under the AUMF. In other words, even without the prohibition on transfers of detainees to the United States, it would be illegal for the Bureau of Prisons or the Marshals Service to take custody of Guantanamo detainees.

Moreover, the Department of Justice told the GAO—and I quote—it “does not plan to transfer detainees to the United States,” saying it raises legal, policy, and resource issues that descriptions of current policies and practices contained in the GAO report cannot fully address.

Essentially, the Department of Justice is saying that on top of those

issues already described in the GAO report, such as insufficient standards for law or war detention, severe overcrowding, and “implications for the public safety,” there would be even more issues that are not mentioned at all. And that is from a Department of Justice that has fully supported the idea of moving Gitmo detainees into the United States.

Housing these detainees in DOD corrections facilities does not seem to be the answer either because of equally troubling legal and safety issues for detention of these individuals, including the Geneva Conventions’ prohibition on detaining prisoners of war in penitentiaries.

These are just some of the reasons Congress has prohibited the transfer of these detainees to the United States and why those prohibitions must continue.

This prohibition made sense last year and it still makes sense today. The GAO report only confirms that. The detainees who remain at Gitmo include the ones who have been determined to be too dangerous to transfer, including the individuals who were responsible for the masterminding of the attack on September 11, which we just celebrated the 11th anniversary of.

So if that is the case, why on Earth would we put these detainees whom we will not send to other countries in cities and towns across the United States of America? The Federal Government's primary responsibility is to keep the American people safe. Keeping these detainees at Gitmo accomplishes that goal.

I urge my colleagues to support the Ayotte amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I also ask to be recognized as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, the Senator from Georgia is exactly right. I do not think, in the years I have been here, I have ever seen one issue where everyone is in agreement. If we go back to 2007, 94 Members of this Senate got together and they said—and this is all documented—that: Detainees housed at Guantanamo Bay should not be released into American society, nor should they be transferred stateside into facilities.

We all agreed on that. Then we agreed again in 2009 and every year since then, as the Senator from Georgia has said. But a lot of people have forgotten. We have had this issue for so many years now, they have forgotten some of the original reasons why. One of the obvious reasons—there are three reasons. One was that prisons that hold these detainees become magnets. I do

not think people understand that a terrorist is not a criminal. He is a terrorist. His job is to train people to kill other people, to engage in terrorist activities.

Do we truly want them in there talking to all our prisoners? That was one of the major reasons people were all coalescing around the idea that we have a great place to put these guys; that is, Guantanamo Bay.

The second reason is the prison guards. They have to be specially trained in order to guard a prison that has terrorists as opposed to the normal criminal element.

The third is what FBI Director Robert Mueller has said; that there is a very real possibility that Gitmo detainees will recruit more terrorists from among the Federal inmate population and continue al-Qaida operations from the inside, which is how the New York synagogue bombers were recruited.

We should not even be debating this. The Ayotte amendment is one that will take care of this so we do not have to worry about it from year to year, we do not have to stand here and anguish over this thing that we have decided several times.

I can remember—I guess it was back in the early administration of Obama—when he identified 17 areas in the United States that would be appropriate for incarcerating terrorists whom we would take out of Gitmo. One of those places happened to be Fort Sill in my State of Oklahoma. So I went down to Fort Sill. I looked at the facility we had that was within the Fort Sill facility.

There was a lady there whose name is Sergeant Major Carter. I can remember when she came up to me she said: Senator, why in the world? Go back and tell those people back there that they do not understand what is going on. This is coming from a sergeant major. She happened to be a Black lady. She had been down there for some time. She said: Go back and tell them I had two tours in Gitmo. There is no place that is more humane. There is no place that is taking care of them, no place where we can secure the area so we protect our prison guards like Gitmo.

She even went on to say one of the biggest problems we had with the inmates in Gitmo is an overweight problem because they are eating better than they have ever eaten in their lives. They had medical attention for diseases they did not know existed.

So we have an opportunity there to do it. I applaud Senator AYOTTE for wanting to address this so we do not have to go through this every year. Nothing has changed. We know it is a revolving door. People who go out from there, many of them return to the battleground, and there is no place else that offers this security and the confinement.

The last thing I would say, we do not have many good deals in government, and let's see anyone here find a better deal. We have had this—it was either since 1901 or 1904. I cannot remember the year. But as I do recall we are still under the same lease agreement. That whole facility that we have at Gitmo, along with the court system down there, all we pay is \$4,000 a year.

Ever heard of a better deal than that? About half the time Castro does not bill us. So let's take advantage of one of the few good deals we have, one of the few security deals we have, and make this a permanent arrangement. I hope we have the chance to vote on it. It is my understanding we are going to be able to address these and bring them up, put them in the queue and have votes. Hopefully, that will even be tonight.

I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that it be in order for the Lieberman amendment, No. 3090, to be called up with the modification that is at the desk; that the amendment, as modified, be agreed to; that following disposition of the Lieberman amendment, it be in order for the following amendments to be called up: Ayotte No. 3245 on Guantanamo and Feinstein amendment No. 3018 on detainees; that there be up to 20 minutes of debate equally divided in the usual form on the Ayotte amendment; that upon the use or yielding back of time on the Ayotte amendment, there be up to 60 minutes of debate equally divided in the usual form on the Feinstein amendment; further, that at 9:30 p.m. this evening, the Senate proceed to votes in relation to the Ayotte and Feinstein amendments in the order listed and that no amendments be in order to the amendments prior to the votes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCAIN. Reserving the right to object, and I will not object, I believe we will have a package, also, following this, of amendments that have been cleared by both sides.

I would like to express my personal appreciation for the cooperative and compromising fashion in which this unanimous consent agreement was entered. I would like to thank all parties, including the chairperson of the Intelligence Committee and others. I think this will allow us to move forward and complete this legislation sooner rather than later.

There are still a lot of amendments that have been filed, and at some point that has to stop and at some point we are going to have to finish all these. Many of them are duplicative and many of them are not particularly necessary, but I think we have made a giant step forward. I am confident we can complete this authorization bill and we will continue the record of now some 51 years of having completed an authorization bill.

I thank the chairman for his leadership.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that any further amendments must be filed no later than 7:30 tonight.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DURBIN. Mr. President, reserving the right to object, does this apply to second-degree amendments?

Mr. LEVIN. If there is an amendment filed tonight by 7:30. It could be offered as a second degree at some later time, but it has to be filed tonight by 7:30.

Mr. KYL. Mr. President, I would indulge my colleague, apparently there are two people on our side we would have to check with. I ask if our colleague could withhold that request to see if we can work it out.

I would also ask, is it not possible that if further amendments can be worked out to be voted on tonight after the two that are scheduled to be voted on, there could be other votes tonight to try to continue to dispose of amendments on the bill; is that correct?

Mr. LEVIN. The Senator is correct. These are not the last two votes tonight necessarily at all. As of now, we are still planning on having votes tomorrow.

The ACTING PRESIDENT pro tempore. Objection is heard to the filing deadline request.

Mr. LEVIN. I withdraw that request.

The ACTING PRESIDENT pro tempore. It is withdrawn.

LIEBERMAN AMENDMENT NO. 3090, AS MODIFIED

The ACTING PRESIDENT pro tempore. The clerk will report the Lieberman amendment.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for Mr. LIEBERMAN, proposes an amendment numbered 3090, as modified.

The amendment (No. 3090), as modified, is as follows:

At the end of division A, add the following:

**TITLE XVIII—FEDERAL ASSISTANCE TO FIRE DEPARTMENTS**

**Subtitle A—Fire Grants Reauthorization**

**SEC. 1801. SHORT TITLE.**

This subtitle may be cited as the "Fire Grants Reauthorization Act of 2012".

**SEC. 1802. AMENDMENTS TO DEFINITIONS.**

(a) IN GENERAL.—Section 4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203) is amended—

(1) in paragraph (3), by inserting “, except as otherwise provided,” after “means”;

(2) in paragraph (4), by striking “‘Director’ means” and all that follows through “Agency;” and inserting “‘Administrator of FEMA’ means the Administrator of the Federal Emergency Management Agency;”;

(3) in paragraph (5)—

(A) by inserting “‘Indian tribe,’ after ‘county;’ and

(B) by striking “and ‘firecontrol’” and inserting “and ‘fire control’”;

(4) by redesignating paragraphs (6) through (9) as paragraphs (7) through (10), respectively;

(5) by inserting after paragraph (5), the following:

“(6) ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b) and ‘tribal’ means of or pertaining to an Indian tribe;”;

(6) by redesignating paragraphs (9) and (10), as redesignated by paragraph (4), as paragraphs (10) and (11);

(7) by inserting after paragraph (8), as redesignated by paragraph (4), the following:

“(9) ‘Secretary’ means, except as otherwise provided, the Secretary of Homeland Security;”;

(8) by amending paragraph (10), as redesignated by paragraph (6), to read as follows:

“(10) ‘State’ has the meaning given the term in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).”.

(b) CONFORMING AMENDMENTS.—

(1) ADMINISTRATOR OF FEMA.—The Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2201 et seq.) is amended by striking “Director” each place it appears and inserting “Administrator of FEMA”.

(2) ADMINISTRATOR OF FEMA’S AWARD.—Section 15 of such Act (15 U.S.C. 2214) is amended by striking “Director’s Award” each place it appears and inserting “Administrator’s Award”.

#### SEC. 1803. ASSISTANCE TO FIREFIGHTERS GRANTS.

Section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) is amended to read as follows:

##### “SEC. 33. FIREFIGHTER ASSISTANCE.

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR OF FEMA.—The term ‘Administrator of FEMA’ means the Administrator of FEMA, acting through the Administrator.

“(2) AVAILABLE GRANT FUNDS.—The term ‘available grant funds’, with respect to a fiscal year, means those funds appropriated pursuant to the authorization of appropriations in subsection (q)(1) for such fiscal year less any funds used for administrative costs pursuant to subsection (q)(2) in such fiscal year.

“(3) CAREER FIRE DEPARTMENT.—The term ‘career fire department’ means a fire department that has an all-paid force of firefighting personnel other than paid-on-call firefighters.

“(4) COMBINATION FIRE DEPARTMENT.—The term ‘combination fire department’ means a fire department that has—

“(A) paid firefighting personnel; and

“(B) volunteer firefighting personnel.

“(5) FIREFIGHTING PERSONNEL.—The term ‘firefighting personnel’ means individuals, including volunteers, who are firefighters, officers of fire departments, or emergency medical service personnel of fire departments.

“(6) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given such term in section

101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

“(7) NONAFFILIATED EMS ORGANIZATION.—The term ‘nonaffiliated EMS organization’ means a public or private nonprofit emergency medical services organization that is not affiliated with a hospital and does not serve a geographic area in which the Administrator of FEMA finds that emergency medical services are adequately provided by a fire department.

“(8) PAID-ON-CALL.—The term ‘paid-on-call’ with respect to firefighting personnel means firefighting personnel who are paid a stipend for each event to which they respond.

“(9) VOLUNTEER FIRE DEPARTMENT.—The term ‘volunteer fire department’ means a fire department that has an all-volunteer force of firefighting personnel.

“(b) ASSISTANCE PROGRAM.—

“(1) AUTHORITY.—In accordance with this section, the Administrator of FEMA may award—

“(A) assistance to firefighters grants under subsection (c); and

“(B) fire prevention and safety grants and other assistance under subsection (d).

“(2) ADMINISTRATIVE ASSISTANCE.—The Administrator of FEMA shall—

“(A) establish specific criteria for the selection of grant recipients under this section; and

“(B) provide assistance with application preparation to applicants for such grants.

“(c) ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(1) IN GENERAL.—The Administrator of FEMA may, in consultation with the chief executives of the States in which the recipients are located, award grants on a competitive basis directly to—

“(A) fire departments, for the purpose of protecting the health and safety of the public and firefighting personnel throughout the United States against fire, fire-related, and other hazards;

“(B) nonaffiliated EMS organizations to support the provision of emergency medical services; and

“(C) State fire training academies for the purposes described in subparagraphs (G), (H), and (I) of paragraph (3).

“(2) MAXIMUM GRANT AMOUNTS.—

“(A) POPULATION.—The Administrator of FEMA may not award a grant under this subsection in excess of amounts as follows:

“(i) In the case of a recipient that serves a jurisdiction with 100,000 people or fewer, the amount of the grant awarded to such recipient shall not exceed \$1,000,000 in any fiscal year.

“(ii) In the case of a recipient that serves a jurisdiction with more than 100,000 people but not more than 500,000 people, the amount of the grant awarded to such recipient shall not exceed \$2,000,000 in any fiscal year.

“(iii) In the case of a recipient that serves a jurisdiction with more than 500,000 but not more than 1,000,000 people, the amount of the grant awarded to such recipient shall not exceed \$3,000,000 in any fiscal year.

“(iv) In the case of a recipient that serves a jurisdiction with more than 1,000,000 people but not more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$6,000,000 for any fiscal year.

“(v) In the case of a recipient that serves a jurisdiction with more than 2,500,000 people, the amount of the grant awarded to such recipient shall not exceed \$9,000,000 in any fiscal year.

“(B) AGGREGATE.—

“(i) IN GENERAL.—Notwithstanding subparagraphs (A) and (B) and except as pro-

vided under clause (ii), the Administrator of FEMA may not award a grant under this subsection in a fiscal year in an amount that exceeds the amount that is one percent of the available grant funds in such fiscal year.

“(ii) EXCEPTION.—The Administrator of FEMA may waive the limitation in clause (i) with respect to a grant recipient if the Administrator of FEMA determines that such recipient has an extraordinary need for a grant in an amount that exceeds the limit under clause (i).

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To train firefighting personnel in—

“(i) firefighting;

“(ii) emergency medical services and other emergency response (including response to natural disasters, acts of terrorism, and other man-made disasters);

“(iii) arson prevention and detection;

“(iv) maritime firefighting; or

“(v) the handling of hazardous materials.

“(B) To train firefighting personnel to provide any of the training described under subparagraph (A).

“(C) To fund the creation of rapid intervention teams to protect firefighting personnel at the scenes of fires and other emergencies.

“(D) To certify—

“(i) fire inspectors; and

“(ii) building inspectors—

“(I) whose responsibilities include fire safety inspections; and

“(II) who are employed by or serving as volunteers with a fire department.

“(E) To establish wellness and fitness programs for firefighting personnel to ensure that the firefighting personnel are able to carry out their duties as firefighters, including programs dedicated to raising awareness of, and prevention of, job-related mental health issues.

“(F) To fund emergency medical services provided by fire departments and non-affiliated EMS organizations.

“(G) To acquire additional firefighting vehicles, including fire trucks and other apparatus.

“(H) To acquire additional firefighting equipment, including equipment for—

“(i) fighting fires with foam in remote areas without access to water; and

“(ii) communications, monitoring, and response to a natural disaster, act of terrorism, or other man-made disaster, including the use of a weapon of mass destruction.

“(I) To acquire personal protective equipment, including personal protective equipment—

“(i) prescribed for firefighting personnel by the Occupational Safety and Health Administration of the Department of Labor; or

“(ii) for responding to a natural disaster or act of terrorism or other man-made disaster, including the use of a weapon of mass destruction.

“(J) To modify fire stations, fire training facilities, and other facilities to protect the health and safety of firefighting personnel.

“(K) To educate the public about arson prevention and detection.

“(L) To provide incentives for the recruitment and retention of volunteer firefighting personnel for volunteer firefighting departments and other firefighting departments that utilize volunteers.

“(M) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(d) FIRE PREVENTION AND SAFETY GRANTS.—

“(1) IN GENERAL.—For the purpose of assisting fire prevention programs and supporting firefighter health and safety research and development, the Administrator of FEMA may, on a competitive basis—

“(A) award grants to fire departments;

“(B) award grants to, or enter into contracts or cooperative agreements with, national, State, local, tribal, or nonprofit organizations that are not fire departments and that are recognized for their experience and expertise with respect to fire prevention or fire safety programs and activities and firefighter research and development programs, for the purpose of carrying out—

“(i) fire prevention programs; and

“(ii) research to improve firefighter health and life safety; and

“(C) award grants to institutions of higher education, national fire service organizations, or national fire safety organizations to establish and operate fire safety research centers.

“(2) MAXIMUM GRANT AMOUNT.—A grant awarded under this subsection may not exceed \$1,500,000 for a fiscal year.

“(3) USE OF GRANT FUNDS.—Each entity receiving a grant under this subsection shall use the grant for one or more of the following purposes:

“(A) To enforce fire codes and promote compliance with fire safety standards.

“(B) To fund fire prevention programs, including programs that educate the public about arson prevention and detection.

“(C) To fund wildland fire prevention programs, including education, awareness, and mitigation programs that protect lives, property, and natural resources from fire in the wildland-urban interface.

“(D) In the case of a grant awarded under paragraph (1)(C), to fund the establishment or operation of a fire safety research center for the purpose of significantly reducing the number of fire-related deaths and injuries among firefighters and the general public through research, development, and technology transfer activities.

“(E) To support such other activities, consistent with the purposes of this subsection, as the Administrator of FEMA determines appropriate.

“(4) LIMITATION.—None of the funds made available under this subsection may be provided to the Association of Community Organizations for Reform Now (ACORN) or any of its affiliates, subsidiaries, or allied organizations.

“(e) APPLICATIONS FOR GRANTS.—

“(1) IN GENERAL.—An entity seeking a grant under this section shall submit to the Administrator of FEMA an application therefor in such form and in such manner as the Administrator of FEMA determines appropriate.

“(2) ELEMENTS.—Each application submitted under paragraph (1) shall include the following:

“(A) A description of the financial need of the applicant for the grant.

“(B) An analysis of the costs and benefits, with respect to public safety, of the use for which a grant is requested.

“(C) An agreement to provide information to the national fire incident reporting system for the period covered by the grant.

“(D) A list of other sources of funding received by the applicant—

“(i) for the same purpose for which the application for a grant under this section was submitted; or

“(ii) from the Federal Government for other fire-related purposes.

“(E) Such other information as the Administrator of FEMA determines appropriate.

“(3) JOINT OR REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Two or more entities may submit an application under paragraph (1) for a grant under this section to fund a joint program or initiative, including acquisition of shared equipment or vehicles.

“(B) NONEXCLUSIVITY.—Applications under this paragraph may be submitted instead of or in addition to any other application submitted under paragraph (1).

“(C) GUIDANCE.—The Administrator of FEMA shall—

“(i) publish guidance on applying for and administering grants awarded for joint programs and initiatives described in subparagraph (A); and

“(ii) encourage applicants to apply for grants for joint programs and initiatives described in subparagraph (A) as the Administrator of FEMA determines appropriate to achieve greater cost effectiveness and regional efficiency.

“(f) PEER REVIEW OF GRANT APPLICATIONS.—

“(1) IN GENERAL.—The Administrator of FEMA shall, after consultation with national fire service and emergency medical services organizations, appoint fire service personnel to conduct peer reviews of applications received under subsection (e)(1).

“(2) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out pursuant to this subsection.

“(g) PRIORITIZATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall consider the following:

“(1) The findings and recommendations of the peer reviews carried out under subsection (f).

“(2) The degree to which an award will reduce deaths, injuries, and property damage by reducing the risks associated with fire-related and other hazards.

“(3) The extent of the need of an applicant for a grant under this section and the need to protect the United States as a whole.

“(4) The number of calls requesting or requiring a fire fighting or emergency medical response received by an applicant.

“(h) ALLOCATION OF GRANT AWARDS.—In awarding grants under this section, the Administrator of FEMA shall ensure that of the available grant funds in each fiscal year—

“(1) not less than 25 percent are awarded under subsection (c) to career fire departments;

“(2) not less than 25 percent are awarded under subsection (c) to volunteer fire departments;

“(3) not less than 25 percent are awarded under subsection (c) to combination fire departments and fire departments using paid-on-call firefighting personnel;

“(4) not less than 10 percent are available for open competition among career fire departments, volunteer fire departments, combination fire departments, and fire departments using paid-on-call firefighting personnel for grants awarded under subsection (c);

“(5) not less than 10 percent are awarded under subsection (d); and

“(6) not more than 2 percent are awarded under this section to nonaffiliated EMS organizations described in subsection (c)(1)(B).

“(i) ADDITIONAL REQUIREMENTS AND LIMITATIONS.—

“(1) FUNDING FOR EMERGENCY MEDICAL SERVICES.—Not less than 3.5 percent of the available grant funds for a fiscal year shall be awarded under this section for purposes described in subsection (c)(3)(F).

“(2) STATE FIRE TRAINING ACADEMIES.—

“(A) MAXIMUM SHARE.—Not more than 3 percent of the available grant funds for a fiscal year may be awarded under subsection (c)(1)(C).

“(B) MAXIMUM GRANT AMOUNT.—The Administrator of FEMA may not award a grant under subsection (c)(1)(C) to a State fire training academy in an amount that exceeds \$1,000,000 in any fiscal year.

“(3) AMOUNTS FOR PURCHASING FIRE-FIGHTING VEHICLES.—Not more than 25 percent of the available grant funds for a fiscal year may be used to assist grant recipients to purchase vehicles pursuant to subsection (c)(3)(G).

“(j) FURTHER CONSIDERATIONS.—

“(1) ASSISTANCE TO FIREFIGHTERS GRANTS TO FIRE DEPARTMENTS.—In considering applications for grants under subsection (c)(1)(A), the Administrator of FEMA shall consider—

“(A) the extent to which the grant would enhance the daily operations of the applicant and the impact of such a grant on the protection of lives and property; and

“(B) a broad range of factors important to the applicant's ability to respond to fires and related hazards, such as the following:

“(i) Population served.

“(ii) Geographic response area.

“(iii) Hazards vulnerability.

“(iv) Call volume.

“(v) Financial situation, including unemployment rate of the area being served.

“(vi) Need for training or equipment.

“(2) APPLICATIONS FROM NONAFFILIATED EMS ORGANIZATIONS.—In the case of an application submitted under subsection (e)(1) by a nonaffiliated EMS organization, the Administrator of FEMA shall consider the extent to which other sources of Federal funding are available to the applicant to provide the assistance requested in such application.

“(3) AWARDING FIRE PREVENTION AND SAFETY GRANTS TO CERTAIN ORGANIZATIONS THAT ARE NOT FIRE DEPARTMENTS.—In the case of applicants for grants under this section who are described in subsection (d)(1)(B), the Administrator of FEMA shall give priority to applicants who focus on—

“(A) prevention of injuries to high risk groups from fire; and

“(B) research programs that demonstrate a potential to improve firefighter safety.

“(4) AWARDING GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(A) CONSIDERATIONS.—In awarding grants under subsection (d)(1)(C), the Administrator of FEMA shall—

“(i) select each grant recipient on—

“(I) the demonstrated research and extension resources available to the recipient to carry out the research, development, and technology transfer activities;

“(II) the capability of the recipient to provide leadership in making national contributions to fire safety;

“(III) the recipient's ability to disseminate the results of fire safety research; and

“(IV) the strategic plan the recipient proposes to carry out under the grant;

“(ii) give special consideration in selecting recipients under subparagraph (A) to an applicant for a grant that consists of a partnership between—

“(I) a national fire service organization or a national fire safety organization; and

“(II) an institution of higher education, including a minority-serving institution (as described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a))); and

“(iii) consider the research needs identified and prioritized through the workshop required by subparagraph (B)(i).

“(B) RESEARCH NEEDS.—

“(i) IN GENERAL.—Not later than 90 days after the date of the enactment of the Fire Grants Reauthorization Act of 2012, the Administrator of FEMA shall convene a workshop of the fire safety research community, fire service organizations, and other appropriate stakeholders to identify and prioritize fire safety research needs.

“(ii) PUBLICATION.—The Administrator of FEMA shall ensure that the results of the workshop are made available to the public.

“(C) LIMITATIONS ON GRANTS FOR FIRE SAFETY RESEARCH CENTERS.—

“(i) IN GENERAL.—The Administrator of FEMA may award grants under subsection (d) to establish not more than 3 fire safety research centers.

“(ii) RECIPIENTS.—An institution of higher education, a national fire service organization, and a national fire safety organization may not directly receive a grant under subsection (d) for a fiscal year for more than 1 fire safety research center.

“(5) AVOIDING DUPLICATION.—The Administrator of FEMA shall review lists submitted by applicants pursuant to subsection (e)(2)(D) and take such actions as the Administrator of FEMA considers necessary to prevent unnecessary duplication of grant awards.

“(k) MATCHING AND MAINTENANCE OF EXPENDITURE REQUIREMENTS.—

“(l) MATCHING REQUIREMENT FOR ASSISTANCE TO FIREFIGHTERS GRANTS.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), an applicant seeking a grant to carry out an activity under subsection (c) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 15 percent of the grant awarded to such applicant under such subsection.

“(B) EXCEPTION FOR ENTITIES SERVING SMALL COMMUNITIES.—In the case that an applicant seeking a grant to carry out an activity under subsection (c) serves a jurisdiction of—

“(i) more than 20,000 residents but not more than 1,000,000 residents, the application shall agree to make available non-Federal funds in an amount equal to not less than 10 percent of the grant awarded to such applicant under such subsection; and

“(ii) 20,000 residents or fewer, the applicant shall agree to make available non-Federal funds in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(2) MATCHING REQUIREMENT FOR FIRE PREVENTION AND SAFETY GRANTS.—

“(A) IN GENERAL.—An applicant seeking a grant to carry out an activity under subsection (d) shall agree to make available non-Federal funds to carry out such activity in an amount equal to not less than 5 percent of the grant awarded to such applicant under such subsection.

“(B) MEANS OF MATCHING.—An applicant for a grant under subsection (d) may meet the matching requirement under subparagraph (A) through direct funding, funding of complementary activities, or the provision of staff, facilities, services, material, or equipment.

“(3) MAINTENANCE OF EXPENDITURES.—An applicant seeking a grant under subsection (c) or (d) shall agree to maintain during the term of the grant the applicant's aggregate expenditures relating to the uses described in subsections (c)(3) and (d)(3) at not less than 80 percent of the average amount of such expenditures in the 2 fiscal years preceding the fiscal year in which the grant amounts are received.

“(4) WAIVER.—

“(A) IN GENERAL.—Except as provided in subparagraph (C)(ii), the Administrator of FEMA may waive or reduce the requirements of paragraphs (1), (2), and (3) in cases of demonstrated economic hardship.

“(B) GUIDELINES.—

“(i) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of this paragraph.

“(ii) CONSULTATION.—In developing guidelines under clause (i), the Administrator of FEMA shall consult with individuals who are—

“(I) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(II) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(iii) CONSIDERATIONS.—In developing guidelines under clause (i), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(I) Changes in rates of unemployment from previous years.

“(II) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(III) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(IV) Such other factors as the Administrator of FEMA considers appropriate.

“(C) CERTAIN APPLICANTS FOR FIRE PREVENTION AND SAFETY GRANTS.—The authority under subparagraph (A) shall not apply with respect to a nonprofit organization that—

“(i) is described in subsection (d)(1)(B); and

“(ii) is not a fire department or emergency medical services organization.

“(1) GRANT GUIDELINES.—

“(1) GUIDELINES.—For each fiscal year, prior to awarding any grants under this section, the Administrator of FEMA shall publish in the Federal Register—

“(A) guidelines that describe—

“(i) the process for applying for grants under this section; and

“(ii) the criteria that will be used for selecting grant recipients; and

“(B) an explanation of any differences between such guidelines and the recommendations obtained under paragraph (2).

“(2) ANNUAL MEETING TO OBTAIN RECOMMENDATIONS.—

“(A) IN GENERAL.—For each fiscal year, the Administrator of FEMA shall convene a meeting of qualified members of national fire service organizations and, at the discretion of the Administrator of FEMA, qualified members of emergency medical service organizations to obtain recommendations regarding the following:

“(i) Criteria for the awarding of grants under this section.

“(ii) Administrative changes to the assistance program established under subsection (b).

“(B) QUALIFIED MEMBERS.—For purposes of this paragraph, a qualified member of an organization is a member who—

“(i) is recognized for expertise in firefighting or emergency medical services;

“(ii) is not an employee of the Federal Government; and

“(iii) in the case of a member of an emergency medical service organization, is a member of an organization that represents—

“(I) providers of emergency medical services that are affiliated with fire departments; or

“(II) nonaffiliated EMS providers.

“(3) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to activities carried out under this subsection.

“(m) ACCOUNTING DETERMINATION.—Notwithstanding any other provision of law, for purposes of this section, equipment costs shall include all costs attributable to any design, purchase of components, assembly, manufacture, and transportation of equipment not otherwise commercially available.

“(n) ELIGIBLE GRANTEE ON BEHALF OF ALASKA NATIVE VILLAGES.—The Alaska Village Initiatives, a non-profit organization incorporated in the State of Alaska, shall be eligible to apply for and receive a grant or other assistance under this section on behalf of Alaska Native villages.

“(o) TRAINING STANDARDS.—If an applicant for a grant under this section is applying for such grant to purchase training that does not meet or exceed any applicable national voluntary consensus standards, including those developed under section 647 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 747), the applicant shall submit to the Administrator of FEMA an explanation of the reasons that the training proposed to be purchased will serve the needs of the applicant better than training that meets or exceeds such standards.

“(p) ENSURING EFFECTIVE USE OF GRANTS.—

“(1) AUDITS.—The Administrator of FEMA may audit a recipient of a grant awarded under this section to ensure that—

“(A) the grant amounts are expended for the intended purposes; and

“(B) the grant recipient complies with the requirements of subsection (k).

“(2) PERFORMANCE ASSESSMENT.—

“(A) IN GENERAL.—The Administrator of FEMA shall develop and implement a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section, including protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards.

“(B) CONSULTATION.—The Administrator of FEMA shall consult with fire service representatives and with the Comptroller General of the United States in developing the assessment system required by subparagraph (A).

“(3) ANNUAL REPORTS TO ADMINISTRATOR OF FEMA.—Not less frequently than once each year during the term of a grant awarded under this section, the recipient of the grant shall submit to the Administrator of FEMA an annual report describing how the recipient used the grant amounts.

“(4) ANNUAL REPORTS TO CONGRESS.—

“(A) IN GENERAL.—Not later than September 30, 2013, and each year thereafter through 2017, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report that provides—

“(i) information on the performance assessment system developed under paragraph (2); and

“(ii) using the performance metrics developed under such paragraph, an evaluation of the effectiveness of the grants awarded under this section.

“(B) ADDITIONAL INFORMATION.—The report due under subparagraph (A) on September 30,

2016, shall also include recommendations for legislative changes to improve grants under this section.

“(q) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section—

“(A) \$750,000,000 for fiscal year 2013; and

“(B) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(i) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(ii) the Consumer Price Index for the fiscal year preceding the fiscal year described in clause (i).

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts for salaries and expenses and other administrative costs incurred by the Administrator of FEMA in the course of awarding grants and providing assistance under this section.

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirements in subsections (c)(1) and (d)(1) that grants under those subsections be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally directed spending item (as defined under the rules of the Senate and the House of Representatives).

“(r) SUNSET OF AUTHORITIES.—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

#### SEC. 1804. STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE.

(a) IMPROVEMENTS TO HIRING GRANTS.—

(1) TERM OF GRANTS.—Subparagraph (B) of section 34(a)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a(a)(1)) is amended to read as follows:

“(B) Grants made under this paragraph shall be for 3 years and be used for programs to hire new, additional firefighters.”.

(2) LIMITATION OF PORTION OF COSTS OF HIRING FIREFIGHTERS.—Subparagraph (E) of such section is amended to read as follows:

“(E) The portion of the costs of hiring firefighters provided by a grant under this paragraph may not exceed—

“(i) 75 percent in the first year of the grant;

“(ii) 75 percent in the second year of the grant; and

“(iii) 35 percent in the third year of the grant.”.

(b) CLARIFICATION REGARDING ELIGIBLE ENTITIES FOR RECRUITMENT AND RETENTION GRANTS.—The second sentence of section 34(a)(2) of such Act (15 U.S.C. 2229a(a)(2)) is amended by striking “organizations on a local or statewide basis” and inserting “national, State, local, or tribal organizations”.

(c) MAXIMUM AMOUNT FOR HIRING A FIREFIGHTER.—Paragraph (4) of section 34(c) of such Act (15 U.S.C. 2229a(c)) is amended to read as follows:

“(4) The amount of funding provided under this section to a recipient fire department for hiring a firefighter in any fiscal year may not exceed—

“(A) in the first year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted;

“(B) in the second year of the grant, 75 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted; and

“(C) in the third year of the grant, 35 percent of the usual annual cost of a first-year firefighter in that department at the time the grant application was submitted.”.

(d) WAIVERS.—Section 34 of such Act (15 U.S.C. 2229a) is amended—

(1) by redesignating subsections (d) through (i) as subsections (e) through (j), respectively; and

(2) by inserting after subsection (c) the following:

“(d) WAIVERS.—

“(1) IN GENERAL.—In a case of demonstrated economic hardship, the Administrator of FEMA may—

“(A) waive the requirements of subsection (c)(1); or

“(B) waive or reduce the requirements in subsection (a)(1)(E) or subsection (c)(2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—The Administrator of FEMA shall establish and publish guidelines for determining what constitutes economic hardship for purposes of paragraph (1).

“(B) CONSULTATION.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consult with individuals who are—

“(i) recognized for expertise in firefighting, emergency medical services provided by fire services, or the economic affairs of State and local governments; and

“(ii) members of national fire service organizations or national organizations representing the interests of State and local governments.

“(C) CONSIDERATIONS.—In developing guidelines under subparagraph (A), the Administrator of FEMA shall consider, with respect to relevant communities, the following:

“(i) Changes in rates of unemployment from previous years.

“(ii) Whether the rates of unemployment of the relevant communities are currently and have consistently exceeded the annual national average rates of unemployment.

“(iii) Changes in percentages of individuals eligible to receive food stamps from previous years.

“(iv) Such other factors as the Administrator of FEMA considers appropriate.”.

(e) IMPROVEMENTS TO PERFORMANCE EVALUATION REQUIREMENTS.—Subsection (e) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by inserting before the first sentence the following:

“(1) IN GENERAL.—The Administrator of FEMA shall establish a performance assessment system, including quantifiable performance metrics, to evaluate the extent to which grants awarded under this section are furthering the purposes of this section.

“(2) SUBMITTAL OF INFORMATION.—”.

(f) REPORT.—

(1) IN GENERAL.—Subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “The authority” and all that follows through “Congress concerning” and inserting the following: “Not later than September 30, 2014, the Administrator of FEMA shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on”.

(2) CONFORMING AMENDMENT.—The heading for subsection (f) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended by striking “SUNSET AND REPORTS” and inserting “REPORT”.

(g) ADDITIONAL DEFINITIONS.—

(1) IN GENERAL.—Subsection (i) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in the matter before paragraph (1), by striking “In this section, the term—” and inserting “In this section:”;

(B) in paragraph (1)—

(i) by inserting “The term” before “‘firefighter’ has”; and

(ii) by striking “; and” and inserting a period;

(C) by striking paragraph (2); and

(D) by inserting at the end the following:

“(2) The terms ‘Administrator of FEMA’, ‘career fire department’, ‘combination fire department’, and ‘volunteer fire department’ have the meanings given such terms in section 33(a).”.

(2) CONFORMING AMENDMENT.—Section 34(a)(1)(A) of such Act (15 U.S.C. 2229a(a)(1)(A)) is amended by striking “career, volunteer, and combination fire departments” and inserting “career fire departments, combination fire departments, and volunteer fire departments”.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—Subsection (j) of section 34 of such Act (15 U.S.C. 2229a), as redesignated by subsection (d)(1) of this section, is amended—

(A) in paragraph (6), by striking “and” at the end;

(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(8) \$750,000,000 for fiscal year 2013; and

“(9) for each of fiscal years 2014 through 2017, an amount equal to the amount authorized for the previous fiscal year increased by the percentage by which—

“(A) the Consumer Price Index (all items, United States city average) for the previous fiscal year, exceeds

“(B) the Consumer Price Index for the fiscal year preceding the fiscal year described in subparagraph (A).”.

(2) ADMINISTRATIVE EXPENSES.—Such subsection (j) is further amended—

(A) in paragraph (9), as added by paragraph (1) of this subsection, by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the left margin of such clauses, as so redesignated, 2 ems to the right;

(B) by redesignating paragraphs (1) through (9) as subparagraphs (A) through (I), respectively, and moving the left margin of such subparagraphs, as so redesignated, 2 ems to the right;

(C) by striking “There are” and inserting the following:

“(1) IN GENERAL.—There are”; and

(D) by adding at the end the following:

“(2) ADMINISTRATIVE EXPENSES.—Of the amounts appropriated pursuant to paragraph (1) for a fiscal year, the Administrator of FEMA may use not more than 5 percent of such amounts to cover salaries and expenses and other administrative costs incurred by the Administrator of FEMA to make grants and provide assistance under this section.”.

(3) CONGRESSIONALLY DIRECTED SPENDING.—Such subsection (j) is further amended by adding at the end the following:

“(3) CONGRESSIONALLY DIRECTED SPENDING.—Consistent with the requirement in subsection (a) that grants under this section be awarded on a competitive basis, none of the funds appropriated pursuant to this subsection may be used for any congressionally direct spending item (as defined under the rules of the Senate and the House of Representatives).”.

(i) **TECHNICAL AMENDMENT.**—Section 34 of such Act (15 U.S.C. 2229a) is amended by striking “Administrator” each place it appears and inserting “Administrator of FEMA”.

(j) **CLERICAL AMENDMENT.**—Such section is further amended in the heading by striking “**EXPANSION OF PRE-SEPTEMBER 11, 2001, FIRE GRANT PROGRAM**” and inserting the following: “**STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE**”.

(k) **SUNSET OF AUTHORITY TO AWARD HIRING GRANTS.**—Such section is further amended by adding at the end the following:

“(k) **SUNSET OF AUTHORITIES.**—The authority to award assistance and grants under this section shall expire on the date that is 5 years after the date of the enactment of the Fire Grants Reauthorization Act of 2012.”.

**SEC. 1805. SENSE OF CONGRESS ON VALUE AND FUNDING OF ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

It is the sense of Congress that—

(1) the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) have proven equally valuable in protecting the health and safety of the public and firefighting personnel throughout the United States against fire and fire-related hazards; and

(2) providing parity in funding for the awarding of grants and assistance under both such sections will ensure that the grant and assistance programs under such sections can continue to serve their complementary purposes.

**SEC. 1806. REPORT ON AMENDMENTS TO ASSISTANCE TO FIREFIGHTERS AND STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE PROGRAMS.**

(a) **IN GENERAL.**—Not later than September 30, 2016, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Science and Technology of the House of Representatives a report on the effect of the amendments made by this title.

(b) **CONTENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the effect of the amendments made by sections 1803 and 1804 on the effectiveness, relative allocation, accountability, and administration of the grants and assistance awarded under sections 33 and 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229 and 2229a) after the date of the enactment of this Act.

(2) An evaluation of the extent to which the amendments made by sections 1803 and 1804 have enabled recipients of grants and assistance awarded under such sections 33 and 34 after the date of the enactment of this Act to mitigate fire and fire-related and other hazards more effectively.

**SEC. 1807. STUDIES AND REPORTS ON THE STATE OF FIRE SERVICES.**

(a) **DEFINITIONS.**—In this section:

(1) **ADMINISTRATOR.**—The term “Administrator” means the Administrator of the United States Fire Administration.

(2) **CAREER FIRE DEPARTMENT, COMBINATION FIRE DEPARTMENT, VOLUNTEER FIRE DEPARTMENT.**—The terms “career fire department”, “combination fire department”, and “volunteer fire department” have the meanings given such terms in section 33(a) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229(a)), as amended by section 1803.

(3) **FIRE SERVICE.**—The term “fire service” has the meaning given such term in section

4 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2203).

**(b) STUDY AND REPORT ON COMPLIANCE WITH STAFFING STANDARDS.**—

(1) **STUDY.**—The Administrator shall conduct a study on the level of compliance with national voluntary consensus standards for staffing, training, safe operations, personal protective equipment, and fitness among the fire services of the United States.

(2) **SURVEY.**—

(A) **IN GENERAL.**—In carrying out the study required by paragraph (1), the Administrator shall carry out a survey of fire services to assess the level of compliance of such fire services with the standards described in such paragraph.

(B) **ELEMENTS.**—The survey required by subparagraph (A) shall—

(i) include career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other distinguishing factors as the Administrator considers relevant;

(ii) employ methods to ensure that the survey accurately reflects the actual rate of compliance with the standards described in paragraph (1) among fire services; and

(iii) determine the extent of barriers and challenges to achieving compliance with the standards described in paragraph (1) among fire services.

(C) **AUTHORITY TO CARRY OUT SURVEY WITH NONPROFIT.**—If the Administrator determines that it will reduce the costs incurred by the United States Fire Administration in carrying out the survey required by subparagraph (A), the Administrator may carry out such survey in conjunction with a nonprofit organization that has substantial expertise and experience in the following areas:

(i) The fire services.

(ii) National voluntary consensus standards.

(iii) Contemporary survey methods.

(3) **REPORT ON FINDINGS OF STUDY.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of the enactment of this Act, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study required by paragraph (1).

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(1) An accurate description, based on the results of the survey required by paragraph (2)(A), of the rate of compliance with the standards described in paragraph (1) among United States fire services, including a comparison of the rates of compliance among career fire departments, volunteer fire departments, combination fire departments, and fire departments serving communities of different sizes, and such other comparisons as Administrator considers relevant.

(ii) A description of the challenges faced by different types of fire departments and different types of communities in complying with the standards described in paragraph (1).

(c) **TASK FORCE TO ENHANCE FIREFIGHTER SAFETY.**—

(1) **ESTABLISHMENT.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security shall establish a task force to be known as the “Task Force to Enhance Firefighter Safety” (in this subsection referred to as the “Task Force”).

(2) **MEMBERSHIP.**—

(A) **IN GENERAL.**—Members of the Task Force shall be appointed by the Secretary from among the general public and shall include the following:

(i) Representatives of national organizations representing firefighters and fire chiefs.

(ii) Individuals representing standards-setting and accrediting organizations, including representatives from the voluntary consensus codes and standards development community.

(iii) Such other individuals as the Secretary considers appropriate.

(B) **REPRESENTATIVES OF OTHER DEPARTMENTS AND AGENCIES.**—The Secretary may invite representatives of other Federal departments and agencies that have an interest in fire services to participate in the meetings and other activities of the Task Force.

(C) **NUMBER; TERMS OF SERVICE; PAY AND ALLOWANCES.**—The Secretary shall determine the number, terms of service, and pay and allowances of members of the Task Force appointed by the Secretary, except that a term of service of any such member may not exceed 2 years.

(3) **RESPONSIBILITIES.**—The Task Force shall—

(A) consult with the Secretary in the conduct of the study required by subsection (b)(1); and

(B) develop a plan to enhance firefighter safety by increasing fire service compliance with the standards described in subsection (b)(1), including by—

(i) reviewing and evaluating the report required by subsection (b)(3)(A) to determine the extent of and barriers to achieving compliance with the standards described in subsection (b)(1) among fire services; and

(ii) considering ways in which the Federal Government, States, and local governments can promote or encourage fire services to comply with such standards.

(4) **REPORT.**—

(A) **IN GENERAL.**—Not later than 180 days after the date on which the Secretary submits the report required by subsection (b)(3)(A), the Task Force shall submit to Congress and the Secretary a report on the activities and findings of the Task Force.

(B) **CONTENTS.**—The report required by subparagraph (A) shall include the following:

(i) The findings and recommendations of the Task Force with respect to the study carried out under subsection (b)(1).

(ii) The plan developed under paragraph (3)(B).

(d) **STUDY AND REPORT ON THE NEEDS OF FIRE SERVICES.**—

(1) **STUDY.**—The Administrator shall conduct a study—

(A) to define the current roles and activities associated with fire services on a national, State, regional, and local level;

(B) to identify the equipment, staffing, and training required to fulfill the roles and activities defined under subparagraph (A);

(C) to conduct an assessment to identify gaps between what fire services currently possess and what they require to meet the equipment, staffing, and training needs identified under subparagraph (B) on a national and State-by-State basis; and

(D) to measure the impact of the grant and assistance program under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229) in meeting the needs of fire services and filling the gaps identified under subparagraph (C).

(2) **REPORT.**—Not later than 2 years after the date of the enactment of this title, the Administrator shall submit to Congress a report on the findings of the Administrator with respect to the study conducted under paragraph (1).



(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Administrator to carry out this section—

- (1) \$600,000 for fiscal year 2013; and
- (2) \$600,000 for fiscal year 2014.

**Subtitle B—Reauthorization of United States Fire Administration**

**SEC. 1811. SHORT TITLE.**

This subtitle may be cited as the “United States Fire Administration Reauthorization Act of 2012”.

**SEC. 1812. CLARIFICATION OF RELATIONSHIP BETWEEN UNITED STATES FIRE ADMINISTRATION AND FEDERAL EMERGENCY MANAGEMENT AGENCY.**

Section 5(c) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2204) is amended to read as follows:

“(c) DEPUTY ADMINISTRATOR.—The Administrator may appoint a Deputy Administrator, who shall—

“(1) perform such functions as the Administrator shall from time to time assign or delegate; and

“(2) act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.”.

**SEC. 1813. MODIFICATION OF AUTHORITY OF ADMINISTRATOR TO EDUCATE PUBLIC ABOUT FIRE AND FIRE PREVENTION.**

Section 6 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2205) is amended by striking “to take all steps” and all that follows through “fire and fire prevention.” and inserting “to take such steps as the Administrator considers appropriate to educate the public and overcome public indifference as to fire, fire prevention, and individual preparedness.”.

**SEC. 1814. AUTHORIZATION OF APPROPRIATIONS.**

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) in subparagraph (G), by striking “and” at the end;

(2) in subparagraph (H), by striking the period at the end and inserting a semicolon;

(3) by adding after subparagraph (H) the following:

“(I) \$76,490,890 for fiscal year 2013, of which \$2,753,672 shall be used to carry out section 8(f);

“(J) \$76,490,890 for fiscal year 2014, of which \$2,753,672 shall be used to carry out section 8(f);

“(K) \$76,490,890 for fiscal year 2015, of which \$2,753,672 shall be used to carry out section 8(f);

“(L) \$76,490,890 for fiscal year 2016, of which \$2,753,672 shall be used to carry out section 8(f); and

“(M) \$76,490,890 for fiscal year 2017, of which \$2,753,672 shall be used to carry out section 8(f).”; and

(4) in subparagraphs (E) through (H), by moving each margin 2 ems to the left.

**SEC. 1815. REMOVAL OF LIMITATION.**

Section 9(d) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2208(d)) is amended—

(1) by striking “UPDATE.—” and all that follows through “The Administrator” and inserting “UPDATE.—The Administrator”; and

(2) by striking paragraph (2).

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I remind my colleagues we have been on the bill now for 2 days, so it might be time to stop filing amendments. I don't think that is an outrageous request on the

part of the managers of the bill. I hope we can have those objections or concerns removed so we can at least bring the filing of amendments to a close.

I would ask the distinguished chairman, are we going to move with the managers' package now?

Mr. LEVIN. We could. Let us report this amendment first and then why don't we do that. It will just take us a couple minutes.

The ACTING PRESIDENT pro tempore. Under the previous order, amendment No. 3090, as modified, is agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. MCCAIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 2929, 2942, 3230, 2966, 2973, 2980, 2994, 3059, 3072, 3086, 3098, 3186

Mr. LEVIN. Mr. President, I call up a list of 12 amendments which have been cleared by myself and Senator MCCAIN:

McCaskill amendment No. 2929, McCaskill amendment No. 2942, Boxer amendment No. 3230, Hatch amendment No. 2966, Inhofe amendment No. 2973, Boxer amendment No. 2980, Casey amendment No. 2994, Toomey amendment No. 3059, Inhofe amendment No. 3072, Vitter amendment No. 3086, Shaheen amendment No. 3098, Coburn amendment No. 3186.

I understand from Senator MCCAIN that these amendments have been cleared on his side.

Mr. MCCAIN. Those amendments are cleared.

Mr. LEVIN. Mr. President, I now ask unanimous consent that the Senate consider these amendments en bloc, the amendments be agreed to, and the motion to reconsider be laid upon the table.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 2929

(The amendment is printed in the RECORD of Monday, November 26, 2012, under “Text of amendments.”)

AMENDMENT NO. 2942

(Purpose: To expand whistleblower protections to non-Defense contractor and grantee employees)

On page 248, between lines 19 and 20, insert the following:

**SEC. 844A. WHISTLEBLOWER PROTECTIONS FOR NON-DEFENSE CONTRACTORS.**

(a) WHISTLEBLOWER PROTECTIONS.—

(1) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

**“SEC. 4712. CONTRACTOR AND GRANTEE EMPLOYEES: PROTECTION FROM REPRISAL FOR DISCLOSURE OF CERTAIN INFORMATION.**

“(a) PROHIBITION OF REPRISALS.—

“(1) IN GENERAL.—An employee of a contractor, subcontractor, or grantee may not be discharged, demoted, or otherwise dis-

criminated against as a reprisal for disclosing to a person or body described in paragraph (2) information that the employee reasonably believes is evidence of gross mismanagement of a Federal contract or grant, a gross waste of Federal funds, an abuse of authority relating to a Federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a Federal contract (including the competition for or negotiation of a contract) or grant.

“(2) PERSONS AND BODIES COVERED.—The persons and bodies described in this paragraph are the persons and bodies as follows:

“(A) A Member of Congress or a representative of a committee of Congress.

“(B) An Inspector General.

“(C) The Government Accountability Office.

“(D) A Federal employee responsible for contract or grant oversight or management at the relevant agency.

“(E) An authorized official of the Department of Justice or other law enforcement agency.

“(F) A court or grand jury.

“(G) A management official or other employee of the contractor, subcontractor, or grantee who has the responsibility to investigate, discover, or address misconduct.

“(3) RULES OF CONSTRUCTION.—For the purposes of paragraph (1)—

“(A) an employee who initiates or provides evidence of contractor, subcontractor, or grantee misconduct in any judicial or administrative proceeding relating to waste, fraud, or abuse on a Federal contract or grant shall be deemed to have made a disclosure covered by such paragraph; and

“(B) a reprisal described in paragraph (1) is prohibited even if it is undertaken at the request of an executive branch official, unless the request takes the form of a non-discretionary directive and is within the authority of the executive branch official making the request.

“(b) INVESTIGATION OF COMPLAINTS.—

“(1) SUBMISSION OF COMPLAINT.—A person who believes that the person has been subjected to a reprisal prohibited by subsection (a) may submit a complaint to the Inspector General of the executive agency involved. Unless the Inspector General determines that the complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant, the Inspector General shall investigate the complaint and, upon completion of such investigation, submit a report of the findings of the investigation to the person, the contractor or grantee concerned, and the head of the agency.

“(2) INSPECTOR GENERAL ACTION.—

“(A) DETERMINATION OR SUBMISSION OF REPORT ON FINDINGS.—Except as provided under subparagraph (B), the Inspector General shall make a determination that a complaint is frivolous, fails to allege a violation of the prohibition in subsection (a), or has previously been addressed in another Federal or State judicial or administrative proceeding initiated by the complainant or submit a report under paragraph (1) within 180 days after receiving the complaint.

“(B) EXTENSION OF TIME.—If the Inspector General is unable to complete an investigation in time to submit a report within the 180-day period specified in subparagraph (A) and the person submitting the complaint agrees to an extension of time, the Inspector General shall submit a report under paragraph (1) within such additional period of

time, up to 180 days, as shall be agreed upon between the Inspector General and the person submitting the complaint.

“(3) PROHIBITION ON DISCLOSURE.—The Inspector General may not respond to any inquiry or disclose any information from or about any person alleging the reprisal, except to the extent that such response or disclosure is—

“(A) made with the consent of the person alleging the reprisal;

“(B) made in accordance with the provisions of section 552a of title 5 or as required by any other applicable Federal law; or

“(C) necessary to conduct an investigation of the alleged reprisal.

“(4) TIME LIMITATION.—A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.

“(c) REMEDY AND ENFORCEMENT AUTHORITY.—

“(1) IN GENERAL.—Not later than 30 days after receiving an Inspector General report pursuant to subsection (b), the head of the executive agency concerned shall determine whether there is sufficient basis to conclude that the contractor or grantee concerned has subjected the complainant to a reprisal prohibited by subsection (a) and shall either issue an order denying relief or shall take one or more of the following actions:

“(A) Order the contractor or grantee to take affirmative action to abate the reprisal.

“(B) Order the contractor or grantee to reinstate the person to the position that the person held before the reprisal, together with compensatory damages (including back pay), employment benefits, and other terms and conditions of employment that would apply to the person in that position if the reprisal had not been taken.

“(C) Order the contractor or grantee to pay the complainant an amount equal to the aggregate amount of all costs and expenses (including attorneys’ fees and expert witnesses’ fees) that were reasonably incurred by the complainant for, or in connection with, bringing the complaint regarding the reprisal, as determined by the head of the executive agency.

“(2) EXHAUSTION OF REMEDIES.—If the head of an executive agency issues an order denying relief under paragraph (1) or has not issued an order within 210 days after the submission of a complaint under subsection (b), or in the case of an extension of time under paragraph (b)(2)(B), not later than 30 days after the expiration of the extension of time, and there is no showing that such delay is due to the bad faith of the complainant, the complainant shall be deemed to have exhausted all administrative remedies with respect to the complaint, and the complainant may bring a de novo action at law or equity against the contractor or grantee to seek compensatory damages and other relief available under this section in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy. Such an action shall, at the request of either party to the action, be tried by the court with a jury. An action under this paragraph may not be brought more than two years after the date on which remedies are deemed to have been exhausted.

“(3) ADMISSIBILITY OF EVIDENCE.—An Inspector General determination and an agency head order denying relief under paragraph (2) shall be admissible in evidence in any de novo action at law or equity brought pursuant to this subsection.

“(4) ENFORCEMENT OF ORDERS.—Whenever a person fails to comply with an order issued

under paragraph (1), the head of the executive agency concerned shall file an action for enforcement of such order in the United States district court for a district in which the reprisal was found to have occurred. In any action brought under this paragraph, the court may grant appropriate relief, including injunctive relief, compensatory and exemplary damages, and attorney fees and costs. The person upon whose behalf an order was issued may also file such an action or join in an action filed by the head of the executive agency.

“(5) JUDICIAL REVIEW.—Any person adversely affected or aggrieved by an order issued under paragraph (1) may obtain review of the order’s conformance with this subsection, and any regulations issued to carry out this section, in the United States court of appeals for a circuit in which the reprisal is alleged in the order to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order by the head of the executive agency. Review shall conform to chapter 7 of title 5. Filing such an appeal shall not act to stay the enforcement of the order of the head of an executive agency, unless a stay is specifically entered by the court.

“(6) BURDENS OF PROOF.—The legal burdens of proof specified in section 1221(e) of title 5 shall be controlling for the purposes of any investigation conducted by an Inspector General, decision by the head of an executive agency, or judicial or administrative proceeding to determine whether discrimination prohibited under this section has occurred.

“(7) RIGHTS AND REMEDIES NOT WAIVABLE.—The rights and remedies provided for in this section may not be waived by any agreement, policy, form, or condition of employment, including by any predispute arbitration agreement, other than an arbitration provision in a collective bargaining agreement.

“(d) NOTIFICATION OF EMPLOYEES.—The head of each executive agency shall ensure that contractors, subcontractors, and grantees of the agency inform their employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

“(e) CONSTRUCTION.—Nothing in this section may be construed to authorize the discharge of, demotion of, or discrimination against an employee for a disclosure other than a disclosure protected by subsection (a) or to modify or derogate from a right or remedy otherwise available to the employee.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘abuse of authority’ means an arbitrary and capricious exercise of authority that is inconsistent with the mission of the executive agency concerned or the successful performance of a contract or grant of such agency.

“(2) The term ‘Inspector General’ means an Inspector General appointed under the Inspector General Act of 1978 and any Inspector General that receives funding from, or has oversight over contracts or grants awarded for or on behalf of, the executive agency concerned.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“4712. Contractor and grantee employees: protection from reprisal for disclosure of certain information.”

(b) ALLOWABILITY OF LEGAL FEES.—Section 4310 of title 41, United States Code, is amended—

(1) in subsection (b), by striking “commenced by the Federal Government or a State” and inserting “commenced by the Federal Government, by a State, or by a contractor or grantee employee submitting a complaint under section 4712 of this title”; and

(2) in subsection (c)(3), by striking “the imposition of a monetary penalty” and inserting “the imposition of a monetary penalty or an order to take corrective action under section 4712 of this title”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply to—

(A) all contracts and grants awarded on or after such date;

(B) all task orders entered on or after such date pursuant to contracts awarded before, on, or after such date; and

(C) all contracts awarded before such date that are modified to include a contract clause providing for the applicability of such amendments.

(2) REVISION OF FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation shall be revised to implement the requirements arising under the amendments made by this section.

(3) INCLUSION OF CONTRACT CLAUSE IN CONTRACTS AWARDED BEFORE EFFECTIVE DATE.—At the time of any major modification to a contract that was awarded before the date that is 180 days after the date of the enactment of this Act, the head of the contracting agency shall make best efforts to include in the contract a contract clause providing for the applicability of the amendments made by this section to the contract.

AMENDMENT NO. 3230

(Purpose: To reauthorize and modify the responsibilities of the United States Advisory Commission on Public Diplomacy through fiscal year 2014)

At the appropriate place, insert the following:

SEC. \_\_\_\_ . UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting “(referred to in this section as the ‘Commission’)” before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

“(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as ‘public diplomacy activities’.”

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

“(d) REPORTS.—

“(1) COMPREHENSIVE ANNUAL REPORT.—

“(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

“(i) a detailed list of all public diplomacy activities funded by the United States Government;

“(ii) a description of—

“(I) the purpose, means, and geographic scope of each activity;

“(II) when each activity was started;

“(III) the amount of Federal funding expended on each activity;

“(IV) any significant outside sources of funding; and

“(V) the Federal department or agency to which the activity belongs;

“(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

“(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

“(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

“(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as ‘cost-per-audience’ or ‘cost-per-student’ for each activity. Upon the completion of the assessment, the Commission shall the assign a rating of—

“(i) ‘effective’ for activities that—

“(I) set appropriate goals;

“(II) achieve results; and

“(III) are well-managed and cost efficient;

“(ii) ‘moderately effective’ for activities that—

“(I) achieve some results;

“(II) are generally well-managed; and

“(III) need to improve their performance results or cost efficiency, including reducing overhead;

“(iii) ‘ineffective’ for activities that—

“(I) are not making sufficient use of available resources to achieve stated goals;

“(II) are not well-managed; or

“(III) have excessive overhead; and

“(iv) ‘results not demonstrated’ for activities that—

“(I) do not have acceptable performance public diplomacy metrics for measuring results; or

“(II) are unable or failed to collect data to determine if they are effective.

“(2) OTHER REPORTS.—

“(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

“(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the Website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

“(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.”.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2014”.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading “DIPLOMATIC

AND CONSULAR PROGRAMS”, the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

AMENDMENT NO. 2966

(Purpose: To reauthorize and expand the multi-trades demonstration project)

At the end of subtitle C of title III, add the following:

**SEC. 322. EXPANSION AND REAUTHORIZATION OF MULTI-TRADES DEMONSTRATION PROJECT.**

(a) EXPANSION.—Section 338 of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 5013 note) is amended—

(1) by striking subsection (a) and inserting the following new subsection:

“(a) DEMONSTRATION PROJECT AUTHORIZED.—In accordance with section 4703 of title 5, United States Code, the Secretary of a military department may carry out a demonstration project at facilities described in subsection (b) under which workers who are certified at the journey level are able to perform multiple trades shall be promoted by one grade level.”; and

(2) in subsection (b), by striking “Logistics Center, Navy Fleet Readiness Center,” and inserting “Logistics Complex, Navy Fleet Readiness Center, Navy shipyard, Marine Corps Logistics Base.”.

(b) REAUTHORIZATION.—Such section is further amended—

(1) in subsection (d), by striking “2013” and inserting “2018”; and

(2) in subsection (e), by striking “2014” and inserting “2019”.

AMENDMENT NO. 2973

(Purpose: To express the sense of the Senate on training of mental health counselors for members of the Armed Forces, veterans, and their families)

At the end of subtitle D of title VII, add the following:

**SEC. 735. SENSE OF SENATE ON MENTAL HEALTH COUNSELORS FOR MEMBERS OF THE ARMED FORCES, VETERANS, AND THEIR FAMILIES.**

It is the sense of the Senate that—

(1) the Secretary of Defense and the Secretary of Veterans Affairs should develop a plan to ensure a sustainable flow of qualified counselors to meet the long-term needs of members of the Armed Forces, veterans, and their families for counselors; and

(2) the plan should include the participation of accredited schools and universities, health care providers, professional counselors, family service or support centers, chaplains, and other appropriate resources of the Department of Defense and the Department of Veterans Affairs.

AMENDMENT NO. 2980

(Purpose: To require an Inspector General of the Department of Defense report on allowable costs of compensation of employees of Department of Defense contractors)

On page 238, between lines 15 and 16, insert the following:

(c) REPORT ON ALLOWABLE COSTS OF EMPLOYEE COMPENSATION.—Not later than 120 days after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Congress a report on the effect of the modification of allowable costs of contractor compensation of employees made by subsection (a). The report shall include the following:

(1) The total number of contractor employees whose allowable costs of compensation in

fiscal year 2012 exceeded the amount of allowable costs under the modification made by subsection (a).

(2) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 would have exceeded the amount of allowable costs under section 2324(e)(1)(P) of title 10, United States Code, as amended by section 803(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1485).

(3) The total number of contractor employees whose allowable costs of compensation in each of fiscal years 2010, 2011, and 2012 exceeded the amount payable to the President under section 102 of title 3, United States Code.

(4) The total number of contractor employees in fiscal year 2012 that could have been characterized as falling within a narrowly targeted exception established by the Secretary of Defense under section 2324(e)(1)(P) of title 10, United States Code, as a result of the amendment made by section 803(a)(2) of the National Defense Authorization Act for Fiscal Year 2012.

(5) An assessment whether the compensation amounts provided in fiscal year 2012 to employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4) were provided compensation amounts in that fiscal year in manner consistent with private sector practice.

(6) The duties and services performed in fiscal year 2012 by employees who were characterized by their employers as falling within a narrowly targeted exception described in paragraph (4).

(7) An assessment whether there are Federal civilian employees who perform duties and services comparable to the duties and services described pursuant to paragraph (6).

AMENDMENT NO. 2994

(Purpose: To require a report on a program on the return of rare earth phosphors from Department of Defense fluorescent lighting waste to the domestic rare earth supply chain)

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON PROGRAM ON RETURN OF RARE EARTH PHOSPHORS FROM DEPARTMENT OF DEFENSE FLUORESCENT LIGHTING WASTE TO THE DOMESTIC RARE EARTH SUPPLY CHAIN.**

(a) FINDINGS.—Congress makes the following findings:

(1) In its December 2011 report entitled “Critical Materials Strategy”, the Department of Energy states that the heavy rare earth phosphors, dysprosium, europium, terbium, and yttrium, are particularly important given their relative scarcity and their importance to clean energy, energy efficiency, hybrid and electric vehicles, and advanced defense systems, among other key technologies.

(2) While new sources of production of rare earth elements show promise, these are focused primarily on the light rare earth elements.

(b) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the recycling of end-use technologies that use rare earth elements can provide near-term opportunities to recapture, reprocess, and reuse some of the rare earth elements contained in them;

(2) fluorescent lighting materials could prove to be a promising recyclable source of heavy rare earth elements;

(3) a cost-benefit analysis would be helpful in determining the viability of a Department of Defense program to recycle fluorescent lighting waste in order to increase its supplies of heavy rare earth elements; and

(4) the recycling of heavy rare earth elements may be one component of a long term strategic plan to address the global demand for such elements, without which such elements could be unnecessarily lost.

(c) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report on the results of a cost-benefit analysis on, and on recommendations concerning, the feasibility and advisability of establishing a program within the Department of Defense to—

(A) recapture fluorescent lighting waste; and

(B) make such waste available to entities that have the ability to extract rare earth phosphors, reprocess and separate them in an environmentally safe manner, and return them to the domestic rare earth supply chain.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include analysis of measures that could be taken to—

(A) provide for the disposal and mitigation of residual mercury and other hazardous by-products to be produced by the recycling process; and

(B) address concerns regarding the potential export of heavy rare earth materials obtained from United States Government sources to non-allied nations.

**AMENDMENT NO. 3059**

(Purpose: To require a study on the establishment of a joint Armed Forces historical storage and preservation facility)

At the end of subtitle F of title X, add the following:

**SEC. 1064. REPORT ON ESTABLISHMENT OF JOINT ARMED FORCES HISTORICAL STORAGE AND PRESERVATION FACILITY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the feasibility and advisability of establishing a joint Armed Forces historical storage and preservation facility. The report shall include a description and assessment of the current capacities and qualities of the historical storage and preservation facilities of each of the Armed Forces, including the following:

(1) An identification of any excess capacity at any such facility.

(2) An identification of any shortfalls in the capacity or quality of such facilities of any Armed Force, and a description of possible actions to address such shortfalls.

**AMENDMENT NO. 3072**

(Purpose: To express the sense of Senate on increasing the cost-effectiveness of training exercises for members of the Armed Forces)

At the end of subtitle E of title II, add the following:

**SEC. 272. SENSE OF SENATE ON INCREASING THE COST-EFFECTIVENESS OF TRAINING EXERCISES FOR MEMBERS OF THE ARMED FORCES.**

It is the sense of the Senate that—

(1) modeling and simulation will continue to play a critical role in the training of the members of the Armed Forces;

(2) while increased modeling and simulation has reduced overall costs of training of

members of the Armed Forces, there are still significant costs associated with the human resources required to execute certain training exercises where role-playing actors for certain characters such as opposing forces, the civilian populace, other government agencies, and non-governmental organizations are required;

(3) technological advances in areas such as varying levels of autonomy for systems, multi-player gaming techniques, and artificial intelligence could reduce the number of personnel required to support certain training exercises for members of the Armed Forces, and thereby reduce the overall cost of the exercises; and

(4) the Secretary of Defense should develop a plan to increase the use of emerging technologies in autonomous systems, the commercial gaming sector, and artificial intelligence for training exercises for members of the Armed Forces to increase training effectiveness and reduce costs.

**AMENDMENT NO. 3086**

(Purpose: To require assessments by the Air Force of the effects of proposed movements of airframes on joint readiness training)

At the end of title XVII, add the following:

**SEC. 1711. AIR FORCE ASSESSMENTS OF THE EFFECTS OF PROPOSED MOVEMENTS OF AIRFRAMES ON JOINT READINESS TRAINING.**

The Secretary of the Air Force shall—

(1) undertake an assessment of the effects of currently-proposed movements of Air Force airframes on Green Flag East and Green Flag West joint readiness training; and

(2) if the Secretary determines it appropriate, submit to the congressional defense committees a report setting forth a proposal to make future replacements of capabilities for purposes of augmenting training at the joint readiness training center (JRTC) or for such other purposes as the Secretary considers appropriate.

**AMENDMENT NO. 3098**

(Purpose: To require a report by the suspension and debarment officials of the military departments and the Defense Logistics Agency)

At the end of subtitle E of title VIII, add the following:

**SEC. 888. REPORT BY THE SUSPENSION AND DEBARMENT OFFICIALS OF THE MILITARY DEPARTMENTS AND THE DEFENSE LOGISTICS AGENCY.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the suspension and debarment official of each agency specified in subsection (b) shall submit to the congressional defense committees a report on the suspension and debarment activities of such official containing the information specified in subsection (c).

(b) **COVERED AGENCIES.**—The agencies specified in this subsection are the following:

- (1) The Department of the Army.
- (2) The Department of the Navy.
- (3) The Department of the Air Force.
- (4) The Defense Logistics Agency.

(c) **COVERED INFORMATION.**—The information specified in this subsection to be included in the report of a suspension and debarment official under subsection (a) is the following:

(1) The number of open suspension and debarment cases of such official as of the date of such report.

(2) The current average processing time for suspension and debarment cases.

(3) The target goal of such official for average processing time for suspension and debarment proposals.

(4) If the average time required for such official to process suspension and debarment proposals is more than twice the target goal specified under paragraph (3)—

(A) an explanation why the average time exceeds the target goal by more than twice the target goal; and

(B) a description of the actions to be taken by such official to ensure that the average processing time for suspension and debarment proposals meets the target goal.

**AMENDMENT NO. 3186**

(Purpose: To require a study on small arms and ammunition acquisition)

At the end of subtitle E of title VIII, add the following:

**SEC. 888. STUDY ON ARMY SMALL ARMS AND AMMUNITION ACQUISITION.**

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall enter into a contract with a Federally Funded Research and Development Center to conduct a study on the Army's acquisition of small arms and ammunition to determine each of the following:

(A) A comparative evaluation of the current military small arms in use by United States general purpose and special operations forces, allied foreign militaries, and those potential candidate small arms not necessarily in use militarily but available commercially.

(B) An assessment of the Department of Defense's current plans to modernize its small arms capabilities.

(C) A comparative evaluation of the Army's standard small arms ammunition with other small arms ammunition alternatives.

(2) **FACTORS TO CONSIDER.**—The study required under subsection (a) shall take into consideration the following factors:

(A) Current and future operating environments as specified or referred to in Department of Defense strategic guidance and planning documents.

(B) Modifications and improvements recently applied to United States general purpose and special operations forces small arms as well as their potential for continued modification and improvement.

(C) Industrial base impacts.

(3) **ACCESS TO INFORMATION.**—The Secretary of Defense and the Secretary of the Army shall ensure that the Federally Funded Research and Development Center conducting the study required under subsection (a) has access to all necessary data, records, analysis, personnel, and other resources necessary to complete the study.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than September 30, 2013, the Secretary of Defense shall submit to the congressional defense committees a report containing the results of the study conducted under subsection (a), together with the comments of the Secretary of Defense on the findings contained in the study.

(2) **CLASSIFIED ANNEX.**—The report shall be in unclassified form, but may contain a classified annex.

(c) **DEFINITIONS.**—In this section:

(1) The term “small arms” means—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

(2) The term “small arms ammunition” means ammunition or ordnance for—

(A) firearms up to but not including .50 caliber; and

(B) shotguns.

Mr. LEVIN. Mr. President, what is the pending matter?

The ACTING PRESIDENT pro tempore. It is now in order for the Senator from New Hampshire to offer an amendment.

Mr. LEVIN. There is 20 minutes evenly divided?

The ACTING PRESIDENT pro tempore. There will be.

The Senator from New Hampshire.

AMENDMENT NO. 3245

Ms. AYOTTE. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment so I may call up my amendment No. 3245, which is at the desk.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Ms. AYOTTE] proposes an amendment numbered 3245.

The amendment is as follows:

(Purpose: To prohibit the use of funds for the transfer or release of certain individuals from United States Naval Station, Guantanamo Bay, Cuba)

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

Ms. AYOTTE. Mr. President, I rise in support of my amendment No. 3245.

Last year, in the Defense authorization bill we had in it a prohibition that would prohibit transferring those who are held in military custody at the Guantanamo Bay facility from there to the United States of America. This year, as the language of the Defense authorization stands, there is no such prohibition, making it possible for the administration, should it choose, to transfer from the Guantanamo Bay detention facility 166 foreign enemy combatants who are being currently detained at Guantanamo. I am deeply concerned that the Defense authorization does not include this prohibition of transfer language, and that is why I have brought forth this amendment.

I am also pleased that this amendment is being cosponsored by the vice chairman of the Senate Select Committee on Intelligence, Senator CHAMBLISS, as well as Senators INHOFE, GRAHAM, KIRK, and SESSIONS.

We have at Guantanamo Bay a top-rate facility that allows for the secure

and humane detention and interrogation of foreign terrorist detainees, including right now the mastermind of the attacks of our country on 9/11.

I don't think anyone in this body would dispute that when our country was attacked on September 11, that was an act of war against the United States of America, and we remain, unfortunately, at war with members of al-Qaida and other terrorist organizations that want to kill Americans and our allies simply for what we believe in and for what we stand for in this country. This is a war, and those who were killed on September 11 were victims of this war.

One of the concerns I have is that when we are at war, the priority always has to be to detain those who are captured, pursuant to that war, in military custody.

We have at Guantanamo Bay a top-rate facility. I have visited it personally. Those who are held there are treated humanely. It is a very secure facility that is not on our homeland, and it is very well protected by our military.

Also at that facility is a top-rate court, where military commissions can be held for those who are charged who are held at Guantanamo Bay. Why is that important? Because when you are at war, those aren't mere criminals—they are not mere criminals who have committed a burglary in our neighborhood. They have committed acts of terror against our country, and they are very dangerous individuals, many of whom would attempt to do so again were they released. That is another reason why I have brought this amendment forward, because I think it is very important that the American people be safe and secure and that those individuals who are being held there—many of them who are tremendously dangerous—be held in a secure facility that is not on our soil.

In 2009, the Attorney General discussed and sought to bring Khalid Shaikh Mohammed—the mastermind of 9/11—to trial in New York City. The American people and members of both sides of the aisle objected to having the trial of Khalid Shaikh Mohammed in New York City. As a result, Khalid Shaikh Mohammed is being held at Guantanamo Bay. He will be tried by a military commission. But that demonstration made it clear the American people do not want foreign members of al-Qaida and associated terrorist organizations being brought to the United States when we have a secure facility at Guantanamo Bay that we have spent resources to update, that is very humane.

In fact, in February of 2012, the Washington Post asked: Do you approve of the decision to keep open the Guantanamo Bay prison for terror suspects? Seventy percent of the American people who answered that survey said: Yes, we approve of it.

I want people to understand whom we are talking about transferring from Guantanamo Bay to the United States of America and understand the individuals and some of the background of those who are being held at Guantanamo Bay, coming to a neighborhood near you.

This is, of course, the mastermind of the September 11 attacks, Khalid Shaikh Mohammed, who is being held at Guantanamo Bay. He is often called KSM. He claims to have personally decapitated American journalist Daniel Pearl in 2002, and he admitted to playing a role in over 30 terrorist plots. Some of these include a 1995 plot to blow up 12 U.S. airliners flying from Southeast Asia to the United States for which he was indicted the following year; the 1993 World Trade Center bombing; a plot to hit towers in Chicago, Seattle, Los Angeles, New York's Empire State Building, and nuclear power stations. KSM also claimed he was involved in a plot to assassinate Pope John Paul II and President Bill Clinton. He, of course, met Osama bin Laden in the 1980s, and in 1999 KSM persuaded Osama bin Laden to support the horrible acts that occurred on our soil on September 11.

Mullah Mohammad Fazil is another individual being held at Guantanamo Bay. Fazil is suspected in the death of CIA Officer Johnny "Mike" Spann in 2001, the first casualty of the Afghanistan war. He was deemed by U.S. officials as a high threat to the United States. It was assessed that he would likely rejoin the Taliban and participate in operations against U.S. and coalition forces if released. He was at one time the most senior Taliban leader in northern Afghanistan. In fact, he was so senior he once threatened Taliban leader Mullah Omar. Fazil has been implicated in the murder of thousands of Shiites in northern Afghanistan under Taliban control, and he is wanted by the United Nations for possible war crimes.

Another individual being held at Guantanamo Bay, Mohammad Nabi, is tied to a 2002 attack that killed two Americans and maintains loyalty to al-Qaida.

Let's be clear. There is a 28-percent recidivism rate of those we have released from Guantanamo Bay back to foreign nationals who have gotten back into the battle against our country. These are individuals who have not renounced the war on terror. The recidivism record speaks for itself. They have gotten into the battle. They still want to be involved in terrorist activities. They still want to be a member of al-Qaida or other terrorist groups and commit acts against our country and our allies.

Again, Mohammed Nabi is tied to the 2002 attack that killed two Americans. He maintains loyalty to al-Qaida. Yet some of my colleagues, if you think

about it, would insist in other amendments we are dealing with today that he be treated as a common criminal.

One of the concerns I have is that if we close Guantanamo and we transfer all of those individuals to the U.S. courts, will they then claim all of the rights here in the United States? And God forbid any of them had to be released here as a result of challenges they would bring.

Nabi was a senior Taliban official also who helped finance the Taliban and smuggled weapons used against our troops. Nabi maintained weapons stockpiles and helped smuggle fighters and weapons to attack our warfighters. He is reportedly loyal to the Pakistan-based Haqqani terrorist network. The Haqqani network, of course, has been designated by the State Department as a foreign terrorist organization, and the Haqqanis are loyal to the Taliban and behind some of the largest attacks against the United States, Afghan, and coalition troops and interests in Afghanistan. He was also a member of a joint al-Qaida/Taliban cell in Khost, Afghanistan, that was involved in attacks against the United States and coalition forces. He continues to have issues with his behavior and how he has conducted himself.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

Ms. AYOTTE. He is just one of the individuals who, if we do not have this prohibition, may be transferred to the United States of America.

Those are just three of the individuals who are present at Guantanamo Bay who could be coming to a neighborhood near you. Some may cite—one of the reasons I brought forth this amendment as well is some may cite a GAO report saying that we could somehow transfer these individuals here. Let's be clear what that GAO report says.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Ms. AYOTTE. I ask this body to agree to this amendment and not bring these terrorists here to the United States of America.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I oppose this amendment, and I ask Members to vote against it. The distinguished Senator from New Hampshire just said that any transfer of Guantanamo detainees out of that facility essentially endangers Americans. But consider how effectively we hold terrorists in the United States today.

We have 180 terrorists in Federal prisons in the United States of America who are in maximum security, and they cannot escape. We have supermax prisons. We have prisons where for 23 hours a day individuals are in a cell that is all concrete with just a small viewing place.

What this amendment would do is prevent any flexibility forever in how the U.S. government can handle those held in Guantanamo Bay. For example, the Guantanamo detainees could not be moved to a supermax prison in the United States. I don't think preventing options is the right thing to do. No one in all these years has escaped from a supermax prison in the United States of America. So clearly, the detainees could be held safely and securely.

Additionally, I believe this amendment could bring on a veto by the President. Today, a statement of administration policy was issued that indicated concern about restricting the transfer of Guantanamo detainees.

I believe Guantanamo has been a blight on the image of our country across this world and it should be closed down. It is important to note that there are reasons to have the flexibility that Senator AYOTTE's amendment would restrict.

For example, there are detainees at Guantanamo who could be transferred to the U.S. to be convicted in federal criminal courts. Others try to leave, like the Uighurs, for instance, but there is no place for them to go. And this amendment restricts them from being transferred here to the United States.

Many say, why would we let terrorists come to our backyard? Well, let's consider the hundreds of terrorists that are already in our backyard serving time at 98 facilities across the United States, according to a GAO report released yesterday.

The Blind Sheik is incarcerated in a Federal prison in the U.S. Khalid Shaikh Mohammed's nephew, Ramzi Yousef, is in a Federal prison here. Richard Reid, the Shoe Bomber, is in a Federal prison here. Najibullah Zazi and Adis Medunjanin, who plotted to bomb New York subway system, are both in Federal prison here.

I have a list of terrorists arrested here, 98 of them since 2009, who will go to Federal prisons. Let me describe a few of these arrests. One of the examples was earlier this month, Ralph Deleon, with Miguel Alejandro Santana Vidriales and Arifeen David Gojali were arrested by the FBI. They were planning to travel to Afghanistan to attend terrorist training and commit violent jihad. They will do time in a Federal prison here. Rezwanul Ahsan Nafis plotted to bomb the New York Federal Reserve Bank on October 20, 2012. He will do time in a Federal prison here. Adel Daoud plotted to bomb a downtown Chicago bar in September 2012, and he will do time in a Federal prison here.

Our Federal prisons hold terrorists already and they will continue to hold them. So to remove any kind of flexibility on Guantanamo and to say that you cannot move a detainee out of the facility and into a Federal prison in

the United States is a mistake. I very strongly believe perpetuating Guantanamo forever is a mistake. So I ask my colleagues to vote no on this amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I ask unanimous consent to have 2 minutes to respond, and then I will defer to my colleague from South Carolina.

Mr. LEVIN. Reserving the right to object, how much time is left on each side?

The ACTING PRESIDENT pro tempore. Time in opposition is 5½ minutes. The proponents of the amendment have no time remaining.

Ms. AYOTTE. I don't have any time remaining. OK.

Mr. LEVIN. Would the Senator from California agree that there be 5 minutes added to each side?

Mrs. FEINSTEIN. I do not need additional time. I would be willing to add an additional 2 minutes.

Ms. AYOTTE. Then I defer.

Mr. LEVIN. That is fine. I think there is no objection.

Mr. GRAHAM. We thought there was 20 minutes on each side. Apparently, it is close enough. Just a few minutes? But I want Senator AYOTTE to wrap this up.

Mr. LEVIN. I ask unanimous consent that 6 additional minutes be added to the proponents of this amendment and, if needed, that 6 additional minutes be added to the other side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I would like to respond briefly.

I have great respect for the Senator from California. The distinction here in the cases she has been citing—the disposition of them—I think is a very important distinction. Certainly we have good Federal court systems. They are designed, though, for criminals and for crimes. Guantanamo Bay is a secure facility on which we have spent substantial resources to make a top-grade facility. I visited there. That is for terrorists when there is an act of war against our country, and those individuals who are being held there have committed acts that warrant them being held in military detention because of the terrorist acts I have outlined and the individuals involved. There is a big distinction, and the American people do not want those individuals brought here to the United States of America.

With that, I yield the remainder of my time to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.



Mr. GRAHAM. Mr. President, long story short, the American people believe that the military prison in Guantanamo Bay, Cuba, isolated from the American population, that is being well run by our military and monitored by all kinds of organizations, is a satisfactory answer to the problem of terrorism. Simply stated, the American people do not want to close Guantanamo Bay, which is an isolated, military-controlled facility, to bring these crazy bastards who want to kill us all to the United States. Most Americans believe that the people at Guantanamo Bay are not some kind of burglar or bank robber. They are bent on our destruction. I stand with the American people, that we are under siege, we are under attack, and we are at war.

Some of my colleagues in this body have forgotten what 9/11 is all about. The people in that prison who attacked us on 9/11 want to destroy our way of life. They do not want to steal your car. They don't want to break into your house.

We have a military prison being well run, so I think the American people are telling everybody in this body: Have you lost your minds? We are at war; act like we are at war.

I yield.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I have heard a lot of hyperbole tonight. Of course we are at war. Part of the glory of this country is the values we hold dear. We have a Federal court system that has worked. We have 373 people connected to terrorism serving time in the Federal prisons of the United States of America. They are under an entity called the Bureau of Prisons that sees that the facilities are run the way they should be. Most are in isolated areas, such as the one in Florence in Colorado. It is far from the city—I think some 30 miles—and is a maximum security prison in part.

The GAO report just released yesterday showed that the Federal prison system can hold Guantanamo detainees safely and securely. To keep Guantanamo open forever, to say that there is no flexibility as to what you can do with the detainees in terms of transferring them into the United States, into Federal custody, I think is wrong.

I have seen and watched on the Judiciary Committee and the Intelligence Committee real problems with military commissions. I think Senator GRAHAM understands that and has seen it as well. I do not believe the rate of convictions in Military Commissions any way equals the rate of convictions in Federal courts and think about how much time it has taken to get the Military Commission trials going compared to federal courts.

I really think this is very much a kind of political movement, that Guantanamo, isolated from everything, run

by the military, has to keep people for the rest of their lives. Maybe that is what some people think. But a terrorist act is also a criminal act. It is a heinous criminal act, but one which our federal criminal courts can provide justice. Not just Guantanamo. So I really urge a "no" vote on this. Hopefully, if it passes, it can be removed in conference.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. How much time remains for the opponents?

The ACTING PRESIDENT pro tempore. Three minutes.

Mr. LEVIN. Mr. President, I very much oppose this amendment. We have a court system in this country which is second to none. To deny this administration or any administration the opportunity, should they choose to exercise their discretion, to charge terrorists as criminals seems to me to be highly unwise and is not a particularly strong step in the war against terrorism.

This amendment is undesirable. It would create a permanent restriction on the administration's options—not, by the way, just this administration's options, any administration's options in conducting the fight against terrorism. It prevents the administration's ability to bring any detainee from Guantanamo for any purpose, including their prosecution in court. I think it is unwise and not a strong step at all in the war on terror to deprive the President of the tools he might need to carry out the protection of this country from the threat of terrorism.

This amendment would permanently cut off the possibility of prosecuting these Guantanamo detainees in Federal court. I hope we do not do that. I hope we defeat the amendment of my friend from New Hampshire, Senator AYOTTE.

Finally, this is what we call veto bait. The administration continues to strongly oppose these provisions which intrude upon the executive branch's ability to carry out its military, national security, and foreign relations activities and to determine when and where to prosecute Guantanamo detainees.

So it is unwise in terms of our national security; it is unwise in terms of the rigidity it imposes on the executive branch as to where to prosecute terrorists, alleged terrorists, and it also jeopardizes the signing of this bill as soon as we can get this bill to a conference and get a conference report back to both bodies. So I hope we defeat the Ayotte amendment.

If we have any time left, I yield it back.

Mr. President, what is the pending business?

The ACTING PRESIDENT pro tempore. The Ayotte amendment is pending.

Mr. LEVIN. Has all time been used?

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. LEVIN. So under the existing UC, we are now moving to the Feinstein amendment, and that is now the pending business?

The ACTING PRESIDENT pro tempore. It has not been called up yet by the Senator from California.

Mr. LEVIN. I understand. Let me then ask unanimous consent that Senator INHOFE, on behalf of Senator COONS and himself, offer a cleared amendment at this point.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### AMENDMENT NO. 3201

Mr. INHOFE. Mr. President, I ask unanimous consent to set aside the pending amendment for the consideration of amendment No. 3201.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oklahoma [Mr. INHOFE], for Mr. COONS and himself, proposes an amendment numbered 3201.

Mr. INHOFE. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate on ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army)

At the end of subtitle D of title XII, add the following:

#### SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM POWER AND END ATROCITIES COMMITTED BY THE LORD'S RESISTANCE ARMY.

Consistent with the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the funding table in section 4301 for Operation and Maintenance, Defense-wide for "Additional ISR Support to Operation Observant Compass", the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord's Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination; and

(4) the regional governments should recommend themselves to the operations sanctioned



by the African Union Peace and Security Council resolution.

Mr. INHOFE. Mr. President, this amendment has been cleared on both sides. This is the one that originally we had several years ago concerning the Lord's Resistance Army in Africa and the showing that we have a policy in this country to bring this man down, the man called Joseph Kony. And we want to renew this so that we will have this pending again. It doesn't change anything that is going on at the present time except it keeps our policy in effect; that we are after the Lord's Resistance Army, and we will do what we have been doing in the past until it is completed.

So I ask my colleagues to adopt this amendment.

The ACTING PRESIDENT pro tempore. Is there further debate?

The Senator from Michigan.

Mr. LEVIN. Let me, first of all, commend Senators INHOFE and COONS. This is a very important amendment, and the determination to go after Kony and the Lord's Resistance Army is essential not just in terms of the values that we so dearly believe in, but also in terms of avoiding further slaughter that has been perpetrated by Kony.

So I commend Senators INHOFE and COONS, and I hope this amendment will not only pass but will send a very important statement as to where America stands on this subject.

The ACTING PRESIDENT pro tempore. Is there further debate on the amendment?

If not, the question is on agreeing to the amendment.

The amendment (No. 3201) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. INHOFE. Mr. President, I think we may have someone—we want to yield 5 minutes to the Senator from Utah.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Michigan.

Mr. LEVIN. The pending business is still the Ayotte amendment. I am just wondering if the Senator from Utah might indicate what it is that he will speak on.

Mr. LEE. I wish to speak for 5 minutes regarding the Feinstein-Lee amendment.

Mr. LEVIN. I wonder if we could get to the Feinstein amendment. I am sure Senator FEINSTEIN will be happy to yield time to the Senator from Utah.

The ACTING PRESIDENT pro tempore. The Senator from California.

AMENDMENT NO. 3018

Mrs. FEINSTEIN. I ask unanimous consent to call up amendment No. 3018.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Mr. LEE, Mr. COONS, Ms. COLLINS, Mr. PAUL, Mr. LAUTENBERG, Mrs. GILLIBRAND, and Mr. KIRK, proposes an amendment numbered 3018.

Mrs. FEINSTEIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify that an authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States)

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON THE INDEFINITE DETENTION OF CITIZENS AND LAWFUL PERMANENT RESIDENTS.**

Section 4001 of title 18, United States Code, is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by inserting after subsection (a) the following:

“(b)(1) An authorization to use military force, a declaration of war, or any similar authority shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States, unless an Act of Congress expressly authorizes such detention.

“(2) Paragraph (1) applies to an authorization to use military force, a declaration of war, or any similar authority enacted before, on, or after the date of the enactment of the National Defense Authorization Act For Fiscal Year 2013.

“(3) Paragraph (1) shall not be construed to authorize the detention of a citizen of the United States, a lawful permanent resident of the United States, or any other person who is apprehended in the United States.”.

Mrs. FEINSTEIN. I note that Senator LEE is on the floor, and I know he wants to speak as he is a cosponsor of this amendment. So I will yield to him, and then when he finishes I will speak.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. LEE. Mr. President, I appreciate the opportunity to speak regarding amendment No. 3018, the Feinstein-Lee amendment.

It has come to my attention that some opponents of the Feinstein-Lee amendment have made an argument that habeas corpus is sufficient to protect the rights of Americans apprehended on American soil and detained by the United States Government. This is nothing more than another way of suggesting that the government should be able to detain some Americans indefinitely without charge or trial. I disagree and believe that our constitutional traditions demand more than this—significantly more.

The fifth amendment of our Constitution provides that “No person . . . shall

be . . . deprived of life, liberty, or property without due process of law.”

As Supreme Court Justice Antonin Scalia has written:

The gist of the Due Process Clause, as understood at the founding and since, was to force the government to follow . . . common-law procedures traditionally deemed necessary before depriving a person of life, liberty, or property.

This right of American persons to due process of law is foundational to the very idea of individual liberty from unwarranted government intrusion.

I have worked with Senator FEINSTEIN and other colleagues on both sides of the aisle to craft an amendment originally entitled the Due Process Guarantee Act to ensure that this basic constitutional right is indeed protected. I believe even with the serious national security threats we now face, America must hold fast to our most fundamental constitutional rights and liberties.

The U.S. Government should not be authorized to detain Americans indefinitely without charge and without trial. As Justice Scalia explained, the proposition that the Executive lacks indefinite wartime detention authority over citizens is consistent with the Founders' general mistrust of military power permanently at the Executive's disposal.

I believe it is clear that the Founders of our Constitution were acutely aware of this critical tradeoff—the tradeoff we still face today—between safety on the one hand and freedom on the other. On this very point, Alexander Hamilton was prescient. He wrote:

Safety from external danger is the most powerful director of national conduct. Even the ardent love of liberty will, after a time, give way to its dictates. The violent destruction of life and property incident to war; the continual effort and alarm attendant on a state of continual danger, will compel nations the most attached to liberty, to resort for repose and security to institutions which have a tendency to destroy their civil and their political rights. To be more safe they, at length, become willing to run the risk of being less free.

Our Nation's Founders warned us about the great danger of sacrificing our most basic liberties in the pursuit of security—security at all costs. They provided us with a Constitution framed to prevent precisely such a tragic outcome.

I urge my colleagues to vote in favor of the Feinstein-Lee amendment and against the mistaken idea that the government may detain American persons indefinitely without charge and without trial.

Thank you, Mr. President. I yield back the remainder of my time to Senator FEINSTEIN.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. Mr. President, the amendment before us is cosponsored by the distinguished Senator who just

spoke, Senator LEE, as well as Senators COONS, COLLINS, PAUL, LAUTENBERG, GILLIBRAND, KIRK, TESTER, JOHNSON, SANDERS, WHITEHOUSE, HELLER, BAUCUS, DEMINT, WEBB, KLOBUCHAR, BINGAMAN, ROCKEFELLER, BEGICH, and BOXER. An amendment similar to this received 45 votes in the last session.

I wish to spend a moment on the genesis of this amendment because, for me, it goes back to April 1942, the day a Western Defense Command and Fourth Army Wartime Civil Control order went out in San Francisco with instructions to all persons of Japanese ancestry, that: All Japanese persons, both alien and nonalien, will be evacuated from the above designated areas by 12 o'clock noon on Tuesday, April 7, 1942. No Japanese person will be permitted to enter or leave the above described area after 8 a.m. Thursday.

That was in the city of San Francisco.

What was created was an internment camp near the city which became a staging area for the placement of Japanese Americans in detention camps without charge or trial for the remainder of World War II.

This was Tanforan Racetrack, directly south of San Francisco. One Sunday afternoon—I was a small child in 1942—my father took me down to show it to me. This is what I saw. We see stalls made into bunk houses. We see the center of the field made into barracks. We see the little places where individuals were kept. We see Japanese-American citizens who did nothing wrong who were being interned for years during World War II.

It was shocking. Then it took until 1971 for a bill to be passed and then signed by President Nixon reversing the policy. That bill was called the Non-Detention Act of 1971, and it repealed a 1950 statute that explicitly allowed detention of U.S. citizens. That 1971 bill said—and I quote:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

Since then and after 9/11, various cases were litigated and went as far up as the Supreme Court. One of them in 2004 was *Hamdi v. Rumsfeld*, and it addressed a very narrow issue involving a citizen captured on the battlefield of Afghanistan. Then a second case, *Padilla v. Rumsfeld*, in the Second Circuit Court of Appeals involved an American citizen captured in the U.S.

So the question is whether the Non-Detention Act of 1971 prevents U.S. citizens captured in the U.S. like *Padilla* from being detained or whether the AUMF passed after 9/11 authorizes such law of war detention in the U.S.

What we are trying to do with this simple amendment is what is called a clear statement rule, to say once and for all:

An authorization to use military force, a declaration of war, or any similar authority

shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States apprehended in the United States unless an Act of Congress expressly authorizes such detention.

I know this is a sensitive subject, but I believe we stand on the values of our country, and one of the values of our country is justice for all. And we have a Constitution that has 7 articles and 27 amendments that give us fundamental protections.

This amendment, which builds on the continuing application of the principles behind the Non-Detention Act of 1971, would provide very clearly that no military authorization allows the indefinite detention of U.S. citizens or green card holders who are apprehended inside the United States. Some may ask why just include citizens and green card holders. Let me be clear, if I could further and add “all persons” and get as many votes, I would. I do not think it would, and we have looked into how to do this for a year now. So we have limited it to what we believed could get the maximum number of votes in this body.

Here is the point of this amendment: What if something happens and you are of the wrong race in the wrong place at the wrong time, and you are picked up and held without trial or charge in detention ad infinitum? We want to clarify so this cannot happen; so that the law does not permit an American citizen or a legal permanent resident to be picked up and held without end, without charge or trial.

I want to say that the FBI and other law enforcement agencies have proven time and time again that they are up to the challenge of detecting, stopping, arresting, and convicting terrorists found on U.S. soil.

I have a document that was prepared by the Intelligence Committee staff lists 98 terrorists who have been arrested and are on their way to conviction and will do time, many of them life sentences, in Federal prisons, and these are just those arrested in the last 3 or 4 years.

Since January of 2009, there are 98 who have been successfully arrested. I think it is important to understand that suspected terrorists who may be in the United States illegally can be detained within the criminal justice system under four options that exist today. They can be charged with a Federal or State crime and held. They can be held for violating immigration laws. They can be held as material witnesses as part of a Federal grand jury proceedings. They can be held under section 412 of the PATRIOT Act for up to 12 months.

This amendment is not about whether citizens such as *Hamdi* and *Padilla*—or others who would do us harm—should be captured, interrogated, incarcerated, and severely punished. They should be and they are.

It is about the innocent American, again in the wrong place, at the wrong time, who gets picked up, like these innocent Japanese Americans shown in this picture who just happened to live in a certain part of the United States, in my hometown, San Francisco. But this was what happened. People were picked up and held for the duration of the war—just because of their race.

Finally, I want to quote Justice Sandra Day O'Connor, who wrote for the plurality in the *Hamdi* decision in 2004:

As critical as the Government's interest may be in detaining those who actually pose an immediate threat to the national security of the United States during ongoing international conflict, history and common sense teach us that an unchecked system of detention carries the potential to become a means for oppression and abuse of others who do not present that sort of threat.

So it is my hope we can clarify U.S. law to state unequivocally that the government cannot indefinitely detain American citizens or legal residents captured inside this country without trial or charge.

We live with the stain of how we treated some of our own people during World War II. It should not be repeated.

I thank the Acting President pro tempore, and I would like to yield to the distinguished Senator PAUL, if I may.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, I rise today in support of the Feinstein-Lee amendment to prevent the indefinite detention of American citizens without a trial by jury. In the year 1215, the English barons gathered on the plain at Runnymede. They gathered to protest against King John. They gathered for their rights as free men. And they gathered for the right to trial by jury. We have had it enshrined in both English law and American law for 800 years. It seems a shame to scrap it now.

People say: But these terrorists are horrible people. Yes, they are horrible people. But every day and every night in our country horrible people are accused of crimes, and they are taken to court. They have an attorney on their side. They are given a trial. People we despise, people who murder and rape, are given trials by juries. We can try and we can prosecute terrorists.

People say: But they are terrorists. Well, the thing is, you are an American citizen and you are accused of terrorism. Who is going to determine who is a terrorist and who is not a terrorist? They do not walk around with a badge. They do not walk around with a card that says: I am from al-Qaida. They will be accused of a crime, and there will be facts. Someone must judge the facts. That is what a jury does.

To give up on this because we are afraid of terrorists is to give in to the

terrorists. If we give up our rights, if we relinquish our rights, haven't the terrorists then won?

Jefferson said the right to trial by jury was the "anchor," it was the anchor by which we protect "the principles of the Constitution."

Senator La Follette, a Senator from Wisconsin, said if we give up these rights, if we are unable to protect these rights, that ultimately the Bill of Rights loses its value.

He said:

Let no man think that we can deny civil liberty to others and retain it for ourselves. When zealot agents of the governments arrest suspected radicals without warrant, hold them without prompt trial, deny them access to counsel and admission of bail . . . we have shorn the Bill of Rights of its sanctity. . . .

I would ask today of my colleagues that we have a chance to replace fear with confidence—confidence that no terrorist will ever conquer us if we remain steadfast to our principles—the principles of our Founders. We have nothing to fear except our own unwillingness to protect our rights. If we relinquish our right to trial by jury, we will have given up so much. Do not let those who would instill fear let you give up the most basic of rights—a right that prevents the oppression of government and the evolution or devolution into despotism.

So I hope my colleagues will today vote to uphold an 800-year-old tradition, a tradition that is enshrined in the body of our Constitution, a tradition that is enshrined in our Bill of Rights, and a tradition that is in every constitution of all 50 States. Are we to give that up because we are fearful? We can and have convicted terrorists. We are not talking about terrorists from overseas. We are not talking about a battlefield somewhere else. We are talking about American citizens accused in our country.

Why should you be wary? The government has descriptions of who might be a terrorist. If you have 7 days' of food in your basement, you might be a terrorist. If you have weatherized ammunition, you might be a terrorist. This is what your government describes as things you should report. Know your neighbor to report your neighbor. If you have weatherized ammunition, multiple guns, food in your basement, if you like to pay by cash—if these are the characteristics for which you might be accused of terrorism, would you not, at the very least, still want to retain your right as an American citizen to a right to a trial by a jury of your peers?

I ask that we step up today and support an ancient tradition. And I worry about a country that would let a tradition like the right to trial by jury go so easily.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I appreciate the opportunity. This is a good debate. It is a fascinating discussion. I guess the way I look at this issue—and we will talk with Senator LEVIN in a bit—I have been a military lawyer for about 30 years, and the first thing you do in JAG school is have a discussion about the difference between the law of war and criminal law. Every military lawyer is taught from the very beginning of their career that law of war detention is designed to neutralize the enemy and to gather intelligence about the enemy.

There is a reason that when we capture somebody in a war we do not give them a trial by jury, and we do not give them a lawyer. We have 3,000 people in American military custody in Afghanistan who were captured on the battlefield, and they are held under the law of war because we do not want to let them go back to killing us. And they are not given a lawyer because we are not trying to solve a crime; we are trying to win a war.

Here is the question to my good friend from California: I do not want anyone to believe that under the law of war construct we have created over the last 7 or 8 years that you can be put in jail because you look like a Muslim, that you sound like a Muslim, that you have got a name Mohammad. What happened to Japanese-American citizens is they were put in military custody because we were all afraid and they looked like the enemy. That was not a high point in America.

What are we talking about here? We are talking about detaining people under the law of war who are suspected of joining al-Qaida or the Taliban and engaging in a belligerent act against the United States. I want to make the record clear that some of my colleagues on the Republican side have been trying to deny law of war detention to the Obama administration, and they have openly said this: If you allow this to happen, President Obama is going to put you in jail because of political dissent.

There are people on my side who are afraid of law of war detention being in Barack Obama's hands because they think,—they hate him so much they think he is going to use a provision to protect us against an al-Qaida attack to put them in jail because they disagree with his agenda.

It gets worse. I want you to know this. There has been a statement in our conference that habeas corpus review by an independent judiciary where the intelligence community, the military, would have to prove in court by a preponderance of the evidence that the person in question has, in fact, engaged in hostilities against the United States by helping the Taliban or al-Qaida—that is the requirement of the government—they have to prove that to the judge, that is not really a check on

government power because the judge could be an Obama appointee.

As much as I disagree with President Obama, as much as I think he has been a divisive President, in many ways has failed to lead, I want to disassociate myself from the concept that you cannot give this Commander in Chief the powers that Commanders in Chief have enjoyed in other wars because we hate him so much.

To my friends who get on the Internet and talk radio and stoke this paranoia, we are afraid enough for good reason. This is a dangerous world. We are about to walk off the fiscal cliff. We have people out there trying to undermine our way of life. There is a lot to be afraid of: Al-Qaida coming back to our shores, recruiting American citizens to help their endeavors. I hate to say it, in every war we have ever been in, there have been occasions when Americans joined the enemy.

In World War II that happened. You had German saboteurs land on Long Island, aided and abetted by American citizens sympathetic to the Nazis. All of those American citizens in In Re: Quirin were held in military custody and tried by the military because we have long understood that when you join the enemy, that is not a crime but an act of war.

We have very bad people who get a right to a jury trial. I will be the first one to say that when you go to court, no matter if you are the worst terrorist in the world, you will get a jury trial, you will get a lawyer, and you will have your due process rights. But the difference I am trying to inform the body of when you are fighting a war is the goal is not to prosecute people, the goal is to win. And how do you win a war? You kill them; you capture them; you interrogate them to find out what they are up to next. So I am here to say to my colleagues that the al-Qaida-Taliban efforts to do harm to our Nation are alive and growing. The narrative that al-Qaida has been decimated is a false narrative. What happened in Libya, unfortunately, is going to happen again.

I know my good friend from California, who is the chairman of the Intelligence Committee, knows there are active efforts in our own backyard—and JOE LIEBERMAN can tell you, too—to recruit American citizens to attack us—not to commit a crime, to join the enemy.

All I am suggesting is that Barack Obama and every Commander in Chief in the future needs to have the tools available to protect us against an enemy. And the basic question is: Is fighting al-Qaida fighting a crime or fighting a war? I believe with all of my heart and soul that they do not want our property, they do not want our cars, they do not want our bank accounts, they want to destroy us. They hate what we stand for. Just as in

World War II, when you decided to help the Nazis, you were held in military custody because you did something other than commit a crime.

The goal here is if you capture an American citizen who has sided with the enemy that we preserve the ability of our military intelligence community to find out what they know about future attacks and present attacks. The goal of a criminal prosecution is to find justice under a criminal statute. The goal in time of war is to win.

I do not believe in torturing people to get good information, but I do believe in interrogating them for military purposes if they have sided with the enemy.

This is a great debate. But the one thing I do not want to associate myself with is as much as I may disagree with this President's agenda, there are people on my side of the aisle who are stirring up their fellow Americans, making them afraid that Barack Obama could use legitimate powers in a time of war to gather intelligence against people who sided with the enemy to come after them because they look different or they may have a different political belief. I want to disassociate myself with those on my side of the aisle who say that habeas corpus, an independent judiciary, is not an adequate check because Barack Obama may have appointed the judge. That undermines our judiciary. That creates paranoia. That creates a fundamental distrust of what I think is something we should be all proud of: America.

This war will last probably longer than most of us. It is an ideological struggle. There is no capital to conquer, like Berlin and Japan. There is no air force to shoot down. There is no navy to sink. It is about an ideology that must be contained and fought, an ideology, unfortunately, that will be attractive to some Americans as it was in other wars.

Unfortunately, as I speak today, the enemy is trying to come back to our shores and use some American citizens to further their cause. To an American citizen: Do not join al-Qaida or the Taliban. Do not turn on your country. Do not side with their view of humanity. If you do, you have not committed a crime, you have engaged in an act of war against the rest of us and we have a right to win this war. We have a right to hold you under the law of armed conflict as we have held others in the past, to find out why you joined, what you know, and what they are up to next. There is no American citizen in law of war custody. This President has not rounded up one person and put them in jail using the statute that exists today because they disagreed with him. I do not believe he will. All I am asking is that we have options available in this war that have existed in every war America has fought. Because here is my bottom-line belief, that as

much as the Nazis represented a threat to humanity, al-Qaida represents an equal threat to humanity. And nobody in World War II would have entertained the idea that if you sided with the Nazis and you helped the saboteurs blow up parts of America, you should be considered anything other than an enemy who has joined the other side.

So unlike criminal law, where you are trying to find justice for victims, this is about winning a war and marginalizing the enemy. And when the enemy is able to turn one of our own, the last thing in the world we should do is deny ourselves the ability to interrogate that person in a way to help us win the war and keep us safe. That has been the law forever when it comes to war. That is the law today, that will be the law tomorrow.

I look forward to talking to Senator LEVIN, who has been a 100-percent voice of reason, to talk about authorization to use force and the ability to detain.

I will end with this thought: If you deny the ability to gather intelligence and detain, you do not want to put our troops in a position where they have to kill everybody they find. We want to capture the enemy when we can. Because when you capture the enemy, not only do you hurt the enemy, you find out a lot about what they are up to. Here is the question: If an American citizen is engaging in helping al-Qaida and the Taliban in a terrorist activity on our shores, are they the enemy? Yes, they are. We need to know about why they did what they did and what they are going to do next.

With that, I will yield.

Mrs. FEINSTEIN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. There is 9 minutes 15 seconds.

Mr. LEVIN. How much time is there left on our side?

The ACTING PRESIDENT pro tempore. There is 17 minutes 24 seconds.

Mrs. FEINSTEIN. I will wait until the very end and give the distinguished chairman the opportunity.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, it would be my intent, if we need additional time, unless there is something else that is needed at about 9:30 or so when this time runs out, to seek additional time for both—for anyone who needs it, frankly. I do not know about both sides, because this is a multifaceted debate that we are going to have here tonight on this issue.

I would yield myself 10 minutes. I would ask to be notified when I get to 10 minutes.

The Feinstein amendment provides that no authorization for the use of military force may be construed to authorize the detention of U.S. citizens or lawful resident aliens who are captured inside the United States, unless—and this is a big “unless”—an act of Con-

gress expressly authorizes such detention.

As I read the amendment, it says the military detention of U.S. citizens may be authorized in accordance with the law of war as long as this action is expressly authorized by Congress. Further, the amendment's requirement for express authorization applies only to the detention of U.S. citizens who are captured inside the United States. So no such authorization would be required for the detention of a U.S. citizen in the course of military operations overseas. I believe it is appropriate that Congress focus on the issue of military detention at the time they authorize the use of military force, as would be required by the Feinstein amendment.

As the Supreme Court has stated: Detention is a fundamental and accepted incident to armed conflict. Without such authority, our Armed Forces could be put in the untenable position of being able to shoot to kill but not to capture and detain enemy forces.

As to the ongoing conflict, I believe the 2001 authorization for the use of military force authorized the detention of U.S. citizens when appropriate in accordance with the laws of war.

I base this view on the fact that the Supreme Court has said so.

In the Hamdi case, the Supreme Court considered the relationship between the AUMF and the nondetention act which prohibits the detention of a U.S. citizen except where authorized by an act of Congress. The Supreme Court held in Hamdi that this statute does not preclude the detention of U.S. citizens on the battlefield in Afghanistan because the 2000 authorization for the use of military force, quoting the Supreme Court, “is explicit congressional authorization for the detention of individuals” in such circumstances. The Court explained that such detention is so fundamental and accepted as an incident to war as to be an exercise of the “necessary and appropriate force” that Congress authorized the President to use in the AUMF. In other words, the Supreme Court has already concluded that the authorization to use necessary and appropriate force is an explicit authorization to detain enemy combatants in accordance with the law of war, and that meets the test of the Feinstein amendment.

Any other conclusion would lead to absurd results, under which we would tie the hands of our Armed Forces even in the face of an actual invasion. For example, if a group of terrorists were to approach one of our Navy bases in boats loaded with bombs, our sailors protecting those ships at that base would be in the untenable position of being able to shoot to kill, but not to capture the enemy forces if Hamdi did not reach the conclusion it did.

Similarly, in the unthinkable event that we were to experience a 9/11-type

attack, our military would be in the untenable position of having the authority to shoot down the hijacked aircraft but not to force them to land and to capture the enemy hijacker. Of course, we could not expect our military to inquire as to whether any of the enemy force were American citizens before deciding on the level of force to be applied.

As the Supreme Court explained in its Hamdi decision, “the capture, detention, and trial of unlawful combatants, by ‘universal agreement and practice,’ are ‘important incidents of war’” and a “fundamental and accepted incident to war.”

What the Supreme Court said in Hamdi is explicit in the AUMF, in the authorization for use of military force, the core “law of war” authority for our military to capture and detain those who join enemy forces at a time of war and plan or participate in attacks against us. This core authority to use less than lethal force, rather than lethal force, in appropriate circumstances must be available to our military whenever and wherever it engages with the enemy.

Again, Senator FEINSTEIN’s amendment does not prohibit the military detention of U.S. citizens who are captured or apprehended inside the United States because a U.S. citizen who joins a foreign army and attacks the United States should be subject to detention as an enemy combatant if it does not prohibit military detention and if it is expressly authorized by law. I read this as a statute authorizing the use of military force itself or some other act of Congress.

This is a major difference between or from the amendment Senator FEINSTEIN offered last year, which included no exception for congressional authorization. This new approach is appropriate because I believe that Congress ought to address the issue of detention of U.S. citizens when captured in the United States at the time that we authorize the use of force.

The Supreme Court in Hamdi held that the existing authorization for use of military force does address this issue and does explicitly, in their words, authorize detention of U.S. citizens in that situation which was on the battlefield in Afghanistan, but that it explicitly, again in the words of the Hamdi Court, authorized the detention of U.S. citizens in the case of an individual who was captured in Afghanistan who was attacking U.S. forces.

I believe the same reasoning applies to persons who join foreign armies and attack us militarily here in the United States when they bring the war here to the United States and attack us here. If they attack a Navy base and are captured by sailors defending their ships, the same logic that Hamdi applied to an attack in Afghanistan against our forces applies here. That is the same

reason they used in that case to find that there was an explicit authorization for the detention of U.S. citizens in the Afghanistan circumstance; that it is an inherent fundamental function of war, that you be able to capture and detain people who are at war with you, applies when that act of war is carried out here in the United States, such as in the attack on a Navy base.

I request 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. The Feinstein amendment provides an appropriate signal to Congress that in an authorizing context they should be aware of detention authority issues. Therefore, I intend to vote for the Feinstein amendment.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, may I ask how much time remains on our side and on the other side?

The ACTING PRESIDENT pro tempore. There is 17 minutes remaining.

Ms. AYOTTE. There is 17 minutes remaining in opposition?

The ACTING PRESIDENT pro tempore. Yes.

Ms. AYOTTE. Mr. President, I rise to agree with my colleague Senator LEVIN, the chairman of the Armed Services Committee, in his interpretation of the Hamdi decision with regard to the review of the current amendment pending before us. The Feinstein amendment includes different language than the amendment that was brought forward and defeated in this body last year. The language says in 2(b)(1) that an authorization to use military force, a declaration of war, or any similar authority, shall not authorize the detention without charge or trial of a citizen or lawful permanent resident of the United States, apprehended in the United States, unless an act of Congress expressly authorizes such detention.

I do view, as does my colleague from Michigan, Senator LEVIN, the Hamdi decision that was decided before our U.S. Supreme Court as rendering an opinion that the current authorization for the use of military force that is in effect for our country gives explicit congressional authority for the detention of individuals such as in the case of Hamdi. He was an American citizen engaged in the battle against our country and would fall underneath the authorization for military force. In the Hamdi decision, the Court said that the AUMF, which has currently been approved by Congress, having the full force and effect of law, gives explicit congressional authorization for such detention.

I too believe, as Senator LEVIN has said, under that authorization, the Hamdi decision would be interpreted

similarly if an individual who was a covered individual—a member who was covered by the authorization for military force but was nevertheless a United States citizen—was caught here committing an act of terrorism in this country. Our Supreme Court has already interpreted that in Hamdi in such a way. I wanted to add my support for his interpretation of the current Feinstein language in that way.

I wish also to say in response to the arguments of some of my colleagues that if the argument that is being made is this, that if you are an American citizen who is captured in this country committing an act of terrorism against our country and collaborating with al-Qaida, committing belligerent acts in this country, then you should be held under the law of war. If you are not, then we will have to give you Miranda rights. We will have to tell you you have the right to remain silent.

Let me remind you, in those situations, can you imagine if an American citizen had been one of the collaborators of 9/11, would we want to tell a member of someone who had committed an act like 9/11 against us—an act of war against this country—the first thing you hear is you have the right to be silent? Our goal is we have to be there to gather intelligence to see if there is another attack coming. Is it coming to the Pentagon, is it coming to the White House, is it coming to that second tower? Then we can protect American lives.

That is the difference between war and common crime. That is an important distinction that has been recognized long before—with all respect to my colleague from Kentucky—in World War II in *In Re: Quirin*. Our U.S. Supreme Court in World War II recognized this authority, the difference between the law of war. In that case an American citizen who collaborated with the Nazis was held under the law of war because our country was at war.

I would also wish to point out that this would only cover under the current law authorized by this Congress. It would not apply to someone who is holding ammunition or someone who is paying with cash. It only applies to a person who has planned, authorized, committed, or aided the terrorist attack that occurred on 9/11 or harbored those responsible for the attacks, or a person who has a part or substantially supported al-Qaida, the Taliban, or associated forces that are engaged in hostilities against the United States or its coalition partner, including any person who has committed a belligerent act or directly supported such hostilities in aid of enemy forces against our country.

That is very different than some of the examples that were cited here. It is called being a member of al-Qaida, being involved in September 11, being a

member of the Taliban and committing belligerent acts against this country. That is terrorism.

Let me point out what I think is the most absurd distinction of all. This is Anwar al-Awlaki. He is someone who is a U.S. citizen. He is someone who was an influential leader in al-Qaida in the Arabian Peninsula. He advocated for violent jihad. He was involved in a dozen terror investigations. He was alleged to be involved in killing Americans and collaborating to kill our allies. On September 30, 2011, it was reported that al-Awlaki was killed by the CIA in a drone strike in Yemen. Yet it is being interpreted, as we have heard by some of my colleagues represented here, if the Feinstein amendment were interpreted the way they have interpreted, if al-Awlaki made it to America to commit these terrorist acts, he gets his Miranda rights. He gets all his rights here. But yet if he is in Yemen to do these acts, to try to kill Americans and our allies, then we can use a drone attack to him. But if he makes it to America—which, by the way, the terrorists want to make it to America; 9/11 is Exhibit A of that—why do we want to be in a position to read them their Miranda rights, tell them you have the right to remain silent? Our priority there has to be protecting American lives. That is the distinction between the law of war and a common criminal in this country.

By the way, there are protections under the law. It is the right of habeas corpus where you do have a right to challenge your detention before the Federal court through appeals with counsel. That is certainly a protection that we have respected in this country for a long time.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. Mr. President, I would like to inform the body that I think Senator LEVIN's understanding and reasoning is incredibly sound. We have actually been talking about this for a couple of days. And in light of the Hamdi decision and just plain old common sense, I will support the Feinstein amendment.

I will be the first to say that if we are attacked by the Iranians tomorrow or some other group, we have an authorization to use force. Senator LEVIN and I will be the first to say in that authorization that it will provide that if an American citizen joins the Iranians in a war against America, they can be detained under the law of war.

Now, you can vote however you like. I know how I will vote. But this has already gone up to the Supreme Court. And if I can build on what Senator LEVIN said as to the logic of the Court and I think the logic of our position, let's get us back to the United States. I don't think anybody in their right

mind would say the United States is not part of the battlefield in the war on terror. I would suggest that of all the places the enemy wants to hit us, they want to hit us here at home the most. Their goal is to kill us here. They will kill us in Libya, they will kill us in Afghanistan, they will attack our consulates, they will kill our soldiers, they will blow up our embassies, they will hit us all over the world, but don't be misled—they want to hit us here. Remember 9/11? I do. I am sure you all do.

You know what. The only reason we haven't had another 9/11 is we have been fighting these bastards over there, where we have been getting good intelligence. It took a couple of years before any of the people held at Guantanamo Bay told us what was going on, but we found out about bin Laden—and not because we tortured people but because we put the intelligence puzzle together over time by holding people under the law of war and gathering good intelligence. That is how we got bin Laden. So bin Laden is dead, but the war is not over. I wish it were.

Now, the homeland. If there is a planned attack on a Navy vessel or a military installation, I think the point Senator LEVIN was making is that we have already authorized the use of force to protect the country against the Taliban and al-Qaida; is that right?

Mr. LEVIN. That is my opinion, and that is the fundamental core ruling in the Hamdi case. Now, we have to be accurate. Hamdi applied circumstances to citizens that were captured in Afghanistan, but the reason they use led them to conclude there was an explicit—explicit—authorization to detain those citizens even though they are American citizens. Their argument was that capture and detention was inherent, in their words—so fundamental—to capture and detain as such is an accepted incident to war as to be an exercise of the necessary and appropriate force which Congress authorized the President to use.

So in my analogy, if a boatload full of al-Qaida, including an American citizen, comes to a Navy base and attacks that base and is captured by those sailors, that is surely an incident of war, and I believe the capture and detention of those al-Qaida terrorists would be the exercise of necessary and appropriate force which we authorized the President to use in the authorization for military force.

Mr. GRAHAM. I want to build on that just to make sure we understand about a potential attack on a Navy base here at home. No one is suggesting the military could not use force against an al-Qaida attack here at home. The Hamdi case was an American citizen captured in Afghanistan. I hope we are not trying to create a picture that somehow America is a place where our own military cannot fire a shot in defense of their ships or our country.

Let's say we have some ships up there in Virginia and we have a boatload of al-Qaida types trying to ram the ship. Does the Senator agree with me that our military can use force to defend us here at home against al-Qaida?

Mr. LEVIN. That is correct.

Mr. GRAHAM. So if our military is authorized to use force, they do not have to call the FBI or the Virginia State Police to shoot. They can shoot against an enemy themselves coming at them in America.

Mr. LEVIN. Coming into America and attacking us on a Navy base or—

Mr. GRAHAM. Right. Because we are not fighting a crime. We don't have to disarm our military and call the local cops and say: Would you please shoot these people before they get here? No. Our guys are going to shoot you. If you are an American citizen asked to get in a boat and asked to attack a military ship or installation in the United States, we are going to shoot you, and if we wound you, we are going to capture you. And here is what we are going to do to you as an incident of using force. The Supreme Court has said that when you authorize the use of force, it makes no sense to give that authorization if you don't have the power to detain because the worst thing you can do to the American military is to make them kill everybody and capture no one or let the other guys go. So kill-them-all is not good policy, and it is a bad spot to put your military in. And the option shouldn't be to kill them all or let them all go; the option should be to kill where you have to and, if you can, capture. Does the Senator agree with that?

Mr. LEVIN. I do.

Mr. GRAHAM. And our military can fire the shots because of the use of force to defend the homeland and to defend themselves here at home. And the Supreme Court says that once you authorize the ability to use force, it just follows, as night follows day, that detention is part of the ability to use force because, ladies and gentlemen, if it is not, you have turned our military into murderers because you are not supposed to shoot somebody and leave them wounded in the water, and you shouldn't watch them swim away. You capture them and interrogate them under the law of war. Isn't that what Hamdi is about and the point they are trying to make?

Mr. LEVIN. It is. As part of that point, it cites the Quirin case, which says:

Citizenship in the United States of an enemy belligerent does not relieve him from the consequences of a belligerency which is unlawful because in violation of the law of war.

And here are the key words:

Citizens who associate themselves with the military arm of an enemy government, and with its aid, guidance and direction enter



this country bent on hostile acts, are enemy belligerents within the meaning of the Hague Convention.

Mr. GRAHAM. I will read another quote from Hamdi.

There is no bar to this Nation's holding one of its own citizens as an enemy combatant.

Hamdi's detention could last for the rest of his life because the law of war detention can last for the duration of the relevant conflict.

Here is what we are trying to do. We are trying to create a system consistent with the Hamdi decision, and quite frankly, ladies and gentlemen, what I am trying to avoid is the criminal paradigm because I know the difference between criminal law and law of war. Under the law of war, you can detain somebody for interrogation to find out what the enemy is up to if you believe that person to be part of the enemy.

And let me tell my friends, I do not want to take our criminal justice system and bastardize it. During the Bush years when we had the military commission rollout, they had a provision that in a military commission trial, the military jury could be given classified information but not share it with the defendant. I said: No. If a trial means anything, it means the right to confront those witnesses against you. I jealously guard that. The worst al-Qaida member in the world, when they go on trial in military commissions, will have a lawyer, a right to appeal to our Supreme Court, and will be able to confront every witness against them. An American citizen who joins al-Qaida or the Taliban will be tried in Federal court because we took military commissions off the table. That is the trial.

Here is the main point: If you are allowing our military to use force to protect themselves, as Hamdi says, it naturally follows that with the use of force comes the lawful detention. And that is why I will be voting for Feinstein. I think that is where most Americans are. If there is any confusion, we can talk about this in conference.

But, Senator LEVIN, I want to thank you for—since 2006—working with me and against me. You know, our dispute about what would be an active substitute for habeas went to the Supreme Court, and you won 5 to 4. Damn those Justices, but that is the way it goes. And you know what. There were some Republicans and Democrats who disagreed with me and you both. But I respect an independent judiciary, and I know Justice Roberts kind of got some people mad at him because of the ObamaCare decision, but that is the way it goes. That is the way these old judges are. I just really appreciate an independent judiciary.

I just want to say that after that decision in 2006 or 2007, how much of a pleasure it has been to work with you and others to try to find a way to

achieve a balance in a war that is hard to understand. There is no capital to conquer, no airplanes to shoot down in terms of their jet fighters, there is no navy to sink, but they use boats to attack us and they use private planes to kill us. At the end of the day, we are at war. The outcome does matter, and I want to win this war. I know everybody in this body wants to win this war. But I want to live within our values.

So I will work with Senator LEVIN and Senator MCCAIN and say that even though we are fighting the worst people on the planet, count me out when it comes to waterboarding. I remember when people on my side would say—and I understand them very well—why do you care about what we do to these people? They will cut our heads off.

Because we are Americans. It is not necessary to go down that road to win the war. And quite frankly, ladies and gentlemen, the opposite is true. You can't win this war if you don't realize you are in a war. We are not fighting common crime, we are fighting a vicious enemy. And we can do it within our values. We can do it within due process consistent with the law of war and, when we get in that criminal arena, consistent with criminal law.

As much as I disagree with this President, I will not deny him the ability that every Commander in Chief has had for decades as an option, if he chooses to use it. And if you want to go down the criminal road, we can, but we need the option. As much as I dislike President Obama, I am not going to use as a reason to change the law of war that Barack Obama may put some people in jail who disagree with him, and I am not going to buy into some of the rhetoric coming out of our side that a habeas corpus independent judiciary view means nothing if Obama appointed the judge. We are better than that.

I stand ready to vote for FEINSTEIN, I stand ready to work with my colleagues to continue to find a way to fight and win a war within our values, the outcome of which will matter not only to us but those who follow.

God bless every person on the front line who is risking their life at home and abroad. And here is what you have as a promise between Senator LEVIN and myself and many others: We are going to give you the tools to keep us safe and to keep your comrades safe. We are not going to do things in this war that made no sense in other wars. You need our help, you need our prayers, and you need the tools to fight and win this war, and we will give you those tools.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. PAUL. Mr. President, even though my colleagues sometimes appear to have disdain for the trial by jury, it now appears they are sup-

porting the right to trial by jury, and so I congratulate them on their conversion. However, I think they are still a little confused on Hamdi.

Hamdi had to do with a citizen fighting overseas and nothing to do with a citizen here. I have great confidence that the Supreme Court, given a ruling on the right to trial by jury, will affirm the right to trial by jury whether they were appointed by Ronald Reagan or President Obama. So we will have that fight on another day.

I will say, though, that our oath of office says we will defend the Constitution against enemies foreign and domestic.

I met with cadets this week and they asked me, What is the freedom we fight for? The freedom we fight for is the Bill of Rights, is the Constitution. If we have careless disregard for the Constitution, what are we fighting for?

I will tell you, since I know the record of this debate will be widely read, I want to make formal objection to the crazy bastard standard. I don't think if we are going to have a crazy bastard standard that we shouldn't have a right to trial by jury. Because if we are going to lock up all the crazy bastards, for goodness sake, would you not want, if you are a crazy bastard, to have a right to trial by jury?

I think this is a very serious debate and should not be made frivolous. This is an ancient right that we have defended for 800 years. To say that habeas is due process is absurd. It is the beginning of due process. If you don't have a right to trial by jury, you do not have due process. You do not have a constitution. What are you fighting against and for if you throw the Constitution out, if you throw the sixth amendment out? It is in the body of our Constitution. It is in the Bill of Rights. It is in every Constitution in the United States. Trial by jury has been a longstanding and ancient and noble right. Let's not scrap it now.

I will accept victory today. I hope we will win victory and reaffirm the right to trial by jury. But let's don't play any games with any aspect and believe that any Supreme Court in the United States, whether appointed by Republican or Democrat, is going to say that an American citizen does not have a right to trial by jury.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. FEINSTEIN. If Mr. President could tell me what the respective times for either side in this amendment are?

The ACTING PRESIDENT pro tempore. The opposition time has expired. Proponents have 6 minutes remaining.

Mr. LEVIN. If the Senator would yield.

Mrs. FEINSTEIN. I will.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. We are significantly over our time, I believe. We would be happy



to accommodate Senator FEINSTEIN or others.

Mrs. FEINSTEIN. I just wanted to thank everybody. I think we had a good debate. I think we ended in a good place. I am very hopeful that the body will pass this now by a large majority. So I hope we are successful tonight in achieving something that hasn't been achieved for decades.

I want to thank everybody, our cosponsors, the chairman of the committee, and Senator GRAHAM for the debate.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SESSIONS. Mr. President, that was a good debate. Senator FEINSTEIN is always gracious and alert and smart in her arguments.

I want to say one thing that is not in doubt. Some of my colleagues—I think Senator PAUL and others—have suggested that somehow the law of the United States has been changed in recent years, and we need the Feinstein amendment to fix it and restore the constitutional rights we are all entitled to.

What I want to say, without any doubt and I think any fear of real contradiction, is this amendment alters the history of the United States, alters the long-term understanding of the rules of war, and places American citizens in a position where they cannot be treated effectively as an enemy of the state and detained, and actually be in a position to be released to continue their war against the United States. I think that is a bad policy.

I agree with Senators LEVIN, AYOTTE, and others who share their view. I am not quite able to understand—and I am not sure Senator FEINSTEIN does—that this therefore establishes through understandings of Hamdi and the Supreme Court decision that therefore we can vote for it. I don't think it is the right step. I don't think we should alter the historical position of the United States that those who are at war with the United States are not treated as criminals. Southerners who were captured by Lincoln weren't released. When Washington dealt with the Whiskey Rebellion, he sent out Alexander Hamilton. They weren't given Miranda rights. They went out there to stop the rebellion. They were citizens. That is the way I feel about it.

AMENDMENT NO. 3009

Mr. SESSIONS. Mr. President, I ask unanimous consent to set aside the pending business and call up amendment No. 3009.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Reserving the right to object, I am wondering if the Senator from Alabama would repeat the request.

Mr. SESSIONS. I wish to set aside the pending amendment and call up amendment No. 3009. I understand it

would not be voted on tonight, but I wish to get it pending.

Mr. LEVIN. I wonder if the Senator would speak on the amendment, though, without calling up the amendment.

Mr. SESSIONS. I would be glad to, if the chairman thinks it won't be a problem calling it up at a later date.

Mr. LEVIN. I hope not. I don't even know what is in the amendment. But we are trying to accommodate the process where everybody could have a chance, hopefully, to call up their amendments. We have to do it in order where we know what is in the amendment, we have to have our staffs have an opportunity to make sure we understand what is in the amendment. We are working on this amendment. So I have no objection whatever to the Senator talking about the amendment. We are working hard on the amendment to get it in order.

Mr. SESSIONS. It has been conveyed to the Senator's staff.

Mr. LEVIN. And we are working on it. But if the Senator could just not proceed to call it up but speak to it, we would appreciate it.

Mr. SESSIONS. Mr. President, I withdraw the offer of calling up that amendment and my request to set aside the pending amendment, but I would share some thoughts about it.

The amendment deals with the ability of the Congress of the United States to review any bilateral security agreement with Afghanistan.

Congress was not consulted regarding the framework or the substance of the Enduring Strategic Partnership Agreement between the United States of America and the Islamic Republic of Afghanistan that was signed on May 1, 2012. This agreement commits the United States to establishing a long-term bilateral security agreement with Afghanistan. In the past, Congress has been consulted and has sometimes provided its advice and consent to the ratification of these type agreements.

The strategic partnership agreement, already signed by President Obama, is a legally binding agreement that committed the United States to various policies including those related to the drawdown of U.S. forces in Afghanistan. It is broad and vague, and any further agreements entered into by the President that are based upon it should be reviewed by the appropriate congressional committees.

The President and the Secretary of Defense have stated that the United States continues to fight in Afghanistan to defeat al-Qaida. While the authorization of military force authorizes the President to use any means necessary to prevent any acts of terrorism against the United States, his authority to enter into bilateral security agreements with Afghanistan should be looked at and reviewed at least by Congress.

The bilateral security agreement will supersede not only the strategic partnership agreement—so this will be the bilateral security agreement—but additional memoranda of understanding related to special operations in Afghanistan and detainee transfers will be part of this agreement. The issues addressed in the forthcoming bilateral security agreement are too important not to require congressional review.

The amendment would require the President to submit any proposed bilateral security agreement to the appropriate congressional committees 30 days before entering into the agreement. This is not unreasonable. Congress is exercising its role of oversight before the President makes long-term commitments that have significant ramifications from the size of forces that we commit to the legal authority of our commanders. So this will be a final agreement that will impact quite significantly the commitment—financially, militarily, and in blood—the human support of our members.

There is a history behind these SOFA agreements. The Senate approved the NATO Status of Forces Agreement. We actually voted on it and approved it in advance. A formal treaty was used as an underlying source of authority for a Status of Forces Agreement on seven different occasions: Australia, Guatemala, Haiti, Honduras, Japan, Korea, and the Philippines. Congress has voted and approved Status of Forces Agreements three additional times: Marshall Islands, Micronesia, and Palau.

I hope Senator WEBB is able to come over tonight. He has raised his concerns about this, and expressed concern in the Armed Services Committee that the Afghani and the Iraqi Parliaments vote on the Status of Forces Agreement, but our Congress is not voting on the Status of Forces Agreement. Senator WEBB is a cosponsor of this amendment. And just to have that agreement, the full and complete agreement that commits the United States to be fully reported to the Congress of the United States I don't think is too much to ask. Right now, we don't have any indication that would happen, and there is some opposition to it. But why would that be a problem? Why would the administration not want Congress to know what our commitments are and what we would be expected to support?

I believe it is a good amendment. Hopefully we can get it moved forward and maybe accepted; but, if not, by vote, I think we could handle it. I don't think it should cause the objection that some see in it. This does not require that the Congress have a right to vote to reject the amendment or approve the amendment. It simply says the agreement that is entered into, the SOFA, has to be produced promptly to the Congress. I think that is a reasonable position, and I ask my colleagues to support it.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, I think it is time to explain amendment No. 3025 that I hope I will be able to call up shortly, knowing full well that our schedule might get difficult when these amendments are brought up at a later point.

My amendment would strike section 341 of the fiscal year 2013 National Defense Authorization Act. It included language that would arbitrarily require the Secretary of Defense to cut the civilian and contractor workforce to achieve equal savings as they achieve from planned reductions in the military personnel for fiscal year 2012 through 2017.

This provision does not consider the work requirements of the Department nor the law that states:

The civilian personnel of the Department of Defense shall be managed each fiscal year solely on the basis of and consistent with (1) the workload required to carry out the functions and activities of the department.

What that means is that when we consider the number of civilian personnel needed by the Department of Defense, we look at the mission they need to accomplish and we look at the budget support. That is how those decisions have been made.

My amendment would strike the current section 341 that is in the committee draft and reaffirms the civilian manpower requirements by stating the following: The Secretary of Defense, consistent with longstanding law—which was expanded in a bipartisan effort in the fiscal year 2012 NDAA bill—ensures that the civilian workforce is sufficiently sized—a term copied from 10 USC 129a—after taking into account military strategy requirements and military endstrength.

The Comptroller General is required to report back to the Congress whether the Department is compliant with the law.

I am pleased this amendment is cosponsored by Senators AKAKA, BOXER, BEGICH, BROWN of Ohio, DURBIN, HARKIN, LEAHY, MIKULSKI, MCCASKILL, and TESTER.

I might point out that there is no such provision included in the House NDAA.

I would like to note what this amendment does not do. It would not prevent the Department of Defense from downsizing the civilian workforce. Indeed, according to the House Armed Services Committee, the Department is already reducing its civilian workforce by over 10,000 positions in fiscal year 2012 alone. It would not treat service contractors any differently than civilian employees.

The goal of this amendment is pretty simple. It would reaffirm the law that prohibits DOD from managing its civilian workforce by arbitrary constraints.

That is what this provision that I am asking to be stricken by my amendment would do. It would set caps and cuts. Downsizing is inevitable but be consistent with the law. It should be based on a workload analysis and the budgets that are provided through the congressional process.

This would repudiate the notion that what happens in one department's workforce automatically affects the other. The way the language came out from the committee, regardless of the needs of our civilian missions within the Department of Defense, its cut would be tied to the military side and the contractors would also be affected. It should be based upon their vision. It should be based upon their budget. There should not be arbitrary provisions.

Proponents of section 341 would insist that the civilian workforce should be automatically reduced by approximately 5 percent because the Obama administration would reduce the military workforce by approximately 5 percent. They are different missions, different priorities; they need to be judged based upon their respective priorities and missions.

Earlier today the administration released a Statement of Administration Policy that clearly rejects the current section 341 of the bill. I am quoting from the administration's statement of policy:

The Administration objects to section 341, which would reduce funding for the civilian and contractor workforce by a rate that is at least equal to the percentage of funding saved from the planned reductions of military personnel end strength. This would require savings in civilian and contract workforces in excess of \$5 billion over the planned savings through FY 2017. The Administration believes the size of the civilian workforce should be determined based on workload and funding, not on arbitrary comparisons to the military. To comply with this legislation, the Department would need to significantly divest workload and impose workforce caps.

What the committee did—I don't know if it was intentional or not—what the committee did, they imposed their own sequestration order on the civilian and contractor workforce within DOD. That makes no sense whatsoever. Everyone here has been outspoken that it is wrong to do these across-the-board cuts that have nothing to do with priority or mission. My amendment would strike that provision from the committee bill. It would substitute instead law that requires that the workforce be determined by mission and budget. It does not at all prevent us from downsizing. We all know we have to downsize, and the budget downsizes the civilian and contractor workforce. But we should not be setting arbitrary caps within what we have already done through the review and budget process.

I am pleased that this amendment is supported by many of the groups di-

rectly impacted by the decisions here. When I have a chance to offer this amendment, I will urge my colleagues to support the amendment so we can correct this provision in the bill, which I think allows us to comply with current law, protect the mission of the Department of Defense, and establish priorities in the way we should, not by arbitrary caps.

I yield the floor.

AMENDMENT NO. 3199

Mr. INHOFE. Mr. President, I have been attempting to contact the primary author of amendment No. 3199, Senator DURBIN. Let me first of all ask unanimous consent that I be added, if I am not already, as original cosponsor to the amendment No. 3199.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I think it is interesting that this amendment is coming up at this time. It is a matter of just a couple of hours ago that we passed an amendment on this floor extending our effort and policy against the LRA, the Lord's Resistance Army, and that is Joseph Kony, the individual who for now over 20 years has been abducting young people, training them, taking them up and forcing them to go out and fight with the LRA. If they did not do it, they would have to go home and murder their own family. It has been just horrible. We are making great progress now. I spent a lot of time primarily in Uganda where this all began, and it looks now as though we are getting closer to doing that.

The reason I am interested in amendment No. 3199 by Senator DURBIN and am supporting it is because a very similar thing is going on right now. I happen to have spent some time in the eastern part of the Congo, where I have seen the rise of another individual, Colonel Makenga. He is very much like Joseph Kony. In fact, he is training the young people, young kids to be fighters. We all know about the effort out there with what they call the rebel leader of M23. That is very similar to what is happening up in Uganda. In fact, the Uganda effort and the LRA effort were very prominent, actually, in eastern Congo, the same place where this—and I suspected myself that there is a relationship between the two efforts. So I strongly support that.

I want to say one thing, though. I have strong feelings about this, and I want to get it on the record, and I would like to have my comments placed in the RECORD at the time this amendment comes up for consideration.

A lot of people were feeling that one of the problems with the M23 leaders came from Rwanda itself. At some time, they talked about President Kagame, President Paul Kagame, as if there were a relationship between this butcher over there, Colonel Makenga,

and President Kagame. There is no relationship whatsoever. In fact, President Kagame rejects what this rebel leader is trying to do.

I had occasion to spend some time with Louise Mushikiwabo, who is the Foreign Affairs Minister for the Republic of Rwanda. I was with her. I have her picture right here. I was with her recently, and she gave us the assurance that the President, President Paul Kagame, is just as adamant about doing away with this rebel leader, Colonel Makenga, of the M23 rebel movement. I am happy to join in with this. I wanted to make sure I have my assurance in this that there is no relationship between this rebel movement and the President of Rwanda.

I yield the floor. I see the author of this amendment is on the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Illinois.

Mr. DURBIN. I thank my colleague from Oklahoma. Many of my other colleagues may not be aware of his interest and dedication to the continent of Africa. He has traveled there probably as much if not more than any other Member of the Senate. It has been a great opportunity, experience, and education for me to travel there over the years, but my few visits do not come close to the commitment that has been made by the Senator from Oklahoma. I greatly respect his knowledge of the area and appreciate his cosponsorship of the amendment which is pending which we hope will be cleared.

I have been to eastern Congo twice, 2005 and 2010—Goma. Goma is one of those places you will never forget once you visit them. This is one of the poorest places on Earth. You see the poverty in every direction. You see the disease. You see the victims of war in every direction because there has been an ongoing war in this part of the world which literally rivals some of the great wars of our history in terms of the innocent people who have been killed, maimed, raped, and have suffered displacement. On top of all of these things in Goma is an active volcano that erupted not that many years ago, covering this poor, godforsaken part of the world with lava. It troubles me to go there and see the suffering that goes on every day.

The ongoing war that is taking place—the rebel groups, M23—have now taken over sections of eastern Congo. Eastern Congo is known as the rape capital of the world. One of the tactics of war is to rape the women of any age in front of their families and then force these women, many times, to kill other members of the family who have witnessed it. They estimate that regional war and rape leave an estimated 1,000 or more women assaulted every day in the Congo. Twelve percent of all Congolese women have been victimized by this. I met some in a hospital called Heal Africa.

There is a population of 8 million people, and Heal Africa is the only hospital in the area that offers any antiretroviral drugs for children with HIV and surgery to repair the bodies of these traumatized women. Heal Africa's cofounder, Lyn Lusi, passed away this past March. What a saint she was. While her death was a terrible loss, Heal Africa and other organizations continue to carry on her vision, including many American medical students who go there to volunteer. God bless them. There was a delegation from Purdue University there when I visited, and many others have followed.

The Rwandan genocide has been the root cause of many of the problems, as well as a weak government in Congo. Eastern Congo is virtually on its own, with very little governance or protection, and criminals run rampant.

Dr. Denis Mukwege runs another hospital in Bukavu, the capital of South Kivu province.

Panzi Hospital is a one-story building on a tree-lined, dirt road. It receives about 10 new rape cases a day, every day. And that is only the tip of the iceberg, since most rape survivors never seek treatment.

The victims range in age from 2 to 80 years old. Dr. Mukwege says they arrive "broken, waiting for death, hiding their faces."

Last month armed gunmen attacked this genuine hero at his home, murdering his guard and shooting at him, likely because of a strong speech he gave at the United Nations last month, denouncing mass rape and impunity in Congo.

The United Nations has a 20,000 member peacekeeping force in eastern Congo to help the region's violence—but the area is still very fragile, awash in weapons, warlords, and competing regional interests. It is also rich in valuable minerals that are found in our everyday electronic and other products.

It has been said that the Congo war contains "wars within wars"—and that is true. But fueling much of the violence is a bloody contest for control of these vast mineral resources.

In the last Congress I was proud to join in a bipartisan effort with Senators BROWNBACK, FEINGOLD, DODD, JOHNSON, and others to try to prevent the country's mineral wealth from fueling the region's horrific violence.

The bill we eventually passed included a simple transparency requirement—if a company registered in the United States uses any of a small list of key minerals from Congo or its neighbors, then it has to disclose in its SEC filings what, if anything, it is doing to prevent the mineral purchases from funding the region's violence.

I was happy to see that in August, the Securities and Exchange Commission approved a rule based on this legislation. It is a sound and fair rule, so

you can imagine my disappointment that the National Association of Manufacturers has already started a legal challenge to this modest provision. I appeal to the conscience of the CEOs of these companies in America to do their part to help end this violence that is going on in Congo. Please stop fighting this simple provision so we can trace these minerals and stop the exploitation of these poor people.

Last week a well-armed group of rebels calling themselves M23 overran and occupied the key city of Goma in eastern Congo. These rebels have threatened to continue their incursions and set a course for Kinshasa, Congo's capital in the west. They have created a new wave of fleeing refugees in need of clean water, food, and shelter. This move was condemned by the U.N. Security Council, which expressed deep concerns about M23. These rebels are known for brutal violence. This is a photograph of a little baby being passed into a truck hopefully, to safety—a victim of the violence going on by the M23 rebels who have taken over this part of the Congo. Some of my colleagues may have seen this tragic photo in Monday's New York Times. This baby is being hoisted into a packed truck while his family is trying to get out. Even more troubling is that there is considerable evidence that these rebels have and are continuing to receive strategic and materiel support from neighboring Rwanda, just as Senator INHOFE mentioned on the Senate floor, and potentially from Uganda as well. News reports indicate that the M23 rebels have access to night vision goggles and other equipment they never had before, indicative of significant assistance from the well-supplied Rwandan Army. We have seen reports that the Rwandan Army crossed the border working side-by-side with these rebels.

A Congolese regional governor, Julien Paluku, stated that the Rwandan Army entered his province behind the M23 rebels and forced the Congolese military to flee. Human Rights Watch has corroborated these reports and has independently confirmed the Rwandan Government's role.

There was some hope that the leaders of Congo, Rwanda, and Uganda would meet last week and find a way to end this violence. Yet it didn't occur. It appears Rwandan President Kagame did not attend as he had once promised.

Rwanda is a friend of the United States. I have visited President Kagame and I have been to Rwanda. It has certainly been through its share of suffering during the genocide in 1994. It helped in peacekeeping efforts in Sudan. With that kind of leadership, though, comes an important responsibility. No one in Rwanda or any country will benefit from a collapsed Congo in which the rebels hold large swaths of territory and these impoverished people at gunpoint. I urge Rwanda to rein

in the M23 rebels and work with its regional neighbors to bring stability to eastern Congo.

To make sure this happens, Senators BOOZMAN, BOXER, COONS—let me get the entire list because I am proud they have joined me in this effort—BROWN of Ohio, CARDIN, and now Senator INHOFE have joined me in filing an amendment to this Defense authorization bill that would impose an asset freeze and visa ban on any outside parties who are providing support to the M23 rebels, an amendment I urge my friends, Senators LEVIN and MCCAIN, to accept.

I hope such sanctions will not be needed and that wiser heads prevail. The people of eastern Congo have suffered long enough.

I know Senator LEVIN is working for the approval of this amendment. I sincerely hope it can be done before the end of the evening. I am going to at this point yield the floor in the hopes that we can bring this to a positive conclusion.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, let me compliment Senator DURBIN for his concern for this activity that is going on there. I wish to clarify the record because I have had personal conversations with the President and with many members of the staff and good friends over there.

Africa is a little bit different than other areas. Sometimes there can be rebel groups within a country that are doing something people attribute to a country. In this case, that isn't true with Rwanda. In the case of Rwanda, if they say that some of the Rwandan military was supporting the M23 movement, that would not be with the authority or the knowledge even of President Kagame himself and his administration. I want to make sure to clarify that.

Also, I want to mention, the area of Goma that the Senator from Illinois is talking about is something that a lot of people are not—they don't understand what that is. Goma is in the far eastern part of Congo. The capital is Kinshasa. It is further from Kinshasa to Goma than it is, of course, all the way across this country twice. So we are talking about an area where there is not much control.

It happens that Robert Ruberwa, Parliamentarian Ruberwa, is the one who is responsible for that area. The way it is working there, they don't have any control over there. This is a rebel movement.

The reason I say I believe, and I have always believed, that there is a relationship between the LRA and the M23 is because I was over there when the LRA had just left. We were hoping to be there at the same time. It was a matter of a couple of days before. They went north up through the Central African Republic and up through south

Sudan, over to Uganda, where they originally started. That is the same area and the same motive, the same way of operating as M23.

They are abducting little kids. People don't realize this. They abduct little kids and teach them how to use weapons and make them go back to their villages, murder their parents and their siblings, and if they don't do that, they cut their noses off and their ears off. We have pictures. We have seen this happen.

I am pleased that we have adopted as a policy of this country to intervene.

Let's keep in mind, we have a war against terrorists. These are terrorists and this has spread throughout—starting actually more in the Horn of Africa, Djibouti, and then moving down into the continent. This is the type of terrorism that comes from it. I consider this as a part of that war.

But I do want to emphasize that the accusation that Rwanda and their leadership, specifically President Kagame—let's remember what happened with Paul Kagame. He was the one back during the genocide of 1994 who was able to come in and pull everybody together. A lot of the rebels went to the west out in Rwanda and went into the eastern part of Congo. We know that is right. But they have been rejected. There is no accusation that there is even a relationship there. But I hope people realize we do have some great Presidents throughout the continent of Africa, and he is one of them. It is a difficult situation there. It is one on which we need to focus our attention.

By the way, I would say I don't believe it has been cleared on our side. It would be with me, but it hasn't happened yet, and we hope to work in that direction so we can take this up.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that the filing deadline for first-degree amendments to S. 3254, the Department of Defense authorization bill, be set at 9:45 tonight.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I understand that amendment No. 3199, an amendment of Senators Durbin and Inhofe, has now been cleared on both sides. So I ask unanimous consent that this amendment now be called up and considered.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3199.

Mr. LEVIN. I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To impose sanctions with respect to persons that provide significant financial, material, or technological support to the rebel group known as M23 operating in the Democratic Republic of the Congo)

At the end of subtitle D of title XII, add the following:

**SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term "appropriate congressional committees" means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term "M23" refers to the rebel group known as M23 operating in the

Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

Mr. LEVIN. I know of no further debate.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3199) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, let me thank Senators DURBIN and INHOFE for again focusing on a critical issue. I know Africa seems far away and some of these events seem far away, but they have tried to bring them home to us and, hopefully, we will be listening, all of us, to what they have accomplished and what they have done tonight. I hope the American people realize the importance of this issue and that the message will be clear to those who are violating civil rights so horrendously.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN of Ohio). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

#### VOTE ON AMENDMENT NO. 3245

Under the previous order, the question is on agreeing to amendment No. 3245 offered by the Senator from New Hampshire.

Mr. LEVIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. HELLER), and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER (Mr. BLUMENTHAL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 41, as follows:

[Rollcall Vote No. 212 Leg.]

#### YEAS—54

Alexander	Grassley	Moran
Ayotte	Hagan	Murkowski
Barrasso	Hatch	Nelson (NE)
Baucus	Hoeven	Paul
Blunt	Hutchison	Portman
Boozman	Inhofe	Pryor
Brown (MA)	Inouye	Risch
Burr	Isakson	Roberts
Chambliss	Johanns	Rubio
Coats	Johnson (WI)	Sessions
Coburn	Kyl	Shelby
Cochran	Landrieu	Snowe
Collins	Lee	Stabenow
Corker	Lieberman	Thune
Cornyn	Lugar	Toomey
Crapo	Manchin	Vitter
Enzi	McCain	Webb
Graham	McConnell	Wicker

#### NAYS—41

Akaka	Feinstein	Mikulski
Begich	Franken	Murray
Bennet	Gillibrand	Nelson (FL)
Bingaman	Harkin	Reed
Blumenthal	Johnson (SD)	Reid
Boxer	Kerry	Sanders
Brown (OH)	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Cardin	Lautenberg	Tester
Carper	Leahy	Udall (CO)
Casey	Levin	Udall (NM)
Conrad	McCaskill	Warner
Coons	Menendez	Whitehouse
Durbin	Merkley	

#### NOT VOTING—5

DeMint	Kirk	Wyden
Heller	Rockefeller	

The amendment (No. 3245) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Ms. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CORNYN. Mr. President, tonight the Senate will vote on an amendment offered by the senior Senator from California that affects the lawful authority of the U.S. military to detain enemy belligerents during wartime. This issue is necessarily complicated and difficult because the universe of detainees at issue includes U.S. citizens who are captured on American soil while taking up arms against their fellow citizens in the name of a foreign power or global terrorist organization.

This is not an abstract issue. The U.S. homeland remains a target for al Qaeda terrorists, who hide among civilian populations and have successfully recruited our fellow citizens to carry out acts of terrorism.

Some of my colleagues contend that U.S. citizens forfeit their citizenship when they commit terrorist acts or acts of war against their fellow citizens but that they nevertheless should be tried and treated as common criminals with all of the attendant constitutional rights. Others believe that U.S. citizen-enemy combatants forfeit their constitutional rights altogether and

can be detained indefinitely by the military without any judicial review.

I respectfully reject both of these positions. It is entirely consistent with both the Constitution and laws of war for the U.S. military to detain such individuals pursuant to a force authorization or war resolution until the cessation of hostilities. To be sure, there is historical precedent for this proposition. What is critical to remember and too often seems to be omitted from this debate is that a U.S. citizen or any other person lawfully inside our nation's borders—who is detained by our military does not forfeit their rights to habeas corpus review in a Federal court. In other words, they retain the constitutional right to challenge their detention before an impartial civilian judge.

The Supreme Court has noted that the “writ of habeas corpus is the fundamental instrument for safeguarding individual freedom against arbitrary and lawless state action.” And, in fact, a citizen's right to habeas corpus extends all of the way to review by the U.S. Supreme Court, the highest Court in the land.

In closing, what I find so confounding about this debate is the fact that groups like the American Civil Liberties Union, ACLU, Human Rights Watch, and Amnesty International have urged the Senate to reject the Feinstein amendment. These groups have said that a vote against the Feinstein amendment would send a clear message about our commitment to constitutional rights. I respect the views and passion of these groups but would urge a vote against the amendment for a different reason: namely, I believe that we can keep faith with the Constitution and maintain the global fight against al-Qaida.

Mr. DURBIN. Mr. President, I will support the Feinstein-Paul amendment. This amendment would make it clear that Congress has not authorized the indefinite detention of American citizens or lawful permanent residents apprehended in the United States without charge or trial. This is a common-sense amendment that should be completely noncontroversial. It has long been understood that is unconstitutional to indefinitely detain someone apprehended in the United States without charge or trial. Indeed, the fifth amendment of the Constitution provides simply that “no person shall be . . . deprived of life, liberty, or property without due process of law.”

Indefinite detention in the United States is not just unconstitutional, it is unnecessary. Look at the track record. Since 9/11, our counterterrorism professionals have prevented another terrorist attack in the United States. And more than 400 terrorists have successfully been prosecuted and convicted in federal court. Here are just a few of the terrorists who have been

convicted in federal court and are serving long prison sentences: Umar Faruk Abdulmutallab, the Underwear Bomber; Ramzi Yousef, the mastermind of the 1993 WTC bombing; Omar Abdel Rahman, the so-called "Blind Sheikh"; 20th 9/11 hijacker Zacarias Moussaoui; and Richard Reid, the "Shoebomber".

Some of my colleagues have claimed that the Supreme Court's Hamdi decision upheld the indefinite detention of U.S. citizens captured in the United States, but it did no such thing. Hamdi was captured in Afghanistan, not the United States. And Justice O'Connor, the author of the opinion, was very careful to say that the Hamdi decision was limited to, "individuals who fought against the United States in Afghanistan as part of the Taliban."

Some of my colleagues also cited the case of Jose Padilla, claiming that it is a precedent for the indefinite detention of U.S. citizens captured in the United States. But look at what happened in the Padilla case. Padilla is a U.S. citizen who was placed in military custody in the United States. The 4th Circuit Court of Appeals, one of the most conservative courts in the country, upheld Padilla's military detention. But then, before the Supreme Court had the chance to review the 4th Circuit's decision, the Bush administration transferred Padilla out of military custody and prosecuted him in criminal court. To this day, the Supreme Court has never ruled on the question of whether it is constitutional to indefinitely detain a U.S. citizen captured in the United States.

A number of prominent civil liberties and human rights organizations have expressed their concern that because the Feinstein-Paul amendment only prohibits indefinite detention of U.S. citizens and lawful permanent residents, it implicitly authorizes indefinite detention of others apprehended in the United States. I am very sympathetic to this concern. As Senator FEINSTEIN and Senator PAUL have both said on the floor of the Senate, they oppose the indefinite detention of anyone apprehended in the United States, including non-U.S. citizens and non-lawful permanent residents. I agree.

Senator FEINSTEIN and Senator PAUL included language in this amendment to make it clear that we are not implicitly authorizing the indefinite detention of individuals who are not U.S. citizens or legal permanent residents. On page 2, line 14, the amendment says that the prohibition on indefinite detention of U.S. citizens and legal permanent residents "shall not be construed to authorize the detention of . . . any other person who is apprehended in the United States." So in adopting this amendment, the Senate is not implicitly authorizing the indefinite detention of anyone.

To the contrary, the language I have just quoted makes it clear that this

amendment does not change existing detention authority of non-U.S. citizens and non-lawful permanent residents in any way. What does that mean? It means that the Supreme Court will decide whether non-U.S. citizens and non-lawful permanent residents can be detained indefinitely without trial, not the United States Senate.

I want to thank Senator FEINSTEIN and Senator PAUL for their leadership on this issue and am proud to support their amendment.

Mrs. FEINSTEIN. Mr. President, in 1971, Congress passed and President Nixon signed into law the Non-Detention Act of 1971, which repealed a 1950 statute that explicitly allowed detention of U.S. citizens.

The Non-Detention Act of 1971 clearly states:

No citizen shall be imprisoned or otherwise detained by the United States except pursuant to an act of Congress.

Despite this history, during last year's debate on the Defense authorization bill some in this body advocated for the indefinite detention of American citizens. This is an issue that has been the subject of much legal controversy since 9/11.

Proponents of indefinitely detaining U.S. citizens argue that the Authorization for Use of Military Force, AUMF, that was enacted in the wake of 9/11 is "an act of Congress," in the language of the Non-Detention Act, that authorizes the indefinite detention of American citizens regardless of where they are captured.

We heard this argument again tonight from Senators LEVIN and GRAHAM. They assert that their position is justified by the U.S. Supreme Court's plurality decision in the 2004 case of Hamdi v. Rumsfeld. However, that position is undercut by the 2003 case of Padilla v. Rumsfeld in the Second Circuit Court of Appeals.

But let me discuss the facts of Hamdi because it is important to note that Yaser Esam Hamdi was a U.S. citizen who took up arms on behalf of the Taliban and was captured on the battlefield in Afghanistan. The Supreme Court effectively did uphold his military detention, so some of my colleagues seize upon this to say that the military can detain even U.S. citizens who are arrested domestically.

However, the Supreme Court's opinion in that case was a muddled decision by a four-vote plurality that recognized the power of the government to detain U.S. citizens captured in such circumstances as "enemy combatants" for some period, but otherwise repudiated the government's broad assertions of executive authority to detain citizens without charge or trial.

To the extent the Hamdi case permits the government to detain a U.S. citizen "until the end of hostilities," it does so only under a very limited set of

circumstances; namely, citizens taking an active part in hostilities who are captured in Afghanistan and who are afforded certain due process protections, at a minimum.

Additionally, decisions by the lower courts have contributed to the current state of legal ambiguity, principally those decisions involving Jose Padilla, a U.S. citizen who was arrested in Chicago. He was initially detained pursuant to a material witness warrant based on the 9/11 terrorist attacks.

In Padilla v. Rumsfeld the Second Circuit Court of Appeals held that the AUMF did not authorize his detention, saying:

We conclude that clear congressional authorization is required for detentions of American citizens on American soil because . . . the Non-Detention Act . . . prohibits such detentions absent specific congressional authorization.

The Second Circuit went on to say that the 2001 Authorization for Use of Military Force "is not such an authorization, and no exception to [the Non-Detention Act] otherwise exists."

I think this history is particularly important in light of tonight's debate.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, we have one more vote to start in just a few minutes. Senator LEVIN wants to say something about the schedule for tomorrow.

Senator LEVIN.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. We are going to be making a unanimous consent request, and would like to do it right now, that tomorrow morning there be debate and votes on the following five amendments: Senator SESSIONS on bilateral discussions with Afghanistan, Sessions amendment No. 3009; Cardin amendment No. 3025 on civilian personnel; Menendez amendment No. 3232 on Iran sanctions; Bill Nelson amendment No. 3073 involving widows and orphans; and Coburn amendment No. 3254 involving second amendment rights for veterans.

My request is that we have—I will make a unanimous consent request now that tomorrow morning, at whatever time is allotted for morning business by the leaders—

Mr. REID. There will be no morning business.

Mr. LEVIN. There will be no morning business—that we then proceed. Now we don't have time agreements yet on these five. That is going to take a few minutes. My unanimous consent request is that immediately after prayer tomorrow we move to these five amendments. We will allocate as little time as we can tonight after this unanimous consent agreement is agreed to, if it is.

Mr. SCHUMER. Reserving the right to object, would this allow a vote, an up-or-down vote on the Coburn amendment? Would this allow an up-or-down vote on the Coburn amendment?

Mr. LEVIN. This will.

Mr. SCHUMER. I object.

The PRESIDING OFFICER. The objection is heard.

#### VOTE ON AMENDMENT NO. 3018

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3018, offered by the Senator from California, Mrs. FEINSTEIN.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER) and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Nevada (Mr. HELLER) would have voted "yea."

The PRESIDING OFFICER (Mr. PRYOR). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 67, nays 29, as follows:

[Rollcall Vote No. 213 Leg.]

#### YEAS—67

Akaka	Durbin	Merkley
Alexander	Enzi	Mikulski
Barrasso	Feinstein	Moran
Baucus	Franken	Murkowski
Begich	Gillibrand	Murray
Bennet	Graham	Nelson (FL)
Bingaman	Hagan	Paul
Blumenthal	Harkin	Reed
Blunt	Hoeven	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Sanders
Brown (OH)	Johnson (SD)	Schumer
Cantwell	Kerry	Shaheen
Cardin	Klobuchar	Snowe
Carper	Kohl	Stabenow
Casey	Landrieu	Tester
Coburn	Lautenberg	Udall (CO)
Collins	Leahy	Udall (NM)
Conrad	Lee	Warner
Coons	Levin	Webb
Corker	McCain	Whitehouse
Crapo	McKaskill	
DeMint	Menendez	

#### NAYS—29

Ayotte	Isakson	Pryor
Brown (MA)	Johanns	Roberts
Burr	Johnson (WI)	Rubio
Chambliss	Kyl	Sessions
Coats	Lieberman	Shelby
Cochran	Lugar	Thune
Cornyn	Manchin	Toomey
Grassley	McConnell	Vitter
Hatch	Nelson (NE)	Wicker
Hutchison	Portman	

#### NOT VOTING—4

Heller	Rockefeller
Kirk	Wyden

The amendment (No. 3018) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the last unanimous consent which was objected to listed the five amendments. I am now going to list the first four of those five amendments so everybody knows what I am doing.

I ask unanimous consent that it be in order for the following first-degree amendments to be offered tomorrow, with no more amendments tonight: Sessions 3009, Cardin 3025, Menendez 3232, and Nelson of Florida 3073.

The PRESIDING OFFICER. Is there objection?

The Senator from Oklahoma.

Mr. COBURN. Mr. President, reserving the right to object, I find it highly ironic that we just passed an amendment to protect the constitutional rights of Americans, and we have an objection to protecting the second amendment rights of the veterans of this country. How in the world can we say to people who fight and defend for us through a social worker deemed incompetent to carry a gun, that ought to be on the basis of a danger to themselves or to someone else, and it ought to be adjudicated, and we have Senators objecting to protecting the rights of the people who defend us?

On that basis, the contrary nature of that basis of what we just did, I will object to any further unanimous consents on this bill until we have a vote to protect the rights of the people who defend this country.

The PRESIDING OFFICER. Objection is heard.

The Senator from New York.

Mr. SCHUMER. Mr. President, I want to set the record straight. This is a provision in the law that I worked on in fact with the Senator from Oklahoma, and it says something very simple: If you are adjudicated mentally infirm, you are on the same list that prevents you from buying a gun as if you are a felon.

In my judgment—I love our veterans, I vote for them all the time. They defend us. But if you are mentally ill, whether you are a veteran or not—just as if you are a felon. If you are a veteran or not and you have been judged to be mentally infirm, you should not have a gun.

And no amendment, my friend, is absolute. The first amendment is not absolute. You are against anti-pornography laws. The third, fourth, fifth, sixth, seventh, eighth, and ninth amendments. And as much as I believe in the second amendment and the right to bear arms and was a supporter of the Heller decision, neither is the second amendment.

I continue my objections to the provision.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, after 12 hours today, 8 hours yesterday, over 42 amendments, and many more coming in the managers' package, what we have is a situation where the Senator from New York—because of his passion, which he just articulated—refuses to allow the Senator from Oklahoma his rights as a Senator; and that would be, since we have taken up this legislation with amendments and votes with a 51-vote majority as applicable, we have moved through, I am very proud to say, I think a very good process that I think all of us can be proud of.

But the Senator from New York, because of his passion and commitment and belief—all of which I respect—will now prevent the Senator from Oklahoma from having his amendment considered. Why? Because he is afraid he will lose. The Senator from South Carolina and the Senator from New Hampshire and I have been losing all day long, and I am passionate about that.

But I ask my colleague from New York, do we really want to have a situation where the depth of our passion now dictates whether the Senate should be allowed to go forward? The Senator from Oklahoma has the same right as every other Senator has had to propose an amendment. I will be glad to debate it, and up or down. Because if we are now going to tell our colleagues that if you have an amendment and you feel that you are going to lose and it really goes to the heart of your beliefs, that you are not going to allow the Senate to work, I think that is a very bad and dangerous precedent for us to set.

Passions are high tonight, I say to my friend from Michigan. I think we have a pending amendment now and there will be other amendments that we will line up. We could maybe overnight calm down a little bit and move forward with a process that we have enjoyed for the last 2 days. No matter how passionate we feel about a particular issue, we should let the Senate work its will; otherwise, we will never complete a piece of legislation around here unless we go back to what we have been doing before, and that is fill up the tree, file cloture, and then none of us are able to engage in what the Senate should—and that is open and honest debate and respecting the will of the majority.

So I urge, with all respect and appreciation for the passion of the Senator from New York, allow this process to go forward. Let an amendment be considered, let a second-degree amendment be considered, and respect the will of the majority, and move on and live to fight another day; otherwise, we will derail the Defense authorization bill that we have managed to pass for the last 51 years, and the men and women who are serving in the military and our Nation's security will be jeopardized.



I don't want to get into a fight with the Senator from New York. I respect his passion. But I hope for the good of the institution he would allow this process to go forward just as it has for the last couple of days.

I thank my friend from New York for listening.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, along the same lines, I would hope that at least with these four amendments—which are now ready to be debated and voted upon—that our friend from Oklahoma would allow that to proceed, with the notice that from thereon he would not allow any unanimous consent agreement. But this has been worked on for so long and these four amendments are lined up so nicely for debate tomorrow that I would urge him to relent and allow us to at least proceed to those four amendments. And he has now put the body on notice that he would not agree to any additional beyond that.

I happen to agree with my friend from Arizona. We are going to debate, folks. Sooner or later, these amendments are going to be debated, unless a cloture motion—which is going to be filed tomorrow—is approved on Monday. And then we are right back in the same problem we have had, which has just been eloquently described by Senator MCCAIN. And if we don't vote cloture, this bill isn't going anywhere. If we do vote cloture, then we will have made it impossible for some people to offer amendments, which they should be allowed to offer.

Let us be clear on what is happening tomorrow, to the extent it is possible—which is not very extensive. And I want to get the Chair to confirm this. There is a pending amendment. It is a modified Kyl amendment. This has been modified so that it has been worked out with Senator KERRY. That is pending. Is the Senator correct?

The PRESIDING OFFICER. The amendment has not yet been modified, but it is pending.

Mr. LEVIN. It is pending and will be modified tomorrow.

At that point the Chair is going to ask whether there is any additional debate on that amendment. If there is no additional debate, then the Chair is going to put the question. If there is a request for a rollcall, there will be a rollcall. If there is not, it will be voice voted. At that point, the floor is open. And I intend to then offer the Sessions amendment, the first one on this list, and then that is going to be open to debate. And if our colleagues want to come here tomorrow and filibuster or prevent a vote on the Sessions amendment, they are going to have to come here and debate.

But we have tried the best we know how to move this bill forward. We have done everything we know how, and we have made great progress, with the

Members of this body being extremely cooperative. We are not giving up.

So the only technique left to us, given these two objections, is the one I just identified: to have the pending Kyl amendment, after it is modified, debated. If no one wants to debate, the Chair is going to put the question, or we will have a rollcall on it if people want it. And then the floor is open, and I will be offering the next one in line, which is the Sessions amendment. Then if people want to debate that or filibuster that, the rules of the Senate allow you to do it. But I don't think that is what is going to happen.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, could I also add, I think we need to look at this in the larger context. The larger context is that there is a looming crisis in this body. The majority leader is going to possibly exercise a nuclear option, which then would change the way we do business around here, especially on the motion to proceed. The Senator from Michigan and I had two goals in mind: one, to achieve conclusion of the Defense authorization bill, which is vital to our national security on which I think we would all agree. But we also wanted to show our colleagues, and maybe the country, that we could move forward in a normal fashion with legislation, amendments, and final votes without cloture motions, without blocking things, without objecting to other people's amendments, and time agreements such as we have just completed in the last 20 hours, some 42 amendments that have been completed.

Again, I urge my colleagues, let's show ourselves and the majority leader and those who want to exercise this nuclear option that we can take up legislation in an orderly fashion and come to a conclusion and do the people's work.

There is more here, frankly, than just a refusal to allow an amendment.

We are again going to show that we have to file cloture and then there will be people going on and on. Then I say to my friends on this side of the aisle, that is going to mean it is more likely that we have this showdown which we think, many of us think, would be devastating to this institution and the way that it has done business for a couple of hundred years.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I want to say to my colleague from Arizona I very much appreciate his words and I appreciate the respect he has shown for how I feel about this particular issue. But I would like to say another thing here. We are in a little bit of "Alice in Wonderland." The number of times I have risen to my feet in this body to object because I did not want an

amendment to come forward can be counted on a single hand over the last year or two. My good colleague from Oklahoma has made himself a legislative powerhouse by regularly using that practice. In fact, my guess is—more than my guess, the reason his amendment was included on the list of five—there are hundreds of amendments pending—is because he told people just what he would do: He would object to every other amendment unless his amendment was included.

Let me say here that if this process is going to change, it is not going to start changing in one of the rare moments when the Senator from New York or some of my colleagues here use a process that has been regularly used by the other side to achieve their goals or thwart other people's goals. We are not going to start at this moment changing things when an amendment of great importance to many of us on this side is at risk. I find it unfair and in fact I find it a little bit turning the world—not the world, but the facts of how this body works—inside out. Because it is well known that my good friend from Oklahoma and others have used the very rule I have used tonight over and over again. That in fact, I would say to both my colleagues from Michigan and from Arizona, is one of the reasons we are so frustrated with the present state of the rules.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. All we are asking for the veterans of this country is that if their rights are taken away that it be adjudicated by a judge or magistrate. That is all we are asking. Rather than a social worker at the VA—which is what happens today to veterans. We are not asking for anything big. We are just saying if you are going to take away the second amendment rights, which means all those who truly should lose their rights will lose them, but they ought to have it adjudicated rather than mandated by somebody who is unqualified to state that they should lose their rights.

I will announce today right now that I will not object if Senator LEVIN again offers the request that will put four amendments on the floor. I will not object to that. I want to cooperate in this body. But I think you ought to think about what we just voted on—which I voted for—which is to protect the Bill of Rights for people of this country. To protect the Bill of Rights for people of this country. There could be no one for whom we should want to protect the Bill of Rights more than somebody who served our country.

We can object. All I am saying is, let them at least have their day in court if you are going to take away a fundamental right given under the Constitution. I will say today, if the Senator from Michigan offers his unanimous consent again I will not object and we

will move forward because I want us to move forward. I want us to finish this bill. I want the Defense Department to be able to have something they can count on for the next year. But ask yourself in your heart, how fair is it? We are worried about terrorists and their Bill of Rights but we are not worried about the people who defend our country and their Bill of Rights? Tell me how we got to that point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent it be in order for the following first-degree amendments to be offered: Sessions No. 3009, Cardin No. 3025, Menendez No. 3232, Nelson of Florida No. 3073; that at 9:30 a.m. on Friday, tomorrow, November 30, following the prayer, that the Senate proceed to votes in relation to the amendments in the order listed; that there be 2 minutes equally divided prior to each vote; that there be no amendments in order to the amendments prior to the votes.

Mr. MCCAIN. Reserving the right to object, and I will not object, as I understand it, there are still no time agreements on this?

Mr. LEVIN. That is correct. We will work out time agreements—

Mrs. BOXER. Reserving the right—

Mr. MCCAIN. I still have the floor.

Mr. LEVIN. The only time agreement we have in yet is the time we come in, not a time for a vote.

Mr. MCCAIN. I wanted to clarify.

Mr. LEVIN. Oh, I did not state that correctly. I believed, and I am now wrong, that there would be a time agreement on each amendment that we would attempt to arrive at. That is not what this says. This provides, and I am going to read it again, and I did not listen to my own reading—that at 9:30, following the prayer tomorrow, the Senate proceed to votes in relation to the amendments in the order listed and that there be 2 minutes equally divided prior to each vote; and there be no amendments in order to the amendments prior to the votes.

I think we ought to have more debate on some of these amendments than that. The debates could take place tonight.

Mr. MENENDEZ. Reserving the right to object, I ask the Senator—

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Did the Senator say the only time for debate on these amendments would be 2 minutes?

Mr. LEVIN. Tonight is open for debate.

Mr. MENENDEZ. Tonight is open. Tomorrow there would just be 2 minutes on each amendment? Because Senator KIRK and I, and Senator LIEBERMAN, have amendments that several Members have asked to speak on, including the distinguished ranking

member. I would then urge them to come tonight and speak on it. I will not object.

The PRESIDING OFFICER. The Senator from Arizona. Is there objection?

Mr. MCCAIN. I completed my statement.

Mrs. BOXER. Reserving the right to object and I will not object, I want to speak for 20 seconds. This is what I want to say.

There are amendments and there are amendments. We all know that. I think we have shown that we can work together. But when you try to repeal a law that protects the lives of people—you talk about protecting rights, I am with you. I also want to protect the lives of people. Coming from a State where we have had many mass shootings it may take a little longer. Maybe we ought to have a hearing or two before you repeal a law that is so important to the safety of the people.

I will not object. I will see you all tomorrow.

Mr. COBURN. Reserving the right to object, this bill came out of the Veterans' Committee 14 to 0. They had hearings on it. We have done the work. It has been done. It came unanimously out of the Veterans' Committee. There is no question about what is right to do in terms of protecting—this is not about allowing anybody with any mental disease to have a gun. This is about taking the rights of those who do not have a mental disease to have their rights restored.

The PRESIDING OFFICER. Does the Senator from Oklahoma object?

Mr. COBURN. I do not.

The PRESIDING OFFICER. There has been a unanimous consent request. If there is no objection, it is so ordered.

The Senator from Michigan.

AMENDMENTS NOS. 2940, 3036, 3064, 3114, 3193, 3213, 3220, 3222, 3237, 3243, 3256, 3260, 3261, 3271, 3275, AND 3279

Mr. LEVIN. Mr. President, I now call up a list of 17 amendments which have been cleared by myself and Senator MCCAIN. I am going to list these amendments:

Blumenthal amendment No. 2940, Brown of Massachusetts amendment No. 3036, Toomey amendment No. 3064, Levin amendment No. 3114, Casey amendment No. 3193, Risch amendment No. 3213, Wicker amendment No. 3220, Johanns amendment No. 3222, Coburn amendment No. 3237, Levin amendment No. 3243, Lieberman amendment No. 3256, Cornyn amendment No. 3260, McCain amendment No. 3261, Kyl amendment No. 3271, Webb amendment No. 3275, Nelson of Nebraska amendment No. 3279.

The PRESIDING OFFICER. Is there objection?

Mr. MCCAIN. Mr. President, reserving the right to object, and I will not object—

The PRESIDING OFFICER. The Senate will come to order.

Mr. MCCAIN. We now have 17 more amendments. We will be proceeding tomorrow morning. I want to tell my col-

leagues, we will be looking at other amendments to put into a package we can agree on, but I also urge many of my colleagues who have redundant and duplicative amendments to look at their amendments and withdraw them if possible so we can dispose of remaining amendments as soon as possible tomorrow.

I thank especially Senator FEINSTEIN and Senator GRAHAM and Senator AYOTTE and those who were involved in this whole detainee issue. I think it was a result that helped us to move forward enormously. I thank, obviously, the chairman for his unlimited patience, which is a quality which I do not have.

The PRESIDING OFFICER. Is there objection to the unanimous consent request to adopt the amendments en bloc?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

#### AMENDMENT NO. 2940

(Purpose: To provide certain requirements relating to the retirement, adoption, care, and recognition of military working dogs)

At the end of subtitle E of title X, add the following:

#### SEC. 1048. MILITARY WORKING DOG MATTERS.

(a) RETIREMENT OF MILITARY WORKING DOGS.—

(1) Section 2583 of title 10, United States Code, is amended—

(A) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(B) by inserting after subsection (e) the following new subsection (f):

“(f) TRANSFER OF RETIRED MILITARY WORKING DOGS.—If the Secretary of the military department concerned determines that a military working dog should be retired, and no suitable adoption is available at the military facility where the dog is located, the Secretary may transfer the dog—

“(1) to the 341st Training Squadron; or

“(2) to another location for adoption under this section.”.

(b) VETERINARY CARE FOR RETIRED MILITARY WORKING DOGS.—

(1) IN GENERAL.—Chapter 50 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§ 993. Military working dogs: veterinary care for retired military working dogs

“(a) IN GENERAL.—The Secretary of Defense may establish and maintain a system to provide for the veterinary care of retired military working dogs. No funds may be provided by the Federal Government for this purpose.

“(b) ELIGIBLE DOGS.—A retired military working dog eligible for veterinary care under this section is any military working dog adopted under section 2583 of this title.

“(c) STANDARDS OF CARE.—The veterinary care provided under the system authorized by this section shall meet such standards as the Secretary shall establish and from time to time update.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 50 of such title is amended by adding at the end the following new item:

“993. Military working dogs: veterinary care for retired military working dogs.”.

(c) RECOGNITION OF SERVICE OF MILITARY WORKING DOGS.—The Secretary of Defense

may authorize the recognition of military working dogs that are killed, wounded, or missing in action and military working dogs that perform an exceptionally meritorious or courageous act in service to the United States.

AMENDMENT NO. 3036

(Purpose: To require reports on the potential security threat posed by Boko Haram)

At the end of subtitle H of title X, add the following:

**SEC. 1084. REPORTS ON THE POTENTIAL SECURITY THREAT POSED BY BOKO HARAM.**

(a) **DIRECTOR OF NATIONAL INTELLIGENCE REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress an intelligence assessment of the Nigerian organization known as Boko Haram. Such assessment shall address the following:

(1) The organizational structure, operational goals, and funding sources of Boko Haram.

(2) The extent to which Boko Haram threatens the stability of Nigeria and surrounding countries.

(3) The extent to which Boko Haram threatens the security of citizens of the United States or the national security or interests of the United States.

(4) Any interaction between Boko Haram and al-Qaeda in the Islamic Maghreb or other al-Qaeda affiliates with respect to operational planning and execution, training, and funding.

(5) The capacity of Nigerian security forces to counter the threat posed by Boko Haram and an assessment of the effectiveness of the strategy of the Nigerian government to date.

(6) Any intelligence gaps with respect to the leadership, operational goals, and capabilities of Boko Haram.

(b) **SECRETARY OF STATE REPORT.**—Not later than 90 days after the date the report required by subsection (a) is submitted to Congress, the Secretary of State shall submit to Congress a report describing the strategy of the United States to counter the threat posed by Boko Haram.

AMENDMENT NO. 3064

(Purpose: To require a study on the Bradley Fighting Vehicle industrial base)

At the end of subtitle F of title X, add the following:

**SEC. 1064. STUDY ON BRADLEY FIGHTING VEHICLE INDUSTRIAL BASE.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army shall conduct a study on the Bradley Fighting Vehicle industrial base.

(b) **CONTENT.**—The study required under subsection (a) shall—

(1) assess the quantitative impacts of a production break for the Bradley Fighting Vehicle, including the cost of shutdown compared to the cost of continued production; and

(2) assess the qualitative impacts of a production break for the Bradley Fighting Vehicle, including the loss of a specialized workforce and supplier base.

AMENDMENT NO. 3114

(Purpose: To authorize the repair, overhaul, and refurbishment of defense articles for sale or transfer to eligible foreign countries and entities)

At the end of subtitle D of title XII, add the following:

**SEC. 1246. PROGRAM ON REPAIR, OVERHAUL, AND REBURISHMENT OF DEFENSE ARTICLES FOR SALE OR TRANSFER TO ELIGIBLE FOREIGN COUNTRIES AND ENTITIES.**

(a) **PROGRAM AUTHORIZED.**—The Secretary of Defense may carry out a program to repair, overhaul, or refurbish in-stock defense articles in anticipation of the sale or transfer of such defense articles to eligible foreign countries or international organizations under law.

(b) **FUND FOR SUPPORT OF PROGRAM AUTHORIZED.**—The Secretary of Defense may establish and administer a fund to be known as the “Special Defense Repair Fund” (in this section referred to as the “Fund”) to support the program authorized by subsection (a).

(c) **CREDITS TO FUND.**—

(1) **IN GENERAL.**—Subject to paragraphs (2) and (3), the following shall be credited to the Fund:

(A) Subject to applicable provisions of appropriations Acts, such amounts, not to exceed \$48,400,000 per fiscal year, from amounts authorized to be appropriated for the Department of Defense for operation and maintenance for the Army as the Secretary of Defense considers appropriate.

(B) Notwithstanding section 114(c) of title 10, United States Code, any collection from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are not intended to be replaced which sale or transfer is made pursuant to section 21(a)(1)(A) of the Arms Export Control Act (22 U.S.C. 2761(a)(1)(A)), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), or another provision of law.

(C) Notwithstanding section 37(a) of the Arms Export Control Act (22 U.S.C. 2777(a)), any cash payment from the sale or transfer of defense articles from Department of Defense stocks repaired, overhauled, or refurbished with amounts from the Fund that are intended to be replaced.

(2) **LIMITATION ON AMOUNTS CREDITABLE FROM SALE OR TRANSFER OF ARTICLES.**—

(A) **CREDITS IN CONNECTION WITH ARTICLES NOT TO BE REPLACED.**—The amount credited to the Fund under paragraph (1)(B) in connection with a collection from the sale or transfer of defense articles may not exceed the cost incurred by the Department of Defense in repairing, overhauling, or refurbishing such defense articles under the program authorized by subsection (a).

(B) **CREDITS IN CONNECTION WITH ARTICLES TO BE REPLACED.**—The amount credited to the Fund under paragraph (1)(C) in connection with a sale or transfer of defense articles may not exceed the amounts from the Fund used to repair, overhaul, or refurbish such defense articles.

(3) **LIMITATION ON SIZE OF FUND.**—The total amount in the Fund at any time may not exceed \$50,000,000.

(4) **TREATMENT OF AMOUNTS CREDITED.**—Amounts credited to the Fund under this subsection shall be merged with amounts in the Fund, and shall remain available until expended.

(d) **NONAVAILABILITY OF AMOUNTS IN FUND FOR STORAGE, MAINTENANCE, AND RELATED COSTS.**—Following the repair, overhaul, or refurbishment of defense articles under the program authorized by subsection (a), amounts in the Fund may not be used to pay costs of storage and maintenance of such defense articles or any other costs associated with the preservation or preparation for sale or transfer of such defense articles.

(e) **SALES OR TRANSFERS OF DEFENSE ARTICLES.**—

(1) **IN GENERAL.**—Any sale or transfer of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a) shall be in accordance with—

(A) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(B) the Foreign Assistance Act of 1961; or

(C) another provision of law authorizing such sale or transfer.

(2) **SECRETARY OF STATE CONCURRENCE REQUIRED FOR CERTAIN SALES OR TRANSFERS TO FOREIGN COUNTRIES.**—If the sale or transfer of defense articles occurs in accordance with a provision of law referred to in paragraph (1)(C) that does not otherwise require the concurrence of the Secretary of State for the sale or transfer, the sale or transfer may be made only with the concurrence of the Secretary of State.

(f) **TRANSFERS OF AMOUNTS.**—

(1) **TRANSFER TO OTHER DEPARTMENT OF DEFENSE ACCOUNTS.**—Amounts in the Fund may be transferred to any Department of Defense account used to carry out the program authorized by subsection (a). Any amount so transferred shall be merged with amounts in the account to which transferred, and shall be available for the same purposes and the same time period as amounts in the account to which transferred.

(2) **TRANSFER FROM OTHER DEPARTMENT OF DEFENSE ACCOUNTS.**—Upon a determination by the Secretary of Defense with respect to an amount transferred under paragraph (1) that all or part of such transfer is not necessary for the purposes transferred, such amount may be transferred back to the Fund. Any amount so transferred shall be merged with amounts in the Fund, and shall remain available until expended.

(g) **CERTAIN EXCESS PROCEEDS TO BE CREDITED TO SPECIAL DEFENSE ACQUISITION FUND.**—Any collection from the sale or transfer of defense articles that are not intended to be replaced in excess of the amount creditable to the Fund under subsection (c)(2)(A) shall be credited to the Special Defense Acquisition Fund established pursuant to chapter 5 of the Arms Export Control Act (22 U.S.C. 2795 et seq.).

(h) **REPORTS.**—

(1) **ANNUAL REPORT.**—Not later than 45 days after the end of each fiscal year through the date of expiration specified in subsection (j), the Secretary of Defense shall submit to the congressional defense committees a report on the authorities under this section during such fiscal year. Each report shall include, for the fiscal year covered by such report, the following:

(A) The types and quantities of defense articles repaired, overhauled, or refurbished under the program authorized by subsection (a).

(B) The value of the repair, overhaul, or refurbishment performed under the program.

(C) The amount of operation and maintenance funds credited to the Fund under subsection (c)(1)(A).

(D) The amount of any collections from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(B).

(E) The amount of any cash payments from the sale or transfer of defense articles repaired, overhauled, or refurbished under the program that was credited to the Fund under subsection (c)(1)(C).

(2) **ASSESSMENT REPORT.**—Not later than February 1, 2015, the Secretary of Defense shall submit to the congressional defense committees a report on the operation of the authorities in this section. The report shall

include an assessment of the effectiveness of the authorities in meeting the objectives of the program authorized by subsection (a).

(i) **DEFENSE ARTICLE DEFINED.**—In this section, the term “defense article” has the meaning given that term in section 47(3) of the Arms Export Control Act (22 U.S.C. 2794(3)).

(j) **EXPIRATION OF AUTHORITY.**—The authority to carry out the program authorized by subsection (a), and to use amounts in the Fund in support of the program, shall expire on September 30, 2015.

(k) **FUNDING FOR FISCAL YEAR 2013.**—Of the amounts authorized to be appropriated for fiscal year 2013 by section 1504 for Overseas Contingency Operations and available for operation and maintenance for the Army as specified in funding table in section 4302, \$48,400,000 shall be available for deposit in the Fund pursuant to subsection (c)(1)(A), with the amount of the deposit to be attributable to amounts otherwise so available for the YMQ-18A unmanned aerial vehicle, which has been cancelled.

#### AMENDMENT NO. 3193

(Purpose: To require the Department of Defense to develop a plan to promote the security of Afghan women and girls during the security transition process)

The text of the amendment is printed in today's RECORD under “Text of Amendments.”

#### AMENDMENT NO. 3213

(Purpose: To add the Select Committee on Intelligence and the Committee on Foreign Relations of the Senate and the Permanent Select Committee on Intelligence and the Committee on Foreign Affairs of the House of Representatives to the list of congressional committees to receive the submission of reports on the program for scientific engagement for nonproliferation)

Strike section 3114 and insert the following:

#### SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

#### “SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.

“(a) **PROGRAM REQUIRED.**—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

“(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

“(b) **ELEMENTS.**—The program shall include the elements as follows:

“(1) Training and capacity-building to strengthen nonproliferation and security best practices.

“(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

“(c) **REPORT ON COMMENCEMENT OF PROGRAM.**—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(1) For each country selected for the program as of the date of such report—

“(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(B) metrics for evaluating the success of the program.

“(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(d) **REPORTS ON MODIFICATION OF PROGRAM.**—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

“(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act (division D of Public Law 107-314) is amended by inserting after the item relating to section 4308 the following new item:

“Sec. 4309. Program on scientific engagement for nonproliferation.”.

(b) **REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) **COMPTROLLER GENERAL OF THE UNITED STATES REPORT.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Perma-

nent Select Committee on Intelligence of the House of Representatives.

#### AMENDMENT NO. 3220

(Purpose: To express the sense of Congress in support of the Israeli Iron Dome defensive weapon system)

At the end of subtitle D of title XII, add the following:

#### SEC. 1246. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) **SENSE OF CONGRESS.**—Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

#### AMENDMENT NO. 3222

(Purpose: To express the expectation of Congress to be consulted by the Secretary of Defense before the Secretary pursues a change in the command status of the United States Cyber Command)

At the end of subtitle C of title IX, add the following:

#### SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.

(a) FINDINGS.—Congress makes the following findings:

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that “[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . . [which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that’s the process that we’re going to work our way through”.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense “must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department’s plans and activities.”.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the Nation’s networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

#### AMENDMENT NO. 3237

(Purpose: To set forth consequences for the failure of the Department of Defense to obtain audits with an unqualified opinion on its financial statements by fiscal year 2017)

At the end of subtitle A of title IX, add the following:

#### SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.

If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

##### “§ 132a. Chief Management Officer

“(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the

Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) CONFORMING AMENDMENTS.—

(i) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) JURISDICTION OF DFAS.—

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).

AMENDMENT NO. 3243

(Purpose: To commend the Enduring Strategic Partnership Agreement between the United States of America and the Islamic Republic of Afghanistan)

At the end of subtitle B of title XII, add the following:

**SEC. 1221. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, “What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.”

(4) In November 2011, a traditional loya jirga in Kabul declared that “strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security” and also stated, “Signing a strategic cooperation document with the United States conforms with

the national interest of Afghanistan and is of significant importance.”

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, “Today we’re agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.”

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement “reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries’ citizens, but also for the benefit of peace and security and stability in the region and around the world”.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, “Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.”

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering

social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan’s international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

AMENDMENT NO. 3256

(Purpose: To require reports from the Comptroller General of the United States on certain aspects of joint professional military education)

At the end of subtitle F of title V, add the following:

**SEC. 561. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.**

(a) REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting

forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) **DEFINITIONS.**—In this subsection:

(A) The term “joint professional military education research institutions” means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term “senior and intermediate joint professional military education colleges and universities” means the following:

- (i) The National Defense University.
- (ii) The Army War College.
- (iii) The Navy War College.
- (iv) The Air University.
- (v) The Air War College.
- (vi) The Marine Corp University.

#### AMENDMENT NO. 3260

(Purpose: To prohibit the use of funds to enter into contracts or agreements with Rosoboronexport)

At the end of subtitle E of title X, add the following:

#### **SEC. 1048. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) **NATIONAL SECURITY WAIVER AUTHORITY.**—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United States with respect to the capacity of the Afghan National Security Forces (ANSF).

#### AMENDMENT NO. 3261

(Purpose: To require the submittal to Congress of risk assessments on changes in United States troop levels in Afghanistan)

At the end of subtitle C of title XV, add the following:

#### **SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.**

(a) **SUBMITTAL REQUIRED.**—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(b) **ELEMENTS.**—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

#### AMENDMENT NO. 3271

(Purpose: To promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States)

At the end of subtitle D of title XIV, add the following:

#### **SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**

(a) **POLICY OF THE UNITED STATES.**—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) **COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**—To implement the policy described in sub-

section (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

#### AMENDMENT NO. 3275

(Purpose: To express the sense of the Senate on the situation in the Senkaku Islands)

At the end of subtitle D of title XII, add the following:

#### **SEC. 1246. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.**

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral actions of a third party will not affect the United States' acknowledgement of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea;

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that “[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes”.

#### AMENDMENT NO. 3279

(Purpose: To express the sense of Congress that external and independent oversight of the National Nuclear Security Administration by the Department of Energy is critical to the mission of protecting the United States nuclear security enterprise)

At the end of title XXXI, add the following:

#### **Subtitle D—Other Matters**

#### **SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.



(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y-12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, "gained access to the protected security area directly adjacent to one of the nation's most critically important nuclear weapons-related facilities".

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration's Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested "contractor assurance" approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a "high risk" designation and found there to be insufficient qualified Federal acquisition professionals to "plan, direct, and oversee project execution".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished but should be routinely evaluated;

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent that regarding these amendments, which I believe by the Chair's ruling have been—are to be considered en bloc, also that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer. My understanding is now that the Senate floor is open to debate. Hopefully people who want to debate on these four amendments will debate tonight so the 2 minutes tomorrow will be adequate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, if I could ask the distinguished chairman a question, I would assume, then, that at this point I would not have to call up the amendment? That would be in order tomorrow?

Mr. LEVIN. No.

AMENDMENT NO. 3232

Mr. MENENDEZ. Mr. President, I will ask to call up my amendment, the only amendment I have pending with Senator KIRK.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. MENENDEZ], for himself and Mr. KIRK, and Mr. LIEBERMAN, proposes an amendment numbered 3232.

Mr. MENENDEZ. I ask unanimous consent further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. MENENDEZ. Mr. President, first I appreciate where we are. This is a bipartisan amendment. It is an amendment with Senator KIRK and Senator LIEBERMAN. It is a continuing perfection of sanctions as it relates to Iran that has been unanimously passed by this body approximately a year ago last December. Iran has set its sights on achieving nuclear weapons capability and this would not be in the national security interests of the United

States because we have tens of thousands of our troops who would be in harm's way if Iran had nuclear weapons.

It would also not be in our national security interests because we clearly have to ensure that the Straits of Hormuz remain open and accessible and we would be obligated under our NATO agreements to respond should a Shabab missile be launched against one of our allies. Of course a Shabab missile is an Iranian missile that has the type of flight and capability to do so.

It is not in our national security interests because the last thing we need is a nuclear arms race in the tinderbox of the world where countries, for example, such as Turkey and Saudi Arabia would feel obligated to follow suit if Iran were to become a nuclear power.

For all of those reasons among others, it would not be in the national security interests of the United States. That achievement would jeopardize U.S. national security interests, pose an existential threat to the state of Israel, and would result in a nuclear arms race that would further destabilize the region.

The news out of Iran is dire. Just this week the Director of the International Atomic Energy Administration told the press Iran has not slowed its enrichment activities. The International Atomic Energy Administration also suspects that Iran has conducted live tests of conventional explosives that could be used to detonate a nuclear weapon at the Parchin military base—a facility the Iranians have denied access to by the International Atomic Energy Administration.

Between May and August of this year, Iran doubled the number of centrifuges at its fortified Fordow facility, buried deep inside a mountain to protect it against strikes. Iran now has over 2,140 centrifuges for enriching uranium and it continues to enrich to 20 percent. Iran claims it needs this higher grade uranium for its peaceful nuclear program, but a country with peaceful ambitions doesn't enrich uranium in defiance of U.N. Security Council resolutions. It doesn't refuse to disclose its operations. It doesn't hide them inside a mountain. A peaceful nation doesn't breach the international inspections regime compelled by the Nuclear Nonproliferation Treaty, and a peaceful nation is not one that pursues weaponization of missiles that can reach countries far beyond its borders.

The sanctions passed by this body unanimously last December are having a significant impact. The Iranian currency, the rial, has lost much of its value, and Iran's oil exports have dropped to a new daily low of 860,000 barrels per day, which is over 1 million barrels of oil per day less than 1 year ago.

Through our sanctions and the combined effort of the European Union, we

have forced the Iranians back to the negotiating table. By passing these additional measures—requiring the cessation of sales to and transactions within Iranian sectors that support proliferation, including energy, shipping, shipbuilding, and port sectors, as well as anyone on our specially designated national list—we will send a message to Iran that the time for confidence-building measures is over. We do not want the Iranian regime simply to believe they can toughen out the sanctions. This sends a clear message that toughening it out will not work and it will only get worse.

If Iran is serious about wanting to reach a diplomatic solution, then it must quickly and fully implement U.N. Security Council resolutions. It must stop enriching uranium, permit removal from its territory of enriched uranium, close the Fordow enrichment facility, and submit to a robust inspections regime that includes inspections of the Parchin military facility.

Clearly, sanctions are not the ultimate goal. They are only a means to a clear end, in this case preventing Iran from becoming the next nuclear state and an existential threat to our ally, the State of Israel. Let me highlight the major provisions of this amendment.

First, this amendment designates Iran's energy, port, shipping, and shipbuilding sectors as entities of proliferation because of the role they play in supporting and funding Iran's obvious proliferation activities. With the exception of permissible petroleum transactions under the existing sanctions regime from countries that have significantly reduced their purchases of oil from Iran, these sectors will now be off limits. We will sanction any transactions with these sectors and we will block the property—and any third party—that engages in transactions with them.

Second, we impose sanctions on persons selling or supplying a defined list of commodities to Iran—commodities that are relevant to Iran's shipbuilding and nuclear sectors such as graphite, aluminum, steel, metallurgical coal, and software for integrating industrial processes. We also will prevent Iran from circumventing sanctions on its Central Bank that this Congress and the President signed by receiving payments in precious metals.

Third, we designate the Islamic Republic of Iran Broadcasting entity and its President as human rights abusers for their broadcasting of forced television confessions and show trials, thereby blocking their assets and preventing others from doing business with the IRIB.

To address concerns about access to humanitarian goods in Iran, which is a very real and serious concern, we have provided for exceptions for the provision and sale to Iran of food, agricul-

tural commodities, medicine, medical devices, and other humanitarian goods. We have imposed new human rights sanctions on those in Iran who are engaged in corruption or the diversion of resources related to these goods and that are preventing them from reaching the Iranian people.

Our message is clear. The window is closing. The time for the waiting game is over. Yes, our sanctions are having a demonstrable effect on the Iranian economy, but Iran is still working just as hard to develop nuclear weapons. Iran has to decide what it will do. Will it continue down the path to proliferation and risk further crushing economic sanctions or will it end the madness and negotiate a responsible end to its nuclear ambition? The waiting game is over and, in the end, one way or the other, Iran will not be allowed to acquire a nuclear weapon that could threaten the national interests and security interests of the United States, Israel, the region, and the world.

I wish to thank Senator KIRK, whom we have worked with on this issue for quite some time, as well as Senator LIEBERMAN, Senator CASEY, and many others who have shared their interests and their views, and we have tried to incorporate those views. I hope that tomorrow when we cast a vote, it will be the type of unanimous vote this Senate passed nearly 1 year ago, that ultimately sends a very clear message to the Iranians that if they seek to evade, if they seek to avoid, if they think they can wait out the process, they are wrong. That is, in essence, what we are doing through this amendment. It is, in essence, why we believe it is so critical to move forward, to send a very clear message to the Iranians.

This is about the national security of the United States. It is the existential challenge to the State of Israel, our ally, and it is the best of a bipartisan effort that we have seen in this Senate.

With that, I look forward to tomorrow's vote.

I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. Menendez amendment No. 3232 is pending.

Mr. MCCAIN. All right. I intend to speak on that shortly.

I see the chairman is here.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, what Senator MCCAIN and I and our staffs are going to attempt to do tomorrow morning is that shortly after the fourth vote that is now scheduled, the fourth rollcall vote, we hope to be able to announce a finite list of amendments which would need to be disposed of before completion of this bill. That is going to be our goal, and we are going to repeat that goal the first thing in the morning. But it is important people know that. That is now something that is important that we do because we expect there will be a cloture motion tomorrow that will be filed, and if we can put together a finite list of amendments that need to be disposed of before final passage of this bill, that step may be unnecessary.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise to say I think we have made great progress. I think we have addressed the major issues concerning this legislation, although there are certainly other issues our colleagues feel are very important. But we should have reached a point now after 3 days that we put together a list of amendments. We can decide whether those amendments can be agreed upon, dropped or voted on. But it is time we put that list together and, obviously, with that being accomplished, we could get this thing wrapped up without having to go through the process of cloture and the intervening hours and all the parliamentary procedures that are embodied in that process.

I thank the chairman and thank the presiding officer.

Mr. LEVIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AMENDMENT NO 3199, AS MODIFIED

Mr. LEVIN. Mr. President, I ask unanimous consent that notwithstanding the adoption of Durbin amendment No. 3199, it be modified with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3199) was modified, is as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

Ms. SNOWE. Mr. President, my colleague Senator LANDRIEU and I have an amendment to remove inequities that exist in the women-owned small business contracting program, when compared to other socioeconomic programs.

As former chair and now ranking member of the Senate Committee on

Small Business and Entrepreneurship, I have long championed women entrepreneurship and have urged both past and present administrations to implement the woman-owned small business, WOSB, Federal contracting program, which was enacted into law 10 years ago. On March 4, 2010, the Small Business Administration, SBA, finally proposed a workable rule to implement the women's procurement program. And I am pleased to report that today there is a functional WOSB contracting program, however, the program lacks the critical elements that the SBA's 8(a), historically underutilized business zones, and the service-disabled veteran-owned government contracting programs include.

To remedy this, our bipartisan amendment will help provide tools women need to compete fairly in the Federal contracting arena by eliminating a restriction on the dollar amount of a contract that a WOSB can compete for, thus putting them on a level playing field with the other socioeconomic contracting programs.

Women-owned small businesses have yet to receive their fair share of the Federal marketplace. In fact, our government has never achieved its goal of 5 percent of contracts going to WOSBs, achieving only 3.98 percent in fiscal year 2011. This amendment would greatly assist Federal agencies in achieving the small business goaling requirement for WOSBs.

Mr. President, I also wish to speak to an amendment to S. 3254, the National Defense Authorization Act, to cease Federal involvement in the National Veterans Business Development Corporation.

This bipartisan amendment would cease, once and for all, Federal involvement in the National Veterans Business Development Corporation, also known as The Veterans Corporation or simply TVC. Let me begin by thanking the bill's cosponsors, Small Business Committee Chair MARY LANDRIEU, former Small Business Committee Chair JOHN KERRY and Senator TOM COBURN. Senator COBURN, as most in this body will recognize, is a true leader in efforts to streamline the Federal government. Recently he spoke with us about ideas for federal entities or programs that could be eliminated and we readily provided TVC as an example of an entity that we had already identified that the Federal government should sever its ties with.

I want to say at the outset that an amendment, with identical text as this one, passed the Senate by a vote of 99-0 in May of 2011, but the bill it was attached to did not pass. We are introducing this repeal as a stand-alone bill because TVC has been ineffective and controversial since its inception as part of the Veterans Entrepreneurship and Small Business Development Act—P.L. 106-50—in 1999. In December of

2008, former Small Business Committee Chairman KERRY and I investigated TVC, and issued a report detailing the organization's blatant mismanagement and wasting of taxpayers' dollars.

The report found, among other things, that TVC (a) failed to support Veteran Business Resource Centers; (b) had wasteful programs; (c) lacked outcomes-based measurements; (d) provided it's employees with unacceptably high executive compensation; (e) engaged in dubious expenditures, and (f) failed to properly fundraise.

For instance, our report concluded that TVC had spent only 15 percent of the federal funding that it had received on veterans business resource centers, which TVC was required to establish and maintain under law. In FY 2008, the percentage dropped to about 9 percent. We also found that TVC's executives received unacceptably high levels of compensation given the organization's limited resources and reach. While an average of 15 percent of TVC's federally appropriated funds went to the Centers, 22 percent of TVC's FY 2007 federal appropriation dollars were spent on its top two executives' compensation packages alone. Moreover, the organization miserably failed to fundraise—which was required by law in order for it to become self-sufficient—and during fiscal years 2005 through 2007, TVC leaders spent \$2.50 for every \$1.00 they raised through the organization's fundraising efforts—almost entirely at the taxpayers' expense. Additionally, through broad decision-making powers granted to TVC's executive committee under the organization's bylaws, the committee approved a number of measures without proper approval or ratification from the full Board, including \$40,000 in employee bonuses in one year alone.

Since the issuing of the Small Business Committee's report, Congress has appropriated no further funding for TVC, and the Small Business Administration has incorporated the Veteran Business Resource Centers that TVC previously funded into its existing network of Veteran Business Outreach Centers. These moves were publically supported by a variety of veteran service organizations, including the American Legion and the Veterans of Foreign Wars (VFW). For instance, in August of 2008, the American Legion passed a resolution at its national convention, Resolution No. 223, stating that the Legion “no longer support[s] the continuing initiatives or existence of the national Veterans Business Development Corporation.”

At present, TVC is still Federally chartered. At the same time, it receives no Federal funds, has no department or agency oversight. In light of everything I have discussed, it is my belief that the Federal government must take the next step and fully sever all ties with the organization. I ask my

colleagues to support this bipartisan amendment.

Ms. COLLINS. Mr. President, I rise in support of the Fiscal Year 2013 National Defense Authorization Act. This bill represents a bipartisan commitment to ensuring that our brave men and women in uniform have the resources, equipment, and support they require to defend the interests of the United States around the globe.

I wish to commend Chairman LEVIN and Ranking Member MCCAIN for their efforts.

This bill represents a prudent path forward for the Department of Defense. But it is a path that could be shortly undermined if a compromise is not reached to avert the impending self-inflicted crisis of sequestration. Without action, sequestration could spell disaster for many of the programs that we would authorize through this bill. I stand ready to work with all my colleagues, on both sides of the aisle, to correct the short-sighted policy of sequestration and determine a sustainable way forward for our country.

I am pleased this bill recognizes the importance of shipbuilding to our Nation's defense, authorizing \$778 million more than the administration's fiscal year 2013 request for Navy ships.

While the total annual shipbuilding budget is less than what the United States pays each month on interest to service the national debt, the ships built by the Navy represent such an important part of our national military strategy. The Navy's fleet, as an instrument of national policy, has a positive effect upon global security that far exceeds the percentage of the budget it represents.

This bill authorizes multiyear procurement authority for both the *Virginia*-class submarine program and for up to ten *Arleigh Burke*-class destroyers. The two programs are projected to achieve savings of 14 percent and 9 percent respectively, when compared to the cost of annual contracting.

I congratulate both the chairman and ranking member for their willingness to direct the Navy to make good on cost-effective planning and, as a result, to increase the size of the fleet. For as we have heard this year in the testimony of virtually every combatant commander, the importance of the maritime environment continues to grow with each passing year.

As our Nation and our military look to the Western Pacific, that trend is sure to continue. Events this year in the South China Sea, which saw a disconcerting maritime standoff between the Philippines and the People's Republic of China, highlight just how important the maritime environment is to global security. Although thankfully the crisis abated, the ability of the Navy to respond with forward-deployed multimission platforms capable of operating in anti-access and area-de-

nial environments must be maintained. Moreover, we must continue to make the necessary investments in both our public and private shipyards to allow for a strong domestic shipbuilding and ship repair industrial base.

I am proud that my own State of Maine contributes so much to the strength of our Navy. Maine, after all, has a proud maritime legacy. Tens of thousands of Mainers earn their living from the sea, as commercial fishermen or lobstermen, as merchant sailors, as Coast Guardsmen or Navy Sailors, as part of Maine's tourist industry, or as workers at Maine's public and private shipyards.

Bath Iron Works, a private shipyard and Maine's largest private employer, has been building ships for the Navy since 1893, and the shipyard continues to be known by the phrase "Bath built is best built."

Portsmouth Naval Shipyard, in Kittery, ME, is one of only four public shipyards that remain in the United States, and conducts repair and refueling work on nuclear submarines. Both of the yards, along with the other public and private yards across the country, are truly national strategic assets, and the workers in these yards are the world's leading experts in ship construction and repair. As Chinese yards continue to churn out modern warships, and as the Chinese fleet continues to expand, we cannot allow any of the capabilities represented by our shipyards to atrophy.

Given the events of this month in the Middle East, I am pleased this bill also authorizes important additional funding for the Iron Dome program and cooperative programs with the State of Israel. As the Senate has affirmed time and again, most recently on November 15 when we passed S. Res. 599 introduced by Senator GILLIBRAND, Israel has an inherent right to act in self defense. In that resolution, the Senate expressed our unwavering commitment to Israel's security—a security which unfortunately continues to be threatened.

While I commend the efforts undertaken by those in the Middle East and by Secretary Clinton to achieve the recent ceasefire, we must continue to make the investments necessary to guarantee Israel's security. I can think of no better investment than the Iron Dome system, which had a success rate of 80–90 percent against the hundreds of rockets fired into Israel's borders.

And while Iron Dome protects the State of Israel, we must also look at how to better secure the United States, particularly those states on the East Coast, from the threat of a missile attack from rogue regimes in the Middle East. According to the Pentagon's Annual Report on the Military Power of Iran, parts of which were released in July, Iran could produce missiles capable of reaching the U.S. within 3 years.

To address this threat, Senators LIEBERMAN, AYOTTE, and I have filed an amendment which would require the Department to conduct an Environmental Impact Statement and create a plan for establishing a missile defense site on the East Coast of the United States. Such a site, whether sea-based or on land, located in the northeast tip of our country, could better protect the East Coast from an intercontinental ballistic missile attack. Beginning an EIS now, a task which could take up to 18–24 months, is a prudent measure to preserve our options in the future.

Just as we must protect the East Coast, we must also provide the military the tools to protect the mental and physical wellbeing of military personnel. This year, the suicide rate amongst Active-Duty personnel has continued to soar. On average, more than one soldier, sailor, airman, or Marine has taken their own life every day this year. That is a tragedy of the first degree.

For every servicemember who dies in battle, 25 veterans die by their own hands. Not only have more military personnel killed themselves than were killed in Afghanistan this year, but the rate of suicides in the military significantly exceeds the rate of suicides in the general population. Veterans, many of whom are dealing with financial or posttraumatic stress, chronic pain, or depression resulting from their time in uniform, also face high rates of suicide. According to a Department of Veterans Affairs report this spring, a veteran commits suicide every 80 minutes.

While I applaud the military and the VA efforts to address this threat seriously, especially the Army, we can and must do more. To that end, I have filed an amendment with Senators LIEBERMAN and BLUMENTHAL to require the Attorney General to exercise authority granted to him by the Secure and Responsible Drug Disposal Act of 2010 to establish a drug take-back program in coordination with both the Secretary of Defense and the Secretary of Veterans Affairs.

There is substantial evidence that prescription drug abuse is a major factor in military and veteran suicides. The Army has reported that 29 percent of suicides had known history of psychotropic medication use, including anti-depressants, anti-anxiety medicine, anti-psychotics, and other controlled substances such as opioids.

I understand the legitimate concerns raised by some law enforcement officials that accountability of drugs must be strictly maintained and that these drugs must be prevented from being misused, abused, or sold in the black market. I am confident, however, that both the military—an institution that has developed and implemented programs for the handling of nuclear weapons and classified information—

and the VA are capable of running a drug take-back program with the utmost accountability and highest of standards.

I have also filed another amendment to establish a resilience research program in the Army to study the effectiveness of the Comprehensive Soldier Fitness program. This program is intended to improve the resilience of our active duty force.

The loss of even one servicemember to a potentially preventable suicide is unacceptable. We have a responsibility to take every practical step that we can to help the military win the battle against suicides. Over the past decade, we have made an incredible investment to prevent deaths or injuries from IEDs. Although the threat to our forces posed by suicide will not be solved overnight, it deserves a similar commitment to combat this epidemic.

Likewise, the high incidence of military sexual assaults also continue to warrant our attention, particularly after the scandal at Lackland Air Force Base. This bill includes two provisions that I support which would codify into law regulations that were issued by the Department earlier this year. We should all continue to watch the Department closely to see that the changes are implemented wisely, that the Department's policy of zero tolerance becomes a culture of zero tolerance, and that the incidence of these crimes is dramatically reduced.

In the area of mental health, this bill includes a provision to grant authority for additional behavioral health professionals to conduct pre-separation medical examinations for post-traumatic stress disorder. This provision would increase the number of medical professionals available to conduct evaluations because the backlog of cases within the integrated disability evaluation system is significant, and results in unacceptable wait times for our military personnel being processed for separation.

Unfortunately, the military does not even know the true scope of the backlog within the disability evaluation system, and I am sure that many of our colleagues receive letters from their constituents expressing this concern each week. This year's bill contains a provision I authored that would require DOD to collect data on the physical, mental, and behavioral health of Wounded Warriors in order to accurately assess the efficacy of the military's Wounded Warrior programs.

In Afghanistan, where many of our wounded warriors received their injuries, military personnel continue to pay a high cost. As we head into the final 2 years of combat in Afghanistan, after more than a decade of war, I have grown increasingly concerned about the high number of insider attacks and their effect upon our strategy to transition to Afghan Security Forces lead-

ership and for U.S. forces to assume a training and mentoring role after 2014.

Each death caused by the tactic of insider attacks has a strategic effect upon the war, both in terms of the American people's perception, and the willingness of our partners in NATO and ISAF to remain engaged in battle.

In 2012 alone, 60 Coalition troops, representing 16 percent of Coalition deaths, have been slain at the hands of those upon which our strategy depends. It is for that reason that I, along with Senators UDALL, PORTMAN, and SHAHEEN have filed an amendment that would require the Secretary of Defense to report on the effect of insider attacks upon the progress of the war and the effect these attacks have upon our strategy and the behavior of our partners. Our Nation has made too great an investment in blood and treasure in Afghanistan; Congress must understand the strategic environment, and be presented with all the information to make informed decisions about how to proceed in Afghanistan.

The Afghan war has also left us with important questions about detention policy here at home that must be resolved. One of the questions that has been left unaddressed in the eleven years since the Congress authorized the use of military force to go after al-Qaeda and the Taliban is whether the Congress intended to authorize the detention of persons in the United States, and specifically the detention of American citizens. I have cosponsored an amendment with Senator FEINSTEIN that would explicitly prohibit the indefinite detention of U.S. citizens captured on U.S. soil.

The final amendment I have offered, along with Senators KERRY, BROWN of Massachusetts, BLUMENTHAL, WHITEHOUSE, SNOWE, and BROWN of Ohio, would require the Department of Defense to establish a temporary pilot program to issue domestically procured athletic shoes to Army recruits in initial entry training. DOD historically provided athletic footwear to new recruits that comply with the Berry Amendment, but DOD's current procurement process has allowed it to circumvent the spirit, letter, and intent of the law. I have no doubt that domestic suppliers will be able to produce a Berry compliant shoe, with minimal waivers necessary, that can meet the needs of recruits and the Army in a cost-effective manner. We should not allow government funds to be used to support foreign-made shoes, when American shoes are available. Much like our Olympic athletes should be clothed in domestically produced apparel, so too should our military recruits be wearing athletic shoes made in the U.S.A.

I am also cosponsoring two amendments that grew out of the work of the Commission on Wartime Contracting. I have cosponsored Senator

BLUMENTHAL's End Trafficking in Government Contracting Act to tighten the U.S. government's zero tolerance policy for any form of human trafficking. This amendment would require contractors to certify that they have plans in place to prevent such practices. It also makes it a crime to engage in such labor practices overseas on U.S.-controlled property or while working on a U.S. contract.

The Commission on Wartime Contracting also found that contingency contracting in Iraq and Afghanistan has been plagued by high levels of waste, fraud, and abuse—estimating that at least \$31 billion had been lost to contract waste and fraud. Without high-level attention, acquisition planning and allocation of resources, we are likely to repeat the contracting mistakes of the last contingency operation.

Therefore, I have cosponsored Senator MCCASKILL's amendment to strengthen contingency contracting at DoD, State, and the U.S. Agency for International Development—USAID—by improving planning, execution, and oversight of this function at these agencies and requiring education for personnel who engage in contingency contracting.

From the Maine Military Authority and the DFAS Center in Limestone to the Portsmouth Naval Shipyard in Kittery, from innovative composite and renewable energy research at the University of Maine to high-tech firms like Vingtech, Hodgdon Defense Composites, Maine Machine Products, and Mt. Desert Island Biological Laboratory, Mainers continue to support national defense with ingenuity and craftsmanship.

The investments authorized in this bill support these efforts in Maine and in States around the Nation, and they ensure that our military is the best trained and equipped in the world. I urge my colleagues to support passage of this bill.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. LIEBERMAN. Mr. President, I rise to speak in support of the National Defense Authorization Act for Fiscal Year 2013. Congress has passed the Defense Authorization every year for the past 5 decades and it remains one of the most bipartisan pieces of legislation we produce in this body. I believe strongly that there is no more important responsibility that we have than providing for our common defense. The NDAA is a crucial part of that responsibility and I am glad to have the opportunity to speak in favor of it today. As Senators, it is one of our most important duties, and one of our greatest privileges, to debate and pass this bill every year.

I would like to thank Chairman LEVIN and Ranking Member MCCAIN for

their leadership of the Armed Services Committee and their determination in getting the NDAA to the floor.

I have had the honor to serve as Chairman of the AirLand Subcommittee, of which I have been a member of since its inception in 1995 and been either Chairman or Ranking Member since 1999. I would like to recognize Ranking Member SCOTT BROWN and thank him. We have worked together very well once again this year. Ours has been a bipartisan effort through our hearings, our markup, and now on the floor. I would also like to thank the Subcommittee staff, Bill Sutey and Creighton Greene of the majority and Church Hutton and Pablo Carrillo of the minority, for their hard work that helped make this bill possible.

This year, the portion of the budget request falling under the AirLand Subcommittee's jurisdiction total over \$50 billion, including \$37.4 billion in procurement, and \$12.9 billion in research and development. The portion of the bill under the AirLand Subcommittee's jurisdiction supports the Defense Department's requests for several major weapons programs, including:

\$639.9 million for the Army's new Ground Combat Vehicle that will replace some of the M2 Bradley Infantry Fighting Vehicles in the current force;

\$2.7 billion for procurement of UH-60 Blackhawk and CH-47 Chinook helicopters so critically important to operations in Afghanistan and around the world;

\$6.9 billion in the base request for the Navy, Marine Corps, and Air Force's F-35 Joint Strike Fighter program;

\$60.0 million for F/A-18E/F advance procurement to preserve the Navy's option to produce additional aircraft in fiscal year 2014.

\$91.0 million for M1 Abrams tank upgrades and \$123.0 million for M88A2 advanced recovery vehicles. These recommended increases will extend armored vehicle production through fiscal year 2013 and allow tank production through 2014, thus preserving important combat vehicle industrial capability.

Perhaps of greatest interest to many of our colleagues, the bill addresses concerns that the Air Force proposed disproportionate cuts to the Air National Guard in its FY13 budget submission by establishing an independent commission to study the appropriate force structure of the Air Force, including the Air National Guard and the Air Force Reserve, and providing \$1.4 billion to freeze Air Force force structure pending the commission's review.

The NDAA also provides an opportunity to address policy concerns important to military families, defense, and National security at large. There are a number of worthwhile amendments that have been filed and that I support, including my amendment with

Senator GILLIBRAND providing TRICARE coverage for important autism treatments and my amendment with Senator COLLINS mandating a prescription drug take-back program to help reduce the scourge of military suicide. I would like to briefly highlight a pair of issues I hope we address through floor amendments.

Finally and most importantly, I hope this bill will include a new package of Iran sanctions that Senator MENENDEZ, Senator KIRK, and I plan to introduce. The fact is, Iran is continuing to make progress towards a nuclear weapons capability, and time is running out to stop them, short of the military option that none of us desire. That is why we need to do everything in our power to ratchet up the pressure on the Iranian government, as quickly as possible. The NDAA provides the last, best chance that we will have in this Congress to impose tougher sanctions on Iran, and we must seize it.

In conclusion, I urge all my colleagues to support the NDAA for FY13. It is a strong bill that provides critical funding and authorities to our military, and it has always been passed on a broad bipartisan basis. As I approach the end of my career in the Senate, I look back gratefully upon the annual floor debates on the NDAA as examples of the way this body should operate.

#### MORNING BUSINESS

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### TRIBUTE TO MARSHA KREUCHER

Mr. LEVIN. Mr. President, tomorrow night will be bittersweet in Jackson, MI; it is the night the Community Action Agency will bid a formal farewell to its leader and CEO, Marsha Kreucher. For nearly a quarter century, the Community Action Agency has been guided by a leader with vision and compassion. Her work has been squarely focused on making the lives of those in need better. She has gone about this work with humility and tenacity, ensuring that her work and the work of the agency she leads does its part to improve the lives of the countless people served by the Community Action Agency.

The roots of poverty are complex and deep. Marsha's work, which takes a holistic and innovative approach to promoting self-sufficiency among at-risk and low-income residents, has sought to identify the issues associated with poverty and develop programs to alleviate them. Her efforts have reaped many rewards for the residents of Jackson, Lenawee, and Hillsdale coun-

ties and have improved their economic, social, and health conditions as a consequence.

In the late 1980s, when she began working at the Community Action Agency, the agency administered about two dozen programs and had a budget of roughly \$4 million. Nearly a quarter century later, the agency serves more than 27,000 residents annually through more than 80 programs with a budget that averages around \$20 million. This is impressive growth and a testament to the quality of service the agency provides and the talent of those leading the way.

It doesn't take very long to observe the profound impact the Community Action Agency has had on this region in the last two decades. The Center for Healthy Beginnings was established and currently provides full health care services to more than 27,000 residents annually. The Partnership Park Downtown Neighborhood Project was formed to help revitalize and redevelop a 23-block area in Jackson, MI, through \$15 million in investments. More than 1,000 children a year receive early childhood education opportunities through agency activities. And thousands of families receive free assistance filing their income tax returns each year. These are but a few examples of the good work of this impressive agency and a glimpse of the range of services they provide with Marsha Kreucher as a driving force.

Marsha is not just an accomplished leader; she is also a willing mentor and tireless community servant. She sits on a number of nonprofit boards and works to bring various stakeholders together to seek out fresh ways to combat the issues related to poverty. She is always willing to lend an ear or to provide insight to others. Her vision and her ideas have helped spark innovation and creativity, planting the seeds for a brighter future.

Marsha recently said to a local paper about her life after retirement, "It's almost hard to comprehend the difference my life will have without it." I say to her today that it is hard to imagine how different the Jackson community would be without her vision, leadership, and hard work over the last two decades. She has worked tirelessly and fiercely to make a positive impact on the lives of those in need, and she has done so with grace and determination. I congratulate her on a job well done and wish her the best as she begins her next, exciting journey.

#### VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. LEAHY. Mr. President, this fall also marks the 10th anniversary of the passing of another great Senator, Paul Wellstone, and his wife Sheila. They were dear friends. Among the many



things for which they are fondly remembered is the important work they did to combat domestic violence and help victims. We have made much progress on this issue, in large part thanks to the Violence Against Women Act, which has long demonstrated the bipartisan commitment to work together against domestic violence and rape.

Sadly, so much remains to be done. Recent reports find that almost one in four women have experienced severe domestic violence, and nearly one in five women have been raped. In some communities, the picture is much worse. According to the Department of Health and Human Services, one in five female college students will be a victim of sexual assault during college. A recent study found that three out of five Native American women have been assaulted by a spouse or intimate partner.

The bipartisan Leahy-Crapo Violence Against Women Reauthorization Act includes vital provisions to help these and other particularly vulnerable victims. As the New York Times observed this weekend:

The act's reauthorization is must-do business for the lame-duck session. Mr. BOEHNER should relent and allow the House to vote on the Senate bill.

I ask that the full Times editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Nov. 24, 2012]

THE G.O.P. AND VIOLENCE AGAINST WOMEN

If Republicans are serious about repairing their party's standing among women, gay and Hispanic voters, they need to adjust some policies and stop sending hostile messages. A good place to start would be for Republicans in the House to stop blocking reauthorization of the Violence Against Women Act over provisions deemed too protective of gay and immigrant victims of domestic violence and sexual assault.

The 1994 law remains crucial to the nation's efforts to combat domestic violence, sexual assault and stalking. Previous reauthorizations sailed through Congress.

A thoughtful renewal measure introduced by Senator Patrick Leahy, a Vermont Democrat and Judiciary Committee chairman, and Senator Michael Crapo, an Idaho Republican, cleared the Senate in April with strong bipartisan support. But it has hit a wall in the Republican-led House. Instead, House Republicans pushed through a regressive version of the measure that omits new protections for gay, bisexual or transgender victims of abuse.

The House bill also left out a needed increase in the number of visas, known as U visas, available for undocumented immigrants who are victims of domestic violence and sexual assaults. And it would reduce the incentive for frightened victims to come forward by ending the current ability of U visa holders to apply for permanent residency after three years.

Speaker John Boehner and his Republican colleagues blame Democrats for the impasse, suggesting the Democrats inserted changes to invite opposition and score political

points. But the provisions at issue respond to real humanitarian and law enforcement needs identified by experts working in the field.

By refusing to accept the principle of protecting all victims of domestic violence, House Republican leaders are conveying a belief that rapes of gay people and immigrant women are not "legitimate" rapes, as Representative Todd Akin, the failed Republican candidate for the Senate from Missouri, put it so appallingly. Is that really what Republicans want to stand for?

The act's reauthorization is must-do business for the lame-duck session. Failure to agree on a bill would mean having to start the legislative process all over again next year. Mr. Boehner should relent and allow the House to vote on the Senate bill. There is a chance it would not muster sufficient Republican votes to pass. But at least it would give Republican representatives who value moderation a chance to dissociate themselves from the narrow-minded prejudices and politics hurting their party.

Mr. LEAHY. Friday will mark a year since Senator CRAPO and I introduced this bill. We have kept victims waiting too long. We should come together to act now.

#### JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, it has now been more than 3 weeks since President Obama was reelected by the American people, and Senate Republicans are still blocking votes on 19 judicial nominations who should have received confirmation votes before the Senate recessed for the election. Some of these nominees have been waiting close to 9 months for a vote. It is time for us to come together to do what is right and to act in the interests of the American people.

We should begin by having an up or down vote on the longest-pending nomination. The nomination of Patty Shwartz to the Third Circuit Court of Appeals has been ready for a final vote since last March 8. Judge Shwartz received a unanimous well-qualified rating from the nonpartisan ABA Standing Committee on the Federal Judiciary, its highest possible rating, and it is well past time for the Senate to vote on her nomination.

Regrettably, the Senate has not been allowed to make real progress for the American people by reducing the number of judicial vacancies. There were more than 80 vacancies when the year began. There were more than 80 vacancies when in March the Majority Leader was forced to take the extraordinary step of filing cloture petitions on 17 district court nominations. There are now more than 80 vacancies once again. In stark contrast, there were only 29 vacancies at this point in President George W. Bush's first term.

There is no justification for holding up final Senate action on the 19 judicial nominations that have been approved by the Senate Judiciary Committee and are pending on the Senate Executive Calendar. President Obama has consistently reached across the

aisle, consulted with home state Senators from both parties and appointed moderate, well-qualified judicial nominees. It is time for the obstruction to end and for the Senate to complete action on these nominees so that they may serve the American people without further delay. Delay for delay's sake is wrong and should end.

Senate Republicans have engaged in unprecedented obstruction and a contorted rewriting of the "Thurmond Rule" in their refusal to proceed on consensus nominees. Whatever justification Senate Republicans contended they had by resort to their misapplication of the Thurmond Rule to stall judicial nominations before the election is gone. The American people have voted and chosen to reelect President Obama. It is time for the Senate to vote.

From 1980 until this year, when a lame duck session followed a presidential election, every single judicial nominee reported with bipartisan Judiciary Committee support has been confirmed. According to the nonpartisan Congressional Research Service, no consensus nominee reported prior to the August recess has ever been denied a vote. That is something Senate Democrats have not done in any lame duck session, whether after a presidential or midterm election.

Senate Democrats allowed votes on 20 of President George W. Bush's judicial nominees, including one very controversial circuit court nominee, in the lame duck session after the elections in 2002. I remember, I was the chairman of the Judiciary Committee who moved forward with those votes. The Senate proceeded to confirm judicial nominees in lame duck sessions after the elections in 2004 and 2006, and proceeded to confirm 19 judicial nominees in the lame duck session after the elections in 2010, as well. The reason that I am not listing confirmations for the lame duck session at the end of 2008 is because that year we had proceeded to confirm the last 10 judicial nominees approved by the Judiciary Committee before the election recess in September.

Republicans can no longer claim the "Thurmond Rule" is the reason they are holding up nominations since the American people reelected President Obama. Having said in September that they objected to proceeding because of the impending election, Senate Republicans cannot now say that their insistence on delay has made it too late in the year to proceed with confirmations. That is wrong and it results in denying Americans the judges they need to administer justice around the country.

I implore Senators to put their partisanship aside and work with the President on behalf of the American people. That is what the American people voted for in the last election. Delaying confirmation votes on nominees



for the sole purpose of delay is precisely what the American people repudiated when they cast their ballots. Further delays on the 19 nominees before us do not benefit the American people.

I am encouraged that several Republican Senators have recognized this, and have said that they want votes on their home State nominees. The Republican Senators from Oklahoma and Maine, and Senator TOOMEY from Pennsylvania have all advocated for up or down votes on nominees during this lame duck session, and they are right to do so. They know that filling those judicial vacancies in their States is important.

A judge in Florida has written that persistent vacancies "jeopardize our Court's ability to deliver the quality of justice that the citizens of Florida deserve and will inhibit our citizens' access to justice." Sadly, Senate Republicans' tactics of delay and obstruction has perpetuated the high level of judicial vacancies around the country. Continuing these tactics hurt the Federal courts and the American people they are intended to serve. This is a problem that has a commonsense solution: Let the Senate vote on consensus nominees that have been stalled.

With the number of judicial vacancies now at 83, and with all pending nominees having waited at least 4 months for a vote, it is past time for Senate Republicans to abandon these tactics. This obstruction is not good for the country. How does preventing a vote on Patty Shwartz benefit the people of New Jersey, Pennsylvania, and Delaware? How does preventing a vote on Richard Taranto benefit Americans who seek to have their claims resolved by the Federal Circuit? How does preventing a vote on William Kayatta benefit the people of Maine, Massachusetts, New Hampshire, Rhode Island, and Puerto Rico? How does preventing a vote on Robert Bacharach benefit the people of Oklahoma, Colorado, Kansas, New Mexico, Utah, and Wyoming? How does preventing a vote on Michael Shea benefit the people of Connecticut? How does preventing a vote on John Dowdell benefit the people of Oklahoma? How does preventing a vote on Paul Grimm benefit the people of Maryland? How does preventing votes on Mark Walker and Brian Davis benefit the people of Florida? How does preventing a vote on Terrence Berg benefit the people of Michigan? How does preventing votes on Jesus Bernal, Fernando Olguin, William Orrick, and Jon Tigar benefit the people of California? How does preventing votes on Lorna Schofield and Frank Geraci benefit the people of New York? How does preventing votes on Matthew Brann and Malachy Mannion benefit the people of Pennsylvania? How does preventing a vote on Thomas Durkin benefit the people of Illinois? How does

preventing votes on these nominees help the American people receive speedy justice?

If we can just have up or down votes on these 19 nominees, we can fill almost one-quarter of our Nation's judicial vacancies, and almost one-third of all judicial emergency vacancies. Most importantly, we can make it easier for hardworking Americans to have access to justice.

President Obama has worked with home State Senators and all of these nominees have the support of their home State Senators. Seven of them are supported by Republican home State Senators. Seventeen of these nominees received bipartisan support on the Judiciary Committee.

When Ronald Reagan, George H.W. Bush and George W. Bush were President, Senate Democrats cleared the calendar of all but the most controversial and extreme ideological judicial nominations. The Senate needs to be allowed to vote on President Obama's judicial nominees now so that our Federal courts are better able to function and fulfill the fundamental guarantee of providing access to justice. Americans are rightfully proud of our legal system and its promise of access to justice and speedy trials. This promise is embedded in our Constitution. When overburdened courts make it hard to keep this promise, the Senate should work in a bipartisan manner to help.

I have asked, now that the American people have reelected President Obama, for Senate Republicans to work with us to fill these longstanding judicial vacancies. The American people deserve no less.

#### WORLD AIDS DAY 2012

Mr. NELSON of Florida. Mr. President, Saturday we mark another World AIDS Day dedicated to showing our support of people living with HIV. In the 24 years since the first such day, we have seen great progress in the fight against the spread of this disease.

But there is still much more that needs to be done, not the least of which includes increasing public awareness. So this World AIDS Day, especially in memory of those who have died from this disease, let us recommit to ending this epidemic once and for all.

My State of Florida has been hit particularly hard by this epidemic: over 100,000 people are living with HIV/AIDS. And for too long, Florida had a long waiting list of low income residents waiting for assistance to afford the high cost of life saving medications. At times, this list grew to over 4,000 Floridians.

Thankfully, we have made great progress over the past year through increased State and Federal investment—and, Florida's wait list is now down to 56 individuals. But no one should have to forgo life saving drugs because they can't afford them.

In the days ahead when Congress is considering ways to tighten our belt, I would urge my colleagues to avoid blindly slashing these life saving programs.

We also must remain committed to funding the goals of President Barack Obama's Emergency Plan for AIDS Relief globally. Among the goals is to provide care for the more than 12 million people with HIV around the world, including some 5 million orphans and children.

Mr. President, this is not, and should not be partisan issue for lawmakers. As former President George W. Bush noted in 2008, it's a question of our moral interest.

"We believe in the timeless truth," the president said, "to whom much is given, much is required."

#### REMEMBERING TINKHAM VEALE II

Mr. PORTMAN. Mr. President, today I wish to honor the life of Tinkham "Tink" Veale II. Mr. Veale was a successful entrepreneur and philanthropist who contributed greatly to the success of numerous businesses and community institutions throughout northeast Ohio and beyond during his long life. The impact and proud legacy of his business expertise and generosity will be realized for many years to come.

Mr. Veale was born in 1914 in Topeka, KS and moved to the Cleveland area as a child when his father joined the Eaton Corporation. He attended Heights High School and Case Institute of Technology, graduating with a bachelor's degree in mechanical engineering. Mr. Veale worked for several companies including General Motors. In 1941 he married Harriett Ernst, of the Ernst and Young accounting family, who passed away in 1998. The couple had three children, seven grandchildren and eight great grandchildren.

In the 1960s, Veale and his associates formed Alco Standard Corporation. Veale developed the philosophy and strategy he referred to as "corporate partnership," through which his company acquired and financed small businesses while keeping their original management structures in place. His success grew from buying small companies and helping them to succeed through keeping their management in place while contributing with capital and strategic direction. Over the years, the company operated many businesses representing diverse industries including manufacturing, mining, and banking, as well as operating office equipment and paper distribution businesses. Veale served as Alco's president and chairman until 1971 and stayed on as chairman until 1986. By 1987, the company had 175 businesses with 16,000 employees in the United States and Europe.

Mr. Veale had a unique spirit and love of life. Over the years he was active in a variety of community organizations, served as a councilman in Gates Mills, OH, and was known for raising thoroughbred horses. Perhaps most significant, was his generous philanthropy which continues to benefit communities, students and institutions in Ohio. He was a notable supporter of his alma mater, Case Western Reserve University, where the most recent pledge of \$20 million from The Veale Foundation is being utilized for construction of a new university center, which will be named in his honor.

Tink Veale was a role model and a source of inspiration to us all. He will be greatly missed, and his extraordinary legacy and giving spirit will not be forgotten.

#### ADDITIONAL STATEMENTS

##### SCONTSAS FINE JEWELRY AND HOME DÉCOR 100TH ANNIVERSARY

• Ms. AYOTTE. Mr. President, today I wish to recognize and congratulate Scentsas Fine Jewelry and Home Décor, a small business in my hometown of Nashua, NH, as it celebrates its 100th year in business.

Scentsas, which began as a shoe shining and repair business and hat blocking service, is now a third generation, family owned small business that specializes in fine jewelry and home gifts and decoration. A century ago, a Greek immigrant named George J. Scentsas first opened his doors at 173 Main Street in Nashua, and ever since, his family's business has remained a permanent fixture at this same downtown location. The Scentsas legacy, by any measure, is a testament to the entrepreneurial spirit that makes America great.

In an effort to expand his customer base, George began stocking greeting cards, and by the mid-1940's, his store became the first Hallmark store in Nashua. The Scentsas family business continued to expand by selling children's toys, books, yarn, and gifts.

In 1974, George's son Peter, and his wife Joan, purchased deMontigny Jewelers in the adjacent building. Since Peter Scentsas' passing in 1995, his son Phillip and daughter-in-law Amalia have served as the principal owners of the business. Together, the Scentsas family developed a new department within the family store, featuring home and garden décor.

Since its inception, Scentsas has focused not only on growing bigger, but also on growing better. The reasons for the Scentsas family's success are many. Chief among them are the family's commitment to building enduring relationships with their customers and their strong community involvement. Scentsas Fine Jewelry and Home Décor

prides itself on treating every customer like a member of the family.

In typical fashion, the Scentsas family decided to celebrate their business' 100th birthday by giving back to the Nashua community in a series of events this year. The year long celebration showcased their strong roots in the community while promoting their products. I had the pleasure of attending the city of Nashua's Annual Holiday Stroll this past weekend, where the Scentsas family unveiled their limited edition 100 Year Holiday ornament for their loyal customers.

As Nashua helps the Scentsas' celebrate a century of family, business, and community, I ask my colleagues to join me in recognizing Scentsas Fine Jewelry and Home Décor's 100th anniversary. •

#### REMEMBERING WAYNE BURKE

• Mr. HELLER. Mr. President, today I wish to recognize a true Nevadan and friend, Wayne Burke, who has been honored by the Nevada Indian Commission as American Indian Community Leader of the Year. As tribal chairman for the Pyramid Lake Paiute Tribe, Wayne led the tribal council through many successes for the betterment of Nevada. Wayne's untimely passing is a great loss, but his legacy of community and economic development in the Silver State will never be forgotten.

In addition to serving the State of Nevada, Wayne bravely served our Nation in the U.S. Marine Corps from 1993 until his honorable discharge in 1997. As a U.S. Marine Corps veteran, Wayne understood the importance of supporting those who defend our Nation. He was a member of Numu Tookwasu—Pyramid Lake Veterans and Warriors Association—and a staunch advocate for Native American veteran affairs. His vision helped launch Nevada's first annual American Indian Veteran Summit this year, which invited members of the 27 tribes of Nevada to learn about access to veteran benefits and healthcare. His legacy will help raise awareness and resources for Native American veterans for years to come.

As tribal chairman, Wayne promoted an award winning Pyramid Lake economic development and tourism plan. His advocacy for the recovery and restoration of the Pyramid Lake fishery helped to secure over 1,000 acres of water, the most in any one-month period. Under his leadership, the Pyramid Lake Tribe has enjoyed a record number of visitors to Pyramid Lake and, subsequently, numerous tourism awards. In August 2012, Wayne became the first Native American leader to serve on the Nevada Commission on Tourism.

The citizens of the Silver State were privileged that such a passionate and dedicated leader called Nevada home. My thoughts and prayers go out to his

wife, Leticia; and children, Alex, Christian, and Soleil. Today, I ask my colleagues to join me in celebrating the life of a devoted Nevadan and honoring his esteemed accomplishments. •

#### TRIBUTE TO STEVE RANSON

• Mr. HELLER. Mr. President, today I wish to congratulate Steve Ranson on his 25 years with the Lahontan Valley News. Nevadans are fortunate to read his reporting every day and to have a dedicated voice serving the community. I applaud Steve's hard work and dedication to our Nation's brave men and women that serve in our Armed Services and the field of journalism.

Steve joined the staff in 1986 as a part-time sports writer and editor. Today, he has grown to be one of Nevada's leading reporters. Steve's journalism, reporting, and newsroom leadership has earned him countless awards including Outstanding Journalist from the Nevada Press Association. His nomination for this award also reflects his extensive overseas travel to cover the U.S. Navy and Nevada Army National Guard in Southwest Asia and Afghanistan. His series of stories covering the war efforts earned him first place awards for community service and for best explanatory journalism from the Nevada Press Association.

As a lieutenant colonel who retired in 2009 after serving in the National Guard and U.S. Reserve, understanding the role of the military came easily for Steve. During his 28 years of service, Steve participated in two tours to the Republic of Korea and Panama. I would like to extend my gratitude to Steve for his service to this great Nation and State. I am both humbled and honored by the sacrifices made by the brave men and women who have served our country.

Steve's 25 years of service with the Lahontan Valley News is a true testament to his character. I wish him all the best in his future endeavors and look forward to reading more of his great work. Today, I ask my colleagues to join me today in congratulating Steve on his 25 years with the Lahontan Valley News. •

#### REMEMBERING RICHARD WILKINS

• Mr. LEE. Mr. President, Today I wish to pay tribute to my professor and my friend Richard Wilkins who passed away on Monday. Richard was truly a renaissance man, a law professor turned international advocate who also enjoyed unique local notoriety for his 27 consecutive performances as Ebenezer Scrooge in the Hale Center Theater's annual production of A Christmas Carol.

In the canon of literary classics, Charles Dicken's Scrooge is a beloved but unlikely hero, a selfish miser turned community benefactor. Wilkins

embraced the dynamic nature of Scrooge's transformation and saw the role as an opportunity to convey much deeper lessons regarding the values of family and personal improvement. The Hale Center opened in 1985 and cast then 32-year-old Richard as Scrooge, certainly unaware that they had found their star for the next 27 consecutive seasons.

In 2005, Her Highness Sheikha Moza bint Nasser, the queen of Qatar asked him to move to Qatar to lead an institute for family studies. He would not agree until she assured him he would be able to return to the Hale Center every Christmas season to take up his top hat and bathrobe to reprise his role as Scrooge. Richard loved delivering Scrooge's famous line "I will honor Christmas in my heart, and try to keep it all the year. I will live in the past, the present, and the future." Those close to Richard undoubtedly agree that he took these words to heart, carrying the spirit of Christmas into all other aspects of his life.

Richard graduated from my alma mater Brigham Young University Law School in 1979. He served as an assistant to my father, Solicitor General Rex Lee and argued several cases before the United States Supreme Court. Just 5 years after his graduation from BYU Law School he returned to teach constitutional law and civil procedure. He was a gifted public speaker, well known for his engaging lectures in the classroom and scholarly insights on the law. He had a unique intelligence that propelled him to prominence in the legal world and established him as a powerful voice in the international community.

Richard's greatest contribution to the world came as an international advocate for family values. His first exposure to the family values movement came in an academic effort to change the language the United Nations used to portray issues relating to the family. After engaging with international leaders on critical family values issues his academic curiosity turned into a personal mission. He traveled around the world presenting papers on the importance of traditional marriage, the need to protect children and the sanctity of life and other family centered topics. He served as the managing director of the Doha International Institute for Family Studies and Development for the nation of Qatar and founded the World Family Policy Center at BYU. His leadership as chairman of the Defend Marriage Coalition placed him at the forefront of Utah's debate over traditional marriage. Richard's fiery passion for causes related to traditional family values was matched by his warmth and love for those around him. He could disagree with individuals and groups but was never disagreeable.

Richard Wilkins' life serves as an illustration of the renowned biblical

charge "Let your light so shine before men, that they may see your good works, and glorify your Father which is in heaven." He was a man blessed with tremendous talents and he used those talents to bless all those with whom he came in contact, in his own community and around the world. Richard's global vision and reach brought the power of family values to the forefront of international discourse, particularly in developing nations striving to solidify a cultural identity. Sharon and I would like to express our deepest condolences to Richard's wife Melany, their four children Brooke, Brinton, Claire and Rex and their eight grandchildren.●

#### MESSAGE FROM THE HOUSE

At 11:22 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2338. An act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the "Harry T. and Harriette Moore Post Office".

H.R. 3892. An act to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the "Lance Corporal Victor A. Dew Post Office".

H.R. 3912. An act to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the "Brigadier General Nathaniel Woodhull Post Office Building".

H.R. 5738. An act to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the "Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex".

H.R. 5788. An act to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office".

H.R. 5954. An act to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building".

H.R. 6374. An act to designate the facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, as the "Trinka Davis Veterans Village".

H.R. 6604. An act to designate the federal building currently known as Federal Office Building 8, located at 200 C Street Southwest in the District of Columbia, as the "Thomas P. O'Neill, Jr. Federal Building".

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2338. An act to designate the facility of the United States Postal Service located at 600 Florida Avenue in Cocoa, Florida, as the "Harry T. and Harriette Moore Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3892. An act to designate the facility of the United States Postal Service located at 8771 Auburn Folsom Road in Roseville, California, as the "Lance Corporal Victor A. Dew Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3912. An act to designate the facility of the United States Postal Service located at 110 Mastic Road in Mastic Beach, New York, as the "Brigadier General Nathaniel Woodhull Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5738. An act to designate the facility of the United States Postal Service located at 15285 Samohin Drive in Macomb, Michigan, as the "Lance Cpl. Anthony A. DiLisio Clinton-Macomb Carrier Annex"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5788. An act to designate the facility of the United States Postal Service located at 103 Center Street West in Eatonville, Washington, as the "National Park Ranger Margaret Anderson Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 5954. An act to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 6374. An act to designate the facility of the Department of Veterans Affairs located at 180 Martin Drive in Carrollton, Georgia, as the "Trinka Davis Veterans Village"; to the Committee on Veterans' Affairs.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8290. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of the Commission's Program Access Rules et al" (MB Docket No. 12-68 et al; FCC 12-123) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8291. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Management Area; Amendment 97" (RIN0648-BB18) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8292. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Amendment 34" (RIN0648-BB72) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8293. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Silky Shark Management Measures" (RIN0648-BB96) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8294. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Monitoring and Enforcement Requirements in the Bering Sea and Aleutian Islands Freezer Longline Fleet; Correction" (RIN0648-BB67) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8295. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; Emergency Rule Extension, Closure of the Delmarva Access Area" (RIN0648-BC04) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8296. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Second Fishing Capacity Reduction Program for the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Non-Pollock Groundfish Fishery" (RIN0648-BB06) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8297. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 20A" (RIN0648-AY74) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8298. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Reef Fish Fishery of the Gulf of Mexico; Gulf of Mexico Individual Fishing Quota Programs" (RIN0648-XC227) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8299. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Fishing Year 2012 Days-at-Sea Adjustment for Common Pool Fishery; Announcement of Fishing Year 2011 Sector Annual Catch Entitlement Carryover" (RIN0648-XC168) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8300. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Bluefish Fishery; Quota Transfer" (RIN0648-XC235) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8301. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC224) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8302. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Snapper-Grouper Fishery of the South Atlantic; Reopening of the 2012 Commercial Sector for Yellowtail Snapper in the South Atlantic" (RIN0648-XC229) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8303. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 in the Gulf of Alaska" (RIN0648-XC206) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8304. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XC207) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8305. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fisheries Management Plan; Northern Red Hake Quota Harvested" (RIN0648-XC201) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8306. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Vermilion Snapper" (RIN0648-XC134) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8307. A communication from the Acting Deputy Director, Office of Sustainable Fish-

eries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States; Modifications of the West Coast Commercial and Recreational Salmon Fisheries; Inseason Actions No. 15 through No. 21" (RIN0648-XC223) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8308. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Atka Mackerel in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC278) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8309. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Sub-ACL (Annual Catch Limit) Harvested for Management Area 3" (RIN0648-XC157) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8310. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2012-2013 Accountability Measure and Closure for Commercial Black Sea Bass in the South Atlantic" (RIN0648-XC152) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8311. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XC270) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8312. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 in the Gulf of Alaska" (RIN0648-XC271) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8313. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC320) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8314. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of

Mexico, and South Atlantic; 2012 Commercial Accountability Measure and Closure for South Atlantic Gag and South Atlantic Shallow-Water Grouper" (RIN0648-XC135) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8315. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustment to the Atlantic Herring Management Area 1A Sub-Annual Catch Limit" (RIN0648-XC290) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8316. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC324) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8317. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska" (RIN0648-XC204) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8318. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Arrowtooth Flounder in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC129) received in the Office of the President of the Senate on September 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8319. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska" (RIN0648-XC323) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8320. A communication from the Acting Deputy Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska" (RIN0648-XC319) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8321. A communication from the Director, National Institute of Food and Agriculture, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hispanic-Serving Agricultural Col-

leges and Universities (HSACU)" (RIN0524-AA39) received during adjournment in the Office of the President of the Senate on November 16, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8322. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fenpropathrin; Pesticide Tolerances" (FRL No. 9366-1) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8323. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, five (5) Selected Acquisition Reports (SARs) for the quarter ending September 2012; to the Committee on Armed Services.

EC-8324. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Addition of Certain Persons to the Entity List" (RIN0694-AF80) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8325. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to Yemen that was originally declared in Executive Order 13611 on May 16, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-8326. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Health and Safety Data Reporting; Addition of Certain Chemicals" (RIN2070-AJ89) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8327. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California; Determinations of Attainment for the 1997 8-Hour Ozone Standard" (FRL No. 9757-1) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8328. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley United Air Pollution Control District (SJVUAPCD) and South Coast Air Quality Management District (SCAQMD)" (FRL No. 9737-1) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8329. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD)" (FRL No. 9730-3) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8330. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Consumer Products Regulations" (FRL No. 9755-2) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8331. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Control of Stationary Generator Emissions" (FRL No. 9754-9) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8332. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Allegheny County Incorporation by Reference of Pennsylvania's Control of NO<sub>x</sub> Emissions from Glass Melting Furnaces" (FRL No. 9755-4) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8333. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Florida; Regional Haze State Implementation Plan" (FRL No. 9755-8) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8334. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; City of Albuquerque—Bernalillo County, New Mexico; Interstate Transport Affecting Visibility and Regional Haze Rule Requirements for Mandatory Class I Areas" (FRL No. 9755-5) received in the Office of the President of the Senate on November 28, 2012; to the Committee on Environment and Public Works.

EC-8335. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification of Revenue Procedure 2007-44" (Rev. Proc. 2012-50) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Finance.

EC-8336. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance on Regulations to be Issued Regarding the Deduction and Capitalization of Expenditures Related to Tangible Property" (Notice 2012-73) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Finance.

EC-8337. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the

report of a rule entitled "Applicable Federal Rates—December 2012" (Rev. Rul. 2012-31) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Finance.

EC-8338. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-139, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8339. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting, pursuant to law, an addendum to a certification, transmittal number: DDTC 12-155, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

EC-8340. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-135); to the Committee on Foreign Relations.

EC-8341. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-150); to the Committee on Foreign Relations.

EC-8342. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-127); to the Committee on Foreign Relations.

EC-8343. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-092); to the Committee on Foreign Relations.

EC-8344. A communication from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Updating OSHA Standards Based on National Consensus Standards; Head Protection" (RIN1218-AC65) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-8345. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Prevention and Reduction of Underage Drinking"; to the Committee on Health, Education, Labor, and Pensions.

EC-8346. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for fiscal year 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8347. A communication from the Administrator of the Agency for International Development (USAID), transmitting, pursuant to law, the Semiannual Report of the Inspector General for the period from April 1, 2012, through September 30, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-8348. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, an annual report relative to the activities and operations of the Public Integrity Section, Criminal Division, and the nationwide federal law enforcement effort against public corruption; to the Committee on the Judiciary.

EC-8349. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Authorization for non-VA Medical Services" (RIN2900-AO47) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Veterans' Affairs.

EC-8350. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class B Airspace; Salt Lake City, Utah" ((RIN2120-AA66) (Docket No. FAA-2011-0438)) received during adjournment of the Senate in the Office of the President of the Senate on September 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8351. A communication from the Program Analyst, Financial Operations Office of Managing Director, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Assessment and Collection of Regulatory Fees for Fiscal Year 2012" (FCC 12-116) received during adjournment of the Senate in the Office of the President of the Senate on October 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8352. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulation; Port Huron Offshore Gran Prix, St. Clair River; Port Huron, MI" ((RIN1625-AA00; RIN1625-AA-08) (Docket No. USCG-2012-0700)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8353. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations for Marine Events, Wrightsville Channel; Wrightsville Beach, NC" ((RIN1625-AA00; RIN1625-AA-08) (Docket No. USCG-2012-0482)) received during adjournment of the Senate in the Office of the President of the Senate on September 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8354. A communication from the Secretary, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Guides for the Use of Environmental Marketing Claims" (16 CFR Part 260) received during adjournment of the Senate in the Office of the President of the Senate on November 7, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8355. A communication from the Secretary of Transportation, transmitting, pur-

suant to law, the Department of Transportation's fiscal year 2012 annual report; to the Committee on Commerce, Science, and Transportation.

EC-8356. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled, "Fundamental Properties of Asphalts and Modified Asphalts—III"; to the Committee on Commerce, Science, and Transportation.

EC-8357. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Cross Waivers of Liability Clauses" (RIN2700-AD55) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8358. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Commercial Acquisition; Anchor Tenancy" (RIN2700-AD64) received during adjournment of the Senate in the Office of the President of the Senate on October 25, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8359. A communication from the Inspector General of the Federal Trade Commission, transmitting, pursuant to law, an external peer review report on the Commission's audit activities; to the Committee on Commerce, Science, and Transportation.

EC-8360. A communication from the Secretary, Bureau of Trade Affairs, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Commission's Rules of Practice and Procedure" (RIN3072-AC43) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8361. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Standards for Living Organisms in Ships' Ballast Water Discharged in U.S. Waters" ((RIN1625-AA32) (Docket No. USCG-2012-10486)) received during adjournment of the Senate in the Office of the President of the Senate on September 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8362. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Extension of Deadline to Amend for Section 436" (Notice 2012-70) received in the Office of the President of the Senate on November 26, 2012; to the Committee on Finance.

EC-8363. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice" (16 CFR Parts 2 and 4) received during adjournment of the Senate in the Office of the President of the Senate on October 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8364. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Private Land Mobile Radio Rules" (FCC 12-114) received during adjournment of the Senate in the Office of the President of the Senate on October 26, 2012; to the



Committee on Commerce, Science, and Transportation.

EC-8365. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band; WT Docket No. 07-293; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band; IIB Docket No. 95-91" (FCC 12-130) received in the Office of the President of the Senate on November 27, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8366. A communication from the Chief of the Satellite Division, International Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of 2006 Biennial Regulatory Review—Revision of Part 25" (FCC 12-116) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8367. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Randsburg, California)" (MB Docket No. 12-177) received during adjournment of the Senate in the Office of the President of the Senate on October 17, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8368. A communication from the Chairman of the Office of Proceedings, Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Monetary Penalty Inflation Adjustment Rule" (Docket No. EP 716—Board Decision 42595) received during adjournment of the Senate in the Office of the President of the Senate on November 8, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8369. A communication from the Office Director of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Expansion of Fagatele Bay National Marine Sanctuary, Regulatory Changes, and Sanctuary Name Change" (RIN0648-BA24) received in the Office of the President of the Senate on November 16, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8370. A communication from the Acting Assistant General Counsel for Regulatory Affairs, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Safety Standard for Play Yards" (RIN3041-AC92) received during adjournment of the Senate in the Office of the President of the Senate on October 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8371. A communication from the Acting Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rules" (RIN3084-AB19) received in the Office of the President of the Senate on September 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-8372. A communication from the Secretary of Transportation, transmitting, pur-

suant to law, a report entitled "National Plan of Integrated Airport Systems (NPIAS) 2013-2017"; to the Committee on Commerce, Science, and Transportation.

EC-8373. A communication from the Chief of the Government Affairs Division, National Transportation Safety Board, transmitting, pursuant to law, the Board's annual submission regarding agency compliance with the Federal Manager's Financial Integrity Act and revised Office of Management and Budget (OMB) Circular A-123; to the Committee on Commerce, Science, and Transportation.

EC-8374. A communication from the General Counsel, National Transportation Safety Board, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice in Air Safety Proceedings" (Docket No. NTSB-GC-2011-0001) received during adjournment of the Senate in the Office of the President of the Senate on October 15, 2012; to the Committee on Commerce, Science, and Transportation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 2471. A bill to amend section 2710 of title 18, United States Code, to clarify that a video tape service provider may obtain a consumer's informed, written consent on an ongoing basis and that consent may be obtained through the Internet.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Colonel Stephen J. Linsenmeyer, Jr., to be Brigadier General.  
Air Force nomination of Col. Calvin H. Elam, to be Brigadier General.

Air Force nominations beginning with Brig. Gen. Mark E. Bartman and ending with Brig. Gen. Eric G. Weller, which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2012. (minus 1 nominee: Brig. Gen. James C. Witham)

Air Force nominations beginning with Colonel Glen M. Baker and ending with Colonel Randall A. Spear, Jr., which nominations were received by the Senate and appeared in the Congressional Record on September 13, 2012. (minus 2 nominees: Colonel Richard W. Kelly; Colonel Jill J. Nelson)

Army nomination of Colonel John H. Hort, to be Brigadier General.

Army nomination of Brig. Gen. Joseph Carvalho, Jr., to be Major General.

Army nomination of Col. Clayton M. Huttmacher, to be Brigadier General.

Army nomination of Col. Kyle E. Goerke, to be Brigadier General.

Army nomination of Col. Peter A. Bosse, to be Brigadier General.

Army nomination of Col. Joseph E. Whitlock, to be Brigadier General.

Army nomination of Brig. Gen. Karen E. LeDoux, to be Major General.

Army nomination of Brig. Gen. David G. Clarkson, to be Major General.

Army nomination of Maj. Gen. Mark A. Milley, to be Lieutenant General.

\*Marine Corps nomination of Lt. Gen. John M. Paxton, Jr., to be General.

\*Marine Corps nomination of Gen. Joseph F. Dunford, Jr., to be General.

Navy nomination of Rear Adm. Kenneth E. Floyd, to be Vice Admiral.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Demea A. Alderman and ending with Felisa L. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nomination of William A. Christmas, to be Colonel.

Army nomination of Alan F. Pomaville, to be Colonel.

Army nomination of James Bentley, to be Colonel.

Army nomination of Vincent D. Thompson, to be Colonel.

Army nomination of Luis F. Diaz, to be Major.

Army nomination of David C. Buckhannon, to be Major.

Army nomination of Anthony Cascarano, to be Major.

Army nomination of Rena L. P. Hope, to be Major.

Army nomination of Derek D. Hyun, to be Major.

Army nomination of Michael T. Simpson, to be Major.

Army nomination of Michael D. Pierce, to be Lieutenant Colonel.

Army nomination of Tammie E. Crews, to be Lieutenant Colonel.

Army nominations beginning with Kenneth M. Jordan and ending with Suzanne McNellis, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Madlene M. Eskarose and ending with Alexander K. Jhang, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Milton J. Foust and ending with Charles E. Lerner, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with William T. Monacci and ending with Hua C. Yang, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Stephen J. Dalal and ending with Timothy L. Settle, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Jesse J. Abbott and ending with Rhett M. Starnes, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with John E. Balser and ending with Scott W. Shaffer, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.



Army nominations beginning with Francisco Diazgonzalez and ending with David B. Webb, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Gregory M. Barrow and ending with James E. Vallee, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Gregory L. Bowman and ending with D011022, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Tracy L. Baker and ending with Gayla W. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Army nominations beginning with Brian Almquist and ending with D011046, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

Navy nomination of Terry N. Traweek, to be Lieutenant Commander.

Navy nomination of Stefanie M. Wheelbarger, to be Lieutenant Commander.

Navy nomination of Carl A. Riddick, to be Captain.

Navy nominations beginning with Kevin S. Hart and ending with Michael J. Jacques, which nominations were received by the Senate and appeared in the Congressional Record on November 13, 2012.

By Mr. LEAHY for the Committee on the Judiciary.

Angela Tammy Dickinson, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. KLOBUCHAR (for herself and Ms. SNOWE):

S. 3647. A bill to amend title 10, United States Code, to improve and enhance the capabilities of the Armed Forces to prevent and respond to sexual assault and sexual harassment in the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 3648. A bill to exclude from gross income for purposes of the Internal Revenue Code of 1986 any payments made from the Aurora Victim Relief Fund to the victims of the tragic event at the Century 16 Cinema in Aurora, Colorado, on July 20, 2012; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 3649. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to provide assistance for natural disaster response at Superfund sites,

and for other purposes; to the Committee on Environment and Public Works.

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. BENNET, and Mr. BARRASSO):

S. 3650. A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. INOUE (for himself and Mr. ALEXANDER):

S. Res. 603. A resolution designating the week of November 26 through November 30, 2012, as National Nurse-Managed Health Clinic Week; considered and agreed to.

By Mrs. SHAHEEN (for herself, Ms. AYOTTE, Mr. REID, Mr. MCCONNELL,

Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNES, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. Res. 604. A resolution relative to the death of the Honorable Warren B. Rudman, former United States Senator for the State of New Hampshire; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 1086

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1086, a bill to reauthorize the Special Olympics Sport and Empowerment Act of 2004, to provide assistance to Best Buddies to support the expansion and development of mentoring programs, and for other purposes.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1696

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1696, a bill to improve the Public Safety Officers' Benefits Program.

S. 1728

At the request of Mr. BROWN of Massachusetts, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1728, a bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

S. 1908

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 1908, a bill to amend the Internal Revenue Code of 1986 to clarify the employment tax treatment and reporting of wages paid by professional employer organization, and for other purposes.

S. 2004

At the request of Mr. UDALL of New Mexico, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2004, a bill to grant the Congressional Gold Medal to the troops who defended Bataan during World War II.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2347

At the request of Mr. VITTER, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3487

At the request of Mr. COBURN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. 3487, a bill to provide for auditable financial statements for the Department of Defense, and for other purposes.

S. 3616

At the request of Ms. LANDRIEU, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3616, a bill to amend the Internal Revenue Code of 1986 to make

permanent the expansion of tax benefits for adoption enacted in 2001 and to permanently reinstate the expansion of tax benefits for adoption enacted in 2010, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S. RES. 453

At the request of Mr. HARKIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 453, a resolution expressing the sense of the Senate that supporting seniors and individuals with disabilities is an important responsibility of the United States, and that a comprehensive approach to expanding and supporting a strong home care workforce and making long-term services and supports affordable and accessible in communities is necessary to uphold the right of seniors and individuals with disabilities in the United States to a dignified quality of life.

S. RES. 518

At the request of Ms. LANDRIEU, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. Res. 518, a resolution congratulating the Southern Baptist Convention for electing Reverend Fred Luter, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luter's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

S. RES. 595

At the request of Ms. LANDRIEU, the names of the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Carolina (Mr. GRAHAM), the Senator from Washington (Mrs. MURRAY), the Senator from Missouri (Mr. BLUNT), the Senator from South Dakota (Mr. JOHNSON), the Senator from Michigan (Mr. LEVIN), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Illinois (Mr. DURBIN), the Senator from South Dakota (Mr. THUNE), the Senator from Massachusetts (Mr. KERRY) and the Senator from Minnesota (Ms. KLOBUCHAR) were added as cosponsors of S. Res. 595, a resolution expressing support for the goals of National Adoption Day and National Adoption Month by promoting national awareness of adoption and the children awaiting families, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children.

AMENDMENT NO. 2940

At the request of Mr. BLUMENTHAL, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 2940 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2941

At the request of Mr. BLUMENTHAL, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2941 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2946

At the request of Mr. PRYOR, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 2946 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2962

At the request of Ms. COLLINS, her name was added as a cosponsor of amendment No. 2962 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2970

At the request of Mr. INHOFE, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of amendment No. 2970 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2982

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of amendment No. 2982 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military

activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2989

At the request of Mrs. MURRAY, the name of the Senator from North Carolina (Mr. BURR) was withdrawn as a cosponsor of amendment No. 2989 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2997

At the request of Mr. CASEY, the names of the Senator from Alaska (Mr. BEGICH), the Senator from South Carolina (Mr. GRAHAM), the Senator from Delaware (Mr. COONS) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of amendment No. 2997 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2998

At the request of Ms. AYOTTE, the names of the Senator from South Carolina (Mr. GRAHAM), the Senator from Alabama (Mr. SESSIONS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 2998 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 2999

At the request of Ms. AYOTTE, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 2999 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3004

At the request of Ms. AYOTTE, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Florida (Mr. RUBIO) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of amendment No. 3004

intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3005

At the request of Ms. AYOTTE, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 3005 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3009

At the request of Mr. SESSIONS, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 3009 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3014

At the request of Mr. REED, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3014 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3017

At the request of Mr. REED, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of amendment No. 3017 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3018

At the request of Mrs. FEINSTEIN, the names of the Senator from Alaska (Mr. BEGICH) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 3018 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3021

At the request of Mr. CARDIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3021 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3025

At the request of Mr. CARDIN, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of amendment No. 3025 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3025 intended to be proposed to S. 3254, *supra*.

## AMENDMENT NO. 3026

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3026 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3029

At the request of Mr. TESTER, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of amendment No. 3029 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3049

At the request of Mr. UDALL of New Mexico, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of amendment No. 3049 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military

personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3058

At the request of Mrs. GILLIBRAND, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of amendment No. 3058 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3059

At the request of Mr. TOOMEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3059 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3063

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 3063 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3066

At the request of Mr. TOOMEY, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 3066 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3073

At the request of Mr. NELSON of Florida, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of amendment No. 3073 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3081

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of amendment No. 3081 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3085

At the request of Mr. VITTER, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 3085 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 3085 proposed to S. 3254, *supra*.

## AMENDMENT NO. 3090

At the request of Mr. LIEBERMAN, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Delaware (Mr. COONS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of amendment No. 3090 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Ms. MURKOWSKI, her name was added as a cosponsor of amendment No. 3090 proposed to S. 3254, *supra*.

## AMENDMENT NO. 3095

At the request of Mrs. HAGAN, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maine (Ms. COLLINS), the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Ms. STABENOW), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from Delaware (Mr. COONS), the Senator from New Mexico (Mr. UDALL) and the Senator from Montana (Mr. TESTER) were added as cosponsors of amendment No. 3095 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3096

At the request of Mr. MERKLEY, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Alaska (Mr. BEGICH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from California (Mrs. BOXER), the Sen-

ator from Ohio (Mr. BROWN), the Senator from Washington (Ms. CANTWELL), the Senator from Maryland (Mr. CARDIN), the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New York (Mrs. GILLIBRAND), the Senator from Iowa (Mr. HARKIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Vermont (Mr. LEAHY), the Senator from Vermont (Mr. SANDERS), the Senator from New York (Mr. SCHUMER), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Utah (Mr. LEE) were added as cosponsors of amendment No. 3096 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. BLUMENTHAL, his name was added as a cosponsor of amendment No. 3096 proposed to S. 3254, *supra*.

## AMENDMENT NO. 3102

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3102 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3103

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3103 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3104

At the request of Mr. TOOMEY, his name was added as a cosponsor of amendment No. 3104 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3105

At the request of Ms. KLOBUCHAR, the names of the Senator from Pennsylvania (Mr. TOOMEY) and the Senator

from Maryland (Ms. MIKULSKI) were added as cosponsors of amendment No. 3105 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3106

At the request of Ms. KLOBUCHAR, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 3106 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3111

At the request of Mr. COBURN, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of amendment No. 3111 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3122

At the request of Mr. WICKER, the names of the Senator from Florida (Mr. NELSON) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of amendment No. 3122 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3124

At the request of Mr. BLUMENTHAL, the names of the Senator from New Hampshire (Ms. AYOTTE), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of amendment No. 3124 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3138

At the request of Ms. MURKOWSKI, the name of the Senator from Alaska (Mr.

BEGICH) was added as a cosponsor of amendment No. 3138 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3144

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of amendment No. 3144 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3145

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 3145 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3153

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3153 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3154

At the request of Mr. UDALL of New Mexico, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of amendment No. 3154 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3158

At the request of Mr. CORNYN, the names of the Senator from Massachusetts (Mr. BROWN) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of amendment No. 3158 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military

construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3175

At the request of Mr. RUBIO, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of amendment No. 3175 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3179

At the request of Mr. BENNET, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Colorado (Mr. UDALL) were added as cosponsors of amendment No. 3179 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3180

At the request of Mr. WHITEHOUSE, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from California (Mrs. FEINSTEIN), the Senator from Virginia (Mr. WARNER), the Senator from Hawaii (Mr. AKAKA), the Senator from Ohio (Mr. BROWN), the Senator from Michigan (Ms. STABENOW), the Senator from Arkansas (Mr. PRYOR), the Senator from Nebraska (Mr. NELSON), the Senator from Delaware (Mr. CARPER) and the Senator from Idaho (Mr. RISCH) were added as cosponsors of amendment No. 3180 proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3181

At the request of Mr. WHITEHOUSE, the names of the Senator from Colorado (Mr. UDALL), the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 3181 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3182

At the request of Mr. SANDERS, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of amendment No. 3182 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3183

At the request of Mr. SANDERS, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 3183 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 3184

At the request of Mr. CARPER, the names of the Senator from Virginia (Mr. WEBB), the Senator from New York (Mrs. GILLIBRAND), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of amendment No. 3184 intended to be proposed to S. 3254, an original bill to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. UDALL of Colorado (for himself, Mr. CRAPO, Mr. BENNET, and Mr. BARRASSO):

S. 3650. A bill to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency; to the Committee on Finance.

Mr. UDALL of Colorado. Mr. President, today I am introducing bipartisan legislation that will improve the viability of agriculture and rural communities in western States like Colorado. This legislation will make it easier for mutual ditch and irrigation companies, which are an integral part of agriculture in arid regions where you often have to transport irrigation water over long distances, to remain profitable.

I thank my colleagues Senators CRAPO, BENNET and BARRASSO for joining me in this effort.

Mutual ditch and irrigation companies are primarily associations of farmers who band together to construct and

operate water delivery and storage systems for use on semi-arid farmland. For 150 years, mutual ditch and irrigation companies have installed and maintained this kind of infrastructure to convey water to irrigated lands in the West.

These companies can qualify for tax-exempt status if at least 85 percent of their income comes from their member assessments. The 85-percent rule is meant to ensure that the members of tax-exempt cooperatives are not able to enrich themselves by making investments unrelated to their charitable purpose.

Over time, however, the cost to maintain and operate aging water infrastructure has made it impossible for many mutual ditch and irrigation companies to operate solely on member income. If member assessments were large enough to cover the true cost of operations, it would be cost prohibitive for most farmers to use the water to irrigate crops, leading to a loss of irrigated farmland.

To sustain irrigated farmland, ditch and irrigation companies supplement the cost of operations with non-member income from, for example, recreational leases, crossing fees, storage rights and the exchange of water rights. This is a good thing, but this supplemental income can jeopardize the company's tax-exempt status.

My legislation would exempt certain sources of income from the 85-percent member income test for mutual ditch and irrigation companies. However, to be excluded, the revenue from these sources must be used for the tax-exempt purposes of the company. My legislation specifically requires non-member income to be used for operations or maintenance of the mutual ditch or irrigation company in order to be exempted from the 85-percent test.

By excluding these revenue streams, we can support local agriculture and help ditch and irrigation companies stay in business, while at the same time providing for more efficient use of precious water resources. Further, by requiring that the proceeds be used exclusively for operations and maintenance of the ditch or irrigation company, we will ensure that this income is reinvested in water infrastructure, helping to create and preserve rural jobs and our agricultural heritage.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3650

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Ditch and Irrigation Company Tax Reform Act".

#### SEC. 2. FACILITATE WATER LEASING AND WATER TRANSFERS TO PROMOTE CONSERVATION AND EFFICIENCY.

(a) IN GENERAL.—Paragraph (12) of section 501(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

“(I) TREATMENT OF MUTUAL DITCH OR IRRIGATION COMPANIES.—

“(i) IN GENERAL.—In the case of a mutual ditch or irrigation company or like organization, subparagraph (A) shall be applied without taking into account any income received or accrued—

“(I) from the sale, lease, or exchange of fee or other interests in real property, including interests in water,

“(II) from the sale or exchange of stock in a mutual ditch or irrigation company or like organization or contract rights for the delivery or use of water, or

“(III) from the investment of proceeds from sales, leases, or exchanges under subclauses (I) and (II),

except that any income received under subclause (I), (II), or (III) which is distributed or expended for expenses other than operations and maintenance of the mutual ditch or irrigation company or like organization shall be treated as non-member income in the year in which it is distributed or expended. For purposes of the preceding sentence, expenses other than operations and maintenance include expenses for the construction of conveyances designed to deliver water outside of the mutual ditch or irrigation company or like organization system.

“(ii) TREATMENT OF ORGANIZATIONAL GOVERNANCE.—In the case of a mutual ditch or irrigation company or like organization, where State law provides that such a company or organization may be organized in a manner that permits voting on a basis which is pro-rata to share ownership on corporate governance matters, subparagraph (A) shall be applied without taking into account whether its member shareholders have one vote on corporate governance matters per share held in the corporation. Nothing in this clause shall be construed to create any inference about the requirements of this subsection for companies or organizations not included in this clause.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 603—DESIGNATING THE WEEK OF NOVEMBER 26 THROUGH NOVEMBER 30, 2012, AS NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK

Mr. INOUE (for himself and Mr. ALEXANDER) submitted the following resolution; which was considered and agreed to:

S. RES. 603

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of health, the prevention of illness, the alleviation of suffering, and the diagnosis and treatment of illness;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed

by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services, including treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas, as of June 2011, more than 200 nurse-managed health clinics provided care across the United States and recorded more than 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both health care safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for students entering the health profession;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers;

Whereas the 2011 report of the Institute of Medicine on the future of nursing highlights the work nurse-managed health clinics are doing to reduce health disparities by bringing evidence-based care to individuals who may not otherwise receive needed services; and

Whereas nurse-managed health clinics offering both primary care and wellness services provide quality care in a cost-effective manner: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 26 through November 30, 2012, as “National Nurse-Managed Health Clinic Week”;

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

#### SENATE RESOLUTION 604—RELATIVE TO THE DEATH OF THE HONORABLE WARREN B. RUDMAN, FORMER UNITED STATES SENATOR FOR THE STATE OF NEW HAMPSHIRE

Mrs. SHAHEEN (for herself, Ms. AYOTTE, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. BARRASSO, Mr. BAUCUS, Mr. BEGICH, Mr. BENNET, Mr. BINGAMAN, Mr. BLUMENTHAL, Mr. BLUNT, Mr. BOOZMAN, Mrs. BOXER, Mr. BROWN of Massachusetts, Mr. BROWN of Ohio, Mr. BURR, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mr. COATS, Mr. COBURN, Mr. COCHRAN, Ms. COLLINS, Mr. CONRAD, Mr. COONS, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mr. DURBIN, Mr. ENZI, Mrs. FEINSTEIN, Mr.



FRANKEN, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. GRASSLEY, Mrs. HAGAN, Mr. HARKIN, Mr. HATCH, Mr. HELLER, Mr. HOEVEN, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUE, Mr. ISAKSON, Mr. JOHANNIS, Mr. JOHNSON of Wisconsin, Mr. JOHNSON of South Dakota, Mr. KERRY, Mr. KIRK, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEE, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MANCHIN, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Mr. MERKLEY, Ms. MIKULSKI, Mr. MORAN, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Nebraska, Mr. NELSON of Florida, Mr. PAUL, Mr. PORTMAN, Mr. PRYOR, Mr. REED, Mr. RISCH, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. RUBIO, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Ms. SNOWE, Ms. STABENOW, Mr. TESTER, Mr. THUNE, Mr. TOOMEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VITTER, Mr. WARNER, Mr. WEBB, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

## S. RES. 604

Whereas Warren B. Rudman served in the United States Army during the Korean War with the rank of Lieutenant, earning the Bronze Star for action in combat as an infantry commander;

Whereas Warren B. Rudman rendered exceptional service to the State of New Hampshire as Attorney General for 6 years, an office to which he brought honor;

Whereas Warren B. Rudman served the people of New Hampshire with distinction for 12 years in the United States Senate;

Whereas Warren B. Rudman served the Senate as Chairman of the Select Committee on Ethics in the 99th Congress;

Whereas Warren B. Rudman served the Senate as Vice Chairman of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition with impartiality and honesty;

Whereas, while serving in the Senate, Warren B. Rudman authored laws to support small business and reduce the budget deficits of the United States;

Whereas Warren B. Rudman co-founded the Concord Coalition to educate the public about the dangers of Federal budget deficits;

Whereas the hallmarks of Warren B. Rudman's public service were integrity, courage, and an unflagging commitment to the common good; and

Whereas, with the death of Warren B. Rudman, New Hampshire and the United States have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved, That—*

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Warren B. Rudman, a former member of the United States Senate;

(2) the Senate respectfully requests that Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Warren B. Rudman.

## AMENDMENTS SUBMITTED AND PROPOSED

SA 3188. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 3189. Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3190. Mr. SANDERS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3191. Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3192. Mr. COONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3193. Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, Mr. CARDIN, Mrs. BOXER, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3194. Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, Mrs. GILLIBRAND, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3195. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3196. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3197. Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3198. Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3199. Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3200. Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3201. Mr. COONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3202. Mr. GRAHAM (for himself, Ms. AYOTTE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3203. Mr. GRAHAM (for himself, Mr. SCHUMER, Mr. BARRASSO, Mr. MENENDEZ, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3204. Mr. AKAKA submitted an amendment intended to be proposed by him to the

bill S. 3254, supra; which was ordered to lie on the table.

SA 3205. Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3206. Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3207. Mr. FRANKEN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3208. Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3209. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3210. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3211. Mr. RUBIO (for himself, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3212. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3213. Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3214. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3215. Mr. BROWN of Ohio (for himself, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3216. Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3217. Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3218. Ms. SNOWE (for herself, Ms. LANDRIEU, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3219. Mr. BURR (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3220. Mr. WICKER (for himself, Mr. LIEBERMAN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3221. Mr. BOOZMAN (for himself, Mr. RUBIO, Mr. PRYOR, Mrs. GILLIBRAND, Mr. BEGICH, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3222. Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 3254, supra.



SA 3223. Mr. DURBIN (for himself, Mr. ENZI, Mr. ALEXANDER, Mr. WHITEHOUSE, Mr. JOHNSON of South Dakota, Mr. PRYOR, Mr. BOOZMAN, Mr. BLUNT, Mr. AKAKA, Mr. CARDIN, Mr. REED, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3224. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3225. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3226. Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3227. Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3228. Mr. BAUCUS (for himself, Mr. SANDERS, and Mr. FRANKEN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3229. Mr. UDALL of Colorado (for himself, Mrs. FEINSTEIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3230. Mrs. BOXER (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra.

SA 3231. Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, Mr. COONS, Mr. BROWN of Ohio, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3232. Mr. MENENDEZ (for himself, Mr. KIRK, Mr. LIEBERMAN, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3233. Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3234. Ms. KLOBUCHAR (for herself, Ms. SNOWE, Mr. TOOMEY, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3235. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3236. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3237. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3238. Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3239. Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. SESSIONS, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. CORKER, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3240. Mr. CARPER (for himself, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr.

COBURN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3241. Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3242. Mr. CARPER (for himself, Mr. BROWN of Massachusetts, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3243. Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3244. Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3245. Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. CHAMBLISS, Mr. INHOFE, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, supra.

SA 3246. Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3247. Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNES, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3248. Mr. SANDERS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3249. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3250. Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3251. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3252. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3253. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3254. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3255. Mr. REED (for himself, Mr. RUBIO, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3256. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3257. Ms. CANTWELL (for herself, Mr. BEGICH, Mrs. MURRAY, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3258. Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S.

3254, supra; which was ordered to lie on the table.

SA 3259. Ms. COLLINS (for herself and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3260. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3261. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3262. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3263. Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3264. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3265. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3266. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3267. Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3268. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3269. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3270. Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3271. Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3272. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3273. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3274. Mr. NELSON of Nebraska (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3275. Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3276. Mr. LIEBERMAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3277. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3278. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3254, supra; which was ordered to lie on the table.

SA 3279. Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, supra.

SA 3280. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, *supra*; which was ordered to lie on the table.

SA 3281. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, *supra*; which was ordered to lie on the table.

SA 3282. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, *supra*; which was ordered to lie on the table.

SA 3283. Mr. RUBIO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3254, *supra*; which was ordered to lie on the table.

SA 3284. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, *supra*; which was ordered to lie on the table.

SA 3285. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3254, *supra*; which was ordered to lie on the table.

SA 3286. Mr. LEVIN (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 3542, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

SA 3287. Mr. LEVIN (for Mrs. SHAHEEN) submitted an amendment intended to be proposed by Mr. Levin to the resolution S. Res. 600, supporting the goals and ideals of American Diabetes Month.

#### TEXT OF AMENDMENTS

**SA 3188.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

#### **SEC. 1048. SENSE OF CONGRESS ON THE JOINT WARFIGHTING ANALYSIS CENTER.**

It is the sense of Congress that the Joint Warfighting Analysis Center (JWAC) should have adequate resources to meet the continuing requirements of the combatant commands.

**SA 3189.** Mr. WARNER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

#### **SEC. 132. AUTHORITY FOR MID-LIFE COMPLEX REFUELING OVERHAULS OF NIMITZ CLASS AIRCRAFT CARRIERS.**

(a) **IN GENERAL.**—The Secretary of the Navy shall carry out the mid-life complex refueling overhauls of the Nimitz class aircraft

carriers as a single program. The program shall be carried out in accordance with the schedule for the complex refueling overhauls as submitted to Congress with the President's budget request.

(b) **CONTRACT AUTHORITY.**—Subject to the availability of appropriations for shipbuilding and conversion for a specific vessel in a specific fiscal year, the Secretary of the Navy may enter into contracts for the mid-life complex refueling overhauls of the Nimitz class aircraft carriers designated CVN-72, CVN-73, CVN-74, CVN-75, CVN-76, and CVN-77. Any such contract may use incremental funding authority of not more than three fiscal years per vessel, subject to subsection (c).

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENT.**—A contract entered into under subsection (b) shall provide that any obligation of the United States to make a payment in a fiscal year after the fiscal year in which the contract is awarded shall be subject to the availability of appropriations for that purpose for such later fiscal year.

**SA 3190.** Mr. SANDERS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

#### **SEC. 3122. RENEWABLE ENERGY.**

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsection (a), by striking “electric energy” and inserting “electric and thermal energy”; and

(2) in subsection (b)(2)—

(A) by striking “electric energy” and inserting “electric and thermal energy”; and

(B) by adding “or avoided by” after “generated from”; and

(C) by striking “geothermal,” and inserting “geothermal (including ground source, reclaimed water, or ground water),”.

**SA 3191.** Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

#### **Subtitle D—Other Matters**

#### **SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y-12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, “gained access to the protected security area directly adjacent to one of the nation's most critically important nuclear weapons-related facilities”.

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration's Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested “contractor assurance” approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a “high risk” designation and found there to be insufficient qualified Federal acquisition professionals to “plan, direct, and oversee project execution”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished;

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

**SA 3192.** Mr. COONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 344. CODIFICATION OF NATIONAL GUARD STATE PARTNERSHIP PROGRAM.**

(a) STATE PARTNERSHIP PROGRAM.—

(1) IN GENERAL.—Chapter 1 of title 32, United States Code, is amended by adding at the end the following new section:

**“§ 116. State Partnership Program**

“(a) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense, including for the Air and Army National Guard, shall be available for the payment of costs to conduct activities under the State Partnership Program, whether inside the United States or outside the United States, for purposes as follows:

“(A) To support the objectives of the commander of the combatant command for the theater of operations in which such activities are conducted.

“(B) To support the objectives of the United States chief of mission of the partnership with which such activities are conducted.

“(C) To build international partnerships and defense and security capacity.

“(D) To strengthen cooperation between the departments and agencies of the United States Government and agencies of foreign governments to support building of defense and security capacity.

“(E) To facilitate intergovernmental collaboration between the United States Government and foreign governments in the areas of defense and security.

“(F) To facilitate and enhance the exchange of information between the United States Government and foreign governments on matters relating to defense and security.

“(2) Costs under paragraph (1) may include costs as follows:

“(A) Costs of pay and allowances of members of the National Guard.

“(B) Travel and necessary expenses of United States personnel outside of the Department of Defense in the State Partnership Program.

“(C) Travel and necessary expenses of foreign participants directly supporting activities under the State Partnership Program.

“(b) LIMITATIONS.—(1) Funds shall not be available under subsection (a) for activities described in that subsection that are con-

ducted in a foreign country unless jointly approved by the commander of the combatant command concerned and the chief of mission concerned.

“(2) Funds shall not be available under subsection (a) for the participation of a member of the National Guard in activities described in that subsection in a foreign country unless the member is on active duty in the armed forces at the time of such participation.

“(3) Funds shall not be available under subsection (a) for interagency activities involving United States civilian personnel or foreign civilian personnel unless the participation of such personnel in such activities—

“(A) contributes to responsible management of defense resources;

“(B) fosters greater respect for and understanding of the principle of civilian control of the military;

“(C) contributes to cooperation between United States military and civilian governmental agencies and foreign military and civilian government agencies; or

“(D) improves international partnerships and capacity on matters relating to defense and security.

“(c) REIMBURSEMENT.—In the event of the participation of United States Government participants (other than personnel of the Department of Defense) in activities for which payment is made under subsection (a), the head of the department or agency concerned shall reimburse the Secretary of Defense for the costs associated with the participation of such personnel in such contacts and activities. Amounts reimbursed the Department of Defense under this subsection shall be deposited in the appropriation or account from which amounts for the payment concerned were derived. Any amounts so deposited shall be merged with amounts in such appropriation or account, and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such appropriation or account.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘State Partnership Program’ means a program that establishes a defense and security relationship between the National Guard of a State or territory and the military and security forces, and related disaster management, emergency response, and security ministries, of a foreign country.

“(2) The term ‘activities’, for purposes of the State Partnership Program, means any military-to-military activities or interagency activities for a purpose set forth in subsection (a)(1).

“(3) The term ‘interagency activities’ means the following:

“(A) Contacts between members of the National Guard and foreign civilian personnel outside the ministry of defense of the foreign country concerned on matters within the core competencies of the National Guard.

“(B) Contacts between United States civilian personnel and members of the Armed Forces of a foreign country on matters within such core competencies.

“(4) The term ‘matter within the core competencies of the National Guard’ means matters with respect to the following:

“(A) Disaster response and mitigation.

“(B) Defense support to civil authorities.

“(C) Consequence management and installation protection.

“(D) Response to a chemical, biological, radiological, nuclear, or explosives (CBRNE) event.

“(E) Border and port security and cooperation with civilian law enforcement.

“(F) Search and rescue.

“(G) Medicine.

“(H) Counterdrug and counternarcotics activities.

“(I) Public affairs.

“(J) Employer support and family support for reserve forces.

“(5) The term ‘United States civilian personnel’ means the following:

“(A) Personnel of the United States Government (including personnel of departments and agencies of the United States Government other than the Department of Defense) and personnel of State and local governments of the United States.

“(B) Members and employees of the legislative branch of the United States Government.

“(C) Nongovernmental individuals.

“(6) The term ‘foreign civilian personnel’ means the following:

“(A) Civilian personnel of a foreign government at any level (including personnel of ministries other than ministries of defense).

“(B) Nongovernmental individuals of a foreign country.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by adding at the end the following new item:

“116. State Partnership Program.”

(b) REPEAL OF SUPERSEDED AUTHORITY.—Section 1210 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2517; 32 U.S.C. 107 note) is repealed.

**SA 3193.** Mr. CASEY (for himself, Mrs. HUTCHISON, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Ms. SNOWE, Mr. LAUTENBERG, Mr. CARDIN, Mrs. BOXER, Mr. FRANKEN, and Mr. COONS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. PLAN FOR PROMOTING THE SECURITY OF AFGHAN WOMEN AND GIRLS DURING THE SECURITY TRANSITION PROCESS.**

(a) FINDINGS.—Congress makes the following findings:

(1) According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) “U.S. and coalition forces will continue to degrade the Taliban-led insurgency in order to provide time and space to increase the capacity of the Afghan National Security Forces and the Afghan Government so they can assume full responsibility for Afghanistan’s security by the end of 2014.”

(B) “Transition to Afghan security lead began in July 2011 and transition to full Afghan security responsibility will be complete country-wide by the end of 2014.”

(C) “The security of the Afghan people and the stability of the government are used to judge provincial readiness to move to each successive stage of transition implementation.”

(D) For each area designated for transition, a transition implementation plan is developed by the Government of Afghanistan,

NATO, and ISAF and approved by the Joint Afghan-NATO Inteqal Board (JANIB). JANIB is also responsible for recommending areas to enter and exit the transition process.

(2) According to a 2002 study on Women, Peace and Security submitted by the Secretary-General of the United Nations pursuant to Security Council resolution 1325 (2000), “the suspension of or restriction on women’s enjoyment of their human rights” can act as an early-warning indicator of impending or renewed conflict. In Afghanistan, restrictions on women’s mobility and rights can signal the presence of extremist or insurgent elements in a community.

(3) The security of Afghan women and girls in areas undergoing security transitions will be an important gauge of the transition strategy’s success. Indicators by which to measure women’s security include the mobility of women and girls, the participation of women in local government bodies, the rate of school attendance for girls, women’s access to government services, and the prevalence of violence against women.

(4) Maintaining and improving physical security for Afghan women and girls throughout the country is critical in order for women and girls to take advantage of opportunities in education, commerce, politics, and other areas of public life, which in turn is essential for the future stability and prosperity of Afghanistan.

(5) Women who serve as public officials at all levels of the Government of Afghanistan face serious threats to their personal security and that of their families. Many female officials have been the victims of violent crimes, but they are generally not afforded official protection by the Government of Afghanistan or security forces.

(6) Protecting the security and human rights of Afghan women and girls requires the involvement of Afghan men and boys through education about the important benefits of women’s full participation in social, economic, and political life. Male officials and security personnel can play a particularly important role in supporting and protecting women and girls.

(7) The Chicago Summit Declaration issued by NATO in May 2012 states: “As the Afghan National Police further develop and professionalize, they will evolve towards a sustainable, credible, and accountable civilian law enforcement force that will shoulder the main responsibility for domestic security. This force should be capable of providing policing services to the Afghan population as part of the broader Afghan rule of law system.”

(8) Women face significant barriers to full participation in the ANA and ANP, including a discriminatory or hostile work environment and the lack of separate facilities designed for female personnel.

(9) As of September 2012, female recruitment and retention rates for the Afghan National Security Forces are far below published targets, as follows:

(A) Approximately 1,700 women serve in the Afghan National Security Forces, or less than half of one percent of the total force.

(B) In 2010, President Hamid Karzai announced plans to recruit and train 5,000 women in the Afghan National Police, or approximately 3 percent of the force, by 2014. Currently, there are approximately 1,370 women in the ANP, or 0.87 percent of the police force.

(C) Approximately 350 women currently serve in the Afghan National Army, representing only 0.17 percent of the force. The Government of Afghanistan has said that its

goal is to achieve a force that is 10 percent female. As of May 2012, approximately 3 percent of new ANA recruits were women.

(10) Male security personnel often do not respond to threats or incidences of violence against women, particularly at the local level. They largely lack the training and understanding needed to respond appropriately and effectively to situations involving women. According to the Department of Defense’s April 2012 Report on Progress Toward Security and Stability in Afghanistan:

(A) The Afghan Ministry of Defense “lacks the combination of policies, procedures, and execution to promote opportunity and fair and respectful treatment of women in the force”.

(B) The Afghan Ministry of Interior “faces significant challenges in fully integrating and protecting women in the ANP workforce, especially among operational units at the provincial and district levels”.

(C) In the Afghan National Police, “Many Provincial Headquarters Commanders do not accept policewomen, as they prefer male candidates and lack adequate facilities to support females.”

(D) “While women are greatly needed to support police operations, a combination of cultural impediments, weak recruitment, and uneven application of policies hinder significant progress.”

(E) “Although stronger documentation, implementation, and enforcement of policies, procedures, and guidance to better integrate women will help, time will be needed to change the cultural mores that form the basis of many of the current impediments.”

(11) The United States, the North American Treaty Organization, and United States coalition partners have made firm commitments to support the human rights of the women and girls of Afghanistan, as evidenced by the following actions:

(A) According to the United States National Action Plan on Women, Peace and Security, “integrating women and gender considerations into peace-building processes helps promote democratic governance and long-term stability,” which are key United States strategic goals in Afghanistan.

(B) The National Action Plan also states that “the engagement and protection of women as agents of peace and stability will be central to United States efforts to promote security, prevent, respond to, and resolve conflict, and rebuild societies.” This policy applies to United States Government efforts in Afghanistan, where addressing the security vulnerabilities of Afghan women and girls during the period of security transition is an essential step toward long-term stability.

(C) The Chicago Summit Declaration issued by NATO in May 2012 states: “We emphasize the importance of full participation of all Afghan women in the reconstruction, political, peace and reconciliation processes in Afghanistan and the need to respect the institutional arrangements protecting their rights. We remain committed to the implementation of United Nations Security Council Resolution (UNSCR) 1325 on women, peace and security. We recognize also the need for the protection of children from the damaging effects of armed conflict as required in relevant UNSCRs.”

(12) The Strategic Partnership Agreement signed between the United States and Afghanistan by President Obama and President Karzai in June 2012 states, “Consistent with its Constitution and international obligations, Afghanistan shall ensure and advance the essential role of women in society, so

that they may fully enjoy their economic, social, political, civil and cultural rights.”

(b) PLAN TO PROMOTE SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense, in concurrence with the Secretary of State, shall submit to the appropriate congressional committees a plan to promote the security of Afghan women during the security transition process.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) A plan to monitor and respond to changes in women’s security conditions in areas undergoing transition, including the following actions:

(i) Seeking to designate a Civilian Impact Advisor on the Joint Afghan-NATO Inteqal Board (JANIB) to assess the impact of transition on male and female civilians and ensure that efforts to protect women’s rights and security are included in each area’s transition implementation plan.

(ii) Reviewing existing indicators against which sex-disaggregated data is collected and, if necessary, developing additional indicators, to ensure the availability of data that can be used to measure women’s security, such as—

(I) the mobility of women and girls;

(II) the participation of women in local government bodies;

(III) the rate of school attendance for girls;

(IV) women’s access to government services; and

(V) the prevalence of violence against women; and incorporating those indicators into ongoing efforts to assess overall security conditions during the transition period.

(iii) Integrating assessments of women’s security into current procedures used to determine an area’s readiness to proceed through the transition process.

(iv) Working with Afghan partners, coalition partners, and relevant United States Government departments and agencies to take concrete action to support women’s rights and security in cases of deterioration in women’s security conditions during the transition period.

(B) A plan to increase gender awareness and responsiveness among Afghan National Army and Afghan National Police personnel, including the following actions:

(i) Working with Afghan and coalition partners to utilize training curricula and programming that addresses the human rights of women and girls, appropriate responses to threats against women and girls, and appropriate behavior toward female colleagues and members of the community; assessing the quality and consistency of this training across regional commands; and assessing the impact of this training on trainee behavior.

(ii) Working with national and local ANA and ANP leaders to develop and utilize enforcement and accountability mechanisms for ANA and ANP personnel who violate codes of conduct related to the human rights of women and girls.

(iii) Working with Afghan and coalition partners to implement the above tools and develop uniform methods and standards for training and enforcement among coalition partners and across regions.

(C) A plan to increase the number of female members of the ANA and ANP, including the following actions:

(i) Providing, through consultation with Afghan partners, realistic and achievable objectives for the recruitment and retention of

women to the ANA and ANP by the end of the security transition period in 2014.

(ii) Working with national and local ANA and ANP leaders and coalition partners to address physical and cultural challenges to the recruitment and retention of female ANA and ANP personnel, including through targeted recruitment campaigns, expanded training and mentorship opportunities, parity in pay and promotion rates with male counterparts, and availability of facilities for female personnel.

(iii) Working with national and local ANA and ANP leaders to increase understanding about the unique ways in which women members of the security forces improve the force's overall effectiveness.

(iv) Working with national and local ANA and ANP leaders to develop a plan for maintaining and increasing the recruitment and retention of women in the ANA and ANP following the completion of the security transition.

(3) **REPORT.**—The Secretary of Defense shall include in each report on progress toward security and stability in Afghanistan that is submitted to Congress under sections 1230 and 1231 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 385, 390) a section describing actions taken to implement the plan required under this subsection.

(c) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SA 3194.** Mr. BEGICH (for himself, Mr. TOOMEY, Mr. CASEY, Mr. UDALL of Colorado, Mrs. GILLIBRAND, and Mr. MANCHIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 543, between lines 2 and 3, insert the following:

**SEC. 2705. MODIFICATION OF NOTICE REQUIREMENTS IN ADVANCE OF PERMANENT REDUCTION OF SIZABLE NUMBERS OF MEMBERS OF THE ARMED FORCES AT MILITARY INSTALLATIONS.**

(a) **CALCULATION OF NUMBER OF AFFECTED MEMBERS.**—Subsection (a) of section 993 of title 10, United States Code, is amended by adding at the end the following new sentence: “In calculating the number of members to be reduced, the Secretary shall take into consideration both direct reductions and indirect reductions.”.

(b) **NOTICE REQUIREMENTS.**—Subsection (b) of such section is amended by striking paragraphs (1) through (3) and inserting the following new paragraphs:

“(1) the Secretary of Defense or the Secretary of the military department concerned—

“(A) submits to Congress a notice of the proposed reduction and the number of military and civilian personnel assignments af-

fected, including reductions in base operations support services and personnel to occur because of the proposed reduction; and

“(B) includes in the notice a justification for the reduction and an evaluation of the costs and benefits of the reduction and of the local economic, environmental, strategic, and operational consequences of the reduction; and

“(2) a period of 90 days expires following the day on which the notice is submitted to Congress.”.

(c) **DEFINITIONS.**—Such section is further amended by adding at the end the following new subsection:

“(d) **DEFINITIONS.**—In this section:

“(1) The term ‘direct reduction’ means a reduction involving one or more members of a unit.

“(2) The term ‘indirect reduction’ means subsequent planned reductions or relocations in base operations support services and personnel able to occur due to the direct reductions.

“(3) The term ‘military installation’ means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility, which is located within any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, or Guam. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

“(4) The term ‘unit’ means a unit of the armed forces at the battalion, squadron, or an equivalent level (or a higher level).”.

**SA 3195.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C title IX, add the following:

**SEC. 935. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.**

(a) **PROCESS FOR REPORTING PENETRATIONS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors’ networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) **PROCESS REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) **REPORT ELEMENTS.**—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) **ACCESS.**—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(e) **CLEARED DEFENSE CONTRACTOR DEFINED.**—In this section, the term “cleared defense contractor” means a private entity granted clearance by the Defense Security Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

**SA 3196.** Ms. COLLINS submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title V, add the following:

**SEC. 526. RESEARCH STUDY ON RESILIENCE IN MEMBERS OF THE ARMY.**

(a) **RESEARCH STUDY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of the Army shall carry out a research program on resilience in members of the Army.

(2) **PURPOSE.**—The purpose of the research study shall be to determine the effectiveness of the current Comprehensive Soldier and Family Fitness (CSF2) Program of the Army while verifying the current means of the Army to reduce trends in high risk or self-destructive behavior and to prepare members of the Army to manage stressful or traumatic situations by training members in resilience strategies and techniques.

(3) **ELEMENTS.**—In carrying out the research study, the Secretary shall determine the effectiveness of training under the Comprehensive Soldier and Family Fitness program in—

(A) enhancing individual performance through resiliency techniques and use of positive and sports psychology; and

(B) identifying and responding to early signs of high-risk behavior in members of the Army assigned to units involved in the research study.

(4) **SCIENCE-BASED EVIDENCE AND TECHNIQUES.**—The research study shall be rooted

in scientific evidence, using professionally accepted measurements of experiments, of longitudinal research, random-assignment, and placebo-controlled outcome studies to evaluate which interventions can prove positive results and which result in no impact.

(b) **LOCATIONS.**—The Secretary carry out the research study at locations selected by the Secretary from among Army installations which are representative of the Total Force. Units from all components of the Army shall be involved in the research study.

(c) **TRAINING.**—In carrying out the research study at an installation selected pursuant to subsection (b), the Secretary shall ensure, at a minimum, that whenever a unit returns from combat deployment to the installation the training established for purposes of the research study is provided to all members of the Army returning for such deployment. The training shall include such training as the Secretary considers appropriate to reduce trends in high risk or self-destructive behavior.

(d) **PERIOD.**—The Secretary shall carry out the research study through September 30, 2014.

(e) **REPORTS.**—Not later than 30 days after the end of each of fiscal years 2013 and 2014, the Secretary shall submit to the Committees on Armed Forces of the Senate and the House of Representatives a report on the research study during the preceding fiscal year. Each report shall include the following:

(1) A description of the trends in high risk or self-destructive behavior within each of the units involved in the research study during the fiscal year covered by such report.

(2) A description of the effectiveness of Comprehensive Soldier and Family Fitness Program training in enhancing individual performance through resiliency techniques, utilization of positive psychology.

(3) In the case of the report on fiscal year 2014, such recommendations for the expansion or modification of the research study as the Secretary considers appropriate.

(f) **FUNDING.**—Of the amounts authorized to be appropriated for fiscal year 2013 for the Working Capital Fund, Army, not more than \$3,000,000, shall be available in such fiscal year to carry out the research study.

**SA 3197.** Ms. MURKOWSKI (for herself and Mr. BEGICH) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. LIMITATION ON FUNDING FOR CONNECTION OF CLEAR AIR FORCE STATION TO COMMERCIAL UTILITY GRID.**

The Secretary of Defense may not obligate or expend any funds to connect Clear Air Force Station to a commercial utility grid or to purchase utility services necessary to the operation of Clear Air Force Station from commercial sources until 180 days after the Secretary submits to the congressional defense committees a report analyzing the costs and benefits of the proposed action, including the impact of such change on Department of Defense civilian employees.

**SA 3198.** Mr. BARRASSO (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. RENEWAL OF EXPIRED PROHIBITION ON RETURN OF VETERANS MEMORIAL OBJECTS WITHOUT SPECIFIC AUTHORIZATION IN LAW.**

(a) **CODIFICATION OF PROHIBITION.**—Section 2572 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) Except as provided in paragraph (3), and notwithstanding this section or any other provision of law, the President may not transfer a veterans memorial object to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government.

“(2) In this subsection:

“(A) The term ‘entity controlled by a foreign government’ has the meaning given that term in section 2536(c)(1) of this title.

“(B) The term ‘veterans memorial object’ means any object, including a physical structure or portion thereof, that—

“(i) is located at a cemetery of the National Cemetery System, war memorial, or military installation in the United States;

“(ii) is dedicated to, or otherwise memorializes, the death in combat or combat-related duties of members of the armed forces; and

“(iii) was brought to the United States from abroad as a memorial of combat abroad.

“(3) The prohibition imposed by paragraph (1) does not apply to a transfer of a veterans memorial object if—

“(A) the transfer of that veterans memorial object is specifically authorized by law; or

“(B) the transfer is made after September 30, 2017.”.

(b) **REPEAL OF OBSOLETE SOURCE LAW.**—Section 1051 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106-65; 10 U.S.C. 2572 note) is repealed.

**SA 3199.** Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—The Secretary of the Treasury shall, pursuant to the Inter-

national Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SA 3200.** Mr. CASEY (for himself and Mr. WARNER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:



**SEC. 1064. REPORT ON FOREIGN AREA OFFICER PROGRAM.**

(a) **STUDY AND REPORT REQUIRED.**—Not later than 240 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a study and submit to the congressional defense committees a report on the Foreign Area Officer program and implications of the strategic rebalance to the Asia-Pacific region.

(b) **MATTERS COVERED.**—The study and report required under subsection (a) shall cover the following matters:

(1) The number of military personnel in the Foreign Area Officer program by country and service in each combatant commander's area of responsibility.

(2) The number of women and minorities within the Foreign Area Officer Program.

(3) Planned actions to address the 30 percent shortage of Foreign Area Officer personnel fill rates in the United States Pacific Command, the United States Africa Command, and the United States Special Operations Command.

(4) A forecast of future Foreign Area Officer requirements.

(5) A listing of the Department of Defense programs with objectives similar to the Foreign Area Officer program and a discussion of how they complement or are distinct from the Foreign Area Officer program.

(6) Planned actions to ensure Foreign Area Officers maintain the skills acquired through the program when serving in a non-Foreign Area Officer capacity, including language skills, cultural understanding, and regional knowledge.

(7) Planned actions in creating a Foreign Area Officer Reserve Corps across all services that is fully trained and capable of carrying out Foreign Area Officer missions.

(8) A description of mechanisms that the Department of Defense utilizes to maintain a connection to Foreign Area Officer program alumni and a discussion on the effectiveness of each mechanism.

(c) **RECOMMENDATIONS.**—The report submitted under subsection (a) shall include recommendations for any legislation necessary to enhance the Foreign Area Officer program in support of the newly articulated rebalance to the Asia-Pacific.

**SA 3201.** Mr. COONS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. EFFORTS TO REMOVE JOSEPH KONY FROM POWER AND END ATROCITIES COMMITTED BY THE LORD'S RESISTANCE ARMY.**

Consistent with the Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (Public Law 111-172), it is the sense of the Senate that—

(1) the ongoing United States advise and assist operation to support the regional governments in Africa in their ongoing efforts to apprehend or remove Joseph Kony and his top commanders from the battlefield and end atrocities perpetuated by his Lord's Resistance Army should continue;

(2) using amounts authorized to be appropriated by section 301 and specified in the

funding table in section 4301 for Operation and Maintenance, Defense-wide for "Additional ISR Support to Operation Observant Compass", the Secretary of Defense should provide increased intelligence, surveillance, and reconnaissance assets to support the ongoing efforts of United States Special Operations Forces to advise and assist regional partners as they conduct operations against the Lord's Resistance Army in Central Africa;

(3) United States and regional African forces should increase their operational coordination; and

(4) the regional governments should recommit themselves to the operations sanctioned by the African Union Peace and Security Council resolution.

**SA 3202.** Mr. GRAHAM (for himself, Ms. AYOTTE, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. AFFIRMATION OF THE UNITED STATES TO DETAIN TERRORISTS.**

Congress affirms the following:

(1) Al-Qaeda, the Taliban, and associated forces continue to be a clear and present military threat to the United States.

(2) The power to detain under the law of war shall apply to an individual who—

(A) joins al-Qaeda, the Taliban, or an associated force; and

(B) plans or participates in a belligerent act against the United States on behalf of such forces anywhere within the United States and its territories.

**SA 3203.** Mr. GRAHAM (for himself, Mr. SCHUMER, Mr. BARRASSO, Mr. MENENDEZ, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. LIMITATIONS ON ASSISTANCE TO PALESTINIANS.**

(a) **INTERNATIONAL CRIMINAL COURT RESTRICTION.**—The United States shall not provide assistance for the Palestinian Authority if the International Criminal Court adjudicates any matter proposed or supported by the Palestinian Authority or any other entity, legally recognized or otherwise, that purports to represent the interests of the Palestinian people.

(b) **PLO OFFICE CONDITIONALITY.**—Notwithstanding any other provision of law, the Palestine Liberation Organization, its constituent groups, or any successor entity shall not maintain an office, headquarters, premises, or other facilities or establishments

within the jurisdiction of the United States unless the President determines and reports to the Speaker of the House of Representatives and the President Pro Tempore of the Senate that the Palestinians have entered into direct and meaningful negotiations with Israel.

**SA 3204.** Mr. AKAKA submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 941 and insert the following:

**SEC. 941. NATIONAL LANGUAGE SERVICE CORPS.**

(a) **AUTHORITY TO ESTABLISH.**—The David L. Boren National Security Education Act of 1991 (50 U.S.C. 1901 et seq.) is amended by adding at the end the following new section: "**SEC. 813. NATIONAL LANGUAGE SERVICE CORPS.**

"(a) **ESTABLISHMENT.**—(1) The Secretary of Defense may establish and maintain within the Department of Defense a National Language Service Corps (in this section referred to as the 'Corps').

"(2) The purpose of the Corps is to provide a pool of personnel with foreign language skills who, as provided in regulations prescribed under this section, agree to provide foreign language services to the Department of Defense or another department or agency of the United States.

"(b) **NATIONAL SECURITY EDUCATION BOARD.**—If the Corps is established, the Secretary shall provide for the National Security Education Board to oversee and coordinate the activities of the Corps to such extent and in such manner as determined by the Secretary under paragraph (9) of section 803(d).

"(c) **MEMBERSHIP.**—To be eligible for membership in the Corps, a person must be a citizen of the United States authorized by law to be employed in the United States, have attained the age of 18 years, and possess such foreign language skills as the Secretary considers appropriate for membership in the Corps.

"(d) **TRAINING.**—The Secretary may provide members of the Corps such training as the Secretary prescribes for purposes of this section.

"(e) **SERVICE.**—Upon a determination that it is in the national interests of the United States, the Secretary shall call upon members of the Corps to provide foreign language services to the Department of Defense or another department or agency of the United States.

"(f) **FUNDING.**—The Secretary may impose fees, in amounts up to full-cost recovery, for language services and technical assistance rendered by members of the Corps. Amounts of fees received under this section shall be credited to the account of the Department providing funds for any costs incurred by the Department in connection with the Corps. Amounts so credited to such account shall be merged with amounts in such account, and shall be available to the same extent, and subject to the same conditions and limitations, as amounts in such account. Any amounts so credited shall remain available until expended."

(b) **NATIONAL SECURITY EDUCATION BOARD MATTERS.**—



(1) COMPOSITION.—Subsection (b) of section 803 of such Act (50 U.S.C. 1903) is amended—

- (A) by striking paragraph (5);
- (B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (9), respectively; and
- (C) by inserting after paragraph (4) the following new paragraphs:

“(5) The Secretary of Homeland Security.

“(6) The Secretary of Energy.

“(7) The Director of National Intelligence.”.

(2) FUNCTIONS.—Subsection (d) of such section is amended by adding at the end the following new paragraphs:

“(9) To the extent provided by the Secretary of Defense, oversee and coordinate the activities of the National Language Service Corps under section 813.

“(10) Assess on a periodic basis the needs identified by the departments and agencies of the Federal Government for personnel with skills in various foreign languages.

“(11) Recommend plans to address foreign language shortfalls and requirements of the departments and agencies of the Federal Government.

“(12) Recommend effective ways to increase public awareness of the need for foreign languages skills and career paths in the Federal Government that use those skills.

“(13) Advise on the coordination of activities with Executive agencies and State and local governments to develop interagency plans and agreements to address overall foreign language shortfalls and to utilize personnel to address the various types of crises that warrant foreign language skills.”.

**SA 3205.** Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.**

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku islands, the United States recognizes the administrative control of Japan over the Senkaku Islands;

(4) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(5) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of

use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea;

(6) the unilateral actions of a third party will not affect any determinations by the United States on the question of administrative control over the territories under the administration of Japan; and

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that “[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes”.

**SA 3206.** Mr. MERKLEY submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.**

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting “or spouse” after “child”.

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

“(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

“(A) the date that is 15 years after the date on which the person died; and

“(B) the date on which the individual remarries.

“(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2013.

**SA 3207.** Mr. FRANKEN (for himself and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. REQUIREMENTS IN CONNECTION WITH NEXT UPDATE OF CURRENT STRATEGIC PLAN FOR OFFICE OF RURAL HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS.**

(a) REQUIREMENTS.—

(1) IN GENERAL.—The first update of the Strategic Plan Refresh for Fiscal Years 2012 through 2014 of the Office of Rural Health of the Department of Veterans Affairs after the date of the enactment of this Act, whether an update or refresh of such Strategic Plan Refresh or a strategic plan to supersede such Strategic Plan Refresh, shall be prepared in accordance with this section.

(2) CONSULTATION.—The Director of the Office of Rural Health shall prepare the update in consultation with the following:

(A) The Director of the Health Care Retention and Recruitment Office of the Department.

(B) The Director of the Office of Quality and Performance of the Department.

(C) The Director of the Office of Care Coordination Services of the Department.

(b) ELEMENTS.—The update described in subsection (a) shall include, for the period covered by the update, the following:

(1) Goals and objectives for the recruitment and retention by the Veterans Health Administration of health care personnel in rural areas.

(2) Goals and objectives for ensuring timeliness and improving quality in the delivery of health care services by the Veterans Health Administration in rural areas through contract and fee-basis providers.

(3) Goals and objectives for the implementation, expansion, and enhanced use of telemedicine services by the Veterans Health Administration in rural areas, including through coordination with other appropriate offices of the Department.

(4) Goals and objectives for ensuring the full and effective use of mobile outpatient clinics by the Veterans Health Administration for the provision of health care services in rural areas, including goals and objectives for the use of such clinics on a fully mobile basis and for encouraging health care providers who provide services through such clinics to do so in rural areas.

(5) Procedures for soliciting from each Veterans Health Administration facility that serves a rural area the following:

(A) A statement of the clinical capacity of such facility.

(B) The procedures of such facility in the event of a medical, surgical, or mental health emergency outside the scope of the clinical capacity of such facility.

(C) The procedures and mechanisms of such facility for the provision and coordination of health care for women veterans, including procedures and mechanisms for coordination with local hospitals and health care facilities, oversight of primary care and fee-basis care, and management of specialty care.

(6) Goals and objectives for the modification of the funding allocation mechanisms of the Office of Rural Health in order to ensure that the Office distributes funds to components of the Department to best achieve the goals and objectives of the Office and in a timely manner.

(7) Goals and objectives for the coordination of, and sharing of resources with respect to, the provision of health care services to veterans in rural areas between the Department of Veterans Affairs, the Department of Defense, the Indian Health Service of the Department of Health and Human Services, and

other Federal agencies, as appropriate and prudent.

(8) Specific milestones for the achievement of the goals and objectives developed for the update.

(9) Procedures for ensuring the effective implementation of the update.

(c) TRANSMITTAL TO CONGRESS.—Not later than 90 days after the date of the issuance of the update described in subsection (a), the Secretary of Veterans Affairs shall transmit the update to Congress, together with such comments and recommendations in connection with the update as the Secretary considers appropriate.

**SA 3208.** Mr. BINGAMAN (for himself and Ms. MURKOWSKI) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 589, after line 23, insert the following:

**Subtitle D—American Medical Isotopes Production**

**SEC. 3141. SHORT TITLE.**

This subtitle may be cited as the “American Medical Isotopes Production Act of 2012”.

**SEC. 3142. DEFINITIONS.**

In this subtitle:

(1) DEPARTMENT.—The term “Department” means the Department of Energy.

(2) HIGHLY ENRICHED URANIUM.—The term “highly enriched uranium” means uranium enriched to 20 percent or greater in the isotope U-235.

(3) LOW ENRICHED URANIUM.—The term “low enriched uranium” means uranium enriched to less than 20 percent in the isotope U-235.

(4) SECRETARY.—The term “Secretary” means the Secretary of Energy.

**SEC. 3143. IMPROVING THE RELIABILITY OF DOMESTIC MEDICAL ISOTOPE SUPPLY.**

(a) MEDICAL ISOTOPE DEVELOPMENT PROJECTS.—

(1) IN GENERAL.—The Secretary shall carry out a technology-neutral program—

(A) to evaluate and support projects for the production in the United States, without the use of highly enriched uranium, of significant quantities of molybdenum-99 for medical uses;

(B) to be carried out in cooperation with non-Federal entities; and

(C) the costs of which shall be shared in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(2) CRITERIA.—Projects shall be judged against the following primary criteria:

(A) The length of time necessary for the proposed project to begin production of molybdenum-99 for medical uses within the United States.

(B) The capability of the proposed project to produce a significant percentage of United States demand for molybdenum-99 for medical uses.

(C) The cost of the proposed project.

(3) EXEMPTION.—An existing reactor in the United States fueled with highly enriched uranium shall not be disqualified from the program if the Secretary determines that—

(A) there is no alternative nuclear reactor fuel, enriched in the isotope U-235 to less

than 20 percent, that can be used in that reactor;

(B) the reactor operator has provided assurances that, whenever an alternative nuclear reactor fuel, enriched in the isotope U-235 to less than 20 percent, can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

(C) the reactor operator has provided a current report on the status of its efforts to convert the reactor to an alternative nuclear reactor fuel enriched in the isotope U-235 to less than 20 percent, and an anticipated schedule for completion of conversion.

(4) PUBLIC PARTICIPATION AND REVIEW.—The Secretary shall—

(A) develop a program plan and annually update the program plan through public workshops; and

(B) use the Nuclear Science Advisory Committee to conduct annual reviews of the progress made in achieving the program goals.

(b) DEVELOPMENT ASSISTANCE.—The Secretary shall carry out a program to provide assistance for—

(1) the development of fuels, targets, and processes for domestic molybdenum-99 production that do not use highly enriched uranium; and

(2) commercial operations using the fuels, targets, and processes described in paragraph (1).

(c) URANIUM LEASE AND TAKE-BACK.—

(1) IN GENERAL.—The Secretary shall establish a program to make low-enriched uranium available, through lease contracts, for irradiation for the production of molybdenum-99 for medical uses.

(2) TITLE.—The lease contracts shall provide for the producers of the molybdenum-99 to take title to and be responsible for the molybdenum-99 created by the irradiation, processing, or purification of uranium leased under this section.

(3) DUTIES.—

(A) SECRETARY.—The lease contracts shall require the Secretary—

(i) to retain responsibility for the final disposition of spent nuclear fuel created by the irradiation, processing, or purification of uranium leased under this section for the production of medical isotopes; and

(ii) to take title to and be responsible for the final disposition of radioactive waste created by the irradiation, processing, or purification of uranium leased under this section for which the Secretary determines the producer does not have access to a disposal plant.

(B) PRODUCER.—The producer of the spent nuclear fuel and radioactive waste shall accurately characterize, appropriately package, and transport the spent nuclear fuel and radioactive waste prior to acceptance by the Department.

(4) COMPENSATION.—

(A) IN GENERAL.—Subject to subparagraph (B), the lease contracts shall provide for compensation in cash amounts equivalent to prevailing market rates for the sale of comparable uranium products and for compensation in cash amounts equivalent to the net present value of the cost to the Federal Government for—

(i) the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); and

(ii) other costs associated with carrying out the uranium lease and take-back program authorized by this subsection.

(B) DISCOUNT RATE.—The discount rate used to determine the net present value of

costs described in subparagraph (A)(ii) shall be not greater than the average interest rate on marketable Treasury securities.

(5) AUTHORIZED USE OF FUNDS.—The Secretary may obligate and expend funds received under leases entered into under this subsection, which shall remain available until expended, for the purpose of carrying out the activities authorized by this subtitle, including activities related to the final disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3).

(6) EXCHANGE OF URANIUM FOR SERVICES.—The Secretary shall not barter or otherwise sell or transfer uranium in any form in exchange for—

(A) services related to the final disposition of the spent nuclear fuel and radioactive waste for which the Department is responsible under paragraph (3); or

(B) any other services associated with carrying out the uranium lease and take-back program authorized by this subsection.

(d) COORDINATION OF ENVIRONMENTAL REVIEWS.—The Department and the Nuclear Regulatory Commission shall ensure to the maximum extent practicable that environmental reviews for the production of the medical isotopes shall complement and not duplicate each review.

(e) OPERATIONAL DATE.—The Secretary shall establish a program as described in subsection (c)(3) not later than 3 years after the date of enactment of this Act.

(f) RADIOACTIVE WASTE.—Notwithstanding section 2 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101), radioactive material resulting from the production of medical isotopes that has been permanently removed from a reactor or subcritical assembly and for which there is no further use shall be considered low-level radioactive waste if the material is acceptable under Federal requirements for disposal as low-level radioactive waste.

**SEC. 3144. EXPORTS.**

Section 134 of the Atomic Energy Act of 1954 (42 U.S.C. 2160d) is amended by striking subsection c. and inserting the following:

“c. Effective 7 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Commission may not issue a license for the export of highly enriched uranium from the United States for the purposes of medical isotope production.

“d. The period referred to in subsection b. may be extended for no more than 6 years if, no earlier than 6 years after the date of enactment of the American Medical Isotopes Production Act of 2012, the Secretary of Energy certifies to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate that—

“(1) there is insufficient global supply of molybdenum-99 produced without the use of highly enriched uranium available to satisfy the domestic United States market; and

“(2) the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the most effective temporary means to increase the supply of molybdenum-99 to the domestic United States market.

“e. To ensure public review and comment, the development of the certification described in subsection c. shall be carried out through announcement in the Federal Register.

“f. At any time after the restriction of export licenses provided for in subsection b. becomes effective, if there is a critical shortage in the supply of molybdenum-99 available to satisfy the domestic United States

medical isotope needs, the restriction of export licenses may be suspended for a period of no more than 12 months, if—

“(1) the Secretary of Energy certifies to the Congress that the export of United States-origin highly enriched uranium for the purposes of medical isotope production is the only effective temporary means to increase the supply of molybdenum-99 necessary to meet United States medical isotope needs during that period; and

“(2) the Congress enacts a Joint Resolution approving the temporary suspension of the restriction of export licenses.

“g. As used in this section—

“(1) the term ‘alternative nuclear reactor fuel or target’ means a nuclear reactor fuel or target which is enriched to less than 20 percent in the isotope U-235;

“(2) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235;

“(3) a fuel or target ‘can be used’ in a nuclear research or test reactor if—

“(A) the fuel or target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the fuel or target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

#### SEC. 3145. REPORT ON DISPOSITION OF EXPORTS.

Not later than 1 year after the date of the enactment of this Act, the Chairman of the Nuclear Regulatory Commission, after consulting with other relevant agencies, shall submit to the Congress a report detailing the current disposition of previous United States exports of highly enriched uranium used as fuel or targets in a nuclear research or test reactor, including—

- (1) their location;
- (2) whether they are irradiated;
- (3) whether they have been used for the purpose stated in their export license;
- (4) whether they have been used for an alternative purpose and, if so, whether such alternative purpose has been explicitly approved by the Commission;
- (5) the year of export, and reimportation, if applicable;
- (6) their current physical and chemical forms; and
- (7) whether they are being stored in a manner which adequately protects against theft and unauthorized access.

#### SEC. 3146. DOMESTIC MEDICAL ISOTOPE PRODUCTION.

(a) IN GENERAL.—Chapter 10 of the Atomic Energy Act of 1954 (42 U.S.C. 2131 et seq.) is amended by adding at the end the following:

“SEC. 112. DOMESTIC MEDICAL ISOTOPE PRODUCTION.—

“a. The Commission may issue a license, or grant an amendment to an existing license, for the use in the United States of highly enriched uranium as a target for medical isotope production in a nuclear reactor, only if, in addition to any other requirement of this Act—

“(1) the Commission determines that—

“(A) there is no alternative medical isotope production target, enriched in the isotope U-235 to less than 20 percent, that can be used in that reactor; and

“(B) the proposed recipient of the medical isotope production target has provided assurances that, whenever an alternative medical isotope production target can be used in that reactor, it will use that alternative in lieu of highly enriched uranium; and

“(2) the Secretary of Energy has certified that the United States Government is actively supporting the development of an alternative medical isotope production target that can be used in that reactor.

“b. As used in this section—

“(1) the term ‘alternative medical isotope production target’ means a nuclear reactor target which is enriched to less than 20 percent of the isotope U-235;

“(2) a target ‘can be used’ in a nuclear research or test reactor if—

“(A) the target has been qualified by the Reduced Enrichment Research and Test Reactor Program of the Department of Energy; and

“(B) use of the target will permit the large majority of ongoing and planned experiments and medical isotope production to be conducted in the reactor without a large percentage increase in the total cost of operating the reactor;

“(3) the term ‘highly enriched uranium’ means uranium enriched to 20 percent or more in the isotope U-235; and

“(4) the term ‘medical isotope’ includes molybdenum-99, iodine-131, xenon-133, and other radioactive materials used to produce a radiopharmaceutical for diagnostic or therapeutic procedures or for research and development.”.

(b) TABLE OF CONTENTS.—The table of contents for the Atomic Energy Act of 1954 is amended by inserting the following new item at the end of the items relating to chapter 10 of title I:

“Sec. 112. Domestic medical isotope production.”.

#### SEC. 3147. ANNUAL DEPARTMENT REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for 5 years, the Secretary shall report to Congress on Department actions to support the production in the United States, without the use of highly enriched uranium, of molybdenum-99 for medical uses.

(b) CONTENTS.—The reports shall include the following:

(1) For medical isotope development projects—

(A) the names of any recipients of Department support under section 3143;

(B) the amount of Department funding committed to each project;

(C) the milestones expected to be reached for each project during the year for which support is provided;

(D) how each project is expected to support the increased production of molybdenum-99 for medical uses;

(E) the findings of the evaluation of projects under section 3143(a)(2); and

(F) the ultimate use of any Department funds used to support projects under section 3143.

(2) A description of actions taken in the previous year by the Secretary to ensure the safe disposition of spent nuclear fuel and radioactive waste for which the Department is responsible under section 3143(c).

#### SEC. 3148. NATIONAL ACADEMY OF SCIENCES REPORT.

(a) IN GENERAL.—The Secretary shall enter into an arrangement with the National Academy of Sciences to conduct a study of the state of molybdenum-99 production and utilization, to be provided to Congress not

later than 5 years after the date of enactment of this Act.

(b) CONTENTS.—The report shall include the following:

(1) For molybdenum-99 production—

(A) a list of all facilities in the world producing molybdenum-99 for medical uses, including an indication of whether these facilities use highly enriched uranium in any way;

(B) a review of international production of molybdenum-99 over the previous 5 years, including—

(i) whether any new production was brought online;

(ii) whether any facilities halted production unexpectedly; and

(iii) whether any facilities used for production were decommissioned or otherwise permanently removed from service; and

(C) an assessment of progress made in the previous 5 years toward establishing domestic production of molybdenum-99 for medical uses, including the extent to which other medical isotopes that have been produced with molybdenum-99, such as iodine-131 and xenon-133, are being used for medical purposes.

(2) An assessment of the progress made by the Department and others to eliminate all worldwide use of highly enriched uranium in reactor fuel, reactor targets, and medical isotope production facilities.

#### SEC. 3149. REPEAL.

The Nuclear Safety Research, Development, and Demonstration Act of 1980 (42 U.S.C. 9701 et seq.) is repealed.

**SA 3209.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

#### SEC. 827. SUPPORT OF THE COMPETITIVE ENTERPRISE SYSTEM.

(a) REPEAL OF SECTION 325.—Section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2253) is repealed.

(b) REPEAL OF SECTION 8103.—Section 8103 of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10; 125 Stat. 80) is repealed.

**SA 3210.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

#### SEC. 827. POLICY ON SUPPORT OF THE COMPETITIVE ENTERPRISE SYSTEM.

(a) FINDINGS.—Congress finds that the competitive enterprise system, including small business concerns, is—

(1) characterized by individual freedom and initiative; and

(2) the primary source of the economic strength of the United States.

(b) **POLICY ON SUPPORT OF COMPETITIVE ENTERPRISE SYSTEM.**—It is the declared policy of Congress that the Federal Government, including the Department of Defense, should—

(1) support the competitive enterprise system of the United States, including small business concerns;

(2) not compete with the citizens of the United States;

(3) rely on commercial sources to supply the products and services required by the Federal Government; and

(4) avoid starting or carrying out any activity that provides a product or service that can be procured more effectively and efficiently from a nongovernmental source.

**SA 3211.** Mr. RUBIO (for himself, Mr. WYDEN, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMITTEE OF INQUIRY.**

(a) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Committee of Inquiry.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Committee of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings in the Report of the Bahrain Independent Committee of Inquiry for the United States security posture in the Arab Gulf and the United States Central Command Area of Responsibility.

**SA 3212.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 847. REPORTS ON RENEGOTIATION OR CANCELLATION OF DEPARTMENT OF DEFENSE CONTRACTS IN CONNECTION WITH SPENDING CUTS.**

(a) **REPORT ON PROCEDURES.**—

(1) **IN GENERAL.**—Not later than \_\_\_\_ days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the procedures of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts as a result of reductions in funding for the Department of Defense in connection with—

(A) reductions of discretionary appropriations and direct spending pursuant to the sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985;

(B) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(C) other funding reduction mechanisms.

(2) **ACTIONS TO DEVELOP ADDITIONAL PROCEDURES.**—If the Secretary determines for purposes of the report under paragraph (1) that any component of the Department lacks adequate procedures to govern the renegotiation or cancellation of contracts as results of reductions in funding described in that paragraph, the report shall include a description of the actions to be taken to provide such component with adequate procedures for that purpose.

(b) **REPORTS ON COSTS OF CONTRACT TERMINATION.**—Not later than \_\_\_\_ days after the termination of a contract of the Department of Defense by reason of a reduction in funding described in subsection (a)(1), the Secretary shall submit to the congressional defense committees a report on the termination of the contract that sets forth a description of the costs (including any allowable, allocable, reasonable, or unforeseen costs) to be paid by the Department in connection with the termination of the contract.

**SA 3213.** Mr. RISCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

Strike section 3114 and insert the following:

**SEC. 3114. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Title XLIII of the Atomic Energy Defense Act (50 U.S.C. 2562 et seq.) is amended by adding at the end the following new section:

**“SEC. 4309. PROGRAM ON SCIENTIFIC ENGAGEMENT FOR NONPROLIFERATION.**

“(a) **PROGRAM REQUIRED.**—(1) The Secretary of Energy shall, acting through the Administrator of the National Nuclear Security Administration, carry out a program on scientific engagement in countries selected by the Secretary for purposes of the program in order to advance global nonproliferation and nuclear security efforts.

“(2) The program required by this section shall be a distinct program from the Global Initiatives for Proliferation Prevention program.

“(b) **ELEMENTS.**—The program shall include the elements as follows:

“(1) Training and capacity-building to strengthen nonproliferation and security best practices.

“(2) Engagement of United States scientists with foreign counterparts to advance nonproliferation goals.

“(c) **REPORT ON COMMENCEMENT OF PROGRAM.**—Funds may not be expended under the program required by this section until the Administrator submits to the appropriate congressional committees a report setting forth the following:

“(1) For each country selected for the program as of the date of such report—

“(A) a proliferation threat assessment prepared by the Director of National Intelligence; and

“(B) metrics for evaluating the success of the program.

“(2) Accounting standards for the conduct of the program approved by the Comptroller General of the United States.

“(d) **REPORTS ON MODIFICATION OF PROGRAM.**—Before making any modification in the program (whether selecting a new country for the program, ceasing the selection of a country for the program, or modifying an element of the program), the Administrator shall submit to the appropriate congressional committees a report on the modification. If the modification consists of the selection for the program of a country not previously selected for the program, the report shall include the matters specified in subsection (c)(1) for the country.

“(e) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term ‘appropriate congressional committees’ means—

“(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

“(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.”.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 4001(b) of such Act (division D of Public Law 107–314) is amended by inserting after the item relating to section 4308 the following new item:

“Sec. 4309. Program on scientific engagement for nonproliferation.”.

(b) **REPORT ON COORDINATION WITH OTHER UNITED STATES NONPROLIFERATION PROGRAMS.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of the National Nuclear Security Administration shall submit to the appropriate congressional committees a report describing the manner in which the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as added by subsection (a)) coordinates with and complements, but does not duplicate, other nonproliferation programs of the United States Government.

(c) **COMPTROLLER GENERAL OF THE UNITED STATES REPORT.**—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the program on scientific engagement for nonproliferation under section 4309 of the Atomic Energy Defense Act (as so added). The report shall include an assessment by the Comptroller General of the success of the program, as determined in accordance with the metrics for

evaluating the success of the program under subsection (c)(1)(B) of such section 4309, and such other matters on the program as the Comptroller General considers appropriate.

(d) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SA 3214.** Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.**

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) CONTENT.—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department’s approach for normalizing defense trade.

(B) An assessment of the defense capabilities that the Secretary believes the Government of India should acquire in order to enhance cooperation and coordination with the United States Government on matters of shared security interests.

(b) COMPREHENSIVE POLICY REVIEW.—

(1) IN GENERAL.—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) SCOPE.—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counterIED technology or individual soldier capabilities.

(c) SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.—It is the sense of Congress that the Department of Defense should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

**SA 3215.** Mr. BROWN of Ohio (for himself, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—AMENDMENTS TO THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT**

**SEC. 1801. PRE-ELECTION REPORTING REQUIREMENTS ON AVAILABILITY AND TRANSMISSION OF ABSENTEE BALLOTS.**

(a) IN GENERAL.—Subsection (c) of section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(c)) is amended by striking “Not later than 90 days” and inserting the following:

“(1) PRE-ELECTION REPORT ON ABSENTEE BALLOT AVAILABILITY.—Not later than 55 days before any election for Federal office held in a State, such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, certifying that absentee ballots are or will be available for transmission by 46 days before the election. The report shall be in a form prescribed by the Attorney General and shall require the State to certify specific information about ballot availability from each unit of local government which will administer the election.

“(2) PRE-ELECTION REPORT ON ABSENTEE BALLOTS TRANSMITTED.—Not later than 43 days before any election for Federal office held in a State, such State shall submit a report to the Attorney General and the Presidential Designee, and make that report publicly available that same day, certifying whether all absentee ballots validly requested by absent uniformed services voters and overseas voters whose requests were received by the 46th day before the election have been transmitted to such voters by such date. The report shall be in a form prescribed by the Attorney General and shall require the State to certify specific information about ballot transmission, including the total numbers of ballot requests received and

ballots transmitted, from each unit of local government which will administer the election.

“(3) POST ELECTION REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 90 days”.

(b) CONFORMING AMENDMENT.—The heading for subsection (c) of section 102 of such Act (42 U.S.C. 1973ff-1(c)) is amended by striking “REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED” and inserting “REPORTS ON ABSENTEE BALLOTS”.

**SEC. 1802. TRANSMISSION REQUIREMENTS; REPEAL OF WAIVER PROVISION.**

(a) IN GENERAL.—Paragraph (8) of section 102(a) of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1(a)) is amended to read as follows:

“(8) transmit a validly requested absentee ballot to an absent uniformed services voter or overseas voter by the date and in the manner determined under subsection (g);”.

(b) BALLOT TRANSMISSION REQUIREMENTS AND REPEAL OF WAIVER PROVISION.—Subsection (g) of section 102 of such Act (42 U.S.C. 1973ff-1(g)) is amended to read as follows:

“(g) BALLOT TRANSMISSION REQUIREMENTS.—

“(1) IN GENERAL.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received at least 46 days before an election for Federal office, the following rules shall apply:

“(A) IN GENERAL.—The State shall transmit the absentee ballot not later than 46 days before the election.

“(B) SPECIAL RULES IN CASE OF FAILURE TO TRANSMIT ON TIME.—

“(i) IN GENERAL.—If the State fails to transmit any absentee ballot by the 46th day before the election as required by subparagraph (A) and the absent uniformed services voter or overseas voter did not request electronic ballot submission pursuant to subsection (f), the State shall transmit such ballot by express delivery.

“(ii) EXTENDED FAILURE.—If the State fails to transmit any absentee ballot by the 41st day before the election, in addition to transmitting the ballot as provided in clause (i), the State shall—

“(I) in the case of absentee ballots requested by absent uniformed services voters with respect to regularly scheduled general elections, notify such voters of the procedures established under section 103A for the collection and delivery of marked absentee ballots; and

“(II) in any other case, provide, at the State’s expense, for the return of such ballot by express delivery.

“(iii) ENFORCEMENT.—A State’s compliance with this subparagraph does not bar the Attorney General from seeking additional remedies necessary to effectuate the purposes of this Act.

“(2) REQUESTS RECEIVED AFTER 46TH DAY BEFORE ELECTION.—For purposes of subsection (a)(8), in the case in which a valid request for an absentee ballot is received less than 46 days before an election for Federal office, the State shall transmit the absentee ballot—

“(A) in accordance with State law; and

“(B) if practicable and as determined appropriate by the State, in a manner that expedites the transmission of such absentee ballot.”.

**SEC. 1803. CLARIFICATION OF STATE RESPONSIBILITY, CIVIL PENALTIES, AND PRIVATE RIGHT OF ACTION.**

(a) **ENFORCEMENT.**—Section 105 (42 U.S.C. 1973ff-4) of the Uniformed and Overseas Citizens Absentee Voting Act is amended to read as follows:

**“SEC. 105. ENFORCEMENT.**

“(a) **IN GENERAL.**—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this title. In any such action, the only necessary party defendant is the State and it shall not be a defense to such action that local election officials are not also named as defendants.

“(b) **CIVIL PENALTY.**—In a civil action brought under subsection (a), if the court finds that a State violated any provision of this Act, it may, to vindicate the public interest, assess a civil penalty against the State—

“(1) in an amount not exceeding \$110,000, for a first violation; and

“(2) in an amount not exceeding \$220,000, for any subsequent violation.

“(c) **REPORT TO CONGRESS.**—Not later than December 31 of each year, the Attorney General shall submit to Congress an annual report on any civil action brought under subsection (a) during the preceding year.

“(d) **PRIVATE RIGHT OF ACTION.**—A person who is aggrieved by a State’s violation of this Act, may bring a civil action in an appropriate district court for such declaratory or injunctive relief as may be necessary to carry out this Act.

“(e) **ATTORNEY’S FEES.**—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney’s fees, including litigation expenses, and costs.”.

(b) **REPEAL OF CLARIFICATION REGARDING DELEGATION OF STATE RESPONSIBILITY.**—Section 576 of the Military and Overseas Voter Empowerment Act (42 U.S.C. 1973ff-1 note) is repealed.

**SEC. 1804. TREATMENT OF EARLY BALLOT REQUESTS.**

(a) **APPLICATION OF PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION TO OVERSEAS VOTERS.**—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(1) by inserting “or overseas voter” after “submitted by an absent uniformed services voter”; and

(2) by inserting “or who do not reside outside the United States” after “who are not members of the uniformed services”.

(b) **USE OF SINGLE APPLICATION FOR SUBSEQUENT ELECTIONS.**—

(1) **IN GENERAL.**—Section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3) is amended—

(A) by striking “A State” and inserting the following:

“(a) **PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION.**—A State”, and

(B) by adding at the end the following new subsections:

“(b) **APPLICATION TREATED AS VALID FOR SUBSEQUENT ELECTIONS.**—

“(1) **IN GENERAL.**—If a State accepts and processes a request for an absentee ballot by an absent uniformed services voter or overseas voter and the voter requests that the application be considered an application for an absentee ballot for each subsequent election for Federal office held in the State through the next regularly scheduled general

election for Federal office (including any runoff elections which may occur as a result of the outcome of such general election), the State shall provide an absentee ballot to the voter for each such subsequent election.

“(2) **EXCEPTION FOR VOTERS CHANGING REGISTRATION.**—Paragraph (1) shall not apply with respect to a voter registered to vote in a State for any election held after the voter notifies the State that the voter no longer wishes to be registered to vote in the State or after the State determines that the voter has registered to vote in another State.”.

(2) **CONFORMING AMENDMENT.**—The heading of section 104 of such Act is amended by striking “**PROHIBITION OF REFUSAL OF APPLICATIONS ON GROUNDS OF EARLY SUBMISSION**” and inserting “**TREATMENT OF EARLY BALLOT REQUESTS**”.

**SEC. 1805. APPLICABILITY TO COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.**

Paragraph (6) and (8) of section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-6(6)) are each amended by striking “and American Samoa” and inserting “American Samoa, and the Commonwealth of the Northern Mariana Islands”.

**SEC. 1806. RELATED CHANGES TO TITLE VI OF THE CIVIL RIGHTS ACT OF 1964—CLARIFICATION OF PROHIBITED DISCRIMINATION, PRIVATE RIGHT OF ACTION, AND AVAILABLE RELIEF.**

(a) **CLARIFICATION OF PROHIBITED DISCRIMINATION.**—Section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d) is amended—

(1) by striking “No” and inserting “(a) No”; and

(2) by adding at the end the following new subsection:

“(b)(1) Discrimination based on disparate impact with respect to a program or activity is established under this section only if—

“(A) a Federal department or agency, or any person aggrieved, demonstrates that an entity subject to this title has a policy or practice with respect to the program or activity that causes a disparate impact on the basis of race, color, or national origin; and

“(B)(i) the entity fails to demonstrate that the challenged policy or practice is related to, and necessary to achieve, the substantial and legitimate nondiscriminatory goals of the program or activity; or

“(ii) the Federal department or agency, or the person aggrieved, demonstrates that a less discriminatory alternative policy or practice exists, and the entity refuses to adopt such alternative policy or practice.

“(2) In this subsection, the term ‘demonstrates’ means meets the burdens of production and persuasion.”.

(b) **PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF.**—Section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1) is amended—

(1) by striking “Each” and inserting “(a) Each”; and

(2) by adding at the end the following new subsection:

“(b) Any person aggrieved by the failure of an entity to comply with section 601 may bring a civil action in any Federal or State court of competent jurisdiction to enforce such person’s rights and may recover equitable relief, reasonable attorney’s fees, and costs. The aggrieved person may also recover legal relief (including compensatory and, from nongovernmental entities, punitive damages) in the case of noncompliance that is intentional discrimination.

“(c) Nothing in subsection (b) limits the authority of a Federal department or agency to enforce section 601.”.

**SEC. 1807. RELATED CHANGES TO TITLE IX OF THE EDUCATION AMENDMENTS OF 1972—CLARIFICATION OF PROHIBITED DISCRIMINATION, PRIVATE RIGHT OF ACTION, AND AVAILABLE RELIEF.**

(a) **CLARIFICATION OF PROHIBITED DISCRIMINATION.**—Section 901 of the Education Amendments of 1972 (20 U.S.C. 1681) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

“(c)(1) Subject to the conditions described in paragraphs (1) through (9) of subsection (a), discrimination based on disparate impact with respect to a program or activity is established under this section only if—

“(A) a Federal department of agency, or any person aggrieved, demonstrates that an entity subject to this title has a policy or practice with respect to the program or activity that causes a disparate impact on the basis of sex; and

“(B)(i) the entity fails to demonstrate that the challenged policy or practice is related to, and necessary to achieve, the substantial and legitimate nondiscriminatory goals of the program or activity; or

“(ii) the Federal department or agency, or the person aggrieved, demonstrates that a less discriminatory alternative policy or practice exists, and the entity refuses to adopt such alternative policy or practice.

“(2) In this subsection, the term ‘demonstrates’ means meets the burdens of production and persuasion.”.

(b) **PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF.**—Section 902 of the Education Amendments of 1972 (20 U.S.C. 1682) is amended—

(1) in the section heading, by adding at the end the following: “; PRIVATE RIGHT OF ACTION AND AVAILABLE RELIEF”; and

(2) by striking “Each” and inserting “(a) Each”; and

(3) by adding at the end the following new subsection:

“(b) Any person aggrieved by the failure of an entity to comply with section 901 may bring a civil action in any Federal or State court of competent jurisdiction to enforce such person’s rights and may recover equitable relief, reasonable attorney’s fees, and costs. The aggrieved person may also recover legal relief (including compensatory and, from nongovernmental entities, punitive damages) in the case of noncompliance that is intentional discrimination.

“(c) Nothing in subsection (b) limits the authority of a Federal department or agency to enforce section 901.”.

**SA 3216.** Mr. BROWN of Ohio (for himself, Mr. REED, Mrs. MURRAY, Mr. AKAKA, Ms. MIKULSKI, Mr. COONS, Mr. ROCKEFELLER, Mr. FRANKEN, Mr. WHITEHOUSE, Mr. SANDERS, Mr. LEAHY, Mr. PRYOR, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:



# **TITLE XVIII—SERVICEMEMBERS CIVIL RELIEF ACT**

## **SEC. 1801. PROHIBITION ON DENIAL OF CREDIT BECAUSE OF ELIGIBILITY FOR PROTECTION.**

Section 108 of the Servicemembers Civil Relief Act (50 U.S.C. App. 518) is amended—

(1) by striking “Application by” and inserting “(a) APPLICATION OR RECEIPT.—Application by”; and

(2) by adding at the end the following new subsection:

“(b) ELIGIBILITY.—

“(1) IN GENERAL.—In addition to the protections under subsection (a), an individual who is entitled to any right or protection provided under this Act may not be denied or refused credit or be subject to any other action described under paragraphs (1) through (6) of subsection (a) solely by reason of such entitlement.

“(2) CONSTRUCTION.—Nothing in this subsection shall be construed to prohibit a lender from considering all relevant factors, other than the entitlement of an individual to a right or protection provided under this Act, in making a determination as to whether it is appropriate to extend credit.”.

## **SEC. 1802. MORTGAGE PROTECTION FOR CERTAIN DEPLOYED MEMBERS OF ARMED FORCES, DISABLED VETERANS, AND SURVIVING SPOUSES.**

(a) IN GENERAL.—Title III of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by inserting after section 303 the following new section:

### **“SEC. 303A. MORTGAGES AND TRUST DEEDS OF CERTAIN SERVICEMEMBERS, DISABLED VETERANS, AND SURVIVING SPOUSES.**

“(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property owned by a covered individual that—

“(1) originated at any time and for which the covered individual is still obligated; and

“(2) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

“(b) COVERED INDIVIDUALS.—For purposes of this section, a covered individual is any individual who—

“(1) is a servicemember who is or was eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, during a period of military service;

“(2) is a veteran who retired under chapter 61 of title 10, United States Code, and has a service-connected disability or disabilities (as defined in section 101 of title 38, United States Code) rated by the Secretary of Veterans Affairs as total for purposes of compensation under chapter 11 of title 38, United States Code; or

“(3) is a surviving spouse of a servicemember who died while in military service if such spouse is the successor in interest to property covered under subsection (a).

“(c) STAY OF PROCEEDINGS.—

“(1) IN GENERAL.—In an action pending during a covered period to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a covered individual, including notice to the court in accordance with paragraphs (2) and (4) of subsection (f), stay the proceedings until the end of the covered period.

“(2) OBLIGATION TO STOP PROCEEDINGS.—Upon receipt of notice provided under subsection (f)(1), a mortgagee, trustee, or other creditor seeking to foreclose on real property secured by an obligation described in subsection (a) using any judicial or non-

judicial proceedings shall immediately stop any such proceeding until the end of the covered period.

“(d) COVERED PERIOD.—For purposes of this section, a covered period—

“(1) with respect to a servicemember who is or was eligible for hostile fire or imminent danger special pay under section 310 of title 37, United States Code, during a period of military service, is the period beginning on the first day on which the servicemember is or was eligible for such special pay during such period of military service and ending on the date that is one year after the last day of such period of military service;

“(2) with respect to a veteran described in subsection (b)(2), is the period beginning on the date of the veteran's retirement under chapter 61 of title 10, United States Code, and ending on the date that is one year after the date of such retirement; and

“(3) with respect to a surviving spouse of a servicemember as described in subsection (b)(3), is the one-year period beginning on the date on which the spouse receives notice of the death of the servicemember.

“(e) SALE OR FORECLOSURE.—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid during a covered period except if made pursuant to an agreement as provided in section 107.

“(f) NOTICE REQUIRED.—

“(1) IN GENERAL.—To be covered under this section, a covered individual shall provide to the mortgagee, trustee, or other creditor written notice that such individual is so covered.

“(2) TIME.—Notice provided under paragraph (1) shall be provided—

“(A) with respect to a servicemember who is or was eligible for hostile fire or imminent danger special pay described in subsection (b)(1), anytime during the covered period described in subsection (d)(1);

“(B) with respect to a veteran described in subsection (b)(2), anytime during the covered period described in subsection (d)(2); and

“(C) with respect to a surviving spouse described in subsection (b)(3), anytime during the covered period described in subsection (d)(3).

“(3) ADDRESS.—Notice provided under paragraph (1) shall be provided via e-mail, facsimile, standard post, or express mail to facsimile numbers and addresses, as the case may be, designated by the servicer of the mortgage.

“(4) MANNER.—Notice provided under paragraph (1) shall be provided in writing by using a form designed under paragraph (5) or submitting a copy of a Department of Defense or Department of Veterans Affairs document evidencing the hostile fire or imminent danger special pay, the service-related total disability, or the military service-related death of a spouse while in military service.

“(5) OFFICIAL FORMS.—The Secretary of Defense shall design and distribute an official Department of Defense form that can be used by an individual to give notice under paragraph (1).

“(g) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (e), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 303 the following new item:

“Sec. 303A. Mortgages and trust deeds of certain servicemembers, disabled veterans, and surviving spouses.”.

(c) CONFORMING AMENDMENT.—Section 107(d) of such Act (50 U.S.C. App. 517) is amended to read as follows:

“(d) COVERAGE PERIODS.—For purposes of this section—

“(1) in the case of a person to whom section 106 applies—

“(A) such person shall be considered to be a servicemember; and

“(B) the period with respect to such a person specified in subsection (a) or (b), as the case may be, of section 106 shall be considered to be a period of military service; and

“(2) in the case of a covered individual described in subsection (b) of section 303A—

“(A) such individual shall be considered to be a servicemember; and

“(B) the covered period with respect to such individual specified in section 303A(d) shall be considered to be a period of military service.”.

## **SEC. 1803. EXPANSION OF PROTECTION FOR TERMINATION OF RESIDENTIAL LEASES.**

(1) IN GENERAL.—Section 305 of the Servicemembers Civil Relief Act (50 U.S.C. App. 535) is amended—

(A) in subsection (a)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(C) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, the date the lessee is assigned to or otherwise relocates to quarters or a housing facility as described in such subparagraph.”; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by striking “or” at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(iii) by adding at the end the following new subparagraph:

“(C) the lease is executed by or on behalf of a servicemember who thereafter and during the term of the lease is assigned to or otherwise relocates to quarters of the United States or a housing facility under the jurisdiction of a uniformed service (as defined in section 101 of title 10, United States Code), including housing provided under the Military Housing Privatization Initiative under subchapter IV of chapter 169 of title 10, United States Code.”.

(2) MANNER OF TERMINATION.—Subsection (c)(1) of such section is amended—

(A) in subparagraph (A)—

(i) by inserting “in the case of a lease described in subsection (b)(1) and subparagraph (A) or (B) of such subsection,” before “by delivery”; and

(ii) by striking “and” at the end;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph (B):

“(B) in the case of a lease described in subsection (b)(1) and subparagraph (C) of such subsection, by delivery by the lessee of written notice of such termination, and a letter from the servicemember's commanding officer or other competent authority indicating that the servicemember has been assigned to or is otherwise relocating to quarters or housing described in such subparagraph, to the lessor (or the lessor's grantee), or to the lessor's agent (or the agent's grantee); and”.



**SEC. 1804. MODIFICATION OF PLAINTIFF AFFIDAVIT FILING REQUIREMENT FOR DEFAULT JUDGMENTS AGAINST SERVICEMEMBERS.**

Paragraph (1) of section 201(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 521(b)) is amended to read as follows:

“(1) PLAINTIFF TO FILE AFFIDAVIT.—

“(A) IN GENERAL.—In any action or proceeding covered by this section, the plaintiff, before seeking a default judgment, shall file with the court an affidavit—

“(i) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

“(ii) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

“(B) DUE DILIGENCE.—Before filing the affidavit, the plaintiff shall conduct a diligent and reasonable investigation to determine whether or not the defendant is in military service, including a search of available records of the Department of Defense and any other information reasonably available to the plaintiff. The affidavit shall set forth all steps taken to determine the defendant's military status.”

**SEC. 1805. INCREASE IN CIVIL PENALTIES.**

(a) IN GENERAL.—Section 801(b)(3) of the Servicemembers Civil Relief Act (50 U.S.C. App. 597(b)(3)) is amended—

(1) in subparagraph (A), by striking “\$55,000” and inserting “\$110,000”; and

(2) in subparagraph (B), by striking “\$110,000” and inserting “\$220,000”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) that occur on or after such date.

**SEC. 1806. CLARIFICATION REGARDING APPLICATION OF ENFORCEMENT AUTHORITY OF ATTORNEY GENERAL AND PRIVATE RIGHT OF ACTION.**

Sections 801 and 802 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597 and 597a) shall apply as if such sections were included in the enactment of the Soldiers' and Sailors' Civil Relief Act of 1940 (54 Stat. 1178, chapter 888) and included in the restatement of such Act in Public Law 108-189.

**SEC. 1807. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.**

(a) IN GENERAL.—Section 801 of the Servicemembers Civil Relief Act (50 U.S.C. App. 597) is amended by adding at the end the following:

“(d) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—

“(1) IN GENERAL.—Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this Act, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

“(A) the production of such documentary material for inspection and copying;

“(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

“(C) the production of any combination of such documentary material or answers.

“(2) FALSE CLAIMS.—The provisions of section 3733 of title 31, United States Code, governing the authority to issue, use, and en-

force civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

“(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this Act;

“(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

“(C) the definitions relating to ‘false claims law’ shall not apply; and

“(D) provisions relating to *qui tam* relations shall not apply.

“(3) ANNUAL REPORT.—

“(A) IN GENERAL.—Not later than one year after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013 and not less frequently than once each year thereafter, the Attorney General shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the issuance of civil investigative demands under this subsection during the previous one-year period.

“(B) ELEMENTS.—Each report submitted under subparagraph (A) shall include the following for the year covered by the report:

“(i) The number of times that a civil investigative demand was issued under this subsection.

“(ii) For each civil investigative demand issued under this subsection with respect to an investigation, whether such investigation resulted in a settlement or conviction.”

(b) EFFECTIVE DATE.—Subsection (d) of such section, as added by subsection (a), shall take effect on the date of the enactment of this Act and shall apply with respect to violations of the Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) alleged to have occurred on or after such date.

**SEC. 1808. DEFINITION OF MILITARY ORDERS AND CONTINENTAL UNITED STATES.**

(a) TRANSFER OF DEFINITION.—The Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) is amended by transferring paragraphs (1) and (2) of section 305(i) (50 U.S.C. App. 535(i)) to the end of section 101 (50 U.S.C. App. 511) and redesignating those paragraphs as paragraphs (10) and (11).

(b) CONFORMING AMENDMENTS.—Such Act is further amended—

(1) in section 305 (50 U.S.C. App. 535), as amended by subsection (a), by striking subsection (i); and

(2) in section 705 (50 U.S.C. App. 595) by striking “or naval” both places it appears.

**TITLE XIX—EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF THE UNIFORMED SERVICES**

**SEC. 1901. ENFORCEMENT OF RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO STATES AND PRIVATE EMPLOYERS.**

(a) ACTION FOR RELIEF.—Subsection (a) of section 4323 of title 38, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “appear on behalf of, and act as attorney for, the person on whose behalf the complaint is submitted and”; and

(B) by striking “for such person”;

(C) by striking the fourth sentence; and

(D) by adding at the end the following: “The person on whose behalf the complaint is referred may, upon timely application, intervene in such action, and may obtain such appropriate relief as is provided in subsections (d) and (e).”;

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2)(A) Not later than 60 days after the date the Attorney General receives a referral under paragraph (1), the Attorney General shall transmit, in writing, to the person on whose behalf the complaint is submitted—

“(i) if the Attorney General has made a decision to commence an action for relief under paragraph (1) relating to the complaint of the person, notice of the decision; and

“(ii) if the Attorney General has not made such a decision, notice of when the Attorney General expects to make such a decision.

“(B) If the Attorney General notifies a person that the Attorney General expects to make a decision under subparagraph (A)(ii), the Attorney General shall, not later than 30 days after the date on which the Attorney General makes such decision, notify, in writing, the person of such decision.”;

(3) by redesignating paragraph (3) as paragraph (4);

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) Whenever the Attorney General has reasonable cause to believe that a State (as an employer) or a private employer is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights and benefits provided for under this chapter, and that the pattern or practice is of such a nature and is intended to deny the full exercise of such rights and benefits, the Attorney General may commence an action for relief under this chapter.”; and

(5) in paragraph (4), as redesignated by paragraph (3), by striking subparagraph (C) and inserting the following new subparagraph (C):

“(C) has been notified by the Attorney General that the Attorney General does not intend to commence an action for relief under paragraph (1) with respect to the complaint under such paragraph.”.

(b) STANDING.—Subsection (f) of such section is amended to read as follows:

“(f) STANDING.—An action under this chapter may be initiated only by the Attorney General or by a person claiming rights or benefits under this chapter under subsection (a).”.

(c) CONFORMING AMENDMENT.—Subsection (h)(2) of such section is amended by striking “under subsection (a)(2)” and inserting “under paragraph (1) or (4) of subsection (a)”.

**SEC. 1902. UNENFORCEABILITY OF AGREEMENTS TO ARBITRATE DISPUTES ARISING UNDER CHAPTER 43 OF TITLE 38, UNITED STATES CODE.**

(a) IN GENERAL.—Subchapter III of chapter 43 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 4328. Unenforceability of agreements to arbitrate disputes**

“(a) PROTECTION OF EMPLOYEE RIGHTS.—Notwithstanding any other provision of law, any provision of any agreement between an employer and an employee that requires arbitration of a dispute arising under this chapter shall not be enforceable.

“(b) EXCEPTION.—Subsection (a) shall not apply with respect to any dispute if, after such dispute arises, the parties involved knowingly and voluntarily agree to submit such dispute to arbitration.

“(c) VALIDITY AND ENFORCEMENT.—Any issue as to whether this section applies to an arbitration clause shall be determined by Federal law. Except as otherwise provided in chapter 1 of title 9, the validity or enforceability of an agreement to arbitrate referred to in subsection (a) or (b) shall be determined by a court, rather than the arbitrator,

regardless of whether the party resisting arbitration challenges the agreement to arbitrate specifically or in conjunction with other terms of the agreement.

“(d) APPLICATION.—This section shall apply with respect to all contracts and agreements between an employer and an employee in force before, on, or after the date of the enactment of this section.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 4327 the following new item:

“4328. Unenforceability of agreements to arbitrate disputes.”.

(c) APPLICATION.—The provisions of section 4328 of title 38, United States Code, as added by subsection (a), shall apply to—

(1) any failure to comply with a provision of or any violation of chapter 43 of title 38, United States Code, that occurs before, on, or after the date of the enactment of this Act; and

(2) all actions or complaints filed under such chapter 43 that are pending on or after the date of the enactment of this Act.

**SEC. 1903. SUSPENSION, TERMINATION, OR DEBARMENT OF CONTRACTORS FOR REPEATED VIOLATIONS OF EMPLOYMENT OR REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES.**

(a) IN GENERAL.—Subchapter III of chapter 43 of title 38, United States Code, as amended by section 1902, is further amended by adding at the end the following new section:

**“§ 4329. Suspension, termination, or debarment of contractors**

“(a) GROUNDS FOR SUSPENSION, TERMINATION, OR DEBARMENT.—Payment under a contract awarded by a Federal executive agency may be suspended and the contract may be terminated, and the contractor who made the contract with the agency may be suspended or debarred in accordance with the requirements of this section, if the head of the agency determines that the contractor as an employer has repeatedly been convicted of failing or refusing to comply with one or more provisions of this chapter.

“(b) EFFECT OF DEBARMENT.—A contractor debarred by a final decision under this section is ineligible for award of a contract by a Federal executive agency, and for participation in a future procurement by a Federal executive agency, for a period specified in the decision, not to exceed 5 years.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 43 of such title, as amended by section 1902, is further amended by inserting after the item relating to section 4328, as added by section 1902, the following new item:

“4329. Suspension, termination, or debarment of contractor.”.

(c) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to carry out section 4329 of title 38, United States Code, as added by subsection (a).

(d) EFFECTIVE DATE.—Section 4329 of title 38, United States Code, as added by subsection (a), shall apply with respect to failures and refusals to comply with provisions of chapter 43 of such title occurring on or after the date of the enactment of this Act.

(e) ANNUAL REPORT.—Section 4332(a) of such title is amended—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

“(10) The number of suspensions, terminations, and debarments under section 4329 of this title, disaggregated by the agency or department imposing the suspension or debarment.”.

**SEC. 1904. SUBPOENA POWER FOR SPECIAL COUNSEL IN ENFORCEMENT OF EMPLOYMENT AND REEMPLOYMENT RIGHTS OF MEMBERS OF UNIFORMED SERVICES WITH RESPECT TO FEDERAL EXECUTIVE AGENCIES.**

Section 4324 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e)(1) In order to carry out the Special Counsel’s responsibilities under this section, the Special Counsel may require by subpoena the attendance and testimony of Federal employees and the production of documents from Federal employees and Federal executive agencies.

“(2) In the case of contumacy or failure to obey a subpoena issued under paragraph (1), upon application by the Special Counsel, the Merit Systems Protection Board may issue an order requiring a Federal employee or Federal executive agency to comply with a subpoena of the Special Counsel.

“(3) An order issued under paragraph (2) may be enforced by the Merit Systems Protection Board in the same manner as any order issued under section 1204 of title 5.”.

**SEC. 1905. ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS BY ATTORNEY GENERAL.**

(a) IN GENERAL.—Section 4323 of title 38, United States Code, is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following new subsection (i):

“(i) ISSUANCE AND SERVICE OF CIVIL INVESTIGATIVE DEMANDS.—(1) Whenever the Attorney General has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation under this subchapter, the Attorney General may, before commencing a civil action under subsection (a), issue in writing and serve upon such person, a civil investigative demand requiring—

“(A) the production of such documentary material for inspection and copying;

“(B) that the custodian of such documentary material answer in writing written questions with respect to such documentary material; or

“(C) the production of any combination of such documentary material or answers.

“(2) The provisions of section 3733 of title 31 governing the authority to issue, use, and enforce civil investigative demands shall apply with respect to the authority to issue, use, and enforce civil investigative demands under this section, except that, for purposes of applying such section 3733—

“(A) references to false claims law investigators or investigations shall be considered references to investigators or investigations under this subchapter;

“(B) references to interrogatories shall be considered references to written questions, and answers to such need not be under oath;

“(C) the definitions relating to ‘false claims law’ shall not apply; and

“(D) provisions relating to qui tam relators shall not apply.”.

(b) EFFECTIVE DATE.—Subsection (i) of such section, as added by subsection (a)(2), shall take effect on the date of the enactment of this Act and shall apply with respect to violations of chapter 43 of such title alleged to have occurred on or after such date.

(c) ANNUAL REPORTS.—Section 4332(b)(2) of such title is amended—

(1) by striking “Not later than” and inserting the following:

“(A) IN GENERAL.—Not later than”; and

(2) by adding at the end the following new subparagraph:

“(B) ANNUAL SUPPLEMENT ON CIVIL INVESTIGATIVE DEMANDS.—

“(i) IN GENERAL.—The Attorney General shall include with each report submitted under subparagraph (A) for the last quarter of each fiscal year a report on the issuance of civil investigative demands under section 4323(i) of this title during the most recently completed fiscal year.

“(ii) ELEMENTS.—Each report submitted under clause (i) shall include the following for the fiscal year covered by the report:

“(I) The number of times that a civil investigative demand was issued under section 4323(i) of this title.

“(II) For each civil investigative demand issued under such section with respect to an investigation, whether such investigation resulted in a settlement, order, or judgment.”.

**SEC. 1906. ADMINISTRATIVE AND JUDICIAL REDRESS AND REMEDIES FOR PREFERENCE ELIGIBLES UNDER TITLE 5, UNITED STATES CODE.**

Section 3330a of title 5, United States Code, is amended by adding at the end the following:

“(f) For purposes of this section and sections 3330b and 3330c, the Federal Aviation Administration and the Transportation Security Administration are agencies. This section and sections 3330b and 3330c shall apply to any individual who is a preference eligible with respect to the Federal Aviation Administration and the Transportation Security Administration.”.

**SA 3217.** Ms. MIKULSKI (for herself, Mr. CARDIN, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. PROHIBITION ON RELOCATION OF ELECTRONIC ATTACK CAPABILITIES FROM JOINT BASE ANDREWS, MARYLAND.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2013 for the Navy may be used to divest, retire, or transfer, or prepare to divest, retire, or transfer, any electronic attack squadron assigned to the Navy Reserve.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the impacts of relocating Electronic Attack capabilities from Joint Base Andrews, Maryland, including a financial analysis of such a relocation and an assessment of the security impacts on the National Capital Region of such a relocation.

**SA 3218.** Ms. SNOWE (for herself, Ms. LANDRIEU, Mrs. GILLIBRAND, Ms. MIKULSKI, and Mr. KIRK) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VIII, add the following:

**SEC. 847. CONTRACTING WITH SMALL BUSINESS CONCERNS OWNED AND CONTROLLED BY WOMEN.**

(a) PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.—Section 8(m)(2) of the Small Business Act (15 U.S.C. 637(m)(2)) is amended—

(1) in subparagraph (A), by striking “who are economically disadvantaged”;

(2) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(3) by striking subparagraph (D); and

(4) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively.

(b) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(o) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

“(1) STUDY.—The Administrator shall periodically conduct a study to identify industries, as defined under the North American Industry Classification System, underrepresented by small business concerns owned and controlled by women.

“(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

**SA 3219.** Mr. BURR (for himself and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page \_\_, between lines \_\_ and \_\_, insert the following:

**SEC. \_\_\_\_\_. VIETNAM VETERANS DAY.**

(a) FINDINGS.—Congress finds that—

(1) the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975, and involved North Vietnamese regular forces and Viet Cong guerrilla forces in armed conflict with United States Armed Forces, allies of the United States, and the armed forces of the Republic of Vietnam;

(2) the United States Armed Forces became involved in Vietnam because the United States Government wanted to provide direct military support to the Government of South Vietnam to defend itself against the growing Communist threat from North Vietnam;

(3) members of the United States Armed Forces began serving in an advisory role to the Government of the Republic of South Vietnam in 1950;

(4) as a result of the Gulf of Tonkin incidents on August 2 and 4, 1964, Congress overwhelmingly passed the Gulf of Tonkin Resolution (Public Law 88-408), on August 7, 1964, which provided the authority to the President of the United States to prosecute the war against North Vietnam;

(5) in 1965, United States Armed Forces ground combat units arrived in Vietnam;

(6) by September 1965, there were over 129,000 United States troops in Vietnam, and by 1969, a peak of approximately 543,000 troops was reached;

(7) on January 27, 1973, the Agreement Ending the War and Restoring Peace in Vietnam (commonly known as the “Paris Peace Accords”) was signed, which required the release of all United States prisoners-of-war held in North Vietnam and the withdrawal of all United States Armed Forces from South Vietnam;

(8) on March 29, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam;

(9) on April 30, 1975, North Vietnamese regular forces captured Saigon, the capitol of South Vietnam, effectively placing South Vietnam under Communist control;

(10) more than 58,000 members of the United States Armed Forces lost their lives in Vietnam and more than 300,000 members of the Armed Forces were wounded;

(11) in 1982, the Vietnam Veterans Memorial was dedicated in the District of Columbia to commemorate those members of the United States Armed Forces who died or were declared missing-in-action in Vietnam;

(12) the Vietnam War was an extremely divisive issue among the people of the United States and a conflict that caused a generation of veterans to wait too long for the United States public to acknowledge and honor the efforts and services of such veterans;

(13) members of the United States Armed Forces who served bravely and faithfully for the United States during the Vietnam War were often wrongly criticized for the policy decisions made by 4 presidential administrations in the United States;

(14) the establishment of a “Vietnam Veterans Day” would be an appropriate way to honor those members of the United States Armed Forces who served in South Vietnam and throughout Southeast Asia during the Vietnam War;

(15) March 29 would be an appropriate day to establish as “Vietnam Veterans Day”; and

(16) President Obama designated March 29, 2012, as Vietnam Veterans Day under Presidential Proclamation 8789 (77 Fed. Reg. 20275).

(b) VIETNAM VETERANS DAY.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

**“§ 145. Vietnam Veterans Day**

“The President may issue each year a proclamation—

“(1) designating March 29 as Vietnam Veterans Day;

“(2) honoring and recognizing the contributions of veterans who served in the United States Armed Forces in Vietnam during war and during peace;

“(3) encouraging States and local governments to establish a Vietnam Veterans Day; and

“(4) encouraging the people of the United States to observe Vietnam Veterans Day with appropriate ceremonies and activities that—

“(A) provide the appreciation veterans of the Vietnam War deserve, but did not receive upon returning home from the war;

“(B) demonstrate the resolve that never again shall the people of the United States disregard and denigrate a generation of veterans;

“(C) promote awareness of the faithful service and contributions of the veterans of the Vietnam War during military service as well as to the communities of the veterans since returning home;

“(D) promote awareness of the importance of entire communities empowering veterans and the families of veterans in helping the veterans readjust to civilian life after military service; and

“(E) promote opportunities for veterans of the Vietnam War to assist younger veterans returning from the wars in Iraq and Afghanistan in rehabilitation from wounds, both seen and unseen, and to support the reintegration of younger veterans into civilian life.”.

(c) CONFORMING AMENDMENT.—The table of sections for chapter 1 of title 36, United States Code, is amended by adding at the end the following:

“145. Vietnam Veterans Day.”.

**SA 3220.** Mr. WICKER (for himself, Mr. LIEBERMAN, and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. SENSE OF CONGRESS ON THE ISRAELI IRON DOME DEFENSIVE WEAPON SYSTEM.**

(a) FINDINGS.—Congress makes the following findings:

(1) The citizens of Israel have suffered under a continual barrage of missiles, rockets, and mortar shells from the Hamas-controlled Gaza Strip.

(2) Hamas has been designated by the Secretary of State as a Foreign Terrorist Organization.

(3) Hamas and other terrorist groups in Gaza have routinely used human shields and launched rockets from civilian areas.

(4) Israel has gone to extraordinary lengths to avoid Palestinian civilian casualties, including aborting attacks on military targets because of the presence of civilians, alerting civilians to leave areas of potential conflict, and allowing the importation of medical and other supplies into Gaza.

(5) Israel faces additional rocket and missile threats from Lebanon and Syria.

(6) The Government of Iran has supplied Hamas with advanced longer range missiles such as the Fajar-5.

(7) Hamas has deployed these weapons to be fired from within their own civilian population.

(8) The Government of Israel, taking seriously the threat of short range rockets and mortars, designed, developed, and produced the Iron Dome system to address those threats.

(9) The Iron Dome system has successfully intercepted hundreds of rockets targeting population centers in Israel.

(10) The Iron Dome system has maintained a success rate of close to 90 percent.

(11) The Government of Israel currently maintains 5 Iron Dome batteries, a number insufficient to protect all of Israel.

(12) It appears that approximately 10 additional Iron Dome batteries are needed to protect all of Israel.

(13) The United States Government, recognizing the threat to Israeli citizens and desirous of promoting peace, approved funding to assist the Government of Israel in procuring Iron Dome batteries.

(14) Israel maintains a significant inventory of Iron Dome interceptors which has been reduced due to attacks from Gaza.

(15) Israel used a significant number of precision-guided munitions in order to destroy military targets while minimizing civilian casualties in its recent defensive effort in Gaza.

(16) President Barack Obama has expressed his intention to seek additional funding for Iron Dome and other United States-Israel missile defense systems.

(b) SENSE OF CONGRESS.—Congress—

(1) reaffirms its commitment to the security of our ally and strategic partner, Israel;

(2) fully supports Israel's right to defend itself against acts of terrorism;

(3) sympathizes with the families of Israelis who have come under the indiscriminate rocket fire from Hamas-controlled Gaza;

(4) recognizes the exceptional success of the Iron Dome Missile Defense system in defending the population of Israel;

(5) desires to help ensure that Israel has the means to defend itself against terrorist attacks, including through the acquisition of additional Iron Dome batteries and interceptors; and

(6) urges the Departments of Defense and State to explore with their Israeli counterparts and alert Congress of any needs the Israeli Defense Force may have for additional Iron Dome batteries, interceptors, or other equipment depleted during the current conflict.

**SA 3221.** Mr. BOOZMAN (for himself, Mr. RUBIO, Mr. PRYOR, Mrs. GILLIBRAND, Mr. BEGICH, and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. OFF-BASE TRANSITION TRAINING FOR VETERANS AND SPOUSES OF VETERANS.**

(a) PROVISION OF OFF-BASE TRANSITION TRAINING.—During the three-year period beginning on the date of the enactment of this Act, the Secretary of Labor shall provide the Transition Assistance Program under section 1144 of title 10, United States Code, to eligible individuals at locations other than military installations in not less than three and not more than five States selected by the Secretary.

(b) SELECTION OF LOCATIONS.—In selecting States in which to carry out the training under subsection (a), the Secretary shall select the States with the highest rates of vet-

eran unemployment. The Secretary shall provide such training to veterans at a sufficient number of locations within the selected States to meet the need. The Secretary shall select such locations to facilitate access by participants and may not select any location on a military installation other than a National Guard or reserve facility that is not located on an active duty military installation.

(c) ELIGIBLE INDIVIDUALS.—For purposes of this section, an eligible individual is a veteran or the spouse of a veteran.

(d) INCLUSION OF INFORMATION ABOUT VETERANS BENEFITS.—The Secretary shall ensure that the training provided under subsection (a) generally follows the content of the Transition Assistance Program under section 1144 of title 10, United States Code.

(e) INTEGRATING SUBJECT MATTER EXPERTS.—The Secretary of Labor shall include in any contract entered into pursuant to section 1144 of title 10, United States Code, or section 4113 of title 38, United States Code, a requirement to include experts in subject matters relating to human resources practices, including resume writing, interviewing and job searching skills, and the provision of information about post-secondary education.

(f) ANNUAL REPORT.—Not later than March 1 of any year during which the Secretary provides training under subsection (a), the Secretary shall submit to Congress a report on the provision of such training.

(g) COMPTROLLER GENERAL REPORT.—Not later than 180 days after the termination of the three-year period described in subsection (a), the Comptroller General of the United States shall submit to Congress a report on the training provided under such subsection. The report shall include the evaluation of the Comptroller General regarding the feasibility of carrying out off-base transition training at locations nationwide.

**SA 3222.** Mr. JOHANNIS submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title IX, add the following:

**SEC. 935. SENSE OF CONGRESS ON THE UNITED STATES CYBER COMMAND.**

(a) FINDINGS.—Congress makes the following findings:

(1) On June 23, 2009, the Secretary of Defense directed the Commander of the United States Strategic Command to establish the United States Cyber Command, which became operational on May 21, 2010, and operates as a sub-unified command subordinate to the United States Strategic Command.

(2) In May 2012, media reports indicated that General Martin Dempsey, the Chairman of the Joint Chiefs of Staff, planned to recommend to Secretary of Defense Leon Panetta that the two-year-old United States Cyber Command be elevated to full combatant command status.

(3) On August 14, 2012, General Keith Alexander, the Commander of the United States Cyber Command and the Director of the National Security Agency, addressed the TechNet Land Forces conference and stated that “[i]n 2007 we drafted . . . a paper . . . about establishing a Cyber Command . . .

[which concluded that] . . . the most logical is to set it up as a sub unified and grow it to a unified, and I think that's the process that we're going to work our way through”.

(4) On October 11, 2012, Secretary of Defense Leon Panetta discussed cybersecurity in a speech to the Business Executives for National Security in New York, New York, specifically calling for a strengthening of the United States Cyber Command and stating that the Department of Defense “must ensure that [the United States Cyber Command] has the resources, that it has the authorities, that it has the capabilities required to perform this growing mission. And it must also be able to react quickly to events unfolding in cyberspace and help fully integrate cyber into all of the department's plans and activities.”.

(b) SENSE OF CONGRESS.—Congress—

(1) recognizes the serious cyber threat to national security and the need to work both offensively and defensively to protect the Nation's networks and critical infrastructure;

(2) acknowledges the importance of the unified command structure of the Department in directing military operations in cyberspace and recognizes that a change in the status of the United States Cyber Command has Department-wide and national security implications, which require careful consideration;

(3) expects to be briefed and consulted about any proposal to elevate the United States Cyber Command to a unified command before a decision by the Secretary make such a proposal to the President and to receive, at a minimum—

(A) a clear statement of mission and related legal definitions;

(B) an outline of the specific national security benefits of elevating the sub-unified United States Cyber Command to a unified command;

(C) an estimate of the cost of creating a unified United States Cyber Command and a justification of the expenditure; and

(D) if the Secretary considers it advisable to continue the designation of the Commander of the United States Cyber Command as also being the Director of the National Security Agency—

(i) an explanation of how a single individual could serve as a commander of a combatant command that conducts overt, albeit clandestine, cyber operations under title 10, United States Code, as well as the director of an intelligence agency that conducts covert cyber operations under the National Security Act of 1947 (50 U.S.C. 401 et seq.) in a manner that affords deniability to the United States; and

(ii) a statement of whether the Secretary believes it is appropriate either to appoint a line officer as the Director of the National Security Agency or to take the unprecedented step of appointing an intelligence officer as a unified commander; and

(4) believes that appropriate policy foundations and standing rules of engagement must be in place before any decision to create a unified United States Cyber Command.

**SA 3223.** Mr. DURBIN (for himself, Mr. ENZI, Mr. ALEXANDER, Mr. WHITEHOUSE, Mr. JOHNSON of South Dakota, Mr. PRYOR, Mr. BOOZMAN, Mr. BLUNT, Mr. AKAKA, Mr. CARDIN, Mr. REED, Mr. ROCKEFELLER, Ms. LANDRIEU, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations

for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title X, add the following:

**Subtitle —Marketplace Fairness**

**SEC. 1. SHORT TITLE.**

This subtitle may be cited as the “Marketplace Fairness Act”.

**SEC. 2. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) States should have the ability to enforce their existing sales and use tax laws and to treat similar sales transactions equally, without regard to the manner in which the sale is transacted,

(2) States should have the right to collect—or decide not to collect—taxes that are already owed under State law, and

(3) States should simplify their sales and use tax systems to ease burdens on remote sellers.

**SEC. 3. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.**

(a) **STREAMLINED SALES AND USE TAX AGREEMENT.**—Each Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for a small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that Member State pursuant to the provisions of the Streamlined Sales and Use Tax Agreement. Such authority shall commence beginning on the date that the State publishes notice of the State’s intent to exercise the authority under this subtitle, but no earlier than the first day of the calendar quarter that is at least 90 days after the date of the enactment of this Act.

(b) **ALTERNATIVE.**—

(1) **IN GENERAL.**—A State that is not a Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for the small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that State, but only if the State adopts and implements minimum simplification requirements. Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 6 months after the date that the State enacts legislation to exercise the authority granted by this subtitle and to implement each of the following minimum simplification requirements:

(A) Provide—

(i) a single entity within the State responsible for all State and local sales and use tax administration, including return processing and audits for remote sales sourced to the State,

(ii) a single audit of remote sellers for all State and local taxing jurisdictions within that State, and

(iii) a single sales and use tax return to be used by remote sellers and single and consolidated providers and to be filed with the single entity within the State.

(B) Provide a uniform sales and use tax base among the State and the local taxing jurisdictions within the State.

(C) Source all interstate sales in compliance with the sourcing regime set forth in section 6(8).

(D) Provide—

(i) adequate software and services to remote sellers and single and consolidated pro-

viders that identifies the applicable destination rate, including the State and local sales tax rate (if any), to be applied on sales sourced to the State, and

(ii) certification procedures for both single providers and consolidated providers to make software and services available to remote sellers, and hold such providers harmless for any errors or omissions as a result of relying on information provided by the State.

(E) Relieve remote sellers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of an error or omission made by a single or consolidated provider.

(F) Relieve single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of misleading or inaccurate information provided by a seller.

(G) Relieve remote sellers and single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of information provided by the State or locality.

(H) Provide remote sellers and single and consolidated providers with 30 days notice of a rate change by the State or any locality in the State.

(2) **TREATMENT OF LOCAL RATE CHANGES.**—For purposes of this subsection, local rate changes may only be effective on the first day of a calendar quarter. Failure to provide notice under paragraph (1)(H) shall require the State and locality to hold the remote seller or single or consolidated provider harmless for collecting tax at the immediately preceding effective rate during the 30-day period. Each State must provide updated rate information as part of the software and services required by paragraph (1)(D).

(c) **SMALL SELLER EXCEPTION.**—A State shall be authorized to require a remote seller, or a single or consolidated provider acting on behalf of a remote seller, to collect sales or use tax under this subtitle if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding \$500,000. For purposes of determining whether the threshold in this subsection is met, the sales of all persons related within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986 shall be aggregated.

**SEC. 4. TERMINATION OF AUTHORITY.**

The authority granted to a State by this subtitle shall terminate on the date that the highest court of competent jurisdiction makes a final determination that the State no longer meets the requirements of this subtitle, and the determination of such court is no longer subject to appeal.

**SEC. 5. LIMITATIONS.**

(a) **IN GENERAL.**—Nothing in this subtitle shall be construed as—

(1) subjecting a seller or any other person to franchise, income, or any other type of taxes, other than sales and use taxes,

(2) affecting the application of such taxes, or

(3) enlarging or reducing State authority to impose such taxes.

(b) **NO EFFECT ON NEXUS.**—No obligation imposed by virtue of the authority granted by this subtitle shall be considered in determining whether a seller or any other person

has a nexus with any State for any purpose other than sales and use taxes.

(c) **LICENSING AND REGULATORY REQUIREMENTS.**—Other than the limitation set forth in subsection (a), and section 3, nothing in this subtitle shall be construed as permitting or prohibiting a State from—

(1) licensing or regulating any person,

(2) requiring any person to qualify to transact intrastate business,

(3) subjecting any person to State taxes not related to the sale of goods or services, or

(4) exercising authority over matters of interstate commerce.

(d) **NO NEW TAXES.**—Nothing in this subtitle shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

(e) **NO EFFECT ON MOBILE TELECOMMUNICATIONS SOURCING ACT.**—Nothing in this subtitle shall be construed as altering in any manner or preempting the Mobile Telecommunications Sourcing Act (4 U.S.C. 116-126).

(f) **INTRASTATE SALES.**—The provisions of this subtitle shall only apply to remote sales and shall not apply to intrastate sales or intrastate sourcing rules. States granted authority under section 3(a) shall comply with the intrastate provisions of the Streamlined Sales and Use Tax Agreement.

**SEC. 6. DEFINITIONS AND SPECIAL RULES.**

In this subtitle:

(1) **CONSOLIDATED PROVIDER.**—The term “consolidated provider” means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers on an aggregated basis.

(2) **LOCALITY; LOCAL.**—The terms “locality” and “local” refer to any political subdivision of a State.

(3) **MEMBER STATE.**—The term “Member State”—

(A) means a Member State as that term is used under the Streamlined Sales and Use Tax Agreement as in effect on the date of the enactment of this Act, and

(B) does not include any associate member under the Streamlined Sales and Use Tax Agreement.

(4) **PERSON.**—The term “person” means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or other legal entity, and a State or local government.

(5) **REMOTE SALE.**—The term “remote sale” means a sale of goods or services attributed to a State with respect to which a seller does not have adequate physical presence to establish nexus under *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

(6) **REMOTE SELLER.**—The term “remote seller” means a person that makes remote sales in a State.

(7) **SINGLE PROVIDER.**—The term “single provider” means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers.

(8) **SOURCED.**—For purposes of a State granted authority under section 3(b), the location to which a remote sale is sourced refers to the location where the item sold is received by the purchaser, based on the location indicated by instructions for delivery that the purchaser furnishes to the seller.

When no delivery location is specified, the remote sale is sourced to the customer's address that is either known to the seller or, if not known, obtained by the seller during the consummation of the transaction, including the address of the customer's payment instrument if no other address is available. If an address is unknown and a billing address cannot be obtained, the remote sale is sourced to the address of the seller from which the remote sale was made. A State granted authority under section 3(a) shall comply with the sourcing provisions of the Streamlined Sales and Use Tax Agreement.

(9) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(10) STREAMLINED SALES AND USE TAX AGREEMENT.—The term "Streamlined Sales and Use Tax Agreement" means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

#### SEC. 7. SEVERABILITY.

If any provision of this subtitle or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this subtitle and the application of the provisions of such to any person or circumstance shall not be affected thereby.

**SA 3224.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title V, add the following:

#### SEC. 505. CERTAIN DUTY REQUIRED AS CONDITION OF PROMOTION OF ARMY AND AIR FORCE OFFICERS TO BRIGADIER GENERAL.

(a) IN GENERAL.—Chapter 36 of title 10, is amended by inserting after section 619a the following new section:

**"§ 619b. Eligibility for consideration for promotion: Guard or Reserve duty required before promotion of Army and Air Force officers to brigadier general; active duty required before promotion of Reserve Army and Air Force officers to brigadier general**

**"(a) GUARD OR RESERVE DUTY REQUIRED FOR OFFICERS ON ACTIVE-DUTY LIST.**—After the end of the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, an officer on the active-duty list of the Army or Air Force may not be appointed to the grade of brigadier general unless the officer has completed a tour of duty of at least one year in a Guard or Reserve duty assignment.

**"(b) ACTIVE DUTY REQUIRED FOR RESERVE OFFICERS.**—After the end of the one-year period beginning on the date of the enactment of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2013, a Reserve officer of the Army or Air Force may not be appointed to the grade of

brigadier general unless the officer has completed an aggregate of at least one year on active duty in the armed forces (other than for training).

**"(c) EXCEPTIONS.**—Subject to subsection (d), the Secretary of Defense may waive subsection (a) or (b) in the following circumstances:

**"(1)** When necessary for the good of the service.

**"(2)** In the case of—

**"(A)** a medical officer, dental officer, veterinary officer, medical service officer, nurse, or biomedical science officer;

**"(B)** a chaplain; or

**"(C)** a judge advocate.

**"(3)** With respect to subsection (a), in the case of an officer whose proposed selection for promotion is based primarily upon scientific and technical qualifications for which Guard or Reserve requirements do not exist.

**"(4)** With respect to subsection (a), in the case of an officer selected by a promotion board for appointment to the grade of brigadier general while serving in a Guard or Reserve duty assignment if at least 180 days of that assignment have been completed on the date of the convening of that selection board.

**"(d) REGULATIONS.**—The Secretary of Defense shall prescribe regulations to carry out this section. The regulations shall specifically identify for purposes of subsection (c)(3) those categories of officers for which selection for promotion to brigadier general is based primarily upon scientific and technical qualifications for which Guard or Reserve requirements do not exist.

**"(e) GUARD OR RESERVE DUTY ASSIGNMENT DEFINED.**—In this section, the term 'Guard or Reserve duty assignment' means an assignment involving the organizing, administering, recruiting, instructing, or training the reserve components, preferably in an assignment maximizing exposure to the unique capabilities of the National Guard and Reserve, other than an assignment to a Reserve Officers Training Corps unit."

**(b) CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter II of chapter 36 of such title is amended by inserting after the item relating to section 619a the following new item:

**"619b. Eligibility for consideration for promotion: Guard or Reserve duty required before promotion of Army and Air Force officers to brigadier general; active duty required before promotion of Reserve Army and Air Force officers to brigadier general."**

**SA 3225.** Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V, add the following:

#### SEC. 561. REPORT ON STRATEGY TO TRANSITION TO USE OF HUMAN-BASED METHODS FOR CERTAIN MEDICAL TRAINING.

**(a) REPORT.**—

**(1) IN GENERAL.**—Not later than March 1, 2013, the Secretary of Defense shall submit to the congressional defense committees a report that outlines a strategy to refine and,

when appropriate, transition to using human-based training methods for the purpose of training members of the Armed Forces in the treatment of combat trauma injuries by October 1, 2017.

**(2) ELEMENTS.**—The report under paragraph (1) shall include the following:

**(A)** Required research, development, testing, and evaluation investments to validate human-based training methods to refine, reduce, and, when appropriate, transition from the use of live animals in medical education and training by October 1, 2015.

**(B)** Phased sustainment and readiness costs to refine, reduce, and, when appropriate, replace the use of live animals in medical education and training by October 1, 2017.

**(C)** Any risks associated with transitioning to human-based training methods, including resource availability, anticipated technological development timelines, and potential impact on the present combat trauma training curricula.

**(D)** An assessment of the potential effect of transitioning to human based-training methods on the quality of medical care delivered on the battlefield including any reduction in the competency of combat medical personnel.

**(E)** An assessment of risks to maintaining the level of combat life-saver techniques performed by all members of the Armed Forces.

**(b) UPDATED ANNUAL REPORTS.**—Not later than March 1, 2014, and each year thereafter, the Secretary shall submit to the congressional defense committees a report on the development and implementation of human-based training methods for the purposes of training members of the Armed Forces in the treatment of combat trauma injuries under this section.

**(c) DEFINITIONS.**—In this section:

**(1)** The term "combat trauma injuries" means severe injuries likely to occur during combat, including—

**(A)** extremity hemorrhage;

**(B)** tension pneumothorax;

**(C)** amputation resulting from blast injury;

**(D)** compromises to the airway; and

**(E)** other injuries.

**(2)** The term "human-based training methods" means, with respect to training individuals in medical treatment, the use of systems and devices that do not use animals, including—

**(A)** simulators;

**(B)** partial task trainers;

**SA 3226.** Mr. BENNET submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

#### SEC. 561. TROOPS-TO-TEACHERS PROGRAM ENHANCEMENTS.

**(a) TRANSFER OF FUNCTIONS.**—

**(1) TRANSFER.**—The responsibility and authority for operation and administration of the Troops-to-Teachers Program under chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.) is transferred from the Secretary of Education to the Secretary of Defense.



(2) MEMORANDUM OF AGREEMENT.—In connection with the transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program from the Secretary of Education to the Secretary of Defense under paragraph (1), the Secretaries shall enter into a memorandum of agreement pursuant to which the Secretary of Education will undertake the following:

(A) Disseminate information about the Troops-to-Teachers Program to eligible schools (as defined in section 2301(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671(3)), as added by subsection (b)(2)).

(B) Advise the Department of Defense on how to prepare eligible members of the Armed Forces described in section 2303(a) of such Act to become participants in the Program to meet the requirements necessary to become a teacher in an eligible school.

(C) Advise the Department of Defense on how to identify teacher preparation programs for participants in the Program.

(D) Inform the Department of Defense of academic subject areas with critical teacher shortages.

(E) Identify geographic areas with critical teacher shortages, especially in high-need schools (as defined in section 2301(4) of such Act, as added by subsection (b)(2)).

(3) EFFECTIVE DATE.—The transfer of responsibility and authority for operation and administration of the Troops-to-Teachers Program under paragraph (1) shall take effect—

(A) on the first day of the first month beginning more than 90 days after the date of the enactment of this Act; or

(B) on such earlier date as the Secretary of Education and the Secretary of Defense may jointly provide.

(b) DEFINITIONS.—Section 2301 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (5) through (8), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that term in section 5210.

“(3) ELIGIBLE SCHOOL.—The term ‘eligible school’ means—

“(A) a public school, including a charter school, at which—

“(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(1)) applicable to a family of the size involved; or

“(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

“(B) a Bureau-funded school as defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021).

“(4) HIGH-NEED SCHOOL.—Except for purposes of section 2304(d), the term ‘high-need school’ means—

“(A) an elementary school or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible for free and reduced priced lunches under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the number of children in families receiving assistance

under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

“(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

“(C) a school that is in a local educational agency that is eligible under section 6211(b).”.

(c) PROGRAM AUTHORIZATION.—Section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672(b)) is amended by striking subsections (b) through (e) and inserting the following:

“(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ‘Troops-to-Teachers Program’) to assist eligible members of the Armed Forces described in section 2303(a) to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers to meet the requirements necessary to become a teacher in an eligible school.

“(c) AUTHORITY FOR PROGRAM.—In accordance with section 561(a) of division A of the National Defense Authorization Act for Fiscal Year 2013, the Secretary of Defense shall have the responsibility and authority for operation and administration of the program under this chapter. All references to the term ‘Secretary’ with respect to the Troops-to-Teachers Program under this chapter shall be deemed to refer to the Secretary of Defense, notwithstanding section 9101(39), except as provided in section 2301(8) or as otherwise specified.”.

(d) YEARS OF SERVICE REQUIREMENTS.—Section 2303(a)(2)(A)(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673(a)(2)(A)(i)) is amended by striking “6 or more years” and inserting “4 or more years”.

(e) PARTICIPATION AGREEMENT.—

(1) AMENDMENT.—Section 2304 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6674) is amended—

(A) by striking paragraph (1) of subsection (a) and inserting the following:

“(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and to receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—

“(A) within such time as the Secretary may require, to obtain certification or licensing as an elementary school teacher, secondary school teacher, or vocational or technical teacher to meet the requirements necessary to become a teacher in an eligible school; and

“(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in an eligible school, to begin the school year after obtaining that certification or licensing.”; and

(B) by striking subsection (f) and inserting the following:

“(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—A participant who is paid a stipend or bonus shall be subject to the repayment provisions of section 373 of title 37, United States Code under the following circumstances:

“(1) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to ob-

tain teacher certification or licensing or to meet the requirements necessary to become a teacher in an eligible school or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement.

“(2) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.

“(3) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.”.

(f) EFFECTIVE DATE.—The amendments made by subsections (b) through (e) shall take effect beginning on the date upon which the transfer of authority and responsibility for operation and administration of the Troops-to-Teachers Program takes effect, in accordance with subsection (a)(3).

**SA 3227.** Mr. CONRAD submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. NATIONAL PUBLIC AWARENESS AND PARTICIPATION CAMPAIGN FOR VETERANS' HISTORY PROJECT OF AMERICAN FOLKLORE CENTER.**

(a) IN GENERAL.—The Director of the American Folklife Center at the Library of Congress shall carry out a national public awareness and participation campaign for the program required by section 3(a) of the Veterans' Oral History Project Act (20 U.S.C. 2142(a)). Such campaign shall provide for the following:

(1) Encouraging the people of the United States, veterans organizations, community groups, and national organizations to participate in such program.

(2) Ensuring greater awareness and participation throughout the United States in such program.

(3) Providing meaningful opportunities for learning about the experiences of veterans.

(4) Complementing the efforts supporting the readjustment and successful reintegration of veterans into civilian life after service in the Armed Forces.

(b) COORDINATION AND COOPERATION.—To the degree practicable, the Director shall, in carrying out the campaign required by subsection (a), coordinate and cooperate with veterans service organizations.

(c) VETERANS SERVICE ORGANIZATION DEFINED.—In this section, the term “veterans service organization” means any organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code.

**SA 3228.** Mr. BAUCUS (for himself, Mr. SANDERS, and Mr. FRANKEN) submitted an amendment intended to be



proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1005. FUNDING FOR OPERATION ENDURING FREEDOM AFTER DECEMBER 31, 2014.**

Amounts authorized to be appropriated for the Department of Defense for Overseas Contingency Operations may not be available after December 31, 2014, for Operation Enduring Freedom or any successor military activities in a country in which Operation Enduring Freedom is or has been conducted as of that date.

**SA 3229.** Mr. UDALL of Colorado (for himself, Mrs. FEINSTEIN, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 314. TERMS APPLICABLE TO LEASES FOR PLACEMENT OF SOLAR, WIND, AND BIOMASS ENERGY PRODUCTION FACILITIES ON WITHDRAWN LANDS.**

(a) IN GENERAL.—Subchapter II of chapter 173 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2922h. Leases for placement of solar, wind, and biomass energy production facilities on withdrawn lands**

“(a) TERM OF LEASE.—In entering into a lease pursuant to section 2667 for the placement of a solar, wind, or biomass energy production facility on public lands withdrawn for defense-related uses, the Secretary concerned may enter into such a lease without regard to any provision of law limiting the uses or term of withdrawal of such withdrawn public lands, provided that the Secretary has obtained the prior approval of the Secretary of the Interior of the proposed lease. The Secretary concerned may enter into such a lease and the Secretary of the Interior may approve such a lease notwithstanding any limitation contained in any withdrawal by Executive Order, Public Land Order, or Act of Congress. Any such lease entered into by the Department of Defense for the development, production or generation of a renewable energy or electricity facility shall not require the Department to buy energy or electricity from such facility or increase the Department's outlays for energy costs of military installations or facilities in subsequent years.

“(b) TRANSFERS OF CONSIDERATION.—Notwithstanding section 2215 of this title, for any energy production facility subject to a lease covered by subsection (a) from which the Department of Defense does not consume the entire energy output, the Secretary con-

cerned shall transfer to the Secretary of the Interior—

“(1) from the net revenue provided to the Secretary under such a lease, funds covering the costs of the Department of the Interior in approving the lease;

“(2) 25 percent of the remaining revenue, to be available for the Secretary of the Interior for expenditure, without further appropriation, for management of Federal lands and addressing and offsetting impacts of the energy production facility, including lands withdrawn for defense-related uses; and

“(3) 25 percent of the remaining revenue to be deposited into a fund established in the Treasury, to be available for the Secretary of the Interior for expenditure without further appropriation and without fiscal year limitation, for fish and wildlife habitat conservation on Federal lands and securing recreational access to Federal land.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2922h. Leases for placement of solar, wind, and biomass energy production facilities on withdrawn lands.”.

**SA 3230.** Mrs. BOXER (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.**

(a) TECHNICAL AMENDMENT.—Section 604(a) of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469(a)) is amended by inserting “(referred to in this section as the ‘Commission’)” before the period at the end.

(b) DUTIES AND RESPONSIBILITIES.—Section 604(c) of such Act is amended to read as follows:

“(c) DUTIES AND RESPONSIBILITIES.—The Commission shall appraise United States Government activities intended to understand, inform, and influence foreign publics. The activities described in this subsection shall be referred to in this section as ‘public diplomacy activities’.”.

(c) REPORTS.—Section 604(d) of such Act is amended to read as follows:

“(d) REPORTS.—

“(1) COMPREHENSIVE ANNUAL REPORT.—

“(A) IN GENERAL.—Not less frequently than annually, the Commission shall submit a comprehensive report on public diplomacy and international broadcasting activities to Congress, the President, and the Secretary of State. This report shall include—

“(i) a detailed list of all public diplomacy activities funded by the United States Government;

“(ii) a description of—

“(I) the purpose, means, and geographic scope of each activity;

“(II) when each activity was started;

“(III) the amount of Federal funding expended on each activity;

“(IV) any significant outside sources of funding; and

“(V) the Federal department or agency to which the activity belongs;

“(iii) the international broadcasting activities under the direction of the Broadcasting Board of Governors;

“(iv) an assessment of potentially duplicative public diplomacy and international broadcasting activities; and

“(v) for any activities determined to be ineffective or results not demonstrated under subparagraph (B), recommendations on existing effective or moderately effective public diplomacy activities that could be augmented to carry out the objectives of the ineffective activities.

“(B) EFFECTIVENESS ASSESSMENT.—In evaluating the public diplomacy and international broadcasting activities described in subparagraph (A), the Commission shall conduct an assessment that considers the public diplomacy target impact, the achieved impact, and the cost of public diplomacy activities and international broadcasting. The assessment shall include, if practicable, an appropriate metric such as ‘cost-per-audience’ or ‘cost-per-student’ for each activity. Upon the completion of the assessment, the Commission shall assign a rating of—

“(i) ‘effective’ for activities that—

“(I) set appropriate goals;

“(II) achieve results; and

“(III) are well-managed and cost efficient;

“(ii) ‘moderately effective’ for activities that—

“(I) achieve some results;

“(II) are generally well-managed; and

“(III) need to improve their performance results or cost efficiency, including reducing overhead;

“(iii) ‘ineffective’ for activities that—

“(I) are not making sufficient use of available resources to achieve stated goals;

“(II) are not well-managed; or

“(III) have excessive overhead; and

“(iv) ‘results not demonstrated’ for activities that—

“(I) do not have acceptable performance public diplomacy metrics for measuring results; or

“(II) are unable or failed to collect data to determine if they are effective.

“(2) OTHER REPORTS.—

“(A) IN GENERAL.—The Commission shall submit other reports, including working papers, to Congress, the President, and the Secretary of State at least semi-annually on other activities and policies related to United States public diplomacy.

“(B) AVAILABILITY.—The Commission shall make the reports submitted pursuant to subparagraph (A) publicly available on the website of the Commission to develop a better understanding of, and support for, public diplomacy activities.

“(3) ACCESS TO INFORMATION.—The Secretary of State shall ensure that the Commission has access to all appropriate information to carry out its duties and responsibilities under this subsection.”.

(d) REAUTHORIZATION.—

(1) IN GENERAL.—Section 1334 of the Foreign Affairs Reform and Restructuring Act of 1998 (22 U.S.C. 6553) is amended by striking “October 1, 2010” and inserting “October 1, 2014”.

(2) RETROACTIVITY OF EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2010.

(e) FUNDING.—From amounts appropriated by Congress under the heading “DIPLOMATIC AND CONSULAR PROGRAMS”, the Secretary of State shall allocate sufficient funding to the United States Advisory Commission on Public Diplomacy to carry out section 604 of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1469), as amended by this section.

**SA 3231.** Mr. DURBIN (for himself, Mrs. BOXER, Mr. BOOZMAN, Mr. COONS, Mr. BROWN of Ohio, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. IMPOSITION OF SANCTIONS WITH RESPECT TO SUPPORT FOR THE REBEL GROUP KNOWN AS M23.**

(a) **BLOCKING OF ASSETS.**—The Secretary of the Treasury shall, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) or Executive Order 13413 (74 Fed. Reg. 64105; relating to blocking property of certain persons contributing to the conflict in the Democratic Republic of the Congo), block and prohibit all transactions in all property and interests in property of a person described in subsection (c) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(b) **VISA BAN.**—The Secretary of State shall deny a visa to, and the Secretary of Homeland Security shall exclude from the United States, any alien who is a person described in subsection (c).

(c) **PERSONS DESCRIBED.**—A person described in this subsection is a person that the President determines provides, on or after the date of the enactment of this Act, significant financial, material, or technological support to M23.

(d) **WAIVER.**—The President may waive the application of this section with respect to a person if the President determines and reports to the appropriate congressional committees that the waiver is in the national interest of the United States.

(e) **TERMINATION OF SANCTIONS.**—The President may terminate sanctions imposed under this section with respect to a person on and after the date on which the President determines and reports to the appropriate congressional committees that the person has terminated the provision of significant financial, material, and technological support to M23.

(f) **TERMINATION OF SECTION.**—This section shall terminate on the date on which the President determines that M23 is no longer a significant threat to peace and security in the Democratic Republic of the Congo.

(g) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Banking, Housing, and Urban Affairs and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Financial Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **M23.**—The term “M23” refers to the rebel group known as M23 operating in the Democratic Republic of the Congo that derives its name from the March 23, 2009, agreement between the Government of the Democratic Republic of the Congo and the National Congress for the Defense of the People (or any successor group).

(3) **UNITED STATES PERSON.**—The term “United States person” means—

(A) an individual who is a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States.

**SA 3232.** Mr. MENENDEZ (for himself, Mr. KIRK, Mr. LIEBERMAN, Mr. SCHUMER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

**Subtitle E—Iran Sanctions**

**SEC. 1251. SHORT TITLE.**

This subtitle may be cited as the “Iran Freedom and Counter-Proliferation Act of 2012”.

**SEC. 1252. DEFINITIONS.**

(a) **IN GENERAL.**—In this subtitle:

(1) **AGRICULTURAL COMMODITY.**—The term “agricultural commodity” has the meaning given that term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” has the meaning given that term in section 14 of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note).

(3) **COAL.**—The term “coal” means metallurgical coal, coking coal, or fuel coke.

(4) **CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.**—The terms “correspondent account” and “payable-through account” have the meanings given those terms in section 5318A of title 31, United States Code.

(5) **FOREIGN FINANCIAL INSTITUTION.**—The term “foreign financial institution” has the meaning of that term as determined by the Secretary of the Treasury pursuant to section 104(i) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513(i)).

(6) **IRANIAN FINANCIAL INSTITUTION.**—The term “Iranian financial institution” has the meaning given that term in section 104A(d) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8513b(d)).

(7) **IRANIAN PERSON.**—The term “Iranian person” means—

(A) an individual who is a citizen or national of Iran; and

(B) an entity organized under the laws of Iran or otherwise subject to the jurisdiction of the Government of Iran.

(8) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(9) **MEDICAL DEVICE.**—The term “medical device” has the meaning given the term “device” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(10) **MEDICINE.**—The term “medicine” has the meaning given the term “drug” in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321).

(11) **SHIPPING.**—The term “shipping” refers to the transportation of goods by a vessel and related activities.

(12) **UNITED STATES PERSON.**—The term “United States person” has the meaning given that term in section 101 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511).

(13) **VESSEL.**—The term “vessel” has the meaning given that term in section 3 of title 1, United States Code.

(b) **DETERMINATIONS OF SIGNIFICANCE.**—For purposes of this subtitle, in determining if financial transactions or financial services are significant, the President may consider the totality of the facts and circumstances, including factors similar to the factors set forth in section 561.404 of title 31, Code of Federal Regulations (or any corresponding similar regulation or ruling).

**SEC. 1253. DECLARATION OF POLICY ON HUMAN RIGHTS.**

(a) **FINDING.**—Congress finds that the interests of the United States and international peace are threatened by the ongoing and destabilizing actions of the Government of Iran, including its massive, systematic, and extraordinary violations of the human rights of its own citizens.

(b) **DECLARATION OF POLICY.**—It shall be the policy of the United States—

(1) to deny the Government of Iran the ability to continue to oppress the people of Iran and to use violence and executions against pro-democracy protestors and regime opponents;

(2) to fully and publicly support efforts made by the people of Iran to promote the establishment of basic freedoms that build the foundation for the emergence of a freely elected, open, and democratic political system;

(3) to help the people of Iran produce, access, and share information freely and safely via the Internet and through other media; and

(4) to defeat all attempts by the Government of Iran to jam or otherwise obstruct international satellite broadcast signals.

**SEC. 1254. IMPOSITION OF SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) Iran’s energy, shipping, and shipbuilding sectors and Iran’s ports are facilitating the Government of Iran’s nuclear proliferation activities by providing revenue to support proliferation activities.

(2) The United Nations Security Council and the United States Government have expressed concern about the proliferation risks presented by the Iranian nuclear program.

(3) The Director General of the International Atomic Energy Agency (in this section referred to as the “IAEA”) has in successive reports (GOV/2012/37 and GOV/2011/65) identified possible military dimensions of Iran’s nuclear program.

(4) The Government of Iran continues to defy the requirements and obligations contained in relevant IAEA Board of Governors and United Nations Security Council resolutions, including by continuing and expanding uranium enrichment activities in Iran, as reported in IAEA Report GOV/2012/37.

(5) United Nations Security Council Resolution 1929 (2010) recognizes the “potential connection between Iran’s revenues derived from its energy sector and the funding of Iran’s proliferation sensitive nuclear activities”.

(6) The National Iranian Tanker Company is the main carrier for the Iranian Revolutionary Guard Corps-designated National Iranian Oil Company and a key element in the petroleum supply chain responsible for generating energy revenues that support the illicit nuclear proliferation activities of the Government of Iran.

(b) DESIGNATION OF PORTS AND ENTITIES IN THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN AS ENTITIES OF PROLIFERATION CONCERN.—Entities that operate ports in Iran and entities in the energy, shipping, and shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, the Islamic Republic of Iran Shipping Lines, and their affiliates, play an important role in Iran's nuclear proliferation efforts and all such entities are hereby designated as entities of proliferation concern.

(c) BLOCKING OF PROPERTY OF ENTITIES IN ENERGY, SHIPPING, AND SHIPBUILDING SECTORS.—

(1) IN GENERAL.—On and after the date that is 90 days after the date of the enactment of this Act, the President shall block and prohibit all transactions in all property and interests in property of any person described in paragraph (2) if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) PERSONS DESCRIBED.—A person is described in this paragraph if the President determines that the person, on or after the date that is 90 days after the date of the enactment of this Act—

(A) is part of the energy, shipping, or shipbuilding sectors of Iran;

(B) operates a port in Iran; or

(C) knowingly provides significant financial, material, technological, or other support to, or goods or services in support of any activity or transaction on behalf of or for the benefit of—

(i) a person determined under subparagraph (A) to be a part of the energy, shipping, or shipbuilding sectors of Iran;

(ii) a person determined under subparagraph (B) to operate a port in Iran; or

(iii) an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in paragraph (3)).

(3) IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.—An Iranian financial institution described in this paragraph is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(A) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(B) Iran's support for international terrorism; or

(C) Iran's abuses of human rights.

(d) ADDITIONAL SANCTIONS WITH RESPECT TO THE ENERGY, SHIPPING, AND SHIPBUILDING SECTORS OF IRAN.—

(1) SALE, SUPPLY, OR TRANSFER OF CERTAIN GOODS AND SERVICES.—Except as provided in this section, the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers to or from Iran significant goods or services described in paragraph (3).

(2) FACILITATION OF CERTAIN TRANSACTIONS.—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of goods or services described in paragraph (3).

(3) GOODS AND SERVICES DESCRIBED.—Goods or services described in this paragraph are goods or services used in connection with the energy, shipping, or shipbuilding sectors of Iran, including the National Iranian Oil Company, the National Iranian Tanker Company, and the Islamic Republic of Iran Shipping Lines.

(4) APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under paragraph (1) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(A) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(B) Sections 8, 11, and 12.

(e) HUMANITARIAN EXCEPTION.—The President may not impose sanctions under this section with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(f) APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section shall apply with respect to the purchase of petroleum or petroleum products from Iran only if, at the time of the purchase, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) EXCEPTION FOR CERTAIN COUNTRIES.—

(A) EXPORTATION.—This section shall not apply with respect to the exportation of petroleum or petroleum products from Iran to a country to which the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies at the time of the exportation of the petroleum or petroleum products.

(B) FINANCIAL TRANSACTIONS.—

(i) IN GENERAL.—This section shall not apply with respect to a financial transaction described in clause (ii) conducted or facilitated by a foreign financial institution if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(ii) FINANCIAL TRANSACTIONS DESCRIBED.—A financial transaction conducted or facilitated by a foreign financial institution is described in this clause if—

(I) the financial transaction is for the purchase of purchase of petroleum or petroleum products from Iran;

(II) the financial transaction is only for trade in goods or services—

(aa) not otherwise subject to sanctions under the law of the United States; and

(bb) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(III) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(g) APPLICABILITY OF SANCTIONS TO NATURAL GAS.—

(1) SALE, SUPPLY, OR TRANSFER.—Except as provided in paragraph (2), this section shall not apply to the sale, supply, or transfer to or from Iran of natural gas.

(2) FINANCIAL TRANSACTIONS.—This section shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(A) the financial transaction is only for trade in goods or services—

(i) not otherwise subject to sanctions under the law of the United States; and

(ii) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(B) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(h) WAIVER.—

(1) IN GENERAL.—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) FORM OF REPORT.—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 1255. IMPOSITION OF SANCTIONS WITH RESPECT TO THE SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS TO OR FROM IRAN.

(a) SALE, SUPPLY, OR TRANSFER OF CERTAIN MATERIALS.—The President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, sells, supplies, or transfers, directly or indirectly, to or from Iran—

(1) a precious metal;

(2) a material described in subsection (c) determined pursuant to subsection (d)(1) to be used by Iran as described in that subsection;

(3) any other material described in subsection (c) if—

(A) the material is—

(i) to be used in connection with the energy, shipping, or shipbuilding sectors of Iran or any sector of the economy of Iran controlled directly or indirectly by Iran's Revolutionary Guard Corps;

(ii) sold, supplied, or transferred to or from an Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury; or

(iii) relevant to the nuclear, military, or ballistic missile programs of Iran; or

(B) the material is resold, retransferred, or otherwise supplied—

(i) to an end-user in a sector described in clause (i) of subparagraph (A);

(ii) to a person described in clause (ii) of that subparagraph; or

(iii) for a program described in clause (iii) of that subparagraph.

(b) **FACILITATION OF CERTAIN TRANSACTIONS.**—The President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines knowingly, on or after the date that is 90 days after the date of the enactment of this Act, conducts or facilitates a significant financial transaction for the sale, supply, or transfer to or from Iran of materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a).

(c) **MATERIALS DESCRIBED.**—Materials described in this subsection are graphite, raw or semi-finished metals such as aluminum and steel, coal, and software for integrating industrial processes.

(d) **DETERMINATION WITH RESPECT TO USE OF MATERIALS.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees and publish in the Federal Register a report that contains the determination of the President with respect to—

(1) whether Iran is—

(A) using any of the materials described in subsection (c) as a medium for barter, swap, or any other exchange or transaction; or

(B) listing any of such materials as assets of the Government of Iran for purposes of the national balance sheet of Iran;

(2) which sectors of the economy of Iran are controlled directly or indirectly by Iran's Revolutionary Guard Corps; and

(3) which of the materials described in subsection (c) are relevant to the nuclear, military, or ballistic missile programs of Iran.

(e) **EXCEPTION FOR PERSONS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under subsection (a) or (b) with respect to a person if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not sell, supply, or transfer to or from Iran materials the sale, supply, or transfer of which would subject a person to sanctions under subsection (a) or conduct or facilitate a financial transaction for such a sale, supply, or transfer.

(f) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under this section for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be sub-

mitted in unclassified form, but may include a classified annex.

(g) **NATIONAL BALANCE SHEET OF IRAN DEFINED.**—For purposes of this section, the term “national balance sheet of Iran” refers to the ratio of the assets of the Government of Iran to the liabilities of that Government.

**SEC. 1256. IMPOSITION OF SANCTIONS WITH RESPECT TO THE PROVISION OF UNDERWRITING SERVICES OR INSURANCE OR REINSURANCE FOR ACTIVITIES OR PERSONS WITH RESPECT TO WHICH SANCTIONS HAVE BEEN IMPOSED.**

(a) **IN GENERAL.**—Except as provided in subsection (b), the President shall impose 5 or more of the sanctions described in section 6(a) of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) with respect to a person if the President determines that the person knowingly, on or after the date that is 90 days after the date of the enactment of this Act, provides underwriting services or insurance or reinsurance—

(1) for any activity with respect to Iran for which sanctions have been imposed under this subtitle, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Iran Sanctions Act of 1996, the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.), the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8701 et seq.), the Iran, North Korea, and Syria Non-proliferation Act (Public Law 106-178; 50 U.S.C. 1701 note), or any other provision of law relating to the imposition of sanctions with respect to Iran;

(2) to or for any person—

(A) with respect to, or for the benefit of any activity in the energy, shipping, or shipbuilding sectors of Iran for which sanctions are imposed under this subtitle;

(B) for the sale, supply, or transfer to or from Iran of materials described in section 1255(c); or

(C) designated for the imposition of sanctions pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) in connection with—

(i) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction; or

(ii) Iran's support for international terrorism; or

(3) to or for any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) for the provision of underwriting services or insurance or reinsurance for a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **EXCEPTION FOR UNDERWRITERS AND INSURANCE PROVIDERS EXERCISING DUE DILIGENCE.**—The President may not impose sanctions under paragraph (1) or (3) or subpara-

graph (A) or (B) of paragraph (2) of subsection (a) with respect to a person that provides underwriting services or insurance or reinsurance if the President determines that the person has exercised due diligence in establishing and enforcing official policies, procedures, and controls to ensure that the person does not underwrite or enter into a contract to provide insurance or reinsurance for an activity described in paragraph (1) of that subsection or to or for any person described in paragraph (3) or subparagraph (A) or (B) of paragraph (2) of that subsection.

(e) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

(f) **APPLICATION OF CERTAIN PROVISIONS OF IRAN SANCTIONS ACT OF 1996.**—The following provisions of the Iran Sanctions Act of 1996 (Public Law 104-172; 50 U.S.C. 1701 note) shall apply with respect to the imposition of sanctions under subsection (a) to the same extent that such provisions apply with respect to the imposition of sanctions under section 5(a) of that Act:

(1) Subsections (c), (d), and (f) of section 5 (except for paragraphs (3) and (4)(C) of such subsection (f)).

(2) Sections 8, 11, and 12.

**SEC. 1257. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT FACILITATE FINANCIAL TRANSACTIONS ON BEHALF OF SPECIALLY DESIGNATED NATIONALS.**

(a) **IN GENERAL.**—Except as provided in this section, the President shall prohibit the opening, and prohibit or impose strict conditions on the maintaining, in the United States of a correspondent account or a payable-through account by a foreign financial institution that the President determines has, on or after the date that is 90 days after the date of the enactment of this Act, knowingly facilitated a significant financial transaction on behalf of any Iranian person included on the list of specially designated nationals and blocked persons maintained by the Office of Foreign Assets Control of the Department of the Treasury (other than an Iranian financial institution described in subsection (b)).

(b) **IRANIAN FINANCIAL INSTITUTIONS DESCRIBED.**—An Iranian financial institution described in this subsection is an Iranian financial institution that has not been designated for the imposition of sanctions in connection with—

(1) Iran's proliferation of weapons of mass destruction or delivery systems for weapons of mass destruction;

(2) Iran's support for international terrorism; or

(3) Iran's abuses of human rights.

(c) **HUMANITARIAN EXCEPTION.**—The President may not impose sanctions under subsection (a) with respect to any person for conducting or facilitating a transaction for the sale of agricultural commodities, food, medicine, or medical devices to Iran or for the provision of humanitarian assistance to the people of Iran.

(d) **APPLICABILITY OF SANCTIONS TO PETROLEUM AND PETROLEUM PRODUCTS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), subsection (a) shall apply with respect to a financial transaction for the purchase of petroleum or petroleum products from Iran only if, at the time of the transaction, a determination of the President under section 1245(d)(4)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(B)) that the price and supply of petroleum and petroleum products produced in countries other than Iran is sufficient to permit purchasers of petroleum and petroleum products from Iran to reduce significantly their purchases from Iran is in effect.

(2) **EXCEPTION FOR CERTAIN COUNTRIES.**—

(A) **IN GENERAL.**—Subsection (a) shall not apply with respect to a financial transaction described in subparagraph (B) conducted or facilitated by a foreign financial institution for if, at the time of the transaction, the exception under section 1245(d)(4)(D)(i) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(4)(D)(i)) applies to the country with primary jurisdiction over the foreign financial institution.

(B) **FINANCIAL TRANSACTIONS DESCRIBED.**—A financial transaction conducted or facilitated by a foreign financial institution is described in this subparagraph if—

(i) the financial transaction is for the purchase of petroleum or petroleum products from Iran;

(ii) the financial transaction is only for trade in goods or services—

(I) not otherwise subject to sanctions under the law of the United States; and

(II) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(iii) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(e) **APPLICABILITY OF SANCTIONS TO NATURAL GAS.**—Subsection (a) shall apply to a foreign financial institution that conducts or facilitates a financial transaction for the sale, supply, or transfer to or from Iran of natural gas unless—

(1) the financial transaction is only for trade in goods or services—

(A) not otherwise subject to sanctions under the law of the United States; and

(B) between the country with primary jurisdiction over the foreign financial institution and Iran; and

(2) any funds owed to Iran as a result of such trade are credited to an account located in the country with primary jurisdiction over the foreign financial institution.

(f) **WAIVER.**—

(1) **IN GENERAL.**—The President may waive the imposition of sanctions under subsection (a) for a period of not more than 120 days, and may renew that waiver for additional periods of not more than 120 days, if the President—

(A) determines that such a waiver is vital to the national security of the United States; and

(B) submits to the appropriate congressional committees a report providing a justification for the waiver.

(2) **FORM OF REPORT.**—Each report submitted under paragraph (1)(B) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1258. INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Islamic Republic of Iran Broadcasting has contributed to the infringement of individuals' human rights by broadcasting forced televised confession and show trials.

(2) In March 2012, the European Council imposed sanctions on the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, for broadcasting forced confessions of detainees and a series of "show trials" in August 2009 and December 2011 that constituted a clear violation of international law with respect to the right to a fair trial and due process.

(b) **INCLUSION OF THE ISLAMIC REPUBLIC OF IRAN BROADCASTING ON THE LIST OF HUMAN RIGHTS ABUSERS.**—The President shall include the Islamic Republic of Iran Broadcasting and the President of the Islamic Republic of Iran Broadcasting, Ezzatollah Zargami, in the first update to the list of persons complicit in, or responsible for ordering, controlling, or otherwise directing, the commission of serious human rights abuses against citizens of Iran or their family members submitted under section 105 of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8514) after the date of the enactment of this Act.

**SEC. 1259. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

(a) **IN GENERAL.**—Title I of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8511 et seq.) is amended by inserting after section 105B the following:

**"SEC. 105C. IMPOSITION OF SANCTIONS WITH RESPECT TO PERSONS ENGAGED IN THE DIVERSION OF GOODS INTENDED FOR THE PEOPLE OF IRAN.**

**"(a) IN GENERAL.**—The President shall impose sanctions described in section 105(c) with respect to each person on the list required by subsection (b).

**"(b) LIST OF PERSONS WHO ENGAGE IN DIVERSION.**—

**"(1) IN GENERAL.**—As relevant information becomes available, the President shall submit to the appropriate congressional committees a list of persons that the President determines have, on or after such date of enactment, engaged in corruption or other activities relating to—

**"(A) the diversion of goods, including agricultural commodities, food, medicine, and medical devices, intended for the people of Iran; or**

**"(B) the misappropriation of proceeds from the sale or resale of such goods.**

**"(2) FORM OF REPORT; PUBLIC AVAILABILITY.**—

**"(A) FORM.**—The list required by paragraph (1) shall be submitted in unclassified form but may contain a classified annex.

**"(B) PUBLIC AVAILABILITY.**—The unclassified portion of the list required by paragraph (1) shall be made available to the public and posted on the websites of the Department of the Treasury and the Department of State."

(b) **WAIVER.**—Section 401(b)(1) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8551(b)(1)) is amended—

(1) by striking "or 105B(a)" and inserting "105B(a), or 105C(a)"; and

(2) by striking "or 105B(b)" and inserting "105B(b), or 105C(b)".

(c) **CLERICAL AMENDMENT.**—The table of contents for the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 is amended by inserting after the item relating to section 105B the following:

"Sec. 105C. Imposition of sanctions with respect to persons engaged in the diversion of goods intended for the people of Iran."

**SEC. 1260. WAIVER REQUIREMENT RELATED TO EXCEPTIONAL CIRCUMSTANCES PREVENTING SIGNIFICANT REDUCTIONS IN CRUDE OIL PURCHASES.**

Section 1245(d)(5)(B) of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 8513a(d)(5)(B)) is amended—

(1) in clause (i), by striking "and" and inserting a semicolon;

(2) by redesignating clause (ii) as clause (iii); and

(3) by inserting after clause (i) the following new clause:

"(ii) certifying that the country with primary jurisdiction over the foreign financial institution otherwise subject to the sanctions faced exceptional circumstances that prevented the country from being able to significantly reduce its volume of crude oil purchases; and"

**SEC. 1261. STATUTE OF LIMITATIONS FOR CIVIL ACTIONS REGARDING TERRORIST ACTS.**

(a) **IN GENERAL.**—Section 2335 of title 18, United States Code, is amended—

(1) in subsection (a), by striking "4 years" and inserting "10 years"; and

(2) in subsection (b), by striking "4-year period" and inserting "10-year period".

(b) **EFFECTIVE DATE.**—The amendments made by this section shall apply to—

(1) proceedings under section 2333 of title 18, United States Code, pending in any form on the date of the enactment of this Act;

(2) proceedings under such section commenced on or after the date of the enactment of this Act; and

(3) any civil action brought for recovery of damages under such section resulting from acts of international terrorism that occurred more than 10 years before the date of the enactment of this Act, provided that the action is filed not later than 6 years after the date of the enactment of this Act.

**SEC. 1262. REPORT ON USE OF CERTAIN IRANIAN SEAPORTS BY FOREIGN VESSELS AND USE OF FOREIGN AIRPORTS BY SANCTIONED IRANIAN AIR CARRIERS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a report that contains—

(1) a list of vessels that have entered seaports in Iran controlled by the Tidewater Middle East Company during the period specified in subsection (b) and the owners and operators of those vessels; and

(2) a list of all airports at which aircraft owned or controlled by an Iranian air carrier on which sanctions have been imposed by the United States have landed during the period specified in subsection (b).

(b) **PERIOD SPECIFIED.**—The period specified in this subsection is—

(1) in the case of the first report submitted under subsection (a), the 180-day period preceding the submission of the report; and

(2) in the case of any subsequent report submitted under that subsection, the year preceding the submission of the report.

(c) **FORM OF REPORT.**—Each report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1263. IMPLEMENTATION; PENALTIES.**

(a) **IMPLEMENTATION.**—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this subtitle.

(b) **PENALTIES.**—The penalties provided for in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person that violates, attempts to violate, conspires to violate, or causes a violation of this subtitle or regulations prescribed under this subtitle to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act.

**SEC. 1264. APPLICABILITY TO CERTAIN NATURAL GAS PROJECTS.**

Nothing in this subtitle or the amendments made by this subtitle shall apply with respect to any activity relating to a project described in subsection (a) of section 603 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8783) to which the exception under that section applies at the time of the activity.

**SEC. 1265. RULE OF CONSTRUCTION.**

Nothing in this subtitle or the amendments made by this subtitle shall be construed to limit sanctions imposed with respect to Iran under any other provision of law or to limit the authority of the President to impose additional sanctions with respect to Iran.

**SA 3233.** Mr. WARNER (for himself and Mr. CORNYN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. BILATERAL DEFENSE TRADE RELATIONSHIP WITH INDIA.****(a) REPORT.—**

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report that articulates the vision of the Department of Defense for defense trade relations between the United States and India within the context of the overall bilateral defense relationship.

(2) **CONTENT.**—The report required under paragraph (1) shall include the following elements:

(A) A description of the Department's approach for normalizing defense trade.

(B) An assessment of the defense capabilities that could enhance cooperation and coordination between the Governments of the United States and India on matters of shared security interests.

**(b) COMPREHENSIVE POLICY REVIEW.—**

(1) **IN GENERAL.**—The Secretary of Defense shall lead a comprehensive policy review to examine the feasibility of engaging in co-production and co-development defense projects with India.

(2) **SCOPE.**—The policy review should—

(A) examine the parameters and requirements for United States-India cooperation as well as the terms and conditions India must fulfill to broach such cooperation; and

(B) consider potential areas of cooperation, including the possibility of co-producing a training aircraft and co-developing counterIED technology or individual soldier capabilities.

(c) **SENSE OF CONGRESS ON INTERNATIONAL INITIATIVES.**—It is the sense of Congress that the Department of Defense, in coordination with the Department State, should—

(1) conduct a review of all United States-India bilateral working groups dealing with high technology transfers, including technology security and licensing for dual-use and munitions licenses, and determine the feasibility of establishing a single United States Government working group dedicated to strategic technology trade;

(2) engage counterparts in the Government of India in an intensified dialogue on the current challenges related to the compatibility of the Foreign Military Sales and direct commercial sales programs with the Indian Defense Procurement Procedure (DPP), and steps to improve compatibility;

(3) engage counterparts in the Government of India in a dialogue about the elements of an effective defense industrial base, including personnel training, quality assurance, and manufacturing procedures;

(4) consider the establishment of orientation programs for new defense officials in the Government of India about the procedures for United States defense sales, including licensing processes; and

(5) continue and deepen ongoing efforts to assist the Government of India in developing its defense acquisition expertise by assisting with the development of training institutions and human capital.

**SA 3234.** Ms. KLOBUCHAR (for herself, Ms. SNOWE, Mr. TOOMEY, and Ms. MIKULSKI) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 544. ENHANCEMENT OF ANNUAL REPORTS REGARDING SEXUAL ASSAULTS INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—Section 1631(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 1561 note) is amended—

(1) by striking paragraph (3) and inserting the following new paragraph (3):

“(3) A synopsis of each such substantiated case, organized by offense, and, for each such case, the action taken in such case, including the following information:

“(A) The type of disciplinary or administrative sanction imposed, if any, including courts-martial sentences, non-judicial punishments administered by commanding officers pursuant to section 815 of title 10, United States Code (article 15 of the Uniform Code of Military Justice), and administrative separations.

“(B) A description of and rationale for the final disposition and punishment, regardless of type of disciplinary or administrative sanction imposed.

“(C) The unit and location of service at which the incident occurred.

“(D) Whether the accused was previously accused of a substantiated sexual assault or sexual harassment.

“(E) Whether the accused was admitted to the Armed Forces under a moral waiver granted with respect to prior sexual misconduct.

“(F) Whether alcohol was involved in the incident.

“(G) If the member was administratively separated or, in the case of an officer, allowed to resign in lieu of facing a court-martial, the characterization given the service of the member upon separation.”; and

(2) by adding at the end the following new paragraphs

“(7) The number of applications submitted under section 673 of title 10, United States Code, during the year covered by the report for a permanent change of station or unit transfer for members of the Armed Forces on active duty who are the victim of a sexual assault or related offense, the number of applications denied, and, for each application denied, a description of the reasons why such application was denied.

“(8) An analysis and assessment of trends in the incidence, disposition, and prosecution of sexual assaults by commands and installations during the year covered by the report, including trends relating to prevalence of incidents, prosecution of incidents, and avoidance of incidents.

“(9) An assessment of the adequacy of sexual assault prevention and response activities carried out by training commands during the year covered by the report.

“(10) An analysis of the specific factors that may have contributed to sexual assault during the year covered by the report, including sexual harassment and substance abuse, an assessment of the role of such factors in contributing to sexual assaults during that year, and recommendations for mechanisms to eliminate or reduce the incidence of such factors or their contributions to sexual assaults.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply beginning with the report required to be submitted by March 1, 2014, under section 1631 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (as amended by subsection (a)).

**SA 3235.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

**SEC. 1084. NO REGULATION OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.**

(a) **NO REGULATION OF AMMUNITION OR FISHING TACKLE.**—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).



(b) STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) USE.—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the substance or mixture is used in ammunition or fishing tackle.

**SA 3236.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 903. INFORMATION FOR DEPUTY CHIEF MANAGEMENT OFFICER OF THE DEPARTMENT OF DEFENSE FROM THE MILITARY DEPARTMENTS AND DEFENSE AGENCIES FOR DEFENSE BUSINESS SYSTEM INVESTMENT REVIEWS.**

Section 2222(g) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3)(A) The investment management process required by paragraph (1) shall include requirements for the military departments and the Defense Agencies to submit to the Deputy Chief Management Officer such information on covered defense business system programs as the Deputy Chief Management Officer shall require for the review of defense business system programs under the process. Such information shall be submitted to the Deputy Chief Management Officer in a standardized format established by the Deputy Chief Management Officer for purposes of this paragraph.

**SA 3237.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 903. FAILURE OF THE DEPARTMENT OF DEFENSE TO OBTAIN AUDITS WITH AN UNQUALIFIED OPINION ON ITS FINANCIAL STATEMENTS BY FISCAL YEAR 2017.**

If the Department of Defense fails to obtain an audit with an unqualified opinion on its financial statements for fiscal year 2017, the following shall take effect, effective as of the date of the issuance of the opinion on such audit:

(1) REORGANIZATION OF RESPONSIBILITIES OF CHIEF MANAGEMENT OFFICER.—

(A) POSITION OF CHIEF MANAGEMENT OFFICER.—Section 132a of title 10, United States Code, is amended to read as follows:

**“§ 132a. Chief Management Officer**

“(a) IN GENERAL.—(1) There is a Chief Management Officer of the Department of Defense, appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) Any individual nominated for appointment as Chief Management Officer shall be an individual who has—

“(A) extensive executive level leadership and management experience in the public or private sector;

“(B) strong leadership skills;

“(C) a demonstrated ability to manage large and complex organizations; and

“(D) a proven record in achieving positive operational results.

“(b) POWERS AND DUTIES.—The Chief Management Officer shall perform such duties and exercise such powers as the Secretary of Defense may prescribe.

“(c) SERVICE AS CHIEF MANAGEMENT OFFICER.—(1) The Chief Management Officer is the Chief Management Officer of the Department of Defense.

“(2) In serving as the Chief Management Officer of the Department of Defense, the Chief Management Officer shall be responsible for the management and administration of the Department of Defense with respect to the following:

“(A) The expenditure of funds, accounting, and finance.

“(B) Procurement, including procurement of any enterprise resource planning (ERP) system and any information technology (IT) system that is a financial feeder system, human resources system, or logistics system.

“(C) Facilities, property, nonmilitary equipment, and other resources.

“(D) Strategic planning, and annual performance planning, and identification and tracking of performance measures.

“(E) Internal audits and management analyses of the programs and activities of the Department, including the Defense Contract Audit Agency.

“(F) Such other areas or matters as the Secretary of Defense may designate.

“(3) The head of the Defense Contract Audit Agency shall be under the supervision of, and shall report directly to, the Chief Management Officer.

“(d) PRECEDENCE.—The Chief Management Officer takes precedence in the Department of Defense after the Secretary of Defense and the Deputy Secretary of Defense.”.

(B) CONFORMING AMENDMENTS.—

(1) Section 131(b) of title 10, United States Code, is amended—

(I) by striking paragraph (3);

(II) by redesignating paragraph (2) as paragraph (3); and

(III) by inserting after paragraph (1) the following new paragraph (2):

“(2) The Chief Management Officer of the Department of Defense.”.

(ii) Section 132 of such title is amended—

(I) by striking subsection (c); and

(II) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(iii) Section 133(e)(1) of such title is amended by striking “and the Deputy Secretary of Defense” and inserting “, the Deputy Secretary of Defense, and the Chief Management Officer of the Department of Defense”.

(iv) Such title is further amended by inserting “the Chief Management Officer of the Department of Defense,” after “the Deputy Secretary of Defense,” each place it appears in the provisions as follows:

(I) Section 133(e)(2).

(II) Section 134(c).

(v) Section 137a(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, and the Under Secretaries of Defense.”.

(vi) Section 138(d) of such title is amended by striking “the Secretaries of the military departments,” and all that follows through the period and inserting “the Chief Management Officer of the Department of Defense, the Secretaries of the military departments, the Under Secretaries of Defense, and the Director of Defense Research and Engineering.”.

(C) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 4 of such title is amended by striking the item relating to section 132a and inserting the following new item:

“132a. Chief Management Officer.”.

(D) EXECUTIVE SCHEDULE.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

“Chief Management Officer of the Department of Defense.”.

(E) REFERENCE IN LAW.—Any reference in any provision of law to the Chief Management Officer of the Department of Defense shall be deemed to refer to the Chief Management Officer of the Department of Defense under section 132a of title 10, United States Code (as amended by this paragraph).

(2) JURISDICTION OF DFAS.—

(A) TRANSFER TO DEPARTMENT OF THE TREASURY.—Jurisdiction of the Defense Finance and Accounting Service (DFAS) is transferred from the Department of Defense to the Department of the Treasury.

(B) ADMINISTRATION.—The Secretary of the Treasury shall administer the Defense Finance and Accounting Service following transfer under this paragraph through the Financial Management Service of the Department of the Treasury.

(C) MEMORANDUM OF UNDERSTANDING.—The Secretary of Defense and the Secretary of the Treasury shall jointly enter into a memorandum of understanding regarding the transfer of jurisdiction of the Defense Finance and Accounting Service under this paragraph. The memorandum of understanding shall provide for the transfer of the personnel and other resources of the Service to the Department of the Treasury and for the assumption of responsibility for such personnel and resources by the Department of the Treasury.

(D) CONSTRUCTION.—Nothing in this paragraph shall be construed as terminating, altering, or revising any responsibilities or authorities of the Defense Finance and Accounting Service (other than responsibilities and authorities in connection with the exercise of jurisdiction of the Service following transfer under this paragraph).



**SA 3238.** Mr. KYL (for himself, Mr. RISCH, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XIV, add the following:

**SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**

(a) **POLICY OF THE UNITED STATES.**—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) **COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the Secretary of Defense, the Secretary of the Interior, and the Secretary of Agriculture to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

**SA 3239.** Mr. KYL (for himself, Mr. LIEBERMAN, Mr. INHOFE, Mr. RISCH, Mr. LUGAR, Mr. SESSIONS, Mr. DEMINT, Mr. CORNYN, Mr. RUBIO, Mr. WICKER, Ms. AYOTTE, Ms. COLLINS, Mr. CORKER, and Mr. VITTER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1074. BRIEFINGS ON DIALOGUE BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION ON NUCLEAR ARMS, MISSILE DEFENSE, AND LONG-RANGE CONVENTIONAL STRIKE SYSTEMS.**

(a) **BRIEFINGS.**—Not later than 60 days after the date of the enactment of this Act, and not less than twice each year thereafter, the President, or the President's designee, shall brief the Committees on Foreign Relations and Armed Services of the Senate on the dialogue between the United States and the Russian Federation on issues related to limits or controls on nuclear arms, missile defense systems, or long-range conventional strike systems.

(b) **SENSE OF THE SENATE ON CERTAIN AGREEMENTS.**—It is the sense of the Senate that any agreement between the United States and the Russian Federation related to missile defense, nuclear weapons, or long-range conventional strike systems obligating the United States to reduce or limit

the Armed Forces or armaments of the United States in any militarily significant manner may be made only pursuant to the treaty-making power of the President as set forth in Article II, section 2, clause 2 of the Constitution of the United States.

**SA 3240.** Mr. CARPER (for himself, Mr. BROWN of Massachusetts, Ms. COLLINS, Mr. COBURN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

**Subtitle I—Federal Real Property Asset Management Reform**

**SECTION 1091. SHORT TITLE.**

This subtitle may be cited as the “Federal Real Property Asset Management Reform Act of 2012”.

**SEC. 1092. TABLE OF CONTENTS.**

The table of contents of this subtitle is as follows:

- Sec. 1091. Short title.
- Sec. 1092. Table of contents.
- Sec. 1093. Expedited disposal of real property.
- Sec. 1094. Property management policy.
- Sec. 1095. Consideration of life-cycle cost required.

**SEC. 1093. EXPEDITED DISPOSAL OF REAL PROPERTY.**

Chapter 5 of subtitle I of title 40, United States Code, is amended by adding at the end the following:

**“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY**

**“§ 621. Definitions**

“In this subchapter:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of General Services.

“(2) **COUNCIL.**—The term ‘Council’ means the Federal Real Property Council established by section 623(a).

“(3) **DIRECTOR.**—The term ‘Director’ means the Director of the Office of Management and Budget.

“(4) **DISPOSAL.**—The term ‘disposal’ means any action that constitutes the removal of any real property from the Federal inventory, including sale, deed, demolition, or exchange.

“(5) **FEDERAL AGENCY.**—The term ‘Federal agency’ means—

“(A) an executive department or independent establishment in the executive branch of the Government; and

“(B) a wholly owned Government corporation.

“(6) **REAL PROPERTY.**—

“(A) **IN GENERAL.**—The term ‘real property’ means any Federal real property asset.

“(B) **INCLUSIONS.**—The term ‘real property’ includes—

“(i) Federal buildings (as defined in section 3301); and

“(ii) occupied and improved grounds, leased space, or other physical structures under the custody and control of any Federal agency.

“(C) **EXCLUSIONS.**—The terms ‘real property’ does not include—

“(i) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101-510));

“(ii) any property that is excepted from the definition of the term ‘property’ under section 102;

“(iii) a designated wilderness study area or other areas managed for wilderness characteristics;

“(iv) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

“(v) property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

“(vi) postal property owned by the United States Postal Service; or

“(vii) any property the Director excludes for reasons of national security.

“(7) **FIELD OFFICE.**—The term ‘field office’ means any office of a Federal agency that is not the headquarters office location for the Federal agency.

“(8) **SMALL BUSINESS CONCERN.**—The term ‘small business concern’ has the meaning given the term in section 3 of the Small Business Act (15 U.S.C. 632).

“(9) **UNDERUTILIZED PROPERTY.**—The term ‘underutilized property’ means any real property that is—

“(A) excess;

“(B) surplus;

“(C) underperforming; or

“(D) otherwise not meeting the needs of the Federal Government, as determined by the Director.

**“§ 622. Duties of Federal agencies**

“Each Federal agency shall—

“(1) maintain adequate inventory controls and accountability systems for real property under the control of the agency;

“(2) define current and future workforce projections so as to have the capacity to assess the needs of the Federal workforce regarding the use of real property;

“(3) continuously survey real property under the control of the agency to identify underutilized property;

“(4) promptly report underutilized property to the Administrator;

“(5) establish goals that lead the agency to reduce underutilized property in the inventory of the agency not later than December 31, 2016;

“(6) reassign underutilized property to another activity within the agency if the property is no longer required for purposes of the appropriation used to make the purchase;

“(7) transfer underutilized property under the control of the agency to other Federal agencies and to organizations specified in section 321(c)(2);

“(8) obtain underutilized properties from other Federal agencies to meet mission needs before acquiring non-Federal property; and

“(9) adopt workplace practices, configurations, and management techniques that can achieve increased levels of productivity and decrease the need for real property assets.

**“§ 623. Establishment of a Federal Real Property Council**

“(a) **ESTABLISHMENT.**—There is established a Federal Real Property Council.

“(b) **PURPOSE.**—The purpose of the Council shall be to develop guidance for the asset management program of each Federal agency.

“(c) **COMPOSITION.**—

“(1) **IN GENERAL.**—The Council shall be composed exclusively of—

“(A) the senior real property officers of each executive agency;

“(B) the Deputy Director for Management of the Office of Management and Budget;

“(C) the Controller of the Office of Management and Budget;

“(D) the Administrator; and

“(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

“(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

“(3) ADMINISTRATIVE SUPPORT.—The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

“(d) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

“(1) establish an asset management plan, to be updated annually, which shall include performance measures to determine the effectiveness of real property management that are designed—

“(A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a government-wide basis; and

“(B) allow for comparison of the performance of Federal agencies against industry and other public sector agencies in terms of performance;

“(2) develop standard use rates consistent throughout each category of space and with nongovernmental space use rates;

“(3) not later than 180 days after the date of enactment of this subchapter, and annually for a 5-year period thereafter, submit to the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a report that contains—

“(A) an analysis of the existing inventory of real property and the condition of that property, including data relating to—

“(i) the age and condition of the property;

“(ii) the size on the property in square footage and acreage;

“(iii) the geographical location of the property, including an address and description;

“(iv) operating costs associated with the property;

“(v) the history of capital expenditures associated with the property;

“(vi) sustainability metrics associated with the property;

“(vii) the number of Federal employees and functions housed in the property; and

“(viii) the relevance of each property to the mission of the Federal agency;

“(B) a list of real property assets that are field offices that are suitable for co-location into another real property asset;

“(C) an evaluation of the leasing process in effect as of the date of submission of the report to identify and document inefficiencies in that process;

“(D) a suggested strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly; and

“(E) an assessment of federally leased space, including—

“(i) a description of the overall quantity and type of space leased by Federal agencies; and

“(ii) an identification of current contracts for leased office space in which the leased space is not fully used or occupied (including

a plan for subletting of unoccupied space if appropriate);

“(F) an analysis of all underutilized property under the jurisdiction of each Federal agency that can be removed from the Federal inventory and sold for proceeds, transferred, or otherwise disposed of, so as to reduce the civilian real property inventory and associated operating costs of the Federal Government;

“(G) an asset disposal plan, or an update of an asset disposal plan, that includes an annual goal established under section 622(5) to be used by Federal agencies in reducing, by not later than 5 years after the date of enactment of this subchapter, underutilized property in the inventory of the Federal Government;

“(H) the number of real property disposals completed, including the disposal method used for each individual real property; and

“(I) specific milestones, measurable savings, and evaluation criteria for the disposal of real property under this subchapter;

“(4) in accordance with subsection (e), identify and compile a list of real property assets that are field offices that are suitable for co-location into other real property assets; and

“(5)(A) review contracts for leased office space that are in effect as of the date of submission of the report; and

“(B) work with Federal agencies to renegotiate leases having at least 2 years remaining in the term of the leases to recognize potential cost savings as quickly as practicable.

“(e) CO-LOCATION AMONG POSTAL SERVICE PROPERTIES.—

“(1) DEFINITION OF POSTAL PROPERTY.—In this subsection, the term ‘Postal property’ means any building owned by the United States Postal Service.

“(2) IDENTIFICATION OF REAL PROPERTY ASSETS.—Each year, the Council shall—

“(A) identify and compile a list of field offices that are suitable for co-location with another real property asset; and

“(B) submit the list to the Director of the Office of Management and Budget and the Postmaster General.

“(3) POSTAL PROPERTY.—

“(A) IN GENERAL.—Not later than 30 days after the completion of the list under paragraph (2), the Director of the Office of Management and Budget, in collaboration with the Postmaster General, shall identify field offices on the list that are within reasonable distance of a Postal property.

“(B) REASONABLE DISTANCE.—For purposes of this paragraph, a field office shall be considered within reasonable distance of a Postal property if the office would be able to fulfill the mission of the office if the office is located at the Postal property.

“(C) REVIEW BY POSTAL SERVICE.—Not later than 90 days after the receipt of the list submitted under paragraph (3)(B), the Postmaster General shall—

“(i) review the list; and

“(ii) submit to the Director of the Office of Management and Budget a report containing the conclusions of the review.

“(4) TERMS OF CO-LOCATION.—On approval of the recommendations under paragraph (4) by the Postmaster General and the applicable agency head, the co-location of a Postal property and an field office shall consist of the Executive agency that owns or leases the field office entering into a lease for space within the Postal property with United States Postal Service that has—

“(A) an initial lease term of not less than 5 years;

“(B) a cost that is within 5 percent of the prevailing market lease rate for a similarly situated space identified under this subsection.”.

#### SEC. 1094. PROPERTY MANAGEMENT POLICY.

(a) IN GENERAL.—Chapter 5 of subtitle I of title 40, United States Code (as amended by title I) is amended by adding at the end the following:

##### “§ 624. Database

“The Administrator shall—

“(1) not later than 1 year after the date of enactment of this subchapter, establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all Federal branch agencies, except when otherwise required for reasons of national security;

“(2) collect from each Federal agency such descriptive information (except for classified information) as the Administrator determines will best describe the nature, use, and extent of real property holdings for the Federal Government; and

“(3) to the extent consistent with national security, make the database established under paragraph (1) accessible to the public at no cost through the website of the General Services Administration.

##### “§ 625. Limitation on certain leasing authorities

“Notwithstanding any other provision of this subchapter, a Federal agency with independent leasing authority shall—

“(1) consult with the Administrator for all leases requiring a prospectus under section 3307;

“(2) acquire space at rates consistent with prevailing market rates for comparable facilities within the specified geographical area; and

“(3) not later than 180 days after the date of enactment of this subchapter and annually thereafter, submit to the Administrator a report that describes the use of the independent leasing authority during the period covered by the report.

##### “§ 626. Expedited disposal program

“(a) IN GENERAL.—

“(1) REQUIRED DISPOSAL.—

“(A) IN GENERAL.—On an annual basis, the Director shall require Federal agencies to dispose of, by sale, transfer, or other means of disposal, any real property determined by the Director to be underutilized property.

“(B) COSTS ASSOCIATED WITH DISPOSAL.—

“(i) IN GENERAL.—The Administrator may obligate an amount to pay any direct and indirect costs under section 572 related to identifying and preparing properties to be reported as excess by a Federal agency.

“(ii) REIMBURSEMENT.—An amount obligated under clause (i) shall be paid from the proceeds of any sale of underutilized property.

“(iii) NET PROCEEDS.—Net proceeds shall be distributed under subsection (b).

“(C) MAXIMUM NET PROCEEDS.—Underutilized property required to be disposed of by sale of under subparagraph (A) shall be sold at an auction that, as determined by the Administrator in consultation with the head of the applicable Federal agency, is structured and marketed to ensure the maximum amount of net proceeds.

“(D) MONETARY PROCEEDS REQUIREMENT.—

“(i) IN GENERAL.—Underutilized property may be sold under this section only if disposal of the property will generate monetary proceeds to the Federal Government that exceed the costs of disposal of the property.

“(ii) PROHIBITIONS ON NONCASH TRANSACTIONS.—A disposal of underutilized property under this section may not include any

exchange, trade, transfer, acquisition of the like-kind property, or other noncash transaction as part of the disposal.

“(2) APPLICABILITY OF CERTAIN LAW.—Any expedited disposal of underutilized property conducted under this section shall not be subject to—

“(A) any section of An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes (16 U.S.C. 667b);

“(B) sections 107 and 317 of title 23;

“(C) sections 545(b)(8), 550, 553, 554, and 1304(b) of this title;

“(D) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411);

“(E) section 47151 of title 49;

“(F) section 13(d) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d));

“(G) any other provision of law authorizing the conveyance of real property owned by the Federal Government for no consideration; or

“(H) any congressional notification requirement other than that in section 545 of this title.

“(b) USE OF PROCEEDS.—

“(1) IN GENERAL.—Of the proceeds received from the disposal of any real property under this subchapter—

“(A) not less than 80 percent shall be returned to the general fund of the Treasury for debt reduction;

“(B) the lesser of 18 percent or the share of proceeds otherwise authorized to be retained under law shall be retained by Federal agencies, subject to paragraph (2);

“(C) not more than 2 percent shall be made available to carry out section 627, subject to annual appropriations; and

“(D) any remaining share of the proceeds shall be returned to the general fund of the Treasury for Federal budget deficit reduction.

“(2) LIMITATION ON USE OF PROCEEDS.—Any proceeds retained by Federal agencies under this section shall be—

“(A) deposited into the appropriate real property account of the agency that had custody and accountability for the underutilized property, with the funds expended only as authorized in annual appropriations Acts;

“(B) used—

“(i) by not later than 1 year after the date of disposal of the real property; and

“(ii) only for activities relating to Federal real property asset management and disposal; and

“(C) if not used by the date described in subparagraph (A)(i), shall be deposited in the Treasury and used for Federal budget deficit reduction.

“(c) PUBLIC BENEFIT.—

“(1) CONVEYANCE.—If an underutilized property has not been disposed of by the date that is 2 years after the date the property is listed for sale, the Director, in consultation with the Administrator and the Secretary of Housing and Urban Development, may consider a request from the disposing agency that the underutilized property be conveyed to State and local governments or nonprofit organizations for various public purposes or uses as permitted by applicable law.

“(2) PREDOMINANT USE AND SIZE STANDARDS.—

“(A) IN GENERAL.—Underutilized property the predominant use of which is other than housing, and the area of which is equal to or greater than 25,000 square feet or the appraised fair market value of which exceeds \$2,000,000, shall be considered to be unsuitable for disposal under this subsection.

“(B) APPRAISED FAIR MARKET VALUE.—The appraised fair market value described in sub-

paragraph (A) shall be determined by the Federal agency with custody or control of the property, in consultation with the Administrator and standard appraisal practice.

“(d) ENFORCEMENT.—

“(1) IN GENERAL.—

“(A) INCREASE IN SIZE OF INVENTORY.—Except as provided in subparagraph (B) and paragraph (2) and, if a Federal agency fails to make available for public sale the underutilized properties described in subsection (a) by the date that is 18 months after the date of a determination by the Director under subsection (a), that Federal agency, except for specific exceptions promulgated by the Director, shall not increase the size of the civilian real property inventory, unless the square footage of the increase is offset, within an appropriate time as determined by the Director, through consolidation, colocation, or disposal of another building space from the inventory of that agency.

“(B) EXCEPTION.—Subparagraph (A) shall not apply to a Federal agency that acquires any real property not under the administrative jurisdiction of the Federal Government, by sale or lease, until the Director submits a certification to Congress of the disposal of all of those surplus real properties.

“(2) WAIVER.—Paragraph (1) shall not apply to a Federal agency if—

“(A) the Federal agency submits to the Director and the Committees on Environment and Public Works and Homeland Security and Governmental Affairs of the Senate and the Committees on Transportation and Infrastructure and Oversight and Government Reform of the House of Representatives a written justification describing—

“(i) the reasons why the surplus real properties described in subsection (a) under the jurisdiction of the Federal agency were not disposed of; or

“(ii) why the restriction on growth without an identified offset obstructs the performance of a mission-critical function; and

“(B) Congress enacts a law approving the waiver.

“(3) OMB SCORECARD.—

“(A) IN GENERAL.—The Director shall prepare an annual scorecard measuring the success of each Federal agency in achieving savings under this subchapter.

“(B) GOVERNMENT-WIDE SAVINGS.—The Director shall use the scorecard described in subparagraph (A) to determine whether the sum of the savings of each agency is at least \$15,000,000,000 over a 10-year period.

“(4) REPORT.—Not later than 1 year after the date of enactment of this subchapter and once for every 5-year period thereafter, the Council shall submit to the Director a report listing each Federal agency that fails to meet the applicable underutilized property reduction goal established under section 622(5), along with a list of the remaining underutilized properties of the Federal agency.

“(e) TERMINATION OF AUTHORITY.—The authority provided by this section terminates on the date that is 5 years after the date of enactment of this subchapter.

#### “§ 627. Homeless assistance grants

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE NONPROFIT ORGANIZATION.—The term ‘eligible nonprofit organization’ means a nonprofit organization that is a representative of the homeless.

“(2) HOMELESS.—The term ‘homeless’ has the meaning given the term in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302), except that subsection (c) of that section shall not apply.

“(3) PERMANENT HOUSING.—The term ‘permanent housing’ has the meaning given the

term section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

“(4) PRIVATE NONPROFIT ORGANIZATION.—The term ‘private nonprofit organization’ has the meaning given the term in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

“(5) REPRESENTATIVE OF THE HOMELESS.—The term ‘representative of the homeless’ has the meaning given the term in section 501(i) of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411(i)).

“(6) SECRETARY.—The term ‘Secretary’ means the Secretary of Housing and Urban Development.

“(7) TRANSITIONAL HOUSING.—The term ‘transitional housing’ has the meaning given the term in section 401 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360).

“(b) GRANT AUTHORITY.—

“(1) IN GENERAL.—To the extent amounts are made available under section 626 for use under this section, the Secretary shall make grants to eligible private nonprofit organizations through the continuum of care program established under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.), to purchase property suitable for use to assist the homeless in accordance with subsection (c).

“(2) TERMS AND CONDITIONS.—Except as otherwise provided in this section, a grant under this section shall be subject to the same terms and conditions as a grant under the continuum of care program established under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.).

“(c) USE OF PROPERTIES FOR HOUSING OR SHELTER FOR THE HOMELESS.—

“(1) ELIGIBLE USES.—An eligible private nonprofit organization that receives a grant under subsection (b) shall use the amounts received only to purchase or rehabilitate real property for use to provide permanent housing, transitional housing, or temporary shelter to the homeless.

“(2) TERM OF USE.—The Secretary may not make a grant under subsection (b) to an eligible private nonprofit organization unless the eligible private nonprofit organization provides to the Secretary such assurances as the Secretary determines necessary to ensure that any property purchased or rehabilitated using amounts received under the grant is used only for the uses described in paragraph (1) for a period of not less than 15 years.

“(d) PREFERENCE.—In awarding grants under subsection (b), the Secretary shall give preference to eligible private nonprofit organizations that operate within areas in which Federal real property is being sold under the disposal program authorized under section 626.

“(e) REGULATIONS.—The Secretary may promulgate such regulations as are necessary to carry out this section.”

(b) REPORT OF THE COMPTROLLER GENERAL.—Not later than 5 years after the date of enactment of this subtitle, the Comptroller General of the United States shall submit to Congress a report on the use by executive agencies of the authorities provided by this subtitle and amendments made by this subtitle.

#### SEC. 1095. CONSIDERATION OF LIFE-CYCLE COST REQUIRED.

(a) IN GENERAL.—Section 3305 of title 40, United States Code, is amended by adding at the end the following:

“(d) CONSIDERATION OF LIFE-CYCLE COST REQUIRED.—

“(1) DEFINITIONS.—In this subsection:

“(A) LIFE-CYCLE COST.—The term ‘life-cycle cost’ means the sum of the following costs, as estimated for the lifetime of a building:

- “(i) Investment costs.
- “(ii) Capital costs.
- “(iii) Installation costs.
- “(iv) Energy costs.
- “(v) Operating costs.
- “(vi) Maintenance costs.
- “(vii) Replacement costs.

“(B) LIFETIME OF A BUILDING.—The term ‘lifetime of a real property asset’ means, with respect to an asset, the greater of—

- “(i) the period of time during which the asset is projected to be used; or
- “(ii) 50 years.

“(2) REQUIREMENT.—The Council shall ensure that the life-cycle cost of a real property asset is considered in the construction or lease of a real property asset described in paragraph (3).

“(3) FEDERAL PUBLIC BUILDINGS SUBJECT TO REQUIREMENT.—A real property asset shall be subject to the requirement under paragraph (2) if—

“(A) construction or lease of the asset begins after the date on which the Council is established;

“(B) the estimated construction costs of the asset exceed \$1,000,000;

“(C) in the case of a lease, the square footage of the asset is more than 25,000 square feet; and

“(D) Federal funding comprises more than 50 percent of the funding for the estimated construction or lease costs of the asset.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of subtitle I of title 40, United States Code, is amended by inserting after the item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“621. Definitions.

“622. Duties of Federal agencies.

“623. Establishment of a Federal Real Property Council.

“624. Database.

“625. Limitation on certain leasing authorities.

“626. Expedited disposal program.

“627. Homeless assistance grants.”.

**SA 3241.** Mr. CARPER (for himself, Ms. COLLINS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

**Subtitle —GAO Mandates Revision Act**

**SEC. 01. SHORT TITLE.**

This subtitle may be cited as the “GAO Mandates Revision Act of 2012”.

**SEC. 02. REPEALS AND MODIFICATIONS.**

(a) CAPITOL PRESERVATION FUND FINANCIAL STATEMENTS.—Section 804 of the Arizona-Idaho Conservation Act of 1988 (2 U.S.C. 2084) is amended by striking “annual audits of the transactions of the Commission” and inserting “periodic audits of the transactions of the Commission, which shall be conducted at

least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Committee on House Administration of the House of Representatives, the Secretary of the Senate, or the Clerk of the House of Representatives requests that an audit be conducted at an earlier date.”.

(b) JUDICIAL SURVIVORS’ ANNUITIES FUND AUDIT BY GAO.—

(1) IN GENERAL.—Section 376 of title 28, United States Code, is amended—

(A) by striking subsection (w); and

(B) by redesignating subsections (x) and (y) as subsections (w) and (x), respectively.

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 376(h)(2) of title 28, United States Code, is amended by striking “subsection (x)” and inserting “subsection (w)”.

(c) ONDCP ANNUAL REPORT REQUIREMENT.—Section 203 of the Office of National Drug Control Policy Reauthorization Act of 2006 (21 U.S.C. 1708a) is amended—

(1) in subsection (a), by striking “of each year” and inserting “, 2013, and every 3 years thereafter,”; and

(2) in subsection (b), in the matter preceding paragraph (1), by striking “at a frequency of not less than once per year—” and inserting “not later than December 31, 2013, and every 3 years thereafter—”.

(d) USERRA GAO REPORT.—Section 105(g)(1) of the Veterans’ Benefits Act of 2010 (Public Law 111-275; 38 U.S.C. 4301 note) is amended by striking “, and annually thereafter during the period when the demonstration project is conducted,”.

(e) SEMIPOSTAL PROGRAM REPORTS BY THE GENERAL ACCOUNTING OFFICE.—Section 2 of the Semipostal Authorization Act (Public Law 106-253; 114 Stat. 636; 39 U.S.C. 416 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(f) EARNED IMPORT ALLOWANCE PROGRAM REVIEW BY GAO.—Section 231A(b)(4) of the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703a(b)(4)) is amended—

(1) by striking subparagraph (C); and

(2) by redesignating subparagraph (D) as subparagraph (C).

(g) AMERICAN BATTLE MONUMENTS COMMISSION’S FINANCIAL STATEMENTS AND AUDITS.—Section 2103(h) of title 36, United States Code, is amended—

(1) in paragraph (1), by striking “of paragraph (2) of this subsection” and inserting “of section 3515 of title 31”;

(2) in paragraph (1), by striking “(1)”;

and

(3) by striking paragraph (2).

(h) SENATE PRESERVATION FUND AUDITS.—Section 3(c)(6) of the Legislative Branch Appropriations Act, 2004 (2 U.S.C. 2108(c)(6)) is amended by striking “annual audits of the Senate Preservation Fund” and inserting “periodic audits of the Senate Preservation Fund, which shall be conducted at least once every 3 years, unless the Chairman or the Ranking Member of the Committee on Rules and Administration of the Senate or the Secretary of the Senate requests that an audit be conducted at an earlier date,”.

**SA 3242.** Mr. CARPER (for himself, Mr. BROWN of Massachusetts, and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy,

to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

**Subtitle —Improper Payments Elimination and Recovery Improvement Act**

**SEC. 01. SHORT TITLE.**

This subtitle may be cited as the “Improper Payments Elimination and Recovery Improvement Act of 2012”.

**SEC. 02. DEFINITIONS.**

In this subtitle—

(1) the term “agency” means an executive agency as that term is defined under section 102 of title 31, United States Code; and

(2) the term “improper payment” has the meaning given that term in section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note), as redesignated by section 03(a)(1) of this subtitle.

**SEC. 03. IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS BY FEDERAL AGENCIES.**

(a) IN GENERAL.—Section 2 of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended—

(1) by redesignating subsections (b) through (g) as subsections (c) through (h), respectively;

(2) by inserting after subsection (a) the following:

“(b) IMPROVING THE DETERMINATION OF IMPROPER PAYMENTS.—

“(1) IN GENERAL.—The Director of the Office of Management and Budget shall on an annual basis—

“(A) identify a list of high-priority Federal programs for greater levels of oversight and review—

“(i) in which the highest dollar value or highest rate of improper payments occur; or

“(ii) for which there is a higher risk of improper payments; and

“(B) in coordination with the agency responsible for administering the high-priority program, establish annual targets and semi-annual or quarterly actions for reducing improper payments associated with each high-priority program.

“(2) REPORT ON HIGH-PRIORITY IMPROPER PAYMENTS.—

“(A) IN GENERAL.—Subject to Federal privacy policies and to the extent permitted by law, each agency with a program identified under paragraph (1)(A) on an annual basis shall submit to the Inspector General of that agency, and make available to the public (including availability through the Internet), a report on that program.

“(B) CONTENTS.—Each report under this paragraph—

“(i) shall describe—

“(I) any action the agency—

“(aa) has taken or plans to take to recover improper payments; and

“(bb) intends to take to prevent future improper payments; and

“(ii) shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.

“(C) PUBLIC AVAILABILITY ON CENTRAL WEBSITE.—The Office of Management and Budget shall make each report submitted under this paragraph available on a central website.

“(D) AVAILABILITY OF INFORMATION TO INSPECTOR GENERAL.—Subparagraph (B)(ii) shall not prohibit any referral or information being made available to an Inspector General as otherwise provided by law.

“(E) ASSESSMENT AND RECOMMENDATIONS.—The Inspector General of each agency that

submits a report under this paragraph shall, for each program of the agency that is identified under paragraph (1)(A)—

“(i) review—

“(I) the assessment of the level of risk associated with the program, and the quality of the improper payment estimates and methodology of the agency relating to the program; and

“(II) the oversight or financial controls to identify and prevent improper payments under the program; and

“(ii) submit to Congress recommendations, which may be included in another report submitted by the Inspector General to Congress, for modifying any plans of the agency relating to the program, including improvements for improper payments determination and estimation methodology.”;

(3) in subsection (d) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” each place that term appears and inserting “subsection (c)”;

(4) in subsection (e) (as redesignated by paragraph (1) of this subsection), by striking “subsection (b)” and inserting “subsection (c)”;

(5) in subsection (g)(3) (as redesignated by paragraph (1) of this subsection), by inserting “or a Federal employee” after “non-Federal person or entity”.

(b) IMPROVED ESTIMATES.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide guidance to agencies for improving the estimates of improper payments under the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).

(2) GUIDANCE.—Guidance under this subsection shall—

(A) strengthen the estimation process of agencies by setting standards for agencies to follow in determining the underlying validity of sampled payments to ensure amounts being billed are proper; and

(B) instruct agencies to give the persons or entities performing improper payments estimates access to all necessary payment data, including access to relevant documentation;

(C) explicitly bar agencies from relying on self-reporting by the recipients of agency payments as the sole source basis for improper payments estimates;

(D) require agencies to include all identified improper payments in the reported estimate, regardless of whether the improper payment in question has been or is being recovered;

(E) include payments to employees, including salary, locality pay, travel pay, purchase card use, and other employee payments, as subject to risk assessment and, where appropriate, improper payment estimation; and

(F) require agencies to tailor their corrective actions for the high-priority programs identified under section 2(b)(1)(A) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) to better reflect the unique processes, procedures, and risks involved in each specific program.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The Improper Payments Elimination and Recovery Act of 2010 (Public Law 111-204; 124 Stat. 2224) is amended—

(1) in section 2(h)(1) (31 U.S.C. 3321 note), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”;

(2) in section 3(a) (31 U.S.C. 3321 note)—

(A) in paragraph (1), by striking “section 2(f)” and all that follows and inserting “section 2(g) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note).”;

(B) in paragraph (3)—

(i) by striking “section 2(b)” each place it appears and inserting “section 2(c)”;

(ii) by striking “section 2(c)” each place it appears and inserting “section 2(d)”.

#### SEC. 04. IMPROPER PAYMENTS INFORMATION.

Section 2(a)(3)(A)(ii) of the Improper Payments Information Act of 2002 (31 U.S.C. 3321 note) is amended by striking “with respect to fiscal years following September 30th of a fiscal year beginning before fiscal year 2013 as determined by the Office of Management and Budget” and inserting “with respect to fiscal year 2014 and each fiscal year thereafter”.

#### SEC. 05. DO NOT PAY INITIATIVE.

(a) PREPAYMENT AND PREAWARD PROCEDURES.—

(1) IN GENERAL.—Each agency shall review prepayment and preaward procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs to determine program or award eligibility and prevent improper payments before the release of any Federal funds.

(2) DATABASES.—At a minimum and before issuing any payment and award, each agency shall review as appropriate the following databases to verify eligibility of the payment and award:

(A) The Death Master File of the Social Security Administration.

(B) The General Services Administration's Excluded Parties List System.

(C) The Debt Check Database of the Department of the Treasury.

(D) The Credit Alert System or Credit Alert Interactive Voice Response System of the Department of Housing and Urban Development.

(E) The List of Excluded Individuals/Entities of the Office of Inspector General of the Department of Health and Human Services.

(b) DO NOT PAY INITIATIVE.—

(1) ESTABLISHMENT.—There is established the Do Not Pay Initiative which shall include—

(A) use of the databases described under subsection (a)(2); and

(B) use of other databases designated by the Director of the Office of Management and Budget in consultation with agencies and in accordance with paragraph (2).

(2) OTHER DATABASES.—In making designations of other databases under paragraph (1)(B), the Director of the Office of Management and Budget shall—

(A) consider any database that substantially assists in preventing improper payments; and

(B) provide public notice and an opportunity for comment before designating a database under paragraph (1)(B).

(3) ACCESS AND REVIEW BY AGENCIES.—For purposes of identifying and preventing improper payments, each agency shall have access to, and use of, the Do Not Pay Initiative to verify payment or award eligibility in accordance with subsection (a) when the Director of the Office of Management and Budget determines the Do Not Pay Initiative is appropriately established for the agency.

(4) PAYMENT OTHERWISE REQUIRED.—When using the Do Not Pay Initiative, an agency shall recognize that there may be circumstances under which the law requires a payment or award to be made to a recipient, regardless of whether that recipient is identified as potentially ineligible under the Do Not Pay Initiative.

(5) ANNUAL REPORT.—The Director of the Office of Management and Budget shall submit to Congress an annual report, which may

be included as part of another report submitted to Congress by the Director, regarding the operation of the Do Not Pay Initiative, which shall—

(A) include an evaluation of whether the Do Not Pay Initiative has reduced improper payments or improper awards; and

(B) provide the frequency of corrections or identification of incorrect information.

(c) DATABASE INTEGRATION PLAN.—Not later than 60 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall provide to the Congress a plan for—

(1) inclusion of other databases on the Do Not Pay Initiative;

(2) to the extent permitted by law, agency access to the Do Not Pay Initiative; and

(3) the multilateral data use agreements described under subsection (e).

(d) INITIAL WORKING SYSTEM.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall establish a working system for prepayment and preaward review that includes the Do Not Pay Initiative as described under this section.

(2) WORKING SYSTEM.—The working system established under paragraph (1)—

(A) may be located within an appropriate agency;

(B) shall include not less than 3 agencies as users of the system; and

(C) shall include investigation activities for fraud and systemic improper payments detection through analytic technologies and other techniques, which may include commercial database use or access.

(3) APPLICATION TO ALL AGENCIES.—Not later than June 1, 2013, each agency shall review all payments and awards for all programs of that agency through the system established under this subsection.

(e) FACILITATING DATA ACCESS BY FEDERAL AGENCIES AND OFFICES OF INSPECTORS GENERAL FOR PURPOSES OF PROGRAM INTEGRITY.—

(1) DEFINITION.—In this subsection, the term “Inspector General” means an Inspector General described in subparagraph (A), (B), or (I) of section 11(b)(1) of the Inspector General Act of 1978 (5 U.S.C. App.).

(2) COMPUTER MATCHING BY FEDERAL AGENCIES FOR PURPOSES OF INVESTIGATION AND PREVENTION OF IMPROPER PAYMENTS AND FRAUD.—

(A) IN GENERAL.—Except as provided in this paragraph, in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974), each Inspector General and the head of each agency may enter into computer matching agreements that allow ongoing data matching (which shall include automated data matching) in order to assist in the detection and prevention of improper payments.

(B) REVIEW.—Not later than 60 days after a proposal for an agreement under subparagraph (A) has been presented to a Data Integrity Board established under section 552a(u) of title 5, United States Code, for consideration, the Data Integrity Board shall respond to the proposal.

(C) TERMINATION DATE.—An agreement under subparagraph (A)—

(i) shall have a termination date of less than 3 years; and

(ii) during the 3-month period ending on the date on which the agreement is scheduled to terminate, may be renewed by the agencies entering the agreement for not more than 3 years.

(D) MULTIPLE AGENCIES.—For purposes of this paragraph, section 552a(o)(1) of title 5,

United States Code, shall be applied by substituting “between the source agency and the recipient agency or non-Federal agency or an agreement governing multiple agencies” for “between the source agency and the recipient agency or non-Federal agency” in the matter preceding subparagraph (A).

(E) **COST-BENEFIT ANALYSIS.**—A justification under section 552a(o)(1)(B) of title 5, United States Code, relating to an agreement under subparagraph (A) is not required to contain a specific estimate of any savings under the computer matching agreement.

(F) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—Not later than 6 months after the date of enactment of this subtitle, and in consultation with the Council of Inspectors General on Integrity and Efficiency, the Secretary of Health and Human Services, the Commissioner of Social Security, and the head of any other relevant agency, the Director of the Office of Management and Budget shall—

(i) issue guidance for agencies regarding implementing this paragraph, which shall include standards for—

(I) reimbursement of costs, when necessary, between agencies;

(II) retention and timely destruction of records in accordance with section 552a(o)(1)(F) of title 5, United States Code;

(III) prohibiting duplication and redisclosure of records in accordance with section 552a(o)(1)(H) of title 5, United States Code;

(ii) review the procedures of the Data Integrity Boards established under section 552a(u) of title 5, United States Code, and develop new guidance for the Data Integrity Boards to—

(I) improve the effectiveness and responsiveness of the Data Integrity Boards; and

(II) ensure privacy protections in accordance with section 552a of title 5, United States Code (commonly known as the Privacy Act of 1974); and

(III) establish standard matching agreements for use when appropriate; and

(iii) establish and clarify rules regarding what constitutes making an agreement entered under subparagraph (A) available upon request to the public for purposes of section 552a(o)(2)(A)(ii) of title 5, United States Code, which shall include requiring publication of the agreement on a public website.

(G) **CORRECTIONS.**—The Director of the Office of Management and Budget shall establish procedures providing for the correction of data in order to ensure—

(i) compliance with section 552a(p) of title 5, United States Code; and

(ii) that corrections are made in any Do Not Pay Initiative database and in any relevant source databases designated by the Director of the Office of Management and Budget under subsection (b)(1).

(H) **COMPLIANCE.**—The head of each agency, in consultation with the Inspector General of the agency, shall ensure that any information provided to an individual or entity under this subsection is provided in accordance with protocols established under this subsection.

(I) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to affect the rights of an individual under section 552a(p) of title 5, United States Code.

(f) **DEVELOPMENT AND ACCESS TO A DATABASE OF INCARCERATED INDIVIDUALS.**—Not later than 1 year after the date of enactment of this subtitle, the Attorney General shall submit to Congress recommendations for increasing the use of, access to, and the technical feasibility of using data on the Federal, State, and local conviction and incarcer-

ation status of individuals for purposes of identifying and preventing improper payments by Federal agencies and programs and fraud.

(g) **PLAN TO CURB FEDERAL IMPROPER PAYMENTS TO DECEASED INDIVIDUALS BY IMPROVING THE QUALITY AND USE BY FEDERAL AGENCIES OF THE SOCIAL SECURITY ADMINISTRATION DEATH MASTER FILE.**—

(1) **ESTABLISHMENT.**—In conjunction with the Commissioner of Social Security and in consultation with relevant stakeholders that have an interest in or responsibility for providing the data, and the States, the Director of the Office of Management and Budget shall establish a plan for improving the quality, accuracy, and timeliness of death data maintained by the Social Security Administration, including death information reported to the Commissioner under section 205(r) of the Social Security Act (42 U.S.C. 405(r)).

(2) **ADDITIONAL ACTIONS UNDER PLAN.**—The plan established under this subsection shall include recommended actions by agencies to—

(A) increase the quality and frequency of access to the Death Master File and other death data;

(B) achieve a goal of at least daily access as appropriate;

(C) provide for all States and other data providers to use improved and electronic means for providing data;

(D) identify improved methods by agencies for determining ineligible payments due to the death of a recipient through proactive verification means; and

(E) address improper payments made by agencies to deceased individuals as part of Federal retirement programs.

(3) **REPORT.**—Not later than 120 days after the date of enactment of this subtitle, the Director of the Office of Management and Budget shall submit a report to Congress on the plan established under this subsection, including recommended legislation.

#### **SEC. 06. IMPROVING RECOVERY OF IMPROPER PAYMENTS.**

(a) **DEFINITION.**—In this section, the term “recovery audit” means a recovery audit described under section 2(h) of the Improper Payments Elimination and Recovery Act of 2010.

(b) **REVIEW.**—The Director of the Office of Management and Budget shall determine—

(1) current and historical rates and amounts of recovery of improper payments (or, in cases in which improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample), including a list of agency recovery audit contract programs and specific information of amounts and payments recovered by recovery audit contractors; and

(2) targets for recovering improper payments, including specific information on amounts and payments recovered by recovery audit contractors.

**SA 3243.** Mr. LEVIN (for himself, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. LUGAR, Mr. LIEBERMAN, and Mr. KERRY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle B of title XII, add the following:

#### **SEC. 1221. SENSE OF CONGRESS COMMENDING THE ENDURING STRATEGIC PARTNERSHIP AGREEMENT BETWEEN THE UNITED STATES AND AFGHANISTAN.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States and Afghanistan have been allies in the conflict against al Qaeda and its affiliates for over a decade, with the shared goal of ensuring that Afghanistan is never again a sanctuary for al Qaeda.

(2) The United States and Afghanistan are committed to the framework agreed to at the North Atlantic Treaty Organization (NATO) Summit in Lisbon in 2010, and reaffirmed at the NATO Summit in Chicago in 2012, for the transition from coalition forces to the Afghan National Security Forces of lead responsibility for security throughout Afghanistan by the end of 2014.

(3) In June 2011, President Barack Obama said, “What we can do, and will do, is build a partnership with the Afghan people that endures—one that ensures that we will be able to continue targeting terrorists and supporting a sovereign Afghan government.”

(4) In November 2011, a traditional *loya jirga* in Kabul declared that “strategic cooperation with the United States of America, which is a strategic ally of the people and government of Afghanistan, is considered important in order to ensure political, economic, and military security” and also stated, “Signing a strategic cooperation document with the United States conforms with the national interest of Afghanistan and is of significant importance.”

(5) On May 2, 2012, President Obama and President Hamid Karzai signed the Enduring Strategic Partnership Agreement Between the United States of America and the Islamic Republic of Afghanistan.

(6) At the signing of the Enduring Strategic Partnership Agreement, President Obama said, “Today we’re agreeing to be long-term partners in combating terrorism, and training Afghan security forces, strengthening democratic institutions and supporting development, and protecting human rights of all Afghans. With this agreement, the Afghan people, and the world, should know that Afghanistan has a friend and a partner in the United States.”

(7) At a May 20, 2012, bilateral meeting with President Karzai at the NATO Summit in Chicago, President Obama said that the Enduring Strategic Partnership Agreement “reflects a future in which two sovereign nations—the United States and Afghanistan—are operating as partners, to the benefit of our countries’ citizens, but also for the benefit of peace and security and stability in the region and around the world”.

(8) President Karzai said at the May 20, 2012, bilateral meeting with President Obama, “Mr. President, the partnership that we signed a few weeks ago in Kabul has turned a new page in our relations. And the new page is a page of two sovereign countries working together for the mutual interests—peace and security and in all other areas.”

(9) On May 26, 2012, the Wolesi Jirga, the lower house of the Afghan parliament, approved the Agreement by a vote of 191–7 with 2 abstentions.

(10) On June 3, 2012, the Meshrano Jirga, the upper house of the Afghan parliament, approved the Agreement by a vote of 67–13.

(11) On July 8, 2012, at the Tokyo Conference on Afghanistan, the international



community and the Government of Afghanistan reaffirmed their partnership in the economic growth and development of Afghanistan through a process of mutual commitments and accountability.

(12) On July 4, 2012, the Enduring Strategic Partnership Agreement entered into force.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the members of the United States Armed Forces, intelligence community, and diplomatic and development community of the United States are to be commended for their dedicated efforts and sacrifices in support of military and stability operations in Afghanistan that have helped strengthen security in Afghanistan, laid the foundation for transition to a long-term partnership between the United States and a sovereign Afghanistan, and supported the Government and people of Afghanistan as they continue to build their capacity to effectively and justly govern;

(2) the United States negotiating team for the Enduring Strategic Partnership Agreement, including the United States Embassy personnel in Kabul under the leadership of Ambassador Ryan Crocker, is to be commended for its committed diplomatic efforts;

(3) the Governments of the United States and Afghanistan are to be commended for concluding the Enduring Strategic Partnership Agreement;

(4) Congress supports the objectives and principles of the Enduring Strategic Partnership Agreement, including protecting and promoting shared democratic values, advancing long-term security, reinforcing regional security and cooperation, fostering social and economic development, upholding the rights of women and minorities, and strengthening institutions and governance in Afghanistan;

(5) it is essential that the Government and people of Afghanistan fulfill Afghanistan's international commitments as agreed at the Tokyo Conference of July 2012, the Bonn Conference of December 2011, the Kabul Conference of July 2011, and other venues to combat corruption, protect the equal rights of all citizens of Afghanistan and enforce the rule of law, hold free and fair elections in 2014, and build inclusive and effective institutions of democratic governance;

(6) a key national security interest of the United States is to maintain a long-term political, economic, and military relationship with Afghanistan, including a limited presence of United States Armed Forces for the purpose of training, advising, and supporting Afghan National Security Forces and cooperating on shared counterterrorism objectives;

(7) the negotiation and conclusion of a Bilateral Security Agreement, as called for in the Enduring Strategic Partnership Agreement, will provide a fundamental framework for the long-term security relationship between the United States and Afghanistan; and

(8) Congress has a critical role in continuing to provide the support and assistance necessary to achieve the goals of the Enduring Strategic Partnership Agreement.

**SA 3244.** Mr. REID submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. TRANSPORT FOR FEMALE GENITAL MUTILATION.**

Section 116 of title 18, United States Code, is amended by adding at the end the following:

“(d) Whoever knowingly transports from the United States and its territories a person in foreign commerce for the purpose of conduct with regard to that person that would be a violation of subsection (a) if the conduct occurred within the United States, or attempts to do so, shall be fined under this title or imprisoned not more than 5 years, or both.”.

**SA 3245.** Ms. AYOTTE (for herself, Mr. GRAHAM, Mr. CHAMBLISS, Mr. INHOFE, Mr. SESSIONS, and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. PROHIBITION ON USE OF FUNDS FOR THE TRANSFER OR RELEASE OF INDIVIDUALS FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

No authorized to be appropriated funds may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions of Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after January 20, 2009, at United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

**SA 3246.** Ms. COLLINS (for herself, Mr. LIEBERMAN, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

**SEC. 723. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES, THEIR DEPENDENTS, AND VETERANS.**

(a) PROGRAM FOR MEMBERS OF THE ARMED FORCES AND DEPENDENTS.—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a “prescription drug take-back program”) under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be joint-

ly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) PROGRAM FOR VETERANS.—The Secretary of Veterans Affairs and the Attorney General shall jointly carry out a program under which veterans may deliver controlled substances to be disposed of in accordance with section 302(g) of the Controlled Substances Act.

(c) PROGRAM ELEMENTS.—The programs required by this section shall provide for the following:

(1) In the case of the program required by subsection (a), the delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of Defense, and to such other acceptance mechanisms, as the Secretary of Defense and the Attorney General jointly specify for purposes of the program.

(2) In the case of the program required by subsection (b), the delivery of controlled substances under the program to such employees of the Veterans Health Administration of the Department of Veterans Affairs, and to such other acceptance mechanisms, as the Secretary of Veterans Affairs and the Attorney General jointly specify for purposes of the program.

(3) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under such programs.

**SA 3247.** Mr. MCCAIN (for himself, Mrs. FEINSTEIN, Mr. NELSON of Florida, Mr. JOHANNES, and Mrs. BOXER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. TRANSFER OF EXCESS AIRCRAFT FOR WILDFIRE SUPPRESSION PURPOSES.**

(a) TRANSFER.—Subject to subsection (c), the Secretary of Defense shall transfer excess aircraft specified in subsection (b) to the Secretary of Agriculture for use by the Forest Service for wildfire suppression purposes. The transfer of any excess aircraft under this subsection shall be without reimbursement.

(b) AIRCRAFT.—

(1) IN GENERAL.—The aircraft transferred under subsection (a) are aircraft of the Department of Defense that are—

(A) identified by the Forest Service as a suitable platform for wildfire suppression missions;

(B) subject to paragraphs (2) and (3), excess to the needs of the Department of Defense, as determined by the Secretary of Defense; and

(C) acceptable for use by the Forest Service, as determined by the Secretary of Agriculture.

(2) LIMITATION ON NUMBER.—The number of aircraft that may be transferred may not exceed 12 aircraft.

(3) LIMITATIONS ON DETERMINATION AS EXCESS.—Aircraft may not be determined to be



excess for the purposes of this subsection unless such aircraft are determined to be excess in the report referenced by subsection (b) of section 1703 of title XVII of this Act, subject to title XVII, or if such aircraft are otherwise prohibited from being determined excess by law.

(c) **PRIORITY IN TRANSFER.**—The Secretary of Agriculture shall be afforded a priority in the transfer under subsection (a) of excess aircraft of the Department of Defense specified in subsection (b) before any other department or agency of the Federal Government.

(d) **CONDITIONS OF TRANSFER.**—Excess aircraft transferred under subsection (a)—

(1) may be used only for wildfire suppression purposes; and

(2) may not be flown or otherwise removed from the United States unless dispatched by the National Interagency Fire Center in support of an international agreement to assist in wildfire suppression efforts or for other purposes approved by the Secretary of Agriculture in writing in advance.

(e) **EXPIRATION OF AUTHORITY.**—The authority to transfer excess aircraft under subsection (a) shall expire on December 31, 2013.

**SEC. 1085. REAUTHORIZATION OF SALE OF AIRCRAFT AND PARTS FOR WILDFIRE SUPPRESSION PURPOSES.**

Section 2 of the Wildfire Suppression Aircraft Transfer Act of 1996 (10 U.S.C. 2576 note) is amended—

(1) in subsection (a), by striking “during the period beginning on October 1, 1996, and ending on September 30, 2005” and inserting “during a period specified in subsection (g)”;

(2) by redesignating subsection (g) as subsection (h); and

(3) by inserting after subsection (f) the following new subsection (g):

“(g) **PERIODS FOR EXERCISE OF AUTHORITY.**—The periods specified in this subsection are the following:

“(1) The period beginning on October 1, 1996, and ending on September 30, 2005.

“(2) The period beginning on October 1, 2012, and ending on September 30, 2017.”.

**SA 3248.** Mr. SANDERS (for himself and Mr. INHOFE) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXXI, add the following:

**SEC. 3122. RENEWABLE ENERGY.**

Section 203(b)(2) of the Energy Policy Act of 2005 (42 U.S.C. 15852(b)(2)) is amended by striking “geothermal,” and inserting “geothermal (including geothermal heat pumps),”.

**SA 3249.** Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. STRATEGIC SEAPORTS.**

(a) **REQUIREMENT TO CONSULT AND COOPERATE.**—The Secretary of Defense and the Administrator of the Maritime Administration shall consult and cooperate to develop methods to improve the utilization by the Department of Defense and the Maritime Administration of the port infrastructure development program created by section 50302(c) of title 46, United States Code, for the improvement of strategic seaports.

(b) **STRATEGIC SEAPORT DEFINED.**—In this section, the term “strategic seaport” means a United States port designated by the Secretary of Defense as a significant transportation hub important to the readiness and cargo capacity of the Department of Defense.

(c) **AUTHORITY TO ACCEPT FINANCIAL ASSISTANCE.**—Subparagraph (D) of section 50302(c)(2) of title 46, United States Code, is amended by striking “assistance” and inserting “and financial assistance, including grants,”.

**SA 3250.** Mr. KOHL submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 344. ASSISTANCE FOR CIVIL SUPPORT MISSION TRAINING.**

(a) **ASSISTANCE AUTHORIZED.**—Chapter 5 of title 32, United States Code, is amended by adding at the end the following new section:

**“§ 510. Training assistance**

“(a) **ASSISTANCE AUTHORIZED.**—To improve the training of National Guard units performing civil support activities, the Secretary of Defense may provide funding assistance through a special military cooperative agreement for the operation and maintenance of any State training center.

“(b) **MERIT-BASED OR COMPETITIVE DECISIONS.**—A decision to commit, obligate, or expend funds under subsection (a) with or to a specific entity shall—

“(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10 or on competitive procedures; and

“(2) comply with other applicable provisions of law.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“510. Training assistance.”.

**SA 3251.** Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title IX, add the following:

**SEC. 943. NATIONAL INSTITUTE FOR CYBER SECURITY EDUCATION AND TRAINING.**

(a) **IN GENERAL.**—The Secretary of Defense shall establish an institute to be known as the “National Institute for Cyber Security Education and Training” (in this section referred to as the “Institute”). The Institute shall not be an element of the Department of Defense.

(b) **DIRECTOR.**—The head of the Institute shall be the Director of the National Institute for Cyber Security Education and Training who shall be appointed by the Secretary of Defense from among qualified personnel of the Federal Government. If the person appointed Director of the National Institute for Cyber Security Education and Training is an officer or employee of a department or agency of the Federal Government other than the Department of Defense, the appointment shall be made with the concurrence of the head of such department or agency.

(c) **PURPOSE.**—The purpose of the Institute shall be to provide advanced cyber-security training for the following:

(1) Employees of the Federal Government engaged in cyber-security matters.

(2) Employees of private sector who are engaged in programs and activities with the Federal Government that require an expertise in cyber-security matters.

(d) **ELEMENTS OF TRAINING.**—The training provided by the Institute shall include the following:

(1) Expert instruction in cyber-security matters, including virtualized network environments that can adaptively model and simulate required training to familiarize and prepare cyber security personnel for the challenges posed by the cyber battlespace.

(2) Such other training, instruction, and educational components as the Secretary considers appropriate.

(e) **STEM EDUCATIONAL COMPONENTS.**—In addition to the training provided by the Institute, the Institute shall also develop and disseminate educational components on cyber-security themes and matters involving science, technology, engineering, and mathematics (STEM) that are suitable for elementary and secondary education purposes and for higher education purposes.

(f) **PERSONNEL AND OTHER RESOURCES.**—The Secretary shall provide the Institute such personnel and other resources as the Secretary considers appropriate for discharge by the Institute of its activities under this section.

(g) **FUNDING.**—Amounts authorized to be appropriated for the Department of Defense for operation and maintenance shall be available for the Institute for the discharge by the Institute of its activities under this section.

(h) **PLAN FOR ESTABLISHMENT.**—Not later than June 30, 2013, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a plan for the establishment of the Institute. The plan shall include a proposed structure of the Institute, a proposal for the intended activities of the Institute, and a schedule for selecting the location of the Institute within the United States.

**SA 3252.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction,

and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 394, between lines 7 and 8, insert the following:

**SEC. 1084. NO REGULATION UNDER THE TOXIC SUBSTANCES CONTROL ACT OF AMMUNITION OR FISHING TACKLE PENDING STUDY OF HEALTH AND ENVIRONMENTAL EFFECTS.**

(a) NO REGULATION OF AMMUNITION OR FISHING TACKLE.—The Administrator of the Environmental Protection Agency shall not issue any proposed or final rule or guidance to regulate any chemical substance or mixture in ammunition or fishing tackle under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) during the period beginning on the date of enactment of this Act and ending on the date of the publication of the study required by subsection (b).

(b) STUDY OF POTENTIAL HUMAN HEALTH AND ENVIRONMENTAL EFFECTS.—

(1) IN GENERAL.—Not later than December 31, 2013, the Secretary of Health and Human Services, the Commissioner of Food and Drugs, the Administrator of the Environmental Protection Agency, and the Secretary of the Interior shall jointly prepare and publish a study that describes the potential threats to human health (including to pregnant women, children, and other vulnerable populations) and to the environment from the use of—

(A) lead and toxic substances in ammunition and fishing tackle; and

(B) commercially available and less toxic alternatives to lead and toxic substances in ammunition and fishing tackle.

(2) USE.—The Administrator of the Environmental Protection Agency shall use, as appropriate, the findings of the report required by paragraph (1) when considering any potential future decision related to a chemical substance or mixture when the substance or mixture is used in ammunition or fishing tackle.

**SA 3253.** Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title X, add the following:

**SEC. 1015. ADDITIONAL SUPPORT FOR COUNTERDRUG TRAINING ACTIVITIES.**

(a) SUPPORT FOR STATE AND LOCAL LAW ENFORCEMENT AGENCIES.—During fiscal years 2013 through 2019, the Secretary of Defense may provide support for the counterdrug activities of any State or local law enforcement agency for counterdrug-related training of law enforcement personnel, including funding for the following:

(1) The continued operation and maintenance of training facilities for the purpose of facilitating counterdrug activities of any Federal, State, local, or tribal law enforcement agency within or outside the United States.

(2) Associated support expenses for trainees and the provision of materials necessary

to carry out such training, if such support is requested by the appropriate official of a State or local government.

(b) CONDUCT OF TRAINING OR OPERATIONS TO AID CIVILIAN AGENCIES.—In providing support pursuant to subsection (a), the Secretary may plan and execute otherwise valid military training or operations for the purpose of aiding civilian law enforcement agencies.

(c) PROHIBITION ON LIMITATION OF SUPPORT.—In providing support pursuant to subsection (a), the Secretary may not limit the requirements for which support may be provided only to critical, emergent, or unanticipated requirements.

**SA 3254.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. CONDITIONS FOR TREATMENT OF CERTAIN PERSONS AS ADJUDICATED MENTALLY INCOMPETENT FOR CERTAIN PURPOSES.**

(a) IN GENERAL.—Chapter 55 of title 38, United States Code, is amended by adding at the end the following new section:

**“§ 5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes**

“In any case arising out of the administration by the Secretary of laws and benefits under this title, a person who is mentally incapacitated, deemed mentally incompetent, or experiencing an extended loss of consciousness shall not be considered adjudicated as a mental defective under subsection (d)(4) or (g)(4) of section 922 of title 18 without the order or finding of a judge, magistrate, or other judicial authority of competent jurisdiction that such person is a danger to himself or herself or others.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 55 of such title is amended by adding at the end the following new item:

“5511. Conditions for treatment of certain persons as adjudicated mentally incompetent for certain purposes.”.

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of Veterans Affairs to be mentally incapacitated, are deemed by the Secretary to be mentally incompetent, or are determined by the Secretary to be experiencing an extended loss of consciousness on or after the date of the enactment of this Act.

**SA 3255.** Mr. REED (for himself, Mr. RUBIO, Mrs. MCCASKILL, Mr. WHITEHOUSE, and Mr. BENNET) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe mili-

tary personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VII, add the following:

**SEC. 704. COST-SHARING RATES FOR THE PHARMACY BENEFITS PROGRAM OF THE TRICARE PROGRAM.**

(a) IN GENERAL.—Section 1074g(a)(6) of title 10, United States Code, is amended—

(1) by striking subparagraph (A) and inserting the following new sub paragraph (A):

“(A) The Secretary, in the regulations prescribed under subsection (h), shall establish cost-sharing requirements under the pharmacy benefits program. In accordance with subparagraph (C), such cost-sharing requirements shall consist of the following:

“(i) With respect to each supply of a prescription covering not more than 30 days that is obtained by a covered beneficiary under the TRICARE retail pharmacy program—

“(I) in the case of generic agents, \$5;

“(II) in the case of formulary agents, \$17;

and

“(III) in the case of nonformulary agents, \$44.

“(ii) With respect to each supply of a prescription covering not more than 90 days that is obtained by a covered beneficiary under the national mail-order pharmacy program—

“(I) in the case of generic agents, \$0;

“(II) in the case of formulary agents, \$13;

and

“(III) in the case of nonformulary agents, \$43.”; and

(2) by adding at the end the following new subparagraph:

“(C)(i) Beginning October 1, 2013, the amount of any increase in a cost-sharing amount specified in subparagraph (A) in a year may not exceed the amount equal to the percentage of such cost-sharing amount at the time of such increase equal to the percentage by which retired pay is increased under section 1401a of this title in that year.

“(ii) If the amount of the increase otherwise provided for a year by clause (i) is less than \$1, the increase shall not be made for such year, but shall be carried over to, and accumulated with, the amount of the increase for the subsequent year or years and made when the aggregate amount of increases carried over under this clause for a year is \$1 or more.

“(iii) The provisions of this subparagraph shall not apply to any increase in cost-sharing amounts described in clause (i) that is made by the Secretary of Defense on or after October 1, 2022. The Secretary may increase copayments, as considered appropriate by the Secretary, beginning on October 1, 2022.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The cost-sharing requirements under subparagraph (A) of section 1074g(a)(6) of title 10, United States Code (as amended by subsection (a)(1)), shall apply with respect to prescriptions obtained under the TRICARE pharmacy benefits program on or after such date as the Secretary of Defense shall specify, but not later than the date that is 45 days after the date of the enactment of this Act.

(2) FEDERAL REGISTER.—The Secretary shall publish notice of the effective date of the cost-sharing requirements specified under paragraph (1) in the Federal Register.

**SEC. 705. PILOT PROGRAM ON REFILLS OF MAINTENANCE MEDICATIONS THROUGH THE TRICARE MAIL-ORDER PHARMACY PROGRAM.**

(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to refill prescription maintenance medications for each TRICARE for Life beneficiary through the national mail-order pharmacy program under section 1074g(a)(2)(E)(iii) of title 10, United States Code.

(b) MEDICATIONS COVERED.—

(1) DETERMINATION.—The Secretary shall determine the prescription maintenance medications included in the pilot program under subsection (a).

(2) SUPPLY.—In carrying out the pilot program, the Secretary shall ensure that the medications included in the program—

(A) are—

(i) generally available through retail pharmacies for an initial filling of a 30-day or less supply; and

(ii) obtained by refill through the national mail order pharmacy program; or

(B) are both available for an initial filling or obtained by refill at a military medical treatment facility.

(3) NO DENIAL.—In the instance when a refill of such maintenance medication is not obtained through a national mail-order pharmacy program, the Secretary shall ensure that beneficiaries are provided a supply at a retail pharmacy for a limited period of time. The Secretary may impose a cost-sharing requirement on beneficiaries accessing such supply.

(4) EXEMPTION.—The Secretary may exempt the following prescription maintenance medications from the requirements in paragraph (2):

(A) Medications for acute care needs.

(B) Medications dispensed to patients in long-term care facilities.

(C) Such other medications as the Secretary considers appropriate.

(c) NONPARTICIPATION.—

(1) OPT OUT.—The Secretary shall give beneficiaries who have been covered by the pilot program under subsection (a) for a period of at least one year an opportunity to opt out of continuing to participate in the pilot program.

(2) WAIVER.—The Secretary may waive the requirement for a beneficiary to participate in the pilot program if the Secretary determines, on an individual basis, that the waiver is appropriate.

(e) REPORTS.—Not later than March 31 of each year beginning in 2014 and ending in 2018, the Secretary shall submit to the congressional defense committees a report on the pilot program under subsection (a), including the effects of offering incentives for the use of mail-order pharmacies by TRICARE for Life beneficiaries, access to maintenance medications, and the effect on retail pharmacies.

(f) TRICARE FOR LIFE BENEFICIARY DEFINED.—In this section, the term “TRICARE for Life beneficiary” means a beneficiary under the TRICARE program who is enrolled in the Medicare wraparound coverage option of the TRICARE program made available to the beneficiary by reason of section 1086(d) of title 10, United States Code.

(g) SUNSET.—The Secretary may not carry out the pilot program under subsection (a) after December 31, 2017.

**SA 3256.** Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle F of title V, add the following:

**SEC. 561. COMPTROLLER GENERAL OF THE UNITED STATES REPORTS ON JOINT PROFESSIONAL MILITARY EDUCATION MATTERS.**

(a) REPORT ON REVIEW OF MILITARY EDUCATION COORDINATION COUNCIL REPORT.—

(1) REVIEW OF METHODOLOGY.—The Comptroller General of the United States shall review the methodology used by the Military Education Coordination Council in compiling the report on joint professional military education that is to be submitted to the Director of Joint Force Development by March 1, 2013, pursuant to the Joint Staff Memorandum, Joint Staff Review, dated July 16, 2012. The review shall include an examination of the analytical approach used by the Council for that report, including the types of information considered, the cost savings identified, the benefits of options considered, the time frames for implementation, and transparency.

(2) REPORT.—Not later than 90 days after receiving from the Director of Joint Force Development the report described in paragraph (1), the Comptroller General shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the review under paragraph (1) of the report described in that paragraph. The report of the Comptroller General under this paragraph shall set forth the following:

(A) The results of the review under paragraph (1).

(B) Such recommendations as the Comptroller General considers appropriate in light of the results of the review.

(b) REPORT ON JOINT PROFESSIONAL MILITARY EDUCATION RESEARCH INSTITUTIONS.—

(1) REPORT REQUIRED.—Not later than January 31, 2014, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth the assessment by the Comptroller General of the work performed by joint professional military education research institutions in support of professional military education and the broader mission of the Department of Defense, the military departments, and the Defense Agencies.

(2) ELEMENTS.—The report required by paragraph (1) shall include an assessment of the following:

(A) The systems, mechanisms, and structures within the senior and intermediate joint professional military education colleges and universities for oversight, governance, and management of the joint professional military education research institutions, including systems, mechanisms, and structures relating to the development of policies and budgets for research.

(B) The factors contributing to and the extent of growth in the number and size of joint professional military education research institutions since 2000.

(C) The causes and extent of cost growth at joint professional military education research institutions since 2000.

(D) The focus of research activity conducted by the joint professional military education research institutions, and the extent to which each joint professional military education research institution performs

a unique research function or engages in similar or duplicative efforts with other components or elements of the Department of Defense.

(E) The measures of effectiveness used by the joint professional military education research institutions, the senior and intermediate joint professional military education colleges and universities, and other oversight entities to evaluate the performance of the joint professional military education research institutions in meeting established goals or objectives.

(3) DEFINITIONS.—In this subsection:

(A) The term “joint professional military education research institutions” means subordinate organizations (including centers, institutes, and schools) under the senior and intermediate joint professional military education colleges and universities for which research is the primary mission or reason for existence.

(B) The term “senior and intermediate joint professional military education colleges and universities” means the following:

(i) The National Defense University.

(ii) The Army War College.

(iii) The Navy War College.

(iv) The Air University.

(v) The Air War College.

(vi) The Marine Corp University.

**SA 3257.** Ms. CANTWELL (for herself, Mr. BEGICH, Mrs. MURRAY, and Ms. MURKOWSKI) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title I, add the following:

**SEC. 132. MULTIYEAR PROCUREMENT AUTHORITY FOR POLAR ICEBREAKERS.**

(a) MULTIYEAR PROCUREMENT.—Subject to section 2306b of title 10, United States Code, the Secretary of the Navy shall enter into multiyear contracts, beginning with the fiscal year 2013 program year, for the procurement of up to four heavy duty polar icebreakers and any systems and equipment associated with those vessels.

(b) AUTHORITY FOR ADVANCE PROCUREMENT.—The Secretary may enter into one or more contracts, beginning in fiscal year 2013, for advance procurement associated with the vessels, systems, and equipment for which authorization to enter into a multiyear contract is provided under subsection (a).

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2013 is subject to the availability of appropriations or funds for that purpose for such later fiscal year.

(d) MEMORANDUM OF AGREEMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Navy and the Secretary of the Department in which the Coast Guard is operating shall enter into a memorandum of agreement establishing a process by which the Navy, in concurrence with the Coast Guard, shall—

(1) identify the vessel specifications, capabilities, systems, equipment, and other details required for the design of heavy polar

icebreakers capable of fulfilling Navy and Coast Guard mission requirements;

(2) oversee the construction of heavy polar icebreakers authorized to be procured under this section; and

(3) to the extent not adequately addressed in the 1965 Revised Memorandum of Agreement between the Department of the Navy and the Department of the Treasury on the Operation of Icebreakers, transfer heavy polar icebreakers procured through contracts authorized under this section from the Navy to the Coast Guard to be maintained and operated by the Coast Guard.

**SA 3258.** Mr. ALEXANDER (for himself and Mr. CORKER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XXVI, add the following:

**SEC. 2613. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2011 PROJECT.**

In the case of the authorization contained in the table in section 2604 of the Military Construction Authorization Act for Fiscal Year 2011 (division B of Public Law 111-383; 124 Stat. 4453) for Nashville International Airport, Tennessee, for renovation of an Intelligence Squadron Facility, the Secretary of the Air Force may convert up to 4,023 square meters of existing facilities to bed down Intelligence Group and Remotely Piloted Aircraft Remote Split Operations Group missions, consistent with the Air National Guard's construction guidelines for these missions.

**SA 3259.** Ms. COLLINS (for herself and Mr. CARPER) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.**

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

**“SEC. 526. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION.**

“(a) IN GENERAL.—To provide timely and effective warnings regarding natural disasters, wars, acts of terrorism, other man-made disasters, and other hazards to public safety under this title, the Administrator shall—

“(1) modernize the integrated public alert and warning system of the United States (in this section referred to as the ‘public alert and warning system’) to ensure that under all conditions the President and, except to the extent the public alert and warning system is in use by the President, Federal agen-

cies and State, tribal, and local governments can alert and warn the civilian population in areas endangered by a natural disaster, war, act of terrorism, other man-made disaster, or other hazard to public safety; and

“(2) implement the public alert and warning system.

“(b) IMPLEMENTATION REQUIREMENTS.—In carrying out subsection (a), the Administrator shall—

“(1) establish or adopt, as appropriate, common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

“(2) include in the public alert and warning system the capability to adapt the distribution and content of communications on the basis of geographic location, risks, and multiple communication systems and technologies, as appropriate;

“(3) include in the public alert and warning system the capability to alert, warn, and provide equivalent information to individuals with disabilities and individuals with limited English proficiency, to the extent technically feasible;

“(4) ensure training, tests, and exercises for the public alert and warning system are conducted, including—

“(A) through exercises conducted under the National Exercise Program described in section 648 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 748), to the extent determined appropriate by the Administrator;

“(B) the conduct of periodic nationwide tests; and

“(C) by establishing and integrating into the National Incident Management System a comprehensive and periodic training program to instruct and educate Federal, State, tribal, and local government officials in the use of the Common Alerting Protocol enabled-Emergency Alert System;

“(5) conduct public education efforts so that State, tribal, and local governments, private entities, and the people of the United States understand the functions of the public alert and warning system and how to access, use, and respond to information from the public alert and warning system through a general market awareness campaign;

“(6) in coordination with the Secretary, ensure that the public alert and warning system coordinates with the National Terrorism Advisory System, including ensuring that the National Terrorism Advisory System participates in tests of the public alert and warning system;

“(7) consult, coordinate, and cooperate with the appropriate private sector entities and Federal, State, tribal, and local governmental authorities, including the Regional Administrators and emergency response providers; and

“(8) coordinate with, and consider the recommendations of, the Select Advisory Committee established under section 1084(b) of the National Defense Authorization Act for Fiscal Year 2013.

“(c) SYSTEM REQUIREMENTS.—The public alert and warning system shall—

“(1) incorporate multiple communication systems and technologies, to the extent determined appropriate by the Administrator;

“(2) be designed to adapt to, and incorporate, future technologies for communicating directly with the public;

“(3) be designed to—

“(A) provide alerts that are accessible to the largest portion of the affected population feasible, including nonresident visitors and tourists and individuals with disabilities, to the extent technically feasible; and

“(B) improve the ability of remote areas to receive alerts; and

“(4) provide redundant alert mechanisms where practicable so as to reach the greatest number of people.

“(d) PILOT PROGRAMS.—The Administrator may conduct pilot programs for the purpose of demonstrating the feasibility of using a variety of methods for achieving the system requirements specified in subsection (c).

“(e) USE OF SYSTEM.—

“(1) LIMITATION.—Except to the extent necessary for testing the public alert and warning system, the Administrator may not transmit a message from the President using the public alert and warning system that does not relate to a natural disaster, war, act of terrorism, other man-made disaster, or other hazard to public safety.

“(2) CONSUMER OPT-OUT.—Nothing in this section shall be construed to supersede section 602 of the SAFE Port Act (47 U.S.C. 1201).

“(f) PERFORMANCE REPORTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the National Defense Authorization Act for Fiscal Year 2013, and annually thereafter through 2016, the Administrator shall make available on the public website of the Agency a performance report, which shall—

“(A) establish performance goals for the implementation of the public alert and warning system by the Agency;

“(B) describe the performance of the public alert and warning system, including—

“(i) the type of technology used for alerts and warnings issued under the system;

“(ii) the measures taken to alert, warn, and provide equivalent information to individuals with disabilities and individuals with limited English proficiency; and

“(iii) the training, tests, and exercises performed and the outcomes obtained by the Agency;

“(C) identify significant challenges to the effective operation of the public alert and warning system and any plans to address these challenges;

“(D) identify other necessary improvements to the system; and

“(E) provide an analysis comparing the performance of the public alert and warning system with the performance goals established under subparagraph (A).

“(2) CONGRESS.—The Administrator shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Transportation and Infrastructure and the Committee on Homeland Security of the House of Representatives each report required under paragraph (1).”

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM MODERNIZATION SELECT ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency (in this subsection referred to as the “Administrator”) shall establish a select advisory committee to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318) to be known as the Integrated Public Alert and Warning System Select Advisory Committee (in this subsection referred to as the “Select Advisory Committee”).

(2) MEMBERSHIP.—The Select Advisory Committee shall be composed of the following members:

(A) The Chairman of the Federal Communications Commission (or the Chairman's designee).

(B) The Administrator of the National Oceanic and Atmospheric Administration of the Department of Commerce (or the Administrator's designee).

(C) The Assistant Secretary for Communications and Information of the Department of Commerce (or the Assistant Secretary's designee).

(D) The Under Secretary for Science and Technology of the Department of Homeland Security (or the Under Secretary's designee).

(E) The Under Secretary for the National Protection and Programs Directorate (or the Under Secretary's designee).

(F) The Director of the Office of Disability Integration and Coordination of the Federal Emergency Management Agency.

(G) Qualified individuals appointed by the Administrator as soon as practicable after the date of enactment of this Act from among the following:

(i) Representatives of State and local governments, representatives of federally recognized Indian tribes and national tribal organizations, representatives of emergency management agencies, representatives of emergency response providers, and representatives of emergency communication providers.

(ii) Individuals who have the requisite technical knowledge and expertise to serve on the Select Advisory Committee, including representatives of—

(I) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(II) the broadcasting industry;

(III) the cellular industry;

(IV) the cable industry;

(V) the satellite industry;

(VI) consumer or privacy advocates;

(VII) national organizations representing individuals with disabilities, the blindness, deaf, and hearing loss communities, and the elderly; and

(VIII) organizations representing individuals with limited English proficiency.

(iii) Qualified representatives of such other stakeholders and interested and affected parties as the Administrator considers appropriate.

(3) **CHAIRPERSON.**—The Administrator (or the Administrator's designee) shall serve as the Chairperson of the Select Advisory Committee.

(4) **MEETINGS.**—

(A) **INITIAL MEETING.**—The initial meeting of the Select Advisory Committee shall take place not later than 180 days after the date of enactment of this Act.

(B) **OTHER MEETINGS.**—After the initial meeting, the Select Advisory Committee shall meet, at least annually, at the call of the Chairperson.

(5) **RECOMMENDATIONS.**—The Select Advisory Committee may develop and submit in the annual reports under paragraph (6) recommendations for the continuation and improvement of the public alert and warning system, including—

(A) recommendations for common alerting and warning protocols, standards, terminology, and operating procedures for the public alert and warning system;

(B) an assessment of the accomplishments and deficiencies of the public alert and warning system, as well as the impact on current alert and warning systems; and

(C) recommendations for improvements to the public alert and warning system, including recommendations to provide for a public alert and warning system that—

(i) has the capability to adapt the distribution and content of communications on the

basis of geographic location, risks, and multiple communication systems and technologies, as appropriate;

(ii) has the capability to alert and warn individuals with disabilities and individuals with limited English proficiency;

(iii) incorporates multiple communications technologies, to the extent determined appropriate by the Select Advisory Committee;

(iv) is designed to adapt to, and incorporate, future technologies for communicating directly with the public;

(v) encourages proper use by State and local governments of the public alert and warning system through training programs and other means;

(vi) is designed to provide alerts to the largest portion of the affected population feasible, including nonresident visitors and tourists, and improve the ability of remote areas to receive alerts;

(vii) promotes local and regional public and private partnerships to enhance community preparedness and response; and

(viii) provides redundant alert mechanisms where practicable so as to reach the greatest number of people regardless of whether they have access to, or use, any specific medium of communication or any particular device.

(6) **REPORT.**—Not later than 1 year after the date of enactment of this Act, and every year after, the Select Advisory Committee shall submit to the National Advisory Council established under section 508 of the Homeland Security Act of 2002 (6 U.S.C. 318), the Administrator, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report describing the activities of the Select Advisory Committee and containing any recommendations of the Select Advisory Committee.

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are to be authorized to be appropriated such sums as may be necessary to carry out this section and the amendments made by this section for each of fiscal years 2013 through 2017.

(d) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section (including the amendments made by this section) shall be construed to affect the authority of the Department of Commerce or the Federal Communications Commission.

**SA 3260.** Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1048. PROHIBITION ON FUNDS TO ENTER INTO CONTRACTS OR AGREEMENTS WITH ROSOBORONEXPORT.**

(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, to make a grant to, or to provide a loan or loan guarantee to Rosoboronexport.

(b) **NATIONAL SECURITY WAIVER AUTHORITY.**—The Secretary of Defense may waive the applicability of subsection (a) if the Secretary determines that such a waiver is in the national security interests of the United

States with respect to the capacity of the Afghan National Security Forces (ANSF).

**SA 3261.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XV, add the following:

**SEC. 1536. SUBMITTAL TO CONGRESS OF RISK ASSESSMENTS ON CHANGES IN UNITED STATES TROOP LEVELS IN AFGHANISTAN.**

(a) **SUBMITTAL REQUIRED.**—Not later than 30 days after a decision by the President to change the levels of United States Armed Forces deployed in Afghanistan, the Chairman of the Joint Chiefs of Staff shall, through the Secretary of Defense, submit to the congressional defense committees a detailed assessment of the risk to the United States mission and interests in Afghanistan as the change in levels is implemented.

(b) **ELEMENTS.**—The risk assessment under subsection (a) on a change in levels of United States Armed Forces in Afghanistan shall include the following:

(1) A description of the current security situation in Afghanistan.

(2) A description of any anticipated changes to United States military operations and objectives in Afghanistan associated with such change in levels.

(3) An identification and assessment of any changes in United States military capabilities, including manpower, logistics, intelligence, and mobility support, in Afghanistan associated with such change in levels.

(4) An identification and assessment of the risk associated with any changes in United States mission, military capabilities, operations, and objectives in Afghanistan associated with such change in levels.

(5) An identification and assessment of any capability gaps within the Afghanistan security forces that will impact their ability to conduct operations following such change in levels.

(6) An identification and assessment of the risk associated with the transition of combat responsibilities to the Afghanistan security forces following such change in levels.

(7) An assessment of the impact of such change in levels on coalition military contributions to the mission in Afghanistan.

(8) A description of the assumptions to be in force regarding the security situation in Afghanistan following such change in levels.

(9) Such other matters regarding such change in levels as the Chairman considers appropriate.

**SA 3262.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1233. REPORT ON MILITARY ACTIVITIES TO DENY OR SIGNIFICANTLY DEGRADE THE USE OF AIR POWER AGAINST CIVILIANS AND OPPOSITION GROUPS IN SYRIA.**

(a) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Chairman of the Joint Chiefs of Staff, submit to the congressional defense committees a report identifying the limited military activities that could deny or significantly degrade the ability of President Bashar al-Assad of Syria, and forces loyal to him, to use air power against civilians and opposition groups in Syria.

(b) **NATURE OF MILITARY ACTIVITIES.**—

(1) **PRINCIPAL PURPOSE.**—The principal purpose of the military activities identified for purposes of the report required by subsection (a) shall be to advance the goals of President Obama of stopping the killing of civilians in Syria and creating conditions for a transition to a democratic, pluralistic political system in Syria.

(2) **ADDITIONAL GOALS.**—The military activities identified for purposes of the report shall also meet the goals as follows:

(A) That the United States Armed Forces conduct such activities with foreign allies or partners.

(B) That United States ground troops not be deployed onto Syrian territory.

(C) That the risk to civilians on the ground in Syria be limited.

(D) That the risks to United States military personnel be limited.

(E) That the financial costs to the United States be limited.

(c) **ELEMENTS ON POTENTIAL MILITARY ACTIVITIES.**—The report required by subsection (a) shall include a comprehensive description, evaluation, and assessment of the potential effectiveness of the following military activities, as required by subsection (a):

(1) The deployment of air defense systems, such as Patriot missile batteries, to neighboring countries for the purpose of denying or significantly degrading the operational capability of Syria aircraft.

(2) The establishment of one or more no-fly zones over key population centers in Syria.

(3) Limited air strikes to destroy or significantly degrade Syria aircraft.

(4) Such other military activities as the Secretary considers appropriate to achieve the goals stated in subsection (b).

(d) **ELEMENTS IN DESCRIPTION OF POTENTIAL MILITARY ACTIVITIES.**—For each military activity that the Secretary identifies in subsection (c), the comprehensive description of such activities under that subsection shall include, but not be limited to, the type and the number of United States military personnel and assets to be involved in such activities, the anticipated duration of such activities, and the anticipated cost of such activities. The report shall also identify what elements would be required to maximize the effectiveness of such military activities.

(e) **NO AUTHORIZATION FOR USE OF MILITARY FORCE.**—Nothing in this section shall be construed as a declaration of war or an authorization for the use of force.

**SA 3263.** Mr. TESTER submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

On page 595, between lines 7 and 8, insert the following:

**TITLE XXXVI—HUNTING, FISHING, AND RECREATIONAL SHOOTING**

**SEC. 3601. SHORT TITLE.**

This title may be cited as the “Sportsmen’s Act of 2012”.

**Subtitle A—Hunting, Fishing, and Recreational Shooting**

**PART I—HUNTING AND RECREATIONAL SHOOTING**

**SEC. 3611. MAKING PUBLIC LAND PUBLIC.**

(a) **IN GENERAL.**—Section 3 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6) is amended—

(1) by striking “SEC. 3. APPROPRIATIONS.—Moneys” and inserting the following:

“SEC. 3. FUNDING.

“(a) **IN GENERAL.**—Amounts”; and

(2) by adding at the end the following:

“(b) **PRIORITY LIST.**—

“(1) **IN GENERAL.**—Subject to the availability of appropriations and notwithstanding any other provision of this Act, the Secretary of the Interior and the Secretary of Agriculture shall ensure that, of the amounts made available for the fund for each fiscal year, not less than 1.5 percent of the amounts shall be made available for projects identified on the priority list developed under paragraph (2).

“(2) **PRIORITY LIST.**—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the head of each affected Federal agency, shall annually develop a priority list for the sites under the jurisdiction of the applicable Secretary.

“(3) **CRITERIA.**—Projects identified on the priority list developed under paragraph (2) shall secure recreational public access to Federal public land in existence as of the date of enactment of this subsection that has significantly restricted access for hunting, fishing, and other recreational purposes through rights-of-way or acquisition of land (or any interest in land) from willing sellers.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **LAND AND WATER CONSERVATION FUND ACT.**—The Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.) is amended—

(A) in the proviso at the end of section 2(c)(2) (16 U.S.C. 4601–5(c)(2)), by striking “notwithstanding the provisions of section 3 of this Act”; and

(B) in the first sentence of section 9 (16 U.S.C. 4601–10a), by striking “by section 3 of this Act”; and

(C) in the third sentence of section 10 (16 U.S.C. 4601–10b), by striking “by section 3 of this Act”.

(2) **FEDERAL LAND TRANSACTION FACILITATION ACT.**—Section 206(f)(2) of the Federal Land Transaction Facilitation Act (43 U.S.C. 2305(f)(2)) is amended by striking “section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 4601–6)” and inserting “the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 et seq.)”.

**SEC. 3612. PERMITS FOR IMPORTATION OF POLAR BEAR TROPHIES TAKEN IN SPORT HUNTS IN CANADA.**

Section 104(c)(5) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended by striking subparagraph (D) and inserting the following:

“(D)(i) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection

(d)(2), issue a permit for the importation of any polar bear part (other than an internal organ) from a polar bear taken in a sport hunt in Canada to any person—

“(I) who submits, with the permit application, proof that the polar bear was legally harvested by the person before February 18, 1997; or

“(II) who has submitted, in support of a permit application submitted before May 15, 2008, proof that the polar bear was legally harvested by the person before May 15, 2008, from a polar bear population from which a sport-hunted trophy could be imported before that date in accordance with section 18.30(i) of title 50, Code of Federal Regulations.

“(ii) The Secretary shall issue permits under clause (i)(I) without regard to subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3), and sections 101 and 102. Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(I). This clause shall not apply to polar bear parts that were imported before June 12, 1997.

“(iii) The Secretary shall issue permits under clause (i)(II) without regard to subparagraph (C)(ii) of this paragraph or subsection (d)(3). Sections 101(a)(3)(B) and 102(b)(3) shall not apply to the importation of any polar bear part authorized by a permit issued under clause (i)(II). This clause shall not apply to polar bear parts that were imported before the date of enactment of the Sportsmen’s Act of 2012.”.

**SEC. 3613. TRANSPORTING BOWS THROUGH NATIONAL PARKS.**

(a) **FINDINGS.**—Congress finds that—

(1) bowhunters are known worldwide as among the most skilled, ethical, and conservation-minded of all hunters;

(2) bowhunting organizations at the Federal, State, and local level contribute significant financial and human resources to wildlife conservation and youth education programs throughout the United States; and

(3) bowhunting contributes \$38,000,000,000 each year to the economy of the United States.

(b) **POSSESSION OF BOWS IN UNITS OF NATIONAL PARK SYSTEM OR NATIONAL WILDLIFE REFUGE SYSTEM.**—

(1) **IN GENERAL.**—Subject to paragraph (2), the Secretary of the Interior shall permit individuals carrying bows and crossbows to traverse national park land if the traverse is—

(A) for the sole purpose of hunting on adjacent public or private land; and

(B) the most direct means of access to the adjacent land.

(2) **USE.**—Nothing in this section authorizes the use of the bows or crossbows that are being carried while on national park land.

**PART II—TARGET PRACTICE AND MARKSMANSHIP TRAINING SUPPORT**

**SEC. 3621. TARGET PRACTICE AND MARKSMANSHIP TRAINING.**

This part may be cited as the “Target Practice and Marksmanship Training Support Act”.

**SEC. 3622. FINDINGS; PURPOSE.**

(a) **FINDINGS.**—Congress finds that—

(1) in recent years preceding the date of enactment of this Act, portions of Federal land have been closed to target practice and marksmanship training for many reasons;

(2) the availability of public target ranges on non-Federal land has been declining for a variety of reasons, including continued population growth and development near former ranges;



(3) providing opportunities for target practice and marksmanship training at public target ranges on Federal and non-Federal land can help—

(A) to promote enjoyment of shooting, recreational, and hunting activities; and

(B) to ensure safe and convenient locations for those activities;

(4) Federal law in effect on the date of enactment of this Act, including the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.), provides Federal support for construction and expansion of public target ranges by making available to States amounts that may be used for construction, operation, and maintenance of public target ranges; and

(5) it is in the public interest to provide increased Federal support to facilitate the construction or expansion of public target ranges.

(b) **PURPOSE.**—The purpose of this part is to facilitate the construction and expansion of public target ranges, including ranges on Federal land managed by the Forest Service and the Bureau of Land Management.

#### **SEC. 3623. DEFINITION OF PUBLIC TARGET RANGE.**

In this part, the term “public target range” means a specific location that—

(1) is identified by a governmental agency for recreational shooting;

(2) is open to the public;

(3) may be supervised; and

(4) may accommodate archery or rifle, pistol, or shotgun shooting.

#### **SEC. 3624. AMENDMENTS TO PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**

(a) **DEFINITIONS.**—Section 2 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a) is amended—

(1) by redesignating paragraphs (2) through (8) as paragraphs (3) through (9), respectively; and

(2) by inserting after paragraph (1) the following:

“(2) the term ‘public target range’ means a specific location that—

“(A) is identified by a governmental agency for recreational shooting;

“(B) is open to the public;

“(C) may be supervised; and

“(D) may accommodate archery or rifle, pistol, or shotgun shooting.”;

(b) **EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.**—Section 8(b) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669g(b)) is amended—

(1) by striking “(b) Each State” and inserting the following:

“(b) **EXPENDITURES FOR MANAGEMENT OF WILDLIFE AREAS AND RESOURCES.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), each State”;

(2) in paragraph (1) (as so designated), by striking “construction, operation,” and inserting “operation”;

(3) in the second sentence, by striking “The non-Federal share” and inserting the following:

“(3) **NON-FEDERAL SHARE.**—The non-Federal share”;

(4) in the third sentence, by striking “The Secretary” and inserting the following:

“(4) **REGULATIONS.**—The Secretary”;

(5) by inserting after paragraph (1) (as designated by paragraph (1) of this subsection) the following:

“(2) **EXCEPTION.**—Notwithstanding the limitation described in paragraph (1), a State may use the funds apportioned to the State under section 4(d) to pay up to 90 percent of the cost of acquiring land for, expanding, or constructing a public target range.”.

(c) **FIREARM AND BOW HUNTER EDUCATION AND SAFETY PROGRAM GRANTS.**—Section 10 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669h-1) is amended—

(1) in subsection (a), by adding at the end the following:

“(3) **ALLOCATION OF ADDITIONAL AMOUNTS.**—Of the amount apportioned to a State for any fiscal year under section 4(b), the State may elect to allocate not more than 10 percent, to be combined with the amount apportioned to the State under paragraph (1) for that fiscal year, for acquiring land for, expanding, or constructing a public target range.”;

(2) by striking subsection (b) and inserting the following:

“(b) **COST SHARING.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Federal share of the cost of any activity carried out using a grant under this section shall not exceed 75 percent of the total cost of the activity.

“(2) **PUBLIC TARGET RANGE CONSTRUCTION OR EXPANSION.**—The Federal share of the cost of acquiring land for, expanding, or constructing a public target range in a State on Federal or non-Federal land pursuant to this section or section 8(b) shall not exceed 90 percent of the cost of the activity.”; and

(3) in subsection (c)(1)—

(A) by striking “Amounts made” and inserting the following:

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), amounts made”;

(B) by adding at the end the following:

“(B) **EXCEPTION.**—Amounts provided for acquiring land for, constructing, or expanding a public target range shall remain available for expenditure and obligation during the 5-fiscal-year period beginning on October 1 of the first fiscal year for which the amounts are made available.”.

(d) **TECHNICAL AND CONFORMING AMENDMENTS TO THE PITTMAN-ROBERTSON WILDLIFE RESTORATION ACT.**—

(1) **TECHNICAL AMENDMENTS.**—Section 4 of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669c) is amended—

(A) by redesignating subsection (d) as subsection (e); and

(B) by striking “(c) APPORTIONMENT” and inserting “(d) APPORTIONMENT”.

(2) **CONFORMING AMENDMENTS.**—

(A) **DEFINITIONS.**—Section 2(6) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669a(6)) is amended by striking “section 4(d)” and inserting “section 4(e)”.

(B) **AUTHORIZATION OF APPROPRIATIONS.**—Section 3(c)(2) of the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669b(c)(2)) is amended by striking “sections 4(d) and (e)” and inserting “section 4(e)”.

#### **SEC. 3625. SENSE OF CONGRESS REGARDING CO-OPERATION.**

It is the sense of Congress that, consistent with applicable laws (including regulations), the Chief of the Forest Service and the Director of the Bureau of Land Management should cooperate with State and local authorities and other entities to implement best practices for waste management and removal and carry out other related activities on any Federal land used as a public target range to encourage continued use of that land for target practice or marksmanship training.

### **PART III—FISHING**

#### **SEC. 3631. MODIFICATION OF DEFINITION OF TOXIC SUBSTANCE TO EXCLUDE SPORT FISHING EQUIPMENT.**

(a) **IN GENERAL.**—Section 3(2)(B) of the Toxic Substances Control Act (15 U.S.C. 2602(2)(B)) is amended—

(1) in clause (v), by striking “, and” and inserting “, or any component of any such article when included in the article including, without limitation, shot, bullets and other projectiles, propellants, and primers,”;

(2) in clause (vi) by striking the period at the end and inserting “, and”;

(3) by inserting after clause (vi) the following:

“(vii) any sport fishing equipment (as such term is defined in section 4162(a) of the Internal Revenue Code of 1986, without regard to paragraphs (6) through (9) thereof) the sale of which is subject to the tax imposed by section 4161(a) of such Code (determined without regard to any exemptions from such tax as provided by section 4162 or 4221 or any other provision of such Code), and sport fishing equipment components.”.

(b) **RELATIONSHIP TO OTHER LAW.**—Nothing in this section or any amendment made by this section affects or limits the application of or obligation to comply with any other Federal, State or local law.

### **Subtitle B—National Fish Habitat**

#### **PART I—NATIONAL FISH HABITAT**

#### **SEC. 3641. DEFINITIONS.**

In this part:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “appropriate congressional committees” means—

(A) the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate; and

(B) the Committee on Natural Resources of the House of Representatives.

(2) **AQUATIC HABITAT.**—

(A) **IN GENERAL.**—The term “aquatic habitat” means any area on which an aquatic organism depends, directly or indirectly, to carry out the life processes of the organism, including an area used by the organism for spawning, incubation, nursery, rearing, growth to maturity, food supply, or migration.

(B) **INCLUSIONS.**—The term “aquatic habitat” includes an area adjacent to an aquatic environment, if the adjacent area—

(i) contributes an element, such as the input of detrital material or the promotion of a planktonic or insect population providing food, that makes fish life possible;

(ii) protects the quality and quantity of water sources;

(iii) provides public access for the use of fishery resources; or

(iv) serves as a buffer protecting the aquatic environment.

(3) **ASSISTANT ADMINISTRATOR.**—The term “Assistant Administrator” means the Assistant Administrator for Fisheries of the National Oceanic and Atmospheric Administration.

(4) **BOARD.**—The term “Board” means the National Fish Habitat Board established by section 3642(a)(1).

(5) **CONSERVATION; CONSERVE; MANAGE; MANAGEMENT.**—The terms “conservation”, “conserve”, “manage”, and “management” mean to protect, sustain, and, where appropriate, restore and enhance, using methods and procedures associated with modern scientific resource programs (including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking)—

(A) a healthy population of fish, wildlife, or plant life;

(B) a habitat required to sustain fish, wildlife, or plant life; or

(C) a habitat required to sustain fish, wildlife, or plant life productivity.



(6) **DIRECTOR.**—The term “Director” means the Director of the United States Fish and Wildlife Service.

(7) **FISH.**—

(A) **IN GENERAL.**—The term “fish” means any freshwater, diadromous, estuarine, or marine finfish or shellfish.

(B) **INCLUSIONS.**—The term “fish” includes the egg, spawn, spat, larval, and other juvenile stages of an organism described in subparagraph (A).

(8) **FISH HABITAT CONSERVATION PROJECT.**—

(A) **IN GENERAL.**—The term “fish habitat conservation project” means a project that—

(i) is submitted to the Board by a Partnership and approved by the Secretary under section 3644; and

(ii) provides for the conservation or management of an aquatic habitat.

(B) **INCLUSIONS.**—The term “fish habitat conservation project” includes—

(i) the provision of technical assistance to a State, Indian tribe, or local community by the National Fish Habitat Conservation Partnership Office or any other agency to facilitate the development of strategies and priorities for the conservation of aquatic habitats; or

(ii) the obtaining of a real property interest in land or water, including water rights, in accordance with terms and conditions that ensure that the real property will be administered for the long-term conservation of—

(I) the land or water; and

(II) the fish dependent on the land or water.

(9) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(10) **NATIONAL FISH HABITAT ACTION PLAN.**—The term “National Fish Habitat Action Plan” means the National Fish Habitat Action Plan dated April 24, 2006, and any subsequent revisions or amendments to that plan.

(11) **PARTNERSHIP.**—The term “Partnership” means an entity designated by the Board as a Fish Habitat Conservation Partnership pursuant to section 3643(a).

(12) **REAL PROPERTY INTEREST.**—The term “real property interest” means an ownership interest in—

(A) land;

(B) water (including water rights); or

(C) a building or object that is permanently affixed to land.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(14) **STATE AGENCY.**—The term “State agency” means—

(A) the fish and wildlife agency of a State;

(B) any department or division of a department or agency of a State that manages in the public trust the inland or marine fishery resources or the habitat for those fishery resources of the State pursuant to State law or the constitution of the State; or

(C) the fish and wildlife agency of the Commonwealth of Puerto Rico, Guam, the Virgin Islands, or any other territory or possession of the United States.

#### SEC. 3642. NATIONAL FISH HABITAT BOARD.

(a) **ESTABLISHMENT.**—

(1) **IN GENERAL.**—There is established a board, to be known as the “National Fish Habitat Board”—

(A) to promote, oversee, and coordinate the implementation of this part and the National Fish Habitat Action Plan;

(B) to establish national goals and priorities for aquatic habitat conservation;

(C) to designate Partnerships; and

(D) to review and make recommendations regarding fish habitat conservation projects.

(2) **MEMBERSHIP.**—The Board shall be composed of 27 members, of whom—

(A) 1 shall be the Director;

(B) 1 shall be the Assistant Administrator;

(C) 1 shall be the Chief of the Natural Resources Conservation Service;

(D) 1 shall be the Chief of the Forest Service;

(E) 1 shall be the Assistant Administrator for Water of the Environmental Protection Agency;

(F) 1 shall be the President of the Association of Fish and Wildlife Agencies;

(G) 1 shall be the Secretary of the Board of Directors of the National Fish and Wildlife Foundation appointed pursuant to section 3(g)(2)(B) of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702(g)(2)(B));

(H) 4 shall be representatives of State agencies, 1 of whom shall be nominated by a regional association of fish and wildlife agencies from each of the Northeast, Southeast, Midwest, and Western regions of the United States;

(I) 1 shall be a representative of the American Fisheries Society;

(J) 2 shall be representatives of Indian tribes, of whom—

(i) 1 shall represent Indian tribes from the State of Alaska; and

(ii) 1 shall represent Indian tribes from the other States;

(K) 1 shall be a representative of the Regional Fishery Management Councils established under section 302 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1852);

(L) 1 shall be a representative of the Marine Fisheries Commissions, which is composed of—

(i) the Atlantic States Marine Fisheries Commission;

(ii) the Gulf States Marine Fisheries Commission; and

(iii) the Pacific States Marine Fisheries Commission;

(M) 1 shall be a representative of the Sportfishing and Boating Partnership Council; and

(N) 10 shall be representatives selected from each of the following groups:

(i) The recreational sportfishing industry.

(ii) The commercial fishing industry.

(iii) Marine recreational anglers.

(iv) Freshwater recreational anglers.

(v) Terrestrial resource conservation organizations.

(vi) Aquatic resource conservation organizations.

(vii) The livestock and poultry production industry.

(viii) The land development industry.

(ix) The row crop industry.

(x) Natural resource commodity interests, such as petroleum or mineral extraction.

(3) **COMPENSATION.**—A member of the Board shall serve without compensation.

(4) **TRAVEL EXPENSES.**—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(b) **APPOINTMENT AND TERMS.**—

(1) **IN GENERAL.**—Except as otherwise provided in this subsection, a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) shall serve for a term of 3 years.

(2) **INITIAL BOARD MEMBERSHIP.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the representatives of the board established by the National Fish Habitat Action Plan shall appoint the initial members of the Board described in subparagraphs (H) through (I) and (K) through (N) of subsection (a)(2).

(B) **TRIBAL REPRESENTATIVES.**—Not later than 180 days after the enactment of this Act, the Secretary shall provide to the board established by the National Fish Habitat Action Plan a recommendation of not less than 4 tribal representatives, from which that board shall appoint 2 representatives pursuant to subparagraph (J) of subsection (a)(2).

(3) **TRANSITIONAL TERMS.**—Of the members described in subsection (a)(2)(N) initially appointed to the Board—

(A) 4 shall be appointed for a term of 1 year;

(B) 4 shall be appointed for a term of 2 years; and

(C) 3 shall be appointed for a term of 3 years.

(4) **VACANCIES.**—

(A) **IN GENERAL.**—A vacancy of a member of the Board described in any of subparagraphs (H) through (I) or (K) through (N) of subsection (a)(2) shall be filled by an appointment made by the remaining members of the Board.

(B) **TRIBAL REPRESENTATIVES.**—Following a vacancy of a member of the Board described in subparagraph (J) of subsection (a)(2), the Secretary shall recommend to the Board not less than 4 tribal representatives, from which the remaining members of the Board shall appoint a representative to fill the vacancy.

(5) **CONTINUATION OF SERVICE.**—An individual whose term of service as a member of the Board expires may continue to serve on the Board until a successor is appointed.

(6) **REMOVAL.**—If a member of the Board described in any of subparagraphs (H) through (N) of subsection (a)(2) misses 3 consecutive regularly scheduled Board meetings, the members of the Board may—

(A) vote to remove that member; and

(B) appoint another individual in accordance with paragraph (4).

(c) **CHAIRPERSON.**—

(1) **IN GENERAL.**—The Board shall elect a member of the Board to serve as Chairperson of the Board.

(2) **TERM.**—The Chairperson of the Board shall serve for a term of 3 years.

(d) **MEETINGS.**—

(1) **IN GENERAL.**—The Board shall meet—

(A) at the call of the Chairperson; but

(B) not less frequently than twice each calendar year.

(2) **PUBLIC ACCESS.**—All meetings of the Board shall be open to the public.

(e) **PROCEDURES.**—

(1) **IN GENERAL.**—The Board shall establish procedures to carry out the business of the Board, including—

(A) a requirement that a quorum of the members of the Board be present to transact business;

(B) a requirement that no recommendations may be adopted by the Board, except by the vote of  $\frac{2}{3}$  of all members present and voting;

(C) procedures for establishing national goals and priorities for aquatic habitat conservation for the purposes of this part;

(D) procedures for designating Partnerships under section 3643; and

(E) procedures for reviewing, evaluating, and making recommendations regarding fish habitat conservation projects.

(2) QUORUM.—A majority of the members of the Board shall constitute a quorum.

**SEC. 3643. FISH HABITAT PARTNERSHIPS.**

(a) AUTHORITY TO DESIGNATE.—The Board may designate Fish Habitat Partnerships in accordance with this section.

(b) PURPOSES.—The purposes of a Partnership shall be—

(1) to coordinate the implementation of the National Fish Habitat Action Plan at a regional level;

(2) to identify strategic priorities for fish habitat conservation;

(3) to recommend to the Board fish habitat conservation projects that address a strategic priority of the Board; and

(4) to develop and carry out fish habitat conservation projects.

(c) APPLICATIONS.—An entity seeking to be designated as a Partnership shall submit to the Board an application at such time, in such manner, and containing such information as the Board may reasonably require.

(d) APPROVAL.—The Board may approve an application for a Partnership submitted under subsection (c) if the Board determines that the applicant—

(1) includes representatives of a diverse group of public and private partners, including Federal, State, or local governments, nonprofit entities, Indian tribes, and private individuals, that are focused on conservation of aquatic habitats to achieve results across jurisdictional boundaries on public and private land;

(2) is organized to promote the health of important aquatic habitats and distinct geographical areas, keystone fish species, or system types, including reservoirs, natural lakes, coastal and marine environments, and estuaries;

(3) identifies strategic fish and aquatic habitat priorities for the Partnership area in the form of geographical focus areas or key stressors or impairments to facilitate strategic planning and decisionmaking;

(4) is able to address issues and priorities on a nationally significant scale;

(5) includes a governance structure that—

(A) reflects the range of all partners; and

(B) promotes joint strategic planning and decisionmaking by the applicant;

(6) demonstrates completion of, or significant progress toward the development of, a strategic plan to address the causes of system decline in fish populations, rather than simply treating symptoms in accordance with the National Fish Habitat Action Plan; and

(7) ensures collaboration in developing a strategic vision and implementation program that is scientifically sound and achievable.

**SEC. 3644. FISH HABITAT CONSERVATION PROJECTS.**

(a) SUBMISSION TO BOARD.—Not later than March 31 of each calendar year, each Partnership shall submit to the Board a list of fish habitat conservation projects recommended by the Partnership for annual funding under this part.

(b) RECOMMENDATIONS BY BOARD.—Not later than July 1 of each calendar year, the Board shall submit to the Secretary a description, including estimated costs, of each fish habitat conservation project that the Board recommends that the Secretary approve and fund under this part, in order of priority, for the following fiscal year.

(c) CONSIDERATIONS.—The Board shall select each fish habitat conservation project to be recommended to the Secretary under subsection (b)—

(1) based on a recommendation of the Partnership that is, or will be, participating ac-

tively in carrying out the fish habitat conservation project; and

(2) after taking into consideration—

(A) the extent to which the fish habitat conservation project fulfills a purpose of this part or a goal of the National Fish Habitat Action Plan;

(B) the extent to which the fish habitat conservation project addresses the national priorities established by the Board;

(C) the availability of sufficient non-Federal funds to match Federal contributions for the fish habitat conservation project, as required by subsection (e);

(D) the extent to which the fish habitat conservation project—

(i) increases fishing opportunities for the public;

(ii) will be carried out through a cooperative agreement among Federal, State, and local governments, Indian tribes, and private entities;

(iii) increases public access to land or water;

(iv) advances the conservation of fish and wildlife species that are listed, or are candidates to be listed, as threatened species or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(v) where appropriate, advances the conservation of fish and fish habitats under the Magnuson-Stevens Act (16 U.S.C. 1801 et seq.) and other relevant Federal law and State wildlife action plans; and

(vi) promotes resilience such that desired biological communities are able to persist and adapt to environmental stressors such as climate change; and

(E) the substantiality of the character and design of the fish habitat conservation project.

(d) LIMITATIONS.—

(1) REQUIREMENTS FOR EVALUATION.—No fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the fish habitat conservation project includes an evaluation plan designed—

(A) to appropriately assess the biological, ecological, or other results of the habitat protection, restoration, or enhancement activities carried out using the assistance;

(B) to reflect appropriate changes to the fish habitat conservation project if the assessment substantiates that the fish habitat conservation project objectives are not being met; and

(C) to require the submission to the Board of a report describing the findings of the assessment.

(2) ACQUISITION OF REAL PROPERTY INTERESTS.—

(A) IN GENERAL.—No fish habitat conservation project that will result in the acquisition by the State, local government, or other non-Federal entity, in whole or in part, of any real property interest may be recommended by the Board under subsection (b) or provided financial assistance under this part unless the project meets the requirements of subparagraph (B).

(B) REQUIREMENTS.—

(i) IN GENERAL.—A real property interest may not be acquired pursuant to a fish habitat conservation project by a State, public agency, or other non-Federal entity unless the State, agency, or other non-Federal entity is obligated to undertake the management of the property being acquired in accordance with the purposes of this part.

(ii) ADDITIONAL CONDITIONS.—Any real property interest acquired by a State, local government, or other non-Federal entity

pursuant to a fish habitat conservation project shall be subject to terms and conditions that ensure that the interest will be administered for the long-term conservation and management of the aquatic ecosystem and the fish and wildlife dependent on that ecosystem.

(e) NON-FEDERAL CONTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), no fish habitat conservation project may be recommended by the Board under subsection (b) or provided financial assistance under this part unless at least 50 percent of the cost of the fish habitat conservation project will be funded with non-Federal funds.

(2) PROJECTS ON FEDERAL LAND OR WATER.—Notwithstanding paragraph (1), Federal funds may be used for payment of 100 percent of the costs of a fish habitat conservation project located on Federal land or water.

(3) NON-FEDERAL SHARE.—The non-Federal share of the cost of a fish habitat conservation project—

(A) may not be derived from a Federal grant program; but

(B) may include in-kind contributions and cash.

(4) SPECIAL RULE FOR INDIAN TRIBES.—Notwithstanding paragraph (1) or any other provision of law, any funds made available to an Indian tribe pursuant to this part may be considered to be non-Federal funds for the purpose of paragraph (1).

(f) APPROVAL.—

(1) IN GENERAL.—Not later than 180 days after the date of receipt of the recommendations of the Board for fish habitat conservation projects under subsection (b), and based, to the maximum extent practicable, on the criteria described in subsection (c)—

(A) the Secretary shall approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is not within a marine or estuarine habitat; and

(B) the Secretary and the Secretary of Commerce shall jointly approve, reject, or reorder the priority of any fish habitat conservation project recommended by the Board that is within a marine or estuarine habitat.

(2) FUNDING.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, approves a fish habitat conservation project under paragraph (1), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall use amounts made available to carry out this part to provide funds to carry out the fish habitat conservation project.

(3) NOTIFICATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, rejects or reorders the priority of any fish habitat conservation project recommended by the Board under subsection (b), the Secretary, or the Secretary and the Secretary of Commerce jointly, shall provide to the Board and the appropriate Partnership a written statement of the reasons that the Secretary, or the Secretary and the Secretary of Commerce jointly, rejected or modified the priority of the fish habitat conservation project.

(4) LIMITATION.—If the Secretary, or the Secretary and the Secretary of Commerce jointly, has not approved, rejected, or reordered the priority of the recommendations of the Board for fish habitat conservation projects by the date that is 180 days after the date of receipt of the recommendations, the recommendations shall be considered to be approved.

**SEC. 3645. NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the Director shall establish an office, to be known as the “National Fish Habitat Conservation Partnership Office”, within the United States Fish and Wildlife Service.

(b) **FUNCTIONS.**—The National Fish Habitat Conservation Partnership Office shall—

(1) provide funding to support the detail of State and tribal fish and wildlife staff to the Office;

(2) facilitate the cooperative development and approval of Partnerships;

(3) assist the Secretary and the Board in carrying out this part;

(4) assist the Secretary in carrying out the requirements of sections 3646 and 3648;

(5) facilitate communication, cohesiveness, and efficient operations for the benefit of Partnerships and the Board;

(6) facilitate, with assistance from the Director, the Assistant Administrator, and the President of the Association of Fish and Wildlife Agencies, the consideration of fish habitat conservation projects by the Board;

(7) provide support to the Director regarding the development and implementation of the interagency operational plan under subsection (c);

(8) coordinate technical and scientific reporting as required by section 3649;

(9) facilitate the efficient use of resources and activities of Federal departments and agencies to carry out this part in an efficient manner; and

(10) provide support to the Board for national communication and outreach efforts that promote public awareness of fish habitat conservation.

(c) **INTERAGENCY OPERATIONAL PLAN.**—Not later than 1 year after the date of enactment of this Act, and every 5 years thereafter, the Director, in cooperation with the Assistant Administrator and the heads of other appropriate Federal departments and agencies, shall develop an interagency operational plan for the National Fish Habitat Conservation Partnership Office that describes—

(1) the functional, operational, technical, scientific, and general staff, administrative, and material needs of the Office; and

(2) any interagency agreements between or among Federal departments and agencies to address those needs.

(d) **STAFF AND SUPPORT.**—

(1) **DEPARTMENTS OF INTERIOR AND COMMERCE.**—The Director and the Assistant Administrator shall each provide appropriate staff to support the National Fish Habitat Conservation Partnership Office, subject to the availability of funds under section 3653.

(2) **STATES AND INDIAN TRIBES.**—Each State and Indian tribe is encouraged to provide staff to support the National Fish Habitat Conservation Partnership Office.

(3) **DETAILLEES AND CONTRACTORS.**—The National Fish Habitat Conservation Partnership Office may accept staff or other administrative support from other entities—

(A) through interagency details; or

(B) as contractors.

(4) **QUALIFICATIONS.**—The staff of the National Fish Habitat Conservation Partnership Office shall include members with education and experience relating to the principles of fish, wildlife, and aquatic habitat conservation.

(5) **WAIVER OF REQUIREMENT.**—The Secretary may waive all or part of the non-Federal contribution requirement under section 3644(e)(1) if the Secretary determines that—

(A) no reasonable means are available through which the affected applicant can meet the requirement; and

(B) the probable benefit of the relevant fish habitat conservation project outweighs the public interest in meeting the requirement.

(e) **REPORTS.**—Not less frequently than once each year, the Director shall provide to the Board a report describing the activities of the National Fish Habitat Conservation Partnership Office.

**SEC. 3646. TECHNICAL AND SCIENTIFIC ASSISTANCE.**

(a) **IN GENERAL.**—The Director, the Assistant Administrator, and the Director of the United States Geological Survey, in coordination with the Forest Service and other appropriate Federal departments and agencies, shall provide scientific and technical assistance to the Partnerships, participants in fish habitat conservation projects, and the Board.

(b) **INCLUSIONS.**—Scientific and technical assistance provided pursuant to subsection (a) may include—

(1) providing technical and scientific assistance to States, Indian tribes, regions, local communities, and nongovernmental organizations in the development and implementation of Partnerships;

(2) providing technical and scientific assistance to Partnerships for habitat assessment, strategic planning, and prioritization;

(3) supporting the development and implementation of fish habitat conservation projects that are identified as high priorities by Partnerships and the Board;

(4) supporting and providing recommendations regarding the development of science-based monitoring and assessment approaches for implementation through Partnerships;

(5) supporting and providing recommendations for a national fish habitat assessment; and

(6) ensuring the availability of experts to conduct scientifically based evaluation and reporting of the results of fish habitat conservation projects.

**SEC. 3647. CONSERVATION OF AQUATIC HABITAT FOR FISH AND OTHER AQUATIC ORGANISMS ON FEDERAL LAND.**

To the extent consistent with the mission and authority of the applicable department or agency, the head of each Federal department and agency responsible for acquiring, managing, or disposing of Federal land or water shall cooperate with the Assistant Administrator and the Director to conserve the aquatic habitats for fish and other aquatic organisms within the land and water of the department or agency.

**SEC. 3648. COORDINATION WITH STATES AND INDIAN TRIBES.**

The Secretary shall provide a notice to, and coordinate with, the appropriate State agency or tribal agency, as applicable, of each State and Indian tribe within the boundaries of which an activity is planned to be carried out pursuant to this part by not later than 30 days before the date on which the activity is implemented.

**SEC. 3649. ACCOUNTABILITY AND REPORTING.**

(a) **IMPLEMENTATION REPORTS.**—

(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the implementation of—

(A) this part; and

(B) the National Fish Habitat Action Plan.

(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include—

(A) an estimate of the number of acres, stream miles, or acre-feet (or other suitable

measure) of aquatic habitat that was protected, restored, or enhanced under the National Fish Habitat Action Plan by Federal, State, or local governments, Indian tribes, or other entities in the United States during the 2-year period ending on the date of submission of the report;

(B) a description of the public access to aquatic habitats protected, restored, or established under the National Fish Habitat Action Plan during that 2-year period;

(C) a description of the opportunities for public fishing established under the National Fish Habitat Action Plan during that period; and

(D) an assessment of the status of fish habitat conservation projects carried out with funds provided under this part during that period, disaggregated by year, including—

(i) a description of the fish habitat conservation projects recommended by the Board under section 3644(b);

(ii) a description of each fish habitat conservation project approved by the Secretary under section 3644(f), in order of priority for funding;

(iii) a justification for—

(I) the approval of each fish habitat conservation project; and

(II) the order of priority for funding of each fish habitat conservation project;

(iv) a justification for any rejection or reordering of the priority of each fish habitat conservation project recommended by the Board under section 3644(b) that was based on a factor other than the criteria described in section 3644(c); and

(v) an accounting of expenditures by Federal, State, or local governments, Indian tribes, or other entities to carry out fish habitat conservation projects.

(b) **STATUS AND TRENDS REPORT.**—Not later than December 31, 2012, and every 5 years thereafter, the Board shall submit to the appropriate congressional committees a report describing the status of aquatic habitats in the United States.

(c) **REVISIONS.**—Not later than December 31, 2013, and every 5 years thereafter, the Board shall revise the goals and other elements of the National Fish Habitat Action Plan, after consideration of each report required by subsection (b).

**SEC. 3650. REGULATIONS.**

The Secretary may promulgate such regulations as the Secretary determines to be necessary to carry out this part.

**SEC. 3651. EFFECT OF PART.**

(a) **WATER RIGHTS.**—Nothing in this part—

(1) establishes any express or implied reserved water right in the United States for any purpose;

(2) affects any water right in existence on the date of enactment of this Act;

(3) preempts or affects any State water law or interstate compact governing water; or

(4) affects any Federal or State law in existence on the date of enactment of the Act regarding water quality or water quantity.

(b) **STATE AUTHORITY.**—Nothing in this part—

(1) affects the authority, jurisdiction, or responsibility of a State to manage, control, or regulate fish and wildlife under the laws and regulations of the State; or

(2) authorizes the Secretary to control or regulate within a State the fishing or hunting of fish and wildlife.

(c) **EFFECT ON INDIAN TRIBES.**—Nothing in this part abrogates, abridges, affects, modifies, supersedes, or alters any right of an Indian tribe recognized by treaty or any other means, including—

(1) an agreement between the Indian tribe and the United States;

(2) Federal law (including regulations);

(3) an Executive order; or

(4) a judicial decree.

(d) **ADJUDICATION OF WATER RIGHTS.**—Nothing in this part diminishes or affects the ability of the Secretary to join an adjudication of rights to the use of water pursuant to subsection (a), (b), or (c) of section 208 of the Department of Justice Appropriation Act, 1953 (43 U.S.C. 666).

(e) **EFFECT ON OTHER AUTHORITIES.**—

(1) **ACQUISITION OF LAND AND WATER.**—Nothing in this part alters or otherwise affects the authorities, responsibilities, obligations, or powers of the Secretary to acquire land, water, or an interest in land or water under any other provision of law.

(2) **PRIVATE PROPERTY PROTECTION.**—Nothing in this part permits the use of funds made available to carry out this part to acquire real property or a real property interest without the written consent of each owner of the real property or real property interest.

(3) **MITIGATION.**—Nothing in this part permits the use of funds made available to carry out this part for fish and wildlife mitigation purposes under—

(A) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(B) the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.);

(C) the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4082); or

(D) any other Federal law or court settlement.

#### **SEC. 3652. NONAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to—

(1) the Board; or

(2) any Partnership.

#### **SEC. 3653. FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **FISH HABITAT CONSERVATION PROJECTS.**—There is authorized to be appropriated to the Secretary \$7,200,000 for each of fiscal years 2012 through 2016 to provide funds for—

(A) fish habitat conservation projects approved under section 3644(f), of which 5 percent shall be made available for each fiscal year for projects carried out by Indian tribes; and

(B) the operational needs of the Partnerships, including funding for activities such as planning, project development and implementation, coordination, monitoring, evaluation, communication, and outreach.

(2) **NATIONAL FISH HABITAT CONSERVATION PARTNERSHIP OFFICE.**—

(A) **IN GENERAL.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for the National Fish Habitat Conservation Partnership Office, and to carry out section 3649, an amount equal to 5 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(B) **REQUIRED TRANSFERS.**—The Secretary shall annually transfer to other Federal departments and agencies such percentage of the amounts made available pursuant to subparagraph (A) as is required to support participation by those departments and agencies in the National Fish Habitat Conservation Partnership Office pursuant to the interagency operational plan under section 3645(c).

(3) **TECHNICAL AND SCIENTIFIC ASSISTANCE.**—There are authorized to be appropriated for each of fiscal years 2012 through 2016 to carry out, and provide technical and scientific assistance under, section 3646—

(A) \$500,000 to the Secretary for use by the United States Fish and Wildlife Service;

(B) \$500,000 to the Assistant Administrator for use by the National Oceanic and Atmospheric Administration; and

(C) \$500,000 to the Secretary for use by the United States Geological Survey.

(4) **PLANNING AND ADMINISTRATIVE EXPENSES.**—There is authorized to be appropriated to the Secretary for each of fiscal years 2012 through 2016 for use by the Board, the Director, and the Assistant Administrator for planning and administrative expenses an amount equal to 4 percent of the amount appropriated for the applicable fiscal year pursuant to paragraph (1).

(b) **AGREEMENTS AND GRANTS.**—The Secretary may—

(1) on the recommendation of the Board, and notwithstanding sections 6304 and 6305 of title 31, United States Code, and the Federal Financial Assistance Management Improvement Act of 1999 (31 U.S.C. 6101 note; Public Law 106-107), enter into a grant agreement, cooperative agreement, or contract with a Partnership or other entity for a fish habitat conservation project or restoration or enhancement project;

(2) apply for, accept, and use a grant from any individual or entity to carry out the purposes of this part; and

(3) make funds available to any Federal department or agency for use by that department or agency to provide grants for any fish habitat protection project, restoration project, or enhancement project that the Secretary determines to be consistent with this part.

(c) **DONATIONS.**—

(1) **IN GENERAL.**—The Secretary may—

(A) enter into an agreement with any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code to solicit private donations to carry out the purposes of this part; and

(B) accept donations of funds, property, and services to carry out the purposes of this part.

(2) **TREATMENT.**—A donation accepted under this section—

(A) shall be considered to be a gift or bequest to, or otherwise for the use of, the United States; and

(B) may be—

(i) used directly by the Secretary; or

(ii) provided to another Federal department or agency through an interagency agreement.

### **PART II—DUCK STAMPS**

#### **SEC. 3661. FINDINGS.**

Congress finds that—

(1) Federal Migratory Bird Hunting and Conservation Stamps (commonly known as “duck stamps”) were created in 1934 as Federal licenses required for hunting migratory waterfowl;

(2)(A) duck stamps are a vital tool for wetland conservation;

(B) 98 percent of the receipts from duck stamp sales are used to acquire important migratory bird breeding, migration, and wintering habitat, which are added to the National Wildlife Refuge System; and

(C) those benefits extend to all wildlife, not just ducks;

(3) since inception, the Federal duck stamp program—

(A) has generated more than \$750,000,000;

(B) has preserved more than 5,000,000 acres of wetland and wildlife habitat; and

(C) is considered among the most successful conservation programs ever initiated;

(4)(A) since 1934, when duck stamps cost \$1, the price has been increased 7 times to the price in effect on the date of enactment of this Act of \$15, which took effect in 1991; and

(B) the price of the duck stamp has not increased since 1991, the longest single period without an increase in program history; and

(5) with the price unchanged during the 20-year period ending on the date of enactment of this Act, duck stamps have lost 40 percent of the value of the duck stamps based on the consumer price index, while the United States Fish and Wildlife Service reports the price of land in targeted wetland areas has tripled from an average of \$306 to \$1,091 per acre.

#### **SEC. 3662. COST OF STAMPS.**

Section 2 of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718b) is amended by striking subsection (b) and inserting the following:

“(b) **COST OF STAMPS.**—

“(1) **IN GENERAL.**—For the 3-calendar-year period beginning with calendar year 2013, and for each 3-calendar-year period thereafter, the Secretary, in consultation with the Migratory Bird Conservation Commission, shall establish the amount to be collected under paragraph (2) for each stamp sold under this section.

“(2) **COLLECTION OF AMOUNTS.**—The United States Postal Service, the Department of the Interior, or any other agent approved by the Department of the Interior shall collect the amount established under paragraph (1) for each stamp sold under this section for a hunting year if the Secretary determines, at any time before February 1 of the calendar year during which the hunting year begins, that all amounts described in paragraph (3) have been obligated for expenditure.

“(3) **AMOUNTS.**—The amounts described in this paragraph are amounts in the Migratory Bird Conservation Fund that are available for obligation and attributable to—

“(A) amounts appropriated pursuant to this Act for the fiscal year ending in the immediately preceding calendar year; and

“(B) the sale of stamps under this section during that fiscal year.”.

#### **SEC. 3663. WAIVERS.**

Section 1(a) of the Migratory Bird Hunting and Conservation Stamp Act (16 U.S.C. 718a(a)) is amended—

(1) in paragraph (1), by inserting “and subsection (d)” after “paragraph (2)”; and

(2) by adding at the end the following:

“(d) **WAIVERS.**—

“(1) **IN GENERAL.**—The Secretary, in consultation with the Migratory Bird Conservation Commission, may waive requirements under this section for such individuals as the Secretary, in consultation with the Migratory Bird Conservation Commission, determines to be appropriate.

“(2) **LIMITATION.**—In making the determination described in paragraph (1), the Secretary shall grant only those waivers the Secretary determines will have a minimal adverse effect on funds to be deposited in the Migratory Bird Conservation Fund established under section 4(a)(3).”.

#### **SEC. 3664. PERMANENT ELECTRONIC DUCK STAMPS.**

(a) **DEFINITIONS.**—In this section:

(1) **ACTUAL STAMP.**—The term “actual stamp” means a Federal migratory-bird hunting and conservation stamp required under the Act of March 16, 1934 (16 U.S.C. 718a et seq.) (popularly known as the “Duck Stamp Act”), that is printed on paper and sold through the means established by the authority of the Secretary immediately before the date of enactment of this Act.

## (2) AUTOMATED LICENSING SYSTEM.—

(A) IN GENERAL.—The term “automated licensing system” means an electronic, computerized licensing system used by a State fish and wildlife agency to issue hunting, fishing, and other associated licenses and products.

(B) INCLUSION.—The term “automated licensing system” includes a point-of-sale, Internet, telephonic system, or other electronic applications used for a purpose described in subparagraph (A).

(3) ELECTRONIC STAMP.—The term “electronic stamp” means an electronic version of an actual stamp that—

(A) is a unique identifier for the individual to whom it is issued;

(B) can be printed on paper or produced through an electronic application with the same indicators as the State endorsement provides;

(C) is issued through a State automated licensing system that is authorized, under State law and by the Secretary under this section, to issue electronic stamps;

(D) is compatible with the hunting licensing system of the State that issues the electronic stamp; and

(E) is described in the State application approved by the Secretary under subsection (c).

(4) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(b) AUTHORITY TO ISSUE ELECTRONIC DUCK STAMPS.—

(1) IN GENERAL.—The Secretary may authorize any State to issue electronic stamps in accordance with this section.

(2) CONSULTATION.—The Secretary shall implement this subsection in consultation with State management agencies.

## (c) STATE APPLICATION.—

(1) APPROVAL OF APPLICATION REQUIRED.—The Secretary may not authorize a State to issue electronic stamps under this section unless the Secretary has received and approved an application submitted by the State in accordance with this subsection.

(2) NUMBER OF NEW STATES.—The Secretary may determine the number of new States per year to participate in the electronic stamp program.

(3) CONTENTS OF APPLICATION.—The Secretary may not approve a State application unless the application contains—

(A) a description of the format of the electronic stamp that the State will issue under this section, including identifying features of the licensee that will be specified on the stamp;

(B) a description of any fee the State will charge for issuance of an electronic stamp;

(C) a description of the process the State will use to account for and transfer to the Secretary the amounts collected by the State that are required to be transferred to the Secretary under the program;

(D) the manner by which the State will transmit electronic stamp customer data to the Secretary;

(E) the manner by which actual stamps will be delivered;

(F) the policies and procedures under which the State will issue duplicate electronic stamps; and

(G) such other policies, procedures, and information as may be reasonably required by the Secretary.

(d) PUBLICATION OF DEADLINES, ELIGIBILITY REQUIREMENTS, AND SELECTION CRITERIA.—Not later than 30 days before the date on which the Secretary begins accepting applications under this section, the Secretary shall publish—

(1) deadlines for submission of applications;

(2) eligibility requirements for submitting applications; and

(3) criteria for approving applications.

## (e) STATE OBLIGATIONS AND AUTHORITIES.—

(1) DELIVERY OF ACTUAL STAMP.—The Secretary shall require that each individual to whom a State sells an electronic stamp under this section shall receive an actual stamp—

(A) by not later than the date on which the electronic stamp expires under subsection (f)(3); and

(B) in a manner agreed on by the State and Secretary.

## (2) COLLECTION AND TRANSFER OF ELECTRONIC STAMP REVENUE AND CUSTOMER INFORMATION.—

(A) REQUIREMENT TO TRANSMIT.—The Secretary shall require each State authorized to issue electronic stamps to collect and submit to the Secretary in accordance with this subsection—

(i) the first name, last name, and complete mailing address of each individual that purchases an electronic stamp from the State;

(ii) the face value amount of each electronic stamp sold by the State; and

(iii) the amount of the Federal portion of any fee required by the agreement for each stamp sold.

(B) TIME OF TRANSMITTAL.—The Secretary shall require the submission under subparagraph (A) to be made with respect to sales of electronic stamps by a State according to the written agreement between the Secretary and the State agency.

(C) ADDITIONAL FEES NOT AFFECTED.—This subsection shall not apply to the State portion of any fee collected by a State under paragraph (3).

(3) ELECTRONIC STAMP ISSUANCE FEE.—A State authorized to issue electronic stamps may charge a reasonable fee to cover costs incurred by the State and the Department of the Interior in issuing electronic stamps under this section, including costs of delivery of actual stamps.

(4) DUPLICATE ELECTRONIC STAMPS.—A State authorized to issue electronic stamps may issue a duplicate electronic stamp to replace an electronic stamp issued by the State that is lost or damaged.

(5) LIMITATION ON AUTHORITY TO REQUIRE PURCHASE OF STATE LICENSE.—A State may not require that an individual purchase a State hunting license as a condition of issuing an electronic stamp under this section.

## (f) ELECTRONIC STAMP REQUIREMENTS; RECOGNITION OF ELECTRONIC STAMP.—

(1) STAMP REQUIREMENTS.—The Secretary shall require an electronic stamp issued by a State under this section—

(A) to have the same format as any other license, validation, or privilege the State issues under the automated licensing system of the State; and

(B) to specify identifying features of the licensee that are adequate to enable Federal, State, and other law enforcement officers to identify the holder.

(2) RECOGNITION OF ELECTRONIC STAMP.—Any electronic stamp issued by a State under this section shall, during the effective period of the electronic stamp—

(A) bestow on the licensee the same privileges as are bestowed by an actual stamp;

(B) be recognized nationally as a valid Federal migratory bird hunting and conservation stamp; and

(C) authorize the licensee to hunt migratory waterfowl in any other State, in accord-

ance with the laws of the other State governing that hunting.

(3) DURATION.—An electronic stamp issued by a State shall be valid for a period agreed to by the State and the Secretary, which shall not exceed 45 days.

(g) TERMINATION OF STATE PARTICIPATION.—The authority of a State to issue electronic stamps under this section may be terminated—

(1) by the Secretary, if the Secretary—

(A) finds that the State has violated any of the terms of the application of the State approved by the Secretary under subsection (c); and

(B) provides to the State written notice of the termination by not later than the date that is 30 days before the date of termination; or

(2) by the State, by providing written notice to the Secretary by not later than the date that is 30 days before the termination date.

**PART III—JOINT VENTURES TO PROTECT MIGRATORY BIRD POPULATIONS****SEC. 3671. PURPOSES.**

The purpose of this part is to authorize the Secretary of the Interior, acting through the Director, to carry out a partnership program called the “Joint Ventures Program”, in coordination with other Federal agencies with management authority over fish and wildlife resources and the States, to develop, implement, and support innovative, voluntary, cooperative, and effective conservation strategies and conservation actions—

(1) to promote, primarily, sustainable populations of migratory birds, and, secondarily, the fish and wildlife species associated with their habitats;

(2) to encourage stakeholder and government partnerships consistent with the goals of protecting, improving, and restoring habitat;

(3) to establish, implement, and improve science-based migratory bird conservation plans and promote and facilitate broader landscape-level conservation of fish and wildlife habitat; and

(4) to support the goals and objectives of the North American Waterfowl Management Plan and other relevant national and regional, multipartner conservation initiatives, treaties, conventions, agreements, or strategies entered into by the United States, and implemented by the Secretary, that promote the conservation of migratory birds and the habitats of migratory birds.

**SEC. 3672. DEFINITIONS.**

In this part:

(1) CONSERVATION ACTION.—The term “conservation action” means activities that—

(A) support the protection, restoration, adaptive management, conservation, or enhancement of migratory bird populations, their terrestrial, wetland, marine, or other habitats, and other wildlife species supported by those habitats, including—

(i) biological and geospatial planning;

(ii) landscape and conservation design;

(iii) habitat protection, enhancement, and restoration;

(iv) monitoring and tracking;

(v) applied research; and

(vi) public outreach and education; and

(B) incorporate adaptive management and science-based monitoring, where applicable, to improve outcomes and ensure efficient and effective use of Federal funds.

(2) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(3) **IMPLEMENTATION PLAN.**—The term “Implementation Plan” means an Implementation Plan approved by the Director under section 3672.

(4) **INDIAN TRIBE.**—The term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(5) **JOINT VENTURE.**—The term “Joint Venture” means a self-directed, voluntary partnership, established and conducted for the purposes described in section 3671 and in accordance with section 3673.

(6) **MANAGEMENT BOARD.**—The term “Management Board” means a Joint Venture Management Board established in accordance with section 3673.

(7) **MIGRATORY BIRDS.**—The term “migratory birds” means those species included in the list of migratory birds that appears in section 10.13 of title 50, Code of Federal Regulations, under the authority of the Migratory Bird Treaty Act.

(8) **PROGRAM.**—The term “Program” means the Joint Ventures Program conducted in accordance with this part.

(9) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(10) **SERVICE.**—The term “Service” means the United States Fish and Wildlife Service.

(1) **STATE.**—The term “State” means—  
(A) any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands; and

(B) one or more agencies of a State government responsible under State law for managing fish or wildlife resources.

#### SEC. 3673. JOINT VENTURES PROGRAM.

(a) **IN GENERAL.**—The Secretary, acting through the Director, shall carry out a Joint Ventures Program that—

(1) provides financial and technical assistance to support regional migratory bird conservation partnerships;

(2) develops and implements plans to protect and enhance migratory bird populations throughout their range, that are focused on regional landscapes and habitats that support those populations; and

(3) complements and supports activities by the Secretary and the Director to fulfill obligations under—

(A) the Migratory Bird Treaty Act (16 U.S.C. 701 et seq.);

(B) the Migratory Bird Conservation Act (16 U.S.C. 715 et seq.);

(C) the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.);

(D) the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.);

(E) the Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.); and

(F) the Partners for Fish and Wildlife Act (16 U.S.C. 3771 et seq.).

(b) **COORDINATION WITH STATES.**—In the administration of the program authorized under this section, the Director shall coordinate and cooperate with the States to fulfill the purposes of this part.

#### SEC. 3674. ADMINISTRATION.

(a) **PARTNERSHIP AGREEMENTS.**—

(1) **IN GENERAL.**—The Director may enter into an agreement with eligible partners to achieve the purposes described in section 3671.

(2) **ELIGIBLE PARTNERS.**—The eligible partners referred to in paragraph (1) are the following:

(A) Federal and State agencies and Indian tribes.

(B) Affected regional and local governments, private landowners, land managers, and other private stakeholders.

(C) Nongovernmental organizations with expertise in bird conservation or fish and wildlife conservation or natural resource and landscape management generally.

(D) Other relevant stakeholders, as determined by the Director.

(b) **MANAGEMENT BOARD.**—

(1) **IN GENERAL.**—A partnership agreement for a Joint Venture under this section shall establish a Management Board in accordance with this subsection.

(2) **MEMBERSHIP.**—The Management Board shall include a diversity of members representing stakeholder interests from the appropriate geographic region, including, as appropriate, representatives from the Service and other Federal agencies that have management authority over fish and wildlife resources on public lands or in the marine environment, or that implement programs that affect migratory bird habitats, and representatives from the States, Indian tribes, and other relevant stakeholders, and may include—

(A) regional governments and Indian tribes;

(B) academia or the scientific community;

(C) nongovernmental landowners or land managers;

(D) nonprofit conservation or other relevant organizations with expertise in migratory bird conservation, or in fish and wildlife conservation generally; and

(E) private organizations with a dedicated interest in conserving migratory birds and their habitats.

(3) **FUNCTIONS AND RESPONSIBILITIES.**—Subject to applicable Federal and State law, the Management Board shall—

(A) appoint a coordinator for the Joint Venture in consultation with the Director;

(B) identify other full- or part-time administrative and technical non-Federal employees necessary to perform the functions of the Joint Venture and meet objectives specified in the Implementation Plan; and

(C) establish committees or other organizational entities necessary to implement the Implementation Plan in accordance with subsection (c).

(4) **USE OF SERVICE AND FEDERAL AGENCY EMPLOYEES.**—Subject to the availability of appropriations and upon the request from a Management Board, and after consultation with and approval of the Director, the head of any Federal agency may detail to the Management Board, on a reimbursable or nonreimbursable basis, any agency personnel to assist the Joint Venture in performing its functions under this part.

(c) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Each Joint Venture Management Board shall develop and maintain an Implementation Plan that shall contain, at a minimum, the following elements:

(A) A strategic framework for migratory bird conservation.

(B) Provisions for effective communication among member participants within the Joint Venture.

(C) A long-term strategy to conduct public outreach and education regarding the purposes and activities of the Joint Venture and activities to regularly communicate to the general public information generated by the Joint Venture.

(D) Coordination with laws and conservation plans that are relevant to migratory birds, and other relevant regional, national, or international initiatives identified by the Director to conserve migratory birds, their habitats, ecological functions, and associated populations of fish and wildlife.

(E) An organizational plan that—

(i) identifies the representative membership of the Management Board and includes procedures for updating the membership of the Management Board as appropriate;

(ii) describes the organizational structure of the Joint Venture, including proposed committees and subcommittees, and procedures for revising and updating the structure, as necessary; and

(iii) provides a strategy to increase stakeholder participation or membership in the Joint Venture.

(F) Procedures to coordinate the development, implementation, oversight, monitoring, tracking, and reporting of conservation actions approved by the Management Board and an evaluation process to determine overall effectiveness of activities undertaken by the Joint Venture.

(2) **REVIEW.**—A Joint Venture Implementation Plan shall be submitted to the Director for approval.

(3) **APPROVAL.**—The Director shall approve an Implementation Plan submitted by the Management Board for a Joint Venture if the Director finds that—

(A) implementation of the plan would promote the purposes of this part described in section 3671;

(B) the members of the Joint Venture have demonstrated the capacity to implement conservation actions identified in the Implementation Plan; and

(C) the plan includes coordination with other relevant and active conservation plans or programs within the geographic scope of the Joint Venture.

#### SEC. 3675. GRANTS AND OTHER ASSISTANCE.

(a) **IN GENERAL.**—Except as provided in subsection (b), and subject to the availability of appropriations, the Director may award financial assistance to implement a Joint Venture through—

(1) support of the activities of the Management Board of the Joint Venture and to pay for necessary administrative costs and services, personnel, and meetings, travel, and other business activities; and

(2) support for specific conservation actions and other activities necessary to carry out the Implementation Plan.

(b) **LIMITATION.**—A Joint Venture is not eligible for assistance or support authorized in this section unless the Joint Venture is operating under an Implementation Plan approved by the Director under section 3674.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, through the Director, may provide technical and administrative assistance for implementation of Joint Ventures and the expenditure of financial assistance under this subsection.

(d) **ACCEPTANCE AND USE OF DONATIONS.**—The Secretary, through the Director, may accept and use donations of funds, gifts, and in-kind contributions to provide assistance under this section.

#### SEC. 3676. REPORTING.

(a) **ANNUAL REPORTS BY MANAGEMENT BOARDS.**—The Secretary, acting through the Director, shall—

(1) require each Management Board to submit annual reports for all approved Joint Ventures of the Management Board; and

(2) establish guidance for Joint Venture annual reports, including contents and any necessary processes or procedures.

(b) **JOINT VENTURE PROGRAM 5-YEAR REVIEWS.**—

(1) **IN GENERAL.**—The Secretary, acting through the Director, shall at 5 years after the date of enactment of this Act and at 5-year intervals thereafter, complete an objective and comprehensive review and evaluation of the Program.

(2) REVIEW CONTENTS.—Each review under this subsection shall include—

(A) an evaluation of the effectiveness of the Program in meeting the purpose of this part specified in section 3671;

(B) an evaluation of all approved Implementation Plans, especially the effectiveness of existing conservation strategies, priorities, and methods to meet the objectives of such plans and fulfill the purpose of this part; and

(C) recommendations to revise the Program or to amend or otherwise revise Implementation Plans to ensure that activities undertaken pursuant to this part address the effects of climate change on migratory bird populations and their habitats, and fish and wildlife habitats, in general.

(3) CONSULTATION.—The Secretary, acting through the Director, in the implementation of this subsection—

(A) shall consult with other appropriate Federal agencies with responsibility for the conservation or management of fish and wildlife habitat and appropriate State agencies; and

(B) may consult with appropriate, Indian tribes, Flyway Councils, or regional conservation organizations, public and private landowners, members of academia and the scientific community, and other nonprofit conservation or private stakeholders.

(4) PUBLIC COMMENT.—The Secretary, through the Director, shall provide for adequate opportunities for general public review and comment of the Program as part of the 5-year evaluations conducted pursuant to this subsection.

#### SEC. 3677. RELATIONSHIP TO OTHER AUTHORITIES.

(a) AUTHORITIES, ETC. OF SECRETARY.—Nothing in this part affects authorities, responsibilities, obligations, or powers of the Secretary under any other Act.

(b) STATE AUTHORITY.—Nothing in this part preempts any provision or enforcement of a State statute or regulation relating to the management of fish and wildlife resources within such State.

#### SEC. 3678. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any boards, committees, or other groups established under this part.

### PART IV—REAUTHORIZATIONS

#### SEC. 3681. NORTH AMERICAN WETLANDS CONSERVATION ACT.

Section 7(c)(5) of the North American Wetlands Conservation Act (16 U.S.C. 4406(c)(5)) is amended by striking “2012” and inserting “2017”.

#### SEC. 3682. PARTNERS FOR FISH AND WILDLIFE ACT.

Section 5 of the Partners for Fish and Wildlife Act (16 U.S.C. 3774) is amended by striking “2011” and inserting “2017”.

#### SEC. 3683. NATIONAL FISH AND WILDLIFE FOUNDATION REAUTHORIZATION.

(a) BOARD OF DIRECTORS OF THE FOUNDATION.—

(1) IN GENERAL.—Section 3 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3702) is amended—

(A) in subsection (b)—

(i) by striking paragraph (2) and inserting the following:

“(2) IN GENERAL.—After consulting with the Secretary of Commerce and considering the recommendations submitted by the Board, the Secretary of the Interior shall appoint 28 Directors who, to the maximum extent practicable, shall—

“(A) be knowledgeable and experienced in matters relating to conservation of fish, wildlife, or other natural resources; and

“(B) represent a balance of expertise in ocean, coastal, freshwater, and terrestrial resource conservation.”; and

(ii) by striking paragraph (3) and inserting the following:

“(3) TERMS.—Each Director (other than a Director described in paragraph (1)) shall be appointed for a term of 6 years.”; and

(B) in subsection (g)(2)—

(i) in subparagraph (A), by striking “(A) Officers and employees may not be appointed until the Foundation has sufficient funds to pay them for their service. Officers” and inserting the following:

“(A) IN GENERAL.—Officers”; and

(ii) by striking subparagraph (B) and inserting the following:

“(B) EXECUTIVE DIRECTOR.—The Foundation shall have an Executive Director who shall be—

“(i) appointed by, and serve at the direction of, the Board as the chief executive officer of the Foundation; and

“(ii) knowledgeable and experienced in matters relating to fish and wildlife conservation.”.

(2) CONFORMING AMENDMENT.—Section 4(a)(1)(B) of the North American Wetlands Conservation Act (16 U.S.C. 4403(a)(1)(B)) is amended by striking “Secretary of the Board” and inserting “Executive Director of the Board”.

(b) RIGHTS AND OBLIGATIONS OF THE FOUNDATION.—Section 4 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3703) is amended—

(1) in subsection (c)—

(A) by striking “(c) POWERS.—To carry out its purposes under” and inserting the following:

“(c) POWERS.—

“(1) IN GENERAL.—To carry out the purposes described in”; and

(B) by redesignating paragraphs (1) through (11) as subparagraphs (A) through (K), respectively, and indenting appropriately;

(C) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “that are insured by an agency or instrumentality of the United States” and inserting “at 1 or more financial institutions that are members of the Federal Deposit Insurance Corporation or the Securities Investment Protection Corporation”; and

(D) in subparagraph (E) (as redesignated by subparagraph (B)), by striking “paragraph (3) or (4)” and inserting “subparagraph (C) or (D)”; and

(E) in subparagraph (J) (as redesignated by subparagraph (B)), by striking “; and” and inserting a semicolon;

(F) by striking subparagraph (K) (as redesignated by subparagraph (B)) and inserting the following:

“(K) to receive and administer restitution and community service payments, amounts for mitigation of impacts to natural resources, and other amounts arising from legal, regulatory, or administrative proceedings, subject to the condition that the amounts are received or administered for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources; and

“(L) to do any and all acts necessary and proper to carry out the purposes of the Foundation.”; and

(G) by striking the undesignated matter at the end and inserting the following:

“(2) TREATMENT OF REAL PROPERTY.—

“(A) IN GENERAL.—For purposes of this Act, an interest in real property shall be treated as including easements or other

rights for preservation, conservation, protection, or enhancement by and for the public of natural, scenic, historic, scientific, educational, inspirational, or recreational resources.

“(B) ENCUMBERED REAL PROPERTY.—A gift, devise, or bequest may be accepted by the Foundation even though the gift, devise, or bequest is encumbered, restricted, or subject to beneficial interests of private persons if any current or future interest in the gift, devise, or bequest is for the benefit of the Foundation.

“(3) SAVINGS CLAUSE.—The acceptance and administration of amounts by the Foundation under paragraph (1)(K) does not alter, supersede, or limit any regulatory or statutory requirement associated with those amounts.”;

(2) by striking subsections (f) and (g); and

(3) by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 10 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3709) is amended—

(1) in subsection (a), by striking paragraph (1) and inserting the following:

“(1) IN GENERAL.—There are authorized to be appropriated to carry out this Act for each of fiscal years 2012 through 2017—

“(A) \$20,000,000 to the Secretary of the Interior;

“(B) \$5,000,000 to the Secretary of Agriculture; and

“(C) \$5,000,000 to the Secretary of Commerce.”;

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) AMOUNTS FROM FEDERAL AGENCIES.—

“(A) IN GENERAL.—In addition to the amounts authorized to be appropriated under subsection (a), Federal departments, agencies, or instrumentalities may provide funds to the Foundation, subject to the condition that the amounts are used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources in accordance with this Act.

“(B) ADVANCES.—Federal departments, agencies, or instrumentalities may advance amounts described in subparagraph (A) to the Foundation in a lump sum without regard to when the expenses for which the amounts are used are incurred.

“(C) MANAGEMENT FEES.—The Foundation may assess and collect fees for the management of amounts received under this paragraph.”;

(B) in paragraph (2)—

(i) in the paragraph heading, by striking “FUNDS” and inserting “AMOUNTS”; and

(ii) by striking “shall be used” and inserting “may be used”; and

(iii) by striking “and State and local government agencies” and inserting “, State and local government agencies, and other entities”; and

(C) by adding at the end the following:

“(3) ADMINISTRATION OF AMOUNTS.—

“(A) IN GENERAL.—In entering into contracts, agreements, or other partnerships pursuant to this Act, a Federal department, agency, or instrumentality shall have discretion to waive any competitive process of that department, agency, or instrumentality for entering into contracts, agreements, or partnerships with the Foundation if the purpose of the waiver is—

“(i) to address an environmental emergency resulting from a natural or other disaster; or



“(ii) as determined by the head of the applicable Federal department, agency, or instrumentality, to reduce administrative expenses and expedite the conservation and management of fish, wildlife, plants, and other natural resources.

“(B) REPORTS.—The Foundation shall include in the annual report submitted under section 7(b) a description of any use of the authority under subparagraph (A) by a Federal department, agency, or instrumentality in that fiscal year.”; and

(3) by adding at the end the following:

“(d) USE OF GIFTS, DEVISES, OR BEQUESTS OF MONEY OR OTHER PROPERTY.—Any gifts, devises, or bequests of amounts or other property, or any other amounts or other property, transferred to, deposited with, or otherwise in the possession of the Foundation pursuant to this Act, may be made available by the Foundation to Federal departments, agencies, or instrumentalities and may be accepted and expended (or the disposition of the amounts or property directed), without further appropriation, by those Federal departments, agencies, or instrumentalities, subject to the condition that the amounts or property be used for purposes that further the conservation and management of fish, wildlife, plants, and other natural resources.”.

(d) LIMITATION ON AUTHORITY.—Section 11 of the National Fish and Wildlife Foundation Establishment Act (16 U.S.C. 3710) is amended by inserting “exclusive” before “authority”.

**SEC. 3684. MULTINATIONAL SPECIES CONSERVATION FUNDS SEMIPOSTAL STAMP.**

Section 2(c) of the Multinational Species Conservation Funds Semipostal Stamp Act of 2010 (Public Law 111-241; 39 U.S.C. 416 note) is amended—

(1) in paragraph (2), by striking “2 years” and inserting “6 years”; and

(2) by adding at the end the following:

“(5) STAMP DEPICTIONS.—Members of the public shall be offered a choice of 5 stamps under this Act, depicting an African elephant or an Asian elephant, a rhinoceros, a tiger, a marine turtle, and a great ape, respectively.”.

**SEC. 3685. MULTINATIONAL SPECIES CONSERVATION FUNDS REAUTHORIZATIONS.**

(a) AFRICAN ELEPHANTS.—Section 2306(a) of the African Elephant Conservation Act (16 U.S.C. 4245(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(b) ASIAN ELEPHANTS.—Section 8(a) of the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4266(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(c) RHINOCEROS AND TIGERS.—Section 10(a) of the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5306(a)) is amended by striking “2007 through 2012” and inserting “2012 through 2017”.

(d) GREAT APES.—Section 6 of the Great Ape Conservation Act of 2000 (16 U.S.C. 6305) is amended by striking “2006 through 2010” and inserting “2012 through 2017”.

(e) MARINE TURTLES.—Section 7 of the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6606) is amended by striking “2005 through 2009” and inserting “2012 through 2017”.

**SEC. 3686. NEOTROPICAL MIGRATORY BIRD CONSERVATION ACT.**

Section 10 of the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6109) is amended to read as follows:

**“SEC. 10. AUTHORIZATION OF APPROPRIATIONS.**

“(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act

\$6,500,000 for each of fiscal years 2012 through 2017.

“(b) USE OF FUNDS.—Of the amounts made available under subsection (a) for each fiscal year, not less than 75 percent shall be expended for projects carried out at a location outside of the United States.”.

**SEC. 3687. FEDERAL LAND TRANSACTION FACILITATION ACT.**

The Federal Land Transaction Facilitation Act is amended—

(1) in section 203(2) (43 U.S.C. 2302(2)), by striking “on the date of enactment of this Act was” and inserting “is”;

(2) in section 205 (43 U.S.C. 2304)—

(A) in subsection (a), by striking “this Act” and inserting “the Sportsmen’s Act of 2012”; and

(B) in subsection (d), by striking “11” and inserting “22”;

(3) in section 206 (43 U.S.C. 2305), by striking subsection (f); and

(4) in section 207(b) (43 U.S.C. 2306(b))—

(A) in paragraph (1)—

(i) by striking “96-568” and inserting “96-586”; and

(ii) by striking “; or” and inserting a semicolon;

(B) in paragraph (2)—

(i) by inserting “Public Law 105-263;” before “112 Stat.”; and

(ii) by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(3) the White Pine County Conservation, Recreation, and Development Act of 2006 (Public Law 109-432; 120 Stat. 3028);

“(4) the Lincoln County Conservation, Recreation, and Development Act of 2004 (Public Law 108-424; 118 Stat. 2403);

“(5) subtitle F of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 1132 note; Public Law 111-11);

“(6) subtitle O of title I of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 460www note, 1132 note; Public Law 111-11);

“(7) section 2601 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1108); or

“(8) section 2606 of the Omnibus Public Land Management Act of 2009 (Public Law 111-11; 123 Stat. 1121).”.

**SEC. 3688. NUTRIA ERADICATION AND CONTROL.**

(a) FINDINGS; PURPOSE.—Section 2 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “and in Louisiana” and inserting “, the State of Louisiana, and other coastal States”; and

(B) in paragraph (2), by striking “in Maryland and Louisiana on Federal, State, and private land” and inserting “on Federal, State, and private land in the States of Maryland and Louisiana and in other coastal States”; and

(C) by striking paragraphs (3) and (4) and inserting the following:

“(3) This Act authorizes the Maryland Nutria Project, which has successfully eradicated nutria from more than 130,000 acres of Chesapeake Bay wetlands in the State of Maryland and facilitated the creation of voluntary, public-private partnerships and more than 406 cooperative landowner agreements.

“(4) This Act and the Coastal Wetlands Planning, Protection, and Restoration Act (16 U.S.C. 3951 et seq.) authorize the Coastwide Nutria Control Program, which has reduced nutria-impacted wetland acres in the State of Louisiana from 80,000 acres to 23,141 acres.

“(5) The proven techniques developed under this Act that are eradicating nutria in the State of Maryland and reducing the acres of nutria-impacted wetlands in the State of Louisiana should be applied to nutria eradication or control programs in other nutria-infested coastal States”; and

(2) by striking subsection (b) and inserting the following:

“(b) PURPOSE.—The purpose of this Act is to authorize the Secretary of the Interior to provide financial assistance to the States of Delaware, Louisiana, Maryland, North Carolina, Oregon, Virginia, and Washington to carry out activities—

“(1) to eradicate or control nutria; and

“(2) to restore nutria damaged wetlands.”.

(b) DEFINITIONS.—The Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) is amended—

(1) by redesignating sections 3 and 4 as sections 4 and 5, respectively; and

(2) by inserting after section 2 the following:

**“SEC. 3. DEFINITIONS.**

“In this Act:

“(1) COASTAL STATE.—The term ‘coastal State’ means each of the States of Delaware, Oregon, North Carolina, Virginia, and Washington.

“(2) PROGRAM.—The term ‘program’ means the nutria eradication program established by section 4(a).

“(3) PUBLIC-PRIVATE PARTNERSHIP.—The term ‘public-private partnership’ means a voluntary, cooperative project undertaken by governmental entities or public officials and affected communities, local citizens, nongovernmental organizations, or other entities or persons in the private sector.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.”.

(c) NUTRIA ERADICATION PROGRAM.—Section 4 of the Nutria Eradication and Control Act of 2003 (Public Law 108-16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—The Secretary may, subject to the availability of appropriations, provide financial assistance to the States of Maryland and Louisiana and the coastal States to implement measures—

“(1) to eradicate or control nutria; and

“(2) to restore wetlands damaged by nutria.”;

(2) in subsection (b)—

(A) in paragraph (1), by inserting “the State of” before “Maryland”; and

(B) in paragraph (2), by striking “other States” and inserting “the coastal States”; and

(C) in paragraph (3), by striking “marshland” and inserting “wetlands”; and

(3) in subsection (c)—

(A) by striking “(c) ACTIVITIES” and inserting “(c) ACTIVITIES IN THE STATE OF MARYLAND”; and

(B) by inserting “, and updated in March 2009” before the period at the end;

(4) in subsection (e), by striking “financial assistance provided by the Secretary under this section” and inserting “the amounts made available under subsection (f) to carry out the program”; and

(5) by striking subsection (f) and inserting the following:

“(f) AUTHORIZATION OF APPROPRIATIONS.—Subject to subsection (e), there is authorized to be appropriated to the Secretary to carry out the program \$6,000,000 for each of fiscal years 2012 through 2016, of which—

“(1) \$2,000,000 shall be used to provide financial assistance to the State of Maryland;

“(2) \$2,000,000 shall be used to provide financial assistance to the State of Louisiana; and

“(3) \$2,000,000 shall be used to provide financial assistance, on a competitive basis, to other coastal States.”.

(d) REPORT.—Section 5 of the Nutria Eradication and Control Act of 2003 (Public Law 108–16; 117 Stat. 621) (as redesignated by subsection (b)) is amended—

(1) in paragraph (1), by striking “2002 document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’; and” and inserting “March 2009 update of the document entitled ‘Eradication Strategies for Nutria in the Chesapeake and Delaware Bay Watersheds’ and originally dated March 2002;”;

(2) in paragraph (2)—

(A) by striking “develop” and inserting “continue”; and

(B) by striking the period at the end and inserting “; and”; and

(3) by adding after paragraph (2) the following:

“(3) develop, in cooperation with the State of Delaware Department of Natural Resources and Environmental Control, the State of Virginia Department of Game and Inland Fisheries, the State of Oregon Department of Fish and Wildlife, the State of North Carolina Department of Environment and Natural Resources, and the State of Washington Department of Fish and Wildlife, long-term nutria control or eradication programs, as appropriate, with the objective of—

“(A) significantly reducing and restoring the damage nutria cause to coastal wetlands in the coastal States; and

“(B) promoting voluntary, public-private partnerships to eradicate or control nutria and restoring nutria-damaged wetlands in the coastal States.”.

**SA 3264.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IX, add the following:

**SEC. 903. ASSISTANT SECRETARY OF DEFENSE FOR COMMUNICATIONS.**

(a) ADDITIONAL AUTHORIZED NUMBER OF ASDS.—Subsection (a)(1) of section 138 of title 10, United States Code, is amended by striking “14” and inserting “15”.

(b) DESIGNATION AS ASD FOR COMMUNICATIONS.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

“(11) One of the Assistant Secretaries is the Assistant Secretary of Defense for Communications.”.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to Assistant Secretaries of Defense and inserting the following:

“Assistant Secretaries of Defense (15).”.

**SA 3265.** Mrs. BOXER submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1084. PROHIBITIONS RELATING TO REFERENCES TO GI BILL AND POST-9/11 GI BILL.**

(a) IN GENERAL.—Subchapter II of chapter 36 of title 38, United States Code, is amended by adding at the end the following new section:

**“§3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill**

“(a) PROHIBITION.—(1) No person may, except with the written permission of the Secretary, use the words and phrases covered by this subsection in connection with any promotion, goods, services, or commercial activity in a manner that reasonably and falsely suggests that such use is approved, endorsed, or authorized by the Department or any component thereof.

“(2) For purposes of this subsection, the words and phrases covered by this subsection are as follows:

“(A) ‘GI Bill’.

“(B) ‘Post-9/11 GI Bill’.

“(3) A determination that a use of one or more words and phrases covered by this subsection in connection with a promotion, goods, services, or commercial activity is not a violation of this subsection may not be made solely on the ground that such promotion, goods, services, or commercial activity includes a disclaimer of affiliation with the Department or any component thereof.

“(b) ENFORCEMENT BY ATTORNEY GENERAL.—(1) When any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice.

“(2) Such court may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 36 of such title is amended by inserting after the item relating to section 3697A the following new item:

“3697B. Prohibition relating to references to GI Bill and Post-9/11 GI Bill.”.

**SA 3266.** Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, after line 15, add the following:

(c) APPLICABILITY.—Section 5511 of title 38, United States Code (as added by this section), shall apply only with respect to persons who are determined by the Secretary of

Veterans Affairs to be mentally incapacitated, are deemed by the Secretary to be mentally incompetent, or are determined by the Secretary to be experiencing an extended loss of consciousness on or after the date of the enactment of this Act.

**SA 3267.** Mr. NELSON of Florida submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IX of division A, add the following:

**SEC. 915. EXTENSION OF CERTAIN SPACE LAUNCH LIABILITY PROVISIONS.**

Section 50915(f) of title 51, United States Code, is amended by striking “December 31, 2012” and inserting “December 31, 2014”.

**SEC. 916. EXEMPTION FROM INKSNA.**

Section 7(1) of the Iran, North Korea, and Syria Nonproliferation Act (50 U.S.C. 1701 note) is amended to read as follows:

“(1) EXTRAORDINARY PAYMENTS IN CONNECTION WITH THE INTERNATIONAL SPACE STATION.—The term ‘extraordinary payments in connection with the International Space Station’ means payments in cash or in kind made or to be made by the United States Government for work on the International Space Station which the Russian Government pledged at any time to provide at its expense.”.

**SA 3268.** Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XI, add the following:

**SEC. 1104. FEDERAL EMPLOYEES RETIREMENT SYSTEM AGE AND RETIREMENT TREATMENT FOR CERTAIN RETIREES OF THE ARMED FORCES.**

(a) INCREASE IN MAXIMUM AGE LIMIT FOR POSITIONS SUBJECT TO FERS.—

(1) LAW ENFORCEMENT OFFICERS.—Section 3307(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by inserting “or (3)” after “paragraph (2)”; and

(B) by adding at the end the following:

“(3) The maximum age limit for an original appointment to a position as a law enforcement officer (as defined in section 8401(17)) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.”.

(2) OTHER POSITIONS.—The maximum age limit for an original appointment to a position as a member of the Capitol Police or Supreme Court Police, nuclear materials courier (as defined under section 8401(33) of such title), or customs and border protection officer (as defined in section 8401(36) of such

title) shall be 47 years of age, in the case of an individual who on the effective date of such appointment is eligible to receive retired pay or retainer pay for military service, or pension or compensation from the Department of Veterans Affairs instead of such retired or retainer pay.

(b) **ELIGIBILITY FOR ANNUITY.**—Section 8412(d) of such title is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (2), by adding “or” at the end; and

(3) by inserting after paragraph (2) the following:

“(3) after becoming 57 years of age and completing 10 years of service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs or border protection officer, or any combination of such service totaling 10 years, if such employee—

“(A) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013, and

“(B) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(c) **MANDATORY SEPARATION.**—Section 8425 of such title is amended—

(1) in subsection (b)(1), in the first sentence, by inserting “, except that a law enforcement officer, nuclear materials courier, or customs and border protection officer eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period;

(2) in subsection (c), in the first sentence, by inserting “, except that a member of the Capitol Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period; and

(3) in subsection (d), in the first sentence, by inserting “, except that a member of the Supreme Court Police eligible for retirement under section 8412(d)(3) shall be separated from the service on the last day of the month in which that employee becomes 57 years of age” before the period.

(d) **COMPUTATION OF BASIC ANNUITY.**—Section 8415(e) of such title is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by striking “The annuity of an employee” and inserting “(1) Except as provided in paragraph (2), the annuity of an employee”; and

(3) by adding at the end the following:

“(2)(A) The annuity of an employee retiring under subsection (d) or (e) of section 8412 or under subsection (a), (b), or (c) of section 8425 who is an employee described in subparagraph (B) is—

“(i) 1 7/10 percent of that individual’s average pay multiplied by so much of such individual’s civilian service as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, customs and border protection officer, or air traffic controller that, in the aggregate, does not exceed 20 years; plus

“(ii) 1 percent of that individual’s average pay multiplied by the remainder of such individual’s total service.

“(B) An employee described in this subparagraph is an employee who—

“(i) is originally appointed to a position as a law enforcement officer, member of the Capitol Police or Supreme Court Police, nuclear materials courier, or customs and border protection officer on or after the effective date of this paragraph under section 1104(e) of the National Defense Authorization Act for Fiscal Year 2013; and

“(ii) on the date that original appointment met the requirements of section 3307(e)(2) of this title or section 1104(a)(2) of the National Defense Authorization Act for Fiscal Year 2013.”

(e) **EFFECTIVE DATE.**—This section (including the amendments made by this section) shall take effect 60 days after the date of enactment of this Act and shall apply to appointments made on or after that effective date.

**SA 3269.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON POTENTIAL LIABILITY OF DEPARTMENT OF DEFENSE FOR RENEGOTIATION OR CANCELLATION OF CONTRACTS FOR CONFERENCES AND CONVENTIONS IN CONNECTION WITH SPENDING CUTS.**

Not later than \_\_\_\_\_ days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth an assessment of the potential liability of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts for conferences and conventions to be hosted by the Department as a result of reductions in funding for the Department in connection with—

(1) reductions of discretionary appropriations and direct spending pursuant to the sequester required by section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985;

(2) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(3) such other funding reduction mechanisms as the Comptroller General identifies for purposes of the report.

**SA 3270.** Mr. BROWN of Massachusetts submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title X, add the following:

**SEC. 1032. REPORT ON TRANSFER TO THE GOVERNMENT OF AFGHANISTAN OF ENEMY COMBATANTS DETAINED BY THE UNITED STATES IN AFGHANISTAN.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) The policy of the United States on the disposition of enemy combatants captured on the battlefield and detained in detention facilities in Afghanistan under the control of the United States, including any policies on the disposition of non-Afghanistan enemy combatants, enemy combatants that are Afghanistan nationals, and high-value detainees.

(2) An assessment of the capacity of the Government of Afghanistan to detain and prosecute the individuals described in paragraph (1) for purposes of maintaining the rule of law in Afghanistan.

(b) **ENEMY COMBATANT DEFINED.**—In this section, the term “enemy combatant” means an individual who—

(1) after September 11, 2001, has purposefully engaged in or materially supported hostilities against the United States or its coalition partners; or

(2) is a member of, part of, or operated in a clandestine, covert, or military capacity on behalf of the Taliban, al Qaeda, or associated forces.

**SA 3271.** Mr. KYL (for himself, Mr. RISC, and Mr. HELLER) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XIV, add the following:

**SEC. 1433. POLICY OF THE UNITED STATES WITH RESPECT TO A DOMESTIC SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**

(a) **POLICY OF THE UNITED STATES.**—It is the policy of the United States to promote the development of an adequate, reliable, and stable supply of critical and essential minerals in the United States in order to strengthen and sustain the military readiness, national security, and critical infrastructure of the United States.

(b) **COORDINATION OF DEVELOPMENT OF SUPPLY OF CRITICAL AND ESSENTIAL MINERALS.**—To implement the policy described in subsection (a), the President shall, acting through the Executive Office of the President, coordinate the actions of the appropriate federal agencies to identify opportunities for and to facilitate the development of resources in the United States to meet the critical and essential mineral needs of the United States.

**SA 3272.** Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of end of subtitle H of title X, add the following:

**SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should modernize its mail delivery system to ensure the effective and efficient delivery of absentee ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

(b) TRANSFER OF FUNDS.—Not later than 30 days after the enactment of this Act, the amount authorized to be appropriated under section 201 for research, development, test, and evaluation and available for the Federal Voting Assistance Program, \$3,000,000 shall be transferred to the United States Postal Service for purposes of implementing the modernization of the Department of Defense's mail delivery system for the purposes set forth in subsection (a).

**SA 3273.** Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. . NATIONAL RIGHT-TO-WORK.**

(a) AMENDMENTS TO THE NATIONAL LABOR RELATIONS ACT.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking “except to” and all that follows through “authorized in section 8(a)(3)”.

(2) UNFAIR LABOR PRACTICES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended—

(A) in subsection (a)(3), by striking “: *Provided*, That” and all that follows through “retaining membership”;

(B) in subsection (b)—

(i) in paragraph (2), by striking “or to discriminate” and all that follows through “retaining membership”; and

(ii) in paragraph (5), by striking “covered by an agreement authorized under subsection (a)(3) of this section”; and

(C) in subsection (f), by striking clause (2) and redesignating clauses (3) and (4) as clauses (2) and (3), respectively.

(b) AMENDMENT TO THE RAILWAY LABOR ACT.—Section 2 of the Railway Labor Act (45 U.S.C. 152) is amended by striking paragraph Eleven.

**SA 3274.** Mr. NELSON of Nebraska (for himself and Mr. ISAKSON) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. JUSTICE FOR FORMER AMERICAN HOSTAGES IN IRAN.**

(a) COMMON FUND FOR HOSTAGES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury, in consultation with the Secretary of State, shall establish a common fund to be administered by the class representatives and agents for the former American hostages in Iran and their survivors (as identified in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia). Such common fund shall—

(1) be administered to pay claims to the Americans held hostage in Iran, and to members of their families, who are identified as class members in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia; and

(2) be administered for purposes of satisfying such claims, as approved by the class representatives and agents identified in that case number.

(b) FUNDING.—

(1) SOURCES.—

(A) FINES AND PENALTIES.—

(i) IN GENERAL.—The Secretary of the Treasury shall pay to the fund under subsection (a) an amount equal to 50 percent of all amounts collected as fines and penalties by reason of the application of clause (ii) on or after the date of the enactment of this Act. The total amount of payments that may be made into the fund under this clause may not exceed the estimated total amount of payments to be made under subsection (d).

(ii) FINES AND PENALTIES.—The maximum fines and penalties authorized to be imposed, in whole or in part, for violations of any conduct or activities with respect to any government or person by reason of their connection with or sponsorship by Iran are hereby increased by 100 percent.

(B) SEIZED OR FROZEN ASSETS.—The Secretary of the Treasury is authorized to pay to the fund under subsection (a)—

(i) any funds or property in which Iran has an interest, and

(ii) any funds or property in which any person or entity subject to any law providing for sanctions against Iran by reason of such person's or entity's relationship to or connection with Iran has an interest, held by the United States (including in the form of a trust) or subject to any prohibition or regulation with respect to any financial transactions in connection therewith. The Secretary of the Treasury is authorized to vest and liquidate any property identified in this subparagraph in order to make payment as provided in this subparagraph.

(2) TIMING OF FUNDING.—Payments by the Secretary of the Treasury to the fund under subsection (a)—

(A) using funds held by the United States or funds subject to prohibition or regulation on the date of the enactment of this Act shall be made not later than 60 days after such date of enactment; and

(B) using funds that come into the possession of the United States or funds that become subject to prohibition or regulation after the date of the enactment of this Act shall be paid not later than 60 days after coming into the possession of the United States or becoming subject to prohibition or regulation, as the case may be.

(3) SATISFACTION OF CLAIMS.—Payments to the fund under subsection (a) shall be made until the amounts described in subsection (d) are satisfied in full. If the Secretary of the Treasury determines that the amounts can

be fully satisfied within 1 year after the date of the enactment of this Act from funds other than those held by the United States as trustee, the Secretary of the Treasury may defer payment of funds held by the United States as trustee until one year after such date of enactment, but shall ensure during such 1-year period of deferral that any such funds held by the United States as trustee shall not be disbursed, transferred or otherwise constrained for payment as otherwise may be required under this section.

(c) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—Funds paid to the fund under subsection (b) shall be distributed by the class representatives and agents to the former American hostages in Iran and their survivors (as identified in case number 1:08-CV-00487 (EGS) of the United States District Court for the District of Columbia) in the amounts described in subsection (d).

(2) PRIORITY.—Subject to subsection (d), payments from funds paid to the fund under subsection (b) shall be distributed as follows:

(A) First, to each living former hostage identified as a class member under subsection (a)(1).

(B) Second, to the estate of each deceased former hostage identified as a class member under subsection (a)(1).

(C) Third, to each spouse or child of a former hostage identified as a class member under subsection (a)(1) if the spouse or child is identified as a class member under subsection (a)(1).

(d) AMOUNT OF PAYMENTS.—The amount of payments from funds paid to the fund under subsection (b) shall be distributed as follows:

(1) For each former hostage described in subsection (c)(2)(A), \$10,000 for each day of captivity of the former hostage.

(2) For the estate of each deceased former hostage described in subsection (c)(2)(B), \$10,000 for each day of captivity of the former hostage.

(3) For each spouse or child of a former hostage described in subsection (c)(2)(C), \$5,000 for each day of captivity of the former hostage.

(e) SUBROGATION.—The United States shall be fully subrogated, with respect to payments under this section, to all rights of each individual paid under subsection (d) against the Government of Iran or the Iranian Revolutionary Guard Corps or its affiliates or agents. The President shall pursue such subrogated rights as claims or offsets of the United States in appropriate ways until such subrogated claims have been resolved to the satisfaction of the United States.

(f) PRECLUSION OF SUIT AND WAIVER OF CLAIMS.—Upon payment of all amounts described in subsection (d), each person receiving such payment shall be precluded from bringing suit against Iran of any claim arising out of events occurring between November 3, 1979, and January 20, 1981, and all such claims as against Iran shall be deemed waived and forever released.

(g) REIMBURSEMENT OF SEIZED OR FROZEN ASSETS.—Upon payment of all amounts described in subsection (d), the President is authorized to make payments from amounts paid to the fund under subsection (b)(1)(A) to any person or entity described in subsection (b)(1)(B) for purposes of reimbursing such person or entity for funds or property of such person or entity held by the United States as identified in subsection (b)(1)(B).

(h) DEPOSIT OF FUNDS IN THE TREASURY.—Any amounts in the fund under subsection (a) that remain after the date on which payments of all amounts described in subsection (d) are made, or the date that is 2 years after

the date of the enactment of this Act, whichever occurs later, shall be deposited in the Treasury of the United States.

**SA 3275.** Mr. WEBB (for himself, Mr. INHOFE, Mr. LIEBERMAN, and Mr. MCCAIN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of subtitle D of title XII, add the following:

**SEC. 1246. SENSE OF THE SENATE ON THE SITUATION IN THE SENKAKU ISLANDS.**

It is the sense of the Senate that—

(1) the East China Sea is a vital part of the maritime commons of Asia, including critical sea lanes of communication and commerce that benefit all nations of the Asia-Pacific region;

(2) the peaceful settlement of territorial and jurisdictional disputes in the East China Sea requires the exercise of self-restraint by all parties in the conduct of activities that would complicate or escalate disputes and destabilize the region, and differences should be handled in a constructive manner consistent with universally recognized principles of customary international law;

(3) while the United States takes no position on the ultimate sovereignty of the Senkaku Islands, the United States acknowledges the administration of Japan over the Senkaku Islands;

(4) The unilateral actions of a third party will not affect the United States' acknowledgement of the administration of Japan over the Senkaku Islands;

(5) the United States has national interests in freedom of navigation, the maintenance of peace and stability, respect for international law, and unimpeded lawful commerce;

(6) the United States supports a collaborative diplomatic process by claimants to resolve territorial disputes without coercion, and opposes efforts at coercion, the threat of use of force, or use of force by any claimant in seeking to resolve sovereignty and territorial issues in the East China Sea;

(7) the United States reaffirms its commitment to the Government of Japan under Article V of the Treaty of Mutual Cooperation and Security that "[e]ach Party recognizes that an armed attack against either Party in the territories under the administration of Japan would be dangerous to its own peace and safety and declares that it would act to meet the common danger in accordance with its constitutional provisions and processes".

**SA 3276.** Mr. LIEBERMAN (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division A, add the following:

**TITLE XVIII—MEMORIAL TO SLAVES AND FREE BLACK PERSONS WHO SERVED IN THE AMERICAN REVOLUTION**

**SEC. 1801. FINDING.**

Congress finds that the contributions of free persons and slaves who fought during the American Revolution were of preeminent historical and lasting significance to the United States, as required by section 8908(b)(1) of title 40, United States Code.

**SEC. 1802. DEFINITIONS.**

In this title:

(1) **FEDERAL LAND.**—

(A) **IN GENERAL.**—The term "Federal land" means the parcel of land—

(i) identified as "Area I"; and

(ii) depicted on the map numbered 869/86501B and dated June 24, 2003.

(B) **EXCLUSION.**—The term "Federal land" does not include the Reserve (as defined in section 8902(a) of title 40, United States Code).

(2) **MEMORIAL.**—The term "memorial" means the memorial authorized to be established under section 3(a).

**SEC. 1803. MEMORIAL AUTHORIZATION.**

(a) **AUTHORIZATION.**—In accordance with subsections (b) and (c), National Mall Liberty Fund D.C. may establish a memorial on Federal land in the District of Columbia to honor the more than 5,000 courageous slaves and free Black persons who served as soldiers and sailors or provided civilian assistance during the American Revolution.

(b) **PROHIBITION ON USE OF FEDERAL FUNDS.**—National Mall Liberty Fund D.C. may not use Federal funds to establish the memorial.

(c) **APPLICABLE LAW.**—National Mall Liberty Fund D.C. shall establish the memorial in accordance with chapter 89 of title 40, United States Code.

**SEC. 1804. REPEAL OF JOINT RESOLUTIONS.**

Public Law 99-558 (110 Stat. 3144) and Public Law 100-265 (102 Stat. 39) are repealed.

**SA 3277.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. SENSE OF CONGRESS REGARDING SPECTRUM REALLOCATION.**

It is the sense of Congress that—

(1) the Nation's mobile communications industry is a significant economic engine, by one estimate directly or indirectly supporting 3,800,000 jobs, or 2.6 percent of all United States employment, contributing \$195,500,000,000 to the United States gross domestic product and driving \$33,000,000,000 in productivity improvements in 2011;

(2) while wireless carriers are continually implementing new and more efficient technologies and techniques to maximize their existing spectrum capacity, there is a pressing need for additional spectrum for commercial mobile broadband services, with one report predicting that global mobile data traffic will increase 18-fold between 2011 and 2016 at a compound annual growth rate of 78 percent, reaching 10.8 exabytes per month by 2016;

(3) as the Nation faces the current spectrum shortage, consideration should be given

to both the supply of spectrum for licensed networks and for unlicensed devices;

(4) while this additional demand can be met in part by reallocating spectrum from existing non-governmental uses, the reallocation of Federal Government spectrum for commercial use must also be part of the solution, given that, according to a 2012 Government Accountability Office study, the percentage of the most highly valued spectrum, that below 3700 MHz, used exclusively or predominantly by the Federal Government ranges from approximately 39 percent to 57 percent with exclusive Government use accounting for 18 percent of the total amount of spectrum below 3700 MHz;

(5) The Federal Communications Commission and the National Telecommunications and Information Administration should also provide replacement spectrum to federal users before spectrum is reallocated.

(6) existing law ensures that Federal operations are not harmed as a result of a reallocation of spectrum for commercial use, including through the establishment of the Spectrum Relocation Fund to reimburse Federal users for the costs of planning and implementing relocation and, with respect to spectrum vacated by the Department of Defense, certification by the Secretaries of Defense and Commerce and the Chairman of the Joint Chiefs of Staff that replacement spectrum provides comparable technical characteristics to restore essential military capability;

(7) wherever possible, Federal Government spectrum identified for commercial use should be reallocated for such use;

(8) realizing sharing is currently proposed as a possible long-term solution, federal government users should, to the extent practicable, explore how to best implement it to alleviate a lack of a variable bandwidth;

(9) among existing Federal Government bands, the spectrum between 1755-1780 MHz is particularly well-suited for reallocation to commercial use because it is identified internationally for commercial mobile services and is used for that purpose throughout most of the world and because it is immediately adjacent to existing domestic wireless spectrum and would fit seamlessly into the current mobile broadband spectrum portfolio allowing for more immediate equipment development and deployment;

(9) among existing Federal Government bands, certain frequencies and allocations are more well suited for reallocated to commercial use because it is identified internationally for commercial mobile services;

(10) consistent with the March 2012 National Telecommunications and Information Administration report "An Assessment of the Viability of Accommodating Wireless Broadband in the 1755-1850 MHz Band", the Department of Defense should prepare a long term plan in consultation with relevant agencies and private sector stakeholders to determine equitable outcomes for the Nation in relation to spectrum use that balances the private sector's demand for spectrum with national security needs;

(11) The Secretary of Defense should determine the feasibility of relocating to the extent practicable in the 1755-1780 MHz and the General Accountability Office should review the analysis performed; and

(12) if feasibility is shown by the Department of Defense and the General Accountability Office, the Federal communications Commission should consider reallocating this band to commercial use.

**SA 3278.** Mr. BLUNT submitted an amendment intended to be proposed by

him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of end of subtitle H of title X, add the following:

**SEC. 1084. MODERNIZATION OF ABSENTEE BALLOT MAIL DELIVERY SYSTEM.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that the Department of Defense should modernize its mail delivery system to ensure the effective and efficient delivery of absentee ballots, including through the establishment of a centralized mail forwarding system to ensure that blank ballots are properly redirected.

(b) **TRANSFER OF FUNDS.**—Of the amount authorized to be appropriated under section 201 for research, development, test, and evaluation and available for the Federal Voting Assistance Program, \$3,000,000 shall be transferred to the United States Postal Service not later than 30 days after the date of the enactment of this Act for purposes of implementing the modernization of the Department of Defense's mail delivery system for the purposes set forth in subsection (a).

**SA 3279.** Mr. NELSON of Nebraska (for himself and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; as follows:

At the end of title XXXI, add the following:

**Subtitle D—Other Matters**

**SEC. 3141. SENSE OF CONGRESS ON OVERSIGHT OF THE NUCLEAR SECURITY ENTERPRISE.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 2000, the National Nuclear Security Administration was established as an independent entity within the Department of Energy to manage and secure the nuclear weapons stockpile of the United States and to manage nuclear nonproliferation and naval reactor programs.

(2) Serious security and health incidents continue to occur at sites of the National Nuclear Security Administration.

(3) In September 2012, an official of the Government Accountability Office testified to Congress that lax laboratory attitudes toward safety procedures, laboratory inadequacies in identifying and addressing safety problems with appropriate corrective actions, and inadequate oversight by site offices of the National Nuclear Security Administration were responsible for nearly 100 safety incidents since 2000.

(4) On July 28, 2012, three unarmed individuals compromised security at the Y-12 National Security Complex in Oak Ridge, Tennessee, and according to the Government Accountability Office, “gained access to the protected security area directly adjacent to one of the nation’s most critically important nuclear weapons-related facilities”.

(5) In June 2006, hackers attacked an unclassified computer system at the National Nuclear Security Administration’s Service Center in Albuquerque, New Mexico, and gained access to a file containing the names and social security numbers of more than 1,500 employees of the National Nuclear Security Administration.

(6) As early as February 2005, the Inspector General of the Department of Energy identified problems with the retrieval of badges from terminated employees at Los Alamos National Laboratory and other sites of the National Nuclear Security Administration.

(7) In 2004, a pattern of safety and security incidents that occurred over the course of a year prompted the stand-down of Los Alamos National Laboratory.

(8) The National Nuclear Security Administration, independent of the safety and security reform efforts of the Department of Energy, has launched an overhaul of its contracting oversight, placing an emphasis on contractor self-policing through an untested “contractor assurance” approach.

(9) The Government Accountability Office has given the contractor administration and project management capabilities of the National Nuclear Security Administration a “high risk” designation and found there to be insufficient qualified Federal acquisition professionals to “plan, direct, and oversee project execution”.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) there is a need for strong, independent oversight of the United States nuclear security enterprise;

(2) any attempt to reform oversight of the nuclear security enterprise that transfers oversight from the Department of Energy to the National Nuclear Security Administration, reduces protections for worker health and safety at facilities of the National Nuclear Security Administration to levels below the standards of the Department of Energy, or transfers construction appropriations for the nuclear security enterprise from the Department of Energy appropriation account to the military construction appropriation account, should be carefully evaluated;

(3) the Office of Health, Safety, and Security of the Department of Energy, which reports to the Secretary of Energy but is also accountable for routinely reporting to Congress on the performance with respect to safety and security of the Department, including the National Nuclear Security Administration, and the role of that Office in overseeing safety and security at the National Nuclear Security Administration, should not be diminished but should be routinely evaluated;

(4) any future modifications to the management or structure of the nuclear security enterprise should be done in a way that maintains or increases oversight of critical construction, security, and acquisition capabilities;

(5) to the extent possible, oversight of programs of the National Nuclear Security Administration by the Department of Defense should increase to ensure current and future warfighting requirements are met; and

(6) the Nuclear Weapons Council should provide proper oversight in the execution of its responsibilities under section 179 of title 10, United States Code.

**SA 3280.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for

military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C title IX, add the following:

**SEC. 935. REPORTS TO DEPARTMENT OF DEFENSE ON PENETRATIONS OF NETWORKS AND INFORMATION SYSTEMS OF CERTAIN CONTRACTORS.**

(a) **PROCESS FOR REPORTING PENETRATIONS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish a process by which cleared defense contractors shall report to elements of the Department of Defense designated by the Under Secretary for purposes of the process when a network or information system of such contractors designated pursuant to subsection (b) is successfully penetrated.

(b) **DESIGNATION OF NETWORKS AND INFORMATION SYSTEMS.**—The Under Secretary of Defense for Intelligence shall, in coordination with the officials specified in subsection (c), establish criteria for designating the cleared defense contractors’ networks or information systems that contain or process information created by or for the Department of Defense to be subject to the reporting process established pursuant to subsection (a).

(c) **OFFICIALS.**—The officials specified in this subsection are the following:

(1) The Under Secretary of Defense for Policy.

(2) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

(3) The Chief Information Officer of the Department of Defense.

(4) The Commander of the United States Cyber Command.

(d) **PROCESS REQUIREMENTS.**—

(1) **RAPID REPORTING.**—The process required by subsection (a) shall provide for rapid reporting by contractors of successful penetrations of designated network or information systems.

(2) **REPORT ELEMENTS.**—The report by a contractor on a successful penetration of a designated network or information system under the process shall include the following:

(A) A description of the technique or method used in the penetration.

(B) A sample of the malicious software, if discovered and isolated by the contractor.

(3) **ACCESS.**—The process shall include mechanisms by which Department of Defense personnel may, upon request, obtain access to equipment or information of a contractor necessary to conduct a forensic analysis to determine whether information created by or for the Department in connection with any Department program was successfully exfiltrated from a network or information system of the contractor and, if so, what information was exfiltrated.

(4) **LIMITATION ON DISSEMINATION OF CERTAIN INFORMATION.**—The process shall prohibit the dissemination outside the Department of Defense of information obtained or derived through the process that is not created by or for the Department except with the approval of the contractor providing such information.

(e) **CLEARED DEFENSE CONTRACTOR DEFINED.**—In this section, the term “cleared defense contractor” means a private entity granted clearance by the Defense Security



Service to receive and store classified information for the purpose of bidding for a contract or conducting activities under a contract with the Department of Defense.

**SA 3281.** Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title V of division A, add the following:

**SEC. 561. INCENTIVE COMPENSATION PROHIBITION.**

Section 487(a)(20) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(20)) is amended by adding at the end the following: "Notwithstanding the preceding sentence, the institution may provide payment, based on the amount of tuition generated by the institution, to a third party unaffiliated with the institution that provides a set of services to the institution that may include, but not solely, recruitment services, regardless of whether the third party is affiliated with any other institution that provides educational services, if the third party does not make prohibited compensation payments to its employees, the institution does not pay the third party solely or separately for student recruitment services provided by the third party, and any recruitment information, including personally identifiable information, will not be used, shared, or sold with any other entity, including any affiliated institutions that provide educational services."

**SA 3282.** Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title VII, add the following:

**SEC. 735. PRESCRIPTION DRUG TAKE-BACK PROGRAM FOR MEMBERS OF THE ARMED FORCES AND THEIR DEPENDENTS.**

(a) **PROGRAM REQUIRED.**—The Secretary of Defense and the Attorney General shall jointly carry out a program (commonly referred to as a "prescription drug take-back program") under which members of the Armed Forces and dependents of members of the Armed Forces may deliver controlled substances to such facilities as may be jointly determined by the Secretary of Defense and the Attorney General to be disposed of in accordance with section 302(g) of the Controlled Substances Act (21 U.S.C. 822(g)).

(b) **PROGRAM ELEMENTS.**—The program required by subsection (a) shall provide for the following:

(1) The delivery of controlled substances under the program to such members of the Armed Forces, medical professionals, and other employees of the Department of De-

fense, and to such other acceptance mechanisms, as the Secretary and the Attorney General jointly specify for purposes of the program.

(2) Appropriate guidelines and procedures to prevent the diversion, misuse, theft, or loss of controlled substances delivered under the program.

**SA 3283.** Mr. RUBIO (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XII, add the following:

**SEC. 1233. REPORT ON IMPLEMENTATION BY GOVERNMENT OF BAHRAIN OF RECOMMENDATIONS IN REPORT OF THE BAHRAIN INDEPENDENT COMMISSION OF INQUIRY.**

(a) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the implementation by the Government of Bahrain of the recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(b) **CONTENT.**—The report required under subsection (a) shall include the following elements:

(1) A description of the specific steps taken by the Government of Bahrain to implement each of the 26 recommendations contained in the Report of the Bahrain Independent Commission of Inquiry.

(2) An assessment of whether each recommendation has been fully complied with by the Government of Bahrain.

(3) An assessment of the impact of the findings of the Report of the Bahrain Independent Commission of Inquiry on progress toward democracy and respect for human rights in Bahrain.

**SA 3284.** Mr. LEVIN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. 238. REPORT ON POTENTIAL FUTURE HOMELAND BALLISTIC MISSILE DEFENSE OPTIONS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on potential future options for homeland ballistic missile defense.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current assessment of the threat to the United States from long-range ballistic missiles of North Korea and

Iran, and an assessment of the projected future threat through 2022, including a discussion of confidence levels in such threat assessment.

(2) A description of the current United States homeland ballistic missile defense capability to defend against the current threat of limited ballistic missile attack from North Korea and Iran.

(3) A description of planned improvements to the current homeland ballistic missile defense system, and the capability enhancements that would result from such planned improvements.

(4) A description of potential additional future options for homeland ballistic missile defense, in addition to those described pursuant to paragraph (3), if the future ballistic missile threat warrants deployment of such options to increase the homeland ballistic missile defense capability, including—

(A) deployment of a missile defense interceptor site on the East Coast;

(B) deployment of a missile defense interceptor site in another location in the United States, other than on the East Coast;

(C) deployment of additional Ground-based Interceptors for the Ground-based Midcourse Defense system at Fort Greely, Alaska, Vandenberg Air Force Base, California, or both;

(D) deployment of Standard Missile-3 Block IIB interceptors on land or at sea; and

(E) any other options the Secretary considers appropriate.

(c) **EVALUATION.**—For each option described under subsection (b)(4), the Secretary shall provide an evaluation of the advantages and disadvantages of such option. The evaluation of each option shall include consideration of the following:

(1) Technical feasibility.

(2) Operational effectiveness and utility against the projected future threat.

(3) Cost, cost effectiveness and affordability.

(4) Adaptability to respond to changes in threat evolution.

(d) **CONCLUSIONS AND RECOMMENDATIONS.**—Based on the evaluation required by subsection (c), the Secretary shall include in the report required by subsection (a) such findings, conclusions, and recommendations as the Secretary considers appropriate for potential future options for homeland ballistic missile defense.

(e) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SA 3285.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 3254, to authorize appropriations for fiscal year 2013 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title X, add the following:

**SEC. 1064. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON POTENTIAL LIABILITY OF DEPARTMENT OF DEFENSE FOR RENEGOTIATION OR CANCELLATION OF CONTRACTS OR CONFERENCES AND CONVENTIONS IN CONNECTION WITH SPENDING CUTS.**

Not later than \_\_\_\_\_ days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to



the congressional defense committees a report setting forth an assessment of the potential liability of the Department of Defense, including the military departments and the Defense Agencies, for the renegotiation or cancellation of contracts for conferences and conventions to be hosted by the Department as a result of reductions in funding for the Department in connection with—

(2) directives of the Office of Management and Budget, or other Executive Branch directives, relating to cost saving measures; and

(3) such other funding reduction mechanisms as the Comptroller General identifies for purposes of the report.

**SA 3286.** Mr. LEVIN (for Ms. KLOBUCHAR) proposed an amendment to the bill S. 3542, to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes; as follows:

On page 3, lines 8 through 10, strike “and the Committee on Commerce, Science, and Transportation of the Senate” and insert “, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate”.

**SA 3287.** Mr. LEVIN (for Mrs. SHAHEEN) submitted an amendment intended to be proposed by Mr. LEVIN to the resolution S. Res. 600, supporting the goals and ideals of American Diabetes Month; as follows:

In the fifth whereas clause of the preamble, strike “5,082” and insert “5,205”.

In the tenth whereas clause of the preamble, strike “60” and insert “65”.

In the fifteenth whereas clause of the preamble, strike “each fiscal year” and insert “fiscal year 2005”.

#### AUTHORITY FOR COMMITTEES TO MEET

##### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on November 29, 2012, at 9:30 a.m., in room 406 of the Dirksen Senate office building, to conduct a hearing entitled “Sandy and Its Impacts: A Local Perspective.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON INDIAN AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on November 29, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:30 p.m., to conduct a hearing entitled “Reclaiming Our Image and Identity for the Next Seven Generations.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON THE JUDICIARY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the

Committee on the Judiciary be authorized to meet during the session of the Senate, on November 29, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

##### COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate on November 29, 2012, at 10 a.m. in room 432 Russell Senate Office building to conduct a hearing entitled “Creating Jobs and Growing the Economy: Legislative Proposals to Strengthen the Entrepreneurial Ecosystem.”

The PRESIDING OFFICER. Without objection, it is so ordered.

##### SELECT COMMITTEE ON INTELLIGENCE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 29, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGES OF THE FLOOR

Mr. LEVIN. Mr. President, I ask unanimous consent that Dr. Jim Malachowski, an Air Force fellow assigned to the office of Senator CONRAD, be granted floor privileges for the remainder of the debate on S. 3254.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that Maj. Leigh Hasson, the defense fellow for Senator BEGICH, be allowed floor privileges for the remainder of the debate on S. 3254.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. AYOTTE. Mr. President, I ask unanimous consent that my Air Force legislative fellow, Active-Duty Maj. Alison “Babs” Kamataris, receive floor privileges for the remainder of the consideration of S. 3254, the Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Russ Cummings, a military fellow from Senator MANCHIN’s office, be granted floor privileges for the remainder of the debate on the National Defense Authorization Act for fiscal year 2013.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent that Scott Haller of Senator UDALL’s office be granted floor privileges for the duration of debate on S. 3254.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that Shannon Beebe, a legal fellow in Senator BLUMENTHAL’s office, be granted floor privileges for the duration of the debate on the National Defense Authorization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I ask unanimous consent that Leigh Hasson, a fellow in Senator BEGICH’s office be granted floor privileges for the consideration of S. 3254, DOD authorization bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that Captain Chris Bala, an Army fellow in Senator MURKOWSKI’s office, be allowed floor privileges for the duration of the Senate’s debate on S. 3254, the National Defense Authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that Gary Mayo, an Army fellow in Senator HUTCHISON’s office, be granted floor privileges during the consideration of S. 3254.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NO-HASSLE FLYING ACT OF 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of S. 3542 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant legislative clerk read as follows:

A bill (S. 3542) to authorize the Assistant Secretary of Homeland Security (Transportation Security Administration) to modify screening requirements for checked baggage arriving from preclearance airports, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEVIN. Mr. President, I ask that the Klobuchar amendment which is at the desk be agreed to; the bill, as amended, be read a third time and passed; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3286) was agreed to, as follows:

## AMENDMENT NO. 3286

(Purpose: To include the Committee on Homeland Security and Governmental Affairs of the Senate in the committees to which the report on re-screening of baggage is required to be submitted)

On page 3, lines 8 through 10, strike “and the Committee on Commerce, Science, and Transportation of the Senate” and insert “, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate”.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3542

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. SHORT TITLE.

This Act may be cited as the “No-Hassle Flying Act of 2012”.

## SEC. 2. PRECLEARANCE AIRPORTS.

(a) IN GENERAL.—Section 44901(d) of title 49, United States Code, is amended by adding at the end the following new paragraph:

“(4) PRECLEARANCE AIRPORTS.—

“(A) IN GENERAL.—For a flight or flight segment originating at an airport outside the United States and traveling to the United States with respect to which checked baggage has been screened in accordance with an aviation security preclearance agreement between the United States and the country in which such airport is located, the Assistant Secretary (Transportation Security Administration) may, in coordination with U.S. Customs and Border Protection, determine whether such baggage must be re-screened in the United States by an explosives detection system before such baggage continues on any additional flight or flight segment.

“(B) AVIATION SECURITY PRECLEARANCE AGREEMENT DEFINED.—In this paragraph, the term ‘aviation security preclearance agreement’ means an agreement that delineates and implements security standards and protocols that are determined by the Assistant Secretary, in coordination with U.S. Customs and Border Protection, to be comparable to those of the United States and therefore sufficiently effective to enable passengers to deplane into sterile areas of airports in the United States.

“(C) REPORT.—The Assistant Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Homeland Security and Governmental Affairs of the Senate an annual report on the re-screening of baggage under this paragraph. Each such report shall include the following for the year covered by the report:

“(i) A list of airports outside the United States from which a flight or flight segment traveled to the United States for which the Assistant Secretary determined, in accordance with the authority under subparagraph (A), that checked baggage was not required to be re-screened in the United States by an explosive detection system before such baggage continued on an additional flight or flight segment.

“(ii) The amount of Federal savings generated from the exercise of such authority.”.

(b) CONFORMING AMENDMENTS.—Section 44901 of title 49, United States Code, is amended by striking “explosive” each place it appears and inserting “explosives”.

## AMERICAN DIABETES MONTH

Mr. LEVIN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. Res. 600 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 600) supporting the goals and ideals of American Diabetes Month.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to; the amendment to the preamble which is at the desk be agreed to; the preamble, as amended, be agreed to; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 600) was agreed to.

The amendment (No. 3287) was agreed to, as follows:

## AMENDMENT NO. 3287

In the fifth whereas clause of the preamble, strike “5,082” and insert “5,205”.

In the tenth whereas clause of the preamble, strike “60” and insert “65”.

In the fifteenth whereas clause of the preamble, strike “each fiscal year” and insert “fiscal year 2005”.

The preamble, as amended, was agreed to.

The resolution, with its preamble, as amended, reads as follows:

## S. RES. 600

Whereas according to the Centers for Disease Control and Prevention (referred to in this preamble as the “CDC”), nearly 26,000,000 people in the United States have diabetes and 79,000,000 people in the United States have pre-diabetes;

Whereas diabetes is a serious chronic condition that affects people of every age, race, ethnicity, and income level;

Whereas the CDC reports that Hispanics, African-Americans, Asian-Americans, and Native Americans are disproportionately affected by diabetes and suffer from diabetes at rates that are much higher than the general population of the United States;

Whereas according to the CDC, someone is diagnosed with diabetes every 17 seconds;

Whereas each day, approximately 5,205 people are diagnosed with diabetes;

Whereas in 2010, the CDC estimated that approximately 1,900,000 individuals age 20 and older were newly diagnosed with diabetes;

Whereas a joint National Institutes of Health and CDC study found that approximately 15,000 youth in the United States are diagnosed with type 1 diabetes annually and approximately 3,600 youth are diagnosed with type 2 diabetes annually;

Whereas according to the CDC, between 1980 and 2007, the prevalence of diabetes in

the United States increased by more than 300 percent;

Whereas the CDC reports that more than 27 percent of individuals with diabetes are undiagnosed;

Whereas the National Diabetes Fact Sheet issued by the CDC states that more than 11 percent of adults in the United States and 26.9 percent of people in the United States age 65 and older have diabetes;

Whereas the CDC estimates that as many as 1 in 3 adults in the United States will have diabetes in 2050 if present trends continue;

Whereas the CDC estimates that as many as 1 in 2 Hispanic, African-American, Asian-American, and Native American adults will have diabetes in 2050 if present trends continue;

Whereas according to the American Diabetes Association, in 2007, the total cost of diagnosed diabetes in the United States was \$174,000,000,000, and 1 in 10 dollars spent on health care was attributed to diabetes and its complications;

Whereas according to a Lewin Group study, in 2007, the total cost of diabetes (including both diagnosed and undiagnosed diabetes, pre-diabetes, and gestational diabetes) was \$218,000,000,000;

Whereas a Mathematica Policy Research study in 2007 found that, for fiscal year 2005, total expenditures for Medicare beneficiaries with diabetes comprise 32.7 percent of the Medicare budget;

Whereas according to the CDC, diabetes was the seventh leading cause of death in 2007 and contributed to the deaths of more than 230,000 people in the United States in 2007;

Whereas there is not yet a cure for diabetes;

Whereas there are proven means to reduce the incidence, and delay the onset, of type 2 diabetes;

Whereas with the proper management and treatment, people with diabetes live healthy, productive lives; and

Whereas American Diabetes Month is celebrated in November: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the goals and ideals of American Diabetes Month, including—

(A) encouraging the people of the United States to fight diabetes through public awareness about prevention and treatment options; and

(B) increasing education about the disease;

(2) recognizes the importance of early detection of diabetes, awareness of the symptoms of diabetes, and the risk factors that often lead to the development of diabetes, including—

(A) being over the age of 45;

(B) having a specific racial and ethnic background;

(C) being overweight;

(D) having a low level of physical activity;

(E) having high blood pressure; and

(F) having a family history of diabetes or a history of diabetes during pregnancy; and

(3) supports decreasing the prevalence of type 1, type 2, and gestational diabetes in the United States through increased research, treatment, and prevention.

NATIONAL NURSE-MANAGED  
HEALTH CLINIC WEEK

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 603 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 603) designating the week of November 26 through November 30, 2012 as National Nurse-Managed Health Clinic Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INOUE. Mr. President, today I rise to recognize all of the advanced practice nurses who work in Nurse-Managed Health Clinics in a resolution to designate November 26, 2012 through November 30, 2012 as National Nurse-Managed Health Clinic Week. National Nurse-Managed Health Clinic Week will provide a national platform from which to promote the pivotal services offered by the more than 200 nurse-managed health clinics in the United States. Led by advanced practice nurses, these clinics are a unique model for delivery of primary and preventive care.

Within Nurse-Managed Health Centers, nurse practitioners and other advanced practice nurses deliver high quality and cost-effective services to diverse populations of all age groups and ethnicities. A substantial share of the patients are uninsured or on Medicaid. As safety net providers, Nurse-Managed Health Clinics provide care regardless of a person's ability to pay. In addition to the provision of health care services, Nurse-Managed Health Centers play an important role in the health profession's education. Most Nurse-Managed Health Centers are affiliated with colleges of nursing and provide clinical education opportunities to over 3,100 students annually from the fields of nursing, medicine, pharmacy, social work, and public health.

A Senate Resolution will recognize the key role Nurse-Managed Health Centers play. I ask my colleagues to join me in supporting this tribute to Nurse-Managed Health Clinics.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and that any related statements be printed in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 603) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 603

Whereas nurse-managed health clinics are nonprofit community-based health care sites that offer primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes the protection, promotion, and optimization of

health, the prevention of illness, the alleviation of suffering, and the diagnosis and treatment of illness;

Whereas nurse-managed health clinics are led by advanced practice nurses and staffed by an interdisciplinary team of highly qualified health care professionals;

Whereas nurse-managed health clinics offer a broad scope of services, including treatment for acute and chronic illnesses, routine physical exams, immunizations for adults and children, disease screenings, health education, prenatal care, dental care, and drug and alcohol treatment;

Whereas, as of June 2011, more than 200 nurse-managed health clinics provided care across the United States and recorded more than 2,000,000 client encounters annually;

Whereas nurse-managed health clinics serve a unique dual role as both health care safety net access points and health workforce development sites, given that the majority of nurse-managed health clinics are affiliated with schools of nursing and serve as clinical education sites for students entering the health profession;

Whereas nurse-managed health clinics strengthen the health care safety net by expanding access to primary care and chronic disease management services for vulnerable and medically underserved populations in diverse rural, urban, and suburban communities;

Whereas research has shown that nurse-managed health clinics experience high patient retention and patient satisfaction rates, and nurse-managed health clinic patients experience higher rates of generic medication fills and lower hospitalization rates when compared to similar safety net providers;

Whereas the 2011 report of the Institute of Medicine on the future of nursing highlights the work nurse-managed health clinics are doing to reduce health disparities by bringing evidence-based care to individuals who may not otherwise receive needed services; and

Whereas nurse-managed health clinics offering both primary care and wellness services provide quality care in a cost-effective manner: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates the week of November 26 through November 30, 2012, as "National Nurse-Managed Health Clinic Week";

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the expansion of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as health care workforce development sites for the next generation of primary care providers.

#### RELATIVE TO THE DEATH OF THE HONORABLE WARREN B. RUDMAN

Mr. LEVIN. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 604, submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read follows:

A resolution (S. Res. 604) relative to the death of the Honorable Warren B. Rudman, former United States Senator for the State of New Hampshire.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements relating to the matter be placed into the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 604) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

#### S. RES. 604

Whereas Warren B. Rudman served in the United States Army during the Korean War with the rank of Lieutenant, earning the Bronze Star for action in combat as an infantry commander;

Whereas Warren B. Rudman rendered exceptional service to the State of New Hampshire as Attorney General for 6 years, an office to which he brought honor;

Whereas Warren B. Rudman served the people of New Hampshire with distinction for 12 years in the United States Senate;

Whereas Warren B. Rudman served the Senate as Chairman of the Select Committee on Ethics in the 99th Congress;

Whereas Warren B. Rudman served the Senate as Vice Chairman of the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Opposition with impartiality and honesty;

Whereas, while serving in the Senate, Warren B. Rudman authored laws to support small business and reduce the budget deficits of the United States;

Whereas Warren B. Rudman co-founded the Concord Coalition to educate the public about the dangers of Federal budget deficits;

Whereas the hallmarks of Warren B. Rudman's public service were integrity, courage, and an unflagging commitment to the common good; and

Whereas, with the death of Warren B. Rudman, New Hampshire and the United States have lost an outstanding lawmaker and public servant: Now, therefore, be it

*Resolved*, That—

(1) the Senate has received with profound sorrow and deep regret the announcement of the passing of the Honorable Warren B. Rudman, a former member of the United States Senate;

(2) the Senate respectfully requests that Secretary of the Senate communicate this resolution to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased; and

(3) when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the Honorable Warren B. Rudman.

#### ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, I ask unanimous consent that the following blocks of time be set aside for the purpose of statements from retiring Senators: 11:30 a.m. to 12:30 a.m., Tuesday, December 4; 10 a.m. to 11 a.m., Thursday, December 6; and 12 noon to 1 p.m., Wednesday, December 12.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, NOVEMBER  
30, 2012

Mr. LEVIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:15 a.m. on Friday, November 30, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; and that following any

leader remarks, the Senate resume consideration of S. 3254, the DOD Authorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. LEVIN. There will be up to four rollcall votes at 9:30 a.m. tomorrow.

ADJOURNMENT UNTIL 9:15 A.M.  
TOMORROW

Mr. LEVIN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the provisions of S. Res. 604 as a further mark of respect to the memory of former Senator Warren B. Rudman of New Hampshire.

There being no objection, the Senate, at 11:37 p.m., adjourned until Friday, November 30, 2012, at 9:15 a.m.

## EXTENSIONS OF REMARKS

ST. MARTHA'S CATHOLIC CHURCH  
AND SCHOOL OF PHILADELPHIA

**HON. MICHAEL G. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. FITZPATRICK. Mr. Speaker, I was proud to join the people of St. Martha's Catholic Church and School of Philadelphia in honoring the life and achievements of former parishioner and alumnus Commander Christopher Ferguson.

Commander Ferguson was born in Philadelphia, Pennsylvania, and his mother Mary Ann and step-father Norman now reside in Langhorne, Bucks County.

Ferguson graduated from Archbishop Ryan High School, going on to receive his Bachelor of Science degree in mechanical engineering from Drexel University, and earning a Master of Science in aeronautical engineering from the Naval Postgraduate School in 1991.

In 1986, Ferguson earned his Navy Wings and was ordered to the F-14 Tomcat training squadron in Virginia Beach, VA. Later, he joined the "Red Rippers" of VF-11, deploying to the North Atlantic, Mediterranean and Indian oceans onboard the USS *Forrestal*.

In 1995, he joined the "Checkmates" of VF-211, completing a deployment to the Western Pacific and Persian Gulf enforcing the Iraqi no-fly zone on board the USS *Nimitz*. Throughout his military career, Commander Ferguson has earned many commendations, including the Legion of Merit, Distinguished Flying Cross, and Navy Strike-Flight Air Medal.

In 1998, Ferguson reported to the Johnson Space Center in Houston, Texas, where he served as spacecraft communicator for the STS-118, 120, 128 and 129 missions. He was also the pilot of STS-115, and commanded STS-126 and 135. In September 2010, he began training with a crew of four for a rescue mission that evolved into STS-135, a station cargo delivery flight that carried the Multi-Purpose Logistics Module "Raffaello."

Leading the final U.S. shuttle mission to the International Space Station, Commander Ferguson's final mission marked the end of a 30-year NASA program. The 33rd flight of the shuttle *Atlantis* was the 37th shuttle mission to the space station, and the 135th and final mission of NASA's Space Shuttle Program.

Commander Ferguson is a decorated military officer and a distinguished member of NASA's historic shuttle program, and the people of Pennsylvania are proud to call him one of our own.

RECOGNIZING MRS. DONNA  
FASSETT FOR HER SELFLESS  
SERVICE TO THE NORTHWEST  
FLORIDA COMMUNITY

**HON. JEFF MILLER**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. MILLER of Florida. Mr. Speaker, I am honored to recognize Mrs. Donna Fasset for her selfless service to the Northwest Florida Community.

Donna Fasset is the Executive Director of ARC Gateway, an organization committed to improving the lives of persons with, or at risk of, developmental disabilities. For the past thirty-three years, she has served her community and the organization with unwavering commitment and immeasurable success. Under her leadership, ARC Gateway has expanded its programs to touch the lives of more than 900 children and adults.

Outside of her role with ARC Gateway, Donna Fasset is involved in myriad civic organizations, including: Impact 100, the Florida Council of Executive Directors, the Great Gulfcoast Arts Festival, Fiesta of Five Flags, and Pensacola Five Flags Rotary, where she previously served as President.

Mrs. Fasset's commitment to service and bettering the lives of others has been recognized through the countless awards bestowed to her. She is the recipient of ARC Florida's Robert Ettinger Award for Executive Excellence, Unsung Hero Award, and Life Time Achievement Award, as well as, the Center for Independent Living's Joe Oldmixon Award for Advocacy and the Able Trust Dr. George Spelios Leadership Award. There is no question that Donna Fasset's impact on Northwest Florida is immense, and we are all grateful for her dedication and service to improving our community.

Mr. Speaker, on behalf of the United States Congress, it gives me great pride to recognize Mrs. Donna Fasset. My wife Vicki joins me in wishing Donna, her husband Charlie, their two sons Donald and Robert and two grandchildren, Morgan and Jake, all of the best.

80TH ANNIVERSARY OF THE FEDERAL HOME LOAN BANK SYSTEM

**HON. DAN BOREN**

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. BOREN. Mr. Speaker, I take this opportunity to recognize the 80th anniversary of the Federal Home Loan Bank system. Chartered by Congress in 1932, the Federal Home Loan Bank system consists of 12 regional banks acting as a reliable source of critical funding

for community financial institutions to finance housing and economic development.

The Federal Home Loan Banks provide safe, affordable liquidity to nearly 8,000 banks, thrifts, credit unions, insurance companies and community development financial institutions in every state. As such, they are an essential partner for community and economic development across the country.

The Federal Home Loan Banks operate under a cooperative model with ownership resting in its regional members and a management team focused on safety and soundness. This has protected taxpayers over the FHLBanks' entire 80-year history. During the recent economic downturn, the FHLBanks received no taxpayer support, and they were a vital player in supporting a broader U.S. housing market recovery.

Lastly, Mr. Speaker, I want to acknowledge the Affordable Housing Program administered by the Federal Home Loan Banks and funded by contributions of 10 percent of the earnings from each of the FHLBanks. This important program represents the largest single source of private sector grants for housing and community development in the country. The Federal Home Loan Banks have distributed approximately \$4.6 billion in private grants through their Affordable Housing Program since its inception in 1990. These grants have helped provide 1.5 million housing units to deserving families in every corner of the country.

IN HONOR OF DENNIS DONOHUE

**HON. SAM FARR**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. FARR. Mr. Speaker, what an honor it is to recognize the work and achievements of one of the nation's most remarkable mayors. Dennis Donohue will step down as the Mayor of Salinas in December after serving in that position since 2006. He leaves office after six remarkable years that saw the city gain national attention for its efforts to solidify itself as the center of the nation's diversified fresh salad economy and turning the city away from its decades-old gang violence problem. Dennis stood at head—and heart—of both of these efforts and his leadership on these and other issues will be felt around California for years.

As a young boy, Dennis' family moved to Salinas. He graduated from Palma High School in 1972 and, ever since, has been a fixture at Palma sporting events. He earned a BA from the University of San Francisco and an MA from Gannon University in Pennsylvania. He then returned to California where he worked for several years in Silicon Valley's high tech industry. In 1988, he returned to Salinas to begin a career in agriculture, eventually rising in 1998 to become CEO of Salinas

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

based European Vegetable Specialties, the world's largest radicchio producer. In 2005–06, he served as Chairman of the Salinas based Grower-Shipper Association of Central California.

In addition to his business leadership, Dennis took on many community service roles. He co-chaired the campaign committee for Measure V, a half-cent sales tax proposition that rescued the City from a fiscal emergency. He helped bring national attention to saving the city libraries by working with the Steering Committee of Rally Salinas!, a coalition formed to fundraise for Salinas' threatened libraries. He was a director on the board of Second Chance Youth Program, a gang-prevention nonprofit, since 1992; and on the Palma High School Board of Directors; and on many other boards, commissions, and community efforts.

Although Dennis is fond of reminding folks that Salinas is the 158th most populous city in the United States, it is still small in comparison to major metropolitan centers. In many ways it retains the feel of a small farm town. That is—except for the curse of a big city gang violence problem. Several years after his 2006 election as Mayor, the city's long standing gang problem erupted in an explosion of youth violence. Dennis helped lead a community wide collaborative effort to bring together law enforcement, social services, faith, and community leaders, to begin a sustained and comprehensive response. That effort has drawn national attention and the White House selected Salinas to be among just six cities nationally to participate in a pilot project to turn back gang violence. Helping to put Salinas on the long term path to solving this problem will perhaps be counted as his greatest achievement as Mayor.

Dennis is married to the former Paula Johnson, who grew up on the old Williams Ranch in the Alisal. Paula, an alumna of Notre Dame High School, teaches physical education at Harden Middle School. They have two adult children, Emily and Allan.

Mr. Speaker, I know I speak for the whole House in thanking Dennis and his family for his service as mayor. I thank him for being my delegate to the 2012 Presidential Electoral College where he proudly supported our president. I personally look forward with pleasure to working with citizen Donohue in the years to come. He will always be remembered for imagining a great city.

IN MEMORY OF CADET FIRST  
CLASS MATTHEW JOHN PATRICK

### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. SESSIONS. Mr. Speaker, it is with a heavy heart that I rise today in memory of Air Force Academy Cadet First Class Matthew John Patrick. Matthew passed away on Friday, September 28, 2012.

Born in Dallas, Texas, Matthew developed a love for flying at an early age and dreamed of becoming a fighter pilot. He joined the Civil Air Patrol where he earned the prestigious Billy

Mitchell Award and experienced flying solo for the first time. After graduating from the School of Science and Engineering Magnet in 2009, Matthew entered the United States Air Force Academy where he excelled. He majored in aeronautical engineering and would have graduated in May 2013.

I had the privilege of getting to know Matthew during the academy nomination process. Having won numerous math and science competitions, I already knew that Matthew was exceptionally bright. Aside from his academic achievement, I saw his passion when he spoke of his love for flying and of his desire to attend the Air Force Academy. I also noticed that Matthew possessed a quiet confidence, which told me a great deal about his character and leadership style. Indeed, I learned that Matthew was a loyal friend, an intelligent and hard working young man of great character, and the type of person who was always willing to lend a helping hand to others. He was unabashedly bold in pursuing his dream. Mr. Speaker, this is a great loss for the United States Air Force Academy and the State of Texas.

Matthew is survived by his parents, Beverly and Matthew Patrick; his sister, Catherine Ann Patrick; grandparents, Cathy and Jack Robertson; and many aunts, uncles, and cousins.

There are no words that can fully express my sorrow. There is nothing I can offer but prayers to comfort the Patrick family in the midst of this difficult time. May the peace of God be with those he loved and sustain them through this hour of sorrow.

### REMEMBERING AND HONORING THE LIFE OF DARIO LORENZETTI

### HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. KING of New York. Mr. Speaker, I rise today to honor the life of Dario Lorenzetti of Fort Worth, Texas who was killed in action in the service of the United States in Qandahar Province, Afghanistan on October 13, 2012.

He was an Eagle Scout, a graduate of Saint Andrew Catholic School and Nolan Catholic High School, and a 1993 honors graduate of the United States Military Academy at West Point, where he was a champion boxer.

Commissioned as an infantry officer, Lieutenant and then Captain Lorenzetti served with distinction in the 75th Ranger Regiment. Those who bear the Ranger Tab follow a creed which reads in part, "Never shall I fail my comrades," and "I will shoulder more than my share of the task whatever it may be." Dario exemplified this motto. His military obligation complete, he volunteered to return to government service after America was attacked on September 11, 2001.

He worked overseas on behalf of our national security with courage, dedication and uncommon skill. Dario served in Saudi Arabia, India and finally Afghanistan, where he gave the last full measure of devotion to our country.

Every generation learns the hard truth that our nation's greatest heroes are found among

the ranks of those who raise their hands to go forth and protect us, but never return home. Dario's death proves the sad wisdom of this lesson.

His sincere Catholic faith recalled Saint Francis of Assisi's advice that Christians "preach the gospel wherever you go, and if necessary, use words." Dario inspired and led others by quiet example. He will always be remembered by his colleagues and friends for his generosity, humility, kindness, warmth and wit.

Dario is survived by his wife and soulmate Kirstin, and his daughters Arabella, Natalia and Aryanna. There has never been a happier husband or prouder, more doting father of baby girls than Dario Lorenzetti. His family was the center of Dario's life, and his loss to them is irreplaceable. Our prayers go out to them.

In the words of the Epistle of Timothy, Dario Lorenzetti fought the good fight, finished his course, and kept the faith. Dario, may God hold you in the palm of His hand.

HEATHER CALLENDER-POTTERS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathleen Callender and Heather Callender-Potters for their service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

Kathleen, founder of PharmaJet, and Heather, chairman of the board of directors, transformed the way vaccines and liquid medications are delivered by developing and marketing a unique, efficient, affordable and life-saving need-free syringe. These devices can deliver half a milliliter fixed dose of a liquid medication into the muscle where many vaccines are delivered, or into the subcutaneous layer between the skin and the muscle.

Pharmajet continues to serve communities around the world by creating a safer workplace with less exposure to needle stick injuries and reducing the amount of hazardous sharp medical waste in a way to better control the spread of blood borne HIV and hepatitis from needle reuse.

Pharmajet's mission is to serve individual patients in the community and promote public health in all areas of the world. Their partnership with UNICEF eliminates many of the risks of unsafe injections, along with the 1.3 million deaths per year.

Ms. Callender and Ms. Callender-Potters are champions in the community and throughout the globe. I am honored to congratulate them on receiving the 2012 Mayor of Golden's Award for Excellence. I am sure they will exhibit the same dedication and commitment in all their future endeavors.

IN CELEBRATION OF THE 100TH BIRTHDAY OF MRS. ONIE BELL NORWOOD, AN ADMIRABLE CENTENARIAN

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize, and celebrate the 100th Birthday of New York City's own Mrs. Onie Bell Norwood, a true Harlem Legend.

Mrs. Onie Belle Norwood has lived a century in the United States of America and in that time has been privileged to witness its magnificent transformation. "Old age" is a term she's heard but not yet experienced as she is able to navigate the city streets better than individuals half her age and has a memory capable of challenging any young mind. "Elegant" and "witty" are just two of the words that come to mind when friends are asked to describe Mrs. Norwood and she is known to freely share from her wealth of "experience driven" information.

In 1912, William Taft was president of the United States, Emmet O'Neal was governor of Alabama, segregation was a way of life, and, on November 16, Onie Belle Carter was born in the "Heart of Dixie," known as Union Springs, Alabama. She was the eldest daughter of the eight children born to the late Mr. & Mrs. Willie Carter. They were a hardworking family that pulled together to make ends meet. While many things seemed impossible, Onie Belle would soon discover that "all things are possible."

While the 19th Amendment giving women the right to vote (1919) was ratified and the Ku Klux Klan boasted a membership of over 4.5 million members, Onie accepted the Lord Jesus Christ as her personal Savior at First Baptist Church in Alabama. She worked hard and served as secretary for the Sunday school and the BYPU. After the death of her father as a young girl, Onie was forced to leave school and take on the responsibility of helping her mother provide for her sisters and brothers. It was the Red Summer of 1919 where race riots broke out across the country including in Chicago, Illinois, Washington, D.C. and Knoxville, Indianapolis. In 1920, less than 400 miles away, a Black-run town called Rosewood was being attacked and burned to the ground. Understanding the importance of an education, Onie traveled to Montgomery, Alabama to attend the H. A. Loveless Middle School.

In 1938, Fiorello LaGuardia was mayor of a bustling city called New York, where, just four years earlier, the now famous Apollo Theatre held its first live show, and Onie Belle, a twenty-six year old country girl from Alabama accepted an invitation for "live-in" work in Kew Gardens, Queens, New York so she could send money back to her mother. Onie and her mother prayed that God would protect her in this huge city.

Onie was a warm, friendly person who kept her business to herself. She was drawn to the Thursday "socials" that were a "meeting time" for many day workers, porters and laborers. That same year she met and married Clarence Norwood.

The sounds of Harlem echoed in Onie's ear and she enjoyed visiting the Apollo Theatre every week where the place was "jumpin'" with the sounds of Count Basie, Louis Armstrong, Dizzy Gillespie, Ella Fitzgerald, Duke Ellington and Nat King Cole. In 1939, Billie Holiday first performed a song entitled "Strange Fruit" in New York City which protested the horrid act of lynching. Some of the more popular cabarets and clubs in Harlem such as the Cotton Club, Connie's Inn, and Smalls Paradise were frequented by Whites and did not allow Blacks. Onie found herself in the midst of a changing nation. Onie sought to survive through hard work, diligence and determination.

On March 19, 1941, the 99th Pursuit Squadron became the first African-American active combat unit and Onie joined the war effort working for the Department of Defense making duffle bags and suspender belts for soldiers. After the war, she secured employment in factories making belts. On June 25th, President Franklin Delano Roosevelt issued Executive Order 8802, the "Fair Employment Act", to require equal treatment and training of all employees by defense contractors. In that same year, *Mitchell v US*, the Interstate Commerce Clause is used to successfully desegregate seating on trains. The country was changing and thirty something year old Onie was changing with it. The Civil Rights movement was in full swing and forcing America to deal with life-changing decisions.

Feeling her soul was not satisfied, Onie joined St. John's Baptist Church on West 152nd Street in Harlem under the pastorate of Rev. Dr. Wilson Major Morris in 1950. She has been an active member ever since serving under the second pastor, Rev. Walter C. T. Willoughby and the present pastor, Rev. Dr. John Luster Scott. She is often heard saying how she "loves her Pastor and her Church family." Onie's magnetic personality attracts many young and old. Her favorite "suitors" are Christopher Williams, William "Sonny" Gamble and Ernest DeVerger. Presently retired from the Chimera Belt Factory, she still enjoys going to Church, taking pictures, shopping and listening to music.

A long time Harlemit, she has seen a century of great changes take place in her life, the Church, the Nation and African-American people, including the granting of the right to vote to women and the great Civil Rights Movement. She has seen the Ku Klux Klan membership dwindle to less than 8,000; 81 African-American mayors including John McGowan (1984) of her hometown of Union Springs, Alabama and David Dinkins (1988) of New York City; 3 "first" African-American governors; nearly 100 Members of the House of Representatives; 4 African-American Senators and one African-American President, her favorite, President Barack Obama. She has lived through 19 US presidents, 3 pastors and a multitude of African-American leaders and innovators. She keeps her favorite Bible verse close, Psalm 121, which begins, "I will lift up mine eyes unto the hills, from whence cometh my help." On November 16, 2012 Onie Belle Norwood will be 100 years old. Blessed indeed, she has seen her prayers answered—a God who kept her safe in New York City.

I ask my colleagues and our Nation to join me in this special Congressional Recognition

of the 100th Birthday of a true patriot and Harlem legend Mrs. Onie Bell Norwood.

### HONORING CYNTHIA PALMER

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker and fellow colleagues I rise today to honor a worthy member of our society Mrs. Cynthia Palmer. Mrs. Cynthia Palmer was born in Los Angeles, California but was raised in Canton, Mississippi and attended Holy Child Jesus School. After her family relocated to Jackson, she attended Brinkley Jr. High School and Callaway High School where she excelled in all areas. Cynthia was chosen as the first Black "Miss Callaway High School" & the first black female "Student Body President" among many other honors. She attended Tougaloo College and majored in Business Communications and was listed on the Dean's List.

Music has been a passion of Cynthia's from a very early age. Throughout her career, Mrs. Palmer has received world-wide acclamation while participating in various local, state, national and international events. She has toured in more than 35 of the 50 United States and has performed in the following countries: Alaska, Canada, Bermuda, West Indies, England, Germany, France, Brazil and Holland. One of the highlights of her travels was to sing in Cape Town, Umtata and Johannesburg, South Africa. In 2003, Cynthia was featured on the "Bobby Jones Gospel Show" on The Word Network. She is a 3-time winner at the Mississippi Gospel Music Awards. One of the blessings of her career was being able to sing to women who are currently on Death Row at the Alabama State Prison.

She has appeared on radio and television stations throughout the United States and abroad. She was the first gospel singer to sing at the Jewish synagogue in Dayton, Ohio. Cynthia has participated on concerts featuring such artists as Mary Mary, Byron Cage, Shirley Caesar, Richard Smallwood, Bishop Paul Morton, Rev. Marvin Sapp, The Canton Spirituals and Rance Allen just to name a few.

She has recorded and self-produced 5 CD's, entitled "Just Enough Faith To Try", "Anointed Psalms Of Praise", "A Soulful Christmas", "Heaven Is The Place To Be" and "The Ultimate Collection". Cynthia produced the highly successful CD titled, "Gospel Praises, Volume 1" for Message Magazine, the oldest black religious magazine in the country.

In 2004, after relocating back to Mississippi, Cynthia founded the Canton Gospel Music Association (CGMA). One of the main focuses of the organization is to raise monies to pay for music lessons for up and coming musicians in addition to awarding scholarships to graduating seniors. To date, the CGMA has awarded over \$12,000.00 to over 60 students.

In 2005, she served as Executive Producer for "The Gospel at Colonus" presented by the Mississippi Opera. Most recently she served as Operations Director for the Return of the Freedom Riders, 50th Year Reunion celebrated in Jackson in May 2011. Most recently,



Cynthia worked at Jackson State University as the Resources and Media Technology Manager for the Margaret Walker Alexander National Research Center. Currently, she is the Executive Director of the Veterans of the Mississippi Civil Rights Movement, Inc.

Mrs. Palmer, was presented with a Public Service Award by the Robinson-Watson Book Company for the State of Mississippi at the 20th Year Honors Awards Celebration Banquet on June 26, 2009. The Public Service recipient is involved in the community during the year (s) working with various groups or agencies. They have succeeded in exercising their unselfishness in making an impact on the general Mississippi community and society. She is also listed in the inaugural edition of "Who's Who" in Black Mississippi. She is a member of the board of Directors of The Mississippi Opera, United Christian Artist Association, Women For Progress and MADDRAMA Performance Troupe. Mrs. Palmer has been a contributing writer to The Mississippi Link Newspaper and the Metro Christian Magazine. In 2010, she was featured on the cover of the Metro Christian Magazine.

Mrs. Palmer has served on the following committees: Jackson State University's Church Music Workshop of America, Commemorative Stamp Ceremony honoring Medgar Evers & Fannie Lou Hamer, Mission Mississippi Mayor's Prayer Breakfast and Governor's Prayer Luncheon, among others. In 2003, Mayor Alice Scott, of Canton, Mississippi presented the 'Key to the City' to Mrs. Palmer and proclaimed October 3 as "Cynthia Goodloe Palmer Day".

She is a singer, song writer, producer, entrepreneur, friend, humble servant and a lover of people. Her personal testimony is: 'In all thy ways acknowledge him and he shall direct thy paths' Proverbs 3:6.

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Cynthia Palmer for her dedication to serving others.

#### U.N. IS NOT THE FORUM FOR RESOLVING MIDDLE EAST TENSIONS

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. POE of Texas. Mr. Speaker, today, the United Nations will vote on whether or not to recognize the Palestinian Authority as a nonmember observer state of the U.N. With 132 nations having already recognized the Palestinian territory as a sovereign state and only 97 votes needed, I suspect the Palestinian Authority's effort will be successful. Yet, despite a ceasefire reached between Israel and Hamas last week, the Middle East remains a volatile tinder box far from peace. Admitting the Palestinian Authority as a nonmember observer state will hurt, not help, a peace process that is already on shaky ground.

The United States has opposed the Palestinian Authority's effort from the very beginning because it recognizes the instability that such recognition would create. The Palestinian Authority wants all the benefits of a state, without

any of the responsibility. They fully admit that they don't know what their borders are. By definition, a state is a geographic territory with a sovereign government. Yes, there are some countries with border disputes, such as India and Pakistan in the Kashmir region, but the Palestinians have no agreed upon border whatsoever. What is a state if it can't define its own land?

The Palestinians themselves agreed to resolve statehood issues at the negotiating table in the Oslo Accords (which means they are required to negotiate bilaterally with Israel). Now they are figuratively walking away from the negotiating table and literally blowing it up with attacks from Hamas. Meanwhile, Israel continues to help the Palestinian economy, including collecting over \$100 million a month in taxes for the Palestinians and allowing more and more Palestinians to travel to the West Bank. One thing is for sure: it is not Israel that is holding up the peace process.

With upgraded status at the U.N. come certain benefits. Here lies the real desire for the Palestinian U.N. gambit. A Palestinian state could bring war crimes charges against Israel in the International Criminal Court, putting the fate of Israelis in the hands of some international judge. This Court is so dangerous that even President Obama refuses to allow Americans to be prosecuted by it. The Palestinian Authority remains fiercely committed to bringing Israel to the International Criminal Court. Many of the nations who support Palestinian Statehood have requested assurance that Israel would be left alone if statehood was granted. The Palestinian Authority defiantly rejected these requests. Just yesterday, Hanan Ashrawi, a senior member of the PLO said: "We have not succumbed to pressure, we did not give any commitment." The world should know they mean what they say; granting them this request means endangering Israel.

Yes, the Palestinians may be successful today and no, the U.S. does not have veto power in a U.N. General Assembly vote, but there still can and should be consequences for the irresponsible actions of President Abbas and his old cronies in the Palestinian Liberation Organization, PLO. Last year, we gave the Palestinian Authority \$495 million. In the same timeframe, President Abbas' office budget was \$72 million yet he refuses to tell us or anyone else how he spends it. There are even press reports that his own salary is \$1 million a month. According to their own documents, the Palestinian Authority spent \$194 million last year alone on offices that helped promote the Palestinians' push for recognition at the U.N. The U.S. should immediately cut funding to the PLO by at least \$72 million next year and require President Abbas to open up his budget for all to see. The days of giving money away to other nations with no transparency and no consequences for irresponsible behavior should be over.

The United Nations has no business getting involved in the conflict between the Israelis and the Palestinians. Dore Gold, a former Israeli ambassador to the U.N. said: "If there was a U.N. resolution whose first clause was anti-Israel and whose second clause was the earth is flat, the U.N. would pass it." Peace will not come from decisions made by a corrupt international body. If the Palestinians

were committed to peace they would be working with Israel, not hiding behind the U.N. And that's just the way it is.

GREG POULOS

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Greg Poulos for his service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

As founder and chairman of the Golden Schools Foundation, Greg continues to drive the organization to excellence through high performance rates and accountability in the Golden articulation area.

Greg portrays his commitment to the people of Golden through his surveys of the residents on their expectations and reviews of Golden schools, then employs these testimonials in strategic goals for the community. Greg aims to have 95% of Golden students enrolled in their neighborhood schools. With Greg's determination and diligence, this goal will undoubtedly be achieved in the near future.

Mr. Poulos is a champion in the community and I am honored to congratulate him on receiving the 2012 Mayor of Golden's Award for Excellence. I am sure he will have the same dedication and commitment in all his future endeavors.

#### CELEBRATING THE LIFE AND LEGACY OF HARLEM'S GENERAL COUNSEL JOSEPH FLEMING, ESQ.

#### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. RANGEL. Mr. Speaker, I rise to remember the life and legacy of Joseph Fleming, fondly known to many as Papa Joe, Joe Cool, The People's Lawyer, The Master Negotiator and Harlem's General Counsel. On Monday, September 10, 2012, Harlem's honorary elite gathered at the Sanctuary of the historic Abyssinian Baptist Church to celebrate the life of our dear beloved attorney and friend, Joseph Fleming, Esq.

It was a special gathering of people that knew Joseph as clients, as activists, as educators, as business partners, as media personalities, as religious leaders, as entertainers and promoters, as elected officials and as family members and friends. In his very short time here on this earth, my dear friend Joe Fleming lived a complete and compact life of excellence and accomplishment, which included being the best husband in the world, a wonderful loving and complete father, a devoted son, a trusted friend and confidant, an author, inventor, entrepreneur, role model, track runner, singer, a man who loved to party and dance with the ladies, but a man who gave all of his unyielding heart to his only true love and partner Temple-Jene.

Great men like Joseph Fleming, Esq. are precious gifts we temporarily have in this world, but their assistance and contributions are far remembered and everlasting. Although Joe will be missed, his legacy now lives through his wife, Temple-Jene, his son, Joseph Harris, his three daughters, Lavon Robin, Lateefah Shariene and Terilyn Marshelle, his grandson, Nathaniel Joseph Williams, his God-daughter, Nyah Cha' Ron Uhuru and through Maschil Entertainment, whose mission is to create, produce, and promote music and artists who "make music with a conscious message". That is indeed a great comfort to all who knew this amazing, articulate, soft spoken, serene and outspoken man, who lived life positive despite pain and discomfort as an example to all of us.

Mr. Speaker, on a very personal note, when I remember Joe Fleming, I think about myself as D'Artagnan who joined Athos (Joe Fleming), Porthos (Leon Ellis) and Aramis (Reggie Williams), the Black Musketeers, inseparable friends who live by the motto "all for one, one for all" ("tous pour un, un pour tous"). The friendship and kinship of these amazing three Amigos, The Black Musketeers is a story that bears and dares to be written in the mortals of Harlem's history, which will tell a story of three very best friends who were always there for me and the community we love so deeply.

I am honored to include the Obituary of our dear beloved Musketeer, Joseph Fleming, Esq.

Joseph Fleming was born January 4, 1951 in Richmond, Virginia to Mary Terry Fleming and the late Rev. Leroy Fleming, Sr. His family moved to Mt. Vernon, New York in 1953, and later to the Bronx in 1957. Joseph is a product of the New York City School System, P.S. 103, Olinville Jr. High School, and Evander Childs High School. He graduated from New York University School of Liberal Arts at its Uptown Bronx Campus in 1973, where he received his B.S. Degree in Economics and Political Science. While attending NYU, Joseph was the Founder and one of the Directors of the Educational Development and Community Enrollment Program, a program designed to enroll and mentor students with promise, but without the grades. He was also President of the Black Students Organization.

Joseph loved the law. At an early age, after watching Perry Mason, he decided he was going to be a lawyer. Upon receiving his Juris Doctor from New York University in 1976, Joseph began working as an Associate in the Law Offices of Reginald F. Lewis. It was an opportunity of a lifetime to be able to gain firsthand experience with one of the top African American attorneys on Wall Street. Within a couple of years, Joseph knew that his passion for the law would only be truly satisfied by having his own firm. In January of 1978, Joseph started his private practice, Joseph Fleming, Esq., which was located in his home on Central Park West. In the beginning he only had a handful of clients, but word began to spread about this young attorney who could get the job done. In 1986, he moved his home office downtown nearer the Court Houses, first to Hudson Street, and then in subsequent years, as his practice grew, he maintained offices in the Wall Street area on John Street. The Law Offices of Joseph Fleming was a general practice law firm committed to providing superior legal representation in a personalized and cost effective manner. Many who sought profes-

sional advice and counsel from Joseph were also fortunate to have a personal relationship with him. He often gave out his cell phone number so that he could be reached directly by his "client/friend" anytime of the day or night. During his 34 years of having fun practicing law, Joseph never advertised his practice. You had to be his client by referral only.

Attorney Fleming's practice concentrated in the following areas of expertise: Federal Civil Litigation, General Civil Litigation in all courts including Commercial Litigation, Personal Injury, and Medical Malpractice; Corporate, Commercial, and General Business matters; Real Estate transactions on all levels from the sale and purchase of property to major corporate mergers, acquisitions, and development; Entertainment, Media and the Arts; Estates, Wills and Trusts, Not-for-Profit Corporation Law, and Trademark and Copyright. Joseph served as legal counsel to a wide range of professionals, corporations, not-for-profit corporations, and individuals. Although his practice was spread worldwide, the majority of his clients were from the Village of Harlem. Joseph also provided opportunities to many law students and young attorneys. Whatever he could do, he expected them to do the same, from making photocopies, interacting with clients and other attorneys, to standing before Judges and Clerks. He gave young men and women a full and true experience of what it was to be an attorney in all facets.

Joseph was admitted to practice in the United States Supreme Court; the United States Court of Appeals for the Federal Circuit; the Second Circuit Court of Appeals; United States District Court for the Eastern District of New York; United States District Court for the Southern District of New York; United States Tax Court; and the New York State Supreme Court, Appellate Division First Judicial Department. He was a member of the New York State Bar Association and a founding member of the Society of African American Law Firms. Joseph was also one of the founding members and Chairman of the Board for the Education of People of African Ancestry. He had been an adjunct Professor at John Jay College for Criminal Justice.

Joseph was most proud of his victory in the case of Professor Leonard Jeffries v. the City University of New York, where he successfully defended Dr. Jeffries in his First Amendment suit against the College. He was also proud of his skillful legal prowess in successfully recovering the property of Malcolm X, from an eBay auction and a near storage facility sale, and returning the property to the Shabazz Family.

Joseph was so much more than an attorney and counselor. He was one of the best husbands in the world, a wonderful loving father, devoted son, trusted friend and confident, an author, inventor, entrepreneur, role model, track runner, singer, a man who loved to party and dance with the ladies, and Temple-Jene's handyman. Among his many entrepreneurial activities, in 1974 he served as the publisher of one of the first African American fashion magazines. "Black In Vogue", which was the first fashion publication to give credit to models and photographers directly on the page of the photo magazine. Attorney Fleming was named to Who's Who in Black New York City in 2009. He was an Officer in his son's company, Maschil Entertainment, Inc., and was Executive Producer and co-host of Maschil's critically acclaimed live art, music show "LoveJonesNYC". He worked with other giants in the entertainment industry including

Dr. Benjamin Chavis and Russell Simmon's Hip Hop Summit, Doug E. Fresh, Lion King's Sophia Nicole, and his son, J-Harris; as well as a number of other celebrities and up and coming artists.

Joseph was amazing! He had been battling several cancers over the years, starting in 1999, culminating with his transition in 2012. Joseph's faith in God was so strong! Without God, none of the above could have happened!

Mr. Speaker, I ask that you and my distinguished colleagues join me in Celebrating the Life and Legacy of Harlem's General Counsel, Joseph Fleming, Esq. It is my hope that his example will serve as a testament that, with hard work and genuine character, we can achieve our greatest dreams.

#### HONORING PATRICIA COLEMAN BRACEY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Librarian Patricia Coleman Bracey, who has possessed a passion for reading since she was a child. Any type of literature or new book that she could put her hands on was, in her words, "like icing on the cake".

Patricia, or Pat as a lot of people call her, is the oldest of four children born to George and Marie White Coleman of Raymond, Mississippi. She was educated in the Hinds County Public School System and graduated in 1966. She received a B.S. and a Master Degree from Jackson State University in Education with a concentration in Library Science. She is a member of the Pine Grove M. B. Church and an associate member of Seven Springs United Methodist Church, both in Raymond.

As a child, Mrs. Bracey's passion was always reading and finding new books to discover the world. Reading a book can take you anywhere you want to go. She realized this at a young age; therefore, she wanted to help children realize it too. With this passion and drive, Mrs. Bracey felt that she could serve children best as a librarian—and that is exactly what she did. Patricia worked to instill in boys and girls the love of reading and how to correctly use the library and its resources effectively for 32 years at Woodville Heights Elementary School in Jackson, Mississippi.

After retiring from the Jackson Public School District, Patricia continued her service as a librarian with the Jackson-Hinds Library System.

Mr. Speaker, I ask my colleagues to join me in honoring Patricia Coleman Bracey, a dedicated public servant who has touched the lives of thousands of children.

JULIE KERWIN

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Julie Kerwin

for her service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

Julie transformed an unhealthy form of fundraising at Shelton Elementary, a local grade school, into a beneficial athletic and healthy fundraiser for the children. Rather than the yearly sale of candy and cookie dough, she created a 5K race to aid the school.

In preparation for the event, Julie founded a running club, in which 60 children eagerly joined to run for the event. The successful event has blossomed into a sustainable community event.

It is members of the community like Julie who show us through innovation we can create healthy lifestyles in our neighborhoods, while promoting education and enriching the community. Her unprecedented ideas shine as a beacon for all other community members in our Nation and Colorado.

Ms. Kerwin is a champion in the community and I am honored to congratulate her on receiving the 2012 Mayor of Golden's Award for Excellence. I am sure she will have the same dedication and commitment in all her future endeavors.

DEPUTY LARRY GILDER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. POE of Texas. Mr. Speaker, today I am honored to recognize Jefferson County Deputy Larry Gilder, who was presented with a Life Saving Award during a ceremony on October 30, 2012. Deputy Gilder put himself into harm's way on two separate occasions this year alone, earning him accolades and the title of "hero."

During a routine patrol in Beaumont, Texas, on October 12, 2012, Deputy Gilder came across an 18-wheeler loaded with heavy equipment that was stuck on a railroad track. Gilder used his vehicle to block traffic so they could attempt to dislodge the vehicle with no success. The truck could not move. Deputy Gilder went to make an assistance call and saw the worst possible sight—a train headed straight towards them.

Thinking quickly, Deputy Gilder alerted his dispatch and began racing to get the driver out of the vehicle. Thanks to the noise and commotion, the driver never heard the train. They were able to move him into safety while Gilder had enough time to move his vehicle out of the way of the train. Mere seconds later, the trailer was destroyed. No injuries were reported, including the son of the driver, who was asleep in the cab. Deputy Gilder saved three lives that day, including his own.

This was not the first incident where Deputy Gilder went above and beyond in the line of duty. Earlier this year, Deputy Gilder and his partner came upon a trailer on fire. A woman found herself trapped inside with the fire growing and time running out. They were able to rescue the woman, and Deputy Gilder suffered injuries due to his daring escape. When asked about the injuries, he responded that he would do anything for the citizens of Jefferson County.

President Ronald Reagan once said that "Heroes may not be braver than anyone else. They are just braver for five minutes longer." Thanks to two daring moves by Deputy Larry Gilder, lives were saved. He is a true American hero.

And that's just the way it is.

MARV KAY

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Mr. Marv Kay for his service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

Marv's story is one of long-term dedication to the community of Golden. Through great amounts of perseverance Marv has served the community as mayor, mayor emeritus, serving chair of the Blue Ribbon, honorary co-chair of the 2012 Jefferson County Schools Mill and Bond Campaign, as a member of the Golden Good Government league, a mentor of numerous civic leaders, and a valued Colorado School of Mines leader and guide.

Marv continues to serve Golden, regardless of the hat he wears each day. Through his pure selflessness, he is committed to leading the town in the right direction towards success. Each community could benefit from having a member such as Marv advocating in their streets.

Mr. Marv Kay has been a champion in the community and I am honored to congratulate him on receiving the 2012 Mayor Award for Excellence. I am sure he will exhibit the same dedication and commitment in all his future endeavors.

HONORING HARLEM'S HISTORIAN  
AND BLACK FILMMAKER WIL-  
LIAM "BILL" MILES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. RANGEL. Mr. Speaker, I rise to honor the life and legacy of Harlem's historian and Black Filmmaker, William "Bill" Miles. William Miles was born in Harlem, New York, and has used his deep knowledge and experience of Harlem to produce films that tell unique and often inspiring stories of Harlem's history. Based in New York City at Thirteen/WNET New York Public Media, William Miles produced many films dedicated to the African-American experience that have been broadcast nationwide over the Public Broadcast System, PBS. Bill Miles' interest in creating historical documentaries was nurtured through 25 years of restoring archival films and early feature classics for Killiam Shows, Inc. and the Walter Reade Organization in New York City.

Bill Miles breakthrough film was Men of Bronze, which opened at the New York Film Festival in 1977 and was later broadcast on

PBS. This film tells the story of the black American soldiers of the 369th Infantry Regiment, known as the Harlem Hellfighters, who, because of segregation in the U.S. Army, fought under the French flag in World War I. The regiment spent more time in the front-line trenches than any other American unit, fighting alongside French, Moroccan, and Senegalese soldiers. First organized in 1916 as the 15th New York National Guard Infantry Regiment and manned by black enlisted soldiers with both black and white officers, the 369th Infantry is known for being the first African-American regiment to serve with the American Expeditionary Force during World War I. The regiment was nicknamed the Harlem Hellfighters and the Black Rattlers, in addition to several other nicknames. Federalized in 1917, it prepared for service in Europe and arrived in Brest in December. The next month, the regiment became part of the 93rd Division (Provisional) and continued its training, now under French instructors. In March, the regiment finally received its Federal designation and was reorganized and reequipped according to the French model. That summer, the 369th was integrated into the French 161st Division and began combat operations. Dubbing themselves "Men of Bronze," the soldiers of the 369th were lucky in many ways compared to other African Americans in 1918 France. They enjoyed a continuity of leadership, commanded throughout the war by one of their original organizers and proponents, Colonel William Hayward. Unlike many white officers serving in the black regiments, Colonel Hayward respected his troops, dedicated himself to their well-being, and leveraged his political connections to secure support from New Yorkers. Spending over six months in combat, perhaps the longest of any American unit in the war, the 369th suffered approximately fifteen hundred casualties but received only nine hundred replacements. Unit histories claimed they were the first unit to cross the Rhine; they performed well at Chateau-Thierry and Belleau Wood, earning the epithet "Hell Fighters" from their enemies. Exhibiting extraordinary valor, the 369th, an integral part of the Fourth French Army, fought on the front until the Armistice. During the Meuse-Argonne Offensive the 369th showed exceptional bravery, especially on September 29, 1918, during the liberation of Sechault, when a third of the regiment suffered casualties. Whereas African American valor usually went unrecognized, during its service, the regiment suffered 1500 casualties and took part in the following campaigns: Champagne-Marne, Meuse-Argonne, Champagne 1918 and Alsace 1918. One Medal of Honor and many Distinguished Service Crosses were awarded to members of the regiment. The most celebrated man in the 369th was Pvt. Henry Lincoln Johnson, a former Albany, New York, rail station porter, who earned the nickname "Black Death" for his actions in combat in France. In May 1918, Johnson and Pvt. Needham Roberts fought off a 24-man German patrol, though both were severely wounded. After they expended their ammunition, Roberts used his rifle as a club and Johnson battled with a bolo knife. Johnson was the first American to receive the Croix de Guerre (Cross of War) awarded by the French government. By the end of the

war, 171 members of the 369th were cited for their heroism and decorated with the Croix de Guerre and Legion of Honor. Upon their return to the United States, the Harlem Hellfighters were honored by the City with a victory parade up Fifth Avenue. During World War II, the 369th distinguished itself at Okinawa, and later fought in the Korean, Vietnam, Persian Gulf Wars and the War on Terror in Afghanistan. The unit serves today as the 369th Sustainment Brigade.

Mr. Speaker, as a Korean War Veteran and Member of the 369th Harlem Hellfighters Veterans' Association, I included this comprehensive history of the 369th Regiment as documented in film by our beloved William "Bill" Miles because these brave Men of Bronze were game changers that fought as proud Americans to protect and serve our nation.

As I continue to talk about the great work of my dear friend filmmaker Bill Miles, I must also recognize his best known artistic documentary, *I Remember Harlem*, a four part comprehensive series, which chronicles the history and changes of the Village of Harlem and changes from its beginnings in the early 1600s through the early 1980s. The program's episodes include segments on Harlem's early history and settlement, the Harlem Renaissance, the Great Depression in Harlem, the Civil Rights Movement and political activism in the era of Malcolm X, and the problems and redevelopment of the '70s. Miles spent three years researching materials for *I Remember Harlem*, which traced Harlem's 350-year history. As a visual counter to the oral histories in the film, Miles unearthed archival photographs and motion picture stock footage along with newsreel films, much of it rare and never before seen by the general public. In early 1982, one year after it was broadcast, *I Remember Harlem* won an Alfred I. DuPont Columbia University citation and an American Film Festival Award.

Bill Miles, president of Miles Educational Film Productions, Inc. produced and directed *The Different Drummer: Blacks in the Military* (1983) concentrated on African-American soldiers in recent decades. A three-part documentary that explores the history of blacks in the American Armed Forces. Part One, "Unknown Soldiers," examines the earliest black involvement in the military, from the Civil War to World War I; Part Two, "The Troops," continues that history from World War II to the war in Vietnam; Part Three, "From Gold Bars to Silver Stars," features interviews with today's highest-ranking black officers, who describe their how they rose up the military ladder.

Miles's three-part program *Black Champions* (1986) dealt with a three-part chronicle of the historic achievements by black athletes in America. The documentary uses rare archival footage to illustrate how many black champions, both famous and little-known, successfully challenged racism to achieve a level of prominence almost always denied them in other areas of American life. "Who Will Wear the Crown?" (Part One) examines early black participation in sports, focusing on the athletic departments of segregated Negro colleges during the first half of the century. "New Times: The Integration of American Sports" (Part Two) explores black pioneers who be-

came superstars in the white sports arena. "Looking For Tomorrow: Black Athletes and the Sporting Life" (Part Three) focuses on the world of corporate sports and the financial and emotional pressures facing black superstars. Important topics included the impressive performances of various black athletes at the 1936 Berlin Olympics, Jackie Robinson's integration of Major League Baseball, Althea Gibson's achievements in tennis, and the careers of early black football stars.

Miles co-produced the film on literary legend James Baldwin: *The Price of a Ticket*, which debuted in 1989 as an episode of PBS's *American Masters* series. James Baldwin: *The Price of the Ticket* captures on film the passionate intellect and courageous writing of a man who was born black, impoverished, gay and gifted, by using striking archival footage to evoke the atmosphere of Baldwin's formative years—the Harlem of the 30s, his father's fundamentalist church and the émigré demimonde of postwar Paris. Newsreel clips from the '60s record Baldwin's running commentary on the drama of the Civil Rights movement. The film also explores his quiet retreats in Paris, the South of France, Istanbul and Switzerland—places where Baldwin was able to write away from the racial tensions of America. Writers Maya Angelou, Amiri Baraka, Ishmael Reed, William Styron and biographer David Leeming place Baldwin's work in the African-American literary tradition—from slave narratives and black preaching to their own contemporary work. The film skillfully links excerpts from Baldwin's major books—*Go Tell it on the Mountain*, *Notes of a Native Son*, *Another Country*, *The Fire Next Time*, *Blues for Mister Charlie*, *If Beale Street Could Talk*—to different stages in Black-white dialogue and conflict.

Bill directed *Black Stars in Orbit* (1990), a documentary that profiles black astronauts and the contributions of African-Americans who worked behind the scenes in the NASA Space Program, featuring Edward J. Dwight Jr., Ronald E. McNair, Frederick D. Gregory, Patricia S. Cowings, Isaac T. Gilliam, IV, Guion S. Bluford, Jr., Charles F. Bolden, Jr., Mae C. Jemison, Robert H. Lawrence, Jr. Robert E. Shurney, Lee Archer, Jr. and George Caruthers.

*Black Stars in Orbit* was followed by *Liberators: Fighting on Two Fronts in World War II* (1992), which Miles co-produced with Nina Rosenblum. *Liberators*, featuring actors Denzel Washington, Louis Gossett Jr. and Leon Bass is a documentary film account about Black American soldiers in World War II who combated racism in the segregated military and on the home front. In April 1945, some Black American soldiers were among the first 'liberators' to enter Nazi death camps, encountering the survivors described by one GI as "walking skeletons."

Bill Miles and Nina Rosenblum collaborated and co-directed, *The Black West*, which is part of a three-volume series of the TBS Emmy award-winning film and Cable Ace nominee series, *The Untold West*. Narrated by Actor Danny Glover, *The Black West* episode depicts the story of African Americans of the early western frontier of the late 19th century. The segment salutes the black cowboys of the western wilderness who fought alongside their

Native American and white counterparts during the development of the frontier. The contributions of these nearly forgotten African-Americans are portrayed through realistic reenactments, including a special segment on cowboy Bill Pickett, one of the best rodeo performers of all time.

Mr. Speaker, Bill Miles' life's work is dedicated to exploring the entire African American Experience including the history, culture and achievements of African Americans from their arrival in America in the 16th century to their achievement as astronauts, aeronautical scientists, and engineers. Mr. Miles has won an Emmy Award, has been nominated for the Oscar, and was inducted into the Black Filmmaker's Hall of Fame. Among numerous other awards garnered both at home and abroad, he has received the Lifetime Achievement Award from the Association for Independent Video and Filmmakers, AIVF in acknowledgment of his outstanding contribution to the history of African American in the medium of film. I ask you and my colleagues to join me in a very special congressional salute to Harlem's Historian and Black Filmmaker William "Bill" Miles, a titan of a man who has documented the history and contributions of African Americans and the Black American Experience with film, a camera and a lens.

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#### HONORING LOGAN'S CONSTRUCTION COMPANY FOR ITS COMMITMENT AND SERVICE TO THE COMMUNITY

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a leader and innovator of the community, Mr. Melvin Logan, owner of Logan's Construction Company in Sharkey County, Mississippi. Logan Construction Company has been a thriving force in the community for more than thirty years.

Mr. Logan was born and raised in Rolling Fork, Mississippi to the late James and Thelma Logan. At an early age, Logan developed a passion for building things and working with his hands. After graduating from Alcorn State University and spending years perfecting his craft with a local contractor, Logan's dream became reality.

In 1976, at the age of twenty-six, Melvin opened Logan's Construction Company. Initially the primary focus of Logan Construction was renovation of properties until 1978 when Mr. Logan expanded his craft after being approached to build a house. After successfully tackling this challenge, Logan's Construction Company secured a surplus of contracts, becoming the number one builder of new homes and remodeling in the Sharkey County area.

Logan's attention to detail and quality workmanship has garnered him the reputation of being the community expert of helping customers with their desired projects from conception to completion.

Mr. Speaker, I ask my colleagues to join me in recognizing Logan's Construction Company and Melvin Logan for his entrepreneurial spirit

and continued dedication to serving the Sharkey County community.

TED RAINS

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ted Rains for his service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

Ted exemplifies a commitment to the community through innovation that is unprecedented. As captain of the Golden Optimists Bicycle Recycle Program, Ted repaired and distributed thousands of free bicycles to the residents of Golden and the metro area, as well as students of the Colorado School of Mines.

However, Ted did not stop with his mission in Golden. He has also rebuilt and donated bikes to Native American reservations and citizens of Mexico, Haiti, and Tanzania. Ted and Golden Optimists Bicycle Recycle Program have repaired and given a total number of over 9,000 bicycles around the globe and in Golden. Ted truly epitomizes the selfless nature of an outstanding community member and servant.

Mr. Rains is a champion in the community and I am honored to congratulate him on receiving the 2012 Mayor of Golden's Award for Excellence. I am sure he will exhibit the same dedication and commitment in all his future endeavors.

CONSTITUENTS FOR CASA

### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. POE of Texas. Mr. Speaker, today I am proud to recognize the achievements of three constituents of Texas's 2nd congressional district: Rose DeRouen, Judge Randy Shelton, and Eleanor Johnson for their work with the organization CASA as Court Appointed Special Advocates. These distinguished citizens received high honors for their volunteer advocacy work for abused and neglected children.

With a mission to place every child in a safe, loving, and permanent home, CASA relies on the work of volunteer advocates for the interests of children overlooked by society. In order to ensure that every child is properly taken care in the eyes of both the law and the community, these volunteers provide judges with detailed information of a child's home life and legal situation to help judges better understand each and every child's unique story.

Among the many volunteers that help make CASA possible, three Texans have gone above and beyond what is expected, and they have been recognized for their extraordinary efforts. Rose DeRouen earned the Volunteer of the Year award for her selfless and extensive services for children. Judge Randy Shelton was recognized for his honorable services with the Big Voices for Little Texans

Judge of the Year award, and Eleanor Johnson was the first ever recipient of the Joseph Gagen Leadership Award.

CASA and their advocates have done right by their community, and, most importantly, right by children in need. Their efforts have been an exemplary manifestation of American values in local communities, and Texas's 2nd congressional district is blessed to benefit from the work of these outstanding Americans.

And that's just the way it is.

IN RECOGNITION OF THE OUTSTANDING WORK OF OUTLOOK NEBRASKA, INC.

### HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. TERRY. Mr. Speaker, today, I rise to recognize—Outlook Nebraska, Incorporated—an organization that I've had the pleasure of visiting and seeing firsthand the positive impact they have in the lives of so many. This organization is part of the AbilityOne Program, which enables more than 50,000 Americans and 3,300 wounded warriors nationwide, who are blinded or severely disabled, to work and provide products and services to federal and commercial customers.

Today in America, seventy percent of blind and visually impaired working-aged adults are not employed. Opportunities provided by Outlook Nebraska and the AbilityOne Program have played an important role in bringing people with disabilities into the workforce. As one of Outlook's employees said to me, "They looked at me for my abilities—not my disability."

The AbilityOne Program affords Americans who are blind or disabled the opportunity to acquire job skills and training, receive good wages and benefits, and gain greater independence and a better quality of life. I applaud Outlook Nebraska and the work it does each day to open doors of opportunity for Americans who are blind or disabled.

IN RECOGNITION OF THE 45TH ANNIVERSARY OF THE UNITED PALACE CATHEDRAL

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize, and celebrate the United Palace Cathedral's 45th anniversary and 45 years of ministry's services to the community.

The United Palace Cathedral has been an important institution of the Northern Manhattan community with an esteemed reputation of devotion to our families and youth. The congregation has opened its doors, providing service and hope, to the poor, middle class and immigrant communities. The church has united the community and provided a welcoming place to practice the Christian faith.

United Church, under the leadership of our pastoral beloved founder Reverend Ike, is a

place of worship for thousands of people of various races, faiths, and social strata. It is also a classic, architecturally grand, international, inter-cultural Center for the Arts.

The square block United Building Complex, containing the Palace Auditorium, was purchased by the United Christian Evangelistic Association in 1969, under the direction of Dr. Frederick Eikerenkoetter ("Rev. Ike"), Founder and Pastor of the United Church. It fronts on four streets, occupying a full block on Broadway, 175th Street, and Wadsworth Avenue.

The building was the last of the "Wonder Theatres" erected between 1925 and 1930. These "Wonder Theatres" were so named because of their extravagant design and were placed in strategic areas of Manhattan. Intended as a stage theatre, it opened February 15th, 1930, and housed vaudeville shows for uptown residents. With the decline of vaudeville and the growing popularity of moving pictures, the theatre was quickly converted to a deluxe movie house and renamed Loew's 175th Street Theatre. The Church provides an impressive roster of youth programs ranging from tutoring classes for elementary to high school students to the Collegiate Society for the elder students. These programs have become vital in the fostering of young talent. United Palace has joined in a concerted community effort to keep our children off the streets by providing simulative, spiritual and cultural alternatives. The United Palace Cathedral demonstrates the power and fortitude of our community. Their congregation serves as a positive outcome produced by uniting in the face of adversity.

The United Palace Cathedral believes and affirms: The Omnipresence of God—God is absolute good, everywhere present—The Divinity of Humankind—The Power and Value of Thought—Practicing the Presence—The Law of Demonstration. Knowing the Ancient Wisdom Principles, Universal Law and the laws of life, also called Truth, is not enough, we must also live and practice the Truth we know. "But seek ye first the kingdom of God, and God's righteousness; and all these things will be added unto you." (Matthew 6:33)

As a Spiritual and Multicultural Community, we: Believe that spiritual power lives within us, eager to be discovered and expressed; Emphasize universal spiritual principles and welcome people of all races, religion, social backgrounds, lifestyles and economic levels; View religion as an open-ended search for Truth rather than as a closed system of pre-established beliefs; Embrace Jesus Christ as the perfect expression of our own indwelling spiritual potential, and his teachings as a guide to our own spiritual empowerment; Recognize and embrace the importance of spiritual community in supporting and empowering our personal journey.

This parish has demonstrated the power and fortitude of community. They refused to allow the loss of a physical space to destroy the bonds that they share with each other. The congregation serves as a beautiful portrayal of the positive outcome produced by uniting in the face of adversity.

I ask my colleagues and our Nation to join me in this special Congressional Recognition of the United Palace Cathedral as they celebrate the 45th anniversary and 45 years of

spiritual service and strength in the face of adversity.

KATHLEEN CALLENDER

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Kathleen Callender and Heather Callender-Potters for their service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

Kathleen, founder of PharmaJet, and Heather, chairman of the board of directors, transformed the way vaccines and liquid medications are delivered by developing and marketing a unique, efficient, affordable and life-saving needle-free syringe. These devices can deliver half a milliliter fixed dose of a liquid medication into the muscle where many vaccines are delivered, or into the subcutaneous layer between the skin and the muscle.

PharmaJet continues to serve communities around the world by creating a safer workplace with less exposure to needle stick injuries and reducing the amount of hazardous sharp medical waste in a way to better control the spread of bloodborne HIV and hepatitis from needle reuse.

PharmaJet's mission is to serve individual patients in the community and promote public health in all areas of the world. Their partnership with UNICEF eliminates many of the risks of unsafe injections, along with the 1.3 million deaths per year.

Ms. Callender and Ms. Callender-Potters are champions in the community and throughout the globe. I am honored to congratulate them on receiving the 2012 Mayor of Golden's Award for Excellence. I am sure they will exhibit the same dedication and commitment in all their future endeavors.

HONORING GRIFFIN AUTO REPAIR  
SHOP

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable minority business, Griffin Auto Repair Shop, owned by Mr. Jerry Griffin. Throughout the years, Mr. Griffin has shown what can be done through hard work, setting goals, and aiming high.

Griffin Auto Repair Shop was sparked out of a need to survive. The owner, 51 year old Jerry Griffin, worked on a farm in Louise, Mississippi for nine years. He was promised a raise but his employer refused to honor that promise. At that point, Griffin asked that someone take him home, and he vowed to never return to that line of work again.

Mr. Griffin had held steadfast to the dream of owning his own business since he was a teenager. After leaving the job because of a failed promise for a raise, he found himself un-

employed and married with two children. It was at this point he began to give his dream serious thought—an auto repair business. He was not exactly sure how to start or where to begin. Mr. Griffin said he was led by God to go to the bank and ask for a loan. Once there, he was informed that chances of him getting a loan were almost impossible since he was no longer employed nor did he have any kind of collateral. However, Mr. Griffin said the loan officer decided to “give him a chance” and grant him a loan for \$17,000 because he “looked like an honest man that would keep his word”. In 1998, Griffin obtained a small lot and built a building which would serve as his shop. He did not have any tools, so he began purchasing tools a few at a time.

Mr. Griffin relied on what he learned from books and what his grandfather taught him about working on cars. His first big job was the repair of an engine in which he earned \$600.00. As time went on, he gained more customers, and was able to buy more tools than he could imagine, which lead him to be an established self taught mechanic.

After his business grew, he decided to go to the bank to apply for a second loan in order to purchase a tow truck. This time, using his mother's land as collateral, he obtained an \$8,000 loan. He purchased a used tow truck for \$6,000 from a dealership in Greenwood, Mississippi and used the remaining \$2,000 to make necessary repairs to the truck. He was now an auto shop owner with his own tow service.

Now, fourteen years later, Griffin Auto Repair Shop is still a thriving business. Griffin credits the success and longevity of his business to it being “built and ran on faith” from its beginning to now. “I kept my word and provided fair prices and that kept me with good customers from all around and they've been good customers for many years, said Griffin.”

Mr. Speaker, I ask my colleagues to join me in recognizing Griffin Auto Repair Shop for its dedication and passion for serving its customers.

IN TRIBUTE TO VENTURA  
COUNTY'S LAW ENFORCEMENT

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to the dedicated and professional members of the law enforcement community with whom I have had the privilege to serve during my more than 30 years of public service.

It's impossible to name them all. When I was mayor of Simi Valley, California, I rode with patrol officers to see first-hand the challenges our men and women in uniform face on a daily basis. Those on the front lines of public safety deserve our enduring thanks and respect.

But over the years, I have established partnerships with certain extraordinary people, including Ventura County District Attorneys Greg Totten and Mike Bradbury and Sheriffs Al Jalaty, John Gillespie, Larry Carpenter, and Bob Brooks.

Al Jalaty was Sheriff when I was first elected to the Simi Valley City Council. He set the standard for those to come after him, demanding compassion and common sense from those under his command. John Gillespie began the technological modernization of the department. Larry Carpenter helped lead the charge to change the California Constitution to ensure that the first function of government is to protect the public, and in passing a county ordinance to ensure proper funding. Bob Brooks continued to modernize the department, particularly after 9/11, and instituted Six Points of Honor that established the foundation for the department's core values.

I worked closely with each and every one of these distinguished lawmen to ensure they had support from the federal government to provide the tools and training necessary to keep Ventura County safe. But it was their dedication, service, and vision that has kept Ventura County ranked among the safest counties in the nation.

In addition to their role in prosecuting criminals, District Attorneys Mike Bradbury and Greg Totten are responsible for legislation I introduced that became federal law. Mike Bradbury was presented with a problem of prosecuting the makers of videos showing the killing of small animals. Because of jurisdictional issues, it was hard to prove a crime on a local level I introduced a bill making the interstate distribution of such videos a federal crime. It sailed through the House and Senate and was signed by the President in December of 1999. Prior to it becoming law, about 3,000 different videos were sold over the Internet. The next day, virtually none were available.

Because of a 2004 law, DNA matches in cold cases skyrocketed, creating a huge backlog for prosecutors Greg Totten and I discussed the problem and I introduced a bill to provide federal grants to local prosecutors to help prosecute DNA cold cases. My bill was included in the Children's Safety Act of 2005 and signed into law the following year. Greg Totten not only tirelessly championed funding the grants, he also worked diligently to make the program a success. Consequently, murderers have paid for their crimes.

Mr. Speaker, public safety is the number one responsibility of government. I have been honored to know and work with dedicated law enforcement professionals who I believe are among the best in the nation. I am honored not only to call each of them District Attorney and Sheriff, but friend. I know my colleagues join me in paying tribute to Ventura County District Attorneys Greg Totten and Mike Bradbury and Sheriffs Al Jalaty, John Gillespie, Larry Carpenter, and Bob Brooks, and all those in law enforcement who make our communities safe.

DAN DWYER

**HON. ED PERLMUTTER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dan Dwyer for his service to our community and receiving the 2012 Mayor of Golden's Award for Excellence.

Dan, an avid cyclist, made exceptional achievements in improving the health, fitness, and community spirit of Golden residents. He was a pivotal member of the community in organizing the Foothills Running and Biking Club, participating in the bikeability task force, serving on the board of Leadership Golden, and working to make the Golden stage of the USA Pro Cycling Challenge.

Dan was one of the organizing committee's co-chairs responsible for the staging of the USA Pro Cycling Challenge in Golden. This was the second year the community enjoyed 135 of the world's best riders as they raced over 518 miles through the beautiful scenery of Golden and much of Colorado. Dan used the race to continually engage sponsors and the community in cycling year round.

Above all, Dan exemplifies what it means to live healthy through exercise, while enjoying the community and scenery of Golden.

Mr. Dwyer is a champion in the community and I am honored to congratulate him on the 2012 Mayor of Golden's Award for Excellence. I am sure he will exhibit the same dedication and commitment in all his future endeavors.

CELEBRATING THE LIFE OF WEST  
HARLEM'S BELOVED ADVOCATE  
PATRICIA ARLENE JONES

**HON. CHARLES B. RANGEL**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. RANGEL. Mr. Speaker, I rise to celebrate the life of West Harlem's beloved businesswoman, managing director, visionary, community resident and advocate Patricia Jones, who unexpectedly passed away on Friday, November 16, 2012. On Tuesday, November 27, friends, residents and community leaders gathered at Convent Avenue Baptist Church to reflect and celebrate the life of our beloved Pat Jones, who was a faithful and dedicated public servant to residents, nonprofits and businesses throughout West Harlem and the City of New York.

It is with great sorrow that my wife Alma and I joined members of the West Harlem Local Development Corporation, Community Planning Board 9, elected officials representing the New York State Legislature and the New York City Council in mourning the unforeseen death of our beloved Pat Jones who left an unforgettable and indelible mark in all of our political and community hearts and minds. We are truly thankful for her decades of service to our community, and for the many memories that I will personally cherish forever.

Great women like our beloved Pat Jones are precious gifts we temporarily have in this world, but their assistance, contributions and accomplishments are far remembered and everlasting. Pat was a dear friend and was known to many of us as a brilliant hardworking community leader who dedicated her life work to fighting for and expanding historic and landmark preservation, positive community, public safety, health care, environmental justice and education.

Patricia Arlene Jones was born on July 17, 1953 in Flushing, Queens, New York. She

was the youngest of four children of Darline Clark Jones and Herman Lee Jones. Pat's family affectionately called her Trisha. Young Trisha was baptized by the late civil rights Preacher, Reverend Timothy P. Mitchell at the historic Ebenezer Baptist Church in Flushing, Queens. Trisha graduated from Flushing High School, where she was a member of the Arista Club, a student organization dedicated to educational excellence. She matriculated to Michigan State University in East Lansing, Michigan majoring in Mathematics. Pat graduated from Michigan State in 1975 with a Bachelor of Arts degree in Business Administration.

Pat was recruited by Price Waterhouse Coopers where she worked as an audit manager for over five years. She moved on to JP-Morgan & Company where she managed over 100 finance employees and eventually rose to become the first African American woman to serve as a Managing Director. During her tenure, Pat also served as a manager of diversity, establishing mentoring programs for African American employees, and establishing a women's speaker series featuring powerful professional women, including former U.S. Senator, First Lady and current United States Secretary of State, the Honorable Hillary Rodham Clinton, and former National Security Advisor and United States Secretary of State, the Honorable Condoleezza Rice. Managing Director Jones retired from JP-Morgan after 17 years of service. Pat was also a Certified Public Accountant and played key leadership roles in organizations such as American Women for Economic Development and the American Institute of CPAs. Highly respected for her achievements in business, Pat was mentioned in the 1981 edition of Outstanding Young Women of America.

Pat, an accomplished businesswoman and retired Managing Director, volunteered and joined Manhattan Community Board 9 in 2001 to advocate and serve on behalf of the West Harlem community, where she owned her home and which she loved so much. Pat's dedication, professional skill and wit led her to be elected 2nd Vice Chair of the Board, serving 3 terms from 2004 to 2007. In 2008, Pat was elected Chair and served for two consecutive terms, from 2008 to 2010, receiving the admiration and support of her fellow board members. Pat concurrently co-chaired the Manhattanville Rezoning Task Force, as well as Chair of the 197-A Planning Committee. I am also proud to say that Pat Jones was appointed to the Board of Directors of the Upper Manhattan Empowerment Zone, which is one of nine federal zones established by President William Jefferson Clinton, by legislation I authored and sponsored in the House of Representatives.

More significantly, history will remember Pat Jones as the co-author and chief navigator of the historic Community Benefits Agreement between Columbia University and the City of New York on behalf of West Harlem and Community Planning Board 9. After successfully negotiating the 197-A Plan for Community Board 9 through the New York City Planning Commission approval process, Pat Jones was elected to fill one of the Community Board seats on the West Harlem Local Development

Pat took on the leadership role as Chair of the West Harlem Local Development Corporation (WHLDC) at a very difficult and contentious time during the negotiating process. Many long mornings, afternoons and evenings shepherding through the complex personalities and agendas was no easy task by any means, but somehow Pat was able to move the WHLDC above and beyond those personalities and agendas, which led to one of the most significant Community Benefits Agreements ever achieved in the City of New York and in the nation that will positively enhance and improve the quality of health, environment, education and affordable living for all the residents of Community Board 9, West Harlem and beyond.

The origin and purpose of the West Harlem Development Corporation are connected with the 25-year expansion project of Columbia University in the City of New York. This educational mixed-use complex that began in 2009 will eventually span 17 acres and will include academic, commercial, cultural, and community facility space as well as open space. It is bounded by West 125th Street to the south, West 133rd Street to the north, Broadway on the east, and Twelfth Avenue on the west. The integrated teaching and academic research campus would create 6.8 million gross square feet in 16 buildings at a projected cost of \$6.28 billion.

A consequence of this expansion project is the Community Benefits Agreement (CBA) which is a legally enforceable document between a real estate developer and a community that binds the developer to provide agreed-upon benefits. The West Harlem Community Benefits Agreement Between the West Harlem Local Development Corporation and the Trustees of Columbia University in the City of New York was signed on May 18, 2009, initiating phase one of the Columbia University's Manhattanville Expansion project.

In 2005, Community Board 9 of New York City voted to approve the creation of the local development corporation to engage in negotiations with Columbia University on behalf of the community of West Harlem. It was initially incorporated on March 16, 2006 as the D9 Local Development Corporation, a nonprofit New York State entity. Subsequently, an amendment was filed to change the name to West Harlem Local Development Corporation (WHLDC).

Through Pat's effective and determined leadership, and with the support of our elected body of public officials, the WHLDC was able to negotiate a total of \$300 million in CBA benefits for housing, employment and economic development, education, environment, transportation, arts and culture, community facilities and historic preservation, which included \$150 million from the City of New York to preserve affordable housing.

It also included \$150 million from Columbia University, which included the creation of a \$20 million Affordable Housing Fund; up to \$4 million in related legal services; a \$30 million commitment for a planned Demonstration Community K-8 Public School to be established in conjunction with Teachers College; \$76 million in Columbia University's financial contributions to a benefits fund that will be paid out in installments over sixteen years,



which allows the WHLDC to determine the programmatic uses of these funds; \$20 million worth of access to Columbia University services and facilities to be apportioned over twenty-five years ("In-Kind contributions"); and a commitment from Columbia University to provide "Advice and Guidance" to the WHLDC on a range of issues and programs.

During Pat's amazing community career she served as Chair of the Board of Trustees for the Children's Arts Carnival, Treasurer of the Hamilton Heights-West Harlem Community Preservation Organization, Member of the Board of the Harlem Venture Group, Treasurer of the Hamilton Heights Homeowners Association (HHHA) and Chair of HHHA's Annual House and Garden Tour Committee.

Let me share with you a poem Patricia Jones authored in the 4th Grade, entitled I am Thankful. "I am thankful for many things. One is that I have a nice home and wonderful parents in them. Some children overseas don't have homes as we do, and some do not even have parents. I am thankful for the schools we have in New York because some children in other countries don't have schools and need the education badly. Many people in the United States are grateful for the world peace we have. In some countries people have to do what their leaders say to do, and they don't have the right to do what they want to, and to tell their feelings. I am very grateful for all the things that I have, and I hope that many people all over the world have the things that I have."

Mr. Speaker, Pat Jones was a strong black woman, who understood the true meaning of commitment, sacrifice, hard work and effort. She now takes her place alongside our other Freedom Sisters of extraordinary women who, while less prominent in the media, shaped much of the spirit and substance of civil rights, social and economic justice in America, just as our beloved Pat Jones, whose important historic contribution to the West Harlem community will surely be missed. I ask you and my colleagues to join me in this very special congressional salute to West Harlem Advocate, Patricia Arlene Jones.

#### HONORING THE DELTA BIG FOUR

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor an extraordinary gospel group, The Delta Big Four of Lambert, Mississippi. A group that believes in praising God in song.

The members of the Delta Big Four were nurtured in a Christian home and taught the word of God. Their parents, the late Willie, Sr. and Daisy Nobel McCray, had sixteen children and family time and music were important in the home. Most evenings the family composed and sang spiritual songs. The family used the old washboard for music.

In the 1950s, the group was called the Delta Big Four because the group originally began with four members: Ollie, Sr. and Melissa, James Lee, and Alberta. Although other mem-

bers were added, the name remained. Rosie joined the group as one of the leads; she also could write and arrange. Because of her ability to write songs to fit the group, the group developed a uniqueness of their own.

At the ages of four and five, the original members travelled to various churches, towns, and states praising God. Years later, they were blessed to appear on the radio stations with the likes of Theo "Bless My Bones" Wade of WDIA in Memphis, Tennessee and Early Wright of WROX in Clarksdale, Mississippi, the first African-American Radio Personalities in the South and on WQMA with James Figgs and James Wilson. The exposure truly benefited this young and talented group of singers. They soon had their own radio programs on both WROX and WQMA. The group was featured regularly on Early Wright's Gospel Extravaganzas. Major recording artists touring the Delta and the Mid South sought them out as an opening act, including the Mighty Cloud of Joy, Staple Singers, Pilgrim Jubilee, Swam Silvertones, Dixie Hummingbirds, and the list goes on.

In the early 1960s, the Delta Big Four was one of the first local Quartet gospel groups to introduce musical instruments to their performances. They recruited a young but talented high school student, Larry Sims, as guitarist. Prior to that time, most local artists sang acappella. Although many churches were not accustomed to instruments other than pianos, it turned out to be one of the best decisions they would ever make. Very soon, groups from all over were following their lead. Larry trained Ollie and James Lee to play the lead and bass guitars, respectively, before leaving the group.

They got the attention of Oris May, a Memphis television personality that hosted a gospel singing show on WMC-TV Channel 5 and a producer for Peacock Records. In 1967, the group recorded its first record, "Story of the Blind Man." Later came "Lord, Guide Me"; "Lord Why I'm Traveling"; "Me and the Devil Had a Wrestle, But I Won"; "Standing on a Solid Rock"; and "Lord If I am Too High, Bring Me Down".

Other family members were added throughout the years: Ruthie Ann, Ollie, Jr. and Andrew, the sons of Ollie, Sr. and Melissa replaced Ollie, Sr. and James Lee on the guitars. The group decided to add James Edward because his voice and style fit most of the songs Rosie wrote. This also proved to be a wise move for the group. Ollie, Jr. soon thereafter entered the ministry and left the group. Fortunately for the group, James Edward was an accomplished guitarist. The group added another musician, Quincy Twilley on drums. Every member sang lead and chorus, the mix they were seeking, the catalog of songs and the personnel to meet the demand of the group. The group has spent more than fifty years performing traditional quartet gospel music. Today, most of their time is spent in the choir at Sykes Chapel Missionary Baptist Church and working with the next generation of the Delta Big Four, led by Tiffany Griffin and Larry Strickland, Jr., who are the great grandchildren of the original members.

Mr. Speaker, I ask my colleagues to join me in recognizing the Delta Big Four as an inspirational gospel group.

FAYE GRIFFIN

#### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Faye Griffin for her outstanding service to our community.

Faye has served Jefferson County as Treasurer, Clerk and Recorder and was most recently reelected as County Commissioner for District 1.

Faye is extensively involved in multiple community initiatives. Currently, Faye serves on the Urban Drainage and Flood Control District Board, is a council member for the Head Start Policy Council and Rocky Flats Stewardship Council, as well as the E-911 Board and Noxious Weed Advisory Board. Faye is on the Boundary Control Commission, the Jefferson County Economic Development Corporation, the Criminal Justice Strategic Planning Committee and the C-470 Corridor Coalition.

Among Faye's many accomplishments and board duties, she was the driving force behind the Child and Youth Leadership Commission and pioneered the statute to establish the commission. She is currently serving on the Child and Youth Leadership Commission board.

I extend my deepest congratulations to my friend Faye Griffin for her well deserved honor by the West Chamber serving Jefferson County and thank her for her many contributions to our community. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

#### TRIBUTE TO ERIC MATZNER

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to a good friend of mine, Eric Matzner, of Palm Springs, California, who recently passed away. He loved his family, and his country. His story of escaping the Nazis, and then building a successful life in the U.S. is a wonderful story about America. The following was written by his daughter Jill:

It was Austria, 1938. Hitler had terrorized this country and will have killed over six million people before he is through. My father's family is one that has lost many. Just six of his family members ultimately survive. Those wishing to immigrate to the United States from Austria must do so by boat, and only with the vouching of an approved sponsor.

My father's memories as a six year old are vivid; memories of the German storm troopers marching down the street in their trademark "Goosestep" fashion. As they stopped, they would raise their right arm, hand straight out and yell "Heil Hitler." Any civilian who did not address authority or Hitler in this way was either beaten or killed. Those who survive must wear yellow arm bands bearing the Star of David to separate the Jews from the rest of the population.

Eric's father owned a jewelry store. Before long, the store was taken from him, forcing his parents to make the biggest decision of their lives. Should they stay, not knowing what lay ahead? Or, should they sacrifice virtually everything they've ever known and flee for the freedom of America? They stayed hidden until they escaped Austria on November 9, 1938. As it turns out, history will remember this night as Kristallnacht, the "Night of Broken Glass." The attack against Jews that evening was swift. Many were killed and thousands incarcerated in concentration camps. Eric vividly remembered the sound of broken glass and the smell of burning buildings. On that night they left Austria behind.

They found themselves on a boat, headed for the country of which they had only heard and dreamed of to start a new life. It was a treacherous trip. Steerage was cramped and miserable. Many people become violently ill throughout the trek across the ocean. They were allowed to take one bag each. Few valuables, possessions or family treasures survived the voyage.

After the long ocean journey, a large figure slowly appeared in the distance: the Statue of Liberty. It was a sight that Eric would remember forever.

As a young man, Eric excelled at baseball and football. He met Elaine Heritage (my mother) at Drexel University in 1951. They dated for a few years and later married. It was a challenge at first with my father being Jewish and my mother being Methodist, but they overcame these differences. Due to my father's childhood experiences, his four children were taught that differences in people are to be embraced, not condemned. It is a wonderful part of our heritage to have been raised with both religions and such diversity.

Eric was an early salesman for TV Guide, and held jobs in advertising in the 1960s. He was an original "Mad Man!" His creative selling was legendary, and influenced many young salespeople who are all successful today.

As I think about my father's journey, I believe he was alive because of the foresight of his parents to escape Austria, a strong will to live, modern medicine and the drugs that were available to him. If not for these, I do not believe my father would have lived to be 80 years old and to have been a warm, loving husband to my mother, Elaine, a father to his four children, a grandfather to his five grandchildren and a great grandfather to my son's son.

No one, not even my father, could imagine that he would see the year 2012. Although he was immobile in his final years, he never complained. He lost most of his short term memory, but retained most of his long term memories. With his ever present smile, we smiled with him, when on nearly every day he said, "I'm telling you, this might be the best day of my life."

IN CELEBRATION OF THE HARLEM ARTS ALLIANCE ADVOCACY WEEK 2012 "HARLEM AT THE CROSSROADS: SUSTAINING OUR ARTS AND CULTURAL RESOURCES"

### HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. RANGEL. Mr. Speaker, today I rise to recognize the Harlem Arts Alliance, Inc. as they celebrated their Sixth Annual Arts Advocacy Week 2012 at The City College of New York Aaron Davis Hall, The Schomburg Center for Research in Black Culture, The Manhattan Neighborhood Network's El Barrio Firehouse Community Center, The Studio Museum in Harlem, The ImageNation and The Dwyer Cultural Center. From Monday, October 1 through Sunday, October 7, the Harlem Arts Alliance (HAA) presented a seven day series of mostly free events, designed to elevate the platform for Harlem's illustrious arts and cultural scene and to renew enthusiasm and support for its great cultural institutions and artists. HAA recognizes the correlation between a community's vitality and economic health and its vibrant cultural life and is committed to fostering the development of Harlem's artists, arts institutions and cultural organizations for the benefit of artists, residents, local businesses and tourists alike.

The Harlem Arts Alliance (HAA) is a not-for-profit arts service organization committed to nurturing the artistic growth, capacity, and development of artists and arts organizations based primarily in Harlem and the greater Harlem communities. With a membership of over 750 individual artists and arts organizations, HAA plays an essential role by helping to build the resources, network, and capacity of its richly diverse association. HAA also maintains strong partnerships with numerous arts organization and institutions throughout New York State, the region, and the nation to maintain vital collaborative efforts to promote the arts in communities.

This year's theme "Harlem at the Crossroads: Sustaining Our Arts and Cultural Resources," highlights the need to maintain and preserve some of the city's most stellar arts organizations, artists, individuals and entities and to help them to secure and sustain the critical resources needed to continue their missions. HAA Chairman Voza Rivers and Executive Director Michael Unthink have billed this year's advocacy week as the Harlem Arts Summit. The undertaking involves the collaboration of key Harlem arts institutions, artists and arts leaders creating an exciting array of events showcasing the Uptown arts landscape.

On Monday, October 1, the Harlem Arts Summit honored three extraordinary cultural icons who have contributed greatly to African American Arts and Culture, the Village of Harlem and our great nation: activist and actor Danny Glover, legendary theatrical producer Vy Higginsen and pioneering arts producer and consultant Mikki Shepard.

Danny Lebern Glover was born in San Francisco, California, the son of Carrie (née

Hunley) and James Glover. His parents, postal workers, were active in the National Association for the Advancement of Colored People (NAACP), working to advance equal rights. Glover's mother, daughter of a midwife, was born in Louisville, Georgia and graduated from Paine College in Augusta, Georgia. Danny Glover grew up with a love for sports, like his father. As a teenager and a young adult, he suffered from epilepsy, but he claims to have "developed a way of concentrating so that seizures wouldn't happen." Using this technique, which he describes as "a type of self-hypnosis", Glover says he has not suffered a seizure since age 34. Danny Lebern Glover is an American actor, film director and political activist. He is well known for his roles as Mr. Albert Johnson in *The Color Purple*, as Michael Harrigan in *Predator 2*, as corrupt cop James McFee in *Witness*, as Detective Roger Murtaugh in the *Lethal Weapon* film franchise (where he coined the catchphrase "I'm too old for this shit"), as Detective David Tapp in *Saw*, and as George Knox in *Angels in the Outfield*. He has also appeared in many other movies, television shows, and theatrical productions. He is an active supporter of various humanitarian and political causes.

Danny began his activist career while attending San Francisco State University, as a member of the Black Students Union, which, along with the Third World Liberation Front and the American Federation of Teachers, collaborated in a five-month student-led strike to establish a Department of Black Studies. The strike was the longest student walkout in United States history and it helped to establish not only the first Department of Black Studies, but also the first School of Ethnic Studies in the nation. Danny's long history of union activism includes support for the United Farm Workers, Unite Here, and numerous service unions across the nation. He challenged former President George W. Bush, when he was Governor of Texas for leading a penitentiary system that executed more people than any other state, people who were predominately African Americans and Hispanics. His activism continues today as an outspoken critic of the War in Iraq; and as a humanitarian for the arts, the Jazz Foundation of America and board member of the TransAfrica Forum. Danny Lebern Glover was the recipient of the Harlem Arts Summit/Harlem Arts Advocacy Week 2012 Humanitarian Award.

Vy Higginsen's accomplishments are vast and her impact on the media and culture in New York City is immense. This Harlem native, who was born and raised on 126th Street, is a noted author, playwright, radio, and TV personality. Vy has a remarkable reputation as a trailblazer. Her list of pioneering achievements include first African-American female radio personality in the prime time New York City market on WBLS; first woman to host a morning show on New York radio at WWRL; first woman in advertising sales at *Ebony* magazine; first African-American woman to produce a drama on Broadway with Joe Turner's *Come and Gone* by August Wilson; and first African-American female writer, producer, director of the longest-running, Off-Broadway musical in the history of American theatre with *Mama, I Want to Sing*, which had an unprecedented 2,200 performances over

eight years from 1983 at Heckscher Theatre in East Harlem. It was also a national and international hit with performances across the United States, Japan and Europe, including a six-month run in London's fashionable West End.

Vy has won numerous honors for providing excellent products and services to African-American audiences. In addition to her success behind the microphone at several major New York stations, notably WBSL-FM, WWRL-AM and WRKS-FM, she's also excelled in publishing. Always the visionary, one of her first publications was a 1970s magazine providing opportunities for black photographers, graphic designers and media salespeople to hone their crafts. Unique NY Magazine, which she published and edited, was a lifestyles magazine designed for African-Americans and tourists. Another of her successful publishing ventures was "This Is My Song: To pass the legacy of gospel music on," an illustrated book for children. In 1996, Vy Higginsen founded Mama Foundation for the Arts as a conduit for her philanthropic work. The non-profit is dedicated to nurturing talented black singers, musicians, and arts administrators. As the Foundation's executive director, she's the primary force behind its programs including the acclaimed, Gospel for Teens. Product spokesperson, public relations professional, keynote speaker, and ordained Interfaith Minister, the list of Vy Higginsen's credits go on. Vy Higginsen was the recipient of the Harlem Arts Summit/Harlem Arts Advocacy Week 2012 Lifetime Achievement Award.

Arts Producer and Consultant Mikki Shepard is the current Executive Producer for the world famous Apollo Theater. In this capacity, Mikki is part of the senior executive staff and creates institutional policies and oversees programming, marketing and development. Her past consultant work in the arts focused on organizational development, institutional program development and assessment, strategic planning and implementation. Mikki's clients included: The Ford Foundation, Heinz Endowments, Media Democracy Fund, New Jersey Performing Arts Center, Jacob's Pillow, Opera America, Future of Music Coalition, and the National Black Arts Festival.

Mikki was the Director for the Arts and Humanities at the Rockefeller Foundation and Artistic Director/Executive Producer of 651ARTS. As Producer, Mikki Shepard presentations includes 100 Years of Jazz and Blues Festival, Women In Jazz, Lost Jazz Shrines and an international new works program, Africa Exchange. She also produced and created for the Brooklyn Academy of Music (BAM) over 25 major performing arts events, such as DanceAfrica, Steps In Time, a Tap Dance Festival, DanceBlack America, a festival and PBS special celebrating 300 years of black dance in America. Mikki also currently serves as the Chair of the Boards of the Mertz Gilmore Foundation; and on the Boards of the Brooklyn Community Foundation, Brooklyn Academy of Music (BAM), the Creative Capital Fund and the Association of Performing Arts Presenters. Mikki Shepard was the recipient of the Harlem Arts Summit/Harlem Arts Advocacy Week 2012 Arts Leadership Award.

I would also like to congratulate and recognize Mr. Fred Powell, who was the recipient of

the Harlem Arts Summit/Harlem Arts Advocacy Week 2012 Business Award. Fred was honored for his contributions and business collaboration with local arts groups over the years.

The Festivities continued into the evening with the Harlem Arts Summit 2012's opening reception kick off and panel discussion entitled "A Conversation with Harlem Arts leaders:

Today's Challenge, Tomorrow's Promise," introduced by accomplished actress, director, producer and Harlem resident, Tamara Tunie (Law and Order SVU) and moderated by multimedia journalist, Katti Gray at Aaron Davis Hall.

In a unified effort to continue building Harlem's legacy as a cultural Mecca, Harlem Arts Summit 2012 is presented by the HARLEM Arts Alliance in collaboration with key Harlem organizations including Columbia University, Greater Harlem Chamber of Commerce, 125th Street Business Improvement District, Studio Museum in Harlem, Aaron Davis Hall/City College of New York, The Schomburg Center for Research in Black Culture, Harlem Business Alliance, Harlem Stage/The Gatehouse, Caribbean Cultural Center, Harlem Community Development Corporation, New Heritage Theatre Group, MIST Cinemas and Manhattan Neighborhood Network (MNN)—El Barrio Firehouse Community Media Center.

Major support for the Summit is provided by the Upper Manhattan Empowerment Zone Development Corporation, New York City Department of Cultural Affairs, New York State Council on the Arts and The National Endowment for the Arts. Let me take this opportunity to thank all of our Harlem Arts Advocacy Week community sponsors, supporters and collaborators as we celebrated "Harlem at the Crossroads: Sustaining Our Arts and Cultural Resources" during the Sixth Annual Harlem Arts Advocacy Week 2012.

Mr. Speaker, the Harlem Arts Alliance under the great leadership of Chairman Voza Rivers and Executive Director Michael Unthink has contributed daily to the survival and enhancement of Harlem's beloved cultural artist and arts organizations. During these economically challenging times for our arts and cultural organizations, I ask my colleagues to join me in supporting the Harlem Arts Alliance as they continue their advocacy for the arts on behalf of the Village of Harlem and a very grateful nation.

RECOGNIZING MIKE BIDDLE,  
PRESIDENT AND FOUNDER OF  
MBA POLYMERS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today and invite my colleagues to join me in recognizing and congratulating Mike Biddle, President and Founder of MBA Polymers, a plastics recycler, upon being awarded the 2012 Gothenburg Award for Sustainable Development.

In receiving this prestigious award, which is considered the equivalent of a Nobel Prize for

the Environment, Mr. Biddle joins a distinguished list of past recipients, including UN Secretary General Kofi Annan, Vice President Al Gore, and the former Prime Minister of Norway and Director General of the World Health Organization, Gro Harlem Brundtland.

The United Nations estimates nearly 85 billion pounds of electronics waste is discarded around the world every year. Yet due to the difficulties involved in separating and sorting through the different types of plastics, only a small fraction of these plastics are recycled, while the rest is tossed in landfills, burned, or shipped to third world countries for environmentally toxic and often dangerous extraction methods.

A self-described "garbage man," Mike Biddle set up a lab in his garage in Pittsburg, California nearly twenty years ago to begin experimenting with ways to sort and recycle complex plastics in an attempt to turn these landfills into what he calls "above ground mines." Since then, Mr. Biddle has developed and patented a 30-step plastics recycling system that includes magnetically extracting metals, shredding plastics, sorting them by polymer type, and producing graded pellets to be reused. What is truly remarkable is that this process uses less than ten percent of the energy required to make plastic from oil while carrying little of the risk to the environment.

Mr. Biddle should be commended; his story illustrates the sort of progress that can be made towards an economically and environmentally responsible solution to plastics waste around the world.

However, his story is also illustrative of a greater problem here in the United States. While MBA Polymers remains headquartered in Richmond, California, the company's main processing facilities operate in China, Austria, and the United Kingdom, where their respective governments have implemented forward thinking electronics-waste recycling regulations that ensure a steady stream of complex plastics and materials for MBA Polymers to utilize.

While the United States produces more electronics and plastics waste per capita than any other country in the world, rather than take advantage of this resource, U.S. brokers ship nearly ninety-five percent of the plastics waste that is collected here overseas. In short, we are literally shipping jobs overseas because of our failure to implement a competing plastics recycling program in the U.S.

As we are paying to ship plastics to third-world countries with little labor protection and no environmental controls, many countries in Europe and Asia are reaping the benefits of reusing and recycling their waste products. Furthermore, in doing so, we are adding to our dependency on foreign oil by needlessly consuming petrochemicals to make plastics, while simultaneously adding to the concentration of carbon dioxide in the atmosphere at a time when all nations should be focused on reducing their carbon footprint.

The United States cannot afford to continue to watch from the sidelines while foreign countries become more energy efficient, more economically competitive, and enhance their energy and natural resource security—all while creating good, sustainable jobs. A national policy of plastics and waste recycling in the U.S. is desperately needed. In doing so, we

could create tens of thousands of new skilled green jobs, we could save a materials manufacturing base and millions of barrels of oil per year, and we could do it while better protecting our environment.

It is our responsibility to ensure that more entrepreneurs like Mike Biddle aren't forced to take their business to international competitors. Rather, it's time to bring these good, green jobs back to the U.S. with a broad policy to encourage recycling and green product development here at home.

Again, I applaud Mr. Biddle and his team at MBA Polymers for winning this important award, and I look forward to working with my colleagues in Congress to help create an environment in which Mr. Biddle's successes can be realized here at home.

DR. MELINDA O'ROURKE

### HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Dr. Melinda O'Rourke for her outstanding service to our community.

Dr. O'Rourke is a community-minded business owner who has leveraged her success to reinvest in the community. She sits on the Red Rocks Community College Foundation Board of Directors and Northwest Eye and Essence Laser & Wellness which support 25 local charities.

Melinda gives her time and talent to provide the underserved in our communities the eye care they need. She has volunteered for numerous eye surgeries in Latin America with the Vision Health International (VHI) group whose mission is to provide vision care services and sight-restoring services free of charge. Also, Melinda donates her time to the Stout Street Clinic by performing pro bono ophthalmic and optometric care to the homeless.

I extend my deepest congratulations to my friend Dr. Melinda O'Rourke for her well deserved honor by the West Chamber serving Jefferson County. I have no doubt she will exhibit the same dedication and character in all her future accomplishments.

### PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Ms. WOOLSEY. Mr. Speaker, on November 15–16, 2012, I was unavoidably detained and was unable to record my vote for Rollcall Nos. 605–608. Had I been present I would have voted:

Rollcall No. 605: "No"—On Ordering the Previous Question.

Rollcall No. 606: "No"—On Agreeing to the Resolution.

Rollcall No. 607: "Yes"—Mark Twain Commemorative Coin Act.

Rollcall No. 608: "No"—Russia and Moldova Jackson-Vanik Repeal Act of 2012.

### A TRIBUTE TO LIEUTENANT COLONEL MORTON SALK

### HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. MCINTYRE. Mr. Speaker, I rise with sorrow today following the passing of Lieutenant Colonel Morton Salk of Wilmington, North Carolina. Mr. Salk served as a bombardier in World War II and was also a beloved member of our community, a devoted family man, and a dear friend to many. Mr. Salk passed away on November 10, 2012, at the age of 93, and he will be dearly missed.

Mr. Salk grew up in Providence, Rhode Island, and dedicated a majority of his life to the service of his country. He served as a member of the 243rd Coastal Artillery, Narragansett Bay Harbor Defenses beginning on January 17, 1941. He trained as a gun commander of the 12" disappearing cannon and then was transferred to the Aviation Cadet Program and subsequently earned flight wings as a bombardier. He was soon advanced to a triple-rated bombardier, navigator, and radar operator.

On August 24, 1943, Mr. Salk volunteered to become part of a crew for a mission to bomb an airfield in Hankow, China. His plane was leading the mission's formation as these American airmen came under direct attack. A 20 mm shell crashed through the windshield of Mr. Salk's plane, fatally wounding the pilot and incapacitating the co-pilot. Although he was not a pilot, Mr. Salk pulled the pilot from his seat and proceeded to fly the plane for 15 minutes, saving at least eight U.S. Airmen.

Mr. Salk earned a number of honors for his heroic actions, including the Purple Heart, Air Force Commendation Medal, Air Defense Service Medal, National Defense Service Medal, and the Distinguished Flying Cross presented by General Chennault of the Flying Tigers for completing 57 missions. After the war, Mr. Salk continued his service as a flying officer with the United States Air Force for 25 years before retiring as a Lieutenant Colonel. He then spent the next 26 years of his life working for the Defense Intelligence Agency, who sought out Mr. Salk for his extraordinary knowledge of aircraft intelligence.

Mr. Speaker, Lieutenant Colonel Morton Salk was a fine patriot and I have the utmost respect for his bravery. Though a humble man, his efforts garnered him praise from the press, fellow citizens, and elected officials. His courage will continue to serve as an inspiration to us all. May God bless his family, and may we always remember the life of Lieutenant Colonel Morton Salk.

MICHAEL LEMOV'S PEOPLE'S WARRIOR: THE LEGACY OF JOHN MOSS

### HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. PRICE of North Carolina. Mr. Speaker, December 5 will mark the fifteenth anniversary of the death of John Moss of California, one of the most important members to serve in this body in the last century. Moss's life and landmark achievements have recently been recounted in *People's Warrior* by Michael Lemov, who served as his chief counsel for eight years, and I want to direct colleagues' attention to this important book.

Moss's landmark achievements have endured, warranting the insightful accounts Lemov has given of their sometimes tortuous paths to passage: the Freedom of Information Act, legislation establishing the Consumer Product Safety Commission, and the Magnuson-Moss Act which rejuvenated the Federal Trade Commission.

John Moss was first elected to the House in 1952 and was appointed to what was then called the Interstate and Foreign Commerce Committee four years later. In the 1960s, as the Senate Commerce Committee under Sen. Warren Magnuson undertook major consumer protection initiatives, Moss fought to overcome resistance to such measures on the House Committee and then, as Chairman of the Commerce and Finance Subcommittee, to make the House a full partner in their development.

Moss, alongside his close friend JOHN DINGELL, was also a key figure in House reform. The two of them fought for years to give Commerce subcommittees more autonomy and resources as a means of opening the Committee to member initiatives and making it more hospitable to progressive legislation. In the mid-1970s, as reform came to both the Committee and the House, Moss gained election as Chairman of the Commerce Subcommittee on Oversight and Investigations. He took full advantage of loosened full committee control and enhanced resources to greatly step up subcommittee activity. By the time Moss retired in 1979, Ward Sinclair of the Washington Post described him as "the man who perfected oversight."

As a young political scientist studying Congress, and the Commerce Committees in particular, in the 1970s, I recognized the significance of Moss's role. Mike Lemov's insights were indispensable as I sought to understand the movement toward decentralization and reform on the Committee and then the impact of reform on the performance of oversight. Mike talked with me for hours and opened many doors. In a chapter I contributed to *Legislative Reform* (edited by Leroy Rieselbach, 1978), I concluded that, while reform had provided the conditions for an invigorated, more independent oversight role for the Commerce Committee, the most important factor by far was the selection of a chairman with the energy, determination, and vision to seize the opportunities the situation offered: John Moss. And one of Moss's greatest assets was the

entrepreneurial Chief Counsel who came with him from the Commerce and Finance Subcommittee, Michael Lemov.

As a North Carolinian, I was particularly struck by Lemov's appreciative treatment of Jim Broyhill, a Republican member from our state who served as ranking member of the Commerce and Finance Subcommittee during Moss's chairmanship. Broyhill's role serves as a reminder of an era when partisan disagreements were no less strongly felt, but members nonetheless often found a way to work through them to constructive outcomes.

Finally, Mr. Speaker, and on behalf of colleagues, I want to thank Mike Lemov for his own effective public service, which he has extended with this inspiring and instructive account of one of the giants in our institution's history.

TRACY EVANKO

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise today to recognize and applaud Ms. Tracy Evanko, for her service to the community and receiving the 2012 Mayor of Golden's Award for Excellence.

Tracy was a founding member of the Golden Resource for Education, Arts, and Theater (GREAT). This organization was responsible for the very successful nights of movies and music in the park of Golden, Colorado. GREAT's mission to enhance, promote, and enrich the culture of the community of Golden has led to great expansions in the cinematic and performing arts.

Along with GREAT, Tracy was essential in paving the way for the city of Golden in purchasing the 14-acre Bachman parcel at West 4th Avenue and Heritage Road to be used for open space in December of 2010. Her commitment to the environment and culture of Golden offers as a model for others in the community.

I am honored to congratulate Tracy Evanko on receiving the 2012 Mayor of Golden's Award for Excellence. I am sure she will exhibit the same dedication and commitment in all her future endeavors.

IN RECOGNITION OF BOB McCULLOUGH, SR. RECIPIENT OF THE 2012 MARCELLA R. BROWN FOUNDATION AWARD

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. RANGEL. Mr. Speaker, I rise today to honor, recognize, and celebrate Mr. Bob McCullough Sr., recipient of the Marcella R. Brown Foundation's Founders Award.

My good friend Bob McCullough Sr., is the Founder & Co-Founder of several community organizations such as the Rucker Pro Tournament Summer Professional Basketball

League, Harlem Professional Inc., National Association of Each One Teach One Inc., John Hunter Camp Fund, Rucker Professionals Hall of Fame, Bob Douglass Hall of Fame, 133rd & 134th streets Alumni Association and the Pelham Fritz Basketball League.

I am glad that the Marcella R. Brown Foundation has chosen to recognize Bob for all his service and devotion. The Marcella R. Brown Foundation Inc. is a well regarded organization that seeks to provide assistance to youth who want to pursue a higher education. They give financial support in the form of scholarships, and provide opportunities for youth to get valuable work experience with non-profit organizations and select governmental agencies.

Bob McCullough is a legendary Benedict College athlete who holds a spot in the upper echelon of all-time great basketball players in the Southern Intercollegiate Athletic Conference. A heralded New York schoolboy athlete, he was recruited by Coach John E. Brown and scored 2,135 points for a 28.4 points per game career average during his three years with the Benedict College Tigers.

McCullough displayed textbook-pure shooting and was quicker than everybody guarding him. He made studder-steps dribbling down the court then, faded back for odd-angle 10 to 17-foot jumpers that invariably went in the basket. In 1964-65, he was the second leading scorer in the nation averaging 36.4 points per game. He netted over 45 points on four occasions, 49 points twice and a single career high of 51 points against South Carolina State Bulldogs.

As a freshman in 1961-62, Bob canned 54, 56, and 64 points in exhibition games. In 1963-64, he was the star of Benedict's national scoring championship basketball team that averaged 101.2 points per game. McCullough was the first black athlete to be selected for the All-Southern Textile Basketball All-Star Team in Greenville, SC.

He was named to All-American Honorable Mention teams by sportswriters for United Press International and Converse Magazine in 1965, Bob was offered a contract by the Harlem Globetrotters, and was drafted by the Cincinnati Royals of the National Basketball Association. He was dropped from the Royals when All-Star guard Oscar Robinson renewed his contract. In 1967, Bob played with the New Jersey Asbury Park Boardwalkers in the Eastern Professional Basketball League, now known as the CBA. He averaged 22 points and five assists per game and was selected to the All-Rookie Team, and played in the Eastern Professional League East/West All-Star Game with NBA Stars Walter Dukes and K. C. Jones.

McCullough earned a Master of Science degree from Lehman College and studied additionally at New York University, Cornell University and Hunter College. He is a New York Department of Education licensed school teacher, former counselor for Hunter College, and a published researcher who has lectured at conferences on mentoring in the US and abroad. Bob presented in Vancouver, Canada, New Castle on the Thyme, England, and for the National Association of Black Social Workers in New Orleans as well as Los Angeles, California.

In 1976-80, Bob became the Assistant Director and Counselor of the Fordham University Upward-Bound Program, on the Rose-Hill campus. Bronx, New York. Bob is founding member of the East Harlem Abyssinian Triangle Inc. that brought Pathmark to Harlem.

Throughout the years Bob McCullough has received numerous honors and awards as the commissioner of the internationally-known Rucker Summer Professional Basketball League and as co-founder of the National Association of Each One Teach One, a youth developmental mentoring program in Harlem.

Bob McCullough Sr., is the Founder & Co-Founder of several community organizations; Rucker Pro Tournament Summer Professional Basketball League, Harlem Professional Inc., National Association of Each One Teach One Inc., John Hunter Camp Fund, Rucker Professionals Hall of Fame, Bob Douglass Hall of Fame, 133rd & 134th streets Alumni Association and the Pelham Fritz Basketball League.

Bob has played a pivotal role in my Congressional District by providing programs and activities that help foster and develop minds and talents of the community youth. Because of his selfless devotion and unwavering dedication, many of your young people will go on to reach their ambitions. It is in that spirit that I ask all my colleagues and our Nation to join me in this special Congressional Recognition of the Mr. Bob McCullough Sr. recipient of the 2012 Marcella R. Brown Foundation's Founders Award.

RECOGNIZING THE LIFE OF SSG RAYVON BATTLE, JR.

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, November 29, 2012

Mr. BUTTERFIELD. Mr. Speaker, it is with sadness that I rise today to honor the life of Staff Sergeant Rayvon Battle, Jr. of the United States Army. Staff Sergeant Battle lost his life in Kandahar Province, Afghanistan on November 13, 2012, while trying to stop an explosion.

Staff Sergeant Battle was a native of Rocky Mount, North Carolina, which is in my Congressional District. In 2005, he graduated from Northern Nash High School and went on to enlist in the Army where he became a squad leader in the 38th Engineer Company, 4th Stryker Brigade Combat Team, 2nd Infantry Division.

Staff Sergeant Battle was a source of great pride in his hometown because he epitomized what it meant to serve with honor and distinction. This was demonstrated in the various awards and decorations Staff Sergeant Battle received during his career in the Army. Among them include the Bronze Star Medal, the Army Commendation Medal, two Army Achievement Medals, two Army Good Conduct Medals, the National Defense Service Medal, the Afghanistan Campaign Medal with Bronze Service Star, the Iraq Campaign Medal with three Bronze Service Stars, the Global War on Terrorism Service Medal, and the NATO Medal. In only 25 short years, Staff Sergeant Battle accomplished more than most people do in a full lifetime.

Unfortunately, Staff Sergeant Battle perished while serving his country—prematurely ending a promising life and career. He is survived by his wife, Dorris Battle; his father, Rayvon Battle, Sr.; and his grandmother, Dora Harris.

Mr. Speaker, I ask my colleagues to join me in offering heartfelt condolences to Staff Sergeant Battle's family, and sincere appreciation for his selfless efforts in defense of our great nation. I pray that his life remains a source of inspiration to the Rocky Mount community and Americans nationwide. We are forever indebted to his family for the ultimate sacrifice he paid on our behalf.

#### TRIBUTE TO JOSEPHINE MARTIN

##### HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Josephine Blocker Martin on the occasion of her one hundredth birthday. Born December 6, 1912 in Montgomery, South Carolina, Mrs. Martin has lived for over eighty years in Columbia, where she has made such positive impacts on so many that she is known to most—relatives and non-relatives alike—as “Mother Martin.”

She and Mr. Willie Martin were united in Holy Matrimony on October 24, 1928, and they remained married until his death in 1981. Together they had ten children, Florence, James, Thomas, Charles, Curtis, Amanda, Will Jr., Willie Mae, Gail, and Lorraine. Mrs. Martin is now the proud grandmother of 34, great-grandmother of 70, and great-great-grandmother of 16. In the words of her family, “To know mom is to know true love.”

Mrs. Martin is a dedicated member of Mt. Olive Baptist Church in Columbia, where she has worshipped faithfully each week for more than fifty years. Her favorite scripture is the first verse of Psalm 91, “He who dwells in the shelter of the Most High will abide in the shadow of the Almighty.” Her favorite hymn is “We’ve Come This Far By Faith.” As she completes a century on Earth, it is apparent that she is the living embodiment of both.

Mr. Speaker, I ask that you and our colleagues join me in congratulating Mrs. Martin on achieving this milestone and wishing her Godspeed and many more to come.

#### IN RECOGNITION OF IBEW LOCAL 269

##### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. PALLONE. Mr. Speaker, I rise today to congratulate IBEW Local 269 as its members gather to celebrate its 100th Anniversary. The spirit and strength of the IBEW's founders continues today in Local 269 and its history and service is truly deserving of this body's recognition.

The founders of the IBEW fought for the benefit of the workers. The founders strived to

create workers' rights, safety measures and apprenticeship training. Today, the IBEW continues the legacy of its founders to make a better life for all, and these principles are evident in Local 269.

IBEW Local 269 ensures that central New Jersey and Bucks County, Pennsylvania receive highly skilled and qualified electrical workers. IBEW Local 269 is committed to upholding its expectation of quality craftsmanship and on-budget projects with a 5-year apprenticeship training program. The specialized members work as wiremen, outside linemen, residential wiremen, and telecommunications technicians to help develop and maintain communities. They are experienced in working in a wide range of areas, including airports, educational institutions, military installations, historical sites and monuments, and many others. Since 1912, the members of IBEW Local 269 have provided proficient service to the community.

Mr. Speaker, once again, please join me in honoring IBEW Local 269 and its 100th Anniversary.

#### CONGRATULATING THE SCHOOL FOR THE TALENTED AND GIFTED AND THE SCHOOL FOR SCIENCE AND ENGINEERING AT YVONNE A. EWELL TOWNVIEW CENTER

##### HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to congratulate the School for the Talented and Gifted and the School for Science and Engineering at Yvonne A. Ewell Townview Center for receiving the distinct honor of being recognized as an “Intel School of Distinction.”

Intel Schools of Distinction honors U.S. schools that have demonstrated excellence in math and science education. I am pleased that Intel recognized Townview Magnet School for Engineering and Science School as an institution that provides an innovative learning environment and programs that meet or exceed national math and science benchmarks.

By this recognition, Intel is emphasizing investments in science and math. In order for our country to compete in the 21st century, we as a country need to make sustained robust investments to encourage our children to embrace science and math. These are the jobs and careers of the future.

Located in my district, Townview Magnet is one of the most diverse schools in Texas, with minorities representing over half of the student population. Townview is home to some of the Nation's best and brightest students. Newsweek Magazine has consistently rated Townview's Science and Engineering Magnet as one of the top high schools in the Nation. Townview serves as a model for other institutions of learning across the country and offer insight into the ways we can improve education.

This latest honor exemplifies the values of a good educational environment, as many of the

students attending Townview will have opportunities to be the future leaders of this country. This honor will also serve as an inspiration to the faculty, staff and students of Townview Magnet School to maintain a high level of work. I commend the faculty and students for achieving this honor, and lend my support to the future success of Townview.

Mr. Speaker, the students, teachers, principals and parents of Townview Science and Engineering Magnet should all be very proud for achieving this great honor.

#### TRIBUTE TO ROBERTO MARMO

##### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Mr. Roberto Marmo for his years of success both politically and professionally in the United States and Italy. For much of his life, Roberto Marmo has enjoyed great success both in politics and his entrepreneurial endeavors.

Mr. Marmo's career in politics spans several decades beginning with his time as a provincial councilor of Canelli in the 1980's. In the following decade, Mr. Marmo served the comune of Canelli as Mayor. From 1999 until 2008, he held the position of President of the Province of Asti. Currently, Mr. Marmo is a member of the Chamber of Deputies serving the people of Italy as a member of the Commission on Budget and Treasury.

In addition to his political successes, Mr. Marmo is an accomplished entrepreneur in the Piedmont region of Italy. He holds the roles of President and Chief Executive Officer of the Cantina Sociale di Canelli-Cooperative as well as the President of the Cellars of Canelli Winetrading Ltd. After taking over at the Cantina Sociale di Canelli in 2004, a company on the verge of bankruptcy, Mr. Marino has guided the business to a position of financial stability. In recent years, the wine cellar has enjoyed annual profits in excess of €20 million and produced over 14 million bottles.

Mr. Speaker, I encourage my colleagues to join me in honoring Roberto Marmo and thanking him for his years of service in the Republic of Italy and influence in the United States.

#### 2012 NATIONAL BLUE RIBBON SCHOOLS

##### HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. SARBANES. Mr. Speaker, I rise today to applaud the work of the 269 schools that have been selected by the U.S. Department of Education as 2012 National Blue Ribbon Schools. This prestigious honor recognizes the schools' accomplishments in improving student academic achievement and in attaining overall academic excellence. I am proud to report that ten of these schools are in Maryland,

having previously been selected as Maryland Blue Ribbon Schools on the basis of sustained high performance or significant improvement in reading and mathematics as measured by Maryland State Assessments. I am particularly proud of the accomplishments of the four National Blue Ribbon Schools—Crofton Meadows Elementary School, Woodholme Elementary School, St. Augustine School, and Saint Peter's School—that are currently or will soon be located in Maryland's 3rd District.

The passage of No Child Left Behind in 2002 charged schools with additional responsibilities to measure and report academic progress. These new requirements set a high bar, requiring schools to demonstrate gains in student proficiency and improvements in closing the achievement gap. The National Blue Ribbon Schools exemplify the goals of No Child Left Behind, and serve as exemplars of how best to help children reach their highest potential. As we work toward a long-overdue reauthorization of the Elementary and Secondary School Act (ESEA), we must carefully review the successes of the National Blue Ribbon Schools to identify strategies and best practices that can be shared, and which other schools may benefit from examining and adopting. I look forward to continuing to support the work of the National Blue Ribbon awardees and all schools in Maryland, to ensure that they have the tools and resources they need to continue helping students excel.

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IN RECOGNITION OF MR. TODD  
HARRISON

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**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. BURGESS. Mr. Speaker, I rise today to honor Mr. Todd Harrison, the former Chief Oversight Counsel to the House Committee on Energy and Commerce. Mr. Harrison was hired by my colleague Mr. UPTON upon attaining chairmanship on the Energy and Commerce Subcommittee on Oversight and Investigations. Formerly a state and federal prosecutor, Mr. Harrison's single-minded commitment to oversight contributed immensely to the atmosphere of accountability fostered by committee staff.

As a husband and father commuting to Washington from New York City on a weekly basis, Mr. Harrison sacrificed greatly to maintain a top-notch oversight staff. His complete dedication to the Subcommittee on Oversight and Investigation was exemplified in the work he did with me.

I'm sure that I speak on behalf of every member of the Subcommittee on Oversight and Investigation in saying that Mr. Harrison was a treasured asset and will be missed dearly.

HONORING LYDIA MARIE ELLIOTT

**HON. BARBARA LEE**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Ms. LEE of California. Mr. Speaker, I rise today to honor the extraordinary life of Mrs. Lydia Marie Elliott. A dedicated educator, homemaker and active community member, Mrs. Elliott and her husband of 65 years, the late Henry Elliott, were stalwart members of the Bay Area community for five decades. A devoted wife, mother, grandmother, great-grandmother, sister and friend, Mrs. Lydia Marie Elliott will be forever remembered for her warmth and compassion. With her passing on November 15, 2012, we are reminded of her life's journey and the joyful legacy she inspired.

Lydia Marie Pitts Elliott was born on November 12, 1923, and was the fifth of Jesse and Bell Beatrice Pitts' eight children. After attending Mark Hanna High School in Tullahassee and meeting the love of her life, Henry Wilford Elliott who taught Math and Science there, Lydia and Henry were married on January 11, 1943. While her husband served overseas, Mrs. Elliott earned her bachelor's degree at Oklahoma's Langston University, joining Alpha Kappa Alpha Sorority and beginning a lifetime commitment to the organization and her fellow sorority sisters.

After being reunited with her husband in Japan, Mrs. Elliott enjoyed traveling the globe as an army spouse, visiting many of the world's major cities and countries and giving birth to the couple's two sons during that time. Upon Mr. Elliott's retirement from the army, the family moved to the Bay Area, where Henry became the first African American middle and high school principal in Vallejo, CA. Over the course of 25 years, Mrs. Elliott served the Richmond Unified School District, teaching arts and crafts and advancing to the position of head teacher. She continued her studies in education while actively participating with local community organizations like the Order of the Eastern Star, Beta Pi Sigma Sorority, Inc., the National Council of Negro Women and the NAACP. She was also a lifetime member of Alpha Kappa Alpha Sorority, Inc. reaching the title of "Golden Soror" in 1997 for her outstanding 50-year membership and acting as a charter member of a local Kappa Beta Omega chapter in Vallejo, CA. Mr. and Mrs. Elliott were also church members and avid volunteers, dedicating their time to organizations like the Omega Boys Club and The Adkins Project.

A woman of many talents, Mrs. Elliott was known for her fine sense of fashion, her penchant for collecting and her excellent cooking. Above all, she was incredibly committed to the wellbeing of her family, always making ample time for loved ones and friends.

On a personal note, I have known Lydia longer than anyone in my life except for my immediate family. My mother, Mildred, met Lydia in 1948 and they became the best of friends. She was my sister Beverly's Godmother and she was part of our extended family. My mother, two sisters, Beverly and Mildred, and I loved her; and we have many

wonderful memories of Lydia, her beloved late husband, Hank, and her sons Henry Jr. and Terence. We will miss her tremendously, but we thank God for her friendship—and for the many joyous times we spent with Lydia and her family.

Today, California's 9th Congressional District salutes and honors a wonderful human being, Mrs. Lydia Marie Elliott. The contributions she made to others throughout her life are countless and precious. Our community is indebted to her many civic contributions over the decades and her legacy of love and compassion will continue in the years to come. My thoughts are with Lydia's family and her extended group of loved ones as we celebrate her incredible life. May her soul rest in peace.

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IN TRIBUTE TO U.S. ARMY COL.  
JOHN MORIARITY (RET.)

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to U.S. Army Col. John Moriarity (Ret.), who chaired my U.S. Military Academy Nominating Board for 26 years.

A graduate of the U.S. Military Academy at West Point, Col. Moriarity and the rest of the board, who represented different branches of the armed services, year after year selected the best and the brightest from my district for our military academies. In my 26 years in Congress, they chose more than 250 exceptional young men and women for nomination to the U.S. Military Academy at West Point the U.S. Air Force Academy, U.S. Naval Academy, and U.S. Merchant Marine Academy.

The cadets were challenged and tested for four years. In the end, they became U.S. military leaders charged with defending America and the ideals we cherish. We bid them Godspeed.

Mr. Speaker, I know my colleagues join me in paying tribute to my personal friend Col. John Moriarity (Ret.), both for his service to our country as a U.S. Army officer and for helping to select the next generation of our finest military officers.

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PALESTINIAN UNILATERAL  
DECLARATION OF STATEHOOD

**HON. HENRY A. WAXMAN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. WAXMAN. Mr. Speaker, the Palestinian leadership's decision to seek status as a non-member observer state in the United Nations General Assembly is a reckless and dangerous move. The General Assembly's vote to approve this gambit is a new low point for the institution.

I commend President Obama for his unwavering stance opposing the Palestinian motion and the tireless efforts by this Administration to try and avert today's outcome.

No country has done more than the United States to advance the true cause of Palestinian statehood. No one has done more to



undermine that goal than the Palestinians themselves.

Time and again the Palestinian leadership has chosen empty slogans over substantive achievements. These attempted short cuts have shortchanged the Palestinian people who aspire to achieve genuine statehood with the political, economic and social infrastructure to support a stable, functioning democracy.

Today's vote undermines the key principle of mutual recognition that has been the foundation of a generation of diplomacy and successive Security Council resolutions concerning the peace process. It threatens to further derail a U.N. system already struggling under the weight of an unrelenting Palestinian agenda to attack Israel in the U.N. Human Rights Council and the U.N. Educational, Scientific and Cultural Organization. We now must consider the irreversible damage that could be wrought by irresponsible action in the World Health Organization, the International Court of Justice or the International Criminal Court.

This maneuver will also make it more difficult for the United States to constructively engage the Palestinian leadership and chart a productive path ahead.

At this uncertain time, the one thing that is abundantly clear is that the United States is committed to standing with Israel. We will continue to do all we can to maintain stability and security as we navigate the way forward.

#### HONORING JANET ORCHARD

#### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Ms. WOOLSEY. Mr. Speaker, I rise today, along with my colleague, Congressman MIKE THOMPSON, to acknowledge and honor Janet Orchard's record of public service upon her retirement from the Cotati City Council.

Ms. Orchard was first elected to the Council in 2002, re-elected in 2004 and 2008 and served as Mayor in 2002, 2006, and 2011.

During her tenure, the Council adopted the city's mobile home rent stabilization ordinance and formula-based fast food ordinances, and approved Cotati's first medical marijuana dispensary. She was also instrumental in helping shape the downtown area through her advocacy for the city's Downtown Specific Plan, the Cotati Arts Project and the establishment of the Cotati Historical Society Museum.

Ms. Orchard conducted all of the research needed to secure the adoption of a living wage ordinance, ensuring that all city employees would receive adequate pay, and was instrumental in the adoption of a policy allowing Cotati to recognize the Mexican Matricula as a form of identification.

Her most enduring legacy is the creation of Falleti Park in downtown Cotati. Slated for high density housing development, Ms. Orchard worked with the property owners and the County Open Space District to save the parcel as a reminder of the city's rural heritage.

Along with these accomplishments, Ms. Orchard represented the city on the Sonoma

County Mayors and Councilmembers Association Legislative Committee, chaired the Citizens Advisory Committee of the Sonoma County Agricultural Preservation and Open Space District, served as a Director of the North Bay Watershed Association and as liaison to the Association of Housing, Community and Economic Development Policy Committee.

Mr. Speaker, although Ms. Orchard is retiring from the Cotati City Council, we are confident that she will continue to be an active participant in civil life in her community. Accordingly, it is both fitting and proper that we acknowledge her today.

#### TRIBUTE TO GIANLUCA ARCANGIOLI

#### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise today to honor Mr. Gianluca Arcangioli for his years of dedicated service in defending civil liberty, both domestically and abroad. Mr. Arcangioli has consistently demonstrated both bravery and intelligence in the face of crisis.

Born in Naples, Italy, Gianluca received officer training in 1993 and served as an Italian police officer until transferring to Kosovo where he would be awarded a medal for peace keeping. Following his completion in Kosovo, Gianluca Arcangioli moved to the U.S. and served as a police officer at the Consulate General of Italy in the cities of Philadelphia and New York City.

Gianluca Arcangioli has displayed his commendable abilities on several occasions, including his effort in handling the Hudson River tragedy in New York on August 8, 2009. Officer Arcangioli was praised for his effort and high standards on a professional and human level as well as his exceptional support given to diplomats, friends, and family of the victims. Most recently, Mr. Arcangioli exhibited his aptitude by diligently dealing with the Hurricane Irene crisis in New York.

Mr. Speaker, I encourage my colleagues to join me in honoring Mr. Gianluca Arcangioli for his dedication to protecting the lives of many.

#### TRIBUTE TO MAYOR RONALD O. LOVERIDGE

#### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication and contributions to California and the City of Riverside are exceptional. Riverside has been fortunate to have dynamic and dedicated community leaders who willingly and unselfishly give their time and talent and make their communities a better place to live and work. Mayor Ronald O. Loveridge is one of these individuals. At a celebration on December 4, 2012, Mayor Loveridge will be hon-

ored as he retires after 33 years of service to the Riverside community.

Mayor Loveridge was born and raised in the Bay Area of Northern California. He received his Bachelor's degree from the University of the Pacific and his Master's degree and doctorate in political science from Stanford University. Mayor Loveridge has served in his current office since 1994, and prior to that served on the City Council for 15 years. Not only is he an outstanding public servant, he has taught courses in American Politics, Mass Media, Public Opinion, and Local Leadership in California at the University of California, Riverside since 1965. He is committed to the young people in the Riverside community, introducing them to government through internship projects and field work.

During his 16 years as Mayor, he has played a pivotal role in the political landscape of our community, region and state. He has served and chaired many boards at the community, regional, state, and national levels. The Mayor is currently a member of the Greater Riverside Chambers of Commerce, Inland Empire Scholarship Fund Board of Directors, Habitat for Humanity Riverside Board of Directors, La Sierra University Foundation Board of Directors, and Community Foundation Advisory Council. He represents the Inland region as a member of South Coast Air Quality Management District Board, the Southern California Association of Governments Regional Council, March Joint Powers Authority, the Inland Empire Economic Partnership Board of Directors, and the Southern California Goodwill Board of Directors. Statewide, the Mayor serves on the California Forward Local Government Task Force, California Mayor's Education Roundtable, the League of California Cities Board of Directors, and was a President and member of the California Air Resources Board as well as the past Chair and member of the California Assembly Fellow Program. He currently serves as the second Vice President of the National League of Cities.

The Mayor has received many honors throughout his career in public service. These include: National Association of Regional Councils, Tom Bradley Award for his outstanding leadership and commitment to improving transportation and maintaining the region's preferred quality of life; Boy Scouts of America, California Inland Empire Council, Mt. Rubidoux Division Distinguished Citizen of the Year Award; California Baptist University Spirit of Citizenship Award; American Lung Association in recognition of his efforts to improve the quality of air in the Inland Empire through passage of a clean vehicle fleet procurement policy; Robert Presley Community Service Award—Friends of California School for the Deaf, Riverside in recognition for Outstanding and Invaluable Service to the Community; Inland Congregations United for Change Award for his efforts on behalf of youth and his help in organizing a youth task force resulting in a variety of effective youth programs; Toastmasters International Communication and Leadership Award for his contributions to the Business, Professional, and Local Community; Keep Riverside Clean and Beautiful for his contribution towards accomplishing the organization's 1996–1997 goals; Neighbors United for Unwavering Commitment in Making Our

Neighborhood a Safe and Pleasant Place to Live; California Preservation Foundation in recognition of Outstanding Achievement in the Field of Historic Preservation; and United Way for service and dedication to United Way of the Inland Valleys, among many others.

I have come to know Mayor Loveridge well through many years working together on a variety of public projects in Riverside, and it has been an honor to work with him on behalf of the people of Riverside, California. I can personally attest to the Mayor's incredible work ethic, professionalism, and positive attitude. He and his wife Marsha have raised two daughters. The Mayor is an avid reader and hiking enthusiast; his favorite hike is up Mount Rubidoux.

In light of all Mayor Loveridge has done for Riverside, it is only fitting that he be honored as he retires from public service. Mayor Loveridge's tireless passion for public service has contributed immensely to the betterment of our region and the state and I am proud to call him a fellow community member, American and friend. I know that many community members are grateful for his service and salute him as he retires and moves onto the next phase of his life.

IN TRIBUTE TO EDWARD G.  
ATSINGER III

**HON. ELTON GALLEGLY**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 29, 2012*

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to my personal friend, Edward G. Atsinger III, who, with his brother-in-law Stuart Epperson, started with ownership in Christian radio stations in California and North Carolina and grew Salem Communications Corporation into a national Christian media powerhouse.

Based in Camarillo, California, Salem Communications purchased radio properties in key markets across the United States and converted them to flourishing Christian talk stations. In the 1990s, Salem expanded beyond Christian Teaching Talk, successfully rolling out formats featuring Contemporary Christian Music, News Talk, Spanish-language Christian and most recently, business programming.

In addition, Salem Radio Network is one of the leading full-service networks in the U.S., syndicating talk, news, and music programming to approximately 2,000 Christian-formatted and general market radio stations throughout the country.

In 1999, Salem purchased CCM Magazine—an industry standard in the contemporary Christian music community. Salem Publishing now circulates additional Christian and conservative magazines.

Salem Web Network began in 1999 with a single website—OnePlace.com. Today, SWN

consists of the most well-known brands in the faith marketplace such as Crosswalk.com, CrossCards.com, and GodTube.com.

Additionally, Salem purchased Townhall.com® in 2006 and conservative political blog HotAir.com in 2010, providing conservative commentary, news, and blogging to an ever-expanding audience. In 2011, Salem launched its Church Products division with the acquisition of Worship House Media, an ecommerce retailer of videos and other multimedia to churches.

Throughout it all, Ed Atsinger has been at the helm. He has been Chief Executive Officer, a director of the Company and a director of each of the Company's subsidiaries since their inception. He was President of Salem from its inception through June 2007. He has been engaged in the ownership and operation of radio stations since 1969.

Ed Atsinger has been a member of the board of directors of the National Religious Broadcasters for a number of years; he was re-elected to a three-year term on the board in February 2010. He has also been a member of the National Association of Broadcasters Radio Board since 2008. He has been a member of the board of directors of Oaks Christian School in Westlake Village, California since 1999.

Mr. Speaker, I know my colleagues join me in paying tribute to Edward G. Atsinger III for fulfilling his vision of spreading Christian values throughout the U.S.